

**Abstract**

*Facial features might affect decisions to choose a particular suspect from a lineup, to feel sympathy for a person who commits crime or to provide a lenient prison term. The aim of this work is to find out whether facial appearance affects criminality decisions. The findings of this work show that facial appearance affects criminality in various circumstances and cases. The doctrinal research method was employed. The researchers recommend more research in facial appearance on murder and kidnapping cases.*

**Keywords:** Facial Appearance, Criminality, Murder, Kidnapping

**1. Introduction**

Bull and McAlpine<sup>1</sup> review available literature on whether there exists a relationship between facial appearance and criminality. From their review, psychological research has shown that members of the general public do associate certain crimes with various types of facial appearance. The research of Thornton<sup>2</sup> in the USA in 1939, Kozeny<sup>3</sup> in Germany in 1962; Goldstein *et al*<sup>4</sup> in the US 1984 all show consistency that certain face looks are attributed to certain crimes with result that shows that the decisions of the sample outcome is not merely by chance. In 1984, Udry and Eckland<sup>5</sup> (p 47) made the following claims:

Everyone knows that it is better to be beautiful than to be ugly. There may be some people who would prefer to be bad than good. Some might even prefer to be poor than rich. But we take it to faith that no one prefers to be ugly. The reason for this must be that people expect good things to come to the beautiful. Folklore tells us that beautiful girls marry handsome princes and live happily forever. Heroes are handsome and villains are ugly.

Yarmay and Kruschenske<sup>6</sup> reported a study which found that under graduates indicated the women likely to be battered from domestic violence are of low facial attractiveness just like women likely to kill their abuser. Macrae and Shepherd<sup>7</sup> studies found out that most prior studies of facial criminal stereotypes had involved faces which probably varied in attractiveness and that such attractiveness and unattractiveness predicate criminality judgments. Saladin Saper and Breen<sup>8</sup> in their study found out that their participants choosed attractive faces as less likely to carryout the offence of murder and armed robbery than unattractive faces.

**2. Facial Attractiveness and Crime**

Studies have found that individuals perceived as unattractive may be more likely to be seen as criminal, particularly in crimes like murder or robbery. This bias suggest that attractiveness can influence how people form judgments about others potential for criminality<sup>9</sup>. Research also indicates that attractiveness can influence perceptions of guilt. Studies on sentencing decisions have yielded mixed results. Some studies suggest that unattractive individuals may face harsher sentencing especially in cases where attractiveness is not directly relevant. However, other research had found no significant effect of attractiveness on sentencing, particularly when considering the gender of the defendant.<sup>10</sup> When criminals are convicted of a crime, legal factors like past criminal behaviour, nature of the crime or the motive of the suspect are important aspects of the sentencing decision. To ensure that everyone is equally treated by judges and the jury, extralegal factors like age, gender, ethnic group should not have an impact on the criminal conviction. However, research has shown that some extra legal factors like being physically attractive or being a woman can be an advantage as people with these characteristics often receive more lenient sentences compared to their counter parts.<sup>11</sup>

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<sup>1</sup>Bull, R and McAlpine, S. 'Facial Appearance and Criminality' in *Psychology and Law: Truthfulness, Accuracy and Credibility*. McGraw-Hill publishing company University Press, Cambridge. 1998.

<sup>2</sup>Thornton, G. 'The ability to judge crimes from photographs of criminals'. *Journal of Abnormal and Social Psychology* 34 378-383, 1939.

<sup>3</sup>Kozeny, E. 'Experimental Investigation of Physiognomy Utilizing a photographic Statistical Method'. *Archiv fur die Gesamte Psychologie* 114 55-71, 1962.

<sup>4</sup>Goldstein, A; Chance J; and Gilbert B. 'Facial Stereotypes of good guys and bad guys: a Replication and Extension'. *Bulletin of the Psychonomic Society* 22 549-552, 1984.

<sup>5</sup>Udry, R. and Eckland, B. 'Being attractive: differential pay offs for men and women'. *Psychological Reports*, 54, 47-56, 1984

<sup>6</sup>Yarmey, A. D and Kruschenske S. 'Facial stereotypes of battered women and battered women who kill' *Journal of Applied Social Psychology* 25, 338-352

<sup>7</sup>Macrae, C. N and shepherd J. 'Do Criminal Stereotypes mediate Juridical Judgments'? *British Journal of Social Psychology* 22 189-191. 1989a

<sup>8</sup>Saladin M; Saper, Z and Breen L. Perceived attractiveness and attributions of criminality: what is beautiful is not criminal'. *Canadian Journal of criminology* 30 (3) 251-259

<sup>9</sup>Saladin, M; Super, Z; Breen, L. 'Perceived Attractiveness and Attributions of Criminality: what is Beautiful is not Criminal' *Canadian Journal of Criminology* vol. 30, issue 3, 251-259. 1988

<sup>10</sup>Ajoori, T. J. 'Extra Legal factors in Sentencing Decisions: The Impact of Physical Attractiveness Gender of Defendant and Types of Crime on Sentencing Decisions' <http://essay.utwente.nl/Assessed/1814/2025>

<sup>11</sup>Desantis, A; Kayson W. A. 'Defendants characteristics of attractiveness, race and sex and sentencing decisions. *Psychological Reports* 81 (2) 679-683. 1997

### 3. Facial Appearance and Crime

Facial features might affect decisions to choose a particular suspect from a lineup, to feel sympathy for a person who commits crime or to provide a lenient prison sentence. Masculine and feminine facial features are one way that can help determine why these biases happen, attractiveness is another<sup>12</sup>. Someone's facial look determines whether someone looks trustworthy and to be believed or not. Facial features and characteristics constitute the way people on first value or meeting someone at the first instance determines the persons personality. Paunonen *et al*<sup>13</sup> identified facial features that correlated with specific personality traits. People with large eyes gave off the impressions of being friendly, honest, likeable and nurturing, while smaller eyes gave the opposite impression. Participants in this study also stated that those with smaller eyes gave a feeling of masculinity, being harsh and cold while the more feminine faces radiated warmth. Todorov *et al*<sup>14</sup> examined the link between trustworthiness and facial features and found out that low inner eyebrows, shallow cheekbones and thin chins were features of an untrustworthy face. Johnson *et al*<sup>15</sup> found out that one can determine if an individual is a criminal or not based on his facial features alone. These studies connected facial features to certain personality traits and behaviour, hence it can be inferred that it is likely that people will be able to apply the same principles of facial features to criminal perception.

Attractiveness plays a very important role on the perception of criminality. How attractive an individual perceives someone to be can help solidify their impression of them as a criminal or not. Funk and Todorov<sup>16</sup> found out that attractive baby faced criminals were all believed to have the right to a fair trial while criminals who are unattractive and have characteristics such as face tattoos should already be in jail. The study also found out that Jurors were more likely to be lenient with attractive criminals and will not do so with their unattractive counterparts. The above findings in this work show that physical attractiveness can benefit defendants before and during trial. Beaver *et al*<sup>17</sup> supported these findings from their participants who perceived attractive people to be more intelligent and competent and less likely to commit crime. These studies show that physical attractiveness plays a part in the criminal justice system and shows that more attractive individuals will be less likely to be perceived as a criminal than their less attractive counterpart.

The Effects of Male Defendants attractiveness and trustworthiness on simulated decisions in two Different Swindles<sup>18</sup> show that Judicial decision concerns individual rights which some can lead to death or loss of great economic or cultural concerns. Hence, it is expected that such court's decision should be based on unbiased, irrelevant considerations and logical and deliberative reasoning. Unfortunately, neither the court nor judges nor the juries are perfectly rational and perfect decision makers and can be affected by various extra legal factors<sup>19, 20</sup>. The physical appearance of suspects such as facial attractiveness and trustworthiness is one of the most salient heuristic factors that might bias legal decisions<sup>21, 22</sup>. Facial attractiveness usually increases one's pleasantness and moves other people to approach him or her favorable. Individuals with attractive faces are believed to have more positive personality traits, a commonly known and believed stereotype that 'beauty-is-good' which can prompt significant influences on a variety of aspects of social lives<sup>23</sup>. The work of Marlowe *et al*<sup>24</sup> show that better looking employees were more likely to get promoted in a company; Maestripieri *et al*<sup>25</sup> show that attractive players received more money from their partners than un-attractive respondents in an economic decision game Milazzo & Mattes<sup>26</sup>; Palmer and Peterson<sup>27</sup> show that attractive candidates were perceived as more politically competent than un-attractive ones and were more likely to gain support from the voters in an election. However, in legal cases, it remains controversial whether attractiveness play any vital role in legal outcomes. In the early laboratory research on Mock Jurors in criminal cases, researchers found an 'attraction-leniency effect' on legal decisions making by showing that attractive criminal suspects were less likely to be convicted and were given less severe punishment than their unattractive counter parts<sup>28, 29</sup>. This attraction leniency effect was

<sup>12</sup>Medrano, Ward and Gomes. 'The Effects of Facial Features and Attractiveness on criminality' <https://asu-ir.tdl.org>. accessed 21-04-2025

<sup>13</sup>Paunonen, S. V; Ewan, K. Earthy, J; Lefave s; & Goldberg H. 'Facial features as personality cues' *Journal of personality* 67; 555-583. 1999

<sup>14</sup>Todorov, A; Baron s. G; & Oosterhof, NN. 'Evaluating face trustworthiness: A model based approach'. *Social cognitive and Affective Neuroscience* 3 (2), 119-127. 2008

<sup>15</sup>Johnson, H; Anderson, M; Westra, H. R & Suter, H. 'Inferences on Criminality based on appearance'. *Butter Journal of undergraduate Research* 4 (i), 87-97. 2018.

<sup>16</sup>Funk, F. and Todorov, A. 'Criminal Stereotypes in the court room: Facial tattoos affect guilt and punishment differently' *psychology, public policy and law* 19 (4) 466-478. 2013

<sup>17</sup>Beaver, K. M; Boccio, CI Smith, S; & Ferguson C. J. 'Physical attractiveness and criminal justice processing: Results from a longitudinal sample of young adults' *psychiatry, psychology and law* 26 (4) 669-681. 2019

<sup>18</sup>Yang, Q. Zhang, Q; Hu, R; Sun, D; Zhu, B; Wang Y Lius, S. 'Effects of Male Defendants Attractiveness and Trustworthiness on simulated Judicial Decisions in two different swindle. *Front psycho; Sec. forensic and legal psychology* Vol. 10. 2019.'

<sup>19</sup>Vidmar N. 'The psychology of trial judging' *curr. Dir Psycho. Sci* 20 58-62. 2011

<sup>20</sup>Peer, E and Gamliel e. 'Heuristics and biases in judicial decisions'. *Court Rev.* 49, 114-118. 2013

<sup>21</sup>Ahole A. S., Hellstrom, AI & Christian Son S. A 'Is justice blind? Effects of crime designations, defendants' gender and appearance, and legal practitioner gender on sentences and defendant evaluation in a mock trial. *Psychiatry. Psycho Law* 17, 204-324. 2016.

<sup>22</sup>Funk, F; Todorov. A 'Criminal stereotypes in the Court room: Facial tattoos affect guilt and punishment differently. *Psych* 91. *public policy law* 19 466-478. 2013'

<sup>23</sup>Eagly, A. H; Ashmore, R. D; 'Makhijami, M. G and Longom L. C. 'What is beautiful is good but A meta-analytic review of research on the physical attractiveness stereotype'. *Psycho. Bull.* 110, 109-128. 1991

<sup>24</sup>Marlowe C. M; Schneider, S.L. and Nelson, C. E 'Gender and attractiveness biases in hiring decisions: are more experienced managers less biased' *J. Appl. Psycho.* 81 11-21. 1996

<sup>25</sup>Maestripieri, D; Henry, a; and Nickels, N 'Explaining financial and prosocial biases in favour of attractive people: Interdisciplinary perspective from economics, social psychology and evolution any psychology. *Behav. Brain Sci.* 40. 2017

<sup>26</sup>Milazzo, C. and Mattes K. 'Looking good for election day' does attractiveness predict electoral success in Britain'. *Br. J. Polit.Int.Relate.* 18, 167-178. 2016

<sup>27</sup>Palmer, C. L; and Peterson, R. D. 'Halo effect and attractiveness premium in perceptions of political expertise. *Am.polit.Res.* 44 353-382. 2016'

<sup>28</sup>Efrajn, M G. 'The effect of physical appearance on the judgment of guilt, in the personal punishment in a simulated Jury task' *J. Res personal* 8 (45-54. 1974

<sup>29</sup>Leventhal G, and Krate R (1977) 'Physical attractiveness and severity of sentencing' *Psychol. Rep* 40. 315-318. 1977

seen in the work of Stewart<sup>30,31</sup>. In actual court trials in which physical attractiveness ratings showed significant negative correlations with the severity of the sentences imposed by professional judges. Sigall and Ostrove<sup>32</sup>, Goodman – Delahunty and Sporer<sup>33</sup> have found out that the effect of facial attractiveness on legal judgments can be tempered by the nature of the crimes. According to Sigall Ostrove<sup>34</sup>, the leniency effect was only expected in crimes like burglary and will be replaced by a ‘beauty penalty effect’ if the crimes were attractiveness-related such as crime in swindling. Specifically, attractive defendants were considered more responsible for their actions or should deserve harsher penalties because they were considered more responsible for their actions or should deserve harsher penalties because they were believed to be able to take advantage of their physical appearance to perform the swindling<sup>35</sup>.

#### **4. Attractiveness Bias in the Legal System.**

Some studies have found a link with significant difference in sentencing for attractive and non-attractive defendants in certain offences in real court cases. The study by Downs and Lyons<sup>36</sup> is one such study and the purpose of the study is to find a link between a criminal’s attractiveness and sentencing outcomes. For misdemeanors, the judge finds unattractive criminals significantly more than attractive criminal. The fine incrementally increased as attractiveness decreased. Curiously, felony fines have no correlation with the attractiveness of the criminals. The second study was the Pennsylvanian study<sup>37</sup>. On the average, criminals of low attractiveness were sentenced to 4.10 years in prison and criminals of high attractiveness were sentenced to 1.87 years in prison. This equals a 119.25% increase. The third study was the second Pennsylvanian study<sup>38</sup> and the result shows that unattractive defendants were punished higher than the attractive defendants.

On Real Judges Verdict: Guilty or Not Guilty, it was found out that there was no association between the defendant’s physical attractiveness and the judge’s verdict. Attractive and unattractive criminals were found guilty at equal rates. Zebrowitz and Mc Donald<sup>39</sup> also found that the defendant’s attractiveness had little or no effects on judge’s verdict. The Baby-Faced Study<sup>40</sup> is not directly related to physical attractiveness but it is related to physical appearance. The more baby-faced an adult was, the less likely he/she was found to be guilty for intentional actions in civil claims. Surprisingly, baby-faced adults had no effects in claims of negligent actions.

On Mock Jury Trials, a meta-analysis study<sup>41</sup> examined 25 studies on the effects of physical attractiveness on Mock Jurors. They found that Mock Jurors gave higher sentences to unattractive criminal than attractive criminals. This was only for crimes of rape, robbery and negligent homicide. In the Burglary study<sup>42,43,44,45</sup> attractive criminals were given an average sentence of 9.7 years and the unattractive criminal was given 14.7 years, an increase of 15.55 years. On Mock Jury Verdict: Guilty or Not Guilty. The Mock Jury consistently gave more guilty verdicts to unattractive defendant on automobile negligence cases<sup>46</sup>. In the Canadian Sexual Assault Study<sup>47</sup> in the Meta-Analysis Study<sup>48</sup>. Esses and Webster found that Mock Jury perceive the unattractive defendant as significantly dangerous<sup>49</sup>.

#### **5. Conclusion**

This study clearly indicates that there is a nexus between facial attractiveness and criminality. The work attempts to sensitize those involved in the criminal legal system of the bias associated with the attractive and unattractive facial appearance model as such will cause a great bias and injustice in our judicial system

<sup>30</sup>Stewart J. E ‘Defendant’s attractiveness as a factor in the outcome of criminal trials: an observational study’ *J. Appl. Sec Psychol*. 10 348-361. 1980

<sup>31</sup>Stewart J. E ‘Appearance and punishment: the attractiveness leniency effect in the court room’. *J. Soc. Psychol* 125373-378. 1985.

<sup>32</sup>Sigall, H; and Ostrove N. ‘Beautiful but dangerous: effects of offender attractiveness and nature of the room on Juridic Judgment’ *J. personal. Soc. Psycho*. 31. 410-414. 1075

<sup>33</sup>Goodman-Delahunty J. and Sporer, S. L ‘Unconscious influences in sentencing decisions: a research review of psychological sources of disparity’. *Aust. J. forensic Sci.* 32 19-36 2010.

<sup>34</sup>*Ibid*

<sup>35</sup>Shechory-Bitton, M and Zvil, L. ‘The effect of offenders attractiveness and subjects’ gender on judgment in Swindling’. *Psychiatry Psychol. Law* 22, 559-570. 2014.

<sup>36</sup>Downs, C and Lyons, P M. ‘Natural observations of the links between attractiveness and initial legal judgments *personality and social psychology*’. *Bulletin* 17 (5) 541-547. 1991

<sup>37</sup> Stewart J. E. ‘Defendants attractiveness as a factor in the outcome of criminal Trials: observational study’. *Journal of applied social Psychology* 10 (4) 348-361. 1980

<sup>38</sup> Stewart, J. E. ‘Appearance and punishment: the attraction leniency effect in the court room’. *The Journal of Social Psychology* 125 (3), 373-378. 1985

<sup>39</sup>Zebrowitz, L. A & McDonald, S. M. ‘The impact of litigants’ baby facedness and attractiveness on Adjudications in small claims Courts’ *Law and Human Behaviour* 15 (6) 603- 623. 1991

<sup>40</sup> *Supra*

<sup>41</sup> *Ibid the effect*

<sup>42</sup>Mazzella, R. & Feingold A. ‘The Effects of Physical Attractiveness Race Social Economic Status and Gender of Defendants and Victims on Judgments of Mock Jurors: A Meta-Analysis’ *Journal of applied Psychology* volume 24 issues 15, p. 1315-1338. 1994.

<sup>43</sup>Desantis, A & Kayson, W. A. ‘Defendant chance tests of attractiveness, Race and Sex and Sentencing Decisions. *Psychological Reports*, 81 (2). 679-683.1997

<sup>44</sup>Kulka, B. A. & Kessler J. B. ‘Is Justice Really Blind? The Influence of litigant physical attractiveness on Juridical Judgment’. *Journal of Applied Social Psychology* 8 (4) 366-381. 1978

<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*

<sup>47</sup>Maeder, E. M Yamamoto, S. & Saliba, P. ‘The influence of Defendants Race and victim physical attractiveness on Juror Decision making in a sexual assault Trial’. *Psychology, Crime and Law* 21 (1) 62-79. 2015

<sup>48</sup> *Ibid.*

<sup>49</sup> Esses, V. M & Webster, C. D ‘Physical Attractiveness Dangerousness and Canadian Criminal Code’ *Journal of Applied Social Psychology*, 18, 1017-1031