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In the Face of Crime: How do your looks affect your Culpability?

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ABSTRACT

This paper examines the role of facial attractiveness in influencing judgments of criminality and culpability, with its central argument circling around the extra-legal factors related to appearance bias within the legal system. Drawing from evolutionary psychology, sociobiology, and cognitive bias theory, it explores how societal standards of attractiveness and perceived facial traits impact implicit associations with criminality. Via various studies on stereotyping and deviance, including insights from criminology, psychology, and cultural portrayals, this paper analyses mechanisms by which certain facial features—including but not limited to symmetry, tattoos, and perceived maturity—affect perceptions of guilt. Classic theories from Cesare Lombroso’s notion of a “criminal man” to modern media representations in Disney become illustrations for how deviancy has been stereotyped and construed over time. Empirical research findings show that attractiveness biases can influence judgment and sentencing, favouring attractive individuals in cases of minor or victimless crimes, yet reversing for cases where attractiveness may have played a more direct role in the offense. This paper highlights the need for critical scrutiny of facial bias in legal contexts, proposing that a lack of diverse data on beauty norms leaves potential gaps in understanding appearance-related biases.

Keywords: *facial attractiveness, cognitive bias theory, criminality perception, implicit bias, appearance-based discrimination, stereotypes, extra-legal factors, evolutionary psychology.*

I. INTRODUCTION

Conventional wisdom would argue that beauty lies in the eye of the beholder, but what happens when most beholders agree on the appeal of certain characteristics (Rhode, 2009)? How can one’s facial features determine criminality or the extent of their culpability? While the idea may be perceived as absurd and explicitly discriminatory at first, it takes very little to realize that we have all been the unintentional jury of faces before. Research from the University of Warwick has found that the evil eyebrows and the pointy chin of a cartoon villain make our ‘threat’ instinct kick in (ScienceDaily, 2012). It explains why our associations between facial features and

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likeliness for criminality bleed into real life—it enables our representative heuristics to make a shoddy template of stereotypical attributes that can be generalized and implemented on real people. The present research paper seeks to concur with the belief that attractiveness affects the attribution of guilt by analysing psychological mechanisms and available research to study the extra-legal factors that make these judgements susceptible to bias.

Sociobiologists have seen an evolutionary basis for these preferred features, such as facial symmetry, Eurocentric features and unblemished skin. Discrimination based on characteristics begins on one end from features that form a fundamental sense of self—such as race, sex, and ethnicity—and ends with purely voluntary characteristics such as fashion and grooming (Rhode, 2009). The process of stereotyping criminality rarely makes any distinction between these innate features and grooming choices, but there exists great variance within these categories themselves. Analysing perceived attractiveness, maturity of faces, and facial tattoos would form the basis of this paper.

II. STUDIES ON DEVIANCY AND STEREOTYPING

The 2016 American animated film *Zootopia* was not just an acclaimed kids' movie, but also a wonderful exemplar of how stereotypes can affect our outlook on the world and the people within. In the film, characteristics like deviancy, criminality and non-conformity were attributed to the predators of the animal world, despite there being no such existence of a prey-predator dynamic anymore. The idea that it was all simply a case of their ‘biological make-up’ was constantly reinforced in her, which included (but was not limited to) the hereditary sharp claws, knife-like teeth or slanted eyes. However, what Judy Hopps, the protagonist, will never know is that much of the connection made between her implicit bias and delinquency was put on paper more than a century ago by an Italian criminologist, Cesare Lombroso, who conceptualized the idea of atavism in his book, the *L'homme crimine* (Lombroso, 1887).

While there has never been any research that definitively established a link between facial appearance and involvement with criminal activities, the idea that a propensity to commit crime reflected in a person's face can be traced back to ancient Greek and East Asian civilizations (Dumas and Testé, 2006). The Lombrosian theory concurs with this belief by proposing that criminals could be identified through general characteristics they shared, which Lombroso designated as composing a criminal type (The University of Newcastle, Australia, 2016). Much of this idea of ‘born criminality’ has evolved into associating certain facial features with criminality, allowing the outdated and debunked theory of eugenics to dictate the modern perception of a perfect criminal face.

The concept of stereotypes is attributed to Walter Lippman, who explained it as the “picture in our heads (Shoemaker, South and Lowe, 1973).” This understanding of a stereotype is oversimplistic, but it captures the essence, nonetheless—stereotypes are the product of cognitive schemas simplifying reality (Augoustinos and Walker, 1998). Furthermore, Secord and Blackman have defined the process of stereotyping into three parts: categorizing of individuals or groups according to some set of attributes; consensus as to what those attributes are; and discrepancies between attributed and actual traits of the object involved (Shoemaker, South and Lowe, 1973).

These stereotypes work towards creating some sort of halo-and-horn effect on individuals, thereby enabling them to make predisposed assumptions about one’s culpability based on their selective features. The halo effect, in the present context, results in an inclination to attribute positive characteristics to an attractive person even if there has been no interaction to merit this predisposition (The Decision lab, 2022). From this line of thinking, their attractiveness causes our cognitive bias to perceive them as smart, kind, and sociable as well. The horn effect, in contrast, causes a singular non-confirmative characteristic to negatively paint the entire persona of a person. This could also explain why previous research has shown that people could pick out a negative face in a crowd more quickly than a positive or neutral face; it is far easier to write off someone as unfriendly and by extension, more likely to harbour deviant or anti-social intentions (ScienceDaily, 2012). The traits most strongly associated with generally violent, blue-collar crimes include dark skin tones, facial untrustworthiness, and tattoos (Sorby and Kehn, 2020).

The race–crime congruency is a strong factor in type-casting criminals during jury trials, and is known to significantly influence decision-making (Sorby and Kehn, 2020). Prior research has shown that generally, lighter skin tones are perceived better than darker skin tones. Much of the literature has focused on interracial differences, but recently it has become apparent that there are disparities within races. Dark-skinned Black people, compared to light-skinned black people, are also at a significant disadvantage. Both, Black and White participants, associate dark-skinned Black people with negative Black stereotypes (e.g. criminal, poor, lazy), while light-skinned Black people are associated with positive Black stereotypes (e.g. intelligent, wealthy, rhythmic) (Shoemaker, South and Lowe, 1973).

Facial trustworthiness has been empirically associated with an angry–happy continuum, wherein the angrier a face appears untrustworthy, and alternatively, a happier face appears easier to trust (Shoemaker, South and Lowe, 1973). This perception has weaselled its way into pop-culture circles as well, with Instagram and TikTok videos trying the doe-siren eye

challenge. Qualities like softness and innocence are attributed to doe eyes, and siren eyes are often viewed with an air of mystique and darkness. This assessment can be explained through the emotion overgeneralization effect, where certain emotions are regarded as inherent personality traits, thereby causing bias to affect objective reality. Numerous findings suggest that individuals with baby-faced facial features are perceived as warmer, more generous, pleasant, kinder, and honest compared to those with more mature faces. Nonetheless, they are also perceived as weaker, more naive, less responsible, and more dependent. Some researchers propose that this perception stems from the association of children with traits such as openness, ingenuousness, and affection (Dumas and Testé, 2006). Few studies that have explored this dimension have found that a defendant with a baby-like appearance is perceived as less likely to have intentionally committed an offence and more likely to have committed it due to negligence compared to a defendant with a mature facial appearance.

As previously noted, first impressions are not just based on skin tones and acquired features; they involve conjunctions of other immediate character interferences like piercings, jewellery, or hairstyles that may evoke certain categories of criminals more than others. In fact, it is likely that there is an existence of a criminal stereotype specifically associated with tattoos because of the characteristics linked to criminals (Funk and Todorov, 2013). Observers tend to perceive individuals with tattoos as more creative but less attractive, less fashionable, less athletic, less intelligent, less caring, and less religious compared to those without tattoos, and much of this typecast is imitated (or induced) by media as well.

III. EMPIRICAL RESEARCH FINDINGS

There is considerable research data collected by psychologists who have attempted to understand the correlation between facial appearance with social judgement, and various dimensions have been tested in this context. Stereotypes are such pervasive features of human cognition that even forensic judgements must be scrutinized for their susceptibility to biases. Some of the research analyzed below considers the impression of this correlation on culpability and/or sentencing, as well as conflicting findings.

The findings from both the study conducted by Michael Saladin et al. and the research by Dion, Bercheid, and Walster highlight a consistent theme regarding the influence of physical attractiveness on social perceptions. Their study demonstrated that unattractive individuals were more likely to be associated with criminal behaviour, such as murder and armed robbery (Saladin, Saper and Breen, 1988). This aligns with the observations made by Dion, Bercheid, and Walster, who noted that individuals perceived as less physically attractive are often

stereotyped as possessing socially undesirable personalities (Saladin, Saper and Breen, 1988). Specifically, Dion found that unattractive children were frequently labelled as deviant or maladjusted when exhibiting mischievous behaviour, while similar behaviour in attractive children was rationalized or downplayed. It is interesting to note the parallels between such presumptions and the actual sentencing of crimes. Several forensic psychologists have examined the possibility that juror ratings of perceived guilt and subsequent sentencing might be related to the defendant's attractiveness. The findings suggest that jurors tend to be more convinced of the guilt of less attractive defendants, resulting in longer sentences compared to their more attractive counterparts, a finding that could have astronomical repercussions on the justice-delivery system (Saladin, Saper and Breen, 1988).

Another shocking study by Yarmey revealed that participants showed a high level of agreement between a good and bad face—with notably high level of confidence—while ranging portraits from the most to least likely to be a serial killer, a sexual assault felon, armed robber, clergyman, a medical doctor or an engineer. The effect of this is that it demonstrates how certain faces have been socially and culturally associated with criminal offences, and that these associations were stronger for “non-criminal” faces (Dumas and Testé, 2006).

Perhaps the most significant study conducted in this inquiry is that of Shoemaker's research, which has acted as a reference point for further exploration into this subject matter. Four types of criminal deviance were selected for evaluation, with college undergraduates used as subjects for this study (Shoemaker, South and Lowe, 1973). The results disclosed that facial stereotypes as to who does look like a criminal are used more often in assessing guilt than are stereotypes of who does not look like a criminal in assessing innocence for the crimes of murder, robbery, and treason, but not for the crime of homosexuality, where the situation is reversed. The research analysed the implications of ‘labelling’ someone as deviant, and the eventual effect of this unsupported generalization in the mugshot or jury-trial procedures. Shoemaker further proposed that stereotypical perceptions of how a suspect should or shouldn't appear may impact the identification of the perpetrator by an eyewitness, especially if they had an unclear or limited view of the offender.

Some notable points of criticism that emerged during my research into Shoemaker's study are that the sample subjects were all college students, and the biases identified in this sample selection might not reflect upon expert forensic examiners. The study also did not examine the effect of confirmation bias, which would essentially involve testing the influence of a profile that supports bias than when it contradicts them. The interpretation adopted is constrained by the within-subject procedure employed by the authors, which introduced a comparative aspect

between faces based on the offence committed, which hinders the applicability of this research finding on the general populace. Conversely, Macrae and Shepherd (1989) carried out a more ecological study in my opinion, which also neutralized the effect of the attractiveness of the faces (Dumas and Testé, 2006). Participants evaluated the guilt of a lone defendant based on a case summary and a photograph of the "defendant" previously chosen to align with either assault or theft charges. Their findings echoed those of Shoemaker et al. (1973), reinforcing the possibility of face-crime congruence inducing a heightened likelihood of a guilty verdict.

Funk and Todorov's analysis of judgments influenced by facial tattoos revealed that their presence affected guilt assessments but did not result in harsher punishment ratings (Funk and Todorov, 2013). The impact of guilt was fully explained by the perceived criminal appearance of tattooed individuals. While no stereotype-congruency effect was identified, the researchers speculated that tattoos might generally be associated with criminality, though not necessarily with specific types of crime. In a similar vein, fewer studies have delved into the influence of facial maturity on legal judgments. However, findings suggest that facial maturity does play a role in verdicts and sentencing. Individuals with baby-faced features are less likely to be found guilty and perceived as less likely to have committed intentional offences, often receiving lighter sentences compared to those with mature faces (Dumas and Testé, 2006). Both lines of research reflect broader societal stereotypes and perceptions of criminality at work during legal decision-making.

It complements research led by Shoemaker et al. (1973) and by Macrae and Shepherd (1989) which revealed the influence of the criminal face effect. The study suggested that 'if a person charged with an offence has a face that is "representative" of that offence, he/she is more likely to be found guilty than a person who does not have such a face (Dumas and Testé, 2006).' Interestingly, this advantage held by attractive defendants is nullified when their attractiveness could have facilitated the commission of the crime (Dumas and Testé, 2006). For instance, a meta-analysis conducted by Mazzella and Feingold (1994) revealed that attractiveness tends to result in lighter sentences for theft, rape, and cheating. Conversely, the opposite effect is observed in cases of negligent homicide, while attractiveness shows no influence in cases involving swindling.

Surprisingly, there was little to no research available on perhaps the most important variable: the definition of beauty and how it differs from individual perception. Most of these results were guided by studies that used surveys and graded questions as their data, which is subject to considerable variation if we consider locality, class, gender, sexuality, age, etc. Much of the presented research in this paper also looked at broad classes of offences and not specific

offences, so it could be deduced that these stereotypical judgements are category-specific and not crime-specific. This kind of gap in research factors could cause floodgates of faulty methodology and neglected variables to enter the mix.

IV. CONCLUSION

Making links between a personality with conventionally attractive features and heroism, altruism and righteousness starts young—take the earliest campaigner of this face-offence correspondence, Disney. Ellen Seither explains that media stereotypes often serve as cautionary images — warning who not to be—as well as models of available social identities (*The Wonderful World of Disney Villains*, 2019). It's no surprise that psychologists have found perceptions of the association between tattoos and delinquent behaviour in children at the age of six (Funk and Todorov, 2013). The activation of implicit theories of personality reflected in media personalities could also explain the observed results in numerous studies detailed in this paper, or otherwise. The root of this correlation might lie in several individual or overlapping factors, but some of the most prominent ones being religious Puritan standards, orientalism and colonisation.

Whether it's Jafar from *Aladin* or Bender from *Breakfast Club*, the psychology behind this face-crime stereotype takes a backseat when it fructifies into actual precedents. The reaction that followed after Cameron Herrin's 24-year sentencing is a case in point, where fan edits were made and petitions were signed all because 'he didn't look like he did it on purpose (Philstar Life, 2021).' Although most people might believe that beauty is unobjectionable or inconsequential in the grander scheme of things, decades of work by psychologists have proved that we cannot understate the advantage it holds, the costs of its pursuit, and the injustices that result (Rhode, 2009). Perhaps, it's time to revisit the cliché of “it hurts to be beautiful” that we all grew up with.

V. REFERENCES

- Lombroso, Cesare. 1887. *L' homme crimine*. (Criminal Man).
- ScienceDaily. 2012. Evil eyebrows and pointy chin of a cartoon villain make our 'threat' instinct kick in. [online] Available at: <https://www.sciencedaily.com/releases/2012/05/120529074617.html> [Accessed 2 Apr. 2024].
- The University of Newcastle, Australia (2016). Lombroso and the 'Criminal Type'. [online] FutureLearn. Available at: <https://www.futurelearn.com/info/courses/australian-crime/0/steps/145050#:~:text=Woman%20in%201893.->
- Augoustinos, M. and Walker, I. (1998). The Construction of Stereotypes within Social Psychology. *Theory & Psychology*, 8(5), pp.629–652. doi: <https://doi.org/10.1177/0959354398085003>
- The Decision lab (2022). *Halo effect - Biases & Heuristics / The Decision Lab*. [online] The Decision Lab. Available at: <https://thedeclarationlab.com/biases/halo-effect>
- Sorby, M. and Kehn, A. (2020). Juror perceptions of the stereotypical violent crime defendant. *Psychiatry, Psychology and Law*, 28(5), pp.1–20. doi: <https://doi.org/10.1080/13218719.2020.1821827>
- The Wonderful World of Disney Villains. (2019). *It's All About Perspective Part 1: Disney Villain Stereotypes*. [online] Available at: <https://wonderfulworldofdisneyvillains.com/2019/05/26/its-all-about-perspective-part-1-disney-villain-stereotypes/>
- Philstar Life. (2021). 'Too cute' for jail? Man who killed two people gains cult following on TikTok, 'fans' sign petition for his release from prison. [online] Available at: <https://philstarlife.com/news-and-views/313830-too-cute-for-jail-who-is-cameron-herrin-tiktok-jail?page=4> [Accessed 2 Apr. 2024].
- Rhode, D.J. (2009). The Injustice of Appearance. *Stanford Law Review*, 61(5), p.1033.
- Dumas, R. and Testé, B. (2006). The Influence of Criminal Facial Stereotypes on Juridic Judgments. *Swiss Journal of Psychology*, 65(4), pp.237–244. doi: <https://doi.org/10.1024/1421-0185.65.4.237>

- Funk, F. and Todorov, A. (2013). Criminal stereotypes in the courtroom: Facial tattoos affect guilt and punishment differently. *Psychology, Public Policy, and Law*, 19(4), pp.466–478. doi: <https://doi.org/10.1037/a0034736>
- Saladin, M., Saper, Z. and Breen, L. (1988). Perceived Attractiveness and Attributions of Criminality: What is Beautiful is not Criminal. *Canadian Journal of Criminology*, 30(3), pp.251–259. doi: <https://doi.org/10.3138/cjcrim.30.3.251>
- Shoemaker, D.J., South, D.R. and Lowe, J. (1973). Facial Stereotypes of Deviants and Judgments of Guilt or Innocence. *Social Forces*, 51(4), p.427. doi: <https://doi.org/10.2307/2576687>.
