

Physical Traits Affect Death Sentence Decisions

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Numerous studies of our legal system have found race to be a powerful factor in who is arrested and charged for crimes, who is found guilty or innocent, and how defendants are punished. The links between race and the death penalty are particularly notorious: Murderers of white victims are more likely to be sentenced to death than are murderers of black victims, and other things being equal, black defendants are more likely to receive the death penalty than are white defendants.

But the effects of race in the courtroom are turning out to be even subtler than black versus white. A new study reported in the May issue of *Psychological Science* has found that, among black defendants accused of killing white victims, the likelihood of receiving the death penalty is related to how stereotypically black the defendant's facial appearance is. There are, it seems, shades of black, and these affect how "deathworthy" jurors and judges perceive defendants to be.

Study authors Jennifer L. Eberhardt (Stanford University), Paul G. Davies (University of California, Los Angeles), Valerie J. Purdie-Vaughns (Yale University), and Sheri Lynn Johnson (Cornell Law School) drew from a large database of death-sentence eligible cases in Philadelphia over two decades, focusing on cases with black defendants. One phase of the study examined the subset — 44 defendants — who had been accused of murdering a white victim; the next phase focused on defendants who had been accused of murdering a black victim. In both phases, research participants viewed photographs of the defendants without knowing that they depicted convicted murderers, and they rated the photographs for stereotypicality of appearance.

Previous research by Eberhardt and others has shown that people associate stereotypically black physical traits (broad nose, thick lips, dark skin) with criminality. This association has been found to influence judges' and jurors' sentencing decisions: Controlling for differences in defendants' criminal histories, defendants with the most stereotypically black facial features served up to eight months longer for felonies than those with the least stereotypically black features. The new study is the first, however, to examine physical appearance as a factor in death-sentencing decisions.

Eberhardt and her colleagues found a significant association between appearance and sentencing in cases when the victim was white: Defendants in the more stereotypically black half of the distribution were over twice as likely to be sentenced to death (57.5 percent) than were those in the less stereotypically black half of the distribution (24.4 percent). The researchers found no such association, however, in cases in which black defendants had been accused of murdering blacks.

Why should the race of the victim matter? "One possibility," according to the authors, "is that the interracial character of cases involving a black defendant and a white victim renders race especially salient. ... The salience of race may incline jurors to think about race as a relevant and useful heuristic for determining the blameworthiness of the defendant and the perniciousness of the crime."

To learn more about this research, see “Looking Deathworthy: Perceived Stereotypicality of Black Defendants Predicts Capital-Sentencing Outcomes,” in the [May issue](#) of *Psychological Science*.