

Justice not blind to gender bias

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In a quiet courtroom, an attorney steps up to a lectern to deliver a closing argument. The defendant in the case is charged with murder, having stabbed a woman to death in front of her infant child.

"He beat her in the face," the [attorney](#) says, pounding a fist on the lectern, voice rising. After killing the victim, the defendant "ran from the apartment, and left behind one-year-old Kendall, alone with his mother's body."

The case and closing argument were real. The attorney was acting. In total, six attorneys with trial experience—three men and three women—performed identical reenactments of the closing argument for a psychology study at Arizona State University. The study shows gender bias skews the way people perceive an attorney's effectiveness when expressing anger.

According to the study "Closing with Emotion: The Differential Impact of Male versus Female Attorneys Expressing Anger in Court," published June 25 in the journal *Law and Human Behavior*, male and female test viewers found the angry male attorneys to be commanding, powerful, competent and hireable. They found angry female attorneys to be shrill, hysterical, grating and ineffective.

"A good attorney is expected to show traditionally male characteristics in court—anger, aggression, power. But what's happening is that men benefit from this, while we are penalizing women for showing these same characteristics," said Jessica Salerno, an ASU psychology professor and lead researcher on the study. "We watch so many courtroom dramas where lawyers are expressing emotion, and there are fireworks in the courtroom. People expect attorneys to express themselves this way. This expectation sets men up well for success, but for women it backfires."

Past studies have established that showing emotion in various situations hurts women while at the same time benefits men. However, these past studies are set in situations where emotion is unexpected, such as a business meeting.

Salerno and her team, which included Hannah J. Phalen, ASU doctoral candidate, Rosa Reyes, ASU graduate student, and Nicholas J. Schweitzer, an associate professor in ASU's School of Behavioral and Social Sciences, wanted to arrange a situation where emotion was expected.

In this instance, an attorney delivering a closing argument in a gruesome murder case. So, the research team gathered nearly 700 participants to watch videos of the actors delivering the closing argument. Participants shared their impressions of the attorneys, and whether or not they would hire them.

"We asked the participants how angry they thought the actors were," Salerno said. "Participants felt the men and women were similarly angry. But unfortunately, we did replicate the results found in other studies. The angry men were found to be more effective, and viewers wanted to hire them. This backfired for women. People thought the angry women were less effective, and they wanted to hire them less."

Additionally, [women](#) and men felt the same way, which Salerno said shows that this bias is operating at an implicit level.

"We all grow up in the same culture," she said. "We are exposed to the same gender stereotypes. In the long term, this means that female attorneys may not be able to demonstrate the conviction and power people expect from men. This has unfortunate long-term implications for their careers and effectiveness with juries."

Provided by Arizona State University

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