

Emotional arousal and "objective" judgment

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This study investigated the effects of emotionally arousing stimuli on later "objective" judgments by using a brief summary of a personal injury case either with or without color slides of the victim. Information contained in such pictures is in principle extraneous to the objective facts in the case, and some courts do bar such material. An assessment was made of the actual effect of such material on judgments. Could subjects ignore it and base their decisions on objective information alone, or would their emotional arousal actually sway their opinions? Results showed that, indeed, even in the context of an objective legal setting, the slides caused a significant effect on judgments.

The purpose of this experiment was to investigate the effects of emotion-arousing stimuli on a subsequent judgment that is supposed to be an objective, information-based decision. The experimental setting utilized the presentation of a brief summary of a civil court case (actually fictitious) either with or without accompanying color slides of the injury sustained by the plaintiff. This type of visual information was used because it is an example of information that, while apparently relevant to the case, actually supplies little, if any, additional factual knowledge, but can be expected to create an emotional reaction in the viewer.

The role of this type of "evidence" received renewed scrutiny and publicity in the Boston, Massachusetts trial of Dr. Kenneth Edelin recently, who was accused of manslaughter after performing a legal abortion. During the trial itself, the opposing counsels argued strenuously over the admission of a photograph of the dead fetus. The judge eventually allowed the photograph's admission, and it was apparently one of the very few elements in the trial that strongly influenced the jurors (Culliton, 1975). The prosecution reminded jurors of the photograph in its closing remarks, and the jurors themselves reported later that they had been shaken by the picture. One of them, Paul Holland, commented that because of the picture, "Everybody in the room made up their minds that the fetus was a person." In his appeal of Edelin's conviction, defense attorney William Homans argued, among other things, that the judge had erred in allowing improper evidence to be shown to the jury, particularly a photograph of the fetus.

Visual evidence of this sort is in fact barred from admission in some courts and jurisdictions (Singer & Walsh, 1969). Particularly in accident cases such as the one used in this experiment, pictures of the victim are in many cases considered to unduly arouse emotions of hostility, prejudice, or sympathy and are, hence, inadmissible as evidence.

It was the purpose of this investigation to directly

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assess the likelihood that such emotional arousal will significantly influence judgments that presumably are to be based on objective facts. A summary of a fictitious civil case involving personal injury was created so that it gave a strong impression of the defendant's guilt of the charge against him. Since it was expected that most readers would agree that the defendant was guilty rather than innocent, some variation of judgment was allowed for by using a scale of guilt from "definitely guilty" to "definitely not guilty." The major dependent variable, however, was the dollar amount of damages that would be awarded to the plaintiff. It was predicted that the inclusion of the color slides with the written case summary would result in significantly higher awards to the victim in spite of all other information being the same.

METHOD

Subjects

Forty-eight students from introductory psychology classes at Kansas State University participated in the experiment and received an extra credit point toward their class grade. Twelve people were assigned at random to each of the four cells in the design.

Procedure

The student participants were brought into a room and seated around a table in groups of two to six at a time. Experimental booklets were distributed with general introductory instructions on the cover, and the students were asked to read them and wait for further directions before continuing. The instructions informed the reader that the experimenter was interested in studying the way people make decisions in jury trials. The following material was described as a brief account of a civil court case obtained from a university law school. The directions also asked the students not to discuss the case because the experimenter was interested in their own feelings about the case, those with which they might begin deliberation if they were real jurors. The possibility of later discussion was left open.

After making certain that everyone understood the instructions, the experimenter introduced one of the experimental conditions (see below) and allowed the students to read the case description and answer the questions following it. When everyone was finished, a complete explanation of the experiment was provided; discussion was invited prior to dismissing the students.

Manipulation of Slides and Case Severity

Half the students saw four color slides of a badly injured hand part way through the case description, while no mention of such material was made to the rest of the participants. The slides show a very badly cut hand, the same hand from the front and back after medical repairs, and a palm view of the hand after infection set in later. They had been used in previous research (Oliver, in press; Note 1) and viewers rated them as highly unpleasant. In the slide condition, after reading the cover page, the students were told that the law school had also sent some color slides that had been presented in the actual trial. They were asked to stop reading after the first two paragraphs of the description (which were alone on the first page) so that the slides could be shown to everyone at the same time and at approximately the same point where they were introduced originally. The four slides were shown sequentially for 15 sec each, and the students were then asked to finish reading the case and answer the questions following it. Those in the no-slide condition worked straight through their booklets without interruption.

Crosscutting the slide/no-slide conditions, half the students read a case description that involved a relatively minor accident and the others read a quite severe case. The accident itself was the same in both cases: The plaintiff, a farmworker, had his hand badly cut in equipment that (allegedly) the defendant, the owner of the farm, had maintained improperly. Severity was manipulated by changing the outcome of the injury. The minor case involved surgery and ultimate recovery of the hand, despite temporary infection, and a short loss of work time. In the severe case, the victim's hand required extensive surgery yet, nonetheless, was eventually lost due to the extent of tissue damage and infection. A long period of rehabilitation and convalescence from the infection was required before the victim could return to work, and then never at his original occupation. The monetary sums asked for by the plaintiff included medical costs, proportionate to the severity of injury and amounting to total damages of \$20,000 or \$100,000. To hold constant the ability of the defendant to pay, it was noted that he had no insurance, and a summary statement of his gross assets, liabilities, and net worth was included. These amounts were varied so that in both cases the farm owner's net worth was the same proportion (1.05) of the total damages sought by the plaintiff.

Ratings of Subjects' Judgments

The first page after the case description asked for a rating of the defendant's guilt on the charge of negligence resulting in injury to another person. Ratings were made on a scale of 1 to 7, corresponding to "definitely guilty" through "definitely not guilty." The next sheet asked the student to indicate the dollar amount of damages that the plaintiff should be awarded, assuming for the moment that the defendant was guilty of the charge against him. On the third page, students indicated how much they judged the plaintiff himself to be at fault in the accident and the amount of damages they felt the plaintiff actually deserved, if the funds available were unlimited and from a neutral (other than the defendant) source (noting that state law prohibited awards over \$500,000 in a single case).

RESULTS AND DISCUSSION

Because the differences in case severity and requested damages were expected to lead to differences in absolute amounts of the awards, irrespective of case merit judgments (i.e., the degree of the defendant's fault), the responses to the second and fourth questions

Table 1
Mean Responses of Slide and No-Slide Groups

	Slide	No-Slide	p
Defendant's guilt	2.42	2.58	n.s.
Proportion of requested damages awarded	.787	.527	< .01
Plaintiff's fault	2.83	3.12	n.s.
Proportion of requested damages deserved	1.349	1.014	n.s.

were converted to proportions of the asked-for damages. Each of the variables was then entered into a 2 (Picture) by 2 (Case) completely between-subjects analysis of variance. The major dependent variable, the proportion awarded, did show a significant Picture main effect, as expected [$F(1,44) = 11.5733$, $p < .01$], showing that the inclusion of the slides increased the proportion of requested damages awarded the plaintiff. There was neither a Case effect nor a Case by Picture interaction. The other three variables showed no effects of the experimental manipulations. Table 1 shows the mean responses of the slide and no-slide groups, as this was the primary variable of interest.

It is of interest that the Picture effect on the proportion of requested damages awarded occurred in the absence of any parallel effects on the other measures. The higher awards cannot be explained as a logical extension of more extreme guilt judgments or, even indirectly, as a result of lesser personal fault of the victim (on this scale, a rating of 3 corresponded to "perhaps at fault," and this is essentially the response of both groups). Clearly, then, the inclusion of the emotion-arousing visual material led to a marked difference in judgments, regardless of the actual case merits. As the legal system is supposed to foster objective evaluation of factual evidence, it would certainly seem, based on these data, that the decision of many courts not to admit materials such as these slides is soundly based.

REFERENCE NOTE

1. Oliver, Edward C. *Effects of cognitions of arousal and actual arousal in low-emotional and high-emotional situations*. Unpublished Master's thesis, Kansas State University, 1975.

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(Received for publication July 23, 1976.)