

# Heinous Crime or Unfortunate Incident: Does Gender Matter?

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Jun Zhao<sup>1</sup> and Christabel L. Rogalin<sup>2</sup>

## Abstract

*This study replicates and extends earlier investigations of emotional displays of an offender influencing jurors' sentencing judgments through identity inference. Prior studies of this phenomenon used only male perpetrators. However, culturally shared beliefs about emotion are strongly gendered. Thus, we investigate how the perpetrator's gender moderates the relationship between emotional displays and sentencing. Results replicate results of previous studies—this time, for both men and women. Furthermore, the effect of a perpetrator's emotional display of distress on observers' judgment of criminal identity is stronger for male than female perpetrators. We introduce the concept of the emotion-display premium to account for the greater benefits males receive for their display of particular emotions and discuss the implications of these results for social psychology and the sociology of emotions.*

## Keywords

emotion display, gender, affect control theory, identity assessment, criminal sentencing

In the criminal justice system, a defendant's expression of remorse is associated with lighter sentences (Bandes 2015). Earlier research suggests that a perpetrator's emotional displays indirectly affect the perceived seriousness of the offense by changing the situated identities of the perpetrator (Robinson, Smith-Lovin, and Tsoudis 1994; Tsoudis and Smith-Lovin 1998, 2001): jurors assess the identities of remorseful perpetrators more positively. These identity assessments in turn lead to more lenient judgments in sentencing.

Although these studies are theoretically important and have received much academic attention, the original work is largely limited by its focus on only male perpetrators. In this article, we replicate

and extend previous findings by comparing jurors' sentencing decisions as a function of the displayed emotions and the gender of the perpetrator. We test the links among emotions, identity assessment, and sentencing via a vignette study of a criminal confession, examining these causal relationships for both women and men. Although we expect the original theoretical models to apply to both men and women, we also predict an *emotion-*

<sup>1</sup>Dartmouth College, Hanover, NH, USA

<sup>2</sup>Purdue University Northwest, Westville, IN, USA

## Corresponding Author:

Jun Zhao, Program in Quantitative Social Science, Dartmouth College, Silsby Hall 026, Hanover, NH03755, USA.

Email: Jun.Zhao@dartmouth.edu

*display premium* for male perpetrators—that is, a higher return among men for displaying remorse in a criminal confession. To the extent that men’s display of emotional distress carries more weight in jurors’ evaluations, we argue that the criminal justice system will subtly reward a remorseful man by offering him a shorter sentence than a similarly remorseful woman.

### THE FOUNDATIONAL STUDY

Robinson et al. (1994) tested affect control theory’s (ACT) propositions that emotions provide implicit information as to whether interaction corresponds with one’s social identity (Smith-Lovin 1990). The theory relies on a set of culturally grounded equations to examine how our culturally shared affective meanings for particular types of actors, behaviors, emotions, and social settings organize social life. ACT assumes that people want to experience a world they understand and in which they feel comfortable. Whenever impressions toward situational (or transient) identities, behaviors, and emotions deviate from that of normative expectations (or sentiments), people are motivated to reduce affective disturbances. ACT further predicts what people might do in a given interaction and how they might respond emotionally to that interaction (Heise 2007). Among other things, emotional displays provide information about an individual’s identity by signaling how consistent an action is with that identity. Actors are expected to feel good about engaging in good behaviors and bad about engaging in bad behaviors. If one’s identity is positive (or good; e.g., a college student is seen as good in U.S. culture, see Francis and Heise 2006), an actor is expected to engage in good behaviors, with negative behaviors triggering negative emotions. But, the emotion equations also predict that if an actor

occupies a very low status, negative (or bad) identity (e.g., criminal), negative behaviors give rise to more neutral emotions because the actor is expected to engage in negative behaviors (Smith-Lovin 1990).

Robinson et al. (1994) used computer simulations based on the emotion equations to generate predictions about responses to a student who killed a stranger and felt either relaxed or tormented. Their simulations showed that displaying a relaxed emotion after such a negative behavior predicted identity meanings that were off the scale in a negative direction—so evil that we do not have a word for that identity in the English language. In contrast, displaying a strongly negative emotion after such a terrible act served to mitigate the identity damage from that act. They then conducted a vignette study in which respondents read a male defendant’s confession of committing vehicular manslaughter while driving drunk. Embedded in the transcript were nonverbal emotional cues signaling either negative or neutral emotion. Participants rated the likelihood that the perpetrator was a habitual offender who was likely to repeat that offense in the future (i.e., criminality evaluation); they then recommended a sentence, measured in number of years of imprisonment. Robinson and colleagues hypothesized that identity assessment of the perpetrator mediates the relationship between emotional display of distress and sentencing.

Consistent with ACT’s predictions, the authors found that a perpetrator’s remorseful display after a crime signaled to observers that such behavior was atypical for the perpetrator. By showing remorse, the perpetrator convinced the jury that he was merely a college student involved in an unfortunate incident. In contrast, by appearing relaxed, the perpetrator signaled that this behavior was more consistent with the actor’s

fundamental identity, suggesting a much more negative identity for the actor (e.g., a criminal), and that the crime committed is more heinous. They also found that these negative identity judgments in turn led to the recommendation of harsher criminal sentences. Robinson et al.'s (1994) initial findings were replicated (Tsoudis and Smith-Lovin 1998, 2001). Consistent with theoretical predictions, these replications demonstrated that (1) victim emotional displays also affect criminal identity judgments of the perpetrator and (2) the remorse displays affect criminal identity judgments about the perpetrator even when additional information (prior criminal record) is available.

### **DOES PERPETRATOR GENDER MATTER?**

None of the earlier investigations of remorse displays and criminal judgments considered female perpetrators in their vignettes. However, both ACT (Heise 2007) and the sociology of emotion literature more generally (Kelly and Hutson-Comeaux 2000; Smith, Brescoll, and Thomas 2016) imply that men will receive higher returns from showing remorse than women.

According to ACT, actors in positively evaluated identities are expected to engage in more positively evaluated actions (all else equal) than those operating in less positive identities. Because women are seen as nicer than men (Fiske et al. 2002), women's wrongdoings violate our cultural expectations more than the same behaviors of men. Using Interact (Heise 2007), ACT's predictive software, we simulated observers' distress levels elicited from a sequence of hypothetical events. We found (1) a crime involving a female perpetrator to be more mentally disturbing for observers than the same crime committed by a male perpetrator and (2) displaying emotional distress

after such a terrible act mitigated the identity damage from that act to a lesser extent for women than men. Based on our simulations, it suggests that a female perpetrator must display more distress than her equally guilty male counterpart to repair the damage to her identity or else face a harsher sentence.<sup>1</sup>

Aside from gendered beliefs about men and women, people also hold gender-specific beliefs about emotionality: women are seen as more emotional than men and are expected to display more positive and communal feelings but also powerless emotions such as sadness (Shields 2002). Men, on the other hand, can display powerful emotions such as anger but are less permitted to display negative, powerless emotions as they are viewed as incompatible with conventional masculinity (Tiedens 2001). While these traditional norms are still widely held, more recent studies demonstrate that these emotion norms may be changing—that men today are able to express additional emotions than in the past (Timmers, Fischer, and Manstead 2003; Zawadzki, Warner, and Shields 2013). Due to cultural changes in ideals of manhood and notions of emotionality, emotional expressions by men are tolerated more nowadays than before (Gray and Heatherington 2003). Men's expression of sadness does not always run counter to perceptions of competence (Warner and Shields 2007). In circumstances where the situation is extreme and the intensity of sadness displays is appropriate (i.e., moist eyes in the death of an intimate as opposed to public weeping over a computer crash), people view men's and women's crying to be equally appropriate, showing no bias against men displaying sadness (Zawadzki et al. 2013). Furthermore, men's tears may be

<sup>1</sup>Additional details regarding our simulation protocol can be found in Online Appendix A available with the online version of the paper.

viewed more favorably than women's in some contexts (Fischer et al. 2004). For example, Hutson-Comeaux and Kelly (2002) found that a woman's crying is not necessarily perceived as an indicator of her sorrow due to their relatively more frequent crying, whereas even a small display of sadness from a man is interpreted as authentic regret or sadness. Hence, men are judged as less inappropriate and sincerer for displays of gender-inconsistent emotions than are women who deviate from gender-emotion scripts (Shields 2002).

Taken together, given that the prescriptive emotional norms in the criminal confession is to show remorse, we expect a perpetrator's sadness displays to be perceived as warranted. However, if expressions of sadness are part of women's emotional disposition, female offenders' emotional distress will be more readily dismissed without providing as much information about their identity to an observer. By contrast, displays of remorse by a male offender may foster the belief among jurors that he is genuinely upset by the incident. If this is the case, it is likely that men will receive an emotion-display premium—that is, higher returns from displaying remorse—in their confessions. The gender differences in a perpetrator's remorse expression on sentencing invites further investigation.

### THE REPLICATION WITH EXTENSIONS

Our study is therefore positioned as a replication with extensions. In the 20 years between the Robinson et al. (1994) study and the present study, there are not any theoretical reasons to believe that the process of identity inference documented earlier would have been disrupted or altered. Hence, consistent with the predictions offered by Robinson and colleagues, we first replicate tests of the following hypotheses:

*Hypothesis 1:* The greater the perceived emotional distress, the lower the likelihood that a perpetrator will be perceived as a criminal.

*Hypothesis 2:* The stronger the perception of having a criminal identity, the longer the awarded sentence length will be.

We expect the process of identity assessment to apply for both women and men. In this study, we further examine male perpetrator's emotional-display premium by testing the following hypotheses:

*Hypothesis 3:* Men displaying distress will be less likely to be perceived as criminal compared to women displaying distress.

*Hypothesis 4:* Men displaying distress will receive shorter sentences (via jury's criminality evaluation) than women displaying distress.

We hypothesize that although both women and men benefit from expressing distress, as articulated in Hypothesis 1, the impact of this expression on character evaluation will be greater for men than women (a statistical interaction between gender and the effect of emotional displays). Given that we hypothesize a gendered relationship between displays of distress and perceptions of holding a criminal identity (Hypothesis 3), a distressed confession from a male offender will lead participants to assign a shorter sentence via a jury's stronger disconfirmation of his criminal identity (following the logic of Hypothesis 2) compared with a distressed confession from a female offender (Hypothesis 4).

### EXPERIMENTAL DESIGN

#### *Procedure and Materials*

We used a 2 (nonverbal cues: distressed, relaxed) by 2 (gender of perpetrator: female, male) experiment to determine

**Table 1.** Mean Ratings of Study Variables, by Distress Manipulation and Gender of Perpetrator

	Relaxed		Distressed	
	Female	Male	Female	Male
Independent variable				
Emotional distress	3.91 (1.51)	4.08 (1.31)	6.36 (1.16)	6.17 (.97)
Sorry	3.10 (2.78)	2.51 (2.56)	7.50 (2.35)	7.71 (2.08)
Remorseful	3.29 (2.97)	2.55 (2.50)	7.70 (2.14)	8.27 (1.89)
Sad	4.04 (3.24)	4.16 (3.10)	8.83 (1.77)	8.75 (1.84)
Mediator				
Criminal identity	4.89 (2.24)	5.86 (2.44)	3.95 (2.08)	3.51 (1.75)
Often	5.17 (2.29)	6.14 (2.40)	5.13 (2.46)	4.95 (2.38)
Recidivism	4.61 (2.75)	5.58 (2.96)	2.78 (2.73)	2.07 (1.97)
Dependent variables				
Sentence	3.57 (1.70)	3.71 (1.57)	2.90 (1.63)	2.61 (1.50)
N	56	55	40	41

Note: Standard deviations are in parentheses.

the extent to which a perpetrator's gender influences the association between perpetrator's display of emotional distress and sentencing decisions. We applied the measurement instrument used in the Robinson et al. (1994) study to a sample of 196 undergraduate students (134 female,  $M_{\text{age}} = 20.02$ , and 80 percent white) at a regional midwestern campus. Students completed the study in exchange for either course credit or extra credit.<sup>2</sup> We limited our analyses to respondents who provided full information on all variables ( $N = 192$ ).

Participants were randomly assigned to conditions, with 40 to 56 participants per condition (see Table 1).<sup>3</sup> Participants in all four conditions were presented with a vignette: a transcript from a (fictional) videotaped confession of a college student who was convicted of vehicular manslaughter after killing a pedestrian while driving drunk. Versions of the

vignette differed only on the nonverbal cues embedded in the transcript (for exact wording, see Robinson et al. 1994) and the gender of perpetrator. In half the conditions, the nonverbal cues embedded in the transcripts signaled distress (e.g., "tears running," "eyes watery"); in the other half, the nonverbal cues signaled relaxation (e.g., "relaxed facial expression"). The gender of the perpetrator was given in the introduction of the transcript and was reinforced in the follow-up questions using gender-specific pronouns. After reading the transcript, participants were asked a series of questions designed to tap their impressions about the perpetrator and the crime. Finally, participants completed a survey asking their demographic information.

### Measures

**Sentencing.** Respondents who were on the jury were asked what sentencing they would agree to after finding the drunken student guilty of manslaughter. The response format ranges from 1 = up to 5 years to 6 = life imprisonment, with the other four categories being 5 to 10

<sup>2</sup>We found no statistically significant difference between the findings based on participants who received extra credit versus course credit.

<sup>3</sup>Some data had to be dropped because a typographical error in the survey was discovered during data collection.

years, 10 to 15 years, 15 to 20 years, and 20 to 25 years.

*Emotional distress.* Respondents were asked to rate how sorry, remorseful, and sad the perpetrator appeared to be. The response format for these items ranged from 0 = not at all to 10 = extremely. We averaged ratings on three indicators to form a composite measure of perceived emotional distress of the perpetrator (Cronbach's alpha = .94;  $r_{\text{sad-sorry}} = .82$ ,  $r_{\text{sad-remorse}} = .83$ ,  $r_{\text{sorry-remorse}} = .91$ , all  $p$  values < .001).

*Criminal identity.* Respondents rated how often they thought the student had driven while intoxicated (frequency; 0 = not at all to 10 = very often) and how likely the student was to continue to engage in drunk driving (recidivism; 0 = not at all likely to 10 = extremely likely;  $r = .49$ ,  $p = .000$ ). We averaged the responses to the items to form a single scale measure of the degree to which respondents viewing the event perceived the perpetrator as being a criminal versus being a college student, with higher scores reflecting stronger confirmation of perpetrator's criminal identity.<sup>4</sup>

## RESULTS

In line with this study's goals, we conducted two sets of analyses to replicate and extend previous findings. Before presenting these results, we first checked the study manipulation. Table 1 presents the mean ratings of all variables used in the present study. An analysis of variance (ANOVA) test revealed a significant main effect of distress ( $F_{1,188} = 146.23$ ,  $p < .001$ ), suggesting that participants reading the vignette embedded with distress cues perceived greater emotional distress from the perpetrator than did

participants in the control group, regardless of the perpetrator's gender.<sup>5</sup>

The ANOVA test with criminal identity as the dependent variable shows that in the absence of distress cues, jurors viewed male confessors as more criminal than female confessors (for distress,  $F_{1,188} = 26.93$ ; for distress  $\times$  gender,  $F_{1,188} = 4.92$ ; all  $p$  values < .05). Specifically, jurors thought that an unapologetic male offender had driven while intoxicated more often ( $F_{1,188} = 4.57$ ,  $p = .03$ ) and was more likely to engage in future drunk driving ( $F_{1,188} = 3.70$ ,  $p = .05$ ) than an equally inexpressive woman. This pattern is consistent with cultural norms of masculinity, which associate men with risky behaviors (Mahalik et al. 2003), and research documenting gender biases against men in the criminal justice system (Spohn and Beichner 2000). Yet, males' disadvantages from cultural bias disappeared when both women and men displayed distress in their confessions (all  $p$  values > .20).

### Mediating Effect of Identity Assessment

The correlation matrix, means, and standard deviations for the study variables are presented in Table 2. Correlations for the male perpetrator are presented above the diagonal, and correlations for the female perpetrator are presented below the diagonal. Most of the zero-order correlations are consistent with the

<sup>4</sup>We renamed Robinson et al.'s (1994) latent variable *identity disconfirmation* as *criminal identity*.

<sup>5</sup>We chose ANOVA (using composite score) over a multivariate analysis of covariance (MANOVA) test because of the strong correlations between three items of emotional distress. In this case, we essentially have one variable. In addition, given that our cell sizes are unequal and there is some debate among statisticians about whether unbalanced ANOVAs should be based on Type II or Type III sums of squares (Langsrud 2003), we analyzed the data using both Types II and III and found results to be the same.

**Table 2.** Zero-Order Correlations, Means, and Standard Deviations, by Gender of Perpetrator (N = 192)

	Sentence	Often	Recidivism	Sorry	Remorseful	Sad
Sentence	—	.34*	.42*	-.41*	-.32*	-.32*
Often	.25*	—	.54*	-.40*	-.39*	-.36*
Recidivism	.24*	.43*	—	-.74*	-.74*	-.68*
Sorry	-.29*	-.22*	-.58*	—	.90*	.78*
Remorseful	-.24*	-.19	-.59*	.91*	—	.79*
Sad	-.19	-.24*	-.59*	.86*	.86*	—
Mean (SD)						
Male offender	3.23 (1.63)	5.64 (2.45)	4.08 (3.11)	4.72 (3.50)	4.99 (3.63)	6.13 (3.48)
Female offender	3.29 (1.69)	5.16 (2.35)	3.84 (2.88)	4.94 (3.39)	5.13 (3.43)	6.03 (3.61)

Note: Pearson correlations for the male perpetrator are presented above the diagonal, and correlations for the female perpetrator are presented below the diagonal.

\*All coefficients are significant at the .05 level (two-tailed tests).

hypothesized model: indicators of emotional distress are negatively correlated with items measuring criminal identity, and higher ratings on criminal identity are associated with longer sentencing.

We used structural equation modeling (SEM; Acock 2013) to test Hypotheses 1 and 2. We estimated our models with and without the direct effect of emotional distress on sentencing. Compared with the baseline models, including an extra path between emotional distress and sentencing does not improve model fit,  $\Delta\chi_{(1)}^2 = 2.06$ ,  $p = .15$ , and the parameter is not significant. This finding is consistent with the Robinson et al. (1994) findings and aligns with the argument that emotions affect sentencing only to the extent that they change evaluation about the perpetrator's criminal identity. After jurors' impressions about the perpetrator's identity are controlled for, emotional display does not affect sentencing decisions.

Model 1 in Table 3 presents SEM results from multigroup analyses in which we constrained paths to be equal for male and female perpetrators. The model fit indices, using criteria described in McDonald and Ho (2002), show

excellent fit to the data.<sup>6</sup> As shown in Model 1, all coefficients are statistically significant and in the predicted direction ( $b_{\text{path1}} = -.754$ ;  $b_{\text{path2}} = .396$ ;  $p$  values  $< .000$ ). Participants translate male and female perpetrators' state of distress into strong evidence of the unusualness of their behavior. Then, upon construal of the perpetrator's identity, respondents assign harsher sentences to those whom they judged as more criminal. By finding strong support for Hypotheses 1 and 2, our study thus replicates the findings of Robinson et al. (1994) for both male and female perpetrators.

### Moderating Effect of Perpetrator's Gender

Models 2 and 3 in Table 3 present SEM results from equality constraint tests (Wickrama et al. 1995) comparing the paths for a male perpetrator with

<sup>6</sup>According to the criteria proposed by McDonald and Ho (2002) for structural equation modeling, the root mean square error of approximation (RMSEA) should be smaller than .08, the Comparative Fix Index (CFI) and the Tucker-Lewis Index (TLI) should be greater than .95, and chi-square should not be significant.

**Table 3.** Comparison of the Paths for Male and Female Perpetrator in Structural Equation Modeling (N = 192)

	Model 1	Model 2		Model 3	
	Combined	Male	Female	Male	Female
<b>Direct effect</b>					
Path 1: emotional distress → criminal identity	-.75*** (.06)	-.81*** (.05)	-.67*** (.08)		-.73*** (.06)
Path 2: criminal identity → sentencing	.39*** (.07)	.35*** (.07)		.43*** (.09)	.31*** (.11)
<b>Indirect effect (Path 2 is constrained to be equal across groups)</b>					
Emotional distress → criminal identity → sentencing		-.34*** (.07)	-.23*** (.06)		
$\Delta(\text{Indirect Effect}_{\text{Male}} - \text{Indirect Effect}_{\text{Female}})^a$			-.05 (.025)		
$\chi^2$	30.40		26.41		30.03
<i>df</i>	24		23		23
$\Delta\chi^2_{(1)}$			3.99*		.37
Root mean square error of approximation	.05		.04		.05
Comparative Fit Index	.99		.99		.99

Note: All coefficients are standardized coefficients, and standard errors are in parentheses. aWe compared the indirect effects from emotional distress to sentencing via criminal identity for female perpetrator versus a male perpetrator using delta method standard error provided in Stata in its *nlncom* function. \* $p < .05$ . \*\*\* $p < .001$  (two-tailed tests).

corresponding paths for a female perpetrator. We free the paths one at a time to determine whether each contributed to an improvement in fit to Model 1, the baseline model. For each model, the table shows the path coefficients and fit indices as well as the change in chi-square and the *p* value associated with this change. Our results show allowing the path from emotional distress to criminal identity to vary between groups (Model 2) produces a significant improvement in model fit,  $\chi^2_{(1)} = 3.99, p = .04$ , while no improvement in chi-square is achieved by relaxing the group constraint on the path from criminal identity to sentencing (Model 3),  $\Delta\chi^2_{(1)} = .37, p = .54$ . This indicates that emotional distress is associated more strongly with a criminal identity disconfirmation for male than female perpetrators ( $b_{\text{male}} = -.81; b_{\text{female}} = -.67$ ). Hypothesis 3 is supported in that the negative impact of a perpetrator expressing distress on the

identification of the perpetrator as a criminal is greater for men than women.

Model 2 also reveals significant indirect effects of emotional distress on sentencing via criminal identity for both men and women, suggesting that the power of showing remorse applies across gender groups. However, the difference between these two indirect effects is not statistically different ( $b_{\text{male}} = -.34; b_{\text{female}} = -.23; p = .06$ ). We did not find support for Hypothesis 4 that distressed male perpetrators receive shorter sentences than distressed female perpetrators.<sup>7</sup>

<sup>7</sup>There is some evidence in the literature that female evaluators penalize norm-violating women to a greater extent than male evaluators (Benard and Correll 2010). However, given that we only have a small sample size for male participants (N = 61), we were unable to test whether the gender of participant and the gender of perpetrator interact to influence the association between emotional displays and sentencing.

## DISCUSSION

In a replication and extension of previous research by Robinson and colleagues (1994), we investigated the identity process relating an offender's emotional displays and jurors' sentencing judgments. Our results show that people react to emotional displays of distress today much as they did 20 years ago: jurors evaluate perpetrators who display distress more positively than those without signs of remorse; these evaluations in turn influence the severity of sentencing. More importantly, we find that compared with a distressed woman, a similarly distressed man receives more favorable evaluations of his character from jurors, lending strong support to our proposition of an emotion-display premium for men.

Our study contributes to the literature in two ways. First, replication studies play an important role in the advancement of empirical research. A recent concern raised by social scientists is whether experiments would be replicated (Open Science Collaboration 2015). At the core of the debate about "replication crisis" in the field of psychology is the fact that many of the most cherished experiments have failed to be reproduced (Galak et al. 2012). In the 20 years between the Robinson et al. study and the present study, media violence has exploded, exposing people to real and dramatized crime cases (Bushman et al. 2013). One might suspect that remorsefulness may not have the same impact on sentencing now as in the past. Yet our findings indicate that the same identity inference that affected observers' decision making in Robinson et al.'s (1994) study still operates today. The benefit of our replication thus lies in the fact that it establishes the reliability and validity of previous findings and tests the generalizability of these findings in a new context.

Second, our study demonstrates advantages for men in eliciting more

sympathy in the criminal justice system. Previous research has focused on the emotional double-bind that professional women face in the workplace, where institutional norms of displaying masculine-typed emotions conflict with the gendered emotion norms that women are not supposed to display masculine-typed emotions (Smith et al. 2016). In comparison, our study shows that even when situational norms value expressions of feminine emotions (e.g., showing sensitivity in a criminal confession), men are more likely to benefit from such expression. This lends support to the assumption that emotion has a political dimension that is fundamentally concerned with power and status and that our culture views men's emotion as more legitimate relative to women's emotions (Shields 2002). Coupled with research demonstrating that masculine-typed emotions incur social sanctions for women (Brescoll and Uhlmann 2008), our findings further illustrate men's claim on authenticity and legitimacy of emotions even when they cross the gendered boundaries of emotional expression. Men's emotion-display premium may be a hidden path for the generation of gender inequalities in the criminal justice system. More research is necessary to further investigate this possibility.

To account for the findings that distressed male perpetrators *did not* receive shorter sentences compared to distressed female perpetrators despite the jurors' more favorable evaluations of his character, we suspect that the relationship between gender and sentencing is more complicated than we considered. The effect of emotional displays of distress on identity assessment suggests that male perpetrators get away with—and are praised for—expressing gender-incongruent emotions. Studies on judicial gender bias (Crew 1991), however, suggest preferential treatment for women (or at least for

white women), resulting from paternalism or benevolent sexism (Spohn and Beichner 2000). Both bias against male offenders and favoritism toward men who display emotion are having an impact on the jury's process and may account for the overall weak gender effect of emotional displays on sentencing we observed in our study. Future research is needed to address this alternate explanation.

A limitation of this study is that we focused only on the crime of vehicular manslaughter. To explore whether the type of crime influences the emotion-display premium, we conducted additional ACT simulations for a nonviolent crime (i.e., theft). Results from Interact suggest that observing a woman apologize after stealing from someone is still more mentally disturbing than observing a man doing the same thing, although men's emotion-display premium is predicted to be smaller with nonviolent crimes (simulations available on request from first author). We recommend additional research to investigate the extent to which crime characteristics influence gender disparities in emotion displays on sentencing. Future research is also warranted to explore whether participants' and perpetrators' racial profiles influence the impact of emotional expression on identity assessment.

In closing, the criminal system has placed considerable faith in offenders' demeanor despite research suggesting that evaluating remorse from emotional expression is imprecise, if even possible. Given that the interpretation and valuation of emotions are heavily influenced by extralegal factors, such as gender, sentencing decisions hinging on such evaluations will inevitably contribute to disparities. Thus, scholars should continue to consider why and when gender interacts with other features of the justice system to elicit selective empathy and generate social inequalities.

## SUPPLEMENTAL MATERIAL

The online appendix can be found with the online version of the paper.

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## AUTHORS' NOTE

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## BIOS

**Jun Zhao** received her PhD in sociology from the University of Georgia and is a post-doctoral fellow in the Program of Quantitative Social Science at Dartmouth College. Her research examines how mental health disparities are generated throughout the life course by category memberships such as race and gender and by structural arrangements within social networks.

**Christabel L. Rogalin** is an associate professor in the Department of Behavioral Sciences at Purdue University Northwest in Indiana. Her research interests focus on the maintenance and disruption in identity processes.