Northern Illinois University

Huskie Commons

2021

The influence of Defendants' Nonverbal Behaviors on Juror Liking, Sympathy, and Sentencing

Joseph Thomas
joseph.ben.thomas@gmail.com

Follow this and additional works at: https://huskiecommons.lib.niu.edu/allgraduate-thesesdissertations

Part of the Applied Behavior Analysis Commons, Communication Commons, and the Jurisprudence Commons

Recommended Citation

ABSTRACT

THE INFLUENCE OF DEFENDANTS' NONVERBAL BEHAVIOR ON JUROR LIKING,
SYMPATHY, AND SENTENCING

Joseph Thomas, MA
Department of Communication
Northern Illinois University, 2021
Dr. David D. Henningsen, Director

Jurors are highly susceptible to influence, especially in the form of emotional manipulation. To test this, the present study applies expectancy violation theory to affective defendant behaviors (i.e., remorse, immediacy). In an attempt to manipulate the perceived rewarding-ness of the defendant, these behaviors are coupled with a description of either a major or minor crime. The results indicate that remorse behaviors evoke sympathy, thereby leading to a more lenient sentencing recommendation by mock jurors. Though the likeability of the defendant also impacted juror sentencing recommendations, immediacy behaviors failed to produce such an effect. Implications of these results are discussed.

NORTHERN ILLINOIS UNIVERSITY
DE KALB, ILLINOIS

MAY 2021

THE INFLUENCE OF DEFENDANTS' NONVERBAL BEHAVIOR ON JUROR LIKING,

SYMPATHY, AND SENTENCING

BY

JOSEPH THOMAS

A THESIS SUBMITTED TO THE GRADUATE SCHOOL

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS

FOR THE DEGREE

MASTER OF ARTS

DEPARTMENT OF COMMUNICATION

Thesis Director:
David D. Henningsen

TABLE OF CONTENTS

LIST OF TABLES

CHAPTER 1

INTRODUCTION

Jurors are not required to have any past legal experience. Despite this, they shoulder the heavy burden of determining a defendant's guilt, thereby subjecting them to punishment (Arkes & Mellers, 2003). Though only a few states allow juries direct sentencing privileges in noncapital cases (Lanni, 1999), some states require them to provide sentencing recommendations in both civil and capital cases (Grover, 2019). This is a tall order for a group of twelve laypeople.

Though inexperienced and overburdened, jurors are willing to wield their legal power. For example, jurors have been known to force a verdict of "not guilty" if they believe the mandatory minimum sentence for a crime is too severe (Lanni, 1999). This circumvents the judge's final sentencing power. Regardless of state-to-state peculiarities, sentencing flows naturally from the threshold determination of guilt (Heumann & Cassack, 1983). A jury's determination of a defendant's culpability is always the first step in the sentencing process. In this way, every jury plays a large part in sentencing.

Lawyers understand that jurors are in an unfamiliar and stressful situation (Searcy et al., 2005). Since the courtroom is an emotional environment, jurors are especially susceptible to manipulation (Remland, 1993). Jurors must decide whether to condemn or acquit (Arkes & Mellers, 2003), all the while in a situation that violates their everyday interactional expectations (Searcy et al., 2005). These arousing circumstances may increase jurors' attention to nonverbal

behaviors in their decision-making processes (Burgoon, 1993). After all, juries are highly attentive audiences (Hoffman & Weiner, 2013).

Susceptibility to Influence

Many judges believe jurors to be too susceptible to external influences (Weninger, 1994) and therefore unfit to make important sentencing decisions. Jurors often use emotion in place of logic to determine appropriate sentencing (Kalven & Zeisel, 1966). Researchers have investigated the ways in which jurors can be swayed. These include the nonverbal characteristics and behaviors of both judges (Burnett & Badzinski, 2005) and attorneys (Higdon, 2009). Of particular interest to this study is how jurors' decision-making processes can be influenced by the nonverbal behaviors of a defendant (Feldman & Chesley, 1984; Henningsen et al., 2000), regardless of the judge's instruction to jurors to consider only the facts of the case.

Characteristics: Demographics and Judgments

Because of the frequently ambiguous collections of evidence presented at trial (Arkes & Mellers, 2003), oftentimes jurors examine extralegal factors to help determine culpability and sentencing (McKimmie et al., 2016; Sabbagh, 2011). For instance, jurors can be swayed by the physical characteristics of the defendant (DeSantis & Kayson, 1997; Devine & Caughlin, 2014). These considerations include race (Abwender & Hough, 2001; Bodenhausen, 1988, 1990;

Bodenhausen & Lichtenstein, 1987; Bodenhausen & Wyer, 1985; Gordon, 1990), sex (Dean et al., 2000; Mazzella & Feingold, 1994), and attractiveness (Abwender & Hough, 2001; Friend & Vinson, 1974; Smith & Hed, 1979). All of these factors influence jurors' perceptions of a defendant's guilt and the severity of the sentence they deserve.

Behaviors: Remorse and Emotionality

Nonverbal behaviors have a long history in courtroom persuasion. The focus is usually on the attorney (Higdon, 2009), though juries do pay attention to defendants' behaviors (LeVan, 1984). Defendants can modulate their behaviors to persuade jurors to treat them more favorably (Archer et al., 1979; Sulzer & Burglass, 1968). For example, nonverbal behaviors are more important to jurors' perceptions of remorse than verbal expressions (Corwin et al., 2012) because they perceive them to be more authentic and accurate representations of inner emotionality.

For example, Salekin et al. (1995) looked at jurors' perceptions of guilt in response to a defendant's emotional displays. Defendants who expressed extreme emotionality, either flat (i.e., monotone responses) or high affect (i.e., excessive crying), were seen as guiltier than a defendant who responded with a "normal" amount of affect (i.e., the control condition, matching jurors' behavioral expectations). They argued that jurors interpret nonverbal behavior to decipher emotion and intention.

Expectancy Violation Theory

One way to explore the reception of nonverbal behavior is through Burgoon's (1993) expectancy violation theory (EVT). Other legal studies have implemented EVT to explain courtroom phenomena such as rape victims' nonverbal behavior on perceived credibility (Ask & Landström, 2010; Hackett et al., 2008). Researchers provide a solid logical basis for using EVT to study courtroom persuasion (Searcy et al., 2005). Therefore, this study puts forth EVT as a framework to understand jurors' interpretation of defendants' nonverbal behavior.

This study will focus on expectancy violations, violation valence, and communicator reward valence as predictors of behavioral interpretation (Burgoon & Hale, 1988). When a communicator does not conform to the receiver's preconceptions (i.e., expectancy violation), the receiver attempts to interpret that behavior. If the meaning of the behavior is clear (i.e., violation valence), it will be interpreted based on that meaning. If the meaning could be interpreted as favorable or unfavorable, attention shifts to the communicator's reward valence. Reward valence involves assessing the communicator as rewarding or not rewarding. The expectancy violation is assigned a positive or negative valence based on the nature of the violation and the reward value of the person. A rewarding violator's behaviors will be evaluated more favorably than those of a less rewarding violator.

Two specific forms of defendant behavior will be examined in this study. Behaviors associated with remorse and immediacy will be tested. These behaviors could be viewed as ambiguous, depending on how they are interpreted. Immediacy behaviors could be viewed as friendly or as inappropriate to a trial setting. Similarly, remorse behaviors could be viewed as

displaying sorrow at what happened or as an indicator of culpability. These behaviors will be

contrasted with a control condition that involves an attentive but non-emotional display. It is

anticipated that the control behaviors will be more expected than the immediacy or remorse

behaviors.

Hypothesis 1: Individuals will report more expectancy violation in the immediacy and the

remorse conditions than in the control condition.

<div align="center">Remorse Behaviors</div>

Jurors award more lenient sentences and attribute less culpability to remorseful

defendants (Tsoudis, 2002). Behavioral indicators of remorse include eye aversion, frowning,

crying, and closed body posture. Some researchers have reasoned that remorse indicates a lower

chance of recidivism (Eisenberg et al., 1998). It is also possible that remorse prompts sympathy

for the defendant (Tsoudis, 2002).

Sympathy

Seeing another person cry can trigger an emotional response in the observer (Morris et

al., 2016). For example, when someone cries, others may join in. This phenomenon is known as

"sympathy crying" (Morris et al., 2016) and is an instance of shared emotionality. Sympathy is a heightened awareness (Wispé, 1986) of another's state of mind or circumstances (Mercer, 1972).

People engage in prosocial behavior to alleviate others' distress and suffering, especially when that person is liked (Batson et al., 2007). Because of the emotional impact of sympathy, jurors may be more lenient in their sentencing recommendations if they sense the defendant's despair (Remland, 1993). Behaviors associated with remorse could promote sympathy and thereby soften sentencing.

Tsoudis (2002) found that compassion mitigated the severity of sentencing. Participants who observed a defendant exhibiting remorseful behaviors, like frowning and crying, experienced greater compassion than those who observed a relaxed defendant (i.e., the control condition). The participants, acting as mock jurors, recommended more lenient sentences for the remorseful defendant. In fact, the sadder the defendant was perceived, the gentler the sentence.

Of course, remorse does not necessarily promote sympathy. It is possible individuals will be disinclined to feel sympathetic if the remorse seems well deserved. We propose that remorse behaviors violate expectations and are ambiguous. If they are favorably interpreted, these behaviors will lead to sympathy for the defendant. Based on the logic of EVT, less rewarding remorseful defendants should be less likely to generate sympathy than more rewarding remorseful defendants. Other conditions should similarly evoke less sympathy because of the nature of the nonverbal cues presented.

In the present study, the blameworthiness of the defendant in the criminal events will be used as an indicator of how rewarding a defendant is. A homicide case is considered. In a fight that results in the death of the other person, if the defendant appears to be the aggressor (i.e.,

major crime condition), they will be presumed to be perceived as less rewarding than a defendant

is who viewed as responding to the other person's aggression (i.e., minor crime).

Hypothesis 2: Individuals will view defendants' conduct as more severe when they initiated the

criminal act than when they responded to another's provocation.

Hypothesis 3: Individuals will report more sympathy in the remorse/minor crime condition than

in the remorse/major crime, the immediacy, and the control conditions.

<div align="center">

Immediacy Behaviors

</div>

Nonverbal immediacy behaviors demonstrate warmth, interest, and sincerity by

enhancing "closeness to and nonverbal interaction with" communication partners (Mehrabian,

1969, p. 203). Communicators can express these sentiments through eye contact, smiling, direct

body orientation, and gesturing (Mehrabian, 1971) to demonstrate liking (Burgoon & Hale,

1988; Kearney et al., 1988). Displaying immediate behaviors can improve communication

outcomes, like receiving acts of charity (Bull & Gibson-Robinson, 1981).

<u>Liking</u>

Immediacy behaviors result in more positive relational affect (Hinkle, 1999) and increase perceptions of how rewarding a communicator is (Hale & Burgoon, 1984). Therefore, immediacy behaviors may serve to mitigate sentencing. Despite its potential for social influence (Andersen, 2004; Burroughs, 2007), there is a notable gap in the legal literature about the potential effects of a defendant's nonverbal immediacy on jury sentencing. However, comparisons may be drawn from other areas of communication research.

The faculty-student relationship shares similarities with the juror-defendant dynamic. Defendants, like students, are in a subordinate position: observed, evaluated, and judged. Similarly, both defendants and students, to some extent, act as passive observers rather than full interactants. Therefore, research on teacher and student immediacy may be extended to understand the similar courtroom relationship. Defendants, in the role of passive observer, can influence relational outcomes through their behaviors (Burroughs, 2007; Kearney et al., 1988).

In the classroom, immediacy behaviors are crucial to creating and maintaining cooperation (Woolfolk & Brooks, 1985). Students who display nonverbal immediacy behaviors are more liked by their teachers and perceived as more deserving of extra help (i.e., rewarding; Baringer & McCroskey, 2000). Immediacy follows the norms of reciprocity (Hale & Burgoon, 1984), meaning that friendlier communicators receive friendlier treatment (Gouldner, 1960).

By manipulating the defendant's nonverbal immediacy behaviors, this study seeks to study the downstream consequences of evoking juror liking for the defendant. Immediacy behaviors tend to be viewed as favorable when performed by rewarding individuals and

unfavorable when performed by non-rewarding individuals (Burgoon, 2016). It is anticipated that rewarding defendants (i.e., minor crime conditions) who display immediacy behaviors should be more liked than defendants who do not display immediacy cues or who are non-rewarding (i.e., major crime conditions).

Hypothesis 4: Individuals will report more liking in the immediacy/minor crime condition than in the immediacy/major crime, the remorse, and the control conditions.

Sympathy and liking are both considered positive interpretations of nonverbal behaviors that violate expectations. It is expected that increasing sympathy and/or liking of a defendant by a juror should produce more favorable outcomes for the defendant. As such, it is predicted that both sympathy and liking will be negatively associated with the length of sentence proposed by jurors. This is presented in Hypothesis 5.

Hypothesis 5: Sympathy and liking will be negatively associated with sentence recommendations.

CHAPTER 2

METHOD

Introductory and upper-level communication students at a large midwestern university were asked to recruit adult participants for this study. The sample totaled 124 participants (63 female, 59 male, 2 no response) of varied ethnicities (78 Caucasian American, 18 African American, 15 Latino/a American, 6 Asian American, 7 Other) and ages ($M = 37.77$, $SD = 16.38$).

Following Tsoudis's (2002) example, participants were told that they are to play the part of a juror in a criminal trial. To "avoid the influence of mistaken convictions and questions of guilt" (p. 60), they were informed that the defendant's guilt had already been decided by another jury. The "current jury" is responsible only for deciding his punishment.

The study followed a 3 (demeanor: remorseful, immediate, control) x 2 (crime: minor crime, major crime) factorial design. After reviewing the facts of the case, a barfight scenario, participants read one of three descriptions of the defendant's nonverbal behaviors at trial in the form of juror comments; they also viewed a fabricated courtroom illustration of a defendant displaying those same behaviors. Demographic information was taken at the end of the survey.

Facts of the Case

Participants were presented with a description of the crime. Only a few key words were changed between the major and minor crime conditions to avoid confounding interpretations of circumstances. Both descriptions depicted a barfight between two men resulting in an accidental homicide (i.e., manslaughter). The minor/major crime manipulation was centered on who started the fight: the victim or the defendant. If the victim started the fight, then the defendant's actions could be framed as self-defense. If the defendant started the fight, then threw the final blow, this should make him significantly less rewarding. Both scenarios are presented below.

> "At 10:53 p.m., the defendant entered a local bar. He sat at the bar and ordered a drink. The victim was seated two barstools away. Fifteen minutes later, at 11:08 p.m., the victim stood up to approach the defendant. Witnesses reported that the two men started arguing. The [victim/defendant] stood up and began punching the other man. After blows were exchanged by each man, the defendant picked up a beer bottle from the bar and smashed it into the victim's head. Several glass shards were embedded in the victim's skull. The victim died at the hospital later that night."

Text Descriptions

After reading the description of the crime, participants saw text descriptions of the defendant's nonverbal behaviors. To perpetuate the illusion of authenticity, the text descriptions were phrased as juror comments. The remorse descriptions were inspired by Tsoudis (2002) and

reframed (*"The defendant slumped forward in his chair during the trial," "He did not look anyone in the eye and frowned very often," "Several times during the trial, he shook his head, covered his face, and cried"*). The descriptions of the immediate defendant were borrowed from faculty-student communication research on teacher immediacy (Burroughs et al., 1989; Kearney et al., 1991) and modified for the present study (*"The defendant sat up straight and had an open posture," "He made eye contact with us in the jury and smiled," "Several times during the trial, he was expressive, animated, and friendly"*). Descriptions in the control group were phrased as observations of expected defendant behavior (*"The defendant was attentive to what was being said," "He seemed really focused on the trial," "Several times during the trial, he was particularly engaged"*).

Accompanying Illustrations

Participants viewed an accompanying courtroom illustration of a defendant exhibiting remorseful, immediate, or neutral nonverbal behaviors. Since cameras are not allowed in a courtroom, illustrations like these are usually all the general public gets to see of a defendant at trial. Therefore, an artist's rendition offers greater realism than a photograph. It also simplifies the participants' visual analyses since there are no environmental distractions. See the Appendix for illustrations.

CHAPTER 3

MEASURES

Manipulation Checks

Remorse Behaviors

For remorse behaviors (i.e., frowning, eye aversion, crying, closed body posture), a new

three-item scale was created (*"The defendant seemed remorseful," "The defendant appeared*

sorry for what had happened," "I believe the defendant regrets what happened"). Each item was

measured using a 5-point Likert-type scale (1 = strongly disagree, 5 = strongly agree) and was

reliable (α = .90), M = 3.12, SD = 1.02. Higher scores meant greater perceived remorse.

Immediacy Behaviors

To measure perceived immediacy (i.e., smiling, eye contact, gesturing, open body

orientation), participants completed four modified items from Richmond, McCroskey, and

Johnson's (2003) other-perceived Nonverbal Immediacy Scale (*"The defendant used his hands*

and arms to gesture," "The defendant looked directly at people," "The defendant leaned toward

people," "The defendant smiled"). Though meant to be paired with a frequency-measuring scale

(1 = never, 2 = rarely, 3 = occasionally, 4 = often, 5 = often), that method is not applicable to the

current condition (i.e., text descriptions, static images). Instead, the measures were replaced with

5-point Likert-type scales (1 = strongly disagree, 5 = strongly agree). Higher scores denoted

greater perceived immediacy. The measure was reliable (α = .77), M = 3.04, SD = 0.97.

Severity of Crime

Finally, participants completed a one-item measure (*"This crime was severe"*) to assess

the perceived severity of the crime. Their response was measured using a 5-point Likert-type

scale (1 = strongly disagree, 5 = strongly agree). Higher score meant the crime was perceived to

be more severe (M = 2.38, SD = 1.23).

Believability

The descriptions and illustrations were subject to manipulation checks measuring

believability along 5-point Likert-type scales (1 = strongly disagree, 5 = strongly agree): *"The*

juror comments were believable," "The illustration looked authentic," "This case could have

happened." Overall, the scale was marginally reliable (α = .60), M = 3.83, SD = 0.67. Higher

scores translated to greater believability. The mean was significantly, t (123) = 13.79, p < .05, above the scale midpoint (i.e., 3) indicating participants felt the materials were believable.

Attitudinal Measures

Expectancy Violation

Expectancy violation was measured using semantic differential items. Participants were presented with the following prompt: "*Focusing on the behavior of the defendant, how would you describe his behavior during the trial? Using the items provided, select the response that best reflects your perceptions.*" To measure expectation, participants completed three semantic differential items: "surprising – not surprising," "predictable – unpredictable," "unexpected – expected." Higher scores on the 1 to 7 scale denoted greater degrees of surprise. The measure was reliable (α = .87), M = 4.13, SD = 1.61.

Liking

Liking was assessed using semantic differential items. Participants were presented with the following prompt: "*Focusing on the behavior of the defendant, how would you describe his behavior during the trial? Using the items provided, select the response that best reflects your*

perceptions." Participants were presented with three semantic differential pairs tapping liking: "unlikable – likable," "unkind – kind," "not nice – nice." Higher scores on the 1 to 7 scale translated to greater likability. The measure was reliable ($\alpha = .87$), $M = 3.98$, $SD = 1.30$.

<p align="center">Sympathy</p>

Sympathy was assessed using Tsoudis's (2002) one-item measure (*"To what extent do you feel compassionate towards the criminal?"*) as a 5-point Likert-type scale (1 = strongly uncompassionate, 5 = strongly compassionate) and an adapted version of Escalas and Stern's (2003) five-item measure of ad response sympathy: *"Based on the juror comments and courtroom illustration, I could see what the defendant was feeling"; "Based on the juror comments and courtroom illustration, I understand what was bothering the defendant"; "While reading the facts of the case, I tried to understand the events as they occurred"; "While reading the facts of the case, I tried to understand the defendant's motivation"; "I was able to recognize the problems that the defendant had."* Participants responded to these items using 5-point Likert-type scales (1 = strongly disagree, 5 = strongly agree). Higher scores meant greater sympathy for the defendant. The measure was reliable ($\alpha = .60$), $M = 3.42$, $SD = 0.61$.

Recommended Sentence

Following Abwender and Hough's (2001) example, as well as a long tradition of social scientific research (p. 607), recommended sentencing was measured using a continuous scale. Participants "sentenced" the defendant from 0 to 100 years in prison using a slider. Though jury's have to follow strictly-defined guidelines to avoid sentencing disparities (USSC §1A), a continuous scale provides a more nuanced dataset. Across conditions, $M = 13.61$, $SD = 15.64$.

CHAPTER 4

RESULTS

Table 1: Correlation Matrix for Measured Variables

	Sympathy	Likability	Sentence	Remorse Behaviors	Immediacy Behaviors
Sympathy	1	.13	-.30*	.47*	-.35*
Likability		1	-.23*	.03	.27*
Sentence			1	-.14	.05
Remorse Behaviors				1	-.60*
Immediacy Behaviors					1

* Correlation is significant at $p < .05$.

Manipulation Checks

Remorse Behaviors

A manipulation check was performed to determine if the defendant's behavior was viewed as more remorseful in the remorse conditions than in the control or the immediacy conditions. A 3 (demeanor: remorseful, immediate, control) x 2 (crime: minor crime, major

crime) ANOVA design was employed. A significant main effect for demeanor was found, $F = 42.91$, $p < .05$, *partial* $\eta^2 = .42$. The defendant was viewed as significantly more remorseful in the remorse condition, $M = 3.85$, $SD = 0.79$, than in the control, $M = 2.92$, $SD = 0.60$, or immediacy condition, $M = 2.33$, $SD = 0.88$. The defendant was also viewed as less remorseful in the immediacy than in the control condition. Neither the main effect for crime, $F = 0.61$, $p > .05$, *partial* $\eta^2 = .01$, nor the interaction, $F = 0.02$, $p > .05$, *partial* $\eta^2 < .01$, was significant. The manipulation was successful.

<u>Immediacy Behaviors</u>

A manipulation check was performed to determine whether the defendant's behavior was viewed as more immediate in the immediacy condition than in the control or the remorse conditions. A 3 (demeanor: remorseful, immediate, control) x 2 (crime: minor crime, major crime) ANOVA design was employed. A significant main effect for demeanor was found, $F = 54.91$, $p < .05$, *partial* $\eta^2 = .48$. The defendant was viewed as significantly more immediate in the immediacy condition, $M = 3.88$, $SD = 0.87$, than in the control, $M = 3.19$, $SD = 0.47$, or remorse condition, $M = 2.31$, $SD = 0.70$. The defendant was also viewed as more immediate in the immediacy than in the control condition. Neither the main effect for crime, $F = 2.18$, $p > .05$, *partial* $\eta^2 = .02$, nor the interaction, $F = .26$, $p > .05$, *partial* $\eta^2 < .01$, was significant. The manipulation was successful.

Hypotheses Tests

Expectancy Violation

It was predicted in Hypothesis 1 that the defendant's behavior in the remorse and immediacy behavior conditions would be considered more unexpected than his behavior in the control conditions. To test this prediction, a contrast analysis was performed using the method identified by Rosenthal and Rosnow (1985). Contrast codes (i.e., *CC*), means, standard deviations, and participants per condition are presented in Table 2.

Table 2: Predictors of Expectancy Violation for Defendant

	M	*SD*	*CC*	*N*	*PHCC*
Minor crime					
Immediacy	4.15	1.28	1	15	0.5
Control	3.20	1.22	-2	17	-2
Remorse	3.29	1.31	1	27	-2
Major crime					
Immediacy	4.60	1.37	1	20	4
Control	3.67	1.29	-2	16	-1
Remorse	4.17	1.49	1	22	0.5

Consistent with Hypothesis 1, the contrast model was significant, $F(1, 119) = 6.08$, $p <$ .05, $\eta^2 = .05$, and the residual was not, $F(4, 119) = 1.45$, $p > .05$, although the residual did produce a nontrivial effect size, $\eta^2 = .07$. A post hoc contrast model was calculated (see Table 1 for post hoc contrast coefficients). This model was significant, $F(4, 119) = 14.24$, $p < .05$, $\eta^2 =$

.11, and the residual was not, $F(4, 119) = 0.09$, $p > .05$, and produced a trivial effect size, $\eta^2 <$ .01. The revised model indicates remorse and immediacy behaviors are more unexpected for the major crime condition than for the minor crime condition though overall more unexpected than control behaviors. Hypothesis 1 was largely supported, though remorse behaviors did not differ from control behaviors in the minor crime condition.

<u>Severity of Crime</u>

Hypothesis 2 proposed that an individual's conduct will be viewed as more severe in the major crime than in the minor crime condition. A test was performed to determine if the major crime was viewed as more severe than the minor crime. A 3 (demeanor: remorseful, immediate, control) x 2 (crime: minor crime, major crime) ANOVA design was employed. A significant main effect for crime emerged, $F = 8.57$, $p < .05$, *partial* $\eta^2 = .07$. The major crime condition, $M = 2.71$, $SD = 1.44$, was viewed as significantly more severe than the minor crime condition, $M = 2.03$, $SD = 0.88$. Hypothesis 2 was supported.

The main effect for demeanor was also significant, $F = 8.02$, $p = .05$, *partial* $\eta^2 = .05$. In the remorseful condition, $M = 2.61$, $SD = 1.40$, the crime was viewed as more severe than the control, $M = 2.06$, $SD = .60$, or the immediate condition, $M = 2.36$, $SD = 1.20$, which also differed significantly from one another.

Both main effects need to be interpreted in conjunction with a significant interaction, $F = 4.91$, $p < .05$, *partial* $\eta^2 = .06$. Individuals in the major crime/remorse condition, $M = 3.35$, $SD = 1.58$, viewed the crime as more severe than those in the major crime/immediacy condition, $M =$

2.57, *SD* = 1.34. These conditions were both viewed as significantly more severe than the major

crime/control condition, *M* = 2.06, *SD* = 1.02, or any of the minor crime conditions (remorse, *M*

= 2.00, *SD* = 0.86; immediacy, *M* = 2.06, *SD* = 0.92; control, *M* = 2.06, *SD* = 0.82). Overall,

Hypothesis 2 is supported for the immediacy and remorse behavior conditions but not for the

control conditions.

<center>Sympathy</center>

In Hypothesis 3, it was predicted that the minor crime/remorse condition would produce

more sympathy than any other condition. To test this prediction, a contrast analysis was

performed using the method identified by Rosenthal and Rosnow (1985). Contrast codes, means,

standard deviations, and participants per condition are presented in Table 3. The contrast model

produced a significant effect, $F(1, 119) = 7.97$, $p < .05$, $\eta^2 = .06$, but a non-significant residual,

$F(4, 119) = 2.26$, $p > .05$, $\eta^2 = .09$, though the residual effect was larger than anticipated.

Overall, the results support Hypothesis 3 but call for additional analysis.

Table 3: Predictors of Sympathy for Defendant

	M	*SD*	*CC*	*N*	*PHCC*
Minor crime					
Immediacy	3.12	0.64	-1	16	-2
Control	3.52	0.51	-1	17	1.5
Remorse	3.71	0.62	5	28	2
Major crime					
Immediacy	3.10	0.51	-1	23	-2
Control	3.26	0.51	-1	17	-1
Remorse	3.60	0.55	-1	24	1.5

A post hoc contrast model was tested. See Table 2 for post hoc contrast coefficients (i.e., PHCC). The model was significant, $\eta^2 = .14$, $F(1, 119) = 20.24$, $p < .05$, and the residual was not, $F(4, 119) = 0.21$, $p > .05$, and produced a trivial effect size, $\eta^2 < .01$. Overall, the model suggests that the minor crime/remorse condition produces the most sympathy, consistent with Hypothesis 3. Behaviors associated with remorse also led to increased sympathy in the major crime condition, as did control behaviors in the minor crime condition.

<u>Liking</u>

It was predicted, in Hypothesis 4, that the minor crime/immediacy behavior condition would produce the greatest liking of the defendant. A test of the hypothesis was conducted using contrast analysis (Rosenthal & Rosnow, 1985). Contrast codes, means, standard deviations, and participants per condition are presented in Table 4. Overall, the proposed model was not significant, $F(1, 114) = 2.59$, $p = .10$, $\eta^2 = .02$, although it approached significance. The residual

also did not produce a significant effect, F (4, 114) = 0.48, $p > .05$, though the effect size was comparable to that of the proposed model, $\eta^2 = .02$. Hypothesis 4 was not supported.

Table 4: Predictors of Liking of Defendant

	M	SD	CC	N	$PHCC$
Minor crime					
Immediacy	4.47	1.53	5	16	2
Control	4.05	1.33	-1	17	1
Remorse	3.61	1.06	-1	28	-2.5
Major crime					
Immediacy	4.11	1.68	-1	23	1
Control	4.20	1.12	-1	17	1
Remorse	3.78	1.03	-1	24	-2.5

Because the model approached significance, and because the residual effect size was not trivial, a post hoc contrast analysis was performed. See Table 3 for the post hoc contrast coefficients (i.e., $PHCC$). The post hoc model explained a significant portion of the variance, F (1, 114) = 4.88, $p < .05$, $\eta^2 = .04$. The residual was not significant and produced a trivial effect size. The results of the post hoc model were consistent with Hypothesis 4. The minor crime/immediacy cue condition produced more liking than any other condition. Unexpectedly, the remorse conditions produced less liking than all other conditions.

Recommended Sentence

It was predicted, in Hypothesis 5, that sympathy and liking would be negatively associated with proposed sentence length for the defendant. Hypothesis 5 was tested by regressing proposed sentence length onto perceived liking and sympathy. Overall, the regression produced a significant effect, $R = .38$, $p < .05$. Both sympathy, $\beta = -.30$, $p < .05$, and liking, $\beta = -.19$, $p < .05$, produced significant, negative partial correlations. Hypothesis 5 was supported.

CHAPTER 5

DISCUSSION

The present study proposed expectancy violation theory (EVT; Burgoon, 1993) as the

theoretical framework to explore mock jurors' affective responses to a defendant's nonverbal

behavior. In large part, the results supported the theory. Participants reported a greater degree of

expectancy violation in the affective, more ambiguous conditions (i.e., remorse, immediacy) than

in the control conditions. In the more unexpected conditions, respondents were influenced by the

rewardingness (i.e., major/minor crime) manipulation. Participants interpreted the nonverbal

behavior based on how the facts of the case portrayed the favorability of the defendant.

Expectancy Violation

The results were largely consistent with the prediction (Hypothesis 1) that individuals

would report more expectancy violation in the immediacy and the remorse conditions than in the

control conditions. Though outside the original scope of the hypothesis, the results also suggest

an interaction between crime condition (i.e., major, minor) and nonverbal behavior condition

(i.e., remorse, immediacy, control) in determining expectancy violation. Together, these results

promote two underlying features of jurors' interpretation of defendants' behaviors at trial.

First, participants (i.e., jurors) came in with preconceived expectations about how the defendant would behave. In order for expectancy violation to occur, observers must have some predetermined beliefs about how a situation will transpire and how interactants will or should behave before the interaction (Burgoon, 1993). In this scenario, their expectancies were violated because the defendant's behavior (i.e., remorse, immediacy) did not align with their preconceptions (i.e., the control).

Secondly, participants noted the interaction between the crime and the nonverbal behavior condition when determining their level of expectancy violation. The post hoc analysis revealed that the affective behaviors (i.e., remorse, immediacy) were more unexpected in the major crime conditions than in the minor crime conditions. Jurors formed their expectancies based on both the defendant's behavior and its fittingness to their crime. Independent of crime condition, the control behaviors were consistently more expected, reaffirming the manipulations.

<div align="center">Severity of Crime</div>

In Hypothesis 2, it was predicted that individuals would view defendants' conduct as more severe when they initiated the criminal act than when they responded to another's provocation. This prediction was supported. Jurors viewed the major crime (i.e., defendant initiation) as more severe than the minor crime (i.e., defendant provocation). Additionally, and unexpectedly, demeanor impacted the perceived severity of the crime. Crimes in the remorse condition were perceived as more severe than in the immediacy or control conditions.

One possible explanation concerns the interpretation of sadness (i.e., remorse) as a confirmation of culpability (Salekin et al., 1995). It is possible the defendant was perceived as more ashamed than in the other conditions and therefore "guiltier" of the crime. In contrast, the results indicate that participants in the control condition viewed the crime as significantly less severe in the major crime/control condition than in the remorse and immediacy/major crime conditions. The defendants' calm, attentive demeanor unexpectedly softened the perceived severity of the crime.

Sympathy

Hypothesis 3 predicted that individuals would report more sympathy in the remorse/minor crime condition than in the remorse/major crime, the immediacy, and the control conditions. The results supported the hypothesis. The minor crime, coupled with remorse behaviors, produced the greatest amount of sympathy. Participants interpreted the same behaviors (i.e., remorse) in seemingly opposite ways in the major (i.e., guiltier) and minor (i.e., sorrier) crime conditions. Based on expectancy violation theory, it is likely the defendant in the remorse/minor crime condition was perceived as more rewarding than his major crime counterpart, leading to more favorable evaluations of his behavior.

Remorse behaviors also led to increased sympathy in the minor crime condition. This indicates remorse behaviors may generally provoke sympathy. In addition, control behaviors coupled with minor crime also produced more sympathy than expected. This could mean that the nature of the minor crime (i.e., accidental homicide in response to provocation) produced greater

sympathy independent of nonverbal behavior. The immediacy behaviors, even in the minor crime condition, did not produce sympathy. However, this was not expected since the aim of such behaviors is to generate liking.

Liking

In Hypothesis 4, it was predicted that individuals would report more liking in the immediacy/minor crime condition than in the immediacy/major crime, the remorse, and the control conditions. This prediction was not supported by the results. However, the post hoc contrast analysis suggested that the immediacy/minor crime condition may have produced more liking than in the major crime condition. Interestingly, control behaviors also led to more liking regardless of crime. It appears, in terms of liking, a guilty defendant may be better off not violating expectations, as immediacy behaviors needed to be coupled with the minor crime to produce similar amounts of liking.

Additionally, in both the major and minor crime conditions, remorse behaviors produced the least amount of liking. Of the minor crime conditions, remorse behaviors produced the greatest amount of sympathy, whereas immediacy behaviors produced the least amount of sympathy. This suggests that there is a tradeoff between being likeable and sympathetic. Though the defendant in the immediacy/minor crime condition was theoretically more likeable, he was the least sympathetic.

Recommended Sentence

The final hypothesis (Hypothesis 5) predicted that sympathy and liking would be negatively associated with sentencing recommendations. This prediction was supported by the results. Both liking and sympathy were indicators of the sentence severity jurors would recommend. As liking or sympathy increased, proposed sentence length (i.e., years in prison) decreased. That is to say both effects produced by expectancy violating behaviors begot more favorable outcomes for the defendant.

More importantly, the results demonstrate that nonverbal behaviors can influence sentencing recommendations, even when they have nothing to do with the crime. Defendants who exhibited more emotional behavior (i.e., remorse) and were perceived as more rewarding (i.e., minor crime) evoked the most sympathy. This interpretation resulted in more lenient sentencing recommendations. Overall, the results revealed that the interaction of nonverbal behavior (i.e., an extralegal factor) and crime conditions impacts jurors' responses to a defendant.

Conclusion

Given the high stress and immense pressure of courtroom proceedings (Searcy et al., 2005), juries are an especially malleable audience. Their lack of legal expertise and susceptibility to influence makes them, to many, unfit to serve in the judicial system (Weninger, 1994). Their

emotional reasoning calls their judgment into question (Kalven & Zeisel, 1966). This study tested that proposition by manipulating mock jurors' interpretations of a defendant and his crime with text descriptions and illustrations of affective nonverbal behaviors.

The point should not be lost that sentencing recommendations varied greatly in this experiment, especially in response to extralegal, emotional stimuli (i.e., crying, eye aversion, frowning). Sympathy, although a natural, healthy (Eisenberg & Fabes, 1990; Escalas & Stern, 2003), and socially beneficial response (Batson et al., 1983), can be used as a weapon for emotional manipulation. These results both corroborate past research (Tsoudis, 2002) and add to the growing body of literature on the use of nonverbal behavior in courtroom persuasion.

REFERENCES

Abwender, D. A., & Hough, K. (2001). Interactive effects of characteristics of defendant and mock juror on U.S. participants' judgment and sentencing recommendations. *The Journal of Social Psychology, 141*(5), 603-615. https://doi.org/10.1080/00224540109600574

Andersen, P. A. (2004). Influential actions: Nonverbal Communication and persuasion. In J. S. Seiter & R. H. Gass (Eds.), *Perspectives on persuasion, social influence, and compliance gaining* (pp. 165-180). Boston: Person Education, Inc.

Archer, R. L., Foushee, H. C., Davis, M. H., & Aderman, D. (1979). Emotional empathy in a courtroom simulation: A person-situation interaction. *Journal of Applied Social Psychology 9*(3), 275-291. https://doi.org/10.1111/j.1559-1816.1979.tb02711.x

Arkes, H. R., & Mellers, B. A. (2003). Do juries meet our expectations? *Law and Human Behavior 26*(6), 625-639. https://doi.org/10.1023/A:1020929517312

Ask, K., & Landström, S. (2010). Why emotions matter: Expectancy violation and affective response mediate the emotional victim effect. *Law and Human Behavior 34*(5), 392-401. https://doi.org/10.1007/s10979-009-9208-6

Baringer, D. K., & McCroskey, J. C. (2000). Immediacy in the classroom: Student immediacy. *Communication Education 49*(2), 178-186. https://doi.org/10.1080/03634520009379204

Batson, C. D., Eklund, J. H., Chermok, V. L., Hoyt, J. L., & Ortiz, B. G. (2007). An additional antecedent of empathic concern: Valuing the welfare of the person in need. *Journal of Personality and Social Psychology 93*(1), 65-74. https://doi.org/10.1037/0022-3514.93.1.65

Batson, C.D., O'Quin, K., Fultz, J., Vanderplas, M., & Isen, A. M. (1983). Influence of self-reported distress and empathy on egoistic versus altruistic motivation to help. *Journal of Personality and Social Psychology 45*(3), 706-718. https://doi.org/10.1037/0022-3514.45.3.706

Bodenhausen, G. V. (1988). Stereotypical biases in social decision making and memory: Testing process models of stereotype use. *Journal of Personality and Social Psychology, 55*(5), 726737. https://doi.org/10.1037/0022-3514.55.5.726

Bodenhausen, G. V. (1990). Stereotypes as judgmental heuristics: Evidence of circadian variations in discrimination. *Psychological Science 1*(5), 319-322. https://doi.org/10.1111/j.1467-9280.1990.tb00226.x

Bodenhausen, G. V., & Lichtenstein, M. (1987). Social stereotypes and information-processing strategies: The impact of task complexity. *Journal of Personality and Social Psychology 52*(5), 871-880. https://doi.org/10.1037/0022-3514.52.5.871

Bodenhausen, G. V., & Wyer, R. S. (1985). Effects of stereotypes on decision making and information-processing strategies. *Journal of Personality and Social Psychology, 48*(2), 267-282. https://doi.org/10.1037/0022-3514.48.2.267

Bull, R., & Gibson-Robinson, E. (1981). The influences of eye-gaze, style of dress, and locality on the amounts of money donated to a charity. *Human Relations 34*(10), 895-905. https://doi.org/10.1177/001872678103401005

Burgoon, J. K. (1993). Interpersonal expectations, expectancy violations, and emotional communication. *Journal of Language and Social Psychology, 12*(1-2), 30-48. https://doi.org/10.1177/0261927X93121003

Burgoon, J. K. (2016). Expectancy violations theory. In C. R. Berger, & M. E. Roloff (Eds.), *The international encyclopedia of interpersonal communication* (pp. 1-9). John Wiley & Sons, Inc.

Burgoon, J. K., & Hale, J. (1988). Nonverbal expectancy violations: Model elaboration and application to immediacy behaviors. *Communication Monographs, 55*(1), 58-79. https://doi.org/10.1080/03637758809376158

Burnett, A., & Badzinski, D. M. (2005). Judge nonverbal communication on trial: Do mock trial jurors notice? *Journal of Communication 55*(2), 209-224. https://doi.org/10.1111/j.1460-2466.2005.tb02668.x

Burroughs, N. F. (2007). A reinvestigation of the relationship of teacher nonverbal immediacy and student compliance-resistance with learning. *Communication Education 56*(4), 453-475. https://doi.org/10.1080/03634520701530896

Burroughs, N. F., Kearney, P., & Plax, T. G. (1989). Compliance-resistance in the college classroom. *Communication Education 38*(3), 214-229. https://doi.org/10.1080/03634528909378758

Corwin, E. P., Cramer, R. J., Griffin, D. A., & Brodsky, S. L. (2012). Defendant remorse, need for affect, and juror sentencing decisions. *The Journal of the American Academy of Psychiatry and the Law 40*(1), 41-49.

Dean, K., Wayne, J. H., Mack, D., & Thomas, K. M. (2000). An examination of happiness, racism, and demographics on judgments of guilt. Journal of Applied Social Psychology 30(4), 816-832. https://doi.org/10.1111/j.1559-1816.2000.tb02825.x

DeSantis, A., & Kayson, W. A. (1997). Defendants' characteristics of attractiveness, race, and sex and sentencing decisions. *Psychological Reports 81*(2), 679-683. https://doi.org/10.2466/pr0.1997.81.2.679

Devine, D. J., & Caughlin, D. E. (2014). Do they matter? A meta-analytic investigation of individual characteristics and guilt judgments. *Psychology, Public Policy, and Law 20*(2), 109-134. https://doi.org/10.1037/law0000006

Eisenberg, N., & Fabes, R. A. (1990). Empathy: Conceptualization, measurement, and relation to prosocial behavior. *Motivation and Emotion 14*(2), 131-149. https://doi.org/10.1007/BF00991640

Eisenberg, T., Garvey, S. P., & Wells, M. T. (1998). But was he sorry? The role of remorse in capital sentencing. *Cornell Law Review 83*, 1599-1637. http://scholarship.law.cornell.edu/facpub/350

Escalas, J. E., & Stern, B. B. (2003). Sympathy and empathy: Emotional responses to advertising dramas. *Journal of Consumer Research 29*(4), 566-578. https://www.jstor.org/stable/10.1086/346251

Feldman, R. S., & Chesley, R. B. (1984). Who is lying, who is not: An attributional analysis of the effects of nonverbal behavior on judgements of defendant believability. *Behavioral Sciences & the Law 2*(4), 451-461. https://doi.org/10.1002/bsl.2370020411

Friend, R., & Vinson, M. (1974). Leaning over backwards: Jurors' responses to defendants' attractiveness. *Journal of Communication 24*(3), 124-129. https://doi.org/10.1111/j.1460-2466.1974.tb00398.x

Gordon, R. A. (1990). Attributions for blue-collar and white-collar crimes: The effects of subject and defendant race on simulated juror decisions. *Journal of Applied Social Psychology 20*(12), 971-983. https://doi.org/10.1111/j.1559-1816.1990.tb00385.x

Gouldner, A. W. (1960). The norm of reciprocity: A preliminary statement. *American Sociological Review 25*(2), 161-178. https://doi.org/10.2307/2092623

Grover, M. (2019). Jury sentencing in the United States: The antithesis of the rule of law. *Mitchell Hamline Law Journal of Public Policy and Practice 40*(2), 23-50. https://open.mitchellhamline.edu/policypractice/vol40/iss1/2

Hackett, L., Day, A., & Mohr, P. (2008). Expectancy violation and perceptions of rape victim credibility. *Legal & Criminological Psychology 13*(2), 323-334. https://doi.org/10.1348/135532507X228458

Hale, J. L., & Burgoon, J. K. (1984). Models of reactions to changes in nonverbal immediacy. *Journal of Nonverbal Behavior 8*(4), 287-314. https://doi.org/10.1007/BF00985984

Henningsen, D. D., Cruz, M. G., & Morr, M. C. (2000). Pattern violations and perceptions of deception. *Communication Reports 13*(1), 1-9. https://doi.org/10.1080/08934210009367718

Heumann, M., & Cassack, L. (1983). Not-so-blissful ignorance: Informing jurors about punishment in mandatory sentencing cases. *American Criminal Law Review 20*, 343-367.

Higdon, M. J. (2009). Oral argument and impression management: Harnessing the power of nonverbal persuasion for a judicial audience. *University of Kansas Law Review 57*(3), 631-668. https://doi.org/10.17161/1808.20090

Hinkle, L. L. (1999). Nonverbal immediacy communication behaviors and liking in marital relationships. *Communication Research Reports 16*(1), 81-90. https://doi.org/10.1080/08824099909388704

Hoffman, J. L., & Weiner, A. (2013). The juror as audience: The impact of non-verbal communication at trial. *Oregon State Bar Litigation Journal 32*(3), 1-9.

Kalven, H., & Zeisel, H. (1966). *The American jury.* Boston: Little, Brown and Company.

Kearney, P., Plax, T. G., Hayes, E. R., & Ivey, M. J. (1991). College teacher misbehaviours: What students don't like about what teachers say and do. *Communication Quarterly 39*(4), 325-340. https://doi.org/10.1080/01463379109369808

Kearney, P., Plax, T. G., Smith, V. R., & Sorensen, G. (1988). Effects of teacher immediacy and strategy type on college student resistance to on-task demands. *Communication Education 37*(1), 54–67. https://doi.org/10.1080/03634528809378703

Lanni, A. (1999). Jury sentencing in noncapital cases: An idea whose time has come (again)? *The Yale Law Journal 108,* 1775-1803. https://digitalcommons.law.yale.edu/ylj/vol108/iss7/16

LeVan, E. A. (1984). Nonverbal communication in the courtroom: Attorney beware. *Law & Psychology Review 8*, 83-104. https://psycnet.apa.org/record/1985-11939-001

Mazzella, R., & Feingold, A. (1994). The effects of physical attractiveness, race, socioeconomic status, and gender of defendants and victims on judgments of mock jurors: A meta-analysis. *Journal of Applied Social Psychology 24*(15), 1315-1338. https://doi.org/10.1111/j.1559-1816.1994.tb01552.x

McKimmie, B. M., Has, J. M., & Tait, D. (2016). Just spaces: Does courtroom design affect how the defendant is perceived? *Psychiatry, Psychology and Law, 23*(6), 885-892. https://doi.org/10.1080/13218719.2016.1174054

Mehrabian, A. (1969). Methods & designs: Some referents and measures of nonverbal behavior. *Behavior Resolutions, Methods, & Instrument 1*(6), 203-207.

Mehrabian, A. (1971). *Silent messages*. Belmond, CA: Wadsworth Pub. Co.

Mercer, P. (1972). *Sympathy and ethics: A study of the relationship between sympathy and morality with special reference to Hume's treatise.* New York: Oxford University Press.

Morris, P., Terry, S., Baker, M., Gallese, V., & Reddy, V. (2016). Sympathy crying: Insights from infrared thermal imaging on a female sample. *PLoS One 11*(10). https://doi.org/10.1371/journal.pone.0162749

Remland, M. S. (1993). The importance of nonverbal communication in the courtroom. *New Jersey Journal of Communication 2*(2), 124-145. https://doi.org/10.1080/15456879409367269

Richmond, V. P., McCroskey, J. C., & Johnson, A. D. (2003). Development of the nonverbal immediacy scale (NIS): Measures of self-and other-perceived nonverbal immediacy. *Communication Quarterly, 51*(4), 504-517. https://doi.org/10.1080/01463370309370170

Rosenthal, R., & Rosnow, R. L. (1985). *Contrast analysis: Focused comparisons in the analysis of variance*. Cambridge, England: Cambridge University Press.

Sabbagh, M. (2011). Direct and indirect influences of defendant mental illness on jury decision making. *The Pegasus Review: UCF Undergraduate Research Journal 5*(2), 86-96. https://stars.library.ucf.edu/urj/vol5/iss2/2

Salekin, R. T., Ogloff, J. R. P., McFarland, C., & Rogers, R. (1995). Influencing jurors' perceptions of guilt: Expression of emotionality during testimony. *Behavioral Sciences & the Law 13*(2), 293-305. https://doi.org/10.1002/bsl.2370130208

Searcy, M., Duck, S., & Blanck, P. (2005). Communication in the courtroom and the "appearance" of justice. In R. E. Ronald & R. S. Feldman (Eds.), *Applications of nonverbal communication* (pp. 41-61). New York Psychology Press.

Smith, E. D., & Hed, A. (1979). Effects of offenders' age and attractiveness on sentencing by mock juries. *Psychological Reports 44*(3), 691-694. https://doi.org/10.2466/pr0.1979.44.3.691

Sulzer, J. L., & Burglass, R. K. (1968). Responsibility attribution, empathy, and punitiveness. *Journal of Personality 36*(2), 272–282. https://doi.org/10.1111/j.1467-6494.1968.tb01474.x

Tsoudis, O. (2002). The influence of empathy in mock jury criminal cases: Adding to the affect control model. *Western Criminology Review 4*(1), 55-67.

United States Sentencing Commission. (Nov. 2018). https://www.ussc.gov/guidelines

Weninger, R. A. (1994). Jury sentencing in noncapital cases: A case study of El Paso County, Texas. *Washington University Journal of Urban & Cotemporary 45*(3), 3-40. https://openscholarship.wustl.edu/law_urbanlaw/vol45/iss1/3

Wispé, L. (1986). The distinction between sympathy and empathy: To call forth a concept, a word is needed. *Journal of Personality and Social Psychology 50*(2), 314–321. https://doi.org/10.1037/0022-3514.50.2.314

Woolfolk, A. E., & Brooks, D. M. (1985). The influence of teachers' nonverbal behaviors on students' perceptions and performance. *The Elementary School Journal 85*(4), 513-528. https://doi.org/10.1086/461418
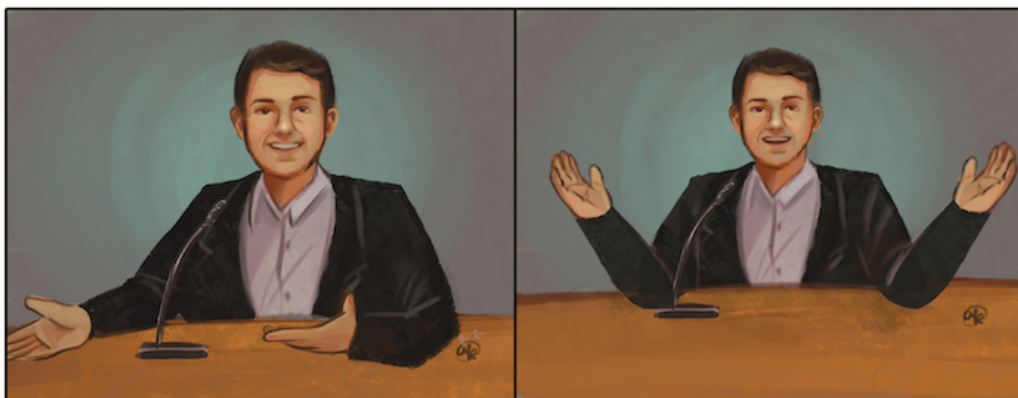
APPENDIX

DEMONSTRATIONS OF NONVERBAL BEHAVIORS

Remorse

Immediacy

Control