EFFECTS OF OFFENDERS' PHYSICAL ATTRACTION AND SEX ON THE SEVERITY OF SENTENCING DECISIONS

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ABSTRACT
This study investigated the effect of offenders' physical attractiveness and sex on sentencing decisions. Previous studies from various authors often showed a lot of inconsistency in the outcomes highlighting the impact of physical attraction and sex of offenders. Most of these inconsistencies have been attributed to the nature of crime.

This study adopted an experimental design using in which data was collected from 48 participants. The participants of the study were mock judges, each of whom passed sentencing decisions on 4 hypothetical offenders. Four hypotheses were developed from the literature review and tested using ANOVA and t-tests.

The results indicated that both offenders' sex and physical attraction had main effects on severity of sentencing decision of judges at [F(1, 189) =26.861; P<.01] and [F(1, 4189)=147.494; P<.01) respectively. However, offenders' sex and physical attraction had no interaction effect on severity of sentencing decision of judges at [F(3, 189) =1.011; P>.05]. Judges' sex did not have any significant influence on the severity of sentencing given to offenders at t(46)=.029, p>.05.

By implication, offenders could also use their physical appearance and gender to sway judges to give favourable judgments and sentencing. Therefore, hiding behind physical attributes could lead to errors in verdicts and wrongful convictions with the real perpetrators going unpunished. It was thus recommended that appropriate checks and balances be put in place to cater for the subjectivity and bias involved in sentencing decisions. Directions for future studies were highlighted.

BACKGROUND TO THE STUDY

Depending on the legal structure of the judiciary of a state, sentences after trials are made either by a jury or a judge. In Nigeria however, sentencing decisions are usually made by a judge. But the issue of subjectivity and bias cannot be totally ruled out in sentencing decisions. Various factors contribute in influencing sentencing decisions ranging from objective to subjective factors. The determinants of sentencing are of much interest in criminal justice and legal research. Understanding the determinants of sentencing decisions is important for ensuring transparent, consistent, and justifiable sentencing practice that adheres to the goals of sentencing, such as the punishment, rehabilitation, deterrence, and incapacitation of the offender, as well as reparation for the victim.

Physical attraction plays a significant role in many areas of everyday life whether people realize it or not. The mentality that "what is beautiful is good" permeates societies around the globe, creating a "premium to beauty" in everyday transactions (Dion, Berscheid & Walster, 1972). Attractive people are credited with a wide range of positive attributions, being perceived as favorable, successful, assertive, happier, and possessing a greater likelihood for marital success (Wilson, 2003). Although different levels of attraction elicit different social perceptions, exchanges, and behaviors, research shows that attractive people are usually associated with positivity, whereas unattractive people are usually associated with negativity. Society has greatly disadvantaged those who lack a physically attractive exterior, from early childhood throughout life (Higgins, Heath & Grannemann, 2007).

Observers attribute positive characteristics to physically attractive individuals. Usually, attractiveness is associated with more favorable qualities and better lives (better prospects for happy social and professional lives, finding an acceptable partner, and marrying earlier), which has lead to the belief that "what is beautiful is good." Within the criminal justice system, research using mock jurors and court data has shown that, compared to unattractive defendants, attractive ones are less frequently convicted, less severely punished when they are convicted, and considered less responsible for the offense (Cahill, 2012). These effects have been replicated across many different types of crimes, such as murder, manslaughter, rape, kidnapping, armed robbery, robbery, aggravated

assault, indecent assault, arson, burglary, conspiracy to sell/deliver illegal drugs, extortion, fraud, theft, and firearms violations (Bull, 2006; Dumas & Teste´,2006).

In addition to physical factors, which are relatively stable, other factors such as social factors (status symbols and clothes), cultural factors (fashion), and cognitive factors (stereotypes) are normally taken into consideration when determining a person's level of attractiveness. Although these factors are interpreted and evaluated differently among individuals and cultures, the local and prevailing social norms become the standard by which a person's attractiveness is measured. Despite the individual differences regarding judgments of attractiveness, adults' ratings of facial attractiveness are mostly consistent across studies and cultures (Willis & Todorov, 2006).

Physical attractiveness can influence other judgments as well. In sexual harassment cases, felony trials, and university hearings involving cheating, shoplifting on campus, malicious release of a dormitory fire alarm, misuse of meal tickets, plagiarism, and computer misuse, attractive defendants are often perceived as calmer, warmer, kinder, stronger, happier, more exciting, more independent, more sincere, more intelligent, more sophisticated, more trustworthy, cleaner, neater, and better dressed. However, some researchers (Vrij, 2008) have found limitations to the attractiveness/leniency effect. The seriousness of the crime may overshadow the effect of attractiveness. For instance, a gruesome murder perpetuated by a relatively attractive person will almost always receive harsh sentencing, irrespective of his/her physical appearance.

Sex also plays an influential role in sentencing decisions. There is a general assertion that males actually receive harsher treatment than females (Pollack, 1961; Rodriguez, Curry and Lee, 2006). A cursory appraisal of the ratio of male convicts to female convicts shows that there are more male prisoners in Nigerian prisons than female prisoners. This is therefore an indication that either more males are involved in crimes than females, or more females are 'let off the hook' as suspects or pardoned for suspected criminal activities. Although utilizing official statistics is a good way of capturing an idea about gender and crime, we do need to keep in mind that there are methodological problems associated with the usage of official statistics.

Although in brief, it is worth mentioning some aspects of the police who are the main agency which permits who should and should not enter the criminal justice system. It is possible that police regard women as less dangerous than men, in which case they may let pass illegal activities for which male offenders would be arrested. The vast majority of research shows that adult female offenders tend to receive milder sentences than male offenders (Rodriguez, Curry and Lee, 2006; Cahill, 2012; Vrij, Akehurst, & Knight, 2006). However, certain key questions remain unanswered. For example, in spite of dozens of studies, relatively few efforts have assessed whether offender-gender effects on sentencing might vary across crime type.

Other studies find that married women or those with children receive milder sentence. However, research by Mustard (2001) and Bull (2006) finds that "familied" women were just as likely as those without families to receive milder sentences than men. Recent findings by Correll & Ridgeway (2003) also show that the gender of offenders may also influence sentencing outcomes. Succinctly put, while the effect of offender gender on sentencing receives considerable support, this support is stronger and more consistent at the in/out stage than for sentence length, and this association may to some extent depend on women's family status and on the gender of crime victims.

This study therefore aims at investigating the influence of offenders' physical attraction and sex on sentencing decisions reached by judges. The justification for this study lies in the fact that Nigeria, like many other countries, has had its share of wrongful convictions. Despite the checks and balances of its criminal justice system many cases of wrongful convictions have occurred. This study does not address the special pains that wrongfully convicted offenders must bear. One is capable of understanding the horror that an innocent person must face at being led through a justice system that not only pronounces his guilt and sends him to prison, but one that also turns a deaf ear to his claims of

innocence. Many real life stories of unfortunate people who have had to suffer such injustices have been chronicled.

Although such stories are worth telling what is also worth knowing is just how to rectify such injustices once they have occurred. Many wrong convictions have been attributed to judges' bias. This is a major problem in the judicial system of the country. Even if it is not a regular occurrence for wrongful convictions to occur, the few that occur have a huge impact on the lives of the accused as well as their families, friends or significant relative. The reality is that wrongful convictions will continue to occur despite the systematic checks and balances that have developed over centuries of criminal proceedings because guilt or innocence is ultimately decided, as it must be, by fallible human beings. Realistically then, the challenge is to try and prevent as best as possible wrongful convictions from occurring and also to help identify and rectify as effectively and efficiently as possible such injustices when they do occur. There is therefore a need to examine factors that cause subjective bias among judges.

STATEMENT OF PROBLEM

From a general perspective, the effects of physical attraction and sex have been known to be instrumental in influencing decisions instinctively or intentionally. However, to date there has been no systematic empirical research on the role of physical attractiveness and sex in sentencing of convicted persons from a Nigerian perspective. The lack of studies based on archival data or sentencing statistics on this issue may be due to the fact that physical attractiveness is difficult to operationalize and is not routinely recorded in case files or official sentencing statistics. Also, the fact that physical attractiveness is viewed as an irrelevant factor for sentencing decisions in many jurisdictions within the African society may have led local researchers not to consider it.

REVIEW OF LITERATURE

Morgan (2009) examined the effects of the "what is beautiful is good" stereotype on the specific area of perceived trustworthiness. 284 undergraduate students enrolled in an introductory level psychology class at the University of Wisconsin-La Crosse participated in an online survey, which rated one of three sets of four attractive and unattractive photographs of both men and women with respect to how likable, attractive, and trustworthy they perceived the stimulus to be. The participants chose which stimulus they would trust the most in a hypothetical situation. Results indicated that attractive individuals were seen as more trustworthy than unattractive individuals and women were seen as more trustworthy than men.

Cahill (2012) utilized 28 years of homicide data from a large Canadian urban jurisdiction to examine the effect that the gender of both the victim and offender has on determining sentence length. Results showed that an offender's gender alone had no effect on sentence length, but that offenders who kill female victims receive longer sentences and male offenders who kill female offenders receive the longest sentences.

Rodriguez, Curry and Lee (2006) examined whether gender-sentencing association might be stronger for some crimes, such as minor nonviolent offending, and weaker for other offenses, such as serious violent crime. Results showed that the effect of gender on sentencing does vary by crime type, but not in a consistent or predicted fashion. For both property and drug offending, females are less likely to be sentenced to prison and also receive shorter sentences if they are sentenced to prison. For violent offending, however, females are no less likely than males to receive prison time, but for those who do, females receive substantially shorter sentences than males.

McKelvie and Coley (2003) examined the relationship between crime seriousness and physical attractiveness of the offender on the severity of punishment. Robbery was chosen to represent a less serious crime, while robbery that led to murder was used as a more serious crime. The findings suggested an interaction between crime seriousness and attractiveness in which mock jurors treated attractive defendants more leniently than unattractive ones when the crime was robbery, but not when it was murder. Attractiveness

had no effect in the more serious crime condition. This implies that physical attractiveness may not always reduce a perpetrator's sentencing or punishment and that the severity of the crime may be an important moderator.

Taylor and Butcher (2007) carried out a study that involved 96 participants, 48 white and 48 black who were given a fictitious transcript of a 'mugging' with an attached photograph of the defendant. The transcript content remained constant but photos varied depending on condition participants were blindly allocated to. In some cases the defendants were attractive and in others not, in some they were white and in others not. Results showed that "jurors" were less likely to find attractive defendants guilty and were more likely to find less attractive defendants guilty on the scale used. An interesting finding was that ethnicity had no effect on whether or not defendants were found guilty. However, unattractive black defendants who were found guilty were given harsher sentences than white ones irrespective of the ethnicity of the "juror."

Sigall and Ostrove (2005) studied how attributes of a person, like attractiveness, that can change a juries' sentencing of the defendant. In order to experimentally test this phenomenon, they took samples of subjects and put them on simulated juries. The subjects were presented with a case that they had to determine a sentence for. The attractiveness of the defendant was manipulated so that the defendant was attractive, unattractive, or not specified. Results indicated that attractiveness of the defendants and the nature of the crime worked together to determine how members of a jury would sentence them.

Mueller-Johnson and Dhami (2010) carried out two experiments to investigate the effects of sex and physical attraction on mock judges' sentencing decisions. The effects of these variables on length of prison sentence were examined in the context of offense severity and prior convictions. Experiment 1 involved a violent crime. Main effects were observed for sex, physical attraction, offense severity and prior convictions. There was also a sex by offense severity interaction. Experiment 2 involved a child sexual abuse case. Main effects were observed for physical attraction, offense severity, and prior convictions. In addition, a sex by offense severity by prior convictions interaction effect was found. Thus, across both experiments, the sex leniency effect was moderated by legal factors, suggesting that extra-legal factors affect sentencing in the context of legal factors. Further, for both offenses, physically attractive offenders received shorter sentences than physically unattractive offenders, suggesting that physical attraction deserves further research attention as an extra-legal variable.

HYPOTHESES

1. Male offenders will be given more severe sentences than female offenders.
2. Physically attractive offenders will be given less severe sentencing than physically unattractive offenders.
3. Attractive female offenders will be given less sentencing than unattractive female offenders.
4. Male judges will give more severe sentencing decisions than female judges.

METHODOLOGY

This study adopted a controlled quasi-experimental design. The participants for the study were final year law students who represented a set of mock judges. The sample for this study consisted of 48 participants of males and females. Purposive sampling was employed in selecting participants for the study. This was due the specific criteria of the participants being final year law students. The students were randomly approached and asked to participate in the experiment.

The instruments for this experiment were case files containing facial photographs and family background of 4 hypothetical offenders, including brief description of crime nature all in print format. These documentations were given to each mock judge. The 48 mock judges were expected to provide subjective sentencing decisions for each of the hypothetical

offenders in written form on the attached sentencing sheets for each hypothetical offender. Construct and face validity of the instruments were subject to recommendations from a committee of experts in the field of social psychology.

For validation of the instruments, a pilot study was carried out among the participants of the study in order to determine the conformity and consistency in the classification of physical attraction among the participants based on the physical appearance of the four hypothetical offenders.

Validation

The objective of the pilot study was to validate the criteria used to measure the physical attraction of the hypothetical offenders by ascertaining that there was conformity between the participants' (mock judges) judgment of physical attraction and the physical attraction criteria of the instrument. Head and shoulder photos of the hypothetical offenders were made available to each of the participants. The photos had no attached details of the history or identity of the offenders. The mock judges were told to make subjective ratings on the physical attractiveness of the individuals in the photos. 95.8% of the participants' responses conformed to the criteria of physical unattractiveness while 100% of the participants' responses conformed to the criteria of physical attractiveness. Thus, the results indicated high conformity between the participants' judgment of physical attraction and the physical attraction criteria of the instrument. Thus the instrument had high criterion and face validity.

Procedure

The salient objectives of the study were not made known to the participants (i.e. the mock judges). However, verbal instructions on what each mock judge was expected to do were highlighted. Consenting participants were given the case files of the hypothetical offenders. Each mock judge was expected to spend approximately five minutes to review the case files and make subjective sentencing decisions on the sentencing sheet for each hypothetical offender. Data containing 196 sentencing decisions were retrieved. The data were then collated, coded and analyzed. Data was analyzed using SPSS. Descriptive statistics & inferential statistic were applied on the data collected. A 2 X 2 ANOVA was used to test hypotheses 1, 2 and 3, while t-test for the independent samples was used to test hypothesis 4.

RESULTS

Table 1: Summary of 2 X 2 Analysis of Variance showing the main and interaction effect of offenders' sex and physical attraction on severity of sentencing

Source	SS	Df	M.S	F	P
Sex (A)	10.056	1	10.056	26.861	.01
Physical Attraction (B)	55.217	1	55.217	147.494	.01
A X B	.379	1	.397	1.011	Ns
Error	16.472	189	.374		
Total	527.000	192			

Dependent variable: Sentencing Decision

Results from table 1 show that both offenders' sex and physical attraction had main effects on severity of sentencing decision of judges at [F(1,189)=26.861; P<.01] and [F(1,189)=147.494; P<.01] respectively. However, the table further reveals that that both offenders' sex and physical attraction had no interaction effect on severity of sentencing

decision of judges at [$F_{(3,189)}=1.011$; $P>.05$]. These results imply that both sex and physical attraction as individual factors have significant effects on the severity of sentencing given by the judges but the combination of both factors has no significant effect on the severity of sentencing given by the judges. Hypotheses one and two are therefore accepted while hypothesis three is rejected.

Table 2: Post-hoc analysis of the main effect of physical attraction
 and sex

Variables	N	$\overline{X}$	S.D
Physical Attraction			
Attractive	192	2.042	.690
Unattractive	192	4.083	.829
Sex			
Male	192	3.429	1.287
Female	192	2.778	1.219

Results from table 2 shows that attractive offenders received less severe sentencing with a mean of 2.042 while unattractive offenders received more severe sentencing with a mean of 4.083. This implies that the severity of sentencing increased with decreased perception of physical attraction. Furthermore, female offenders received less severe sentencing with a mean of 2.778 while male offenders received more severe sentencing with a mean of 3.429. This implies that the severity of sentencing was higher for male offenders.

Table 3: t-test showing significant influence of judges' sex on
            sentencing decisions

	Judges' Sex	N	Mean	S.D	Df	t	P
Severity of Sentence	Male	30	3.07	1.36	46	.029	>.05
	Female	18	3.06	1.16			

Results from table 3 show that judges' sex did not have any significant influence on the severity of sentencing given to offenders at $t_{(46)}=.029$, $p>.05$. This implies that the severity of sentencing decisions given by both male and female judges was evenly distributed. Hypothesis four was therefore rejected.

DISCUSSION

Results showed that sex and physical attraction had main effects on the severity of sentencing decisions. However, both factors had no interaction effect on the severity of sentencing decisions. These results imply that the judges considered either sex or physical attraction in passing judgment; however, there was no significant effect of consideration of both sex and physical attraction on the severity of sentencing decisions. Similar results were obtained by Mueller-Johnson and Dhami (2010) who carried out two experiments to investigate the effects of sex and physical attraction on mock judges' sentencing decisions. The effects of these variables on length of prison sentence were examined in the context of offense severity and prior convictions. Experiment 1 involved a violent crime. Main effects were observed for sex, physical attraction, offense severity and prior convictions. There was also a sex by offense severity interaction. Experiment 2 involved a child sexual abuse case. Main effects were observed for physical attraction, offense severity, and prior convictions. In

addition, a sex by offense severity by prior convictions interaction effect was found. Thus, across both experiments, the sex leniency effect was moderated by legal factors, suggesting that extra-legal factors affect sentencing in the context of legal factors. Further, for both offenses, physically attractive offenders received shorter sentences than physically unattractive offenders, suggesting that physical attraction deserves further research attention as an extra-legal variable.

Fudman (2010) examined the communication behaviors of pairs working on a decision making task in order to draw conclusions about the unconscious influence of physical attractiveness and gender on social status hierarchy. A 2 (Attractiveness) by 2 (Gender) Factorial ANOVA was significant for main and interaction effects. These interactions and other trends suggest that gender and physical attractiveness operate as status characteristics, and that physical attractiveness affords individuals an elevated social status in face-to-face interaction.

Furthermore, from the results, it was observed that physically attractive offenders got less severe sentencing than physically unattractive offenders. In practical terms, the results may be based on the 'what is beautiful is good' stereotype as highlighted by Henig (2006). Many studies have produced similar outcomes. For instance, Granhag & Stromwall (2004) examined one potential source of bias in the use of the Dangerous Offender provisions, the physical attractiveness of an offender. Participants perceived physically unattractive sexual offenders as more likely to fulfill the Dangerous Offender criteria than average-looking and attractive sexual offenders. In particular, unattractive sexual offenders were seen as significantly less likely to restrain their behavior in the future.

In the same vein, Sigall and Ostrove (1975) studied how attributes of a person, like attractiveness, that can change a juries' sentencing of the defendant. Those who are more physically attractive may be liked more (Dion, Berscheid, & Walster,1972); Sigall & Ostrove (1975) and can be attributed qualities that are valued in society. This liking of the defendant could translate into a more lenient sentence. With attractiveness related crimes, the jury may see the defendant as abusing their "gift" (attractiveness) in order to con others and may give a harsher sentence in these instances. With unattractive defendants, the jury may think that they are more likely to transgress in the future so a harsher sentence can be given in this instance.

In the same vein, sex of the offenders had a significant influence on the severity of sentencing. This implies that the severity of sentencing across both male and female offenders was not evenly distributed. The plausibility of this result could lie in the fact that the nature of the crime committed (theft) was gender sensitive based on a general assertion that robbery tends to be associated with masculinity. Perhaps crimes which have no gender attachment such as fraud may ease the level of gender bias among judges. The outcomes of this study also conform to results of similar studies.

For instance, Cahill (2012) utilized 28 years of homicide data from a large Canadian urban jurisdiction to examine the effect that the gender of both the victim and offender has on determining sentence length. Results showed that an offender's gender alone had no effect on sentence length, but that offenders who kill female victims receive longer sentences and male offenders who kill female offenders receive the longest sentences. Similarly, Rodriguez, Curry and Lee (2006) examined whether gender-sentencing association might be stronger for some crimes, such as minor nonviolent offending, and weaker for other offenses, such as serious violent crime. Results showed that the effect of gender on sentencing does vary by crime type, but not in a consistent or predicted fashion. For both property and drug offending, females are less likely to be sentenced to prison and

also receive shorter sentences if they are sentenced to prison. For violent offending, however, females are no less likely than males to receive prison time, but for those who do, females receive substantially shorter sentences than males.

Hypothesis four stated that male judges will give more severe sentencing decisions than female judges. Results showed that the judges' sex did not have any significant influence on the severity of sentencing. This implies that the severity of sentencing decisions by both male and female judges was not significantly different. As previously highlighted, sentencing based on gender bias is much more significant when deliberating on gender sensitive crimes (Roney, Hanson, Durante, & Maestripieri, 2006). Some studies have shown that female judges do not compromise on sentencing of rapists or child molesters (Porter & ten Brinke, 2008).

CONCLUSION

This study investigated the effect of offenders' sex and physical attraction on sentencing decisions in the context of legal variables. Sentencing was examined for a particular offense: theft. From the results, it was observed that there was a physical attraction leniency effect. Physically attractive offenders were sentenced to shorter sentences than physically unattractive offenders. There was also a main effect of sex and physical attraction of offenders on their sentencing decisions.

These findings which indicate a tendency toward leniency for an attractive offender can be accounted for in a number of ways. For example, one might explain such results with the help of a reinforcement-affect model of attraction (e.g., Dumas, & Teste, 2006). Essentially, the argument here would be that beauty, having positive reinforcement value, would lead to relatively more positive affective responses toward a person who has it. Thus we like an attractive person more, and since other investigators have shown that liking for a defendant increases leniency (e.g., Wilson, 2003), we would expect good-looking (better liked) defendants to be punished less than unattractive defendants.

Implicit in this reasoning is that the nature of the affective response, which influences whether kind or harsh treatment is recommended, is determined by the stimulus features associated with the target person. Therefore, when other things are equal, benefit accrues to the physically attractive. A more cognitive approach might attempt to explain the relationship between physical appearance and reactions to transgressions by assuming that the subject has a "rational" basis for his responses. It is reasonable to deal harshly with a criminal if we think he is likely to commit further violations, and as Williams, & Mattingley's (2006) study suggests, unattractive individuals are viewed as more likely to transgress again. In addition, inasmuch as attractive individuals are viewed as possessing desirable qualities and as having relatively great potential, it makes sense to treat them leniently. Presumably they can be successful in socially acceptable ways, and rehabilitation may result in relatively high payoffs for society.

In terms of sex, studies investigating the sex leniency effect in sentencing can broadly be distinguished as using one of two methodologies, either based on a content analysis of samples of court records as primary data or, where detailed sentencing statistics are routinely available, based on secondary data analyses on the whole population of sentenced offenders. Studies using either methodology have so far demonstrated sex leniency effects for female offenders (Ekman, 1992, 2006; Frank & Ekman, 1997; Kassin, Goldstein, and Savitsky 2003; Meissner & Kassin, 2002).

Wilbanks (1988) originally examined sex differences for all felony cases that were processed by the police, prosecution, and courts in California in 1980. He found that female

offenders were less likely to be sentenced as felons and less likely to receive prison or jail sentences than male offenders. The difference persisted across different offense types, although it was larger for some types (e.g., for robbery) than for others (e.g., fraud). Similarly, Turner and Champion (1989) examined cases sentenced in Kentucky, Tennessee, and Virginia between 1970 and 1984 and found a leniency effect for female offenders. For robbery offenses female offenders were more likely to be placed on probation than male offenders. If imprisoned, these female offenders received, on average, a shorter sentence than male offenders. This effect persisted after the sample was separated into those without a prior criminal record and those with at least one previous conviction. However, neither of these early studies controlled for the potentially confounding effects of, for instance, offense severity and prior convictions.

The effect of sex leniency which tends to favour female offenders according to literature can be explained based on Pollack's (1961) chivalry thesis. The chivalry thesis claims that women will be treated more leniently for committing certain crimes, generally shoplifting is often associated more with females than males, but the statistics suggest that males commit many more acts of theft than women, and this may be because females are let off with a warning rather than a conviction. This could be because the statistics of crime are so male dominated, a police officer may not think convicting a woman of petty theft is worth it, when there may be, in his opinion, a man selling drugs elsewhere, it may not be worth it in his view. Similarly, men are more likely to be convicted of theft because the criminal justice system seemingly victimizes males over females, while it is probably more likely that males are more likely to commit crime than females, the gap between the crime rates between gender may not be as large as first assumed. It is also possible that female occurrences of shoplifting, as Pollak argues, never even come to the attention of the authorities, again because more often than not they are not reported.

IMPLICATIONS

The results of this study have a major practical implication on the legal structure of the judiciary. The issue of subjectivity and bias in the severity of sentencing decisions needs to be taken into consideration during trials at various levels. Of course it is impossible to rule out human errors in non-scientific actions, the sensitive nature of the legal system which involves making deliberations and verdicts that have lasting effects on human life calls for a need to ensure that unintentional subjectivity and bias during trials and sentencing should be reduced to the barest minimum. While ensuring that facts and figures are adequately utilized, there is need for some sort of checks and balance against human errors in judgment calls. Apart from the ability for wrongfully convicted persons to appeal sentencing decisions, other forms of checks and balances could be put in place such as the use of a jury system where multiple persons would have an input into deliberations before the final verdict and sentencing.

There is another implication that follows from the cognitive orientation which would not flow readily from the reinforcement model. Suppose that situations do exist in which, because of his high attractiveness, a defendant is viewed as more likely to transgress in the future. The cognitive approach suggests that in such instances greater punishment would be assigned to the attractive offender. We might add that in addition to being more dangerous, when the crime is attractiveness related, a beautiful criminal may be viewed as taking advantage of a God-given gift. Such misappropriation of a blessing may incur animosity, which might contribute to severe judgments in attractiveness-related situations.

Also, it should be noted that offenders could also use their physical appearance and gender to sway judges. Therefore, hiding behind physical attributes could lead to errors in verdicts and wrongful convictions with the real perpetrators going unpunished. Thus, in order to ensure that offenders do not hide behind their physical attributes and go unpunished, the courts could ensure that a strict dress code and appearance is adhered to. Offenders should be well groomed and appear more formal so as not to pass across wrong impressions to the judges. This will give less privileged persons who have to appear before the courts, an opportunity to be tried without recourse to their appearance.

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