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Dianne R. McKillop
Edith Cowan University

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**Principles in Public Reasoning About Criminal Justice:
Victim Vulnerability, Trust, and Offender Status**

Dianne Rosemary McKillop, BA (Psych) Hons

Faculty of Community Services, Education and Social Sciences

Edith Cowan University

Western Australia

A thesis submitted in fulfilment of the requirements
for the award of Doctor of Philosophy (Psychology).

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ABSTRACT

It is popularly assumed that the public is highly punitive toward criminal offenders and that its reasoning about criminal offences is emotionally and morally based. This assumption has been challenged by social scientists who cite influences of news media and methodological flaws in empirical studies as contributing causes. Public sentiment is a basis for law and the increasing responsiveness of legislators to what is perceived to be public opinion on crime means that accurate information on enduring principles in the public's intuitive reasoning about criminal justice is vital. An initial exploratory study ($N = 34$) presented members of the public with descriptions of emotionally and morally provocative offences. Morally indignant reactions and the assignment of punishments that were disproportionate to the objective harm caused by the offences indicated aspects of offences and associated reasoning principles that were worthy of further, experimental investigation. Important principles appeared to be breach of trust by an offender in a position of trust and the vulnerability of victims. A second study ($N = 348$) examined the influence of these two variables in a 3×3 (offender position of trust \times victim vulnerability) between-subjects experiment. Findings confirmed that victim vulnerability exacerbates the public's condemnation of offences in a more prosaic offence. However, the results also showed that an offender who occupied a highly trusted position in society was not more highly condemned than offenders in less trusted positions. In addition to the finding that the highly trusted offender was perceived to be significantly less in need of a punishment aimed at individual deterrence, this finding led to a hypothesis that his high status may have protected him from public sanction. It was also concluded that the type of

trust whose violation the participants of the initial study strongly condemned may have been the trust that is inherent in relationships, rather than in social positions. Survey research ($N_1 = 192$, $N_2 = 237$) provided an empirical basis for unconfounded representations of status and trust in further investigations. Doctors, lawyers and police officers were selected as exemplars of various levels of trust and status. A subsequent experimental study ($N = 122$) manipulated offenders' trust and status, and the existence of a professional relationship between the offender and victim in a 3×2 between-subjects design. Results indicated that the existence of a professional trust relationship interacted with the status and position of trust of an offender in their effect on public condemnation. The high status of an offender became a liability in terms of condemnation when that offender also had a professional relationship with his victim, but only when the offender occupied a trusted position in society. The same study indicated that, in an offence where no professional relationship with the victim existed, high status offered a significant degree of protection from a punishment aimed at general deterrence. It was concluded that, although concerns for victim vulnerability are ubiquitous in the public's reasoning about criminal justice, trust is a principle that is applied complexly and which interacts with offender status and offender-victim relationship. The public's responses to criminal offences are both more complex and more rational than is widely believed. The variability found in the data collected for this series of studies indicated that criminal justice researchers must be cautious in assuming consensus in public evaluations of offences and its reasoning about deserved punishment.

DECLARATION

I certify that this thesis does not, to the best of my knowledge and belief:

- (i) incorporate without acknowledgement any material previously submitted for a degree or diploma in any institution of higher education;
- (ii) contain any material previously published or written by another person except where due reference is made in the text; or
- (iii) contain any defamatory material.

Signature: _____

Date: 21.9.01

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BACKGROUND

The public is widely believed to have punitive attitudes towards criminal offenders. Additionally, there exists a widespread assumption that the public responds emotively rather than rationally to some offences, and that its decisions about deserved punishment are characterised by intuitive, moral judgments rather than factual assessment of risk and harm. For example, Tyler and Boeckmann (1997) found that, not only was the public supportive of punitive legislation, its punitiveness arose from moral and social concerns rather than assessments of the potential harm of crimes or concerns about the performance of the courts.

Evidence for emotive, moralistic public justice reasoning is found in news media reporting of crime and its portrayals of public responses as well as in empirical scientific literature. A recent community newspaper survey of more than 15,000 Western Australian residents reported that 91% believed that criminal sentences were too lenient, 85% favoured corporal punishment for offenders, and 70% favoured the death penalty for people who sold drugs ("What Our Readers Feel," 2000). However, the news media have been said to play a role in perpetuating or even promoting such a view of crime and its impact for self-interested purposes (for example, Howitt, 1998). The recent community news survey was methodologically suspect in that participants were self-selected and the questions were emotive, complex and leading. For example, the question "Do you feel the widespread use of illicit drugs has had a deteriorating effect on your quality of life?" elicited an unsurprising 78% of affirmative responses.

In general, the public acquires its knowledge of crime from the news media. As Finkel (1995) stated:

It is quite clear that most people are not sitting at home reading official statistics on crime. The public is far more likely to be influenced by what it reads in the newspapers and what it sees on television news. (p. 14)

News media contribute to moral panic and punitive attitudes by presenting superficial, stereotypical accounts of crimes that are perceived to threaten traditional moral values (Wilczynski & Sinclair, 1999); through a bias towards reporting extreme and atypical offences (O'Connell, 1999); by highlighting extra-legal facts (Surette, 1990); and through emphasis on stories designed to elicit sympathy for vulnerable victims and moral outrage against terrible offenders (Carriere & Ericson, 1989; O'Connell, 1999). Roberts and Edwards (1989) found that reading media reports of serious offences led to more punitive attitudes towards unrelated offences. Doob and Roberts (1984) found that members of the public who read the same kind of information about a crime that is available to a sentencing judge were more satisfied with the sentencing decision than those who read a short account of the same offence in a newspaper report. The Director of Public Prosecutions in Western Australia favours internet publication of all judicial sentencing remarks ("Net 'Will Explain' Sentences," 2000) in order to address what he perceives as selective and superficial media reporting of crime and consequent distortion of the public's understanding.

Even media presentations of more considered analyses of the public's views on justice are often based on the popular assumption that the public is punitive and that its

justice reasoning is based on emotional and moral issues. It was recently reported that a respected Western Australian lecturer in history warned that reflection of majority opinion in law, particularly in relation to emotive issues, has been shown to need tempering by attention to human rights (Leadbetter, 2000).

The widespread use of survey techniques in criminal justice research and the use of polls as a basis for policy development has attracted criticism for simplistic and potentially erroneous characterisation of public opinion (Durham, 1993; Finkel, 1995). The focus for Durham's (1993) analysis of potential compromises to the validity of survey results was the methods used to ascertain public judgments of appropriate sentences for crimes. Her concern was for the potential use of such data as an empirical basis for legislative change and as a theoretical basis for understanding the nature of the relationship between public preferences and law. Durham argued that, although there is increasing pressure to include the results of surveys and polls in public policy (see also Diamond, 1989; Finkel, Maloney, Valbuena, & Groscup, 1996; Stalans, 1993; Walker & Hough, 1985, on the employment of public opinion polls to support harsher laws), there is substantial evidence for her view that:

there are several important reasons to be concerned about whether the responses elicited in surveys of public views of appropriate punishment really . . . indicate the existence of discrete opinions on appropriate punishment. (p. 8)

Durham (1993) included specificity and unfamiliarity of stimulus material, time constraints on respondents, respondent comprehension, and the elicitation of general ideological orientations, rather than particular opinions, in her criticisms of survey

research on public opinions of criminal justice issues. Her analysis included evidence for the production of false assumptions of consensus or variability in public opinion, as well as false indications of punitiveness by survey research. Finkel (1995) identified similar concerns for “poor polling questions, inadequate response choices, bad timing of the poll, insufficiently detailed questions, transitory reactions that pass for sentiment, or an inability to tap complex and contradictory sentiment” (p. 14).

The assumption that the public is punitive and non-rational has been challenged by many social science researchers (for example, Cullen, Cullen, & Wozniak, 1988; Diamond, 1990; Roberts, 1992). Researchers such as Walker, Collins and Wilson (1987) and Warr (1995) have found evidence for diversity in public opinion and an unexpected sophistication in public attitudes towards crime and punishment. More recently, Doob (2000) reported that a sample of the Canadian public found alternatives to a justice system that emphasised simple punishment were acceptable as long as the offender was held accountable. Doob interpreted these findings in the light of a shift of emphasis on excessive leniency or toughness in the criminal justice system to one that considers what is intelligent and fair. Indermaur (1987) also found public acceptance and support for non-punitive sentences and Finkel et al. (1996) reported that the public favours proportional, individualised sentences based on perceived culpability over mandatory, invariable sentencing frameworks.

Other research has revealed that sources of evidence that suggest public punitiveness include methodological inadequacies and stereotypical biases in public decision making that result in unrepresentative judgments. For example, in the absence of specific information about offences, members of the public use stereotypical, violent

crimes as the basis of their judgments (Hough & Roberts, 1999; Indermaur, 1987; Roberts & Doob, 1989; Stalans, 1993; Thomson & Ragona, 1987; Walker & Hough, 1988).

Interpersonal sources of information about crime have been found to reduce biased recall of atypical, violent crimes (Stalans, 1993). Presenting the public with a realistic description of an offence and precisely defined punishment selection tasks has been found to elicit responses that are less punitive than those evoked by requests for general opinions (Applegate, Cullen, & Turner, 1996; Jacoby & Cullen, 1998; Zamble & Kalm, 1990). Presenting members of the public with an example of typical criminal case has been shown to reduce perceptions of judicial leniency (Stalans & Diamond, 1990).

Additionally, the assessment of punitiveness using simple measures, such as support for generally increasing sentences, obscures the complexity with which members of the public view criminal justice issues (Flanagan & Caulfield, 1984; Innes, 1993; Sprott, 1999). Harlow, Darley and Robinson (1995) recommended that participants in studies of public judgments on appropriate criminal penalties be allowed a large response range without predetermined scale marks to avoid constraining and artificially reducing variability in responses. Finally, the simple but non-usual inclusion of a 'don't know' option for survey responses has been shown to result in sizeable shifts towards public expressions of 'no opinion' (Jones, 1994).

In recent years in Western Australia, a growing public role in criminal justice processes has been illustrated by increased, often controversial, political responsiveness to what is believed to be public opinion. Recent events have shown that perceptions of public outrage about specific offences have the power to effect strong and rapid changes to the processes of government and law. Perceptions that the public is outraged, afraid,

and consequently punitive have led to the enactment of laws that many regard as Draconian. Examples are the “oppressive, ill-conceived, sloppily drafted and penologically irrelevant” (Harding, 1995, p. ix) and now repealed Crime (Serious and Repeat Offenders) Sentencing Act 1992 (1992) and mandatory sentencing of juvenile offenders. More recently, new home invasion legislation (Criminal Code Amendment [Home Invasion] Act 2000) has been enacted as a direct response to a perception of public outrage over the conviction of a homeowner who seriously assaulted a burglar.

Even in the absence of such rapid legislative change, public opinion on justice eventually finds its way into law (Green, 1996; Lloyd-Bostock, 1991, Tomaino, 1997). Green (1996) has stated that “public opinion should be the ultimate basis of the law” (p.116). Robinson and Darley (1998) have asserted that there is a utilitarian justification for reflecting community sentiment in legal codes. “Where the criminal law commands the respect of the community it governs, the law’s moral credibility itself provides a reason for law abidingness” (pp. 443 - 444)¹.

According to Robinson and Darley (1995), speculation by the criminal law community on the public’s sense of justice commonly forms a basis for the proposition, adoption, and interpretation of criminal law. Finkel (1995) called this sense of what ordinary people think is just and fair “commonsense justice” (p. 2). Walker (1985) stated that:

¹ There exists an alternative view that public sentiment and the morality of a society should have a limited place in the law. Although that position is not ignored, a discussion of this philosophy of law debate lies outside the boundaries of the rationale for this present program of research. Instead, see Hart (1963) and Devlin (1965) for the original arguments and George (1990) and Hittinger (1990) for examples of discussions of what is known as the Hart-Devlin debate.

In theory sentencing decisions are influenced only by officially approved considerations, whether embodied in statute, practice direction, case-law or circular. In real life most sentencers admit to having some regard to what they believe to be public opinion. (p. 64)

Pillsbury (1995) asserted that the public has a passionate philosophy on criminal justice, and he warned that justice experts who disregard this philosophy risk being ignored in public debate. Additionally, Lovegrove (1998) claimed that judicial sentencing cannot currently be regarded as well informed policy, in part because it is inadequately characterised by informed public involvement. One of the five recommendations made in Lovegrove's proposal to transform judicial policy was the enhancement of community consultation and education processes.

As public sentiment is used as a basis for law, it is important to know more about the ways in which the public decides on the seriousness of offences and the severity and purpose of deserved punishments. There has been very little work done on analysing ordinary thinking about criminal justice, even though "the idea of ordinary, everyday extra-legal thinking, or common sense, as distinct from legal norms, concepts, and definitions, crops up in some form in a great many discussions of law and legal processes" (Lloyd-Bostock, 1991, p. 32). The need for accurate information cannot be over-stated. Ouimet and Coyle (1991) found that perceptions of a high level of fear of crime in the public had an impact on the judgments of a sample of court practitioners

(judges, prosecutors, defence counsel, probation officers) even though fear of crime had no impact on judgments of deserved punishment made by their sample of the general public. Finkel and colleagues (1996) have reported that “the Court’s readings of community sentiment have been faulty, contradictory, and contentious” (p. 475).

Incorporation of false perceptions of the public view into law has practical implications for justice and for the legal system. For example, commonsense reasoning about criminal justice is relied on in some guidelines for the use of discretionary judgments (Lloyd-Bostock, 1991). Additionally, jurors become judges of law and well as judges of fact (Finkel, 1995) when disparities between black-letter law and commonsense justice lead them to nullify the law by delivering verdicts based on community sentiment.

Robinson and Darley (1995) asserted that the research methods of social science provide a much sounder basis than mere speculation for formulation and interpretation of laws. However, the predominantly correlational nature of criminal justice survey research presents problems for the internal validity of many studies (Kapardis & Farrington, 1981). Rather than enacting legislation as a hasty response to survey snapshots and assumptions of prevailing public sentiment, it may be more useful to have regard to enduring, normative decision principles that underpin public evaluations of crime seriousness and appropriate punishment. The use of rigorous experimental methods has the potential to produce valid, generalisable information that can provide a stable foundation of understanding and prediction of the public’s wishes when reviewing the administration of criminal justice.

Accordingly, the purpose of this present program of research was to explore and determine some of the principles that underpin public judgments of crime seriousness and

deserved punishment. The use of the term 'principles' in this dissertation means consistent, underlying bases of social evaluations and judgments. The rationale for the research was that the methods used would better address aims of explanation and prediction than simple descriptions of public opinion about particular offences. The focus was on emotional, morally based principles that underlie public opinions on criminal justice rather than pragmatic judgments of potential danger and harm from crime. Although it was expected that this focus would also highlight some extra-legal and extra-evidentiary concerns of the public, disparities between the views of the public and the law were an implication rather than an aim of this research.

Perspective, Methodology and Structure

The focus and methods of this research were social psychological. However, in an illustration of the way in which research on areas of substantive interest to social psychologists often requires an interdisciplinary perspective, the dissertation also drew heavily on the sociological and criminological literature. Analyses from areas of the philosophical literature, particularly those relating to morality and ethics, were incorporated where relevant.

It has been said that social psychology is a hybrid discipline that owes much to perspectives of sociology (McKnight & Sutton, 1994). This thesis adopts a sociological, group level of explanation utilising experimental methods. Thus it averts what social psychology textbooks call the *crisis of social psychology* (for example, McKnight & Sutton, 1994; Vaughan & Hogg, 1998; or any social psychology textbook): essentially, the conflict between validity and applicability. It employs the European social

psychological approach that favours broad conceptual and theoretical development, retaining the precise experimental methodology of the North American social psychological tradition but avoiding the associated criticisms of reductionism and the unwanted complication of individual levels of meaning (McKnight & Sutton, 1994).

The more recent criticism of social psychology, that its almost exclusive focus on developed Western societies amounts to 'cultural imperialism' (Moghaddam, 1987) is addressed by stating from the outset that this finite contribution to the body of social psychological knowledge is restricted to investigations of such a society.

The methods used in this program of research took into account previous criticisms of survey research on criminal justice issues made by Durham (1993) and Finkel (1995). Stimulus materials were offence vignettes that presented more detailed information than labels for offences and offence aspects, but that were comprehensible and uncomplex. Response formats requested specific evaluations and accounts of underlying reasoning rather than indications of general beliefs. The use of visual analogue scales for recording quantitative responses also provided for a wider range of responses than is usual. Although no time constraints were placed on any of the respondents, the final study included instructions designed to elicit a consistently more considered level of response in order to facilitate systematic comparison of groups of participants.

There is mixed support for the use of vignette methodology. In its favour, it has the advantage of enabling systematic manipulation of variables in brief concrete stimuli that enhance uniform interpretation (Alexander & Becker, 1978). Vignettes can also be used to present stimuli that would otherwise be dangerous, impractical, unethical or infrequent (Lanza, 1988). Criticisms of the vignette method include the specificity and

artificiality of stimulus scenarios (Flaskerud, 1979). Additionally, Parkinson and Manstead (1993) asserted that the cognitive process of reading and interpreting a written vignette is far removed from everyday social reality and evaluation and that vignettes are not particularly useful for eliciting affective reactions. Nevertheless, vignette stimuli were chosen to present offence information to participants of studies included in the present research because specific evaluations of detailed information about offences have been shown to reduce false impressions of punitiveness gained from simple requests for general opinions (Applegate et al., 1996; Jacoby & Cullen, 1998; Zamble & Kalm, 1990). Additionally, the methodology reflects the process by which members of the public usually become aware of criminal offences and make judgments about them. In regard to Parkinson and Manstead's (1993) concern about eliciting affective responses with an essentially cognitive stimulus, the presentation of criminal offence scenarios that were 'socially real', for example, video footage, would have run the risk of eliciting responses that placed too much emphasis on affect.

The structure of this dissertation is essentially that of a series of research reports. Chapter One describes an initial exploratory study into underlying influences on the public's responses to provocative offences. Chapter Two reports an experimental investigation of the impact of two of those influences on reasoning about the seriousness of a more ordinary offence and its appropriate punishment. The third chapter describes two surveys that were conducted to clarify the inter-relationship of two variables in need of further experimental examination. A second experimental study is reported in Chapter Four and the overall findings of the thesis and its investigation are discussed in the concluding chapter of the dissertation.

The First Study

It could be expected that particular types of offences result in public responses that are more emotionally and morally based, and in more punitive evaluations of deserved punishment, than others. The first step taken in this program of research was an exploration of reactions to provocative offences in an attempt to illuminate some of the underlying principles of such responses. The aim was to obtain indications of links between offence characteristics and judgments of crime seriousness and deserved punishment that were disproportionately severe in relation to the objective harm of the offence in order to inform subsequent experimental studies on the role of these reasoning principles in decisions about more prosaic offences. This study is reported in Chapter One.

CHAPTER 1

Public Reactions to Provocative Offences

In the case of offences that are emotionally or morally provocative, it is possible that strong public responses override consideration of objective principles of justice. Offences that violate sexual norms, for example, may arouse moral indignation in the public that results in more severe and punitive sentencing judgments than the legal culpability of the offender and the harm done to the victim would otherwise suggest. In order to investigate the intuitive justice reasoning of the public, it is important to determine some of the aspects of offences that lead the public to use some ‘degree of evoked moral outrage’ as an underlying principle for decisions about crime seriousness and deserved penalties.

Literature that specifically cites moral indignation or outrage as a public reaction to offences is sparse. Two previous survey studies have investigated moral indignation as a factor in public-assigned sentences. Scott and Al-Thakeb (1977) stated that the goal of moral indignation studies is to determine the role of public attitudes in the public definition of particular behaviours as criminal. Broadhurst and Indermaur (1982) replicated Scott and Al-Thakeb’s study by asking their sample of 278 members of the Western Australian public to suggest appropriate penalties for 27 violent and non-violent offences. Their main purpose was to examine the relationships between the severity of suggested penalties and the accuracy of participants’ knowledge about imprisonment; the

severity of penalties the public assumed were currently in place for each offence; the level of general punitiveness of public attitudes; and demographic variables.

Broadhurst and Indermaur (1982) viewed the penalties suggested by members of the public as a measure of moral indignation and as synonymous with perceived crime seriousness. They operationalised the measure as the average number of days' imprisonment allocated for an offence. They hypothesised that moral indignation would be inversely correlated with the accuracy of participants' knowledge about imprisonment and the severity of the penalties they assumed were currently in place. Additionally, they predicted that punitive attitudes would be positively correlated with moral indignation and that there would be significant relationships between moral indignation and demographic characteristics such as age, sex, and education level.

Results showed that moral indignation was unrelated to knowledge of imprisonment and assumed current penalties. The authors reported, "considerable variance in response even with crimes defined as violent or very serious" (Broadhurst & Indermaur, 1982, p. 219). A high, positive correlation was found between general punitive attitudes and moral indignation – an unsurprising result, given the operationalisation of the second variable. Relationships of sex and education level to moral indignation were also reported.

The studies conducted by Scott and Al-Thakeb (1977) and by Broadhurst and Indermaur (1982) were concerned with actual public opinions of offence seriousness and appropriate penalties, rather than examination of the principles underlying those opinions. A more complex conceptualisation of moral indignation was required for the purposes of the present study. A working definition proposed that moral indignation involves a strong

emotional response and a sense of violation of important social values or norms. It incorporated a sense of negative affective reaction and a judgment that an act is wrong, regardless of its consequences.

Scheff (1996) has stated that an indication of moral indignation is ‘helpless anger’ at an event that is such a gross violation of normal standards that it defies description. Although Scheff was talking about the reaction of individuals to crime victimisation, his operationalisation of the concept of moral indignation concurs with the working definition of strong aversive feelings and a sense of norm violation.

Moral outrage at morally wrongful acts has been included as a legitimate basis of punishment by legal sociology and legal philosophy. The classic Durkheimian view of punishment proposes that its purpose is to enhance social solidarity and moral order (Garland, 1990). Harold Garfinkel’s (1956/1982) interpretation of court proceedings as degradation ceremonies included the characterisation of moral indignation as a “social affect” (p. 457) that strengthens social bonds. Garfinkel stated that

the paradigm of moral indignation is *public* denunciation Moral indignation serves to effect the ritual destruction of the person denounced. Unlike shame, which does not bind persons together, moral indignation may reinforce group solidarity. (p. 457, original italics)

Therefore, moral indignation serves as the mechanism for Durkheim’s view of punishment as reinforcement of social cohesion.

Conrad Brunk (1996) discussed moral outrage in theories of punishment in a series of lectures on the philosophy of law. He stated that the moral outrage view is a

version of utilitarianism that justifies punishment for the purpose of maintaining public order. The goal of the punishment is to provide an outlet for the public sense of moral outrage. Brunk stated that the motivation for this view is pure revenge, rather than retribution, because it is not aimed at delivering just deserts. He proposed that, without this cathartic release of outrage, the public will vent it in more socially destructive ways such as disrespect for the law. The psychological analogue of Brunk's position incorporates the psychodynamically based frustration-aggression hypothesis (Dollard, Doob, Miller, Mowrer, & Sear, 1939) in that "the expression of moral indignation toward crime is an outlet for feelings of frustration and aggression" (Indermaur, 1987, p. 165, and see also D'Anjou, Cozijn, Toorn, & Verkoegn, 1978).

Miller and Vidmar (1981) developed a social psychological theoretical model of the social meaning of punishment reactions. They suggested that retributive punishment for rule-breaking that is perceived as an affront to social and moral values can serve the purposes of rule vindication, reinforcement of social consensus about rules, and the release of psychological tension.

The moral outrage view is not a major part of sentencing guidelines as they stand. Sentencing decisions are based on the magnitude of harm done by an offence and the degree to which the offender is culpable (for example, Ashworth, 1987). Although far from uniform, most models of sentencing aim to provide a punishment that is proportional to the gravity of an offence and which takes into account the criminal history of the offender (see Lovegrove, 1987, for a review).

Although intent and harm caused by an offence are the key determinants of judicial decision making about offence seriousness and consequent deserved punishment

(Ashworth, 1987), the public's view of the seriousness of particular offences may be based on the degree to which the offence is wrongful rather than harmful. Hamilton and Sanders (1983) found cross-cultural evidence for their proposal that a universal property of judgments of wrongdoing is consideration of what a wrongdoer ought to have done (in terms of role-related social obligations) as well as what he or she actually did do. Warr (1989) identified normative evaluations of the wrongfulness of offences, and factual assessments of the extent of offence harm to a victim as separate contributions to public perceptions of crime seriousness. He described perceptions of the wrongfulness of an offence as "the moral gravity of committing the act, that is, the moral culpability or blameworthiness that would accrue to the individual committing the act" (1989, p. 796). Wrongfulness has also been associated with judgments of 'badness' of an offender and his or her actions (O'Connell & Whelan, 1996).

From his survey of a representative sample of 336 residents of Dallas, Texas, Warr (1989) found that judgments of seriousness were based on wrongfulness in response to crimes that were more wrongful than harmful. When crimes were more harmful than wrong, judgments were based on the degree of harm. However, Warr also found that a substantial minority of participants disregarded the moral gravity of offences and based their decisions about seriousness on harmfulness alone.

Moral indignation or outrage at the wrongfulness of an offence has the potential to influence public perceptions of seriousness and to produce associated judgments of deserved punishment that are disproportionately severe to the factual harmfulness of an offence. The separation of the importance of actions and their consequences underlies a fundamental debate of ethics and moral philosophy. The utilitarian view that the test of

right and wrong resides in consequences is opposed by the views of Kant and others that an act can be morally wrong even if its consequences are beneficial (Warr, 1989).

The emotional and moral judgments that were the focus of the present study are more likely to be associated with judgments of the wrongfulness of an offence than pragmatic assessments of its harmfulness. There has been little recent empirical investigation into the influence of emotional or moral responses on public sentencing judgments or the aspects of offences that evoke such responses.

The first study in this program of research explored the reactions of members of the public to descriptions of offences that were designed to be emotionally and morally provocative. Responses to these offence scenarios, influential aspects of the offences, as well as the degree to which these aspects exacerbated evaluations of harmfulness, wrongfulness, and decisions about deserved punishment were expected to illuminate some of the underlying principles that may cause the public to make decisions that are generally perceived as excessively punitive.

The present study was not an investigation of the role of morality and emotionality in law, but of its presence in the public's reasoning about justice with the implication that a consequence could be disparities between judicial reasoning and decision making and public sentiment. Although not the focus of this research, results may inform what is often held to be a problematic aspect of the interface of public opinion and justice.

The aim of this initial exploratory study was to obtain indications of links between offence characteristics and disproportionately severe judgments of crime seriousness and deserved punishment in order to inform subsequent experimental studies on the role of

these reasoning principles in decisions about more prosaic offences. The present, non-experimental study presented seven offence scenarios to members of the public and requested mainly qualitative responses in a within-subjects design.

Method

Participants

A non-probability sample of 34 adults was interviewed. People with a variety of ages and education levels were selected in an effort to adequately represent the general public. There were 20 females and 14 males. Two participants were younger than 22 years of age, four were aged between 22 and 25 years, four were 26 to 35 years, 12 were 36 to 45 years, nine were 46 to 55, and three were 56 to 65. Twenty-six participants were Australian-born and, of the eight who had been born outside Australia, four had been in the country for less than 10 years. Twenty-eight participants had had no contact with the criminal justice system. Of the remaining six, three had served jury duty, four had been victims of minor property crime and one was a law student. No information was collected on education level.

It was made clear that participation in the study was voluntary and that all responses were confidential and anonymous. Participants were told that some of the material they would be required to read described sexual offences and warned that they should not participate in the study if they thought that such material would upset or offend them. It was accepted that this ethical safeguard may have introduced a selection bias into the study, especially in view of its aims. However, no person who was approached refused to participate.

Materials

Scenarios

Five short offence scenarios that were expected to elicit various types of emotional responses and moral judgments were formulated. Scenarios one to five described offences of supply of drugs, a police officer's fabrication of evidence, carnal knowledge of an animal, unlawful use of a motor vehicle, and causing pollution, respectively. Two longer offence scenarios (scenarios six and seven) described a sexual offence against a minor. The latter two scenarios were identical except for the age of the offender. All seven offence scenarios are included in Appendix A.

Previous research has found that using realistic vignette scenarios as stimuli for public judgments of sentencing increased the validity of data in that, by giving respondents more information than typical survey questions, a false appearance of punitiveness was eliminated (Applegate et al., 1996; Jacoby & Cullen, 1998; Thomson & Ragona, 1987; Zamble & Kalm, 1990). It is reasonable to assume that, in contemporary Western society, some offences are more evocative of emotional or moral responses than others. Offences that evoke disgust, repugnance, fear, anger or that represent violations of norms that threaten social order fit this category. The offence scenarios that were developed for the present study were all designed to be evocative of strong negative emotions toward the offenders and/or morally based judgments about the offences. With the exception of scenario one, the offences were more wrongful than harmful (see the earlier discussion of Warr, 1989 and Table 1).

Scenario one described the supply of heroin to high school students in exchange for their recruiting fellow students as new users. It was expected that this description

would evoke feelings of anger at the harm caused by this illegal drug and outrage that an adult would corrupt youth. The second scenario described the offence of a police officer who had planted evidence to obtain a conviction against a known heroin dealer. It was anticipated that respondents would have mixed feelings of concern about a police officer breaking the law, sympathy for the difficulties faced by police, and, as a result of the first scenario, some degree of acceptance of the officer's methods.

It was expected that the offence described in the third scenario, carnal knowledge of an animal, would prompt disgust and repugnance in most respondents even though any degree of harm to the animal is debatable. Scenario four, the theft of a car by an Aboriginal youth, was expected to access community outrage at what is currently perceived to be a widespread offence. The fact that the description made it clear that the car was returned undamaged was expected to illuminate concerns that were moral and emotional rather than responses that were congruent with the considerations of harm. For similar reasons, the pollution caused by the corporation described in scenario five was described as causing minimal, temporary damage.

A sexual offence against a minor was included as an example of a crime that was particularly likely to elicit condemnation of the offender in a way that was disproportionate to the factual circumstances of the offence. Hart (1989) stated that, "in relation to the special topic of sexual morality ... it seems *prima facie* plausible that there are actions immoral by accepted standards and yet not harmful to others" (p. 5). In an attempt to explore underlying factors in respondent punitiveness that were disproportionate to the legal seriousness of the offence, scenarios six and seven described a sexual offence that resulted in minimal harm. It was made clear that the 15-year-old

female victim initiated the sexual contact and that she has since stated that the offence had had no adverse effects. The scenarios described offences that were identical except for the age of the offender. It was expected that moral indignation would be compounded by the discrepancy in the ages of the offender and the victim described in scenario seven.

The characteristics of the seven scenarios that were expected to evoke moral indignation, and indications of the relative harmfulness and wrongfulness of the offences are summarised in Table 1.

Table 1
Harmfulness, Wrongfulness and Moral Indignation Characteristics of Seven Scenarios

Offence	Moral Indignation Characteristics	Consequences
possession of heroin with intent to sell or supply	addiction and recruitment of young victims; material gain from moral wrong	potential physical and social harm
fabricating evidence	offender a police officer; may be countered by drug dealer victim	none, victim guilty; social harm
carnal knowledge of an animal	deviant sexual offence; disgust, repugnance	none, no physical harm, no witnesses except police
unlawful use of a motor vehicle	offender an Aboriginal youth; anger at perception of widespread car theft by this group topical	none, car returned undamaged
water pollution	environmental protection topical	little damage done; temporary harm
sexual penetration of a child over 13 and under 16 (offender 18)	sexual offence; youth of victim	victim consented, initiated sex, and says “no harm”
sexual penetration of a child over 13 and under 16 (offender 60)	sexual offence; youth of victim and offender much older	victim consented, initiated sex, and says “no harm”

Questionnaire

Participants were asked to record their emotional responses to the scenarios; to evaluate the seriousness of the offence; and to describe the type and purpose of any punishment deserved by the offender. They were also asked to comment on a working definition of moral indignation and to identify offences that had elicited this response. The questionnaire is included in Appendix B.

The main part of the questionnaire comprised an introductory letter; the five short offence descriptions and the two longer scenarios; and a set of five questions that followed each scenario. The five questions asked participants to record their feelings about the offence; a rating of the seriousness of the offence (on a 135mm visual analogue scale with the anchors *not at all serious* [low] to *extremely serious* [high]); their reasons for the seriousness rating; a judgment about what should happen to the offender; and their reasons for making that decision. With regard to the last item, it was intended that the commonly accepted sentence purpose categories of retribution, deterrence, incapacitation and rehabilitation (Hoekema, 1995; Walker, 1991) would be inferred from responses. A similar technique was utilised by Indermaur (1990).

The questionnaire ended with a working definition of moral indignation/outrage and requests for demographic information. Participants were asked whether the definition was meaningful to them and whether they related it to any of the offence descriptions they had just read. They then recorded information about their sex, age group, cultural background, and previous involvement with the criminal justice system.

Procedure

The scenarios had been formulated with the expectation that they would arouse moral indignation. However, this concept was not introduced to participants from the outset. In order to prevent participants from becoming aware of the definition of moral indignation too early, they were instructed to progress through the questionnaire sequentially.

Debriefing of participants included an assurance that all the offence scenarios were fictitious. They were offered telephone debriefing and counselling by the researcher and provided with a contact number for the Sexual Assault Referral Centre.

The only questionnaire item that required scoring was the rating of perceived seriousness of the offences. The score was the length of the line representing the 135mm visual analogue scale at the point where participants had marked their rating.

Analysis

This study was an exploratory one and the results presented are impressionistic and global rather than quantitative or definitive.

The one quantitative measure included in the questionnaire was the perception of the seriousness of each offence. There was a high degree of consensus ($SD = 17.25$) in the rating of supplying heroin as the most serious offence ($M = 119.94$) on a 135mm visual analogue scale. Ratings of seriousness are shown in Table 2.

Table 2
Mean Seriousness Ratings of Offence Scenarios (possible range 0 [not at all serious] to 135 [extremely serious])

Offence Scenario	<i>M</i>	<i>SD</i>
1 supplying heroin	119.94	17.25
2 fabricating evidence	100.00	35.12
3 carnal knowledge of an animal	56.18	44.01
4 theft of a motor vehicle	68.82	37.77
5 causing pollution	95.18	34.29
6 sexual penetration of a minor (offender 18)	22.44	27.95
7 sexual penetration of a minor (offender 60)	51.59	39.85

Note: *N* = 34

The most frequent emotional response to the offence of dealing heroin was anger. The most frequent reasons for regarding this as a serious offence were ‘corruption of youth’, ‘youth of victims’ and ‘harm done by drugs’. Most participants regarded imprisonment as the appropriate punishment for this offender for the most common purpose of retribution, followed in frequency by incapacitation.

Participants also regarded the offence of a police officer who fabricated evidence as very serious. However, there was less consensus than for the supply of heroin offence because some participants sympathised with the officer’s actions. Feelings about the offence were mainly anger, disappointment in the officer’s actions, and frustration at the necessity for the offence. Most participants regarded the offence as morally wrong and a betrayal of the trust that society has in police officers to act with integrity and to uphold the law. However, some participants regarded the officer’s actions as representative of a lesser wrong than that perpetrated by the person against whom the evidence was

manufactured. The most commonly mentioned punishment option was dismissal from the police service because the officer had proven himself untrustworthy (indicative of incapacitation). Of the remainder of participants, most wanted disciplinary action such as demotion or transfer taken against the officer, or a stern warning issued. Comments indicated that the aims of these punishments were either retributive or in the interests of general deterrence. This was usually described in terms of the need to make an example of him.

The most frequent emotional responses to the offence of carnal knowledge of an animal were revulsion and disgust. However, some participants said that they felt sad or sorry for the offender and nearly a third were amused or indifferent to the offence. The offence was not regarded as particularly serious, although responses to this offence resulted in the largest amount of variability in seriousness ratings. Participants who did not regard the offence as serious commented that although the behaviour was unnatural, it was a private problem that did not result in harm to human beings (or, in some instances, the animal). Most participants regarded therapy or counselling as the most appropriate consequence for the offender with the aim of helping, rather than punishing, him and enabling him to acquire insight into the unacceptability of his behaviour.

The description of unlawful use of a motor vehicle evoked feelings that ranged from anger to indifference. The mean rating of moderate seriousness was produced from highly variable responses that were characterised by bipolar considerations of wrongfulness or harmfulness (Warr, 1989). Recommendations for punishment were also influenced by this bipolarity. However, the most common choice was that the offender should serve a Community Service Order so that there might be a consequence for his

actions (to show him that they were wrong) but in acknowledgement of the mitigating circumstances of his youth and the absence of damage to the vehicle.

The offence of causing pollution was regarded as serious and participants were angry at the harm done to the environment in the interests of what they perceived as the corporate offender's greed. This reaction may have been a reflection of the emotional, topical nature of concern for the environment as it was made clear in the offence description that the environmental damage was temporary and minimal. Most participants wanted the corporation to be made to restore the environment and to pay a heavy fine by way of restitution.

The sexual penetration of a minor by an 18-year-old offender was regarded as not at all serious. This was significantly different ($t(33) = -5.26, p < .001$) from the moderate seriousness with which participants regarded the same offence committed by a 60 year old man. Participants were largely unconcerned by the offence by the younger man but many described themselves as disturbed by the older offender's actions. Comments in relation to the seriousness of the 60-year-old's offence included that, at his age, he should have had more control, he should have acted more responsibly, and some participants expressed concern that he may have taken advantage of the youth of the female victim. No consequences were deemed necessary for the younger offender, but a wide range of punishments was recommended for the older offender. Most included either a warning about severe consequences for any future, similar offences, and assessment and counselling about the inappropriateness of his actions. However, a third of participants maintained the reasoning they had used for the younger offender's punishment, that is, that because no harm had been done, no punishment was necessary.

Thirty-two of the 34 participants found the working definition of moral indignation/outrage meaningful. A representative summary of reasons for relating this feeling to particular offences, and the number of participants who felt indignant or outraged in response to each offence, are summarised in Table 3.

Although this was a small, exploratory study using a non-random sample, some important themes about the role of emotional and morally based responses (categorised as moral indignation/outrage) in the public's reasoning about justice emerged. Responses to scenarios one, two, five and seven indicated that violations of public trust and (other) abuses of power and responsibility may be important factors in the public's justice reasoning, even in cases where the culpability of the offender is ambiguous or where there has been minimal harm done to the victim. Responses to scenarios one and seven also indicated that angry and punitive responses might be exacerbated when victims are perceived as vulnerable because of their youth.

Although the present study provided the anticipated evidence that the public does respond emotionally and morally and with consequent punitiveness to certain offences, there was also evidence for tolerance of norm violations and for the use of more objective, conventional justice reasoning than widespread assumptions of public punitiveness would indicate. In contrast to offences that aroused angry responses, the offence description that elicited the expected reactions of repugnance and disgust (carnal knowledge of an animal) was not identified as a source of moral indignation and it was not related to perceptions of high seriousness or to severe punishment.

Table 3
Representative Reasons for Relating Moral Indignation or Outrage to Particular Offence Scenarios

Offence Scenario	N	Reasons for Moral Indignation or Outrage
1. supplying heroin	16	<ul style="list-style-type: none">• “corruption of young people”• “youth of victims”• “influencing the young”• “abuse of powerful position and role as moral role leader by an adult”• “positions of power, age and authority should not be abused”• “I am very much against drugs of any sort”• “because of degree of impact and [it] affects many people”
2. fabricating evidence	12	<ul style="list-style-type: none">• “police must always be above the law”• “[I] feel that if police are corrupt then there is very little hope for our society”• “[dealer must be charged but] police must be above reproach!”• “if you can’t trust the police, who can you trust?”• “police have a moral obligation to protect society and ensure the law is enforced in a fair and just manner”• “[the] dishonesty and the effect on the police force, generally, angers me”
3. carnal knowledge of an animal	5	<ul style="list-style-type: none">• “certainly violates my moral code”• “it’s a bit gross”
4. theft of a motor vehicle	3	<ul style="list-style-type: none">• “treat others as you would have them treat you. Some sections of society need to learn they must respect other people’s rights and property.”
5. causing pollution	6	<ul style="list-style-type: none">• “because of degree of impact and [it] affects many people”
6. sexual penetration of a minor (offender 18)	0	<ul style="list-style-type: none">•
7. sexual penetration of a minor (offender 60)	9	<ul style="list-style-type: none">• “outraged that a person in a position of trust has abused this power”• “positions of power, age and authority should not be abused”• “age difference between man and girl”• “abuse of powerful position and role as moral role leader by an adult”• age of victim, less power

Note: N = 34

The principal goals of punishment for the offence of carnal knowledge of an animal were treatment and rehabilitation. Reasoning about punishment was congruent with judicial reasoning in sentencing a recent, similar offence ("Man Admits Sex," 2000). Although Chief Judge Kevin Hammond was reported as describing the offence of carnal knowledge of an animal as offensive and clearly deviant, he claimed that it was a matter for treatment, not imprisonment. The punishments recommended by the participants of the present study and the recommended judicial punishment for this recent similar offence were much less severe than the seven years imprisonment prescribed by Section 181 of the Western Australian Criminal Code (1913). In a comprehensive analysis of the topic of disgust, Miller (1997) explained the ways in which the nature of disgust has changed over time. It appears that reactions of disgust toward particular events have also changed over time.

The only other sexual offence that formed part of the study, the sexual penetration of a female minor by an adult male, aroused strong condemnation by some participants when there was a disparity in the ages of offender and victim. Comments indicated that a suspicion of abuse of power, rather than simple violation of sexual norms, was the main underlying principle of responses to scenario seven. However, Section 321(7)(a) of the Western Australian Criminal Code (1913) prescribes a penalty of 14 years imprisonment for the offence of sexual penetration of a female child over the age of 13 but under 16 years old by an adult male (the penalty is seven years if the offender is under the age of 18 years). Participants' recommended penalties for this offence were less than those prescribed by law whether the offender was described as 18 or 60 years old. Further

evidence that the prescribed punishment for this offence does not reflect contemporary opinion is provided by the recent offence of drunken but consensual sex between a 19-year-old man and a 14-year-old female. In imposing a \$600 fine on the offender, Judge Antoinette Kennedy was reported as stating that “young girls need to be protected from themselves” and that she would have recommended imprisonment if the man had been a few years older (“Man Fined,” 1999, p. 27). Finally, it is interesting to note within the context of changing views of laws that the original rationale for the offence of sexual intercourse with an underage female (known in the United States as statutory rape) was protection of a girl’s value in terms of the property rights of her father (Diamond, 1996).

Conclusions

Qualitative analysis of the results of the present study indicated strong condemnation of offences that violated the social norms that a) people in certain roles should be able to be trusted to act morally, and, b) that it is morally unacceptable to harm those who are vulnerable. Perceived violations of these norms resulted in strong, angry reactions to offences, and evaluations of harmfulness, wrongfulness, and deserved penalties that were disproportionately higher than those warranted by objective criteria of culpability and harm to the victim. Consequently, the principal indications of the present study, violation of a position of trust and offending against vulnerable victims, were regarded as two important, extra-legal factors in the public’s reasoning about crime seriousness and punishment. These variables were selected for experimental manipulation in the study reported in the next chapter.

CHAPTER 2

The Influence of Offender Position of Trust and Victim Vulnerability on the Public's Reasoning About Justice

Responses to the initial exploratory study in this program of research indicated that the holding of positions of trust by offenders and the vulnerability of victims were factors in the public's reasoning about justice. Specifically, the study indicated that violation of these principles leads to harsher condemnation and more severe judgments about punishment, in ways that are sometimes unrelated to the degree of actual harm produced by the offence.

Participants in the exploratory study described in the previous chapter reacted strongly to a police officer's violation of his role as an employee of an institution in which public trust is of paramount importance. The police officer's offence was perceived as a breach of public trust in the moral obligation of police to uphold the law. Other strongly condemned examples of the violation of an expectation that people in particular positions will act responsibly were a heroin supplier's perceived immoral, predatory behaviour by an adult towards vulnerable youth and a 60 year old man's perceived abuse of power and advantage over a young female. The breach of the moral obligation of people in certain roles to behave in a responsible, trustworthy manner, and of the expectation that they can be trusted to do so, was strongly associated with condemnation and punitiveness aimed at retribution and general deterrence. It may be that the public is likely to be more condemnatory of an offender who violates such social and

moral obligations in the course of committing an offence than of an offender in a less trusted position, or one whose victim is more resilient.

Trust

The two prominent features of the voluminous literature on trust are agreement on its importance to human interaction and lack of consensus on its substantive meaning (Blomqvist, 1997; Hosmer, 1995; Hwang & Burgers, 1997; Kahn, Jr & Turiel, 1988; Kasper, Golding, & Tuler, 1992; Kramer, 1999). Although considerable effort has been made to define the concept of trust, the results have been described as “a confusing potpourri of definitions applied to a host of units and levels of analysis” (Shapiro, 1987, p. 624). Additionally, some discussions of trust have assumed that its meaning is so well known as to leave it undefined or to be inferred from its context (Barber, 1983). Empirical studies have often relied on subjective understanding rather than on construct operationalisation, for example, “trust is what the actors in our study think it is” (Braithwaite & Makkai, 1994, p.3).

It was beyond the scope or purpose of this dissertation to attempt to arrive at a conclusive, general-purpose conceptualisation of trust. The meaning of trust as it specifically related to the present thesis was explored with reference to the literature that had previously made such attempts. In an effort to maintain the applied, empirical focus of this social psychological dissertation, the following review relied on relevant recent reviews and scholarly discussions of the trust literature rather than on extensive discussion of the intricate philosophical and sociological analyses of trust provided by authors such as Barber (1983), Blau (1964), Lewis and Weigert (1985), and Luhmann

(1980). The interested reader is referred to these works for a more profound and esoteric theoretical treatment of the topic.

Psychology's interest in the concept of trust has come from psychodynamic-developmental, personality, interpersonal and, more recently, organisational perspectives. Psychologists have long had an applied interest in the development of the ability to trust (Bowlby, 1982; Erikson, 1963; Kahn, Jr & Turiel, 1988). Of greater, recent emphasis has been psychology's interest in individual determinants and antecedents of trustful and distrustful personalities (Blomqvist, 1997; Kasperson et al., 1992). Rotter (1971) discussed the relationship between generalised, dispositional trust and broader social issues but later psychological investigations have mainly focused on interpersonal trust between individuals in close or intimate relationships (for example, Holmes & Murray, 1996; Rempel, Holmes, & Zanna, 1985). The dramatic increase in the study of the benefits of trust to organisations in the last decade (Kramer, 1999; Wicks, Berman, & Jones, 1999) has included scholarly discussions of the nature of societal trust as well as its role in organisational culture. Attempts have also been made to model trust as the probability of cooperative behaviour in organisations (Hwang & Burgers, 1997).

The concepts of developmental, dispositional, interpersonal or organisational trust were not relevant to this program of research. Neither was distrust of interest here. The focus was systemic trust in the social domain rather than individual trust in the interpersonal domain or in an organisational context. A useful definition of this social trust is: the "expectation that other persons and institutions in a social relationship can be relied upon to act in ways that are competent, predictable, and caring" (Kasperson et al., 1992, p. 169).

A focus on trust as a social expectation and the effects of violations of that trust required an interdisciplinary approach. Philosophy has long debated whether trust is an external moral force with which members of societies conform or a rational choice that facilitates social interaction (Hardin, 1993; Hollis, 1998). Psychologists have described social trust as a moral value that is a regulatory mechanism of social behaviour (Eisenberg, Reykowski, & Staub, 1989; Willig, 1997). Adam Seligman (1997) has provided a sociological explanation of trust in the context of the intersection of political and economic structures. According to Seligman, citizen trust is the belief that fellow citizens will cooperate in shared political values and systems. Economic trust is a society's confidence in the reliability of competent enactment of roles and systems of exchange. Whether its source is morality or rationality, the departure point for the discussion of trust here is that it is fundamental to a well-ordered society and that violations of trust elicit a psychological sense of threat to the social order.

Philosophers, sociologists, psychologists, economists and management theorists generally agree that trust is necessary for cohesive social function. A typical assertion is that "it [trust] is seen as essential for stable relationships, vital for the maintenance of cooperation, fundamental for any exchange and necessary for even the most routine of everyday interactions" (Misztal, 1996, p. 12). Another is that "trust consists in a highly complex and largely unarticulated network of expectations among members of a community. It is the background for every sort of social interaction" (Hoekema, 1995, p. 344). Effectively, trust reduces the complexity of social interactions (Luhmann, 1980); the alternative is doubt and chaos.

'Pure' Trust

The distinction has been made between trust that is regulated by contracts and rules and a more pure form of trust. Misztal (1996) referred to this distinction as trust as passion rather than trust as policy. Darley (1998) has called it non-calculational, as opposed to calculational trust and proposed an emotional basis for it in that unregulated, non-calculational trust, by definition, gives opportunities for betrayal. Seligman (1997) referred to pure trust as 'pristine', a more real form of trust than trust in regulated social exchange.

Pure social trust is more than confidence in the sanctioning power of contracts and regulations, or mere trust in others because it is in their interest to be trustworthy or to their detriment to be untrustworthy. It is fundamental to social situations "that can no longer be adequately encompassed within the matrix of normatively defined role expectations" (Seligman, 1997, p. 63) in that it goes beyond reliance on conformity (Darley, 1998). Those who argue for the importance of pure trust represent the moral and emotional side of moral philosophy's debate on the rationality of social trust. Pure, non-calculable trust has a more emotional basis and more moral force than trust as a rational decision to enhance cooperation, for example, "trust as a social lubricant which makes possible production and exchange" (Misztal, 1996, p. 82). Darley (1998) argued that proponents of the existence of non-calculational trust rely on a distaste for assertions that the mechanism of honourable behaviour is self-interest.

The distinction between pure and regulated trust has been alluded to in discussions of current emphases on attempting to control breaches of social trust by increasing the regulation of social life. The modern response to perceived erosion of social trust and, by

implication, resultant social psychological harm, is to attempt to control trust violations by increasing regulation of social interactions. However, it has been argued that formal regulation of trust can destroy trust in its pristine form (Darley, 1998; Fukuyama, 1995; Govier, 1997; Seligman, 1997). Regulation presupposes breach of trust and may breed distrust (Braithwaite & Makkai, 1994). Even in highly regulated domains such as economics, there is support for the proposition that “trust is more likely to develop between partners when exchange occurs without explicit negotiations or binding agreements” (Molm, Takahashi, & Peterson, 2000).

In the recent opinion of one social commentator:

The sense of mutual obligation is fundamental to a civilised society it relies on a degree of trust we acquire only through the experience of living in a functioning community To attempt to create a sense of mutual obligation by regulation is like trying to paint a masterpiece by numbers.

(Mackay, 2000, p. 18)

Trust Relationships

Freiberg (1995) drew a distinction between the types of social relationships that require trust. He proposed that relationships of *symmetrical trust* involve the cognitive and affective expectation in more or less equal social interactions that one can be confident that the social order is secure and predictable. *Asymmetrical trust* relationships occur between parties of unequal power or status. When one person holds a position of advantage by virtue of their knowledge, expertise, or power, he or she is trusted to exercise this advantage in a competent manner and to put the interest of the weaker party

above their own. Although behaviour in professional asymmetrical relationships is often regulated by codes of conduct and formal sanctions, not all behaviour can be so governed. Additionally, some unequal relationships have no such protection, for example the relationship between parents and children. Freiberg's conceptualisation of two types of trust relationships included the fact that trust may be symmetrical, asymmetrical, or both. The focus of the present context of this program of research was symmetrical trust relationships.

Responses to Breach of Trust

Trust, by definition, involves elements of risk and vulnerability (Kasperson et al., 1992; Koller, 1988). It lies somewhere between the confidence that comes from complete predictability and unquestioning faith in the unknowable (Blomqvist, 1997; Freiberg, 1995; Seligman, 1998), between total understanding and total ignorance (Luhmann, 1980). To trust, one must risk betrayal.

It has already been implied that social trust is necessary to prevent a social sense of doubt and threat to social cohesion (for example, Luhmann, 1980). However, the emotional basis of pure social trust means that breaches are more than non-cooperation, they amount to social betrayal. Freiberg (1995) stated that we expect and trust people to behave in a predictable manner and, "if unpredictable, unexpected or untrustworthy responses ... persist, we may become anxious, indignant, outraged or even ashamed" (p.103). A specific response arising from violation of the risk and vulnerability inherent in pure social trust is its experience as a moral violation that results in a sense of being diminished and a consequent desire for revenge (Darley, 1998).

Trust and Criminal Offences

Although it is widely agreed that trust is fundamental to social relationships, the role of trust in criminal law is latent rather than explicit (Freiberg, 1995)². Essentially, breach of trust is an aggravating factor in sentencing and it is deeply embedded in law, but “trust itself is not manifest in the substantive criminal law, in the administration of criminal justice nor in providing explanations for criminal behaviour” (Freiberg, 1995, p. 88).

As symmetrical social trust is necessary for everyday social contracts and exchanges to be conducted with confidence that others will behave as they ought, all crime can be viewed as a violation of that trust. In an analysis of the role of violation of trust in punishment, Hoekema (1995) stated that “what defines criminality, I suggest – what makes an act an appropriate ground for punishment – is *the betrayal of trust* a criminal act consists in violation of the minimum trust that we must, of practical necessity, extend to strangers” (p. 345, original italics). The legal-philosophical concept of ‘public harm’, the abstract harm produced by criminal acts, has been directly related to the erosion of the kind of trust upon which social relations and individual welfare depend (Feinberg, 1986; Kleinig, 1978; Tyler & Boeckmann, 1997).

In addition to the normative expectation that all persons will act as they ought, the trust-as-confidence that is symmetrical trust (Cherney, 1997) is higher in some individuals, and in some relationships, than in others. The offences of the heroin dealer, the police officer, and the 60 year old sex offender that were portrayed in the initial

² As Freiberg (1995) states, trust is more evident in civil law where it has an explicit role in fiduciary relationships. Its place in criminal law is limited to offences that occur within employer-employee or duty of care relationships (Hills, Della Torre, & Thomson, 1998).

exploratory study were all breaches of social trust. They did more than violate the expectations of their respective roles, they challenged the everyday trust that people will act as they ought. However, the crime of the police officer, a representative of an institution that society depends upon for social order, was especially heinous.

Govier (1997) has identified professionals as a group that is expected to be highly trustworthy. She stated that, because of their esoteric specialist knowledge and the important function they perform in a society, professionals such as medical doctors must be trusted to be, not only competent practitioners, but also conscientious human beings of high moral integrity. They have a high level of responsibility to serve the interests of the general public as well as the interests of clients. A crime committed by persons who are normally regarded as exceptionally trustworthy could be expected to represent a greater breach of social, symmetrical trust and to elicit a commensurate degree of outrage from the public.

Vulnerability

In a comprehensive examination of the topic of vulnerability, Goodin (1985) stated that to be vulnerable is to be susceptible to material or emotional harm to one's welfare or interests. It is accepted that some people are more vulnerable than others, that individuals vary in the degree to which they are fragile or resilient in the face of physical and psychological harms. Typologies of victim characteristics that are based on criteria of the impact of an offence on the victim have long emphasised vulnerability as an important aspect of the justice process (Landau & Freeman-Longo, 1990; von Hentig, 1967). The

notion of the 'ideal' victim in terms of deservedness of public sympathy is one who, at a minimum, is innocent of provocation of the offence and, at a maximum, is perceived as vulnerable in some way (Shapland, Willmore, & Duff, 1985).

Ashworth (1993) examined the issue of victim vulnerability and resilience in relation to sentencing. He questioned the justice of adjusting sentences based on varying and unforeseen levels of harm to victims (see also Black, 1994; Hills & Thomson, 1999; Hinton, 1996). For example, serious effects of sexual assault on victims are regarded as aggravating circumstances in evaluations of offence seriousness. Ashworth questioned whether it was right that an offender's sentence should differ according to whether a victim was abnormally seriously affected by the assault, or had responded to treatment and appeared to have recovered. Indeed, one of the arguments against the use of victim impact statements is their potential to introduce subjectivity and inconsistency into sentencing, in part because of the differential resilience of victims (Erez & Roeger, 1995; Hinton, 1996). Regardless of any debate on the legal importance of victim vulnerability, it appears to play a role in the public's intuitive reasoning about crime seriousness and punishment.

A particular instance of vulnerability is inherent in lack of worldliness or life experience. Excessive naivety that is the product of youth or intellectual impairment has the potential to render people vulnerable to corruption and exploitation. The study described in Chapter One indicated a connection between youthfulness of victims and their perceived vulnerability. This perception was associated with greater condemnation of offences and more retributive punishment decisions. People who have an intellectual disability are an even more readily identifiable category of vulnerable persons. The

poorly developed social and interpersonal competencies of people with intellectual disabilities have been identified as characteristics that render this group especially vulnerable (Nettelbeck, Wilson, Potter, & Perry, 2000).

Trust and Vulnerability

The potential for interaction of the trusted nature of the position of a person who offends against the law and the vulnerability of a person who is a victim of that offence is obvious. One of the inherent qualities of trust is that it involves risk and to be vulnerable is, by definition, to be particularly at risk. Accordingly, it could be expected that, as well as violations of the trust inherent in particular social positions, the juxtaposition of an offender who occupies a trusted position and a victim who has characteristics of vulnerability would strongly influence reasoning about justice and deserved consequences, even when no specific relationship of obligation exists. Examples are the social juxtapositions of medical doctors and exceptionally vulnerable persons, and adults and children. Even when the vulnerable person is not a patient of the doctor and the child is not the offspring of the adult, those juxtapositions could be expected to embody a high level of everyday, social trust and offences could be expected to be condemned accordingly.

The Present Study

The present study investigated the effects of victim vulnerability and offender position of trust on the public's reasoning about justice.

Offender position of trust was operationalised as the degree to which a person in a particular social role is generally expected to act responsibly and morally for the public good. The manipulation occurred at three levels: a medical doctor was included as the embodiment of the high degree of social trust in the medical profession (Govier, 1997; Kasperson et al., 1992; Mechanic, 1996); an adult described as a businessman represented an everyday, average level of trust; and an offender described as a 14 year old youth was expected to be regarded as less trustworthy because of his lack of maturity.

Victim vulnerability was operationalised as the potential for harm or exploitation. Three types of vulnerability were tested. In consideration of the indications of the initial study, one victim was described as a 14 year old youth (he would also be considerably younger than the offender presented in two levels of the trust manipulation); an adult victim with no characteristics of vulnerability was presented at the second level and the other victim was described as a man with a mild intellectual disability. This last level of the manipulation embodied the most readily identifiable type of vulnerability.

The type of offence chosen to be the vehicle for the victim and offender manipulations was assault occasioning relatively minor, and possibly unanticipated, bodily harm. It was chosen as a type of offence that was less emotive than those associated with sex, drugs or excessive violence so that there was less chance of the nature of the offence interacting with the manipulated variables.

Punishment for the purpose of retribution is a condemnatory response to an offender's personal responsibility for violation of a moral code (Hoekema, 1995). In the case of the present study, it was predicted that, the greater the vulnerability of the victim, the more severe would be the condemnation of the offence and the more retributive the

punishment of the offender. Similarly, it was expected that, the higher the level of social trust embodied in the offender's position, the more severely condemned would be the offence and the more retributive would be the punishment. It was also expected that members of the public would base their punishment decisions on a need to denounce a highly trusted offender, to make an example of him through a penalty aimed at general deterrence. Because of greater salience of trust in particular offender-victim combinations, for example, a medical doctor and a disabled victim, the possibility of an interaction of the two independent variables was also entertained.

Method

Design

The levels of the two independent variables, offender position of trust and vulnerability of victim, were fully crossed to produce nine experimental conditions in a 3 x 3 factorial, between-subjects design. Stimulus materials were nine offence scenarios that represented the nine experimental conditions.

The eight dependent measures were: degree of negative emotional response to the stimulus scenario; the perceived moral wrongfulness of the offence; the perceived harmfulness of the offence; the severity of the deserved punishment; and the importance of each of four widely accepted goals of punishment (individual deterrence, rehabilitation, general deterrence, and retribution) to the punishment decision.

Participants

Third and fourth year psychology students acted as research assistants and administered the research questionnaire to 348 members of the general public. This

sample was selected from people who were known to the research assistants, and people who were known to people who were known to them, using a ‘snowballing’ technique (Eland-Goossensen, Van De Goor, Vollemans, Hendriks, & Garretsen, 1997). The research assistants were given detailed instructions that were designed to maximise the representativeness of the sample (see Appendix C).

Participants were 161 males and 183 females³ aged between 16 and 80 years (M age = 36.79, SD = 13.27), 205 were married or living in a marriage-like relationship and 132 were not. Most participants (70%) had low-to-average socioeconomic status.

Participants were randomly assigned to one of nine experimental conditions and were assured of confidentiality and anonymity before voluntarily participating in the research.

Materials

Questionnaire Pre-testing

The questionnaire, titled *Public Opinion Survey*, was pre-tested on a small sample of the general public ($N = 44$). Feedback resulted in more credible and detailed stimulus scenarios, abbreviation of the questionnaire and a simpler research design than an initial plan for between- and within-subjects tests.

The within-subjects pre-testing enabled feedback on the manipulation of offender and victim characteristics. Participants’ comments confirmed that the manipulation of offender position of trust was successful. In general, they expressed the belief that a medical doctor was expected to be more trustworthy than the adult or the youth that were

³ In all instances of numbers of participants in demographic categories not summing to 348, the cause is missing data.

portrayed as the other two offenders. Additionally, the young victim and the victim who was described as having an intellectual disability were generally perceived as more vulnerable than the victim who was described as an adult businessman.

Stimulus Scenarios

The nine experimental conditions were portrayed by nine different descriptions of an assault by a fictional offender named Greg Hill. The assault resulted in physical harm to the victim. The scenarios were represented as brief summaries of evidence and they are reproduced in Appendix D. The example of scenario one, in which the offender was described as a medical doctor and the victim as a youth, appears below.

Greg Hill is a medical doctor who lives and practices in a middle-class suburb of Perth. He has been charged with the assault of a 14-year-old youth after he pushed the youth off his bicycle. Hill had been walking down a city street when the youth emerged from an alley on his bicycle and almost collided with him. When Hill spotted the youth at the traffic lights a few minutes later, he told him off and pushed him. This caused the youth to fall from his bicycle, sustaining grazes, bruising and a broken wrist. The youth was not one of Dr Hill's patients.

It was made clear that the victim of the offender who was described as a medical doctor was not one of his patients because a doctor-patient relationship between the offender and victim would have added another, confounding, kind of trust.

The Research Instrument

Each research questionnaire comprised an instruction page, one of the nine stimulus scenarios and six questions (see Appendix E). The instruction page explained that the purpose of the research was to invite members of the public to give their personal opinions on justice issues. This page also explained the requirements for completing and returning the questionnaire.

The first of the six questions required a rating of the extent of participants' negative emotional response to the offence described in the stimulus scenario. The next two questions utilised Warr's (1989) two-dimensional interpretation of crime seriousness. Question two sought an evaluation of the moral wrongfulness of the offence, and question three asked how harmful the offence was. Each of these first three questions required a cross to be made on a 135mm visual analogue scale. The scale anchors were *no negative emotional response* to *extremely negative emotional response* for question one, and *not at all morally wrong/harmful* to *extremely morally wrong/harmful* for questions two and three.

Question four requested that participants rate the severity of the punishment deserved by the offender and to provide comments on the aspects of the offence that influenced their decision. The anchors of the 135mm visual analogue scale for this question were *no punishment* to *the maximum punishment for this offence*.

The fifth question comprised four 135mm visual analogue scales to record the importance of each of four widely accepted goals of punishment (individual deterrence, rehabilitation, general deterrence, and retribution/just deserts, Hoekema, 1995; Walker, 1991) to participants' judgments of the appropriate penalty. The goals of punishment

were implicit, rather than explicit, in the questions. For example, the importance of retribution/just deserts to each punishment decision was measured by asking about the importance of *the need to ensure he gets what he deserves* to that decision.

Lastly, question six asked participants about their age, sex, marital status and income, and participants were invited to record any comments they wished to make.

Procedure

Research assistants were instructed to select equal numbers of males and females who were over 18 years of age and who came from a range of ages and socioeconomic groups (research assistant instructions appear in Appendix C).

Participants read the instruction sheet in the presence of the research assistant. They then read the stimulus scenario they had been assigned and answered the six questions. The completed questionnaire was sealed in an envelope and delivered or mailed to the researcher.

Data Scoring

Each questionnaire delivered eight individual scores out of 135, calculated by measuring the length of each 135mm visual analogue scale at the point where participants had marked their rating.

The eight questionnaire items had high internal consistency reliability (Cronbach's $\alpha = .87$) and principal components analysis produced a simple solution of one component with an eigenvalue of 4.21. This component accounted for 52.66% of the total variance in the set of variables and all eight dependent variables loaded highly (between .65 and .82) on it. Therefore, it would have been possible for every item to be included in an analysis of variance on a measure called, for example, justice evaluation.

However, there was a strong conceptual rationale for separating analyses of items one to four from the four scores produced by item five. Questions one to four measured the strength of participants' negative response to, and evaluation of, the offence, whereas the four aspects of question five elicited information about the importance of punishment goals that are potentially mutually exclusive. Scores on items one to four yielded a Cronbach's alpha value of .82 and principal components analysis revealed one component with an eigenvalue of 2.63. This component was named *condemnation*. It accounted for 65.64% of the total variance in the four items' scores and all four items loaded highly (between .76 and .83) on it.

Consequently, five dependent variables were prepared for analysis: condemnation, and the importance of individual deterrence, rehabilitation, general deterrence, and retribution to the decision about the deserved penalty.

Demographic values for age and sex were recorded in their raw state but information about marital status and income was used to estimate socioeconomic status. For example, participants who recorded an annual family income of \$50,000 to \$75,000 were regarded as being from an average socioeconomic group if they were married and from a high socioeconomic group if they were unmarried.

Qualitative data was produced by the question, "What aspects of the crime influenced your opinion on the severity of punishment deserved by Greg Hill?" that formed part of item four and the comments that participants made at the end of the questionnaire. These were recorded verbatim and grouped according to experimental condition for later thematic analysis. The data were used as a source of elucidation of quantitative findings.

Results

Data Screening

Missing data formed a random pattern except in the case of the item that asked about family income (23 missing values). This aberration was not unexpected as some participants commented that this question was too personal and they refused to answer it. In accordance with a data screening procedure for collinearity and redundancy recommended by Tabachnick and Fidell (1989), inter-item correlations were also checked and these did not exceed $r = .62$ (for the harmfulness and severity of punishment items) in the overall data set.

As the data were grouped by the research design, subsequent screening of the data was performed separately for each experimental group. Within-cell inter-item correlations did not exceed $r = .82$. This occurred in the adult businessman offender/adult victim group between measures of the importance of general deterrence and rehabilitation to participants' punishment decisions.

Screening for outlying univariate scores using the z-score method indicated that four scores (all on the importance of individual deterrence variable) were extreme. However, stem-and-leaf plots in conjunction with SPSS tables of extreme values indicated 29 outliers that involved more than one variable. These scores were accepted as a valuable part of the opinions of the research population and, rather than delete either the variables or the cases involved, extreme scores were retained and modified using a method suggested by Tabachnick and Fidell (1989). Outlying cases were assigned a raw score that was one unit smaller (or larger) than the next most extreme score in that

distribution. As a consequence, no data were lost but the influence of the outliers' deviance on score distributions and their analysis was diminished.

Mahalanobis distance values were calculated for each participant to check for multivariate outliers. Using the conservative $\alpha = .001$ recommended by Tabachnick and Fidell (1989), comparison with the appropriate chi-square value, $\chi^2_{\text{crit}}(5) = 20.52$, showed no multivariate outliers in the data.

Initial screening of the data showed many within-cell violations of normality and modification of the univariate outliers made little difference. There were still 31 normality violations in the 45 cell-measure groupings after univariate outliers were modified. Many data distributions were platykurtic and some were also asymmetrical. However, if variables were not normally distributed in the population, results of analyses on transformed distributions of scores on these variables would not be generalisable to that population. In order to preserve the generalisability of the research results, non-normal distributions were not transformed.

It was decided to conduct analysis of variance on the condemnation variable, as this analysis is robust to violations of normality when sample sizes are large and equal. It is not clear whether this robustness also applies to multivariate analyses of variance (Tabachnick & Fidell, 1989) but, as there was no suitable method of non-parametric statistical analysis for the data produced by item five, it was decided to perform MANOVA. Large sample sizes and the absence of extreme scores in the data were expected to reduce the impact of non-normal distributions on multivariate analysis of variance of the importance individual deterrence, rehabilitation, general deterrence and retribution.

Tests for linearity of pairs of dependent variables were not performed because of the number of tests that would have been necessary and the resulting complexity of interpretability.

Descriptive Statistics

In addition to problems with the flatness and asymmetry of the distributions of the research data, the range of scores on most dependent variables in most of the nine research cells was extremely broad. Standard deviations demonstrated a wide range of responses to the stimulus scenarios for every dependent variable, indicating considerable variability in participants' views. Attempts to account for this variability and, hence, modify the extent and the heterogeneity of the statistical variance in the data, included grouping participants by age group, sex, age group and sex, and by socioeconomic status. None of these attempts made an appreciable difference to the variability of the data.

Means and standard deviations for each of the five dependent variables in each experimental condition are reported in Table 4.

Analysis

Condemnation

Although scores on condemnation were highly variable, the homogeneity of the variance across experimental groups was sufficient to permit and to confidently interpret ANOVA.

A 3 x 3 (offender position of trust x vulnerability of victim) ANOVA on condemnation showed a significant, small main effect for victim vulnerability, $F(2, 329) = 3.637, p = .027, \eta^2 = .022$. There was no significant effect of offender position of trust on condemnation. Additionally, no interaction effect of victim

vulnerability and offender position of trust was found. The ANOVA table appears as Table 5.

Table 4

Means and Standard Deviations of Condemnation, Individual Deterrence, Rehabilitation, General Deterrence and Retribution Scores for Three Offender Positions of Trust and Three Levels of Victim Vulnerability (range 0 – 135)

Victim by DV				Offender								
condemnation	doctor			adult			youth			Total		
Victim	M	SD	N	M	SD	N	M	SD	N	M	SD	N
youth	80.30	24.75	41	80.90	29.36	37	78.62	30.78	38	79.94	28.08	116
adult	71.84	31.54	37	71.42	29.10	39	79.28	31.09	37	74.13	30.51	113
disabled adult	83.89	24.93	36	84.18	29.35	37	85.57	26.67	36	84.54	26.83	109
Total	78.69	27.41	114	78.70	29.52	113	81.09	29.51	111	79.48	28.76	338
ind. deterrence	doctor			adult			youth			Total		
Victim	M	SD	N	M	SD	N	M	SD	N	M	SD	N
youth	91.98	31.47	42	98.05	31.82	38	99.38	36.25	39	96.34	33.10	119
adult	75.97	39.38	39	98.24	31.93	37	103.97	29.67	39	92.63	35.80	115
disabled adult	99.84	27.71	38	100.28	30.53	39	111.65	25.12	37	103.82	28.21	114
Total	89.24	34.37	119	98.88	31.16	114	104.89	30.92	115	97.57	32.77	348
rehabilitation	doctor			adult			youth			Total		
Victim	M	SD	N	M	SD	N	M	SD	N	M	SD	N
youth	58.24	38.09	41	60.79	39.37	38	75.05	41.89	38	64.53	40.12	117
adult	51.59	41.75	39	59.14	38.07	37	82.44	43.82	39	64.48	43.07	115
disabled adult	71.05	42.39	38	57.53	45.11	38	92.89	33.08	38	73.82	42.74	114
Total	60.17	41.17	118	59.15	40.64	113	83.45	40.23	115	67.58	42.09	346
gen. deterrence	doctor			adult			youth			Total		
Victim	M	SD	N	M	SD	N	M	SD	N	M	SD	N
youth	59.76	40.06	41	50.13	39.19	38	62.97	40.26	39	57.72	39.87	118
adult	48.61	39.47	38	57.54	40.43	37	60.95	44.87	39	55.73	41.66	114
disabled adult	55.55	42.35	38	51.49	40.09	39	71.92	44.87	38	59.58	43.01	115
Total	54.77	40.54	117	53.00	39.68	114	65.22	43.26	116	57.68	41.43	347
retribution	doctor			adult			youth			Total		
Victim	M	SD	N	M	SD	N	M	SD	N	M	SD	N
youth	66.27	39.44	41	60.13	37.78	38	75.90	38.92	39	67.47	38.94	118
adult	63.03	41.20	39	62.86	39.22	37	63.10	43.34	39	63.00	40.63	115
disabled adult	68.13	38.30	38	79.51	43.12	39	81.95	42.19	38	76.56	41.35	115
Total	65.80	39.05	118	67.65	40.72	114	73.58	41.90	116	69.00	40.58	348

Note: *ind. deterrence* = individual deterrence
gen. deterrence = general deterrence

Table 5
ANOVA Summary Table of the Effects of Vulnerability of Victim and Offender Position of Trust on Condemnation

Source	df	SS	MS	F
Offender	2	430.93	215.47	0.262
Victim	2	5992.72	2996.36	3.637 *
Victim x Offender	4	1205.19	301.30	0.366
Within	329	271035.60	823.82	
Total	337	277471.44	823.36	

* $p < .05$

Post hoc pairwise comparisons of the effects of victim vulnerability using Tukey's Honestly Significant Difference (HSD) test showed that condemnation of an offence against the most vulnerable victim, the man who was described as having a mild intellectual disability ($M = 84.54$, $SD = 26.83$), was significantly stronger ($p = .019$) than condemnation of an offence against an able-bodied adult victim ($M = 74.14$, $SD = 30.51$). Although not significantly different from scores in the other two conditions, the mean condemnation score ($M = 79.94$, $SD = 28.08$) for the offence against a victim who was described as a youth fell between those for victims who were expected to be regarded as highly vulnerable or non-vulnerable.

Qualitative data were analysed by recording the frequency of occurrences of themes that emerged from response content analysis (Glesne & Peshkin, 1992). The data supported the assumption that the condemnation of an offence against a person with an intellectual disability was related to the perceived vulnerability of the victim. Table 6 shows that aspects of the offence that influenced punishment decisions were relatively evenly spread across experimental conditions. The exception was the stronger influence

of victim attributes on decisions about punishment for an offence against a victim who was described as having a mild intellectual disability.

Table 6
Frequencies of Aspects of the Offence Scenario That Influenced Participants' Opinions on Severity of Punishment

Offence Aspects That Influenced Punishment Severity ^a							
Cell (offender/ victim)	1 offender attributes	2 intent	3 victim attributes	4 harm	5 seriousness	6 blame/ deserts	7 wrong
dr/youth	15	2	6	7	.	21	1
dr/adult	12	6	1	4	1	15	1
dr/pwid ^b	14	3	11	4	.	4	4
adult/youth	11	4	3	7	1	13	1
adult/adult	6	4	.	6	1	16	2
adult/pwid	15	3	13	5	2	11	1
youth/youth	14	6	3	7	4	12	1
youth/adult	11	4	1	3	.	17	.
youth/pwid	13	4	6	5	3	10	.
Total ^c	111	36	44	48	12	119	11

Notes:

- ^a
- 1 position, age or status of offender; expectations of same
 - 2 planned nature of offence; retaliatory
 - 3 vulnerable characteristics of victim
 - 4 extent of harm, violence, potential harm
 - 5 serious nature of offence
 - 6 calculation of just deserts: assessment of a penalty that is proportional to the degree of harm and blameworthiness
 - 7 moral wrongfulness of offence
- ^b pwid = person with intellectual disability
- ^c some participants gave more than one reason

The finding that an offence committed by a person in a highly trusted social position (a medical doctor) was not more strongly condemned than an identical offence committed by the two representatives who did not carry a public expectation of high trustworthiness was also examined in the light of qualitative data. Analysis of responses to the question: "What aspects of the crime influenced your opinion on the severity of punishment deserved by Greg Hill?" showed that the 119 participants who read an assault scenario in which the offender was described as a medical doctor recorded a total of 132

crime aspects that influenced their punishment decision. Forty-one of those aspects had to do with the position, age, status or expectations of the offender and 29 of the participants who recorded those 41 aspects made specific mention of the offender's profession. Based on the assumption that, for those 29 participants, at least, the position of trust of the offender was salient, their condemnation scores were compared to those of the 90 participants who did not mention the doctor-offender's profession. The degree of condemnation expressed by those who mentioned the doctor's profession ($M = 91.71$, $SD = 20.91$) was higher than that expressed by the remainder of the participants who were in conditions involving a doctor as the offender ($M = 74.01$, $SD = 28.01$). Although unequal sample sizes made inferential analysis inappropriate, mean comparisons indicated that condemnation of the offender who was described as a doctor was also higher for those for whom his role was salient than for participants in the conditions involving an adult offender ($M = 78.70$, $SD = 29.52$) or an offender who was a youth ($M = 81.09$, $SD = 29.51$).

Goals of Punishment

A 3 x 3 (offender position of trust x vulnerability of victim) MANOVA was performed on the four dependent variables that measured the importance of individual deterrence, rehabilitation, general deterrence and retribution to decisions about punishment.

The Box's M test is sensitive to violations of homogeneity of dispersion matrices at $\alpha = .001$ (Tabachnick & Fidell, 1989). It revealed that the variance-covariance matrices were homogenous $F(80,135516) = 1.403$, $p = .010$, indicating that pooled matrices would be an accurate measure of error.

MANOVA (Pillai's criterion) showed a significant multivariate main effect on the importance of goals of punishment for offender position of trust, only $F(8,666) = 4.338$, $p < .001$, $\eta^2 = .050$. There was no multivariate main effect for vulnerability of the victim and no interaction. The full MANOVA source table appears as Table 7.

Table 7

Multivariate Analysis of Variance of the Importance of Individual Deterrence, Rehabilitation, General Deterrence and Retribution to Decisions About Punishment

Source of variance	Pillai's trace	Hypothesis <i>df</i>	Error <i>df</i>	Multivariate <i>F</i>
Offender	.099	8	666	4.338 *
Victim	.038	8	666	1.600
Victim x Offender	.060	16	1340	1.270

* $p < .001$

Univariate analyses of the offender position of trust effect showed significant influence on individual deterrence, $F(2,335) = 6.303$, $p < .002$, $\eta^2 = .036$, and rehabilitation, $F(2,335) = 13.998$, $p < .001$, $\eta^2 = .077$, but not on general deterrence or retribution. Post hoc pairwise comparisons using Tukey's HSD showed that individual deterrence ("the need to deter him from doing it again") was a significantly less important consideration ($p < .001$) in the punishment of an offender who was a medical doctor (high trust position, $M = 89.24$, $SD = 34.37$) than in the punishment of an offender who was a youth (low trust position, $M = 104.89$, $SD = 30.92$).

Rehabilitation ("the need to rehabilitate him") was a significantly more important factor in the punishment of an offender who was a youth ($M = 83.45$, $SD = 40.23$) than in the punishment of either a doctor ($M = 60.17$, $SD = 41.17$, $p < .001$) or an adult businessman ($M = 59.15$, $SD = 40.64$, $p < .001$).

Considerations of general deterrence (“the need to make an example of him”) and retribution (“the need to ensure he gets what he deserves”) were not significantly influenced by the manipulation of offender position of trust.

Discussion

Victim Vulnerability

The prediction that the more vulnerable the victim, the higher would be the level of public condemnation for an offence was substantially supported. Condemnation was significantly greater for an offence against the most vulnerable victim than for the least vulnerable victim. Additionally, although an offence against a young victim was not significantly more condemned than one against an adult, the direction of the mean condemnation scores indicated increased condemnation as a function of vulnerability.

The youth may not have been perceived as particularly vulnerable in the context of this offence. In fact, a belief in ‘the rashness of youth’, which was part of the rationale for the inclusion of a young offender as the low trust exemplar in the manipulation of position of trust, may have led participants to feel that the youth’s actions contributed to, if not provoked, the assault. Additionally, the indication from the initial study that the vulnerability of youth is an important factor in the public’s reasoning about justice may have been an artifact of the types of offences that gave this indication. One offence was an example of a topical and emotive social issue (supply of heroin) and the other violated sexual norms (consensual sex between a female minor and a much older male). Therefore, the influence of youth vulnerability on public responses to crime may interact with the type of offence and may be gender-specific in some cases.

The prediction that offences against vulnerable victims would produce more retributive punishments for committing them was not statistically supported. Victim vulnerability had no significant effect on the importance of any of the goals of punishment that were measured. However, the means for each of them showed a general increase in the direction from low to high vulnerability of the victim (see Table 4). Individual deterrence was the most important goal of punishment overall.

Offender Position of Trust

The prediction that the more trusted the position of the offender, the more severe would be participants' condemnation of an offence was not supported. Mean condemnation scores for the three types of offender were nearly identical. The expectation that general deterrence and retribution would be more important to decisions about the punishment of an offender who occupied a position of high social trust was also not supported.

Although it was not predicted, in retrospect it was not surprising that considerations of individual deterrence were significantly less important to decisions about the punishment of the offender who could be expected to be the most trustworthy. Neither was the finding that rehabilitation was a more important aim of the youth's punishment incongruent, given his potential to benefit from retraining. Rehabilitation is an important consideration of judicial deliberations (Sundt, Cullen, Applegate, & Turner, 1998) and public opinion (Doob, 2000) about the punishment of juvenile offenders. It has been shown that the public does not support exclusively punitive responses to juvenile offenders (Moon, Sundt, Cullen, & Wright, 2000).

The manipulation check conducted during the questionnaire pilot showed that a medical doctor was regarded as holding a highly trusted position and that his position was more highly trusted than that of an adult businessman or a youth. However, analysis of the present study revealed that, not only was offender position of trust not a significant factor in condemnation of an offence, but more than half of the participants who read the assault scenario in which the offender was described as a medical doctor did not consider his occupation and position in their decisions about punishment.

Before concluding that trust was not a consideration in the public's reasoning about justice, alternative explanations for the absence of an effect for this specific instance of breach of trust on condemnation were explored. As well as being perceived as highly trustworthy, the position of medical doctor has high social status (Daniel, 1983; Mechanic, 1996; Sargent, 1994). Research on the effects of status has shown that high social status affords protection from social sanctions for moderate social deviance (Rosoff, 1989; Wiggins, Dill, & Schwartz, 1965). What Skolnick and Shaw (1994) termed a *status shield effect* may have ameliorated the effect of the doctor-offender's breach of trust on condemnation in the presence of what was a moderately serious offence. In other words, the manipulation of offender position of trust in the present study may have been confounded with offender status. A status shield effect would account for a public perception that individual deterrence was not a necessary consideration of the punishment of the high status offender. There has also been evidence from sentencing research that loss of status experienced as a result of the exposure of crimes of high status offenders may be treated as a mitigating factor in punishment (Thomas, 1979).

Research that has specifically examined the effect of offender status on condemnation for offences has shown that high status reduces condemnation for an offence unless the offence is professionally related (Skolnick & Shaw, 1994; Shaw & Skolnick, 1996). These researchers found that professional relatedness of offences (but not offence magnitude, as had previously been proposed by Wiggins et al., 1965 and Rosoff, 1989) reversed the usual negative correlation between status and condemnation and produced a *status liability effect*. This conclusion is supported by a sentencing principle that damage to high status is no longer a mitigating factor in punishment if an offence was committed in the course of an offender's work (Thomas, 1979).

Skolnick and Shaw (1994; Shaw & Skolnick, 1996) operationalised professional relatedness as an offence by a high status professional against a client. The fact that scenarios used in the present study made it clear that the victim was not a patient of the offender who was described as a doctor is congruent with speculation about the presence of a status shield effect.

Evaluation of the results of the present study also invited speculation that the type of trust that was manipulated may not have been an accurate reflection of the aspect of public justice reasoning indicated by the results of the exploratory study reported in Chapter One. The main indication that trust was a factor in the public's reasoning about justice in that study was respondents' anger and indignation at an offence committed by a police officer. The planting of evidence to obtain a conviction against a known heroin dealer was seen, even by some participants who regarded it as morally justifiable, not only as a betrayal of the officer's trusted position but also as a wilful abuse of his relative power.

The trust embodied in power relationships was explained in Freiberg's (1995) conceptualisation of asymmetrical trust – the trust inherent in reliance on those who have more power or knowledge than the trustor. When a person holds a position of advantage by virtue of their age and experience, their expertise, or their position in society, they are trusted to behave in an ethical manner towards those with less power. Freiberg has cited relationships between professionals and their clients; parents and their children; and the relationship of doctors, lawyers, and counsellors to those who seek their help as examples of this kind of trust. In accordance with this view on trust, the offences of the heroin dealer, the police officer, and the 60-year-old sex offender may all be said to have demonstrated a breach of asymmetrical trust in addition to violations of symmetrical trust.

Future Directions

Investigation of victim vulnerability as an aspect of the public's reasoning about justice was not pursued in this program of research. It had been established that a high level of vulnerability increased condemnation of an offence. There was also some indication that this condemnation may be related to punishment aims. It was concluded that the youth of victims probably interacts with the nature of an offence in the production of perceived vulnerability and consequent condemnation.

The role of trust in the public's reasoning about justice required clarification as well as further investigation. The protection offered by a trusted offender's status may have ameliorated condemnation for a breach of symmetrical trust in the case of a moderately serious offence. It was decided that a clearer picture of the public's perceptions of those who embody varying levels of trust and status was required before

conducting a further examination of the effects of status and trust on reasoning about criminal offences.

The results of the present study prompted an alternative view that the function of trust as an underlying principle in the public's reasoning about justice may reside in breach of *trust relationships* rather than in the violation of the normative role expectations attached to trusted positions. It was concluded that further examination of the role of asymmetrical trust relationships in the public's reasoning about justice was necessary.

Methodological improvements were also considered necessary. The offence scenario that was used in the present study caused some participants to form the opinion that the victim provoked his attacker. Some respondents went so far as to state that the victim deserved to be assaulted and ambiguity about the culpability of the offender may have contributed to the variability in the data. It was decided to remove this ambiguity from future scenarios.

The fact that there was so little consensus in the responses made by members of the public may not have been due to methodological concerns alone. The magnitude of the standard deviations in the data also prompted consideration that participants may have varied in the degree of consideration they gave to their responses. In accordance with one of Durham's (1993) recommendations for improving the validity of research on public opinions about criminal justice, no constraints were placed on the response contexts of participants in the current study. It could be expected that judgments based on heuristic information processing (see Fiske & Taylor, 1991 for a comprehensive discussion of heuristics and biases in social cognition) were likely to differ from those made by participants who gave careful, objective consideration to their responses. It was the latter

kind of response that was most likely to serve the aims of the research. Therefore, it was decided to elicit a more consistent and thoughtful level of consideration from respondents in subsequent studies in order to enable more systematic comparison of experimental groups.

An alternative view of the variability in the data produced by the present study was that people's views on the issues examined are so influenced by complex, interacting factors, or so much a product of individual difference characteristics, that they cannot be neatly summarised or compared. It may eventuate that lack of consensus must be accepted as an inherent characteristic of public opinion on criminal justice issues.

Qualitative data gathered by the present study indicated that, although offender characteristics were the most important consideration in participants' reasoning about punishment overall, and although victim characteristics were important to reasoning about offences in which the victim was vulnerable, objective assessments of deserved penalties in relation to harm and culpability played a major part in participants' evaluations. Notwithstanding the potential confounds, methodological limitations and sources of non-consensuality discussed above, the possibility that the opinions of the public may be more rational and less influenced by emotional and moral concerns (especially in relation to prosaic offences) than is commonly believed must not be overlooked.

CHAPTER 3

Status and Trust

The purpose of the studies reported in this chapter was to explore the relationships of trust and status to enable a more meaningful investigation of the role of trust in the public's condemnation of offences and its reasoning about punishment. The results of the first experimental study in this program of research showed that an expected effect for an offender's position of trust might have been modified by the influence of his status. As it was trust, rather than status, that was indicated as an important principle in the public's reasoning about justice in the initial exploratory study, and trust that was the intended manipulation in the subsequent experimental study, the logical next step in this program of research was to attempt to manipulate trust without confounding by status.

Consequently, it was decided to experimentally compare the effects of high trust on public condemnation of offences and reasoning about punishment for offenders of high and low social status. This chapter describes an attempt to clarify the concepts of status and trust and their relationships in real-world exemplifications.

Status Defined

Status is primarily a sociological construct. One of the problems of discussions of status is the imprecise boundaries placed on status, prestige and class (Scott, 1996). The dominant view in sociology is Weber's theory that, in a tripartite social structure of class, status, and authority (party), status is conferred on those who possess characteristics that carry social honour or prestige and/or the economic bases of class (for example,

Anderson, Hughes, & Sharrock, 1987; Cuff, Sharrock, & Francis, 1998; Giddens, 1997; Sargent, 1994; or any mainstream sociology textbook). A representative sociological definition of status is, “the social honour or prestige which a particular group is accorded by other members of a society” (Giddens, 1997, p. 586). Prestige is defined as “the level of esteem in which people hold themselves and are held by others” (Cuff et al., 1998, p. 51). The notion that the bases of status are not purely economic, and an illustration of the fundamental difference between status and class, was provided by Giddens’ (1997) example of social esteem for ‘genteel poverty’ and concurrent scorn for ‘new money’.

Status and Trust

In one of the few concurrent treatments of trust and status in the psychological literature, personality theorists Jones, Couch and Scott (1997) describe a “fundamental and unavoidable tension between behaviors which promote “getting along” [trust] and those associated with “getting ahead” [status]” (p. 466). Nevertheless, in terms of the expectations of those who have achieved or been ascribed high status or trust, the meanings of status and trust are intuitively correlated. Psychological definitions of status stress the role of societal obligation, for example, “condition, position, or standing socially, professionally, or otherwise obligatory behaviour of persons in particular positions in terms of roles, the pattern of socially accepted and expected behaviours” (Reber, 1985, p. 728). Govier (1997) related status to trust in that, “the relatively high status of some professions, such as medicine, dentistry, the judiciary, and science gives many people an initial disposition to trust their members even those who are total strangers” (p. 82). She stated that high status people present themselves as trustworthy and, “generally give the impression of being socially responsible” (p. 83). Similarly, trust

in a social position could be expected to contribute to perceptions of high social status. Furnham (1994) has stated that expert professionals such as scientists can raise flagging levels of public esteem by, in part, building trust. Investigations of the inter-relationships of status and trust have not been a focus of psychology or sociology. Neither is there a nexus between the voluminous literatures on the concept of trust and sociological analyses of status as an element of social structure. Sociology's primary interest in status is its role in social stratification. A status is "a position in society which confers a certain degree of prestige on one; it is usually one of a set of hierarchical positions; and generally implies certain expected behaviour" (Sargent, 1987, p. 24). Therefore, a person's status is a determinant of his or her position in the social hierarchy.

The fact that retaining honour and prestige relies on a social trust that expected behaviours will be performed is not made explicit in sociology. This omission can be explained in the context of the different emphases of sociology and social psychology. In an analysis of the perspectives taken by the two disciplines, Thoits (1995) stated that detailed and explicit pursuit of explanatory mechanisms is of secondary importance to sociology's concern with location in the social structure. Conversely, psychologists often attempt to understand dyadic or small group processes without reference to relationships of status or power. In a discussion of mainstream sociology's view on interpretations of prestige, Wegener (1992) stated that purely subjective analysis is seen to be of little sociological relevance and, in the utilisation of cognitive and valiative analyses, "we are left with only psychological effects" (p. 258).

One sociological perspective that conceptualises status and prestige in terms of shared societal value systems rather than part of a framework of social stratification alone

is the normative functionalist approach of Talcott Parsons (Scott, 1996). Parsons' conceptualisation of the production and characterisation of status allows for a subjective, normative consideration of status in social relationships that approaches a social psychological analysis. The basis of references to sociology and the meaning of status used in this dissertation relied on a functional understanding of status rather than its explanation of structure alone.

The Present Studies

Ideally, an experimental study that further investigated the findings reported in Chapter Two would have evaluated the influence of trust, independent of effects of status. To do so would have required the formulation of orthogonal offence scenarios in which an offender had, variously, high trust and high status, high trust and low status, low trust and high status, and low trust and low status. However, attempts to isolate trust and status in factorial designs using examples of offenders proved problematical. The formulation of offence scenarios that portrayed an offender who occupied a position of high social trust but who had low social status, and one in a position of low trust but high in status proved particularly difficult. The concepts of position of trust and social status have considerable overlap when considering real-world exemplars. Additionally, the results of the study reported in Chapter Two indicated a need to investigate the impact of professional trust relationships on reasoning about criminal justice. By definition, those on whom the public relies for expert knowledge and assistance are held in high esteem, thus indicating a similar correlation between asymmetrical trust (Freiberg, 1995) and status.

In an attempt to further illuminate the relationships between the status and trustworthiness of those who occupy various social positions and occupations, two surveys were conducted. The aim was to provide a sound empirical basis for further experimental research using offender characteristics that, as much as possible, separated trust and status. In order to emphasise relationships between trust and status, the methodology and results of the surveys are reported together.

Method

Participants

Participants in both surveys were introductory psychology students at Edith Cowan University. There were 237 participants in the trust survey, 167 females and 59 males (no information was recorded for the sex of 11 participants). Their ages ranged from 17 to 52 ($M = 24.61$, $SD = 9.18$). There were 192 participants in the status survey, 132 females and 51 males (no information was recorded for the sex of nine participants). Their ages ranged from 17 to 63 ($M = 24.34$, $SD = 9.53$).

The samples, although non-randomly selected, were not as unrepresentative of the general population as would usually be the case with student participants. Edith Cowan University has a high proportion of mature students, low entrance scores relative to Western Australia's three other major universities, and a student catchment area of low to average socioeconomic status.

Although the surveys were conducted as activities in two of the students' undergraduate tutorial classes, they were informed that participation was voluntary and that neither the completion nor the content of the surveys was associated with assessment

of the unit. They were assured that the information they provided was anonymous and that individual responses would remain confidential to the researcher.

Materials

The questionnaire used in the trust survey asked participants, “Who Can We Trust?” It requested nominations of the types of people that society holds in high and low trust and the reasons for that trust or distrust.

The questionnaire used in the status survey asked for definition of social status and for the generation of lists of the types of people participants regarded as belonging to high or low social status groups. Respondents also recorded their reasons for the status of each nomination. Definitions of social status were regarded as a prime for the concept of status.

The questionnaire used for the trust survey appears in Appendix F. The status survey questionnaire appears in Appendix G.

Procedure

Administration of the trust survey formed part of an introductory psychology tutorial on social psychology. The tutorial exercise was explained as an examination of the differences between the explanations of individual and social psychology. The student participants were allowed ten minutes to complete the questionnaire and their responses were used as the basis for a facilitated discussion on levels of meaning in social explanation. Tutors’ instructions for the exercise appear in Appendix F.

Completion of the status survey formed part of an introduction to psychology tutorial on applied language. Student participants discussed subjective and consensual meaning of language before and after completing the survey questionnaire. Tutors’

instructions to the participants appear in Appendix G. Results of the surveys were made available to the student participants later in the semester and their use and relevance was explained.

Results

Only the major elements of the results of the surveys are presented in order to maintain the focus of the research. A broad picture of results that are relevant to the dissertation is presented in the form of frequency data and bar charts. Specifically, the perceived trustworthiness and status of medical doctors, lawyers and police officers are highlighted because of the prominence of these groups in the results of both surveys or because of the relevance of their status and trust characterisation to earlier studies in this program of research. The future utility and prominence of categories identified as possessing high or low trust and status were based on the degree to which they met the criteria of belonging to clearly representable occupational groups, nomination in both the trust and status surveys, nomination by at least 25% of participants, and the assignment of trust that was relational as well as general and professional rather than interpersonal. Other results that are of interest in themselves, but that are not relevant to the thesis are included in Appendix H for the trust survey, and Appendix I for the status survey. In the interests of clarity, a table showing all groups that were identified as possessing high and low levels of trust and status is presented here first (Table 8).

Table 8

Groups That Were Identified as High Trust, Low Trust, High Status, and Low Status in the Trust and Status Surveys and the Proportions of Participants Who Nominated Them

Trust Survey (N = 237)			
High Trust		Low Trust	
group	%	group	%
family	79.7	politicians/government	50.6
close friends	65.4	salespeople	34.7
doctors	47.7	strangers	20.7
police	27.4	criminals	14.8
teachers	23.2	lawyers	12.7
spouse/partner	20.3	people just met	12.2
self	11.0	police	11.4
priest/ministers	8.9	government departments	8.9
counsellors	7.2	media	8.0
animals/pets	3.0	bosses	7.2
pilots	2.5	people who hurt in past	7.2
dentists	2.1	businesspeople	6.3
judges	1.7	some friends	6.3
voluntary workers	1.7	real-estate agents	6.3
firemen	1.3	banks	5.1
		addicts	4.6
		doctors	4.2
		teachers	3.4
Status Survey (N = 192)			
High Status		Low Status	
group	%	group	%
doctors	59.9	unemployed	39.6
politicians	44.8	criminals	20.3
lawyers	37.00	homeless	16.1
actors/models	31.8	cleaners	16.1
business executives	24.5	unskilled workers	15.1
millionaires	22.4	poor	13.5
judges	12.5	addicts	11.5
sport-stars	9.4	garbage collectors	9.9
professionals	9.4	blue collar workers	9.4
aristocracy	8.3	students	8.3
university lecturers	7.8	Aboriginal people	7.3
teachers	6.8	politicians	6.8
priest/ministers	6.3	sole parents	6.3
police	5.7	youth	5.7
		migrants	5.7
		checkout workers	5.7
		kitchen hands	5.2
		'dole bludgers'	5.2
		disabled people	4.7
		salespeople	4.2

When asked, “Who can we trust?”, immediate family, close friends, doctors and police officers were the four most frequently mentioned groups (Figure 1).

Family and friends were trusted because of interpersonal relationship characteristics such personal knowledge of them, love, and long association and proven trustworthiness (see Appendix H for further details). Doctors were identified as a trusted group by 47.7% of participants. The most frequently mentioned reasons for that trust were because they kept information confidential and because of the caring and healing work they performed (Figure 2).

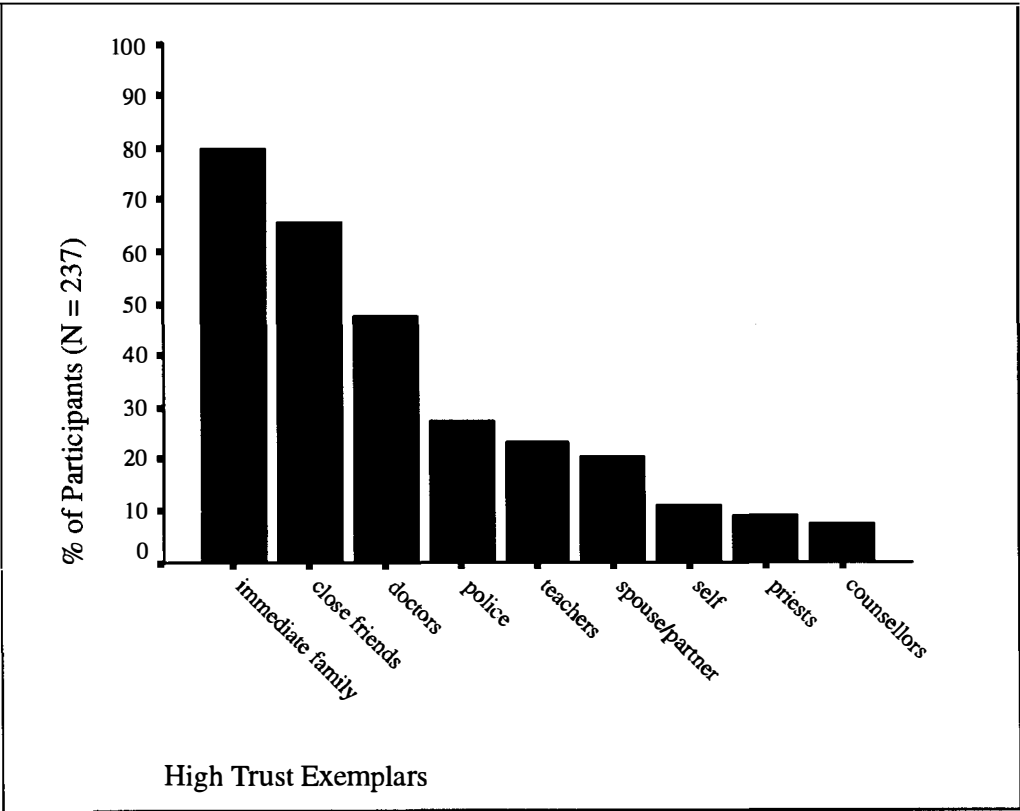


Figure 1
Nominations of high trust groups.

To a lesser extent, doctors were regarded as trustworthy because of their trusted position in society, their knowledge, because of people's reliance on them, and because of their high status. Therefore, the four most frequently mentioned reasons for trusting medical doctors derived from symmetrical trust attributes of their role in society. However, the asymmetrical trust consideration of reliance and the role of status as a source of perceived trustworthiness were also mentioned. A small number of participants (4.2%) did not trust doctors because of adverse past experiences.

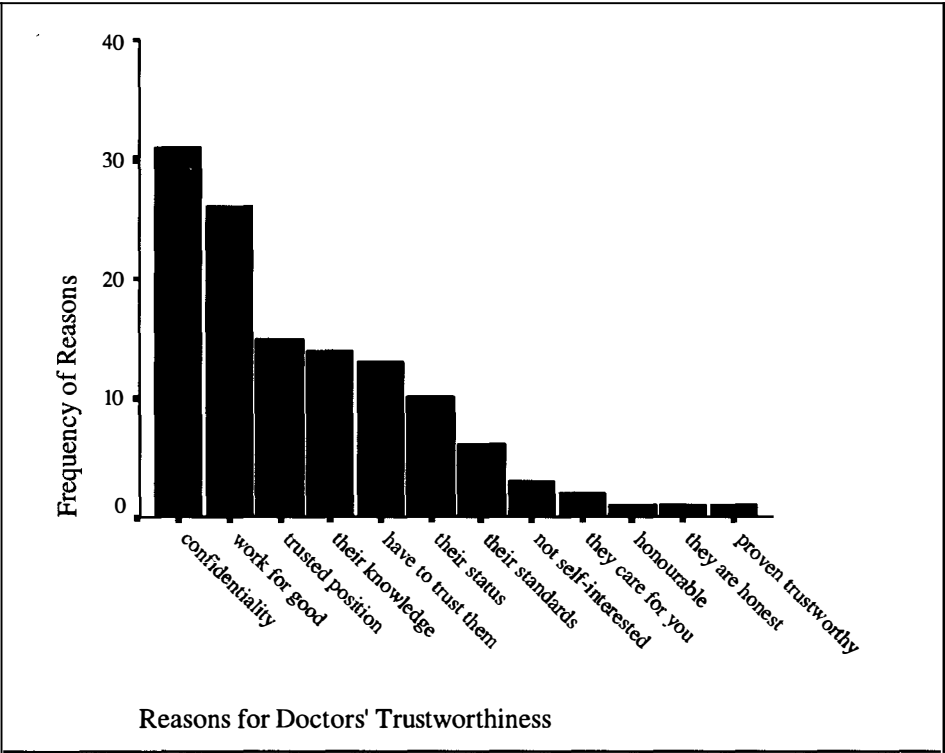


Figure 2
Frequencies of reasons for high trust in medical doctors

When asked to nominate categories of people who had high or low social status, 59.9% of the 192 participants nominated medical doctors as possessing high social status (Figure 3). Politicians, lawyers and celebrities also figured prominently in high status nominations.

Although wealth, power and education were the major defining characteristics of status overall, these characteristics were surpassed by caring and helping as the main status-producing attributes of medical doctors (Figure 4).

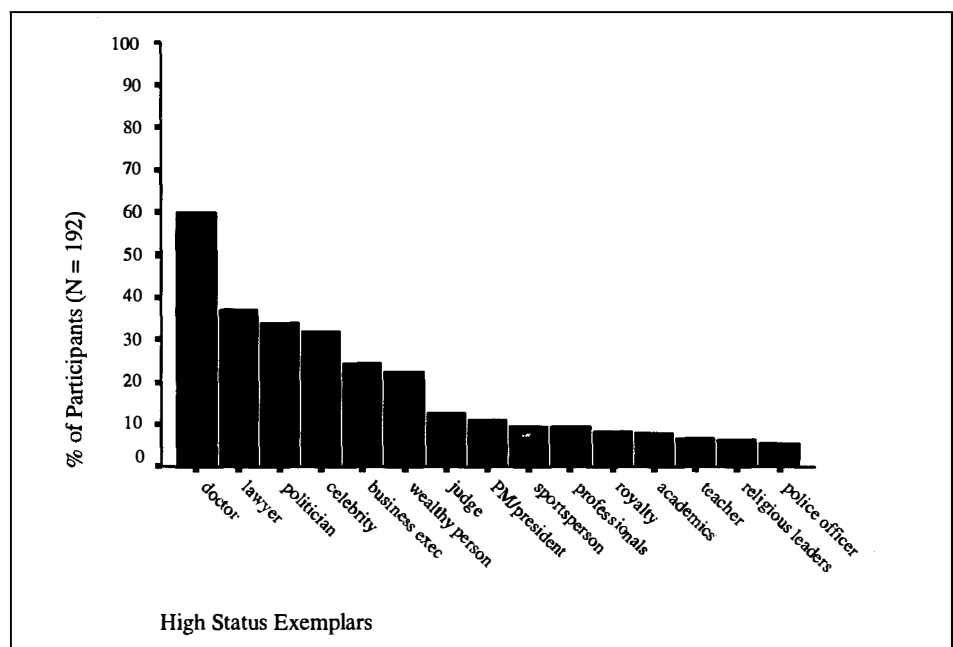


Figure 3
Nominations of high status groups.

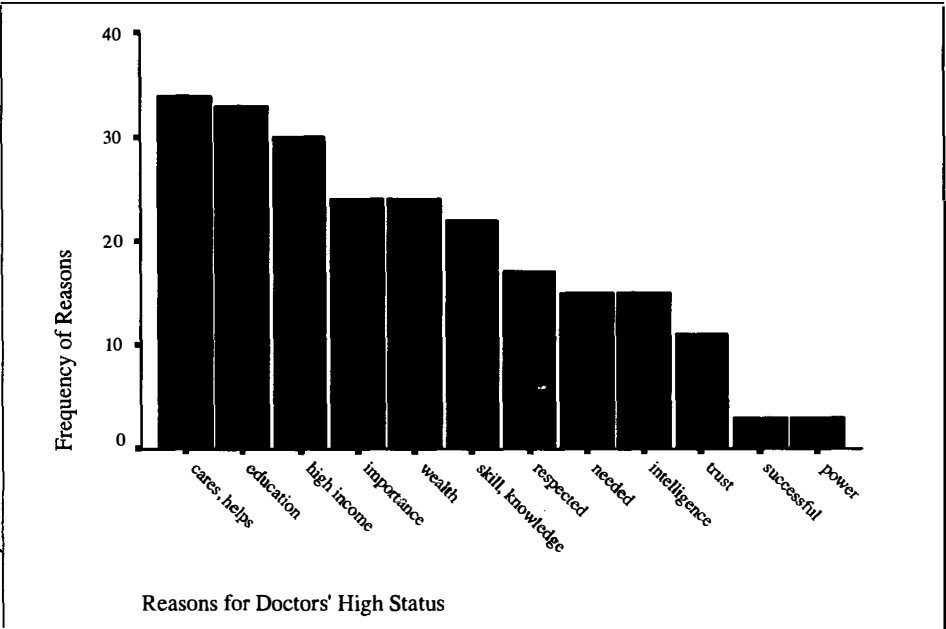


Figure 4
Frequencies of reasons for the high status of medical doctors.

Thirty-seven per cent of respondents identified lawyers as a high status group (see Figure 3) because of their high income, wealth, education and power (Figure 5). However, lawyers were also identified as an example of a group that were distrusted by 12.7% of respondents (Figure 6) in the trust survey because of attributions of dishonesty and greed (Figure 7). Low opinions of lawyers have been noted elsewhere (Black & Rothman, 1998; Bell, Friedenthal, Tarlton, & Sullivan, 1995). The decline in public esteem for lawyers has been related to increased ruthlessness and greediness as well as to lowering of professional standards in a way that appears to have more to do with trust than social status.

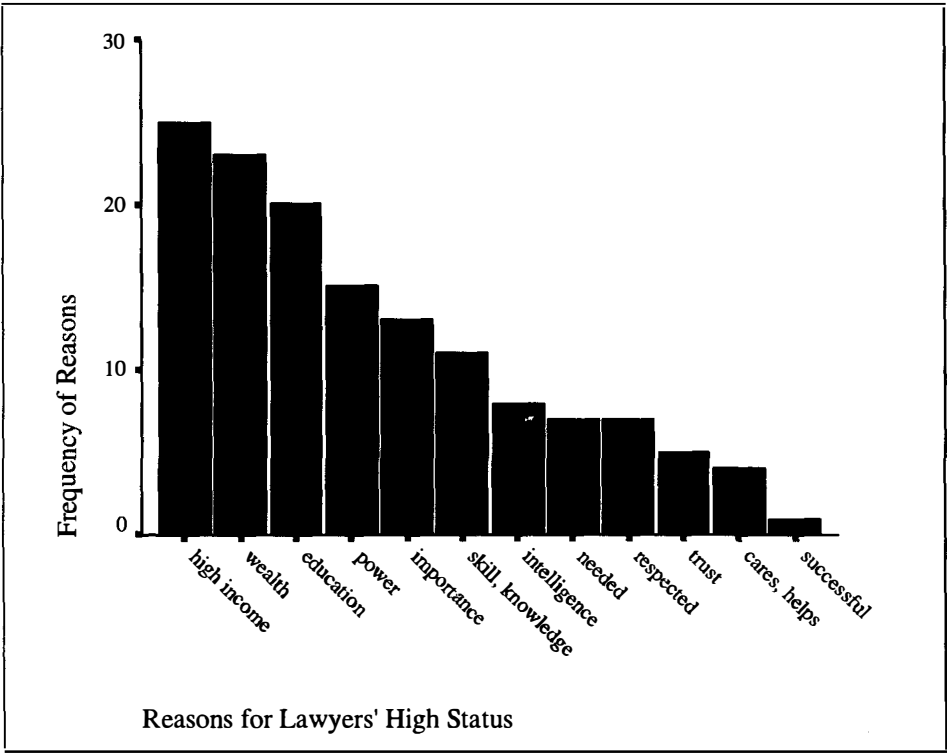


Figure 5
Frequencies of reasons for the high status of lawyers.

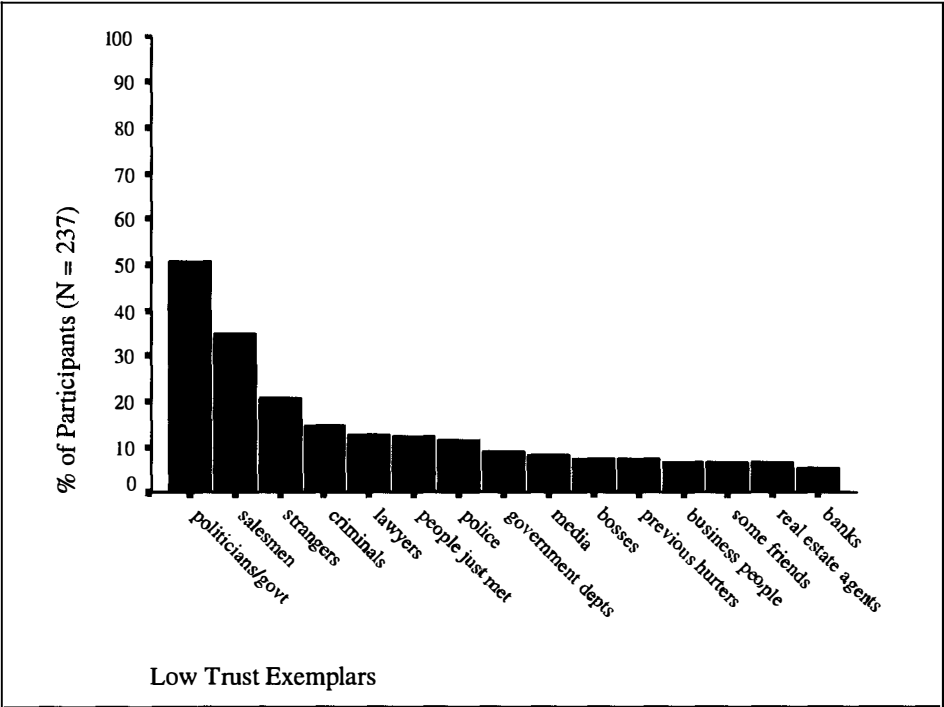


Figure 6
Nominations of low trust groups.

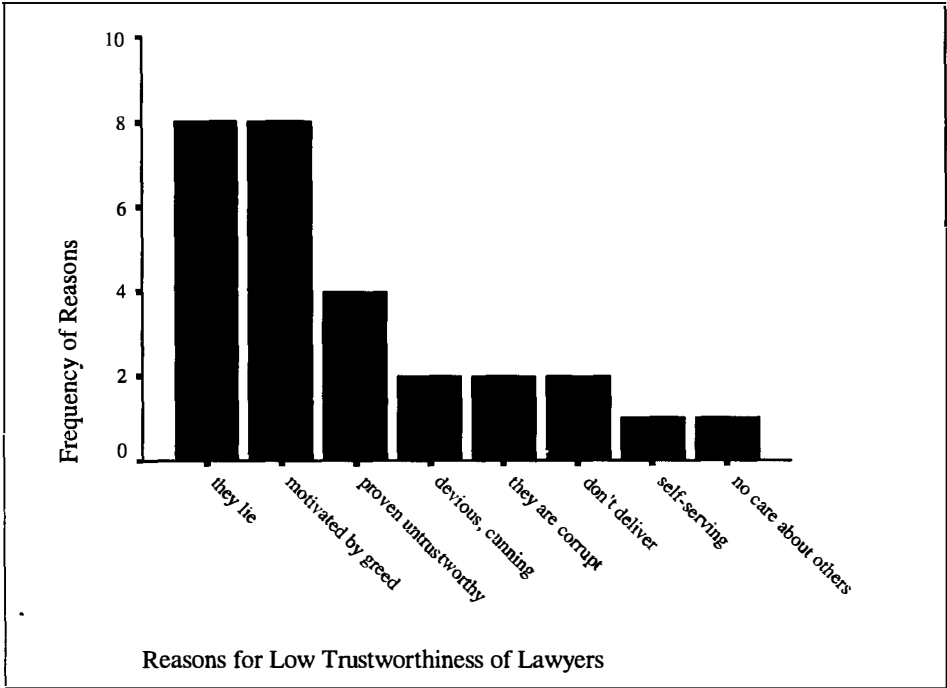


Figure 7
Frequencies of reasons for low trust in lawyers.

Politicians figured prominently as a high status (44.8%), low trust (50.6%) group in the results of these surveys, however, because of the difficulty of representing them in clear relationships of professional trust, this group was not suitable for valid inclusion as a trust and status exemplar category in subsequent studies. Salespeople (particularly car salesmen) were widely distrusted (34.7%) but they were not prominent in low status nominations (4.2%). Celebrities had high status (31.8%) but did not appear in the trust survey nominations. Specific results for these groups are reported in Appendices H and I.

Twenty-seven point four per cent of participants nominated police officers as a group they trusted (see Figure 1) because of the service and protection they provided and because of their position in society (Figure 8). However, 11.4% of respondents distrusted police officers (see Figure 6) because they regarded them as corrupt and as abusive of their power (Figure 9). Only five point seven per cent of participants in the status survey identified police as a high status group.

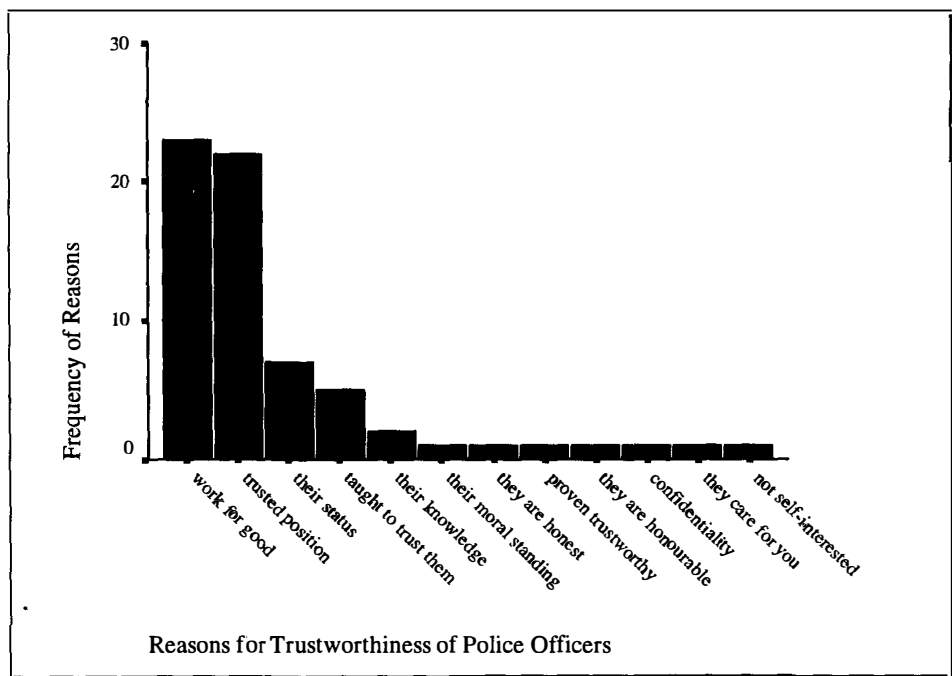


Figure 8
Frequencies of reasons for high trust in police officers.

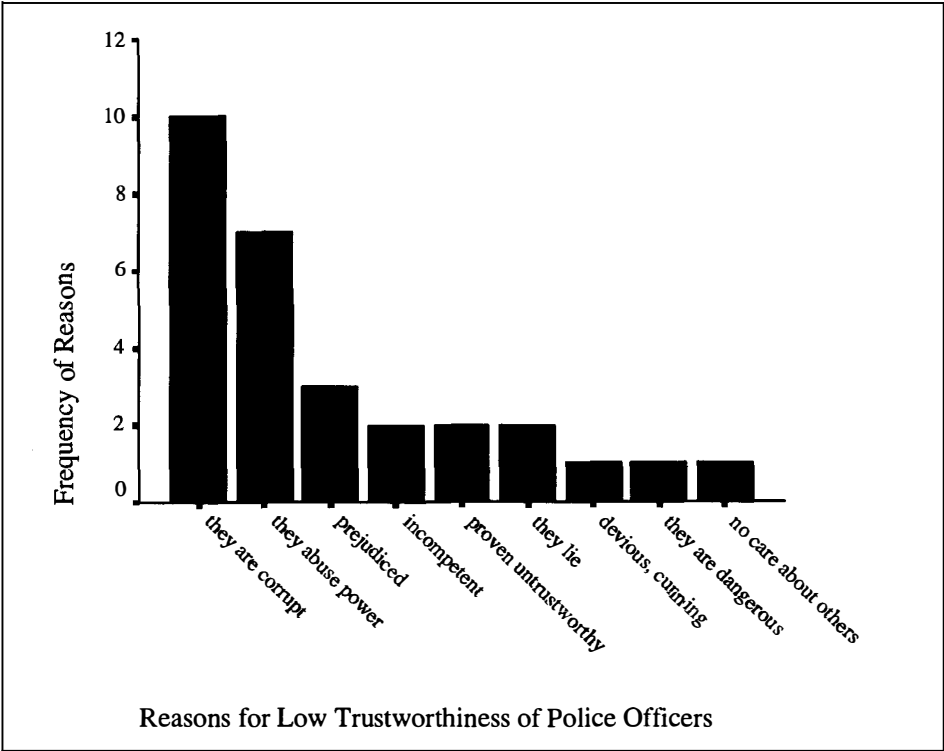


Figure 9
Frequencies of reasons for low trust in police officers.

Status, Per Se

The main purpose of the present study was to further understanding of relationships of status and trust in their real-world manifestations rather than an examination of participants’ conceptual understanding of those notions. The generation of category exemplars of high and low levels of trust and status was intended to provide a sound empirical base for future experimental manipulations. Participants of the trust survey were not asked to define trust. The request for participants of the status survey to define status was integral to the data collection context as well as being included as a prime for the identification of status categories.

Although definitional information on status was incidental to the purpose of the study, its examination provided worthwhile information on the production and characterisation of status and interesting comparisons with sociologists' theoretical understanding of status. The characteristics that defined status and the reasons for manifestations of high status were also compared.

Content analysis of participants' definitions included recording each defining characteristic mentioned by each participant once. The characteristics were then organised by the themes they represented (see Appendix J). A summary of the defining characteristics of status is presented in Figure 10. Consistent with theoretical discussions of status, defining characteristics were mentioned in the context of high status, with their opposites implied as definers of low status.

An Australian conceptualisation of status might be expected to be different from that described in the predominantly North American literature. For example, Wegener (1992) has previously noted cultural differences in the conferring of prestige. In an analysis of the power, privilege and prestige of occupations in Australia, Daniel (1983) noted that lines of social stratification in Australia are blurred and confused. She stated that there is little Australian evidence for the dominant Weberian sociological concept of a tripartite social structure of class, status and authority. Nevertheless, participants' definitions of status showed a high degree of congruence with mainstream sociological theory. Economic sources of status, categorised by sociologists as class in the tradition of Marx, were prominent. Nomination of defining characteristics that relied on prestige that was not dependent on economic substance supported the Weberian view that status is more than class.

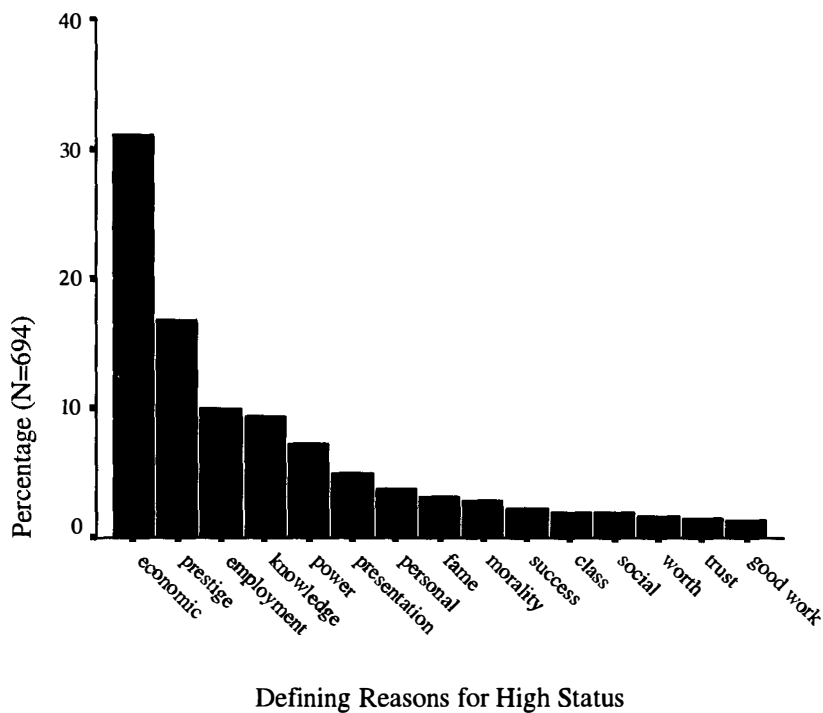


Figure 10
Characteristics that define status.

Participants specifically identified prestige itself (for example, importance and respect) as a definer of status, but they also nominated sources of prestige (type of employment, knowledge) as sources of status. Presentation (for example, dressing and speaking well) and valued personal attributes were also definers of status, supporting the functionalist view that status involves more subjective value judgments than a mere grading system of social rank.

The reasons for the status of groups that were identified as manifestations of high social status are presented in Figure 11.

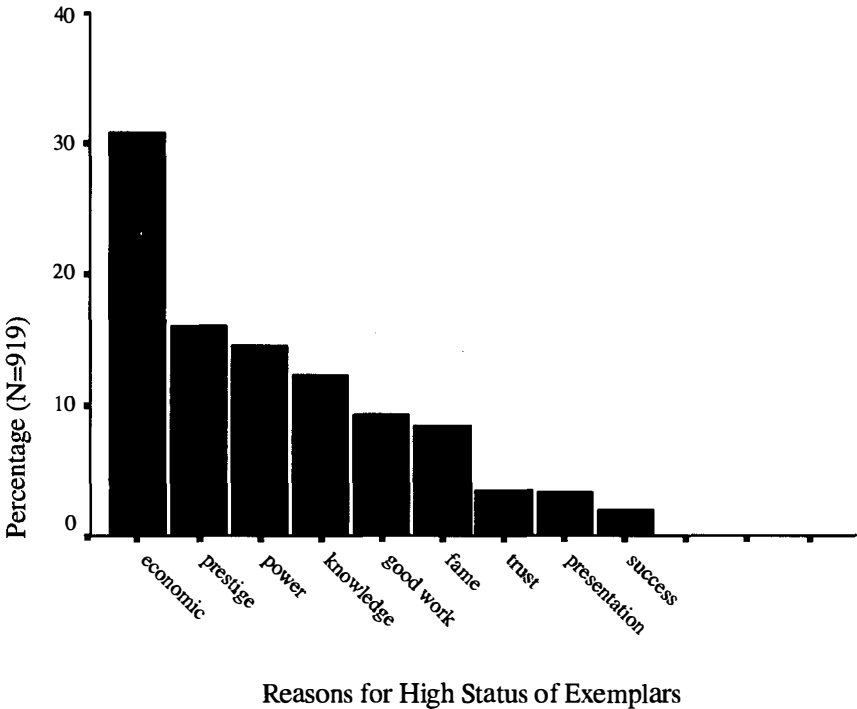


Figure 11
Characteristics of high status groups.

The difference between generic definitional characteristics of status and reasons for the status of groups that represented real-world examples of high status was ‘doing good work’. This difference was almost solely attributable⁴ to the identification of medical doctors as an example of an extremely high status group. The perception that the work of doctors involves caring and helping, reflecting prestige from socially valued characteristics, was the main source of their high social status.

The type of prestige that was attributed to doctors as a source of their high status has been discussed as a particular example of normative, subjective evaluations. Wegener

⁴ Although police officers were a group whose status was relatively low (5.7% of participants nominated them as a high status group), that status largely derived from their work that serves and protects.

(1992) stated that such evaluations fit prestige theories that rely on *charisma* as a foundation of prestige and contrasted these theories with more rational functional theories that rely on valued achievement characteristics. He referred to the work of Shils who explained charismatic prestige as an entitlement to deference because of the performance of functions that are a “central feature of man’s [*sic*] existence and the cosmos in which he lives” (Shils, 1975, p. 258). Daniel (1983) characterised this as “‘pure prestige’ without any apparent underpinning of more concrete referents of power” (p. 23).

Participants’ reasons for the low status of groups they identified in that context were briefly examined. Underclass characteristics such as lack of material wealth, income and education or skill were the major defining characteristics of low status groups. However, congruent with Weberian sociological theory’s characterisation of *pariah groups* (Giddens, 1997), negative privilege characteristics such as belonging to a group with a despised social image or manifesting behaviour that differs from culturally expected norms were also perceived as conferring low social status.

Conclusions

The main purpose of the surveys described in this chapter was the identification of groups with independent, orthogonally variant levels of trust and status. The survey data provided strong empirical support for the portrayal of medical doctors as the exemplification of a high trust and high status group. Even though 4.2% of participants did not trust doctors, their reasons involved individual adverse experiences. The anticipated general finding that medical doctors are a high status, highly trusted social

group also lent support to the speculation that a status shield effect (Skolnick & Shaw, 1994) may have clouded the manipulation of position of trust in the results of the experimental study reported in Chapter Two.

Lawyers and politicians⁵ were examples of groups that are not trusted but that also possessed high social status. However, the conclusions from the first experimental study indicated a need to investigate relationships of trust between offenders and victims. Lawyers were clearly indicated as a relatively low trust, very high status group that also allows for the manipulation of a professional relationship with a victim. The type of distrust that was attributed to politicians was general rather than relational. It would have been difficult to formulate a realistic professional, non-interpersonal relationship between a politician offender and a constituent victim that was comparable to that of a doctor and patient. Consequently, it was decided that the status and trustworthiness of politicians would not be pursued as an empirical base for future studies.

The previous difficulty with formulating a high trust, low status group was not completely resolved by the survey findings. Police officers provided the best example. They did not appear in nominations of low status groups but their status was low in comparison to doctors or lawyers and there was, albeit equivocal, evidence that they are highly trusted. They must be regarded as a serviceable but less than ideal example of a high trust group with relatively low status. It was accepted that their inclusion in a factorial manipulation of offender trust and status would result in comparisons that were not strictly orthogonal.

⁵ Interestingly, the increasing responsiveness of governments to public opinion polls that was mentioned as part of the rationale for this program of study (see Background) has been described as an attempt by politicians to regain the trust and confidence of the public (Finkel, 1995).

The survey data contained no prominent example of a low trust, low status offender group that could be portrayed as having a professional relationship with a victim. Criminals were the only group that was frequently identified as having both low trust (14.8%) and low status (20.3%). Although it would have been possible to represent an offender as an habitual criminal, it was not possible to formulate a scenario in which that offender had a professional relationship with a victim that was congruent with the asymmetrical trust relationship between doctor and patient, lawyer and client, or even police officer and crime victim.

The secondary aim of the surveys reported in this chapter was to disentangle the concepts of trust and status. Trust formed 1.4% of the total number of characteristics that were mentioned in participants' definitions of social status. It formed 3% of the total number of reasons for the status of high status exemplars, an increase that was attributable to the high number of nominations of medical doctors in that category and to status characteristics of police officers. Explicit mentions of trust formed nearly five per cent of the reasons doctors have high social status. It appears that, although trust was not generally regarded as an important characteristic of high status, being highly trusted contributes to the prestige of some groups.

There were some indications that high status was a source of perceived trustworthiness in the case of medical doctors and police officers. However, the fact that high status does not guarantee trust was demonstrated by the case of lawyers and politicians who had very high social status but were widely and strongly distrusted. In the case of these two groups, the fact that their status derived from characteristics of wealth

and achievement rather than from the prestige or charisma conferred by service provided to society would appear to explain the absence of a correlation between their status and a corresponding level of trust.

The trust and status of doctors and police officers was mainly associated with the perceived characteristics of their professional roles. In particular, the nature of the work they performed, and the importance of that work to society, was a source of trust and an important factor in their relative levels of status. The status of lawyers was derived from commonly acknowledged status characteristics of wealth and education. Undesirable personal characteristics were offered as reasons for distrust in them. These characteristics appear to be based on a stereotypical perception of lawyers as a social group (possibly contributed to by representations of criminal defence lawyers in popular entertainment).

Identification of exemplars of low trust and low status provided no evidence for relatedness of trust and status at the opposite pole of these dimensions (see Appendices H and I). The main reasons for low trust were attributes of self-interest, dishonesty, a past record of untrustworthiness, not being known to participants, greed, and deviousness. Low status reasons of lack of wealth, income, and employment mirrored economic reasons for high status. Reasons also included lack of prestige and personal characteristics of laziness and absence of ambition. The perception that people had low status because they make no social contribution and are a burden on society reflected the prestige-as-charisma attributes of high status.

In summary, there was little evidence of a general correlation between trust and status. An association between high trust and high status was shown in specific occupational and social groups whose status was derived from prestige characteristics that

have previously been described as sources of social deference and value (Shils, 1975; Wegener, 1992).

The survey results presented in this chapter provided a sound empirical basis for the representation of offenders who have high trust and high status, and low trust and high status. Less unequivocal evidence was provided for the portrayal of a high trust, low status category and it was deemed impossible to credibly represent a member of low trust, low status group that was also capable of a professional relationship with a victim.

The groups that best-represented offenders of varying levels of trust and status in combination with the manipulation of a professional relationship were medical doctors, lawyers, and police officers. It was accepted that factorial manipulation of high and low levels of trust and status in the subsequent experimental study must be incomplete.

CHAPTER 4

The Influence Of Offender Position of Trust/Status And Professional Trust Relationship On Reasoning About Justice

The exploratory study conducted at the beginning of this program of research presented emotionally and morally provocative offence descriptions to members of the public. Responses indicated that a perception that an offender had violated a position of social trust was associated with judgments about the offence that were disproportionately punitive to the harm it caused. The consequent experimental study, reported in Chapter Two, tested the effect of an offender's position of trust on public condemnation of an offence and decisions about the severity and purpose of deserved punishment. Results revealed no effect for offender position of trust, prompting speculation that the offender who represented a high degree of symmetrical, social trust (a medical doctor) was protected from condemnation by his concurrent high social status. Subsequent survey research confirmed that medical doctors occupy a position of high trust and high status in contemporary Australian society. Other results from the survey research were that lawyers occupy a position of high status and low trust and that police officers, although generally trusted, do not have high social status.

The unexpected absence of an effect for position of trust that was reported in Chapter Two also led to a conclusion that trust relationships, rather than the trust that resides in social roles, may be an important factor in the public's reasoning about criminal justice. The purpose of the experimental study reported in this chapter was to clarify the

influences of offenders' positions of trust and status, together with the impact of a professional trust relationship with a victim on evaluations of an offence and judgments about appropriate punishment.

The mechanism of the influence of both the trusted position of offenders and their high status on social judgments is assumed to be the violation of socially expected behaviours. An examination of trust in this context was described in Chapter Two. Chapter Three reported the sources and characteristics of status. The following rationale for the experimental study reported in this chapter begins with a discussion of societal expectations associated with social status.

Status and Behavioural Expectations

As mentioned in the previous chapter, status is essentially a sociological construct. Of necessity, an examination of the expectations associated with status must rely on that discipline. Sociology holds that the three dimensions of societal stratification are class, status and power (Sargent, 1994). Class as conceptualised by Weber, and derived from Marxist theory, has an economic basis⁶. However, the sources of status are not necessarily economic and may be "a position in society that confers a certain degree of prestige" (Sargent, 1987, p. 24). Sargent explained that such positions⁷ are hierarchical and they carry pressure, but not compulsion, to behave in accordance with society's expectations.

The expectations of persons of high status are not specified in general sociological theory except through references to the responsibilities, as well as the privileges, of status.

⁶ Analysis of the original authors' conceptualisations was considered to be outside the purview of this thesis. The place of status in the context of this research is its separation from the concept and influences of trust.

⁷ The use of this word in social-structural analyses denotes relative rank. Position, as in 'position of trust', used in the context of this dissertation means role or occupation.

Although it is rarely made explicit, and the emphasis is structural rather than individual or relational, the privileges of high status are assumed to be the continued possession of that status and the associated benefits of power and freedom (Daniel, 1983). Responsibilities are discussed in the context of expected conformity with conduct dictated by status roles. The implied consequence of abrogation of those responsibilities is loss of status.

The specific, functionalist sociological theory proposed by Talcott Parsons provides a more social psychological account of the behavioural expectations associated with status. Parsons viewed society as a collection of commonly held values and beliefs (Callinicos, 1999). He nominated expectation and role as key elements of social order (Cuff et al., 1998). Based on his understanding of socialisation processes, Parsons claimed that patterns of stable social interaction are built on conformity to one's status role and compliance with approved or expected behaviours. Parson's functionalism holds that societies attach a moral force to culturally acquired expectations of status role behaviours, to the extent that such behaviours are demanded and that non-conformity elicits punitive reactions. Sanctions are unconsciously applied and include controls in interpersonal interactions, such as signs of disapproval and withdrawal of approval (Parsons, 1951/1982). Parsons stated that these interpersonal controls are, "on a certain level, the most fundamental mechanisms of all, and only when they break down does it become necessary for more elaborate and specialized mechanisms to come into play" (p. 415). Thus, in Parson's view, behaving in a way that is expected is not only a matter of maintaining a place in the structural hierarchy, it is necessary for the stable function and moral cohesion of society.

Parson's functionalist sociology has been characterised as having an idealistic moral basis and his incorporation of a social psychological perspective has been criticised by other sociologists as an ill-advised attempt to formulate a grand theory of social function (Callinicos, 1999). It diverges from sociology's purpose of broad structural analysis and impinges on the mandate of psychology to provide explanations of behaviour (Outhwaite, 1987; Scott, 1996; Sharrock, 1987). Nevertheless, in the context of this dissertation, it provides a useful account of the mechanisms by which an essentially sociological construct influences behaviour.

Status and Trust

Parson's incorporation of normative values and mutual obligations into social analysis is the nexus between the sociological explanation of status and the concept of trust. His notion that people must act as they are expected to in order to maintain social cohesion concurs with Freiberg's (1995) conceptualisation of symmetrical trust. In common with social psychology and with the literature on trust that was reviewed in Chapter Two, Parsons acknowledged the social importance of conformity to behaviours defined by roles. The social expectation of that conformity can be characterised as the trust that is inherent in everyday, symmetrical social relationships.

The common-sense expectation of the impact of *high* social status on social judgments is that it carries, not only an expectation of conformity with role expectations, but also a responsibility for exemplary social behaviour. Moghaddam stated that "in all known societies, some people have higher status, they enjoy greater influence, and are assigned more responsibility for their actions" (Moghaddam, 1998, p. 222). However, this

intuitive assumption is not made explicit in either sociological or psychological literature. Functionalist sociology makes a strong case for the expectation that people will conform to the behaviours dictated by their status roles (Cuff et al., 1998; Sargent, 1994; Scott, 1996). Presumably, these expected behaviours might be good or bad. Social psychology's assertion that people are expected to conform with role schemas is similarly neutral, although Miller and Vidmar (1981) have associated violation of social expectations with negative social sanctions. Nevertheless, the association of honour and prestige with high status implies that people who are assigned high status are expected to behave honourably. An explicit, though dated, example of this assumption was found in an examination of the interaction of status, deviance and social sanctions. Wahrman (1970) proposed two conclusions: "the higher one's evaluation of a person, the stronger one's expectation that the behavior of that person in all areas will also be highly evaluated" (p. 230), and: "the less expected deviant behavior is, the greater the annoyance at the deviant" (p. 231).

Wahrman's (1970) explanation of responses to wrongdoing by people of high status is congruent with the hypothesised reaction to wrongdoing by a person in a position of high trust that was proposed in Chapter Two. The rationale was that the high level of trust in the offender's position in society would be perceived as carrying an associated responsibility to behave in an exemplary fashion. It was anticipated that a violation of such an expectation would be strongly and disproportionately condemned.

Status Protection From Condemnation

An alternative view that, rather than abrogation of status attracting censure, high status protects from condemnation for wrongdoing, was proposed by Hollander (1958). In his view, people who possess high status are perceived by their society as group leaders deserving of latitude to permit and encourage creativity and innovation. Hollander proposed that, although idiosyncratic behaviour that does not comply with role expectations involves deviance from group norms, it might still be employed for the attainment of group goals or for the good of the society. In return, the society grants people of high status what Hollander has termed *idiosyncrasy credits*: allowances of protection from adverse consequences for moderate deviations from social norms.

Wiggins and colleagues (1965) explained the differential rewarding of high contributors to society's goals in the context of distributive justice principles. Those who contribute most are rewarded the most. However, serious deviations from social norms are condemned because they interfere with the attainment of group goals (Wiggins et al., 1965) and because they set a poor example (Skolnick & Shaw, 1994). Such deviations deplete an idiosyncrasy credit balance to the extent that the offender's status becomes a liability and he or she faces stronger sanctions than those for similar deviations by people of lower status.

Feather and Atchison (1998) found evidence for a status protection effect that did not rely on an assumption of the conduct privileges of status alone. They proposed that attributions of good or bad moral character would be cued by high or low status and would influence sanctions for wrongdoing. Feather and Atchison concluded from their results that perceptions of the moral character of an offender covaried with status in the

differential protection of high and low status offenders from judgments of criminal responsibility and harsh punishment. That is, status effects were mediated by attributions of moral character. Feather and Atchison's findings cannot be regarded as general, unqualified support for a protective effect of high status or high moral character because their manipulation of status relied on the possession of a single advantaged or disadvantaged social attribute (attendance at a private college versus a government high school, married versus single motherhood). However, their results are interesting in that they link prestige characteristics with attributions of moral goodness.

The concept of a status protection effect was the basis for the speculation that the doctor-offender described in Chapter Two was protected from condemnation for violating the expectations inherent in a position of trust. Feather and Atchison's (1998) findings, that perceived good moral character also shields offenders from sanctions, raise the question of whether the position of trust, itself, offered protection from condemnation. Perhaps confidence in the benevolence and honour of people in highly trusted positions means that isolated, minor breaches of the expectation that they will behave in an exemplary fashion are regarded as temporary aberrations rather than threats to social order that are commensurate with the degree of that trust.

Status and Punishment for Wrongdoing

As recently as the nineteenth century, status was a legitimate basis for differential punishments (Garland, 1990). However, as Garland asserted:

Such distinctions are no longer respectable in the avowedly egalitarian, democratic legal cultures of twentieth-century Britain or the USA [or

Australia], nor do they exist in the legislation which regulates penal practices, though class and race distinctions continue to operate in more subtle and less visible ways. (p. 203)

In a discussion of inequalities in the criminal justice system, Carlen (1989/1994) has stated that, in reality, offenders with characteristics of high social status often escape criminal proceedings altogether. Carlen asserted that “discriminatory decision-making throughout the whole criminal justice system ensures that the socially advantaged are routinely filtered out: they are given the benefit of the doubt, or are defined a good risks, or simply have access to the best legal advice” (p. 306). In contrast, an experimental study of sentencing by English magistrates (Kapardis & Farrington, 1981) found that sentences were more severe for offenders of higher social status. The age and race of the offender, the prevalence of the offence, and, interestingly, the involvement of breach of trust in the offence (operationalised as theft by an employee or non-employee), had no significant effects on sentence severity.

From a social psychological viewpoint, the social, occupational and educational status of an offender has been said to affect punishment responses (Miller & Vidmar, 1981). These authors defined punishment as “a negative sanction intentionally applied to someone who is perceived to have violated a law, a rule, a norm, or an expectation” (p. 146). Miller and Vidmar intended their definition to apply to non-legal reactions as well as legal punishment and they stated that the role of status attributes in punishment was their influence on perceptions of responsibility and the potential utility of sanctions.

Nevertheless, an offender's social status is not a legal basis for individualised sanctions. The retributive notion of punishment assesses blame on the basis of an offender's actions (or omissions) and state of mind, alone (Walker, 1991). Objective characteristics of offenders that do influence sentencing are competence and cognitive capacity (see, for example, H. L. A. Hart's [1968] discussion of criminal responsibility and the philosophical basis for such individualisation), extreme youth or old age, and judged capacity to benefit from various types of punishment (Walker, 1991).

Some legal philosophers have incorporated the concept of status into analyses of punishment. In his discussion of what it is about wrongdoing that warrants a punishment response, Kleinig (1995) stated that, by their behaviour, wrongdoers set themselves above others and assign themselves the latitude that is associated with an elevated position in society.

They arrogate to themselves an authority to which they have no right, an authority to override the equal moral rights of others. They elevate their own ends, their own preferences and desires, over those of others, and in pursuing these they violate one of the basic canons of moral life – the essential equality of persons What punishment does is to defeat the presumption implicit in wrongdoing. It brings the wrongdoer low. (pp. 416 & 418)

If the wrongdoer is a person or a member of a group who has already been consensually elevated above the social position of others, Kleinig's (1995) thesis may not apply. The offender who has been assigned high status or who occupies a highly trusted

position in society is not a person who has put him or herself above considerations of equality. He or she has a socially sanctioned role that has already conferred elevation and, consequently, punishment might not always be seen as a necessary response to wrongdoing.

Status Shield and Status Liability

The status protection effect derived from Hollander's (1958) concept of idiosyncrasy credit has been investigated in connection with the influence of offenders' social status on social and legal condemnation and punishment (Rosoff, 1989; Shaw & Skolnick, 1996; Skolnick & Shaw, 1994; Wiggins et al., 1965). Wiggins et al. examined the effects of interference with attainment of group goals and status of the interference-agent on punishment. They manipulated three levels of a high or medium status group member's behaviour and measured its effect on the probability of a group achieving its goal (high points on group tasks). Status was operationalised as the group member's past competence at group tasks and interference was the extent of deduction from the group's point score due to one member's cheating. Punishment was measured by group members' post hoc reports of liking and preference for the interference-agent and the withholding of group rewards.

Wiggins and colleagues (1965) found a significant interaction between status and interference in determining punishment. Results confirmed their prediction that, as long as there was still hope of achieving the group goal, a high status interference-agent would be protected from severe punishment by the group because of his past performance and future need of his services. High status continued to afford protection from punishment

for medium interference. However, high interference that caused frustration of group goals changed high status from a shield to a liability. Wiggins et al. explained this status liability effect, in part, by reference to the principle of distributive justice that “suggests that an individual is punished in proportion to the rewards he has received in the past” (p. 208).

There have been other examples of social psychological research that has studied the influence of status, conformity and power in small group contexts (for example, Hollander, 1960, 1961; Sherif & Sherif, 1964). These will not be examined here due to their limited relevance to the present research. This review will focus on the role of criminal offenders’ social status in evaluations of formal sanctions. However, there are also some limits that will be placed on discussion of that literature because much of it conceptualised status in a way that differs from the present research.

Criminal justice researchers have long had an interest in the extra-legal influences of offender status on punishment. Status has mostly been very loosely defined in empirical investigations of that interest and findings have been inconsistent (Miller, Chino, Harney, Haines & Saavedra, 1986). Some studies have demonstrated a negative relationship between status (however defined) and severity of punishment and others have shown a positive relationship. Most studies have operationalised offender status as socioeconomic status (SES), in a way that is much closer to the concept of class than the conceptualisation of social status in the present research. The most commonly used measure of SES has been education level (D’Allessio & Stolzenberg, 1993).

In a review of investigations of the relationship between SES and punishment, D’Allessio and Stolzenberg (1993) found that, of the 38 studies conducted between 1975

and 1990, 39% reported “a strong inverse relationship between an offender’s socioeconomic status and severity of sanction” (p 62). In their own study, an examination of records from the Florida Department of Corrections, D’Alessio and Stolzenberg used the terms SES and class interchangeably. They found that the influence of SES on judicial sentencing, as opposed to the present focus on public judgments, interacted with the type of offence committed. SES had a significant, inverse relationship to the severity of sanctions imposed on violent and moral order offenders. However, prior criminal record was more salient than SES in the punishment of property offences. In a more recent example of a study that investigated non-judicial punishment decisions, Luscri and Mohr (1998) found no effect for offender status⁸ (measured as occupation type) on penalties for offences of murder or theft.

The O. J. Simpson trial prompted many studies on extra-legal influences in judicial sentencing and biases in evaluations of culpability. An entire issue of the *Journal of Social Issues* (“The O. J. Simpson Trial,” 1997) was devoted to reporting twelve of these studies. It included an article by Skolnick and Shaw (1997) that reported a jury simulation study of the effects of offender and mock-jury members’ race, and offenders’ celebrity status on assigned penalties and evaluative judgments. They reported that their results “confirmed a “Black racism” hypothesis, since Black jurors favored Black over White defendants by voting not guilty more often, recommending more lenient sentences and judging them more positively” (p. 503). However, a defendant’s celebrity status

⁸ The main purpose of Luscri and Mohr’s (1998) study was an investigation of the effects of negative stereotypical connotations of offenders’ surnames on evaluations of offenders and assignment of punishment. However, they also manipulated offenders’ occupational status.

(operationalised as the success and popularity of a fiction author) had no effect on verdicts or sentencing, although it did influence personal evaluations of the defendant. Skolnick and Shaw's findings led them to conclude that race, rather than celebrity status, was likely to have influenced the Simpson verdict.

The conceptualisation of status used in the present research was derived from the functionalist perspective of sociology and the defining characteristics of status that were identified in the survey reported in Chapter Three (chiefly, economic and prestige factors and doing socially valuable work). The operationalisations of offender status in the studies that will now be reviewed were consistent with that conceptualisation.

In following the work of Wiggins et al. (1965), Rosoff (1989) also found that status became a liability, and that high status deviants from social norms were more severely penalised when serious offences were committed. He proposed that members of the highly regarded profession of medicine are especially vulnerable to effects of status liability and investigated the effects of status differences between medical specialists on public reactions to deviance. As the basis for his manipulation of status, Rosoff cited his earlier findings for a prestige hierarchy in medicine based on ascribed esteem, perceived income and assigned social value. Unfortunately, reference details for the source of these findings were not included in Rosoff's paper. Rosoff found that, although undergraduate students (as mock jurors) were more reluctant to punish a high status offender (a surgeon) than one of lower status (a dermatologist) for a moderately serious offence, the surgeon was punished more severely than the dermatologist for a very serious offence.

Skolnick and Shaw (1994) were justifiably critical of Rosoff's (1989) conclusions. There was a lack of comparability between his measures of punishment. The measures were evaluations of guilt in one offence condition and sentence length and degree of professional sanction in another. Furthermore, guilt was assumed in one offence condition and unproven in the other. Skolnick and Shaw argued that this made it unclear whether status liability effects depended on uncertain guilt and status shield effects applied only when the offender was clearly liable for an offence.

A more serious problem with Rosoff's (1989) study was that it confounded the magnitude of an offence and its professional relatedness (Skolnick & Shaw, 1994). Although the major crime occurred in the doctor-offenders' homes and was unrelated to their professional activities, the minor crime of insurance fraud was directly related to the offenders' professional duties. As Skolnick and Shaw asserted, this confounding made it difficult to conclude whether status effects are moderated by the extent to which idiosyncrasy credit is eroded or by the professional relatedness of an offence.

A further flaw in Rosoff's (1989) study, and in many like it, was the compromise to external validity posed by the use of undergraduate students as mock jurors. Skolnick and Shaw (1997) made the general observation that mock jurors are not as highly motivated as real jurors because the consequences of their judgments are not as important. There have been many other criticisms of the generalisability of findings from jury simulation studies (Bornstein, 1999; and see Diamond, 1997, for a review).

Skolnick and Shaw (1994) challenged the assumption that status effects are moderated by offence seriousness. Instead, they proposed that, although there had been independent empirical support for the conclusion that high status provides a shield from

sanctions when offences are unrelated to an offender's profession, the moderator of status liability effects is the professional relatedness of offences. Skolnick and Shaw appear to have overlooked the fact that Hollander (1958) made a similar assertion. The main thrust of Hollander's argument was that seriously idiosyncratic behaviour nullified the protection of status from sanctions for moderate deviance from normative role expectations. However, he also claimed that role-related deviance would have a similar effect. Hollander stated that, although those who have high status are afforded:

latitude for the manifestation of what would be seen to be nonconforming behavior for others [the high status person] could readily lose credits and find his [*sic*] influence diminished if he were to show idiosyncratic behavior in terms of *expectancies associated with his role*. (p. 125, italics added)

The results of Skolnick and Shaw's (1994) study supported a hypothesis that status effects are moderated by professional relatedness of offences rather than by offence seriousness. A significant interaction between professional relatedness and status showed that participants judged a high status offender (a psychotherapist with a PhD in clinical psychology) less harshly than a low status offender (a graduate student in psychology who conducted therapy as part of his training) for a professionally unrelated offence (status shield). An opposite, albeit weaker, effect was found for a professionally related offence in that a high status offender was assigned higher professional penalties and more responsibility for an offence, and he received less favourable personal evaluations than a lower status offender (status liability).

The level of seriousness of offences did not interact with professional relatedness and status at a statistically significant level on any of the multivariate measures of punishment (Skolnick & Shaw, 1994). This disconfirmed the findings of Wiggins et al. (1965) and Rosoff (1989) that offence seriousness is the mediator of status effects. Further analysis showed a significant univariate effect for the three-way interaction of status, professional relatedness and offence magnitude on one punishment measure, professional penalties. Subsequent pairwise comparisons revealed no differences between cells for a major crime (possibly as an artifact of the type of crime, rape, which could be expected to attract severe professional sanctions regardless of status or professional relatedness). However, a significant status shield effect was found for a professionally unrelated, relatively minor crime of fraudulently billing an insurance company. Not surprisingly, Skolnick and Shaw found a significant simple effect for offence seriousness on punishment (more extreme sanctions for a major crime compared to a minor crime), however the seriousness of the offence did not produce different levels of punishment for high and low status offenders.

A follow-up study by these authors (Shaw & Skolnick, 1996) extended the evidence for professional relatedness as the moderator of status effects to include the context of civil lawsuits involving liability judgments and financial sanctions. It also addressed limitations of their earlier study by portraying unambiguous motives for the offences, magnifying the difference between (the same) high and low status defendants and adding an intermediate level of crime severity.

Skolnick and Shaw (1994; Shaw & Skolnick, 1996) concluded that the mechanism of status effects on sanctions for wrongdoing was the association between that

wrongdoing and the source of an offender's status rather than the magnitude of the offence. The source of status that they manipulated was professional standing⁹. By this choice of status representation, they also manipulated position of trust. The association of status and trust, but not the confounding, was acknowledged in their description of the responsibilities of a high status professional:

... high status professionals are role models for others in the profession and their behavior must be exemplary. Professionally related deviance by high status individuals betrays the trust of their profession and should be sanctioned more severely than the same professionally related crime committed by low status individuals. (Skolnick & Shaw, 1994, p. 1829)

Therefore, the status effects found by Skolnick and Shaw (1994; Shaw & Skolnick, 1996), were also trust effects. It could have been the position of higher trust of the high status offender that shielded him from strong sanctions for a professionally unrelated offence. Similarly, the relatedness of an offence to his professional high trust, rather than his professional high status may have served as a liability. Furthermore, as well as manipulating the status- and trust-relatedness of an offence, Shaw and Skolnick (1996) manipulated the trust relationship between an offender and a victim. They acknowledged this inclusion as a confound in the manipulation of professional relatedness in their second study. However, they claimed that it had no impact on their results.

⁹ In the concluding comments of their second paper, Shaw and Skolnick (1996) pointed to the need to conduct studies on the effects of status derived from sources such as attractiveness, ability, wealth or inherited position in order to ensure that their representation of 'professional relatedness' was not a special and non-generalisable case of 'status relatedness'.

Interim Summary of Status Effects

Status is an essentially sociological construct. Although sociologists assert that status roles carry expectations of certain behaviour, sociological theory does not expand on the kinds of behaviours that are expected or the consequences of non-conformity with expectations. Intuitively, high status should carry expectations of exemplary behaviour but it has been argued that high status offers protection from sanctions for deviance from normative expectations. The mechanisms of this protection may be either latitude for idiosyncratic conduct or attributions of basic goodness that are associated with high status. Protection has been shown to be withdrawn, and high status has been shown to be a liability in the face of serious non-conformity and deviance that is related to an offender's status. The criminal justice system ignores offender status in the interests of egalitarian application of justice.

Some effects of status on social judgments can be explained in the context of trust. If attributions of high moral character shield an offender from punishment, so might the occupation of a position of high social trust. Additionally, previous empirical findings for a status shield effect may have owed as much to differences in trust as differences in status; the professional relatedness of offences that has shown a status liability effect involved the manipulation of professional trust as well as professional status; and the relationship between the offender and victim that produced a status liability effect was a trust relationship.

Professionally Related Offences and Asymmetrical Trust

Interpretation of the results of the experimental study reported in Chapter Two included the conclusion that the findings of the initial exploratory study may have indicated the importance of trust relationships rather than trusted roles as an important principle in the public's reasoning about justice. It was decided that trust in professional relationships would be explored because trust in interpersonal relationships had already been excluded from the scope of this research program. Additionally, professional relationships had previously been investigated in association with offender social status, another variable that required further examination.

Professional relationships are asymmetrical trust relationships (Freiberg, 1995) because they involve differences of power and expertise. The symmetrical trust explored in Chapter Two was defined as trust-as-confidence (Cherney, 1997) - an expectation that others will act morally and abide by social and role norms (Freiberg, 1995). The expected response to violation of symmetrical trust was anger and outrage at the perceived threat to social order. Asymmetrical trust, trust-as-obligation (Cherney, 1997), is the reliance on those who hold more power, or have more knowledge or expertise to act diligently, competently and with integrity and to put the interest of the weaker party above their own (Freiberg, 1995). Freiberg cited relationships between professionals and their clients; parents and their children; and the relationship of doctors, lawyers, and counsellors to those who seek their help, as examples of this kind of trust relationship. The asymmetry of power and status inherent in professional relationships produces a vulnerability in the less powerful party that involves a different kind of trust than that which is present in everyday social interactions. The gap in competence between the two parties involved in

a professional-client relationship means that the less powerful party is obliged to trust in the integrity of the other (Blomqvist, 1997).

In the case of high status professionals such as medical doctors and lawyers, Govier (1997) stated that the public must assume, not only that the more powerful parties in professional relationships are competent and reliable, but also that they will use their expertise in the public's interest because they care. The vulnerability inherent in such relationships means that "both technical competence and caring motivation are essential" (p. 95). "We need to rely on the *understanding* and *values* of this person" (p. 91, original italics). In a similar vein, Lupton (1996) has criticised attempts to empower patients in their relationship to doctors by taking a consumerist approach alone. She stated that comparative evaluation of services and increasing the medical knowledge of patients fails to address the dimension of emotional vulnerability in doctor-patient relationships. Lupton's conclusions from her research on the emotional context of doctor-patient encounters included the statement that "it is clear that most people expect a high level of compassion, empathy and comfort from their doctors and not just adequate medical knowledge and expertise" (p. 160). Doctors are trusted to care as well as to perform.

Skolnick and Shaw (1994; Shaw & Skolnick, 1996) operationalised status-related wrongdoing as a professionally related offence. Their representation of this variable as an offence by a high status professional against a client meant that the offender-victim relationship was one of asymmetrical trust. Therefore, the professional relatedness that produced a status liability effect in the results of their studies was an example of a breach of asymmetrical trust. Violation of the integrity expected of the more powerful party in such relationships represents betrayal of trust as reliance and obligation. The present

study investigated the role of asymmetrical trust relationships, as well as the influence of positions of social trust and social status on the public's evaluations of a criminal offence and its reasoning about punishment.

The Present Study

The original impetus for the present study was the need to examine the effect of a position of high trust on condemnation for an offence without the confound of high social status. The correlation of position of trust and status in some real-world exemplars meant that those variables had to be represented together in examples of offenders. The representation of an offender as a medical doctor (high trust and high status) and a lawyer (low trust and high status) was expected to partially address the initial aim. However, restrictions on the production of credible, ecologically valid portrayals of offenders meant that a completely factorial test of the effects of trust with status was not possible. The need to investigate the effect of trust in professional relationships as well as trust in roles contributed to the problems of operationalisation of positions of trust and status.

The inclusion of an offender who was described as a police officer added a low status and high trust condition to the experiment design but the values of those variables did not provide an axis that was perfectly orthogonal to the other levels of the manipulation. The results of the surveys reported in Chapter Three indicated that, although the social status of police officers is lower than that of doctors and lawyers, police were not specifically categorised as a low status group. Additionally, police officers were highly trusted by many participants (27.4%) but actively distrusted by a smaller proportion (11.4%). The equivocal trust and status of the position of police

officers in society made it difficult to predict the impact of an officer's offence on public condemnation or the goals of his deserved punishment. Nevertheless, it was accepted that police assume a responsibility of public trust when they accept the authority to enforce the law and this includes being of good personal character (Cohen & Feldberg, 1991; Delattre, 1989). Additionally, in a discussion of sentences that involve an element of aggravation for a breach of fiduciary (asymmetrical) trust, Freiberg asserted that "offences committed in breach of high statutory office, such as Ministers of the Crown, are regarded as particularly egregious as are those committed by police" (1995, pp. 99-100). A police officer's obligation to uphold the law is the ultimate protection for those with less power. Failure to do so was expected to attract condemnation and punishments aimed at deterrence and retribution.

In addition to the original aim of testing position of trust, the inclusion of offender social status as a variable in the present study enabled further investigation of the status effects found by Skolnick and Shaw (1994; Shaw & Skolnick, 1996). However, because it was anticipated that the addition of position of trust to offenders' characteristics would produce more complex results, no predictions were made regarding the differential effects of combined levels of offenders' trust and status on condemnation and goals of punishment.

Due to the focus on trust in this program of research, the present study unambiguously manipulated 'professional trust relationship' rather than the simple 'professional relatedness' of an offence (although, of course, an offence that involves a professional trust relationship is also professionally related). The difference between the two types of manipulation is illustrated by the example of a doctor who inflates an

account directly billed to a patient with no private medical insurance versus one who bulk-bills the government Health Insurance Commission for the same inflated service. The first offence attacks the professional trust between doctor and patient, the second is related to the doctor's profession (as well as symmetrical trust and the source of his or her status) but it has no immediate detrimental impact on the patient.

The expected mediation of status effects by professional relatedness of offences, and asymmetrical trust relationships between offenders in positions of varying levels of trust and their victims made hypothesising interaction effects a complex exercise. The introductory section of this chapter described evidence for inconsistent influences of trust and status on condemnation for wrongdoing and concluded that previous support for the role of professional relatedness in status effects may well have been due to the mediation of trust. Investigation of the interaction of offender position of trust and status with professional trust relationships was regarded as exploratory and no explicit hypotheses were formulated.

The simple effect of a professional, asymmetrical trust relationship between an offender and a victim carried clear expectations and was, thus, more amenable to a priori hypotheses. Offences involving the abuse of relationships of trust or authority are recognised factors of aggravation in sentencing (Freiberg, 1995; Hills et al., 1998). It was expected that the public would understand this circumstance of aggravation in the same way. Investigation of the effect of relationships of asymmetrical trust between professional offenders and their victims revisited, by implication, the issue of victim vulnerability explored in Chapter Two. The less powerful partner in an asymmetrical trust relationship, although not necessarily vulnerable, per se, is vulnerable in interaction with

and dependent on the trustworthiness of the other. Responses to violations of asymmetrical trust and associated vulnerability were expected to be condemnatory and, possibly, retributive and deterrent.

Method

Design

The independent variables were the combination of offenders' positions of trust and status (medical doctor, lawyer, police officer) and professional trust relationship (present or absent). In accordance with the results of the trust and status surveys described in Chapter Three, a doctor was a representative of high trust and high status, a lawyer represented low trust and high status, and a police officer represented qualified high trust and relatively low status. In the interests of external validity, it was accepted that the levels of offenders' position of trust and status must be incomplete because no credible offence scenario could be formulated for a low trust/low status offender in conjunction with a professional trust relationship.

The levels of the two independent variables were fully crossed to produce six experimental conditions in a 3 x 2 factorial, between-subjects design. Stimulus materials were six offence scenarios that represented the six experimental conditions.

The eight dependent measures were: degree of negative emotional response to the stimulus scenario; the perceived moral wrongfulness of the offence; the perceived harmfulness of the offence; the severity of the deserved punishment; and the importance of each of the four widely accepted goals of punishment (individual deterrence; rehabilitation; general deterrence; and retribution) to the punishment decision.

Participants

Fourth year psychology students acted as research assistants and administered the research questionnaire to 122 members of the general public. The sample was selected using the same snowballing technique as the experimental study reported in Chapter Two, but participants came from a different pool as the students were from the subsequent academic year. Research assistants' instructions appear in Appendix K.

Participants were 47 males and 74 females (one participant recorded no information on gender) and they were aged between 18 and 92 years (M age = 43.33, SD = 17.36). They were randomly assigned to one of the six experimental conditions and were assured of confidentiality and anonymity before voluntarily participating in the research.

Materials

Stimulus Scenarios

The six experimental conditions were portrayed in six descriptions of an assault on a middle-aged male victim by a fictional offender named Greg Hill. The offence scenario was brief and clear and guilt was assumed from the outset, thus avoiding one of the confounds in the study by Rosoff (1989). Offence seriousness was moderate and was kept constant. The scenario, essentially the same as the one used in the first experimental study, described a collision between a bicycle rider and a pedestrian that resulted in an assault that caused physical harm to the rider. A small number of participants in the previous experimental study made the comment that ambiguity of the degree to which the offender was provoked made decisions difficult. This was addressed by making it clear that the bicycle rider victim's near-collision with the pedestrian offender was accidental.

The scenarios were presented as brief summaries of evidence and they are reproduced in Appendix L. The example of scenario one, in which the offender was described as a medical doctor and a trust relationship with the victim was present, follows.

Greg Hill is a medical doctor who lives in a middle-class suburb of Perth. He has pleaded guilty to a charge of assault on a middle-aged man after he pushed the man off his bicycle. Hill had been walking down a city street on his way to work when the man, who he knew as a patient of his named John Marshall, emerged from an alley on his bicycle and almost collided with him. Mr Marshall stopped, said, “sorry, I didn’t see you”, and rode on. When Hill spotted Marshall at a set of traffic lights near his surgery a few minutes later, he told him off and, at the same time, pushed him. This caused Marshall to fall from his bicycle, sustaining grazes, bruising and a broken wrist.

When the case came to court, the prosecutor stated that, as well as being injured, Mr Marshall was upset by the assault. At the time of the assault, he had been a patient of Dr Hill’s for six months. Mr Marshall had been regularly attending Hill’s surgery for treatment of a distressing, minor chronic illness. He had relied on Hill for his advice and expertise and felt that they had a close, professional relationship.

The Research Instrument

Each research questionnaire comprised an instruction page, one of the six stimulus scenarios and six questions (see Appendix M). The instruction page explained that the purpose of the research was to invite members of the public to give their personal opinions on justice issues. This page also explained the requirements for completing and returning the questionnaire.

To address the possibility that the variability in the data from the experimental study reported in Chapter Two was due to a wide range of participants' levels of response, attempts were made to standardise the degree of consideration that participants gave to their decisions. The questionnaire cover sheet included specific instructions to participants to give some thought to their opinions, rather than base their answers on immediate reactions.

The first five questions were essentially the same as those asked in the previous experimental study. Questions one to four requested a rating of the extent of participants' negative emotional response to the offence described in the stimulus scenario; an evaluation of the moral wrongfulness and the harmfulness of the offence; and a rating of the severity of the punishment deserved by the offender. Each of these four questions required a cross to be made on a 135mm visual analogue scale.

To facilitate qualitative analysis of responses to a second part of question four, "What factors influenced your opinion on the severity of punishment deserved by Greg Hill?", participants were asked to identify the most important factor in their punishment decision.

Question five was identical to the one used in the previous experimental study. It comprised four 135mm visual analogue scales to record the importance of individual deterrence, rehabilitation, general deterrence and retribution to participants' decisions about an appropriate penalty.

As information about socioeconomic status added nothing explanatory to the results of the previous experimental study, question six asked for information about age and sex only.

Procedure

Research assistants were instructed to, as far as possible, select equal numbers of males and females who were over 18 years of age and who came from a range of ages (research assistants' instructions appear in Appendix K).

Participants read the instruction sheet in the presence of the research assistant. They then read the stimulus scenario they had been assigned and answered the six questions. Finally, research assistants gave the participants a sheet of paper containing debriefing information about the purpose of the study and availability of results (see Appendix N). The completed questionnaire was sealed in an envelope and delivered or mailed to the researcher.

Data Scoring

Each questionnaire delivered eight individual scores out of 135, calculated by measuring the length of each 135mm visual analogue scale at the point where participants had marked their rating. The overall internal consistency reliability of the scale was high (Cronbach's $\alpha = .83$).

Scores on conceptually related items one to four yielded a Cronbach's alpha value of .82 and principal components analysis revealed one component with an eigenvalue of 2.552. This component was again named condemnation. It accounted for 63.81% of the total variance in the items' scores and all four items loaded highly (between .64 and .87) on it.

Consequently, the same five dependent variables that were used in the previous experimental study were prepared for analysis: condemnation, and the importance of

individual deterrence, rehabilitation, general deterrence, and retribution to decisions about deserved penalties.

Demographic values for age and sex were recorded in their raw state. Qualitative data produced by the question, “What factors influenced your opinion on the severity of punishment deserved by Greg Hill?” were recorded verbatim and grouped according to experimental condition for later thematic analysis. The data were used as a source of elucidation of quantitative findings.

Results

Data Screening

Missing data were not problematic. As the data were grouped by the research design, subsequent screening was performed separately for each experimental group. Some within-cell inter-item correlations were very high. For example, in the doctor/trust-relationship-present group, $r = .94$ between wrongfulness and individual deterrence. However, the overall pattern of inter-item correlations did not indicate any redundant items.

Screening for outlying univariate scores using stem-and-leaf plots in conjunction with SPSS tables of extreme values revealed 21 outlying scores. Ten of these were attributable to three participants in the doctor/trust-relationship-present group. Extreme scores were modified by assignment of a raw score that was one unit smaller (or larger) than the next most extreme score in that distribution (as suggested by Tabachnick & Fidell, 1989).

Mahalanobis distance values were calculated for each participant to check for multivariate outliers. Using the conservative $\alpha = .001$ recommended by Tabachnick and Fidell (1989), comparison with the appropriate chi-square value, $\chi^2_{\text{crit}}(5) = 20.52$, showed no multivariate outliers in the data.

Initial screening of the data showed considerably fewer within-cell violations of normality than were found in the same variables for the experimental study reported in Chapter Two. After modification of the univariate outliers, there were only five serious normality violations (probability of Shapiro-Wilk's statistic $p < .03$) in the 30 cell-measure groupings. Investigation of skewness and kurtosis values and examination of histograms showed that, of these five violations, only two were a cause for serious concern. The dependent variable 'importance of rehabilitation' had excessive negative kurtosis and a bimodal distribution in the doctor/trust-relationship-present and the doctor/trust-relationship-absent groupings. In both groups, participant age was an underlying factor in score bimodality. Younger participants generally attached more importance than older participants to the role of rehabilitation in punishment decisions.

It was decided to exclude the measure of the importance of rehabilitation to punishment decisions from further multivariate analysis of the data produced by item five due to violations of the requirement for approximately normal distributions. It is not clear whether the robustness of ANOVA to violations of normality also applies to multivariate analyses of variance (Tabachnick & Fidell, 1989). In any case, the smaller cell sizes in this study did not provide the protection against such violations that was afforded by the larger samples in the previous experimental study. As there was no suitable method of

non-parametric statistical analysis of the effect of the two independent variables on rehabilitation, it was not analysed.

The bimodality of response distributions indicated by those who did and did not trust police in the trust survey was not reflected in the data for the present study as responses to scenarios in which the offender was described as a police officer were normally distributed. Although the questions asked were not specifically about trust, absence of bimodality is mentioned as it illustrates that the pattern of responses to police-offender scenarios was comparable to those of the other two types of offender.

Tests for linearity of pairs of dependent variables were not performed because of the number of tests that would have been necessary (with the associated potential for Type I errors) and the consequent complexity of interpretation.

Descriptive Statistics

In comparison to the data from the experimental study reported in Chapter Two, there was a considerable reduction in the variability of condemnation and individual deterrence score distributions. For general deterrence and retribution, standard deviations remained high. Means and standard deviations for each of the four dependent variables in each experimental condition are reported in Table 9.

Analysis

Condemnation

The homogeneity of variance assumption for ANOVA on condemnation was violated (Levene's test $p = .021$) but sample sizes were adequate and almost equal. A 3 x 2 (offender position of trust/status x professional trust relationship) ANOVA showed no significant main effects, but the interaction effect of the two independent variables on

condemnation was statistically significant, $F(2, 116) = 4.80, p = .010, \eta^2 = .076$. The ANOVA results are shown in Table 10.

Table 9
Means and Standard Deviations of Condemnation, Individual Deterrence, General Deterrence and Retribution Scores (range 0 – 135)

DV	Offender Position of Trust/Status											
condemnation	doctor			lawyer			police			Total		
Trust Relationship	M	SD	N	M	SD	N	M	SD	N	M	SD	N
present	95.04	14.71	21	75.71	24.92	19	76.49	27.11	18	82.95	23.99	58
absent	82.01	29.71	22	89.85	23.56	21	91.68	18.42	21	87.75	24.42	64
Total	88.37	24.25	43	83.13	24.95	40	84.67	23.80	39	85.47	24.24	122
ind. deterrence	doctor			lawyer			police			Total		
Trust Relationship	M	SD	N	M	SD	N	M	SD	N	M	SD	N
present	103.43	27.07	21	88.32	37.75	19	102.61	23.80	18	98.22	30.41	58
absent	102.09	31.22	22	107.81	23.50	21	91.67	30.70	21	100.55	29.05	64
Total	102.74	28.93	43	98.55	32.22	40	96.72	27.93	39	99.44	29.61	122
gen. deterrence	doctor			lawyer			police			Total		
Trust Relationship	M	SD	N	M	SD	N	M	SD	N	M	SD	N
present	53.48	43.51	21	58.68	43.76	19	51.61	41.41	18	54.60	42.30	58
absent	40.59	36.53	22	63.45	38.86	20	79.95	32.62	21	60.97	39.11	63
Total	46.88	40.14	43	61.13	40.84	39	66.87	39.14	39	57.92	40.62	121
retribution	doctor			lawyer			police			Total		
Trust Relationship	M	SD	N	M	SD	N	M	SD	N	M	SD	N
present	55.14	41.07	21	70.84	35.75	19	56.17	45.34	18	60.60	40.75	58
absent	58.59	42.45	22	81.75	39.65	20	83.15	36.31	20	73.98	40.66	62
Total	56.91	41.32	43	76.44	37.71	39	70.37	42.52	38	67.52	41.09	120

Note: *ind. deterrence* = individual deterrence
gen. deterrence = general deterrence

Table 10
ANOVA Summary Table of the Effects of Offenders' Position of Trust/Status and Professional Trust Relationship on Condemnation

Source	df	SS	MS	F
Offender	2	757.57	378.79	0.682
Relationship	1	896.87	896.87	1.615
Offender x Relationship	2	5330.10	2665.05	4.799 *
Within	116	64423.96	555.38	
Total	121	70650.93	583.89	

* $p < .05$

The direction of the mean group scores indicated that, when there was a professional trust relationship between the offender and the victim, condemnation was higher for a doctor than for a lawyer and a police officer. However, when the victim was a stranger, condemnation was higher for a lawyer and a police officer than for an offender who was described as a doctor. The diagram that shows this disordinal interaction appears in Figure 12.

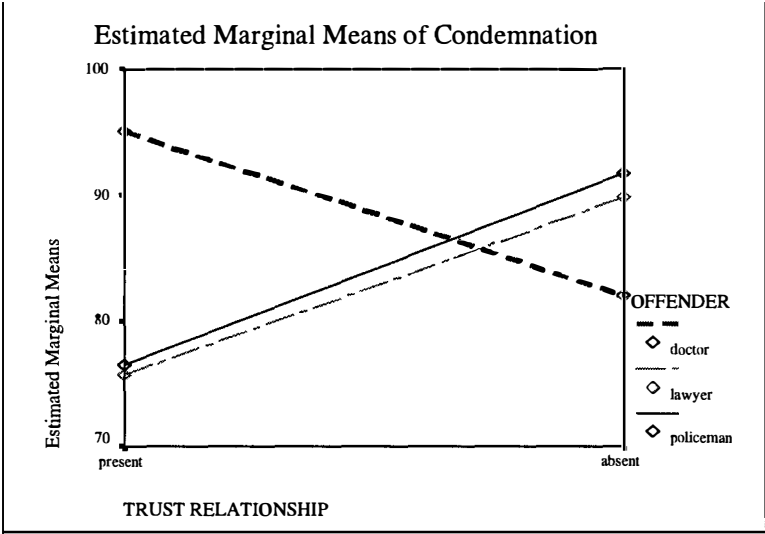


Figure 12
Condemnation as a function of offenders' position of trust/status and professional trust relationship.

To further investigate the interaction effect, a one-way ANOVA was conducted on condemnation score distributions from each of the six cells of the experimental design. The homogeneity of variance assumption for ANOVA was again violated. The ANOVA, $F(5,116) = 2.40, p = .041$, could only be regarded as significant if $\alpha = .05$ was not adjusted for the possibility of familywise error.

Post hoc comparisons for groups with unequal variance using the Games-Howell statistic revealed no significant pairwise differences on condemnation between cells. The comparison that came closest to significance ($p = .063$) was between the doctor/trust-relationship-present condition ($M = 95.04$, $SD = 14.71$) and the lawyer/trust-relationship-present ($M = 75.71$, $SD = 24.92$) condition. Comments that indicated the influence of offender attributes and offender-victim relationship factors in the punishment reasoning of participants in these two experimental groups are reported in Table 11.

The comments recorded in Table 11 relate to severity of punishment alone, that is, they explain reasoning about only one of the four contributors to the measure of condemnation. Although by no means conclusive, they indicate that the status of both the doctor- and the lawyer-offender were important to consideration of deserved penalty but that expected trustworthiness and the relationship with the victim were more important to deciding the punishment of the doctor.

Qualitative analysis of response content and themes (Glesne & Peshkin, 1992) indicated that offender characteristics and calculation of just deserts were important considerations in participants' decisions about appropriate punishment. This finding was consistent with the one found by the same kind of analysis of the data from the experimental study reported in Chapter Two. Professional relationships between an offender and a victim were generally not cited as important factors in reasoning about punishment. A summary of qualitative data produced by responses to the question, "What factors influenced your opinion on the severity of punishment deserved by Greg Hill?" is presented in Table 12.

Table 11
Participants' Comments on Offence Factors That Influenced Severity of Punishments Assigned to a Doctor and a Lawyer in a Professional Trust Relationship With a Victim

<u>Offence Factor</u>	<u>Experiment Condition</u>	
	<u>doctor/patient</u>	<u>lawyer/client</u>
offender characteristics	<p>Because he was a prominent figure in society who you would not expect to do this.</p> <p>Being a doctor he should have been more aware of Mr Marshall's condition and had more patience.</p> <p>A doctor must have control of his emotions.</p> <p>Should have had more self-control.</p> <p>His over-reaction as a professional man.</p> <p>A doctor is supposed to help – not injure people.</p> <p>Greg Hill is supposed to be a respected, responsible person in the community and should set an example. If he gets away with it, so will others.</p> <p>No-one should be allowed to get away with this behaviour, doctor or not.</p> <p>Should have control in any situation</p> <p>Lack of emotional control of Hill.</p> <p>Being a doctor, people expect them to set an example.</p>	<p>Hill, as a lawyer, should have been able to deal with the incident in an appropriate manner.</p> <p>A person of his standing should have been able to show a great deal more control over his actions.</p> <p>Greg Hill knew the law and penalty for assault.</p> <p>Should have control at all times.</p> <p>Greg Hill did the wrong thing. Because he is a lawyer he should know it is illegal but he still did it.</p> <p>A person should think before acting. I have more expectations of a lawyer to behave himself and follow the law.</p> <p>Likely that harm would be caused and a legal professional should know more/better than most.</p> <p>He appears to be, apart from this assault, a stable, reliable and valued member of the community.</p> <p>A position of public respect, trust.</p> <p>Greg Hill should behave better, being a lawyer, - needs to set an example for others.</p>
relationship characteristics	<p>The fact that he knew Mr Marshall on a doctor/patient level.</p> <p>Mr Marshall being a patient of Hill's implies he felt they had a trusting and considerate relationship. By his actions Hill has disregarded their relationship.</p> <p>The fact that he was a doctor and John Marshall a patient of his.</p> <p>Should set an example – especially to people who trust him.</p> <p>Should have control in any situation – but especially when dealing with patients.</p> <p>Hill's relationship with other patients.</p> <p>Over-reaction to Mr Marshall's action when he knew of his condition.</p>	<p>Needs to set an example for others and respect the needs of his clients</p> <p>He knew him; had a good professional relationship.</p> <p>Destruction of pre-relationship.</p>

Table 12
Results of Qualitative Analysis of Frequencies of Important Offence Factors That Influenced Participants' Opinions on Severity of Punishment

Offence Factors That Influenced Punishment Severity ^a							
Cell (offender/ relationship)	1 offender attributes	2 intent	3 relationship attributes	4 harm	5 seriousness	6 blame/ deserts	7 wrong
doctor/yes	8	4	4	1	.	5	1
doctor/no	4	3	.	3	3	9	2
lawyer/yes	8	3	.	2	1	2	1
lawyer/no	2	2	.	5	1	6	2
police/yes	9	1	3	1	1	4	.
police/no	12	1	.	1	.	4	2
Total ^b	43	14	7	13	6	30	8

Notes:

^a

- 1 position or status of offender; expectations of same
- 2 planned nature of offence; retaliatory
- 3 violation of trust
- 4 extent of harm, violence, potential harm
- 5 serious nature of offence
- 6 calculation of just deserts: assessment of a penalty that is proportional to the degree of harm and blameworthiness
- 7 moral wrongfulness of offence

^b some participants gave more than one reason

Goals of Punishment

A 3 x 2 (offender position of trust/status x professional trust relationship)

MANOVA was performed on the three dependent variables that measured the importance of individual deterrence, general deterrence and retribution to decisions about punishment.

The Box's *M* test for homogeneity of variance-covariance matrices was satisfactory. MANOVA (Pillai's criterion) showed a significant multivariate main effect for offender position of trust/status, $F(8,224) = 2.218, p = .027, \eta^2 = .073$, and a significant effect for the interaction of offender trust/status and professional trust relationship, $F(8,224) = 2.185, p = .030, \eta^2 = .072$. There was no multivariate main

effect for trust relationship. The full MANOVA source table is shown in Table 13.

Interaction diagrams for the effects of the interaction on individual deterrence, general deterrence and retribution appear in Figures 13, 14 and 15.

Table 13

Multivariate Analysis of Variance of the Importance of Individual Deterrence, General Deterrence and Retribution to Decisions About Punishment

Source of variance	Pillai's trace	Hypothesis <i>df</i>	Error <i>df</i>	Multivariate <i>F</i>
Offender	0.112	6	226	2.229 *
Relationship	0.033	3	112	1.273
Offender x Relationship	0.128	6	226	2.567 *

* $p < .05$

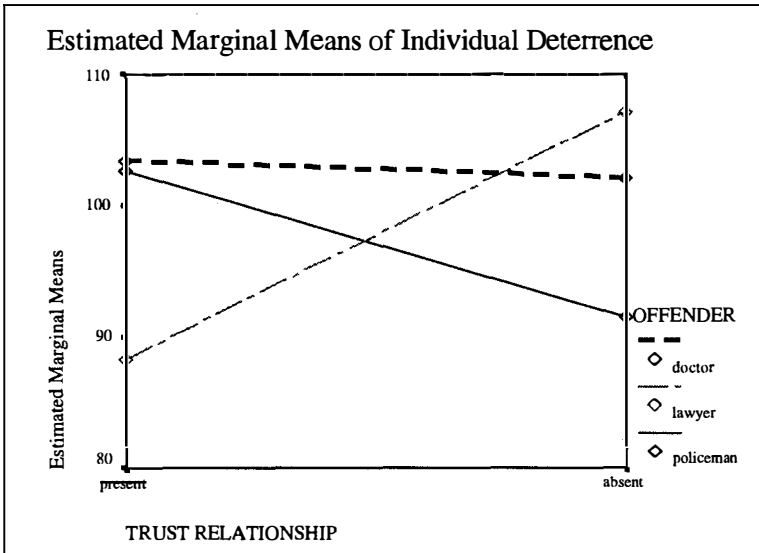


Figure 13

Importance of individual deterrence to punishment decisions as a function of offenders' position of trust/status and professional trust relationship.

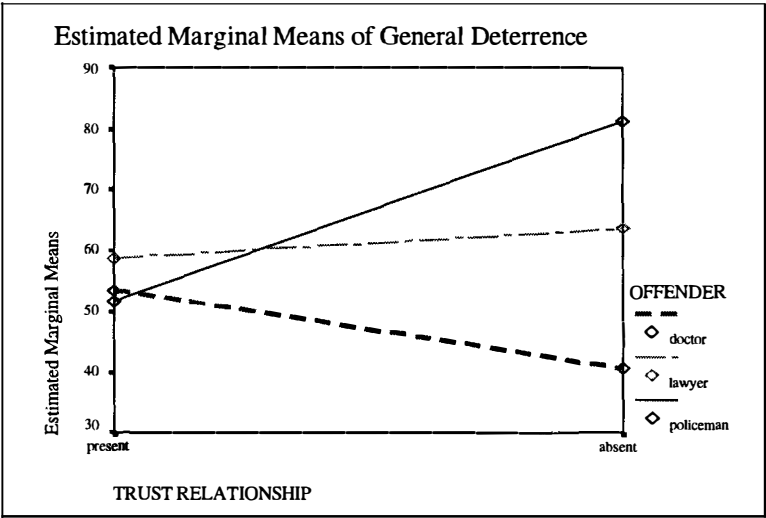


Figure 14
Importance of general deterrence to punishment decisions as a function of offenders' position of trust/status and professional trust relationship.

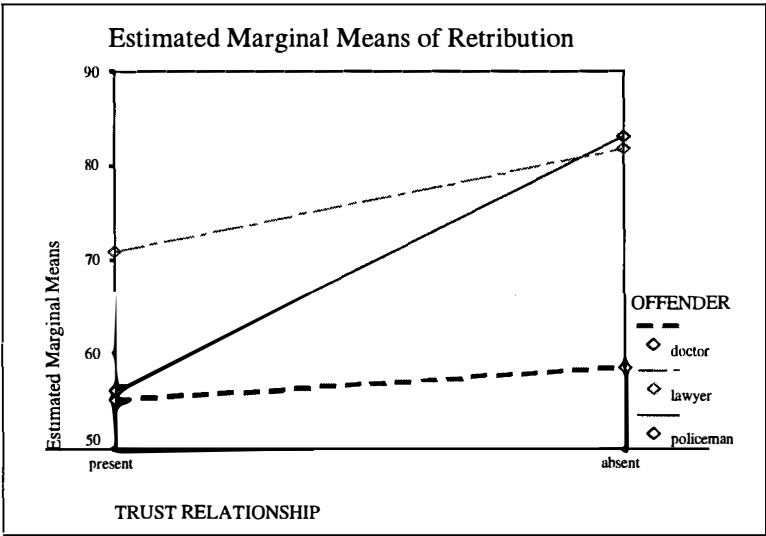


Figure 15
Importance of retribution to punishment decisions as a function of offenders' position of trust/status and professional trust relationship.

Although some authors argue that main effects should be ignored if a significant interaction is found in a factorial analysis, a more common-sense position is that the meaningfulness of main effects should be examined before discarding them as unimportant (Howell, 1997). In this case, univariate tests for the simple effect of offenders' position of trust/status on individual deterrence, general deterrence and retribution were not significant. Effects on general deterrence, $F(2,114) = 2.609, p = .078, \eta^2 = .044$, and retribution, $F(2,114) = 2.485, p = .088, \eta^2 = .042$, were closest to significance at an unadjusted $\alpha = .05$.

Because of these near-significant univariate effects, pairwise post hoc comparisons using Tukey's HSD were conducted on the effect of offenders' position of trust/status on the importance of general deterrence and retribution. Neither set of comparisons was significant. General deterrence ("the need to make an example of him") tended to be more important to the punishment of a police officer ($M = 66.87, SD = 39.14$) than the punishment of a doctor ($M = 46.88, SD = 40.14, p = .060$). However, the interaction diagram in Figure 12 shows that this effect only held for offences against a victim with whom the offender had no professional trust relationship. In the case of this disordinal interaction, it was judged that analysis of the interaction effect on general deterrence would prove more illuminating than analysis of the main effect for offender trust/status.

Post hoc comparisons of the main effect of offenders' position of trust/status on retribution ("the need to ensure he gets what he deserves") were not significant. They showed that retribution tended to be more important to the punishment of a lawyer

($M = 76.44$, $SD = 37.31$) than a doctor ($M = 56.91$, $SD = 41.32$, $p = .076$).

Univariate analysis of the interaction effect of offenders' position of trust/status and professional trust relationship revealed no statistically significant differences between conditions on individual deterrence, general deterrence or retribution. Interaction effects on individual deterrence, $F(2,114) = 2.568$, $p = .081$, $\eta^2 = .043$, and general deterrence, $F(2,114) = 2.898$, $p = .059$, $\eta^2 = .048$, approached significance if $\alpha = .05$ was not adjusted for the possibility of familywise error.

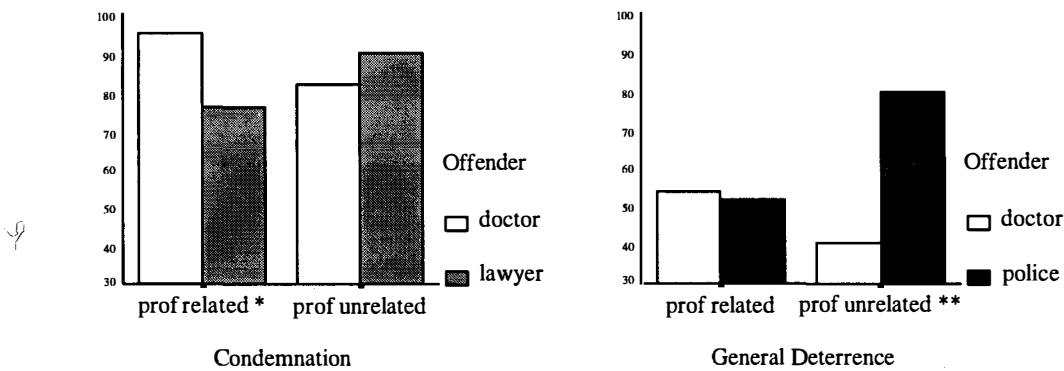
A one-way ANOVA on each of the six cells of the experimental design was used to further explore the nature of the (non-significant) interaction effects on individual deterrence and general deterrence. The ANOVA result for individual deterrence was not close to significance. However, post hoc comparisons resulting from the one-way analysis of the interaction effect on general deterrence, $F(5, 115) = 2.378$, $p = .043$, showed that, in the absence of a professional trust relationship, general deterrence ("the need to make an example of him") was much more important to the punishment of a police officer ($M = 79.95$, $SD = 32.62$) than a doctor ($M = 40.49$, $SD = 36.53$, $p = .018$). Comments that indicated the influence of offender attributes in the punishment reasoning of participants in these two experimental groups are reported in Table 14. Although the comments relate to the severity rather than the goals of punishment decisions, they gave a strong indication of the more negative response toward the police officer than the medical doctor who broke the law.

Table 14
Participants' Comments on Offender Characteristics That Influenced Severity of Punishments Assigned to a Doctor and a Police Officer Who Assaulted a Stranger

Experiment Condition	
doctor/stranger	police officer/stranger
He should have known better.	Being a police officer he should have known better.
That he is a doctor and should be able to control his behaviour and reactions.	As a policeman he should protect, not abuse.
Hill is a medical doctor and is expected to be able to be rational and not lose his cool and act out unacceptable behaviour.	He is an officer of the law and the man didn't do anything wrong.
He should know better, being a doctor.	Greg Hill is a "public officer" – no less, a policeman.
Hill, being a doctor, may have had a serious question on his mind regarding one of his patients – shock reaction to situation.	He is a police officer and therefore should have a stronger sense of morals than demonstrated by his actions.
As a doctor, a professional person, his anger should have been tempered!	The position of respect and community standing as a police officer – should be setting an example.
Status in community. Showing restraint.	He is a police officer and should be setting an example.
	Police officers should be more able to control anger in difficult situations.
	Being a public servant.
	Mr Marshall said sorry. Greg Hill is a police officer.
	Serving police officer – exposed to daily violence.
	Self-restraint and discipline.
	Breach of authority/social standing. Over-reaction to minor accident.
	If Greg Hill was in uniform on his way to work then he gives a reason for passers-by to form derogatory opinions of the whole police force. As a policeman this Mr Hill has a duty to the public and his profession.
	He is a police officer.
	He was a police officer so surely someone in his profession should know better.
	Greg Hill was a police officer – abuse of power and status.
	Policemen are expected to display exemplary behaviour.

Summary

A summary of the most important findings of the present study is presented in Figure 16. When a professional relationship existed between an offender and a victim, an offender who was described as a medical doctor was more strongly condemned than an offender portrayed as a lawyer. Judgment of the deserved punishment of an offender described as a police officer was significantly more strongly based on considerations of general deterrence than the punishment of an offender portrayed as a medical doctor when the victim was a stranger.



* $p = .063$
** $p = .018$

Figure 16
Important findings of the effects of offenders' position of trust/status and professional trust relationship.

Discussion

The only firm prediction made for the results of the present study, that the existence of a professional trust relationship between the offender and victim would result in condemnation and punishments aimed at deterrence and retribution, was not

substantially supported by the data. There was no main effect for professional trust relationship on any dependent variable.

Results showed that offender characteristics and professional relationship interacted to produce a significant effect on condemnation of the offence. Although the influence of the interaction was not particularly strong, examination of the interaction diagram prior to statistical comparisons indicated the disordinal effect that, when there was a professional trust relationship between the offender and the victim, condemnation was higher for a doctor's offence than for that of a lawyer or a police officer. However, when the victim was a stranger, condemnation was higher for the lawyer and the police officer than for an offender who was described as a medical doctor. Hence, there was evidence for the protection of a doctor from condemnation unless his offence was professionally related.

Statistical analysis of the interaction did not reveal the status protection and liability effects that were found in previous experimental work (Skolnick & Shaw, 1994; Shaw & Skolnick, 1996). A complete effect for status would have resulted in significantly greater condemnation of the lawyer as well as the doctor than the police officer for the professionally related offence and greater condemnation of the police officer than the doctor and the lawyer for the professionally unrelated offence. Instead, the only difference in condemnation that was close to statistical significance was between the doctor and the lawyer, both high status offenders, when both had a professional relationship with their victim.

The difference between the extent of condemnation of the doctor's and the equally high status lawyer's offences in the presence of a relationship of professional trust

relationship approached significance ($p = .063$) and is worth discussing. It indicated that when a professional trust relationship with the victim was present, the trusted position of the offender, but not his status, exacerbated public condemnation. As well as the differences in their positions of trust in a symmetrical, social context, the doctor and the lawyer could be expected to have differed in the perception of their trustworthiness in asymmetrical relationships. Therefore, the mechanism of the different levels of condemnation for the doctor- and lawyer-offender was presumably the breach of expectations of asymmetrical as well as symmetrical trust.

The present study would have offered even stronger support for the earlier speculation that status effects may actually be trust effects if there had been corresponding significant shield effect for doctors over lawyers in the conditions that involved a victim who was a stranger. The professional relationship of the offender to the victim may have made trust more salient in participants' reasoning than it was in the stranger-victim conditions.

As well as the differences in the trust that is attached to the positions of doctor and lawyer, the characterisation of doctors' high status has been shown to be qualitatively different from the reasons for the high status of lawyers. In the surveys described in Chapter Three, both doctors and lawyers were described as possessing high status because of prestige and economic reasons. However, the perception that doctors care and help was the chief reason for their categorisation as the highest status group. The centrality of the work of doctors to human existence appeared to be an important source of their high status. This aspect of doctors' high status illustrated the conceptualisation of prestige derived from charisma and deference, as opposed to prestige deriving from class

and achievements alone (Shils, 1975; Wegener, 1992). The differences in the sources of the prestige of doctors and lawyers, as well as their different levels of trust, may have contributed to the different levels of their condemnation. Participants may also have viewed the differences between doctors and lawyers in the light of the distinction made by Jones et al. (1997) between qualities required for 'getting along' versus 'getting ahead'.

The present study also revealed a significant multivariate effect for the interaction of offender characteristics and professional relationship on the importance of generally accepted goals of punishment to participants' decisions about appropriate penalties. Univariate effects of the interaction were not strong. However, the effect of the interaction on the importance of general deterrence to punishment decisions approached a non-adjusted level of significance.

Further analysis of the interaction effect on general deterrence showed strong indications ($p = .018$) that, where no professional relationship between offender and victim was present, there was a greater perceived need to formulate punishment with the aim of making an example of the police officer than the offender who was described as a doctor. It appears that it was the magnitude of this single effect (Cohen's $d = 1.13$) that produced the statistical results that indicated a multivariate effect for offender characteristics and for the interaction of offender characteristics and professional relationship on all three measures of goals of punishment.

The simplest interpretation of the difference between the need for general deterrence of the police officer and the medical doctor is one provided by a status shield effect similar to that found by Skolnick and Shaw (1994; Shaw & Skolnick, 1996). That

is, the doctor's higher social status protected him from the perception that he needed a punishment aimed at general deterrence. However, although it was not an intentional manipulation (it was an artifact of the acknowledged non-ideal operationalisation), the social position of medical doctor is also more, and more unambiguously, trusted than that of police officer. The source of the doctor-offender's protection, as hypothesised for the source of previous status effects, may have been his relative trust as well as status.

The need for general deterrence of the police officer lent support to the strongly expressed need to make an example of police officers who break the law that was indicated by participants in the initial exploratory study. The comments recorded by participants in the police officer/no-professional-relationship condition of this study illustrated the strong negative responses evoked by police officers who break the law (as shown in Table 14). Participants in the police officer/professional-relationship condition generally showed a greater degree of tolerance for the offender (see Appendix O). The police officer's relationship with the man he had been assisting was qualitatively different from either the doctor-patient relationship or the lawyer-client relationship in that it was, arguably, less reliant. One could argue that, although the relationship of police services to societies as a whole is obviously one of asymmetrical power, there is less power inherent in the relationship of individual police officers to members of the public because they have less professional autonomy than doctors or lawyers. Prior, non-asymmetrical interpersonal relationships between a victim and an offender have been shown to result in less serious consequences for the offender than when a victim was a stranger (Della Torre, 1997; Erez & Tontodonato, 1990; Simon, 1996). Offences involving such relationships are also less likely to be reported (Ruback, 1994). Perhaps the relationship

the officer had established with the victim was viewed as interpersonal and his role as a representative of a social institution in which public confidence is of paramount importance was more salient in the stranger condition.

There were minor differences in the complexity of the offence scenarios used in the first experimental study and this present study. Nevertheless, the scenarios in which a doctor assaulted an able-bodied adult in the first study, and in which the doctor-offender had no trust relationship with the victim in the present study, were essentially the same. This similarity invited examination of the difference made by an instruction to participants in the second study to give more considered responses. Comparison of the data produced by those two conditions indicated that greater consideration to responses in the present study was associated with a slightly higher level of condemnation of the doctor-offender and the perception of a greater need for a punishment aimed at individual deterrence (see Table 15).

Table 15
Mean Scores for Condemnation and Importance of Individual Deterrence, General Deterrence and Retribution to Punishment Decisions for an Offence by an Offender Described as a Medical Doctor Against an Adult Victim in Two Experimental Studies

DV	Rating		
	M	SD	N
condemnation			
ES1 ^a	71.84	31.54	37
ES2 ^b	82.01	29.71	22
individual deterrence	M	SD	N
ES1	75.97	39.38	39
ES2	102.09	31.22	22
general deterrence	M	SD	N
ES1	48.61	39.47	38
ES2	40.59	36.53	22
retribution	M	SD	N
ES1	63.03	41.20	39
ES2	58.59	42.45	22

Notes: ^a experimental study one (reported in Chapter Two)
^b experimental study two (reported in Chapter Four)

Conclusions

The interaction of the effects of offender status and trust, and professional trust relationship on condemnation indicated that, when a professional trust relationship with the victim was present, the high status of the offender became a liability in that it exacerbated public condemnation, but only when the offender was expected to be highly trustworthy. Although the interaction effect of the doctor- and lawyer-offenders and their professional relationships on condemnation was not statistically significant, the directions of the mean scores spoke more strongly to a trust effect than a status effect. It may be that, when the source of an offender's high status is wealth and education rather than the qualities of helping, caring and centrality to the needs of society (which are more closely related to trust), his or her status is not a liability in the consideration of sanctions for professionally related offences.

The status liability effect found by Skolnick and Shaw (1994; Shaw & Skolnick, 1996) may also have owed as much to trust as status. The degree of public trust in both the symmetrical and asymmetrical relationships of the offenders described in those studies could be expected to have covaried with their status. Just as the highly regarded, eminent psychotherapist had more to lose in the abrogation of the responsibilities of his high standing than the lower status person who was the graduate student of psychology, so may he have been more vulnerable to sanctions for violating the higher degree of trust in which he was held. A complex interaction of symmetrical trust, asymmetrical trust, status and sources of prestige appears to be an important principle in the public's reasoning about justice and it is one that bears further investigation.

A limitation of the present study was that the professional trust relationships that were manipulated may not have been comparable. A doctor-patient relationship is arguably one that entails more trust as reliance than a client's relationship with a lawyer or a victim's relationship with a police officer. Additionally, nearly all members of the public could be expected to be more familiar with the relationship of doctor and patient than one with a lawyer or a police officer. Consequently, the higher level of condemnation for a doctor who assaulted a man who was a patient may not have been a consequence of his position of higher trust and social status. It may have been an artifact of a unique professional relationship.

Findings were also influenced by the properties of the data produced by the present study and the limitations of statistical data analysis. The trends in the data were interesting and they have been discussed in relation to previous explanations from theory and empirical studies. However, the fact that those trends were not supported by unequivocal statistical evidence must not be overlooked.

Statistical analysis demonstrated that the public's condemnation was significantly influenced by offender trust and status in combination with a professional relationship between offender and victim in some way. Further comparison of the distributions of scores for each experimental condition with each other condition showed that, although they were different at the conventionally accepted level of probability, the differences were not strong enough to ensure that they were not produced by the tendency of multiple statistical tests to provide a false appearance of difference (familywise error). Pairwise comparison of experimental groups showed that the largest difference in levels of condemnation was between the offences of a doctor and a lawyer who had a professional

relationship with the victim. However, this difference ($p = .063$) was not significant at the conventional level of statistical probability.

Multivariate analysis showed a statistically significant effect for the manipulated variables, in interaction, on the best linear combination of three goals of punishment. However, that effect disappeared when separate analyses were performed on each goal of punishment. The influence of the interaction of the manipulated variables on a perceived need for general deterrence, and comparison of the distributions of general deterrence scores for each experimental condition with each other condition, approached statistical significance if the risk of familywise error was ignored. Nevertheless, pairwise comparisons of experiment groups showed a far greater perceived need for a punishment goal of general deterrence for an offender who was a police officer than for one who was described as a medical doctor. The statistical probability of obtaining this result by chance was one point eight in 100. It appears that it was this effect that influenced the multivariate results.

A strict interpretation of the results of these statistical analyses is that no statistically significant effects were found by this present study. At best, statistical data analysis has showed that the public's condemnation of an offence and its perception of the need for various types of punishment were influenced by the combination of offender trust, offender status, and a professional relationship between an offender and a victim *in some way*. However, the qualitative data give some indication that the practical impact of these variables on the public's response to criminal offences bears further investigation.

The standard deviations in the data collected for this study, although generally smaller than those for the study reported in Chapter Two, were still indicative of an enormous amount of variability in the public's reasoning about criminal offences and this had the potential effect of obscuring important findings. It is obviously more difficult to detect differences in comparisons of diffuse data sets than in ones that are relatively compact. That difficulty was compounded by the inconsistent variability between experimental groups in scores on the measure of condemnation.

A specific task for researchers who further develop the present research may be to conduct a coordinated program of experimentation on selected homogenous groups of participants in order to gain a clearer understanding of the effects of offender trust, status, and professional relationships. A major general task for future research in this area is the need to be cautious in laying claim to definitive answers to questions about public responses to crime and to accept that a consensual body of public opinion on crime may not exist.

CHAPTER 5

Summary, Discussion And Conclusions

This chapter presents an extended summary of the research reported in this dissertation, an analysis of the implications of the findings in the context of the thesis and the field of social psychology and law, and discussion of future research directions.

Summary

The rationale for this program of applied research was that it is important to know about the public's intuitive reasoning about criminal justice, given the role of public sentiment as a basis for law. The significance of this series of studies was that the use of methodologically rigorous experimental methods would increase understanding of enduring, generalisable decision principles that underpin public evaluations of crime seriousness and appropriate punishment in a way that is not possible for the simple survey methods that have frequently been used in the past.

The use of simple survey methods has been implicated in the belief that the public has punitive attitudes towards criminal offenders. Many social science researchers have described the assumption that the public is punitive and non-rational as erroneous or simplistic (for example, Cullen et al., 1988; Diamond, 1990; Durham, 1993; Flanagan & Caulfield, 1984; Indermaur, 1987; Innes, 1993; Roberts, 1992; Roberts & Doob, 1989; Sprott, 1999; Thomson & Ragona, 1987; Walker & Hough, 1988; Walker et al., 1987).

Doubt has also been expressed about the assumed existence of a body of consensual public opinion on criminal justice (Durham, 1993). Nevertheless, public sentiment about criminal offending is an important and increasingly influential basis of law (Green, 1996; Lloyd-Bostock, 1991; Pillsbury, 1995; Robinson & Darley, 1995). It was considered important to know more about the ways in which the public, whether collectively or typically, decides on the seriousness of offences and the severity and purpose of deserved punishments.

An assumption of widespread punitiveness was not part of the rationale for the present research. However, it was expected that the public has stronger responses to some offences than others. The aim was initially to examine strong emotional and morally based responses in order to establish principles that underlie such responses as a basis for subsequent investigations of everyday reasoning.

A small, exploratory study described in Chapter One indicated that offenders' position of trust and the perceived vulnerability of victims were offence characteristics that evoked moral indignation and disproportionately punitive responses in members of the public. A subsequent experimental study manipulated victim vulnerability and offender position of trust in terms of everyday expectations of social trust in symmetrical relationships. Survey research described in Chapter Three clarified the bases of attributions of social status and trust and provided empirically sound examples of social and occupational groups for use in further experimental investigation of offender trust and status. The final experimental study that was reported in Chapter Four manipulated offender positions of varying levels of social trust and status as well as the trust that is inherent in asymmetrical victim-offender relationships.

The initial study in this program of research explored the reactions of 34 members of the public to descriptions of offences that were designed to be emotionally and morally provocative. Examination of responses to these offence scenarios was expected to illuminate some of the underlying principles of reactions that were more punitive than the harm caused by the offence would indicate. The aim of the study was to explore links between offence characteristics and disproportionately severe judgments of crime seriousness and deserved punishment in order to inform subsequent experimental studies of the influence of those characteristics on decisions about more prosaic offences. It was information about underlying evaluative principles implied by the use of particular offence characteristics in participants' judgments rather than determination of the offence characteristics alone that was considered important.

The initial study identified some offences that evoke a high degree of moral indignation from members of the public. Offences of supplying heroin, fabrication of evidence, causing pollution, and sexual penetration of a child aged between 13 and 16 years all aroused anger and punitive responses in members of the public. It was also found that responses to sexual offences that are illegal but that disgust rather than arouse anger, or that are regarded as trivial, were more tolerant than those prescribed by law.

Particular aspects of offences evoked particularly negative responses from members of the public. A sexual offence, a drug offence committed by an adult against young victims, and an offence committed by a police officer were all strongly condemned. It was concluded that responses to the provocation of emotional and moral concerns indicated consideration for offenders' violation of trust and for victim vulnerability as factors in participants' evaluations that warranted further investigation.

The subsequent experimental study (Chapter Two) measured the effects of offender position of trust and victim vulnerability on the public's judgments about a less provocative offence. Although trust has proved hard to define and measure (Barber, 1983; Blomqvist, 1997; Hosmer, 1995; Kahn, Jr & Turiel, 1988; Kasperson et al., 1992; Kramer, 1999; Shapiro, 1987), it is generally agreed that social trust is necessary for cohesive social function (Eisenberg et al., 1989; Freiberg, 1995; Luhmann, 1980; Willig, 1997). Freiberg's (1995) conceptualisation of symmetrical trust was utilised in the manipulation of three representatives of varying levels of everyday social trust. The acknowledged vulnerability of people who have a disability (Nettelbeck et al., 2000) and the indication from the initial study that the vulnerability of youth is a consideration in the public's reasoning about justice formed the bases of the manipulation of three levels of victim vulnerability.

Data analysis showed statistically significant effects for victim vulnerability on condemnation of the offence and for offender position of trust on the importance of individual deterrence and rehabilitation to punishment decisions. The effects of position of trust and victim vulnerability did not interact.

The findings of the study confirmed the role of victim vulnerability in the public's condemnation of criminal offences. An offence against a victim who had an intellectual disability was more strongly condemned than the same offence against an unimpaired adult. However, there was no support for the influence of vulnerability as a product of the victim's youth, despite indications from the initial study. It was concluded that perception and consideration of the youth of victims in the public's evaluations of criminal offences might interact with the nature of the offence. Young people may be perceived as

vulnerable in offences that evoke morally based judgments, for example those that involve drugs or sex, but not in the context of an assault.

Participants' reasoning about purposes of deserved punishment showed that rehabilitation was a relatively important consideration in the punishment of a young offender and that an offender who occupied a position of high trust was relatively immune from a punishment aimed at individual deterrence. These results were discussed in the contexts of the perceived rashness and redeemability of youth and the protection afforded by the high social status of the highly trusted offender.

It was also concluded that the high status of the offender who occupied a highly trusted position in society might have protected him from stronger condemnation for the breach of that trust than offenders who represented less trusted (and lower status) positions. However, a status shield effect such as that found by Wiggins et al. (1965), Rosoff (1989), Skolnick and Shaw (1994) and Shaw and Skolnick (1996) did not provide a complete account of the results. Those previous studies showed that high status offenders attracted significantly *less* severe sanctions than lower status offenders. In the case of the experimental study reported in Chapter Two, the high status offender was only shown to be *not significantly more* condemned than those of lesser status and trust. Five point seven per cent of participants in the status survey nominated non-offending youth as a low status category. A complete status protection effect would have resulted in a higher level of condemnation for the offender who was a youth, at least, than for the offender who was described as a medical doctor.

The unexpected absence of an effect for offender position of trust on condemnation was also discussed in terms of the possibility that trust relationships rather

than trusted roles are important in the public's evaluation of offences. It was noted that both the police officer-offender and the older man who was portrayed as a sex offender in the initial exploratory study could have been regarded as having obligations of trust in relationship to their victims. The trust that resides in relationships of obligation has been characterised as asymmetrical trust (Freiberg, 1995): the trust inherent in reliance on those who have more power or knowledge than the trustor. Studies by Skolnick and Shaw (1994; Shaw & Skolnick, 1996) have shown a reversal of the status shield effect to a status liability effect when an offender had a professional trust relationship with a victim.

Subsequent attempts were made to isolate trust and status in examples of offenders for further investigation. The concepts of trust and status appeared to have considerable overlap when considering real-world exemplars. In an attempt to further illuminate the relationships between the status and trust of people who occupy various social positions and occupations, two surveys were conducted. The aim was to find concrete examples of the abstract concepts of trust and status in order to provide an empirical basis for further experimental research on offender characteristics that, as much as was possible, separated trust and status.

Results of the surveys showed that a high level of trust - whether as a result of holding a trusted position in society or by occupying a role that others rely on - was associated with high status, however, high status was not an important source of trust. The exemplar categories and characteristics of low trust and low status were unrelated.

The categories of medical doctors, lawyers and police officers were deemed appropriate for experimental manipulation in further investigations of various levels of offender trust and status and professional trust relationships between an offender and a

victim. Medical doctors comprised the only group that both was regarded as having high status and was highly trusted. They were trusted because they kept information confidential and because of their work for the good of society. The sources of their status were caring, helping, education level and income. High status was attributed to lawyers because of high income, wealth, education and power but they were somewhat distrusted as a result of their perceived dishonesty and greed. Police officers had lower status than doctors and lawyers. They were trusted by many participants because of the service and protection they provided and because of their position in society. A smaller proportion of participants nominated them as a low trust group because they regarded them as corrupt and as abusive of their power.

The status and trust of other groups that did not meet criteria for further investigation were reported in appendices. They included family and close friends who were categorised as highly trusted in interpersonal relationships; politicians whose high status and low trust did not involve professional relationships; celebrities who had high status but were not identified in the trust survey; and salespeople who were highly distrusted but did not figure prominently in the status survey.

The subsequent experimental study (Chapter Four) investigated the combined effects of social status and position of trust of offenders, and the presence or absence of a professional relationship involving asymmetrical trust, on public condemnation of offences and reasoning about punishment. In order to avoid compromising external validity by artificially manufacturing status and trust categories that were orthogonal but not credible, an incomplete factorial design was used. The representation of police officers as a category that had high trust and low status was not ideal. Additionally, the

intention to manipulate a professional trust relationship between offender and victim precluded the representation of a low trust, low status category. The surveys produced no obvious category of persons that could be portrayed as one upon whom a victim would rely for expert knowledge and assistance.

Results showed that offender characteristics of trust and status and the offender-victim relationship interacted to produce a significant effect on condemnation of the offence. The only post hoc pairwise comparison that approached an unadjusted level of significance ($p = .063$) showed a higher mean level of condemnation of a doctor than of a lawyer when both had a professional trust relationship with their victim.

The medical doctor and the lawyer both represented high status offenders. The differences between them were the extent of trust in their positions and the sources of their status. The high trust expected of the offender who was a doctor and the low trust of the lawyer indicated that holding a position of trust was a liability for an offender in an asymmetrical professional relationship. In addition to the common status attributes of wealth and knowledge, the high status of the medical doctor was strongly derived from perceptions of caring and helping and the central role of medicine to the needs of society. That is, the chief source of the status of medical doctors was esteem for their perceived benevolence, characteristics congruent with trust, rather than economic or prestige reasons. Thus, an alternative interpretation of the differences between condemnation of the two high status offenders was that the different sources of their high status, as well as their relative positions of trust, produced a liability effect in the presence of a professional relationship between offender and victim.

Findings of the second experimental study did not provide support for the status liability effect found by Skolnick and Shaw (1994; Shaw & Skolnick, 1996) because there was no statistically significant difference between levels of condemnation for the high status offenders who had a professional relationship with their victims and the lower status offender. Skolnick and Shaw's operationalisation of status relied, in part, on different levels of expectations of trust in an offender's position and his relationship with his victim. They described the high status attributes of the offender in terms of expectations of professional trust, "... deviance by high status individuals betrays the trust of their profession" (Skolnick & Shaw, 1994, p. 1829). Additionally, the difference between their high and low status offenders was described in the context of asymmetrical trust relationships, "... a high-status therapist relating to a patient may be held to a higher standard of conduct than a low-status therapist" (Shaw & Skolnick, 1996, p. 441). Given the results of the surveys reported in Chapter Three, it could be expected that this trust difference was magnified in the examples of a medical doctor and a lawyer. Just as the work of Skolnick and Shaw extended and clarified the findings of Wiggins et al. (1965) and Rosoff (1989) in that they found evidence that the moderator of status effects was professional relatedness rather than offence seriousness, the present work indicated that professional relatedness may interact with two types of trust in the production of status effects.

The second experimental study also showed a significant multivariate interaction effect for offenders' status and position of trust, and professional relationship on the importance of generally accepted goals of punishment to participants' decisions about appropriate penalties. Univariate effects of the interaction were not strong. Further

analysis indicated that it was a strong effect on the importance of general deterrence to a single pairwise comparison of experimental conditions that was the major influence on the significant multivariate effects. In the absence of a professional trust relationship, general deterrence (punishment aimed at making an example of the offender) was less important to reasoning about the punishment of a doctor than a police officer ($p = .018$).

The main difference between the representations of a medical doctor and a police officer as offenders was the manipulation of offender status. The participants of the status survey regarded police officers as having considerably lower status than doctors. Thus, the consideration that it was less necessary to make an example of an offender who was a medical doctor than one who was described as a police officer indicated a status shield effect similar to the one found by previous researchers (Rosoff, 1989; Shaw & Skolnick, 1996; Skolnick & Shaw, 1994; Wiggins et al., 1965).

The different levels of trust in doctors and police (even though they both represented high trust offenders) supported speculation that trust was a factor in the higher level of need to assign a punishment reflecting general deterrence to the police officer. That result also lent support to the strongly expressed need to make an example of police officers who break the law that was demonstrated by participants of the initial exploratory study.

A limitation of the second experimental study was that the professional relationship manipulation may have inadvertently created a confound in the level of asymmetrical trust perceived in the relationship between the victim and the offender. A doctor-patient relationship is arguably one that entails more trust-as-reliance than a client's relationship with a lawyer or a crime victim's relationship with a police officer.

Consequently, the difference between condemnation of the offences by a doctor and a lawyer may have been an artifact of the unique professional relationship between doctors and their patients.

Discussions of the results of both the first and second experimental studies centred on the extensive variability in the quantitative data and evidence from qualitative data that reflected objective legal reasoning about punishment severity. The first study (Chapter Two) showed large standard deviations on every measure in every experimental condition. Additionally, qualitative data demonstrated that participants had given as much consideration to assessment of judicial criteria such as culpability and harm in their calculations of appropriate penalties as they had to personal characteristics of offenders. It was concluded that there is possibly little real consensus in the public's reasoning about criminal justice, and that reasoning about punishment is more rational and less emotive than is popularly believed.

In an effort to control the variability in quantitative responses, participants in the second experimental study (Chapter Four) were instructed to give their "considered opinion" in their responses. This attempt to increase standardisation of the type of response given may have been the cause of smaller standard deviations in the resulting data. In comparison to the data from the experimental study reported in Chapter Two, there was a considerable reduction in the variability of condemnation and individual deterrence score distributions. For general deterrence and retribution, standard deviations remained high and variability in the consideration of rehabilitation in punishment decisions increased.

Qualitative analysis of offence aspects that influenced participants' assessment of penalty severity in the second experimental study showed greater reliance on personal characteristics of offenders than on calculation of just deserts.

Implications of the Research Findings

This program of research found evidence for factors in the public's evaluation of offences and its decisions about deserved punishment that indicated the importance of vulnerability, trust and status as three of the underlying principles in commonsense reasoning about criminal justice. The first section of the following discussion will address the implications of the research findings for these three variables separately and in the context of their combined influence in roles, social positions, and relationships.

Although it was not the purpose of the research to compare public and legal reasoning, a focus on emotive, morally based or otherwise subjective reasoning naturally gave indications of extra-evidentiary factors in responses. In particular, qualitative data from the two experimental studies showed that participants placed an emphasis on personal characteristics of offenders in their considerations of appropriate punishment. The second section of the discussion that follows considers the use of extra-legal offence aspects in the public's decisions about punishment.

The use of experimental methods in the current program of research contrasted with survey or correlational methods that have been implicated in false impressions of punitiveness and consensus in the public's views on crime and punishment. The third section of the following discussion concerns the implications for those methods in the production of highly variable data.

Some Principles in Public Reasoning About Criminal Justice

Victim Vulnerability

Consideration of the vulnerability of victims was identified as an important principle in the public's reasoning. Perceived material gain from exploitation of the vulnerabilities of youth was an important aspect of an offence that described the supply of heroin to high school students and recruitment of them to sell to heroin to their peers. As well as use of the legal principle of harm, responses to this offence reflected outrage at the corruption of vulnerable youth. Anger was also expressed at an older offender who was perceived to have exploited the inexperience of youth and to have violated sexual age norms.

Conditions of exceptional vulnerability provided the clearest evidence for the use of this principle. An experimental study demonstrated condemnation of offences involving victim vulnerability that was associated with compromised cognitive and social judgment but not immaturity. The public's attention to vulnerability of youth in its reasoning about justice may depend on the type of offence. Current evidence was limited to concern for youth who may have been viewed as more persuadable in sexual offences due to developmental limitations on their experiences of relationships with the opposite sex or as exploitable due to an adolescent propensity for hedonism and risk-taking.

Trust

Trust was identified as a principle that has complex application to the public's reasoning about criminal justice. Initial indications came from reactions to the fact that it was a police officer who was described as fabricating evidence. Participants expressed

concerns about corruption and violation of the public's trust in the form of abrogation of the duty of police to uphold the law and the moral obligation to serve and protect society.

Trust is an aggravating factor in judicial sentencing. However, while it has an important implicit function in criminal law, its substantive role is not explicit (Freiberg, 1995). Clearly extra-legal concerns about breach of trust were elicited by a sexual offence by a 60 year old man against a 15 year old female that was described in the first study of this thesis. The absence of condemnation or punitiveness toward an 18 year old offender involved in an identical offence indicated a lack of regard for the actual legality of a sexual encounter with a person under the age of legal consent to such a relationship. The source of participants' concern was a perceived breach of the normative trust that men of advancing years will not engage in sexual activity with adolescent females.

The strongest indication that trust was a factor in the public's reasoning about criminal justice was found in responses to a police officer's offence of fabrication of evidence. No concern was expressed for the victim of the offence and there were some indications of empathy for the officer's motives. However, the fact that the officer had challenged the trust in the role of police officers to contribute to the stability and order of society by upholding the law elicited strong condemnation.

A position of high symmetrical trust, in that a person in such a position is more expected than others to act in the interests of the society in everyday social contracts and exchanges, did not, on its own, exacerbate condemnation and punitive judgments. The impact of trusted positions on the public's reasoning about criminal justice was shown to interact with trust relationships and offender status. In hindsight, the abuse of power that was perceived as inherent in the breach of trust of the corrupt police officer and the 60

year old sex offender also indicated the violation of an asymmetrical trust relationship. This type of trust and associated vulnerability were inherent in the assumed comparative naivety of the much younger victim of the sex offender indicating that, rather than separately reacting to the offender's position of trust and the vulnerability of his young victim, the public saw this offence as a violation of an asymmetrical trust relationship in which victims are, by definition, vulnerable in some way. Similarly, the police officer's power in relation to the man against whom he fabricated criminal evidence and, more particularly, the relationship between the police service and members of the public, was an example of asymmetrical trust.

The subsequent identification of negative reactions towards a doctor who offended against a patient again demonstrated the public's condemnation of the violation of the trust and vulnerability inherent in asymmetrical relationships. Nevertheless, the fact that an identical offence by lawyer against a client was less condemned indicated that the position of trust of an offender has an interactive effect with the impact of trust relationships on condemnation. There were also qualitative differences in the offender-victim relationships.

Status

Offender social status had previously been identified as a factor in reasoning about criminal sanctions (Wiggins et al., 1965; Rosoff, 1989; Skolnick & Shaw, 1994; Shaw & Skolnick, 1996; and others). Its place in the present program of research resulted from an indication that it offered a degree of protection from condemnation to an offender in a position of high trust. Subsequent investigations showed that high status, possibly in

combination with a relatively high position of trust, protected an offender from a punishment aimed at general deterrence.

Contrary to the findings of previous studies (Skolnick & Shaw, 1994; Shaw & Skolnick, 1996), no status liability effects were found by this research. High status offenders who had a professional relationship with a victim were not significantly more condemned than a lower status offender. However, the source of offenders' status may have been a liability when a professional relationship with a victim existed. High status that was derived from perceptions of caring and helping, as opposed to that conveyed by prestige and economic reasons alone was associated with different levels of condemnation.

The various high status groups identified in the survey results reported in Chapter Three showed that social status is a multidimensional construct. Status was defined as derived from and indicated by wealth, normative social ranking, occupation, education level, income and power. Doctors, politicians, lawyers and celebrities were the highest status groups. The most important high status attributes for individually identified groups, as opposed to the generic definitional characteristics of status, were wealth, income, fame, power, education, importance, and caring, helping work.

Trust and Status

The research that formed the basis of this dissertation looked at the inter-relationship of trust and status in a way that has not previously been attempted. Status is a prominent concept in sociological literature and there have been volumes written on trust in the humanities and the social sciences. However, the literatures do not speak to each other or refer to each other and neither illuminates a psychological focus of understanding

and explaining human behaviour. Sociological discussions of status emphasise its role in social stratification. The predominant foci of the literature on trust are conceptual clarification, social cohesion and organisational culture. Additionally, the concept of social, as opposed to interpersonal, trust has received little attention from psychology and there have been no investigations of the inter-related effects of status and trust on social judgments.

This research was unique in that it established an empirical basis for the manipulation of trust and status. Although Rosoff (1989) sought evidence for a status hierarchy amongst medical specialists, the usual method of previous studies has been to base operationalisation of status on theoretical and intuitive assumptions (Skolnick & Shaw, 1994; Shaw & Skolnick, 1996; Wiggins et al., 1965).

Status and trust are complexly interwoven. Although they are semantically separable and they differ in theory, there are many social roles that exemplify both their relatedness and their differences. In the surveys on trust and status that were conducted as part of this research there was no evidence for a status-trust relationship in the exemplars of low status and low trust. Low trust groups often had high status, and low status was derived from lack of wealth, education, power and social contribution rather than any relationship to trust. High trust was relevant to high status in specific instances, and vice versa, but it was not an important general prerequisite. Medical doctors were the single, possibly unique, example of a group that was viewed as possessing very high trust and social status.

Rather than a simple status protection effect, the significant difference between the perceived need to make an example of the doctor and the police officer that was found

in this research may have indicated an effect for combinations of trust and status on the public's reasoning about punishment. The offenders varied in the level of unequivocal trust in their positions as well as in status. It is possible that, as well as the protection offered by his higher status, the doctor was shielded by the higher level of trust in, and deference to, his position. Similarly, and in direct contrast to the hypothesised effect, the high level of trust in the doctor portrayed in the first experimental study, as well as his status, may have offered him a degree of protection from condemnation. A clear shield effect, whether from status or trust, would have resulted in doctor-offender being less condemned than the lower status youth¹⁰ rather than being condemned to the same extent. Perhaps high trust or status afforded him sufficient protection, not to the extent that he was less condemned than the youth or the adult businessman, but to the extent that condemnation of him was no higher.

Some non-empirically based operationalisations of status have incorporated trust into assumptions about status. Skolnick and Shaw (1994; Shaw & Skolnick, 1996) formulated a description of a high status offender in terms of expectations of professional trust, thereby introducing a confound into their intended manipulation of status alone. The degree of trust inherent in the positions of their choice of offenders (eminent psychotherapist versus graduate psychology student) could be expected to have covaried with the offenders' status. The implication is that previous status protection effects found for high status offenders who were also highly trusted may have been as much due to a protective effect of trust as to the shield of high status.

¹⁰ Youth were nominated as a low status group by 5.7% of the participants in the status survey. The offender who represented an intermediate level of trust in symmetrical relationships was described as a businessman. Business executives were later shown to be a group that has relatively high status by 24.5% of participants of the status survey. A clear status shield effect would also have resulted in differences in condemnation of a youth and a businessman.

The corollary implication is that previous ‘status liability’ effects found for highly trusted, high status offenders (Skolnick & Shaw, 1994; Shaw & Skolnick, 1996) may also have owed as much to trust as status. The greater vulnerability to sanctions for violating the trust in which the offender was held may have been as much a liability as high status when a professional relationship existed between an offender and victim. Similarities can be drawn between Skolnick and Shaw’s representation of a high status, high position and the medical doctor represented in that context by the studies reported in this dissertation. Additionally, Skolnick and Shaw acknowledged that the status of their offenders covaried with expectations of their standard of behaviour in professional relationships. The presence of such a relationship in the manipulations of professional relatedness of an offence that produced the status liability effect made asymmetrical trust salient. This kind of trust may also have been a factor in the liability effect produced by offender attributes.

In summary, results of the present program of research have indicated that previous conclusions about the effects of status on decisions about justice may have been due to effects of trust alone or, more probably, to inextricably linked effects of status and symmetrical and/or asymmetrical trust. A final piece of evidence for the inter-related role of status and trust in reasoning about justice was provided by the results of the second experimental study. It was concluded that the sources of a medical doctor’s status, as well as his position of trust, may have been a liability in condemnation for his offence against a patient relative to condemnation of a lawyer with a similar offender-victim relationship. The sources of lawyers’ high status reflected wealth and prestige alone. The major sources of doctors’ high status more closely resembled characteristics of trust. The

differences in the status-producing characteristics of doctors and lawyers can be summarised as *honour*, an element of status that was identified by Weber in his analyses of the differences between status and class (Wegener, 1992).

Roles, Positions and Relationships

A more concrete, albeit partial, interpretation of the results of this program of research is that the public does not like it when police officers act corruptly or assault members of the public, that it allows doctors considerable latitude but that it does not like it when doctors harm their patients, and that it is not surprised when lawyers behave badly because it does not trust them anyway. In a similar vein, the public may simply and universally condemn corrupting offences against corruptible victims and harmful offences against easily harmed individuals or against those towards whom an offender's role and relationship specifically dictates that he or she must do no harm.

Police officers are trusted as members of society who are relied upon to protect and serve. Their role is to uphold the law above all else – including ignoring the law in pursuit of justice. Police officers are distrusted when they are seen to be corrupt or as abusing their power. It was notable that a substantial proportion (11.4%) of those surveyed about trust habitually regard police as untrustworthy. As Freiberg (1995) has stated, “corruption can generally be regarded as the violation of the public trust The antiquity and frequency of corrupt actions cannot inure us to the emotional indignation we feel when corruption is exposed” (p. 96).

Police officers have a mandate from society to use a reasonable amount of force in the course of upholding the law and they are trusted not to abuse the authority that has been bestowed on them (Ashworth, 1983). Ashworth has stated that “a deterrent rationale

could be advanced for treating force unlawfully used by police officers as aggravated in the sense that sentences of increased severity are likely to deter them from exceeding their powers in this way" (1983, p. 159). When police officers abuse the power with which they are entrusted, the law the public reacts with fear and anger. Punishments are likely to include a basis of a need to make an example of individual officers who offend and to warn others.

There was a degree of support from qualitative data for a belief that an offence committed by a medical doctor must have been an isolated or otherwise provoked event. The public may need to trust in the ultimate benevolence of doctors and to be consequently unwilling to seek or attend to evidence that disconfirms that trust. It has already been noted that the necessity of trust is fundamental to the cohesive functioning of society (Blomqvist, 1997; Hosmer, 1995; Kahn, Jr & Turiel, 1988; Kasperson et al., 1992; Kramer, 1999; Luhmann, 1980; and many others). Social cognition research also provides ample evidence that people ignore evidence that disconfirms important beliefs (see Fiske & Taylor, 1991 for a comprehensive review and analysis of sources). Additionally, stereotype-based expectancies have been shown to play an important role in selective information processing and consequent social behaviour (pivotal sources in a large body of research are Bodenhausen, 1988; Darley & Gross, 1983; Hamilton, Sherman & Ruvolo, 1990), especially when salient cues to group membership are present. The source of such biases in attention is said to be *cognitive miserliness* (Taylor, 1981), the need to establish processing limits that reduce and simplify interpretation of the wealth of stimuli with which people are continuously confronted. Good (1988) called the source of hypothesis-confirming biases *cognitive inertia* and proposed that such biases

derive from a self-serving need to preserve trust in cherished concepts. He stated that people are usually willing to ignore lapses in good behaviour and concluded that “despite its apparent fragility and our many attempts to do without it, it is clear that, in many societies where it is well established, trust is remarkably robust” (p. 46).

Whether due to their high status or their high trust (and they may be unique in possessing both), doctors appear to be virtually unassailable as offenders unless their offence attacks one of the sources of that status and trust: the reliance on them to act diligently, competently and with integrity towards their patients. Doctors are not necessarily expected to be better people by virtue of their position alone. Their status (and, perhaps, the belief that they are ultimately trustworthy) protects them from that requirement. However, they are expected - possibly because of society’s intense reliance on them, and the risks that that entails - to behave with the utmost correctness towards those in their care. In the sense that the high status of the position of medical doctor is chiefly derived from the perception that they care and help, that status can be regarded as a liability in what should be caring and helping relationships.

In retrospect, the type of offence presented in the second experimental study introduced a confound into the manipulation of a professional relationship between an offender and victim. The major tenet of medical practice is that doctors should do no harm. An assault committed by a medical doctor is a direct violation of that principle. This specific requirement of medical doctors may have contributed to the difference in the levels of public condemnation of a doctor’s assault on a patient and a lawyer’s assault on a client. The confound was compounded by the fact that the victim of the doctor’s assault was his own patient and the fact that he was aware that the victim had a

‘distressing minor chronic illness’. This fact not only made the trust and obligation inherent in the specific relationship salient, it might have contributed to a perception that the victim was particularly vulnerable.

Lawyers hold a privileged position by virtue of their perceived wealth and education but stereotypical views of lawyers depict them as self-interestedly dishonest and grasping. This might mean that, not only are lawyers not trusted in a symmetrical, everyday sense, but that they might also not be viewed as trustworthy in asymmetrical professional relationships. Just as dishonesty, greed and self-interest are not conducive to confidence in social cohesion or social order, a self-interested practitioner also fails to put the interests of others above his or her own. It was the implicit assumption of Skolnick and Shaw (1994) that all high status professionals attract special trust. It is possible that the lack of trust in the high status professions of law and politics shown in the results of the surveys reported in Chapter Three of this dissertation is a cultural artifact of Australian society that bears further investigation.

It may be that, rather than a special principle of the public’s reasoning about crime and punishment, protection of the vulnerable is a ubiquitous, almost self-evident principle of human behaviour. In his comprehensive examination of the topic of vulnerability, Goodin (1985) asserted that to be vulnerable is to be susceptible to material or emotional harm of one’s welfare or interests. He stated that it is a fundamental moral responsibility of all members of a society to protect the vulnerable from harm and that responsibilities towards those who are exceptionally vulnerable carry exceptional obligation. In his explanation of the demands of vulnerability in a social rather than an individual context,

Goodin asserted that:

Where people are particularly vulnerable the group as a whole is responsible for protecting their interests; and you as an individual within the group have a derivative responsibility to help organize and participate in a cooperative scheme among members of that group to produce that result.

(Goodin, 1985, p. 206)

Use of Extra-Evidentiary Offence Aspects in Decisions About Deserved Punishment

The law does not provide for individualised punishment according to offender status (Garland, 1990). Similarly, the influence of an offender's position of social trust is not explicit in criminal law statutes, although there are laws that govern trust relationships such as those involving a duty of care, and the holding of a trusted position is an aggravating factor in sentencing (Freiberg, 1995; Hills et al., 1998). Walker (1991) has stated that, although the great majority of legal theorists hold that an offender's character does not mitigate or exacerbate punishment, a few philosophers see moral character as relevant to blame and punishment. He asserted that "on this view the offender is blamed for being a person of the sort which is normally capable of doing whatever he [*sic*] did" (p. 71). The converse, that an offender may be judged *not* to be the kind of person who is capable of, for instance, assaulting an innocent bicycle rider, may also hold.

The experimental findings of this research showed heavy reliance on offender characteristics in participants' decisions about appropriate levels of punishment. Twenty-nine per cent of the 381 offence aspects cited by members of the public in the first experimental study relied on offender attributes in assessments of penalty severity,

matching the 31 % of aspects that indicated calculation of just deserts. At that stage it was concluded that the degree of attention given to objective, legalistic assessment of appropriate penalties indicated that the public may be more rational in its assessment of deserved punishment than is popularly believed.

Participants were uniformly required to give greater consideration to their responses in the second experimental study. Qualitative analysis of only the most important aspects of offences in participants' decisions about punishment severity in the that study showed that offender attributes (35.54%) were regarded as more important than calculations of just deserts (24.79%). That is, the individual nature of the offender was more important to punishment decisions than the facts of the offence that indicated the extent of his culpability. Attaching more significance to offender attributes than assessment of penalties that are proportional to the degree of harm and blameworthiness indicated an extra-evidentiary bias in the public's reasoning.

It is possible that participants paid attention to offender characteristics in order to inform their calculations of just deserts. Feather and Atchison (1998) found that people use information about offender characteristics to form judgments about an offender's moral character and that this information, in turn, influences judgments of culpability for an offence and decisions about punishment. Either way, participants' attention to offender characteristics was inconsistent with majority legal theory (Walker, 1991) and avowed legal practice (Garland, 1990).

Variability in the Public's Opinions on Criminal Justice

Durham (1993) expressed concern that problems of survey methodology impact on the validity of responses to surveys of public opinions on criminal justice. Her analysis

included evidence for the propensity of methodological limitations to produce both a false appearance of consensus and substantial disagreement in data on the public's views.

Durham was optimistic about the likelihood that methodological improvements would improve the validity of criminal justice research findings. By implication, the adoption of such improvements could be expected to reduce any appearance of false consensus or false variability.

The present program of research utilised methods that specifically addressed Durham's (1993) concerns about the validity of public opinion data. The responses produced by these methods, although arguably more valid than those produced by simple survey methods, were highly variable. With the exceptions of responses to the offence of supplying heroin, which was regarded as extremely harmful, and the illegal but relatively harmless sexual encounter between the 18 year old male and the 15 year old female, evaluations of the seriousness of the provocative offences described in the initial exploratory study were highly variable. Additionally, standard deviations in the data produced by the first experimental study demonstrated a wide range of responses to the stimulus scenarios for every dependent variable, indicating considerable variability in participants' views. Efforts to account for that variability included grouping participants by age group, sex, age group and sex, and by socioeconomic status. As none of these attempts made an appreciable difference to standard deviations, it was accepted that a lack of consensus may be an inherent characteristic of public opinions on criminal justice.

Nevertheless, an attempt was made to reduce variability in the data in a subsequent experimental study in order to facilitate systematic experimental comparisons. Materials used in that study eliminated a potential source of ambiguity about offender

provocation and included an instruction to participants that was designed to enhance consistency of the type of consideration given to responses. It was accepted that attention to that instruction would only produce indications of principles in public reasoning at one level of deliberation.

In comparison to the data from the first experimental study, the second experiment showed considerable reduction in the variability of condemnation of offenders and in need for individual deterrence as an aim of deserved punishment. Standard deviations in the data on the importance of general deterrence and retribution remained high. Additionally, the distributions of data concerning the need to assign punishment aimed at rehabilitating an offender showed such extensive variability and bimodality that the variable was excluded from analysis. These differential impacts of a more deliberate type of response to offence scenarios are a further indication of the complexity of the public's reasoning about criminal justice.

Durham (1993) admitted that the various methods she recommended to enhance validity of information have other limitations. The use of visual analogue scales in this research may be an example of such a limitation. In accordance with Durham's suggestions and with specific attention to a recommendation by Harlow et al. (1995), participants were allowed a wide range of response without predetermined scale marks. Although the resultant use of visual analogue scales avoided artificially constraining expressions of judgment, it may also have contributed to the production of methodologically undesirable variance.

This program of research was not based on an assumption of widespread, general consensus in the public's reasoning about criminal justice issues. Hart (1968) warned of

the dangers of assuming the prevalence of “a single homogenous social morality” (p. 171). However, the sociological-social psychological perspective of this research demanded investigation of group level explanations rather than individual meanings. The variability in the data does not alter that approach. However, the implication of that variability is that researchers must continue to be aware that the public’s views on criminal justice are complex. Variation in the level of consideration given to responses is a potential source of instability in publicly expressed opinions. A lack of consensus in the public’s evaluation of offences and its judgments of appropriate punishment means that its sentiments challenge, although they do not defy, neat aggregation and comparison.

Future Directions

The findings and implications of this program of research have indicated some potentially profitable directions for future investigations of the public’s reasoning about criminal justice. These directions will be discussed in the context of methodological improvements and developments that will address limitations of the present research as well as potential avenues of research that will extend knowledge and understanding of this area. The contexts for the following discussion are trust, status and vulnerability; future directions for measures of condemnation and the importance of particular goals of punishment; strategies for investigating and controlling variability in criminal justice research data; and limitations of sampling and stimulus material in the present research.

Trust and Status

The survey research reported in Chapter Three went some way to disentangling the nebulous concepts of social status and trust. Further efforts in this direction are a potentially valuable task for sociology and psychology.

Future investigations of the role of trust in the public's reasoning about criminal justice would benefit from more explicit knowledge of what the public understands as the nature of trust. A definition of trust did not suit the data collection context used for the trust survey reported in this dissertation. The reasons for trust in exemplars of a high level of trust (see Figure 17 in Appendix H) go some way towards illuminating the nature of trust in societal groups. However, responses to a question such as "What is Trust?" have the potential to provide a wealth of conceptual information in a similar manner to the increased understanding gained from responses to the question "What is Social Status?" That information would also give a more valid basis for operationalisations of trust than, for example, "trust is what the actors in our study think it is" (Braithwaite & Makkai, 1994, p. 3) and it would advance and clarify the largely academic, esoteric discussions of trust in the current literature.

Further research into the influence of trust on evaluations of criminal offences needs to be simplified by conducting initial examinations of the effects of breaches of symmetrical trust while controlling for confounding influences of status. That is, the research needs to start from the point reached by this thesis at the conclusion of the first experimental study. Investigation of the impact of trust relationships should be left until the role of trust in everyday social interactions has been clarified. This will be facilitated by experimental comparison of responses to offences by offenders who occupy positions

of high or low social trust in conjunction with attributions of high or low social status and who have a symmetrical social relationship with their victims. For example, it would be interesting to ascertain whether a lawyer or a representative of the elusive category of high trust and low status would have been more strongly condemned than the high trust, high status medical doctor described in Chapter Two.

It has been acknowledged that the position of police officer was not an ideal example of high trust and low status. A clearer example may be drawn from categories that were less frequently identified as high trust groups, for example unpaid counsellors. The other obvious example of groups that were categorised as having very high trust but that did not appear in nominations of status groups is that of family and close friends. Investigation of the role of trust between family members and between close friends in reasoning about criminal justice would examine the interpersonal trust that was purposely excluded from the present program of research. Understanding of the impact of the kind of trust that resides in close relationships will be necessary for further understanding of the impact of trust in symmetrical relationships.

One of the goals of the present program of research was to manipulate trust without confounding by status. Future research in this area will need to focus on manipulations of status that are not associated with trust. In particular, attempts should be made to represent social status in ways that avoid confounding high social status that is derived from what has been called prestige-as-charisma with trust. It should be possible to represent high status that is derived from purely economic or achievement sources, or from fame and popularity without confounding status with trust. A further suggestion is that the history and degree of past trustworthiness is made explicit in an offender

described as possessing characteristics of either high or low status. That is, rather than relying completely on the stereotypical categories identified in the trust and status surveys, it may be useful to make explicit individual attributions of status and trust. One example is to represent a highly acclaimed, well-known actor and a struggling, unknown unpopular actor as either honest, morally upright and a contributor to social wellbeing with the interests of others at heart, or the opposite. A second example is a highly qualified, wealthy financial advisor (high status) or an uncredentialed small bank manager of moderate socioeconomic status who have demonstrated varying degrees of past trustworthiness. Of course, the nature of the trust in this second example relies on the trust inherent in an asymmetrical as well as a symmetrical relationship.

If asymmetrical trust relationships are further examined, it will be useful to investigate the influence of variations such as the amount of reliance and vulnerability inherent in the relationship, the duration and closeness of the relationship, and any contamination by personal involvement. Care should be taken to avoid confounding the type of harm that is inherent in an offence with the specific obligations of an offender in a particular relationship, for example, doctors who do physical harm or psychotherapists who inflict psychological harm. This reasoning points to an inherent problem of representing lawyers or police officers as offenders. Both positions have an intrinsic obligation to obey the law.

Future attempts to generate empirically sound categories of offenders who exemplify various levels of status and trust will benefit from taking the methodology used in this present program of research a step further. The surveys reported in Chapter Three identified readily accessible, stereotypical categorisations of status and trust. Presenting a

list of these categories to a new sample of participants for rating of perceived status and trust levels may identify examples of high and low trust and status exemplars that were not produced by spontaneous nominations. For instance, this method may provide support for priests as an example of high trust and low status and salesmen as the missing low trust, low status group. It also has the potential to identify more than one group at each of the levels of the trust-status permutation, a result that would help to avert confounding by unique, idiosyncratic characteristics of exemplars and their professional relationships.

Vulnerability

Like trust, victim vulnerability has a strong, but implicit role in Australian criminal law. It is only made explicit in offences that involve special responsibilities of offenders due to relationships of reliance or dependence. In sentencing, judicial punishment of offences against those who are less able to defend themselves generally reflects the public's view that such offences are heinous and reprehensible (Ashworth, 1983). In some parts of the United States, victim vulnerability is an explicit factor in sentencing guidelines (Dyckman, 1998; von Hirsch, 1994). In 2000, the major political party in opposition (Australian Labor Party) that has recently been elected to power in Western Australia introduced a Bill to increase sentences for offences against elderly and disabled victims. The Bill was defeated. Future indications are that vulnerability of victims will be enshrined in Western Australian sentencing guidelines.

Goodin stated that, "like the notions of power and freedom, that of vulnerability is inherently object and agent specific" (1985, p. 112). The effects of victim vulnerability on the public's reasoning about criminal justice may be further explored in the context of the

characteristics of victims that render them vulnerable and the characteristics of offenders to whom they are most vulnerable.

Knowledge of the nature of the perceived vulnerability of victims will be enhanced by investigation of the role of degrees of victim age (particularly old age, which was not examined here) and disability as well as other sources of vulnerability. Goodin (1985) identified “children, ... the mentally and physically handicapped, ... the poor, ... the infirm aged” (p. 34) as particularly vulnerable categories of people. Vulnerability should also be conceptualised as relational and the impact of various types of dependency should also be examined. This will necessarily encompass investigation of the role of asymmetrical trust in relationships of unequal power.

In the course of this dissertation, it was concluded that the perception of youth as vulnerable victims might interact with the type of offence committed. Portrayal of offences that intentionally take advantage of, for example, lack of financial experience as a source of vulnerability in youth (represented as fraud by deception) in future research will provide a test of the influence of victim youth on evaluations of non-sexual, non-drug related offences.

Condemnation

Four questionnaire items that measured evaluative responses to offences were clearly correlated as a single measure of public condemnation in both experimental studies reported in this dissertation. Those evaluations encompassed participants’ emotional and moral responses to an offence, as well as their judgments of offence harm and the degree of deserved punishment. The present program of research did not attempt to separate emotional, moral and objective evaluations in what was, instead, taken to be a

global measure of response. Future research will benefit from measurement of the degree to which arguably moral principles, such as trust, are demonstrated by morally based responses, such as ratings of offence wrongfulness. For example, in the second experimental study, the offences of both the doctor and lawyer against a professional client were seen as more wrongful than harmful. However, the moral wrongfulness of the doctor's offence ($M = 108.90$, $SD = 14.83$) was seen to be substantially and more consensually greater than that of the lawyer ($M = 89.63$, $SD = 26.69$).

Goals of Punishment

This thesis placed little emphasis on the relative importance of goals of punishment to penalties for various offence scenarios, although it clearly emerged that general deterrence was seen as an appropriate aim of punishment for police officers who break the law. The results of both experimental studies showed that individual deterrence was an important, general goal of punishment. Differences in the intended purposes of punishments that are deemed appropriate and that are influenced by offender trust and victim vulnerability bear further investigation.

Understanding of the public's reasoning about justice will also be furthered by examination of the relationship of condemnation of offences to goals of deserved punishment. For example, Roberts and Gebotys (1989) found that, although the severity of assigned penalties was correlated with perceptions of the seriousness of offences, sentence severity was unrelated to the importance of general deterrence, incapacitation, or rehabilitation in punishment decisions.

Due to the moderate seriousness of the offence scenario presented in the experimental studies reported in this dissertation, incapacitation was not investigated as a

goal of punishment. A perceived need for incapacitative sentences has been associated with offences such as murder, rape, child sex offences, and armed robbery and with general 'dangerousness' (Morris, 1982/1994; Walker, 1991). Indermaur (1987) found that 21.6% of his sample of 554 members of the Western Australian public nominated incapacitation as the most important goal of punishment for criminal offences. However, he also found that 69.9% of those participants indicated that they had a violent crime in mind when they responded to the questionnaire. Nevertheless, it would be prudent to present a range of punishment purposes to participants of future studies, particularly in the presence of more serious offences.

Similarly, restitution was not presented as a goal of punishment option in the present research. Hamilton and Sanders (1983) proposed that emphasis on an offender's social role obligations in decisions about punishment should be associated with a need for restitution, rather than retribution, in order to restore social bonds. In view of the focus in the present research on social roles of trust and high status and the conceptualisation of violation of standards of conduct expected of those roles as a social harm, restitution (the need for offenders to 'make up for' offences against society) should be investigated as a goal of punishment in future similar research.

Variability in Reasoning About Justice

The value of applying normative findings as if they represented a consensual body of public opinion will not be debated here (see Durham, 1993, for a discussion). The sociological-social psychological perspective of this dissertation demanded investigation of normative explanations of the public's reasoning about criminal offences and punishment. It was not assumed that there would be a high degree of consensus in the

public's views and steps were taken to benefit from previous recommendations for methodology that guarded against false impressions of high consensus.

However, the potential impact of variability in the public's responses on the findings of this program of research is relevant to the thesis and its future directions. There was a possibility that comparisons of highly and inconsistently variable score distributions obscured or weakened experimental effects. There is a need for further exploration of research methods that are not so general that they artificially obscure variability in the views of the public but that are able to elicit valid, accurate responses that are general enough to facilitate statistical interpretation and theoretical development. Future researchers in this area should also be more open to statistical transformation of data for the purpose of normalising score distributions. It was reported in Chapter Two that, in the interests of generalisability, a decision was made not to transform the many non-normal distributions of data from the first experimental study. However, scores can always be back-transformed after analysis to validly indicate their real-world impact.

Further methodological efforts to elicit less variable and more validly comparative data may benefit from a focus on more controlled measurement of the public's responses, and comparison across studies of more homogenous samples using consistent response contexts. These strategies are discussed in the following sections of this dissertation.

Response Measurement Control

The experimental studies conducted as part of this program of research utilised visual analogue scales in order to avoid artificial constraint of responses. The problems of variability in the data that may have been contributed to by the use of those scales need to be addressed by measures that are non-constraining but that also do not allow so much

response freedom that normative trends and possibilities for statistical comparison are obfuscated by a confusion of subjective interpretation.

Homogenous Samples

Analysis of data produced by the first experimental study in this program of research showed that grouping participants according to various combinations of age, sex, and socioeconomic status did not substantially reduce response variance. Future provision for explanation of responses that indicate influences by alternative individual difference factors and individual methods of processing information are potentially useful homogenising contexts for either cross-study comparison or as a basis for filter questions within a single study. Differences in individual characteristics and methods of information processing were not of interest to the sociological-social psychological perspective of this dissertation. Nevertheless, knowledge of these differences has the potential to enhance understanding of the public's responses to offence scenarios by accounting for variability in responses. Information on individual decision making influences may also reduce complexity and explain the lack of consensus in the public's views.

It could be expected that specific ideological orientations of sections of the public produce consistent bases for responses to wrongdoing. For example, Curry (1996) found that people with conservative Protestant religious beliefs almost invariably base their perceptions of wrongfulness on moral concerns. He concluded that conservative Protestants regarded all criminal behaviour, including minor offences such as trespassing, as morally wrong and that there was a high, positive correlation between Protestant religiosity and perceptions of wrongfulness.

In Australia, Feather has conducted a comprehensive, often cross-cultural, program of research on the roles of authoritarianism (Feather, 1993, 1996a; Feather & Oberdan, 2000), conservatism (Feather, 1984), self-esteem (Feather, 1991, 1996b; Feather & McKee, 1993), and national identification and ingroup favouritism (Feather, 1994, 1995) in social decisions that has added to the knowledge of influences of personality and value characteristics. Comparison of a series of studies that gather information on the views on crimes and punishment of selected homogenous groups of members of the public who have similar value orientations will further add to an overall picture of the public's reasoning about criminal justice. Filter questions that address ideological orientations of participants can be used as a basis for investigating variability in overall responses.

Future research on public reasoning about criminal justice may also be illuminated by explanations of the way in which members of the public make decisions about justice reasoning factors such as responsibility and blame. An initial examination of existing frameworks of justice decision making will prove worthwhile. Extant models explain the processing of information about offences and consequent decisions about just outcomes with reference to social cognitive processes (Feather, 1998), attribution theory (for example, Fincham & Jaspars, 1980) and retributive moral judgments (Shultz & Darley, 1991). An example of their usefulness to future investigations of the present research topic is the application of attribution theory to judgments of moral and criminal responsibility that incorporates the concepts of role-related normative forces or *oughts* (Fincham & Jaspars, 1980). In an analysis of Heider's seminal works on attribution theory, Benesh and Weiner (1982) proposed that violated 'oughts' or moral imperatives

evoke anger and a morally-based desire to retaliate and punish. Anderson's (1978) algebraic model is an older example of a more cognitive model of attribution processes in criminal responsibility. Its proposition that $\text{blame} = \text{intent} + \text{consequence} - \text{extenuation} - \text{personal goodness}$ has the potential to further clarify the role of offender trust in condemnation and punishment. The potential value of the Shultz and Darley (1991) model and the one proposed by Feather (1998) is attention to moral responsibility and the incorporation of affective reactions into the assignment of penalties, respectively.

Qualitative data produced by the present research (Tables 6 and 12) showed an emphasis on the use of offender characteristics in participants' decisions about appropriate penalties. Using existing explanatory frameworks of the public's 'legal reasoning' (Darley & Shultz, 1990) in future studies may facilitate greater understanding of the ways in which offender variables are associated with evaluations of blame and responsibility and shed light on major extra-legal influences, as well as illuminating sources of variability in judgments.

Consistent Response Contexts

Efforts to control the extent of participants' deliberation over responses in the second experimental study produced some reduction of variability in the data. The partial success in controlling statistical variance in participants' responses has methodological implications for future, similar research. Instruction in the type of response that is required may lead to less variation for the quantitative comparison of the extent to which the public condemns offences and its opinions on the degree to which an individual offender needs to be prevented from re-offending. However, this method does not appear to be useful for reducing variability in considerations of general deterrence or retribution

and it may have been implicated in more variable opinions on rehabilitation. A more accurate, comprehensive picture of the public's reasoning about criminal justice might be obtained by future comparisons of studies across multiple, homogenous response contexts or by including filter questions that demonstrate participants' level of consideration in a single study.

The measurement of condemnation in this research included evaluations of offence seriousness in terms of wrongfulness and harmfulness (as proposed by Warr, 1989). Determination of offence seriousness involves attribution of an offender's responsibility for the offence (Douglas & Ogloff, 1996) and Myers (1980) has warned that contextual variations "shape attributions in complex and unanticipated ways" (p. 415). An example of the impact of response and decision variations was provided by Hamilton and Rytina (1980). They found that the more participants deliberated over calculations of just deserts, the more their responses deviated from a group average response.

The role of response context variations, for example, careful consideration versus off-the-cuff reactions, in the production of diversified data could be tested by manipulating and comparing participants' decision making contexts in realistic ways. An overall picture of the public's views would be gained from testing variables under multiple decision contexts and comparing results. Examples of contexts might include the public's 'gut-level' responses to news media reports of criminal offences versus simulation of jury decision making situations under conditions of maximal ecological validity. Consideration should also be given to whether participants use social or personal contexts for responding to questions about criminal offences and their punishment. For

example, responses made when group membership is salient are likely to differ from those rooted in individual preferences (Fincham & Jaspars, 1980). Finally, researchers may want to determine whether responses reflect a basis for action or whether they indicate opinions that predict no attitude-behaviour link.

In terms of considered response contexts, it is important to continue to ask participants why they made a particular response. The scope of the present research demanded that analysis of qualitative data produced by responses to such questions was selective rather than extensive. The aim of understanding the public's reasoning about criminal justice will be furthered by more detailed analysis of the qualitative data on explanations for decisions. This analysis should include more structured methods of analysis than those used in the present research. It should also use more than one analyst in order to ensure the accuracy of findings by incorporating measures of inter-rater reliability.

Sampling Limitations

The present research used participant samples that were not randomly selected from the population. The findings of the preliminary exploratory study were based on the views of a small number ($N = 34$) of members of the public. Although steps were taken to maximise representativeness, the weight placed on the findings of that study in subsequent investigations would have benefited from the initial use of a larger, randomly selected sample. The experimental studies used a snowballing technique (Eland-Goossensen et al., 1997) and other methods of participant selection that were designed to maximise representativeness. Random selection of participants in future studies will

produce data that are more methodologically rigorous in their indications of the public's reasoning and the degree of its consensus.

Additionally, the sample size ($N = 122$) of the second experimental study resulted in cell sizes of approximately 20 participants. Although cell sizes were almost equal (an important statistical assumption) and of adequate size for the performance of analysis of variance tests, the power of those tests to detect significant differences when they exist in the data would be improved by using larger samples in future studies. For example, in the comparison of offenders described as a medical doctor and a lawyer who had a professional relationship with a victim, the probability of a statistical difference in levels of public condemnation was .063. A good level of statistical power to detect the effect (Cohen's $d = .68$) in the presence of a violation of the assumption of homogeneity of variance would have required samples of 40, rather than 20. As it was, the actual power of this comparison ($1 - \beta = .6$) was lower than desirable. It is interesting to note that if variances in the condemnation scores of these two groups had been homogenous, the magnitude of the effect would have been very high ($d = .96$) and the samples of 20 would have given excellent power ($1 - \beta = .8$).

The surveys reported in Chapter Three used convenience samples of undergraduate students. The nature of these samples was sufficient for the purpose of the surveys – to obtain a broad contemporary picture of conceptual understanding of social status and trust and the identification of groups that exemplified those qualities. It has already been noted that participant characteristics more closely approximated those of the wider population than is found in most university student samples. Nevertheless, the

accuracy of the findings of future similar investigations will benefit from random sampling of the general population.

Limited Offence Contexts

The two experimental studies in this program of research used a single offence context – that of assault occasioning bodily harm. Douglas and Ogloff (1996) recommended the use of multiple offence scenarios in investigations of public opinions on justice. A more complete understanding of the public's views will be provided by identification of consistent relationships between offences and reasoning principles across various offence contexts. The use of multiple offence scenarios will not only expand on the results of the current research it will further address Durham's (1993) concern that public assignment of sentences to descriptions of individual offences often produces highly specific judgments for highly specific events. Similarly, a larger sample of offences that represents a more exhaustive range of moral and emotional elements will enhance the findings of exploratory research that attempts to identify factors in reasoning about justice in the same way as the initial study in this research program.

Conclusions

This program of research has provided some preliminary but valuable indications of principles in the public's evaluations of offences and its judgments on punishment. The major contribution has been original identification and analysis of the nexus of trust and status in criminal justice reasoning.

The role of public opinion in law is hotly debated elsewhere (see discussions of the Hart-Devlin debate on morality and law, for example, those by George, 1990, and

Hittinger, 1990). The starting point for this research was that legislation is currently being based on perceptions of public opinion (for example, Crime [Serious and Repeat Offenders] Sentencing Act 1992, 1992; Criminal Code Amendment [Home Invasion] Act, 2000; see discussion in Chapter 1). Therefore, those perceptions must be clear and valid and legislative responses must be empirically based rather than under-informed or misinformed knee-jerk reactions. In his seminal work on commonsense justice, Finkel (1995) concluded that, “in calling for the law to follow the path of the community, we are not urging it to heed majoritarian, transitory, ignorant, or unprincipled sentiment. We are asking it to acknowledge what it may have forgotten or lost sight of: the deeper roots of justice” (p. 337). Although it was not the aim of the present research to make a claim for the inclusion of community sentiment in official justice, its rationale echoed Finkel’s concern for the validity of such inclusions.

The analysis of the public’s responses that were collected as part of this research has included theoretical interpretations and explanations for the absence of evidence of principles that would support popular assumptions of punitiveness and emotionally and morally based reasoning. It has involved discussion of statistical effects and the nuisance value of variability in the data. Real-world analysis of those responses demonstrates that the public shows remarkably egalitarian and objective reasoning about criminal offences. Even though participants took offender characteristics into account in the assignment of appropriate penalties, the trusted position and, later, social status of offenders made little difference to the public’s emotional reactions to an offence, its evaluations of offence wrongfulness and harm, the severity of assigned penalties or the aims of deserved

punishment. In real-world terms, what was not found by this program of research is more important than what was found.

The principles that emerged from the initial study of responses to provocative offences did not prove to be generically important to reasoning about a more prosaic offence. The ubiquity of a principle of exceptional vulnerability was demonstrated by strong reactions to predation, exploitation or perceived disregard for the implications of a relative lack of competence, even in the absence of clear intent to cause harm. However, although there was clear evidence for the impact of exceptional victim vulnerability on condemnation of offences, consideration of some sources of vulnerability appeared to be specific to certain types of offence.

The initial hypothesis regarding the impact of breach of trust assumed its fragility. However, subsequent investigations showed evidence that supported an assertion by Good (1988) that trust, when it is well established, is remarkably robust. Trust is important to public evaluations of criminal offences and its decisions about punishment but it is not a principle that is applied wholesale in a way that is indicated by moral theories. Similarly, it appears that the public's response to breach of trust is not always to seek revenge.

Responses to breaches of trust that demonstrated disproportionately punitive responses and indications of extra-legal reasoning were specific to the interactions of certain types of offence (corruption, violation of sexual norms), characteristics of the offender (complexity, trust and honour inherent in an offender's social position or an offender's relatively low social status), and the professional relationship of an offender to the victim. Although there was qualitative evidence for the consideration of social

characteristics of offenders in assessments of deserved punishment, this research found little statistical evidence for condemnation of offenders and selection of goals of punishment based on *who they are*. One instance of the role relationship of an offender to a victim was important but offender role expectations were generally not a factor in the public's reasoning about criminal justice. The public's consideration of offender trust was complex but it clearly was not entirely based on emotional or moral concerns about what a person ought to do as opposed to what the law says is wrong.

There are sources of complexity in what is often uncritically assumed to be 'public opinion on criminal justice'. However, this does not mean that research into the underlying principles of those opinions is worthless or doomed, only that it demands awareness and caution. Carefully interpreted normative data have heuristic utility in the application of public opinion research to criminal justice administration. The key is to ensure that the collection and interpretation of such data is empirically rigorous and that findings demonstrate representative opinion rather than the most vociferous or politically useful judgments.

This research has identified some specific areas of public concern about criminal justice. Recommendations that include the selective amalgamation of normative and individual perspectives on the public's evaluations of criminal offences and its reasoning about appropriate punishment will further develop academic and everyday understanding of those concerns.

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Appendix A

Offence Scenarios Used in the Exploratory Study Reported in Chapter One

Offence Scenarios

1 Supplying Heroin

Mr “X” has been charged with possession of heroin with intent to sell or supply. He has admitted supplying heroin to students of a local high school in return for recruiting and selling the drug to new users among their fellow-students.

2 Fabricating Evidence

Imagine that Mr “X” has not been charged, but that police know about his activities and have been unable to charge him. The police visit Mr X’s house with a search warrant but do not find any heroin. A police officer “plants” a small amount of the drug in Mr X’s house in order to be able to lay a charge. The officer has been charged with fabricating evidence.

3 Carnal Knowledge of Animal

Mr “B” has been charged with carnal knowledge of an animal. Police officers called at Mr B’s farm to make general enquiries about an unrelated matter and they observed him sexually penetrating a cow. There was no-one else around at the time.

4 Unlawful Use of a Motor Vehicle

Mr “P” has been charged with unlawful use of a motor vehicle. He took the car from the owner’s driveway and used it to drive to a relative’s house. The car was returned, unharmed two hours later. However, the owner knew it had been taken because a neighbour saw Mr “P”, a 15 year old Aboriginal youth, driving it.

5 Causing Pollution

Corporation “M” has been charged over a pollution offence. It allowed chemicals that cause a temporary overgrowth of algae to be discharged into a stream in an industrial area. There are no residential buildings within a 30km radius of the corporation’s discharge outlet.

6 Sexual Penetration Of A Child 13 Or Older And Younger Than 16 – Offender 18

Miss “L” has recently turned 16 years old. She is an average person of that age, interested in clothes and music. She lives with her parents and two brothers and attends TAFE part-time where she is studying book keeping. Miss “L” also has a part-time job in an office.

Mr “S” also works in an office. He lives in an average suburb and is not married, although he has had two serious relationships. He and Miss “L” met at a social function to do with their places of employment. They have known each other for about a year. Six months ago, Miss “L” and Mr “S” had sexual intercourse. Miss “L” consented but, because she was under 16 at the time, Mr “S” was charged with a sexual offence after Miss “L”’s parents complained to the police.

Miss “L” states that she and Mr “S” only had sexual intercourse on that one occasion. He did not want them to have sex, because of her age, and she was the one who initiated the sexual contact. Miss “L” says that she has suffered no ill effects from having sex with Mr “S”, and that they are still fond of each other. At the time of the offence, Mr “S” was 18 years old.

7 Sexual Penetration Of A Child 13 Or Older And Younger Than 16 –

Offender 60

Miss “T” has recently turned 16 years old. She is an average person of that age, interested in clothes and music. She lives with her parents and two brothers and attends TAFE part-time where she is studying book-keeping. Miss “T” also has a part-time job in an office.

Mr “G” also works in an office. He lives in an average suburb and is not married, although he has had two serious relationships. He and Miss “T” met at a social function to do with their places of employment. They have known each other for about a year. Six months ago, Miss “T” and Mr “G” had sexual intercourse. Miss “T” consented but, because she was under 16 at the time, Mr “G” was charged with a sexual offence after Miss “T”’s parents complained to the police.

Miss “T” states that she and Mr “G” only had sexual intercourse on that one occasion. He did not want to, because of her age, and she was the one who initiated the sexual contact. Miss “T” says that she has suffered no ill-effects from having sex with Mr “G”, and that they are still fond of each other. At the time of the offence, Mr “G” was 60 years old.

Appendix B

Questionnaire Used in the Exploratory Study Reported in Chapter One

ECU Letterhead

Dear Participant

The attached survey is being conducted as part of a program of Forensic Psychology research at Edith Cowan University. It concerns public opinions on different justice issues and we are inviting members of the public to give their views.

Any suggestions you would like to make about the survey itself will help us to improve it. For example, if any of the material does not seem realistic to you, or if you feel that you need more information before you can give an opinion, please let us know.

Please note that some of the material in the survey describes sexual offences.

Please do not participate in the survey if you feel it will upset or offend you.

Participation in this survey is **voluntary**. Your responses will be **anonymous** and any information you provide will be **strictly confidential**.

If you have any questions about this research, please do not hesitate to contact us at the numbers listed below. Thank you for your assistance.

Dianne McKillop
PhD Student
School of Psychology
Edith Cowan University
Tel: (08)

Dr Adele Hills
Supervisor
School of Psychology
Edith Cowan University
Tel: (08)

PUBLIC OPINION SURVEY

There are **no “right answers”** to the questions asked in Part 1 of this survey, your **personal** opinions and feelings are all that are required.

PART 1: YOUR OPINIONS

Please read each of the following 5 brief descriptions and the 2 longer scenarios and then answer the questions. **Please complete them in order, one by one.**

Description 1:

Mr “X” has been charged with possession of heroin with intent to sell or supply. He has admitted supplying heroin to students of a local high school in return for recruiting and selling the drug to new users among their fellow-students.

1. How does this situation make you feel? _____

2. How serious is this offence?
(place a cross anywhere on the line)
| _____ |
not at all serious *extremely serious*

3. What caused you to decide on this seriousness rating?

4. What should happen to Mr “X”?

5. What caused you to decide on this punishment?

please continue on the back of the page

2

Description 2:

Imagine that Mr “X” has **not** been charged, but that police know about his activities and have been unable to charge him. The police visit Mr X’s house with a search warrant but do not find any heroin. A police officer “plants” a small amount of the drug in Mr X’s house in order to be able to lay a charge. The officer has been charged with fabricating evidence.

1. How does this situation make you feel? _____

2. How serious is this offence?

(place a cross anywhere on the line)

| _____ |
not at all serious extremely serious

3. What caused you to decide on this seriousness rating?

4. What should happen to the officer?

5. What caused you to decide on this punishment?

Description 3:

Mr “B” has been charged with carnal knowledge of an animal. Police officers called at Mr B’s farm to make general enquiries about an unrelated matter and they observed him sexually penetrating a cow. There was no-one else around at the time.

1. How does this situation make you feel? _____

2. How serious is this offence?

(place a cross anywhere on the line)

| _____ |
not at all serious extremely serious

3. What caused you to decide on this seriousness rating?

3

4. What should happen to Mr “B”?

5. What caused you to decide on this punishment?

Description 4:

Mr “P” has been charged with unlawful use of a motor vehicle. He took the car from the owner’s driveway and used it to drive to a relative’s house. The car was returned, unharmed two hours later. However, the owner knew it had been taken because a neighbour saw Mr “P”, a 15 year old Aboriginal youth, driving it.

1. How does this situation make you feel? _____

2. How serious is this offence?

(place a cross anywhere on the line)

| _____ |
not at all serious *extremely serious*

3. What caused you to decide on this seriousness rating?

4. What should happen to Mr “P”?

5. What caused you to decide on this punishment?

Description 5:

Corporation “M” has been charged over a pollution offence. They allowed chemicals which cause a temporary overgrowth of algae to be discharged into a stream in an industrial area. There are no residential buildings within a 30km radius of the corporation’s discharge outlet.

1. How does this situation make you feel? _____

4

2. How serious is this offence?
(place a cross anywhere on the line)

| _____ |
not at all serious *extremely serious*

3. What caused you to decide on this seriousness rating?

4. What should happen to Corporation “M”?

5. What caused you to decide on this punishment?

Longer Scenario 1:

Miss “L” has recently turned 16 years old. She is an average person of that age, interested in clothes and music. She lives with her parents and two brothers and attends TAFE part-time where she is studying book-keeping. Miss “L” also has a part-time job in an office.

Mr “S” also works in an office. He lives in an average suburb and is not married, although he has had two serious relationships. He and Miss “L” met at a social function to do with their places of employment. They have known each other for about a year.

Six months ago, Miss “L” and Mr “S” had sexual intercourse. Miss “L” consented but, because she was under 16 at the time, Mr “S” was charged with a sexual offence after Miss “L”’s parents complained to the police.

Miss “L” states that she and Mr “S” only had sexual intercourse on that one occasion. He did not want them to have sex, because of her age, and she was the one who initiated the sexual contact. Miss “L” says that she has suffered no ill-effects from having sex with Mr “S”, and that they are still fond of each other. At the time of the offence, Mr “S” was 18 years old.

1. How does this situation make you feel? _____

2. How serious is this offence?
(place a cross anywhere on the line)

|_____|
not at all serious *extremely serious*

3. What caused you to decide on this seriousness rating?

4. What should happen to Mr “S”?

5. What caused you to decide on this punishment?

Longer Scenario 2:

Miss “T” has recently turned 16 years old. She is an average person of that age, interested in clothes and music. She lives with her parents and two brothers and attends TAFE part-time where she is studying book-keeping. Miss “T” also has a part-time job in an office.

Mr “G” also works in an office. He lives in an average suburb and is not married, although he has had two serious relationships. He and Miss “T” met at a social function to do with their places of employment. They have known each other for about a year.

Six months ago, Miss “T” and Mr “G” had sexual intercourse. Miss “T” consented but, because she was under 16 at the time, Mr “G” was charged with a sexual offence after Miss “T”’s parents complained to the police.

Miss “T” states that she and Mr “G” only had sexual intercourse on that one occasion. He did not want to, because of her age, and she was the one who initiated the sexual contact. Miss “T” says that she has suffered no ill-effects from having sex with Mr “G”, and that they are still fond of each other. At the time of the offence, Mr “G” was 60 years old.

1. How does this situation make you feel? _____

2. How serious is this offence?

(place a cross anywhere on the line)

not at all serious extremely serious

3. What caused you to decide on this seriousness rating?

4. What should happen to Mr “G”?

5. What caused you to decide on this punishment?

please turn the page for the final questions

6. A strong emotional response combined with the belief that something has violated one's personal moral code is often called "moral indignation", or "moral outrage".

Are these expressions meaningful to you? ☐ yes
(please tick the box that applies) ☐ no

7. After looking back over the survey, can you relate a feeling of moral outrage or moral indignation to anything you have read? ☐ yes

☐ no

8. If your last answer was "yes", please give details.

PART 2: GENERAL INFORMATION ABOUT PARTICIPANTS

(please tick the box that applies)

1. What sex are you? male ☐
 female ☐

2. What is your age group?
☐ 18 - 21
☐ 22 - 25
☐ 26 - 35
☐ 36 - 45
☐ 46 - 55
☐ 56 - 65
☐ 66 or more

3. What is your main cultural background?
☐ Australian-born (*non-Aboriginal or Torres Strait Islander*)
☐ Australian-born (*Aboriginal or Torres Strait Islander*)
☐ born overseas (*lived in Australia **more than** 10 years*)
☐ born overseas (*lived in Australia **less than** 10 years*)
☐ other _____
(please specify)

4. Have you had any involvement with the criminal justice system?

☐ no

☐ yes

5. If your answer to the previous question was “yes”, please describe how you were involved (e.g. as a victim, a justice employee, an offender, on a jury, etc.)
(answering this question is optional)

THANK YOU for completing this survey.
Your assistance is very much appreciated.

PLEASE READ:

The scenarios and offence descriptions you have read were hypothetical. All the characters were fictitious. If you feel that you need to talk to someone about any of the scenarios or about any issues which have arisen from them, please feel free to contact the researcher, Dianne McKillop, on 9400 5736. If you need to speak to someone about a sexual offence, the crisis line number for the Sexual Assault Referral Centre is 9340 1828.

 ***NOW PLEASE SEAL THE COMPLETED SURVEY IN THE*** 
ENVELOPE PROVIDED

Appendix C

Instructions to Research Assistants Used in the Experimental Study Reported in

Chapter Two

RESEARCH ASSISTANT BRIEFING PACKAGE

PROJECT: PhD Research Study, *The Role of Offender Breach of Trust and Victim Vulnerability in Public Views of Crime Seriousness and Punishment*

RESEARCHER: Dianne McKillop,

Thank you

Thank you for volunteering to collect data for this study. I'm sure that your enthusiasm and initiative will lead to a very successful career in psychology.

Contact details

I can be contacted at the above number at any time (just leave a message on my voicemail if I'm not in).

A sheet for recording your contact details will be passed around after our coffee break. Please let me know during the break if you would rather not have your details recorded where others can see them.

The contact list also asks what you would like to gain from helping with the research (e.g. experience, a reference), so don't forget to fill that part in.

Research design

The study for which you will be collecting data has a simple 3 x 3 between-subjects factorial design. As the title suggests, the two independent variables are offender breach of trust and victim vulnerability. The three levels of these variables are:

offender – medical doctor, adult, youth

victim – youth, adult, adult with a mild intellectual disability

Each participant will be assigned to one of the resulting nine experimental conditions and asked to read a description of an assault involving the offender/victim combination that corresponds to that condition.

There are several dependent variables designed to measure participants' emotional response to a crime scenario, evaluation of crime seriousness, judgment of severity of deserved punishment, and purpose of punishment. So, of course the appropriate analysis is a MANOVA (you knew that).

The design and the questionnaire for the study have now (in their various evolving forms) been pretested four times. The manipulation works, and problems with question wording, scales that are too hard for people to complete, etc. have been ironed out.

Package

Your research assistant package contains:

- this briefing sheet
- 20 "Public Opinion Survey" questionnaires
- 22 "Confidential" envelopes (10 plain, 7 labelled, 5 labelled and stamped)

The questionnaire

The cover page of the questionnaire has a number on it that corresponds to the experimental condition it represents. Participants are required to read a description (Brief Summary of Evidence) of a crime, to answer some questions about their views on that crime, and to give some general information about themselves.

Selection of participants

In an ideal world, this research would randomly sample the population. The best we can do is to make the sample we select as **representative** of the population as possible and randomly assign them to one of the experimental conditions. You should follow these rules when selecting your 20 participants:

- do not select psychology students
- do not select members of your immediate family
- select (as far as is possible) an equal number of males and females
- select (as far as is possible) from a range of age groups (all participants should be over 18)
- select (as far as is possible) from a range of socioeconomic groups
- keep a record of the number of people who decline to participate

Administration of the questionnaire

You should go through the cover page of the questionnaire with participants and stress the ethical considerations of voluntary participation, anonymity and confidentiality. The manipulation should not be explained at this stage and you should use the top questionnaire in your (randomly ordered) set on each occasion. Completing the questionnaire takes about five minutes.

Participant debriefing and questionnaire return

Participants have been told to contact myself or Susan Gee if they have questions about the research. However, you should answer any general questions once they have completed the questionnaire. If participants have any concerns about any part of the study, or their role in it, that is not your responsibility and you should refer them to me.

The preferred method for return of the questionnaires is for you to wait while they complete it and seal it in the envelope, and to bring it (unopened) to Joondalup. There are some stamped envelopes in your package for anyone who insists on returning it by post.

A few final points.....

Speedy return of these questionnaires is vital. If you are having trouble collecting the data (it is sometimes harder than you think), or if you become ill or find something better to do, please don't hesitate to contact me and I'll make other arrangements.

THANKS AGAIN !!!

Appendix D

Stimulus Scenarios (Brief Summaries of Evidence) Used in the Experimental Study Reported in Chapter Two

Stimulus Scenarios (Brief Summaries of Evidence)

Scenario 1 – offender a medical doctor, victim a youth.

Greg Hill is a medical doctor who lives and practices in a middle-class suburb of Perth. He has been charged with the assault of a 14-year-old youth after he pushed the youth off his bicycle. Hill had been walking down a city street when the youth emerged from an alley on his bicycle and almost collided with him. When Hill spotted the youth at the traffic lights a few minutes later, he told him off and pushed him. This caused the youth to fall from his bicycle, sustaining grazes, bruising and a broken wrist. The youth was not one of Dr Hill's patients.

Scenario 2 – offender a medical doctor, victim a middle-aged adult.

Greg Hill is a medical doctor who lives and practices in a middle-class suburb of Perth. He has been charged with the assault of a middle-aged man after he pushed the man off his bicycle. Hill had been walking down a city street when the man emerged from an alley on his bicycle and almost collided with him. When Hill spotted the man at the traffic lights a few minutes later, he told him off and pushed him. This caused the man to fall from his bicycle, sustaining grazes, bruising and a broken wrist. The man was not one of Dr Hill's patients.

Scenario 3 – offender a medical doctor, victim a middle-aged man with a mild intellectual disability.

Greg Hill is a medical doctor who lives and practices in a middle-class suburb of Perth. He has been charged with the assault of a middle-aged, mildly intellectually disabled man after being seen pushing the man off his bicycle. Hill had been walking down a city street when the man emerged from an alley on his bicycle and almost collided with him. When Hill spotted the man at the traffic lights a few minutes later, he told him off and pushed him. This caused the man to fall from his bicycle, sustaining grazes, bruising and a broken wrist. The man was not one of Dr Hill's patients.

Scenario 4 – offender an adult businessman, victim a youth.

Greg Hill is a 41-year-old businessman who lives and works in a middle-class suburb of Perth. He has been charged with the assault of a 14-year-old youth after he pushed the youth off his bicycle. Hill had been walking down a city street when the youth emerged from an alley on his bicycle and almost collided with him. When Hill spotted the youth at the traffic lights a few minutes later, he told him off and pushed him. This caused the youth to fall from his bicycle, sustaining grazes, bruising and a broken wrist.

Scenario 5 – offender an adult businessman, victim a middle-aged man.

Greg Hill is a 41-year-old businessman who lives and works in a middle-class suburb of Perth. He has been charged with the assault of a middle-aged man after he pushed the man off his bicycle. Hill had been walking down a city street when the man emerged from an alley on his bicycle and almost collided with him. When Hill spotted the man at the traffic lights a few minutes later, he told him off and pushed him. This caused the man to fall from his bicycle, sustaining grazes, bruising and a broken wrist.

Scenario 6 - offender an adult businessman, victim a middle-aged man with a mild intellectual disability.

Greg Hill is a 41-year-old businessman who lives and works in a middle-class suburb of Perth. He has been charged with the assault of a middle-aged, mildly intellectually disabled man after he pushed the man off his bicycle. Hill had been walking down a city street when the man emerged from an alley on his bicycle and almost collided with him. When Hill spotted the man at the traffic lights a few minutes later, he told him off and pushed him. This caused the man to fall from his bicycle, sustaining grazes, bruising and a broken wrist.

Scenario 7 – offender a youth, victim a youth.

Greg Hill is 14 years old and lives in a middle-class suburb of Perth. He has been charged with the assault of another 14-year-old youth after he pushed the youth off his bicycle. Hill had been walking down a city street when the youth emerged from an alley on his bicycle and almost collided with him. When Hill spotted the youth at the traffic lights a few minutes later, he told him off and pushed him. This caused the youth to fall from his bicycle, sustaining grazes, bruising and a broken wrist.

Scenario 8 – offender a youth, victim a middle-aged man.

Greg Hill is 14 years old and lives in a middle-class suburb of Perth. He has been charged with the assault of a middle-aged man after he pushed the man off his bicycle. Hill had been walking down a city street when the man emerged from an alley on his bicycle and almost collided with him. When Hill spotted the man at the traffic lights a few minutes later, he told him off and pushed him. This caused the man to fall from his bicycle, sustaining grazes, bruising and a broken wrist.

Scenario 9 - offender a youth, victim a middle-aged man with a mild intellectual disability.

Greg Hill is 14 years old and lives in a middle-class suburb of Perth. He has been charged with the assault of a middle-aged, mildly intellectually disabled man after he pushed the man off his bicycle. Hill had been walking down a city street when the man emerged from an alley on his bicycle and almost collided with him. When Hill spotted the man at the traffic lights a few minutes later, he told him off and pushed him. This caused the man to fall from his bicycle, sustaining grazes, bruising and a broken wrist.

Appendix E

Research Questionnaire Used in the Experimental Study Reported in Chapter Two

=====

==== PUBLIC OPINION SURVEY ===

=====1

This questionnaire is part of a program of research being conducted by Dianne McKillop, a PhD student at Edith Cowan University.

We are interested in public opinions on different justice issues and we are inviting members of the public to give their views. You will be asked to read a short paragraph about a crime and to answer some questions about that crime. There are no right answers to the questions, your personal opinion is all that is needed.

Participation in the research is voluntary, you do not have to take part. Your responses will be completely anonymous, you should not write your name anywhere on the questionnaire. The information you provide in response to the questionnaire will be held in strict confidence by the researcher. The person who asked you to participate in the research will not see the completed questionnaire.

If you have decided that you would like to take part in the research, it involves three steps:

- 1

2

3
- Read the instructions and the brief summary of evidence.

Answer the 6 questions.

Record any additional comments you wish to make before folding the questionnaire and sealing it in the envelope provided to you. The research assistant will return the envelope, unopened, to the researcher.

If you have any questions about this research, please do not hesitate to contact us at either of the numbers listed below.

Thank you very much for your assistance.

Dianne McKillop
PhD Student
School of Psychology
Edith Cowan University
Tel: (08)

Dr Susan Gee
PhD Supervisor
School of Psychology
Edith Cowan University
Tel: (08)

Brief Summary of Evidence

(see Appendix D)

Questions:

1 Please place a cross anywhere on the scale below to indicate the extent of your negative EMOTIONAL reaction to this crime.

| _____ |

no negative emotional reaction *extremely negative emotional reaction*

2 Please place a cross anywhere on the scale below to indicate how MORALLY WRONG you think this crime was.

| _____ |

not at all morally wrong *extremely morally wrong*

3 Please place a cross anywhere on the scale below to indicate how HARMFUL you think this crime was.

| _____ |

not at all harmful *extremely harmful*

4 Please indicate your opinion on the severity of any punishment deserved by Greg Hill.

| _____ |

no punishment *the maximum punishment for this offence*

What aspects of the crime influenced your opinion on the severity of punishment deserved by Greg Hill?

questions continue on the back of the page.....

3

5 Please rate the following factors according to their role in your decision about Greg Hill's penalty. Place a cross anywhere on each of the four scales to show how important that factor was in your decision.

the need to deter him from doing it again	
_____	_____
<i>not at all important</i>	<i>extremely important</i>

the need to rehabilitate him	
_____	_____
<i>not at all important</i>	<i>extremely important</i>

the need to make an example of him	
_____	_____
<i>not at all important</i>	<i>extremely important</i>

the need to ensure he gets what he deserves	
_____	_____
<i>not at all important</i>	<i>extremely important</i>

6 So that I can be sure that this research represents a range of people, I would be grateful if you could supply the following general information:

- your age ____
- whether you are male or female _____
- whether you ☐ live with someone as a couple
☐ do not live with someone as a couple
- whether your annual family income is:
 - ☐ less than \$25,000
 - ☐ more than \$25,000 but less than \$50,000
 - ☐ more than \$50,000 but less than \$75,000
 - ☐ more than \$75,000 but less than \$100,000
 - ☐ more than \$100,000

Please feel free to record any comments you wish to make in this space.

  **RETURNING THE QUESTIONNAIRE**  

Please now place the completed questionnaire in the envelope provided and either return it to the research assistant or post it as soon as possible. Thank you again for your time and effort.

Appendix F

Materials Used in the Surveys Reported in Chapter Three:

The Trust Survey

PSY1101 INTRODUCTION TO PSYCHOLOGY
Week Thirteen – Social Psychology
Tutors' Instructions

Exercise 1: Separating Social and Individual Psychology

Start by having students complete the questionnaire, "Who Can We Trust?"
Allow them 10 minutes. Collect the questionnaires when they have finished.

Introduce the topic by showing students the overhead transparency "Levels of Meaning in Social Explanation"* from McKnight and Sutton (1994). The usual definition of social psychology is that it studies the individual in social settings. It is in the mid-range of levels of explanation that incorporates both individual and social meanings of behaviour.

In studying social behaviour, a social psychologist may use an individual approach such as social cognition or a person's learning history, an interpersonal approach such as social exchange, or a more sociological perspective such as cross-cultural comparison.

Facilitate students' discussion of their responses (to the extent they wish to disclose them) to the "Who Can We Trust?" questionnaire and relate it to levels of psychological explanation. For example:

individual psychological approach – developmental influences may have affected students' abilities to easily trust or distrust

individual social psychological approach – the people students trust or distrust may reflect schemas and stereotypes they have learned during the course of their lives

interpersonal social psychological approach – students may have identified people that most of us would expect to be able to trust, given their relationship to us (e.g. our doctor, our teacher)

sociological social psychological approach – they may have used group level explanations (e.g. a student may trust men but not women, or they may distrust all members of a particular culture)

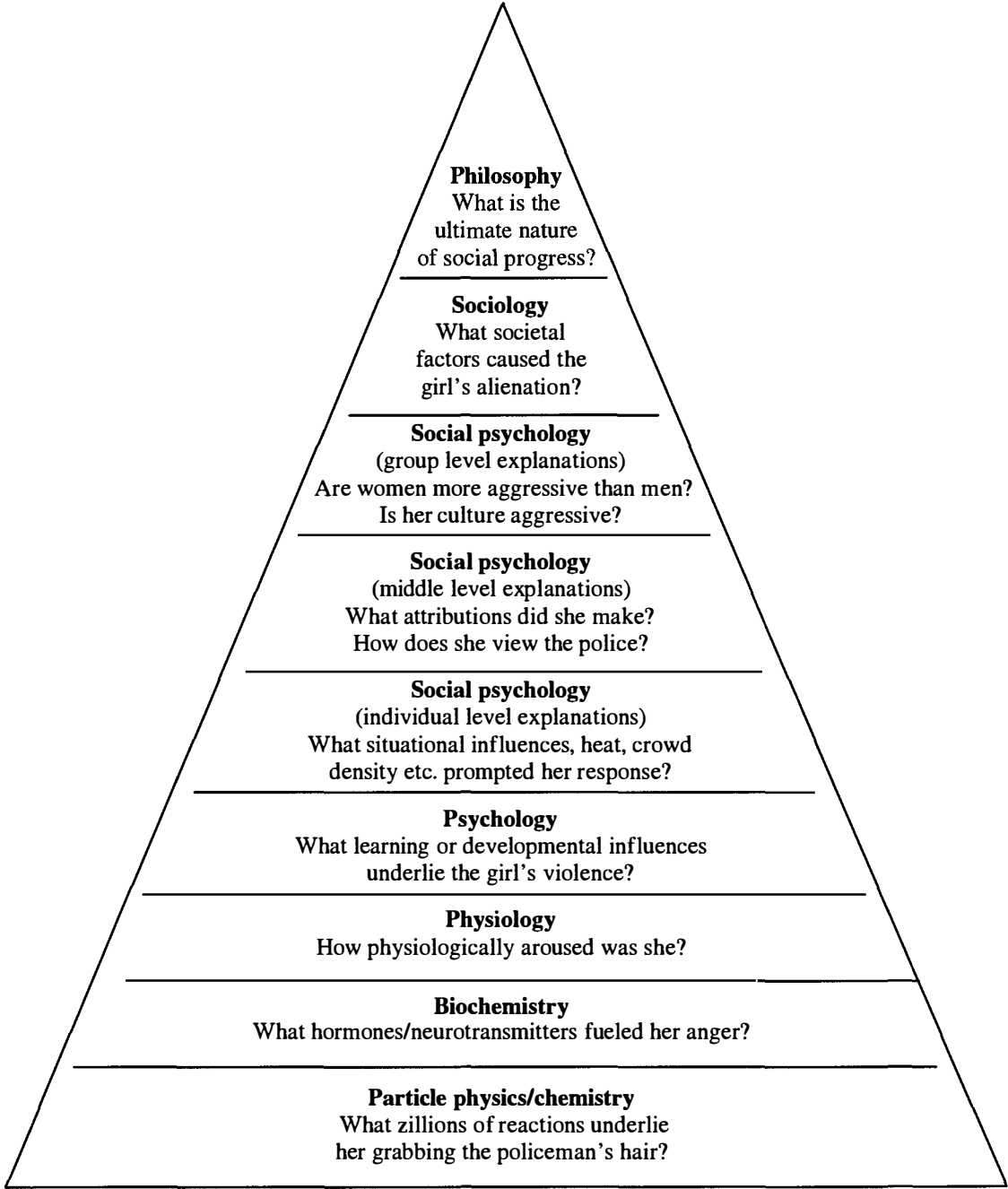
Please place completed questionnaires in an envelope addressed to Di McKillop in the PhD pigeonhole. Please clearly indicate whose tutorial(s) they are from and do not amalgamate responses from students of different tutors.

Reference

McKnight, J., & Sutton, J. (1994). *Social psychology*. Sydney, Australia: Prentice Hall.

* McKnight and Sutton (1994) used the example of an account of an anti-Vietnam War demonstration.

Transparency used in the tutorial exercise:
Separating Individual and Social Psychology.



From "Levels of Meaning in Social Explanation," by J. McKnight and J. Sutton, 1994, *Social Psychology*, p. 13. Copyright 1994 by Prentice Hall Australia. Reprinted with permission of the authors.

WHO CAN WE TRUST ?

Of all the different groups that make up a society, there are some that stand out as **the types of people we are able to trust.**

There has been very little research done in this area. Your responses to this exercise will help to give a clearer picture of the groups that people in Australian society think they are able to trust. Your views on the types of people that you think you are **not** able to trust will also be helpful.

To complete this exercise, please use the spaces below to list :

1. the types of people you think you **can trust**, and the **reason(s)** you can trust them,
2. the types of people you think you **cannot trust**, and the **reason(s)** you cannot trust them.

[illegible]

You should not write your name or any other identifying information on this sheet. However, to enable further analysis of responses, please record:

your sex (M or F) ☐

your age ☐

Appendix G

Materials Used in the Surveys Reported in Chapter Three:

The Status Survey

PSY1101 INTRODUCTION TO PSYCHOLOGY
Week Five – Applied Language Exercise
Tutors' Instructions

Language links people. It facilitates the sharing of ideas and values that help to form a common culture. But how far does this shared understanding go? Do the words and concepts we use have exactly the same meaning for others?

It is important for researchers in psychology, when investigating people's beliefs and feelings, to use words which, as far as is possible, have the same meaning for most people. For example, if a researcher wanted to investigate the influence of *attractiveness* on people's perceptions of *intelligence* (or vice versa), they would need to first find out what both these terms mean to most people.

One way in which this could be done would be to ask a large number of people what they define as intelligence (or attractiveness), including what they think makes an intelligent or unintelligent person. Using the common elements of this information in the researcher's description of an intelligent person would make the findings of the research more generalisable (meaningful) in the real world.

The following exercise is an attempt to establish a common meaning for a concept that is often mentioned, but poorly defined in the psychological and sociological literature. Results of the exercise will be made available later in the semester.

Have students discuss their responses. How much consensus was there?

Tutors:

Please stress that this activity is voluntary, anonymous and confidential.

If students have a problem thinking up categories for question 2, you may tell them that most people use occupation as a social status grouping category. If students don't want to record their exact age, they may record an age range.

WHAT IS SOCIAL STATUS ?

Most people have an opinion on what constitutes “social status”. However, the concept is not well defined in the social psychology literature. This exercise will enable us to gain a clearer picture of what defines social status as well as what groups are usually regarded as of high or low status.

You do not have to agree with the idea of social status in order to take part in this voluntary activity. You do not need to be “status conscious”. All that is required is for you to express an opinion of what goes on in the social world.

You should not write your name or any other identifying information on this sheet. However, to enable categorical analysis of results, please record:

your sex (M or F) ☐
your age ☐

Question 1: What is your definition of social status? (i.e. what are the characteristics of a person who has high status? low status?)

Question 2: Make a list of types of people who are usually regarded as high or low social status. Use whatever categories of people you like.
Also, please make a note of what it is about each type of person that makes them high or low status.

high status	reason (characteristics)
low status	reason (characteristics)

Use the back of this page if you need more room.

Appendix H
Supplementary Analyses of the Trust Survey

Participants of the trust survey (N = 237) recorded 870 reasons for their trust in highly trusted groups of people. The reasons were grouped into the 19 categories shown in Figure 17. The frequency of ‘you know them’ represented the association between intimate knowledge of another as a characteristic of trust and it was produced by the importance of family and close friends as highly trusted groups. ‘Their good work’ was a characteristic of trust that was mainly attributable to the high level of trust in medical doctors and the associated underlying assumption of their social contribution.

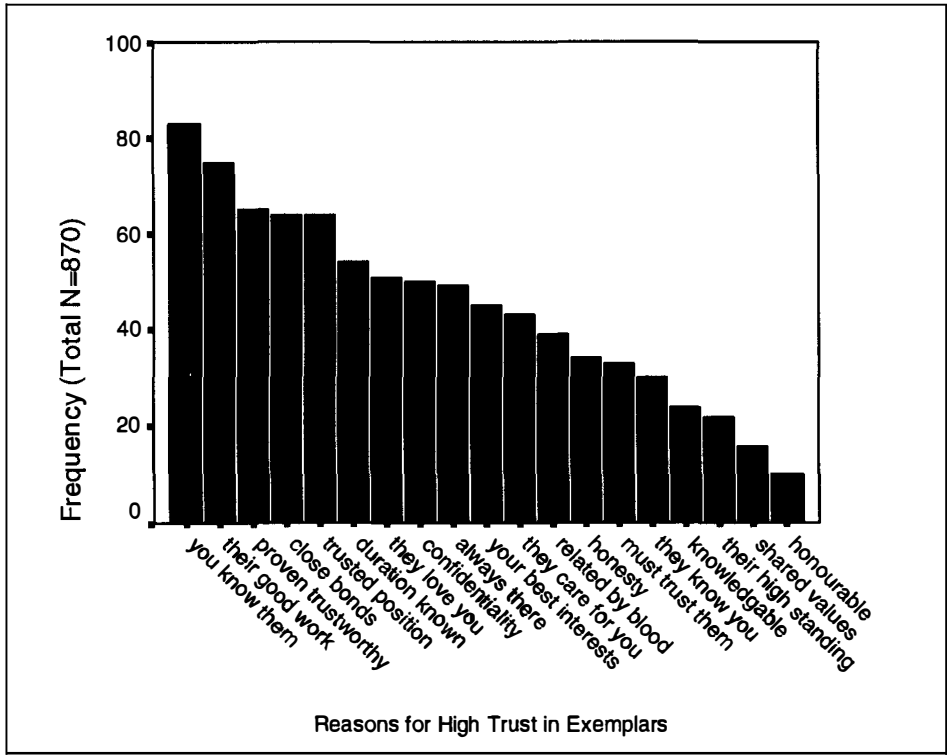


Figure 17
Characteristics of high trust groups.

Immediate family (Figure 18) and close friends (Figure 19) were the groups most frequently nominated as people who are able to be trusted. The reasons for that trust are reported here rather than in the body of the dissertation because they were not relevant to the research thesis. Trust that resides in interpersonal relationships was specifically excluded in favour of an emphasis on trust in social interactions and expectations.

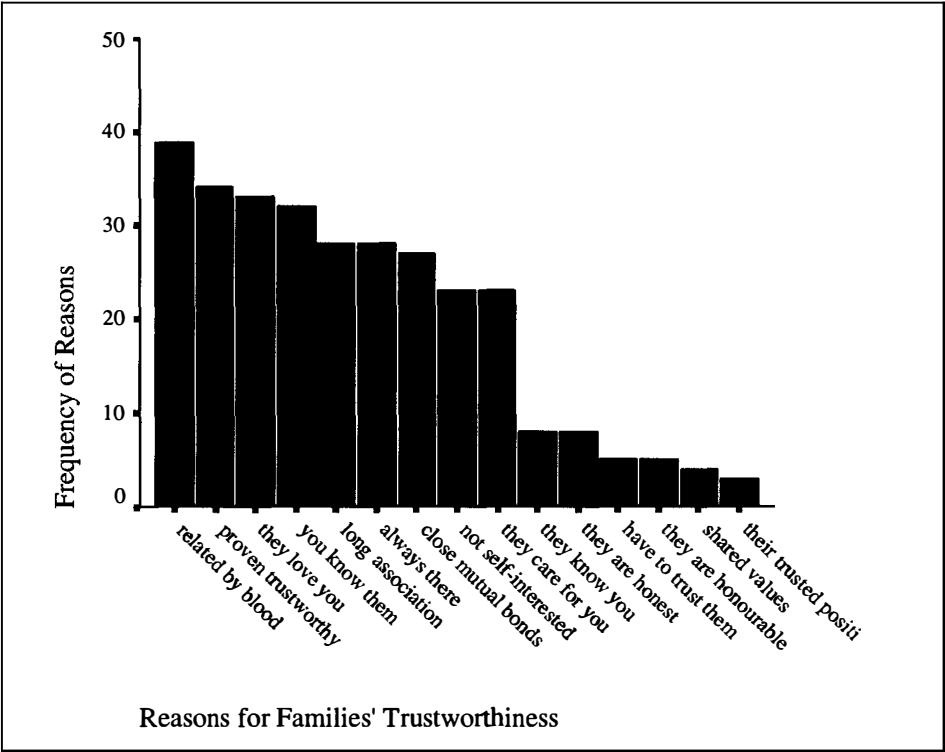


Figure 18
Frequencies of reasons for high trust in immediate family.

Misztal (1996) stated that trust in friends is based on the belief in another’s inner attributes. Relationships with friends are based on mutual knowledge and intimacy, commitment, and faith in the other’s goodwill. Some of these qualities are identified in Figure 19.

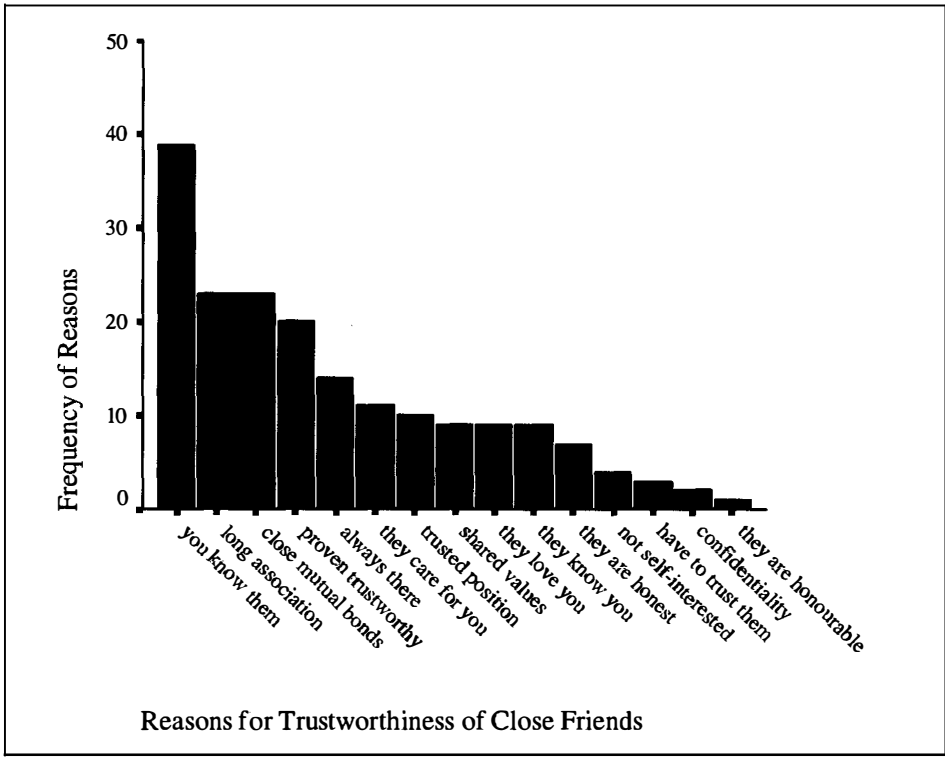


Figure 19
Frequencies of reasons for high trust in close friends.

With the exception of reasons for distrusting police officers, results regarding groups who were distrusted were not reported in Chapter Four. A broad picture of those results is shown here in Figures 20 and 21.

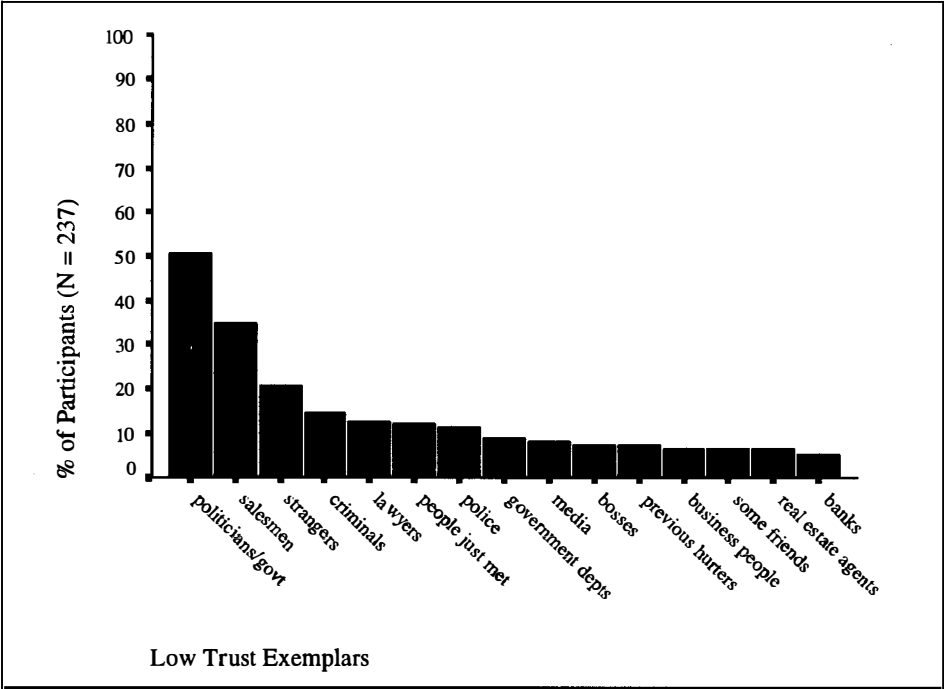


Figure 20
Nominations of low trust groups.

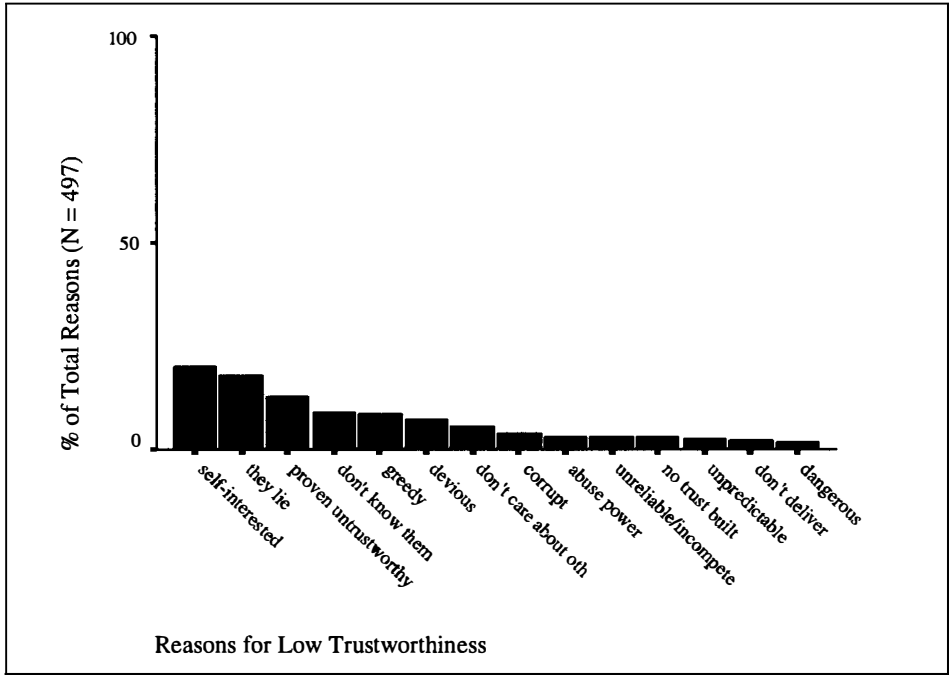


Figure 21
Total reasons for low trust nominations.

Although the sample was non-random and probably not completely representative of the population, the lack of trust shown in government and politicians is an important and somewhat troubling finding. The reasons for that distrust are shown in Figure 22.

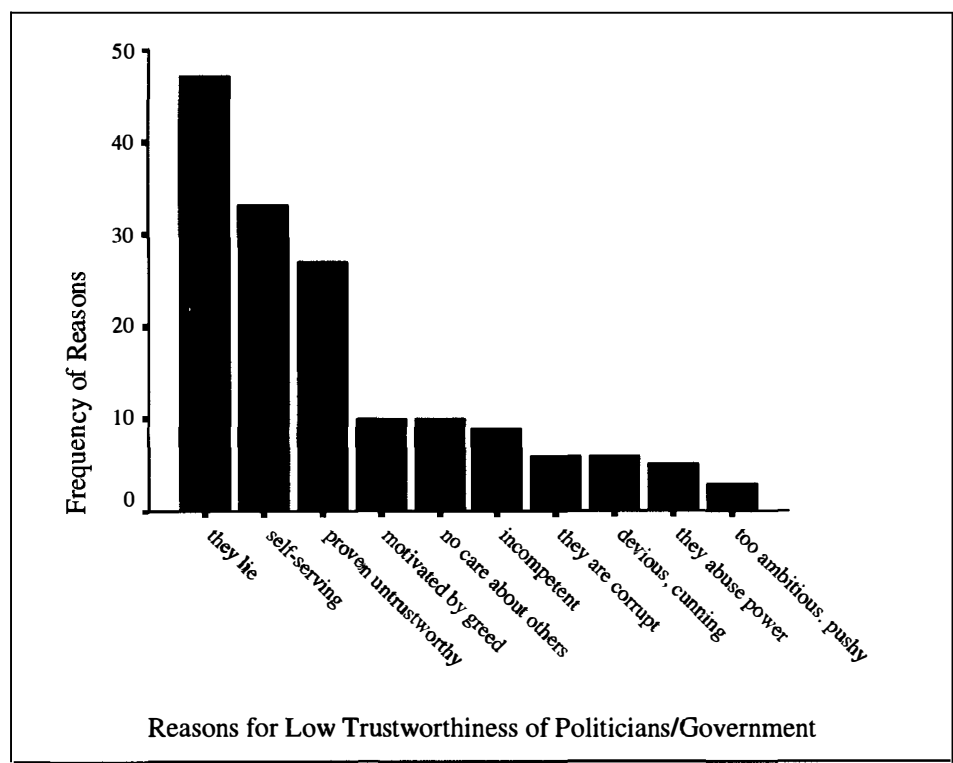


Figure 22
Frequencies of reasons for low trust in government and politicians.

Salespeople, and car salesmen in particular, were a group that was widely distrusted due to their perceived self-interest, dishonesty and greed (see Figure 23).

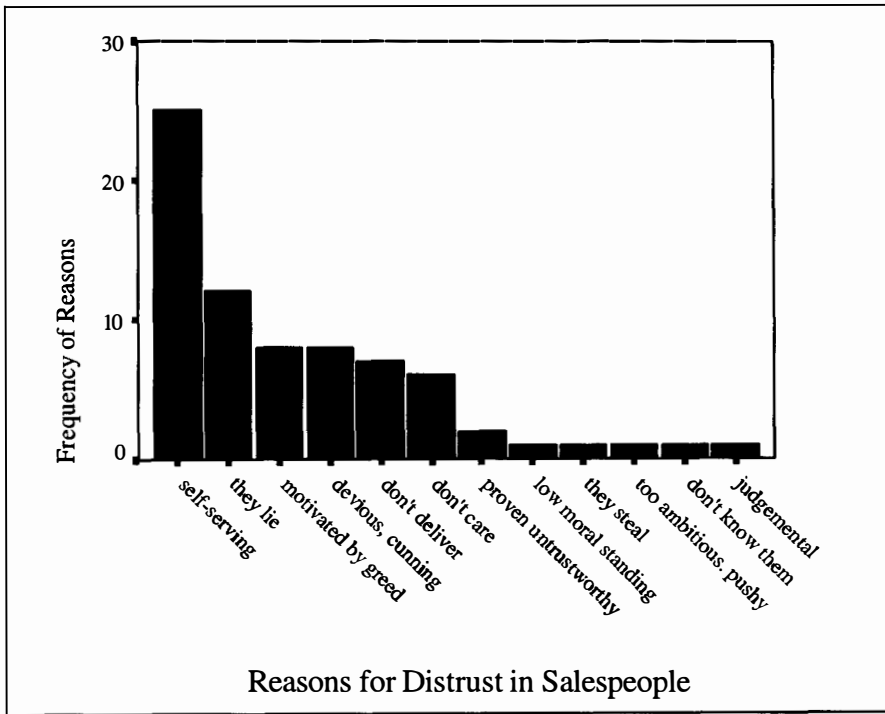


Figure 23

Frequencies of reasons for a high level of distrust in salespeople, particularly car salesmen.

Appendix I

Supplementary Analyses of the Status Survey

Although they were viewed as highly untrustworthy, politicians were seen to be a high status group (see Figure 3). The reasons for this high status are shown below in Figure 24. As mentioned in the conclusions to Chapter Three, the high status and low trust of politicians would have made this group ideal for the formulation of an offender exemplar in the second experimental study had it not been deemed impossible to depict them in a realistic offender-victim relationship of professional trust.

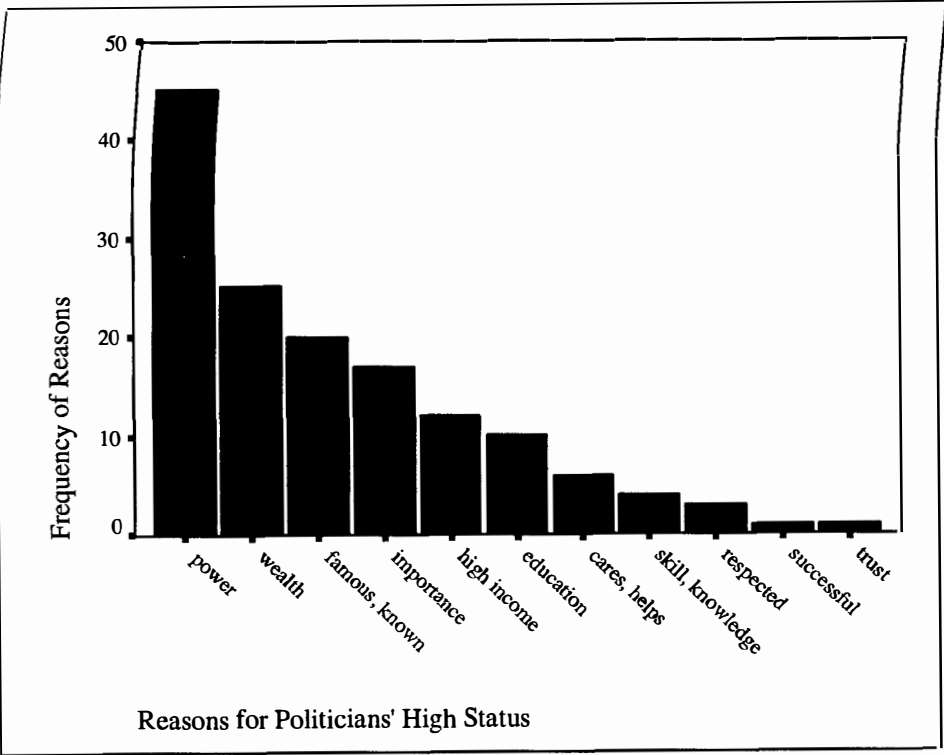


Figure 24
Frequencies of reasons for the high status of politicians.

Thirty-one point eight per cent of the 192 participants in the status survey identified celebrities as a high status group (see Figure 3) confirming a very recent social trend (for example, Skolnick & Shaw, 1997). Actors and models were the celebrities who were most often identified as members of this high status group. The reasons for their high status are shown in Figure 25.

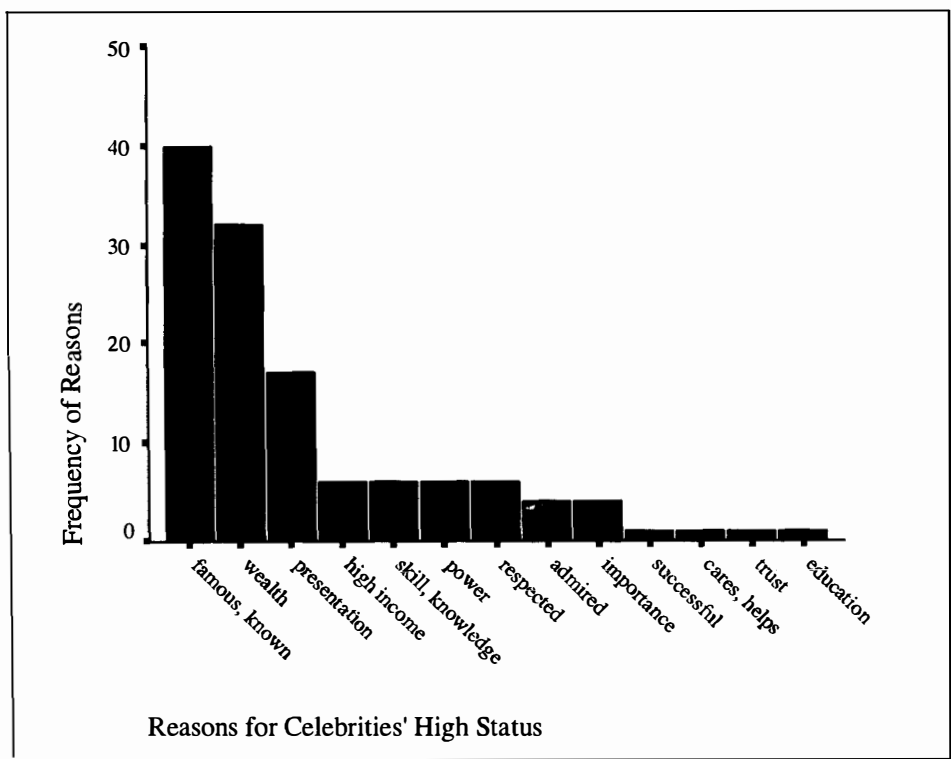


Figure 25
Frequencies of reasons for the high status of celebrities.

If sport-stars (9.4%) had been included in the category of celebrities, they would have been the third highest status group (41.2%), ranking between politicians and lawyers. In his millennium new year service, Britain's Archbishop of Canterbury attacked the high status given to fame, wealth and power and urged people to adopt more Christian values ("Christian Pointers," 2000). The relatively recent conceptualisation of fame as a source of status is illustrated by Daniel's (1983) survey of the prestige of occupations in Australia. Daniel commented that:

the prestige of artists and entertainers is markedly less than that of professionals or scientists – depending on occupation it ranges from the middle level to the least esteemed in the community.... Prestige is not a matter of popularity, otherwise sportsmen and other entertainers would be prestigious. (p. 148)

Although they were not relevant to the thesis, findings regarding low status groups (Figure 26) are of social psychological interest. A lack of material wealth, income and education or skill were the major defining characteristics of having low status. Belonging to a group with a negative social image, one that lacks prestige, also characterised low social status as did behaving in ways that differ from culturally expected norms.

A long period of high unemployment in Australia and the increased personal contact with this phenomenon that presumably has resulted does not appear to have moderated the traditional Australian stereotype of the unemployed person as a 'dole bludger'. The negative stereotype appeared to be active in many participants' characterisations of this low status group and many respondents used the specific

derogatory label. The reasons for the low status of unemployed people are shown in Figure 27.

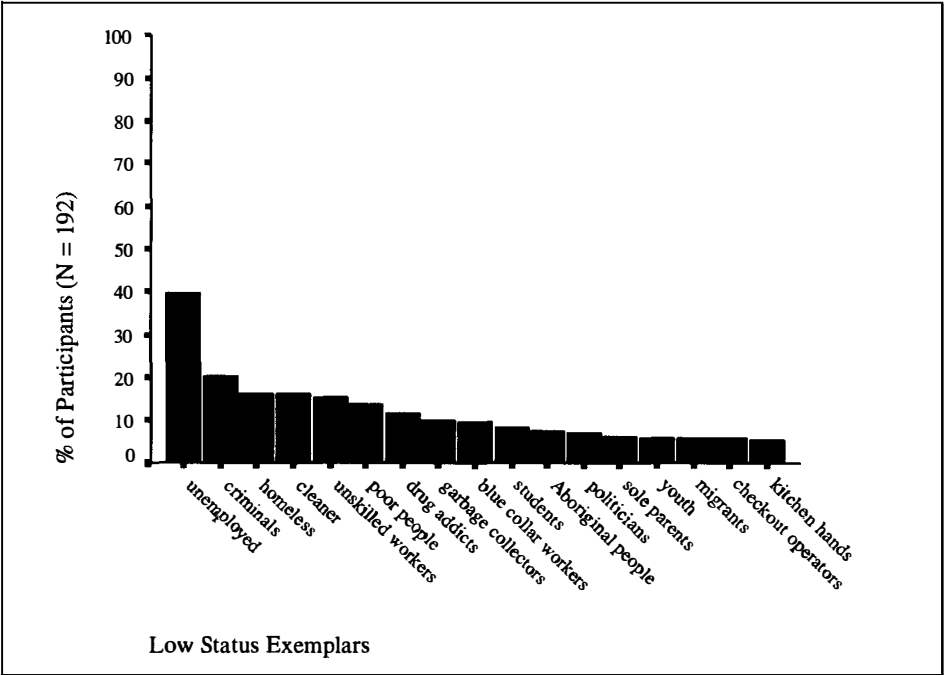


Figure 26
Nominations of low status groups.

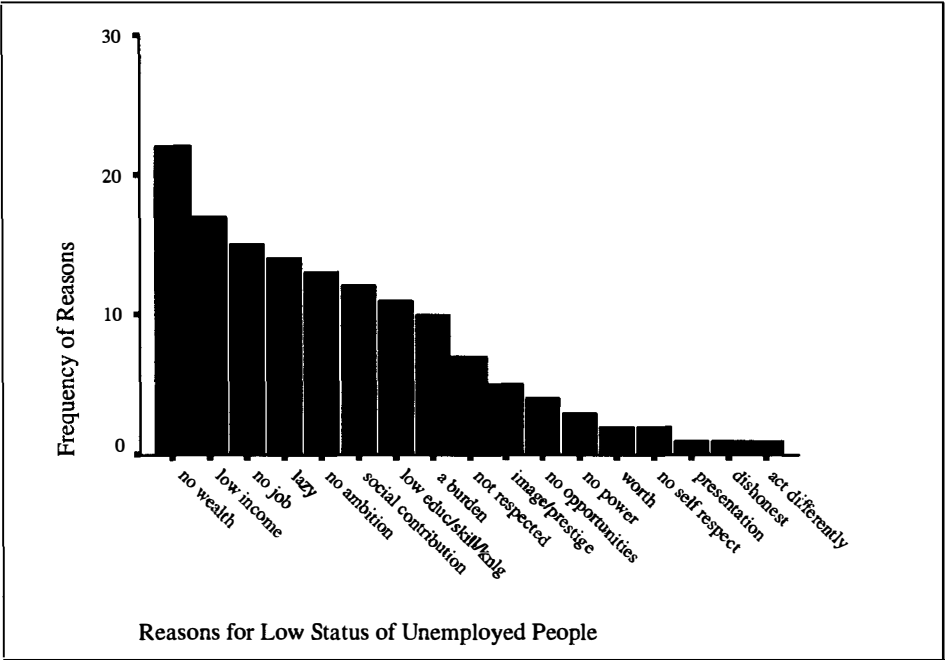


Figure 27
Frequencies of reasons for the low status of unemployed people.

Appendix J

Thematic Analysis of Definitions of Status Provided by Participants of the Status Survey Reported in Chapter Three

Every defining characteristic of social status that was mentioned by participants was recorded and each time the characteristic was mentioned was tallied. Individual definers were recorded only once for each participant no matter how many times they were identified. The number of times each defining theme and the constituent characteristic was mentioned is recorded in the following data.

ECONOMIC (N=216) wealth (101) income (34) where someone lives (21) possessions (car, clothes, house) (28) social circle (15) standard of living (5) leisure activities (3) economic security (4) opportunity (4) SES (1) CLASS (N=14) class (6) background (4) family name/inherited status (4) POWER (N=39) power/control (30) influence (4) mobility (1) authority (4)	PRESTIGE (N=116) rank in society (66) being looked up to/admired (6) importance (14) respect from others (21) recognition/reputation (7) leadership (2) FAME (N=22) being well known (16) popularity (6) EMPLOYMENT (N=69) professional (5) kind of job (58) having a job (6) SUCCESS (N=16) achievements (6) success (10) KNOWLEDGE (N=64) education level (41) special skills (3) intelligence (8) ability/competence (7) knowledge/information (5) PRESENTATION (N=35) attractiveness (3) presentation/appearance (16) communication skills/style (4) respectability (5) social competence (7) PERSONAL/SOCIAL (N=14) gender (2) ethnicity (5) health (1) religion (3) marital status (2) age (1)	GOOD WORK (N=9) help others (2) social contribution (6) community orientation (1) TRUST (N=10) honour (2) trust (2) honesty/integrity (3) contribution to social order/stability (2) fairness (1) WORTH (N=13) social value (7) acceptance by society (1) meaningful interaction with society (1) productivity (4) MORAL CHARACTER (N=20) good character (3) morals/values (3) hard work (3) moral conduct (10) respect for others (1) PERSONAL (N=24) self-esteem (4) self-respect (2) independence (1) thoughtfulness (1) firmness (1) warmth (1) understanding (1) friendliness (1) sociability (4) ambition (3) balance (1) rationality (1) strength of will (1) happiness (2)
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Appendix K

Instructions to Research Assistants Used in the Experimental Study Reported in Chapter Four

RESEARCH ASSISTANT BRIEFING PACKAGE

PROJECT: PhD Research, Study 5, *The Effects of Offender Social Position and Offender-Victim Trust Relationship on Condemnation and Punishment Decisions by the General Public*

RESEARCHER: Di McKillop, 9400 5736 (+ voicemail)

Thank you

Thank you for volunteering to collect data for this study. I'm sure that your enthusiasm and initiative will lead to a very successful career in psychology. I will be happy to write a reference for your CV based on your role as research assistant in this project.

Research design

The study for which you will be collecting data has a simple 3 x 2 between-subjects factorial design. As the title suggests, the two independent variables are offender position and offender-victim trust relationship. The levels of these variables are:

1. *social position* – high status/high trust (doctor); high status/low trust (lawyer); low status/high trust (police officer)
2. *trust relationship* – present; absent

Participants will be randomly assigned to one of the resulting six experimental conditions and asked to read a description of an assault that corresponds to that position/relationship combination. All that this will involve on your part is to give each participant the top questionnaire from your (randomly ordered) set. Do not try to “match” participants to particular versions of the questionnaire.

Package

Your research assistant package contains:

- this briefing sheet
- “Public Opinion Survey” questionnaires
- “Confidential” envelopes (a few with stamps – ring me if you need more)
- Information Sheets for participants

The questionnaire

The cover page of the questionnaire has a number on it that corresponds to the experimental condition it represents. Participants are required to read an Assault Description, to answer some questions about their views on that crime, and to give some general, personal information.

Selection of participants

In an ideal world, this research would randomly sample the population. The best we can do is to make the sample we select as **representative** of the population as possible and randomly assign them to one of the experimental conditions. You should follow these rules when selecting your participants:

- do not select psychology students,
- do not select members of your immediate family,
- do not select more than one person from any one family or other close group
- select (as far as is possible) an equal number of males and females
- select (as far as is possible) from a range of age groups (all participants should be over 18)
- select (as far as is possible) from a range of socioeconomic groups
- do not exclude people on the basis that the scenario may have personal relevance
- keep a record of the number of people who decline to participate

Administration of the questionnaire

The manipulation should not be explained at this stage and you should use the top questionnaire in your (randomly ordered) set on each occasion. Completing the questionnaire will take five to ten minutes but participants may wish to think about it and return it to you later.

You should go through the cover page of the questionnaire with participants and point out that participation is voluntary, anonymous and confidential. It is also **very important to make it clear that it is the considered opinion of the participant that is required, rather than their first, gut-level response**. This is not to say that people need to deliberate endlessly over their responses, but the project requires more thought than an off-the-cuff response.

Participant debriefing and questionnaire return

Participants should be given a copy of the Information Sheet **after** you have collected their questionnaire. This will explain the purpose of the research and how to follow up the results of the research. Participants should contact me if they have any questions or comments about the research.

The preferred method for return of the questionnaires is for you to wait while they are completed, seal them in the envelopes provided, and to bring them (unopened) to me at Joondalup. However, I am happy to collect completed questionnaires from you.

A few final points.....

Speedy return of these questionnaires is vital. If you are having trouble collecting the data (it is sometimes harder than you think), or if you become ill or something with a higher priority comes up, please don't hesitate to contact me and I'll make other arrangements. **All questionnaires should be returned to me by the end of November.**

Appendix L

Stimulus Scenarios (Brief Summaries of Evidence) Used in the Experimental Study Reported in Chapter Four

Offence Scenarios (Brief Summaries of Evidence)

Scenario 1 – offender a medical doctor, trust relationship present.

Greg Hill is a medical doctor who lives in a middle-class suburb of Perth. He has pleaded guilty to a charge of assault on a middle-aged man after he pushed the man off his bicycle. Hill had been walking down a city street on his way to work when the man, who he knew as a patient of his named John Marshall, emerged from an alley on his bicycle and almost collided with him. Mr Marshall stopped, said, “sorry, I didn’t see you”, and rode on. When Hill spotted Marshall at a set of traffic lights near his surgery a few minutes later, he told him off and, at the same time, pushed him. This caused Marshall to fall from his bicycle, sustaining grazes, bruising and a broken wrist.

When the case came to court, the prosecutor stated that, as well as being injured, Mr Marshall was upset by the assault. At the time of the assault, he had been a patient of Dr Hill’s for six months. Mr Marshall had been regularly attending Hill’s surgery for treatment of a distressing, minor chronic illness. He had relied on Hill for his advice and expertise and felt that they had a close, professional relationship.

Scenario 2 – offender a medical doctor, trust relationship absent.

Greg Hill is a medical doctor who lives in a middle-class suburb of Perth. He has pleaded guilty to a charge of assault on a middle-aged man after he pushed the man off his bicycle. Hill had been walking down a city street on his way to work when the man, John Marshall, emerged from an alley on his bicycle and almost collided with him. Mr Marshall stopped, said, “sorry, I didn’t see you”, and rode on. When Hill spotted Marshall at a set of traffic lights near his surgery a few minutes later, he told him off and, at the same time, pushed him. This caused Marshall to fall from his bicycle, sustaining grazes, bruising and a broken wrist.

When the case came to court, the prosecutor stated that, as well as being injured, Mr Marshall was upset by the assault. He had never met Dr Hill before this incident, they were strangers to each other.

Scenario 3 – offender a lawyer, trust relationship present.

Greg Hill is a lawyer who lives in a middle-class suburb of Perth. He has pleaded guilty to a charge of assault on a middle-aged man after he pushed the man off his bicycle. Hill had been walking down a city street on his way to work when the man, who he knew as a client of his named John Marshall, emerged from an alley on his bicycle and almost collided with him. Mr Marshall stopped, said, “sorry, I didn’t see you”, and rode on. When Hill spotted Marshall at a set of traffic lights near his office a few minutes later, he told him off and, at the same time, pushed him. This caused Marshall to fall from his bicycle, sustaining grazes, bruising and a broken wrist.

When the case came to court, the prosecutor stated that, as well as being injured, Mr Marshall was upset by the assault. At the time of the assault, Hill had been handling a distressing property dispute Marshall had been involved in. They had had regular meetings over the previous six months and he had relied on Hill for his advice and expertise and felt that they had a close, professional relationship.

Scenario 4 – offender a lawyer, trust relationship absent.

Greg Hill is a lawyer who lives in a middle-class suburb of Perth. He has pleaded guilty to a charge of assault on a middle-aged man after he pushed the man off his bicycle. Hill had been walking down a city street on his way to work off when the man, John Marshall, emerged from an alley on his bicycle and almost collided with him. Mr Marshall stopped, said, “sorry, I didn’t see you”, and rode on. When Hill spotted Marshall at a set of traffic lights near his office a few minutes later, he told him off and, at the same time, pushed him. This caused Marshall to fall from his bicycle, sustaining grazes, bruising and a broken wrist.

When the case came to court, the prosecutor stated that, as well as being injured, Mr Marshall was upset by the assault. He had never met Hill before this incident, they were strangers to each other.

Scenario 5 – offender a police officer, trust relationship present.

Greg Hill is a police officer who lives in a middle-class suburb of Perth. He has pleaded guilty to a charge of assault on a middle-aged man after he pushed the man off his bicycle. Hill had been walking down a city street on his way to work when the man, who he knew as John Marshall - a crime victim with whom he had been working closely, emerged from an alley on his bicycle and almost collided with him. Mr Marshall stopped, said, “sorry, I didn’t see you”, and rode on. When Hill spotted Marshall at a set of traffic lights near his police station a few minutes later, he told him off and, at the same time, pushed him. This caused Marshall to fall from his bicycle, sustaining grazes, bruising and a broken wrist.

When the case came to court, the prosecutor stated that, as well as being injured, Mr Marshall was upset by the assault. At the time of the assault, Officer Hill had been handling the investigation of a series of thefts from Marshall’s home and business. The thefts had started six months previously and had caused Mr Marshall some distress. They had had regular meetings and he had relied on Hill for his advice and expertise and felt that they had a close, professional relationship.

Scenario 6 - offender a police officer, trust relationship absent.

Greg Hill is a police officer who lives in a middle-class suburb of Perth. He has pleaded guilty to a charge of assault on a middle-aged man after he pushed the man off his bicycle. Hill had been walking down a city street on his way to work off when the man, John Marshall, emerged from an alley on his bicycle and almost collided with him. Mr Marshall stopped, said, “sorry, I didn’t see you”, and rode on. When Hill spotted Marshall at a set of traffic lights near his police station a few minutes later, he told him off and, at the same time, pushed him. This caused Marshall to fall from his bicycle, sustaining grazes, bruising and a broken wrist.

When the case came to court, the prosecutor stated that, as well as being injured, Mr Marshall was upset by the assault. He had never met Officer Hill before this incident, they were strangers to each other.

Appendix M

Research Questionnaire Used in the Experimental Study Reported in Chapter Four


 **PUBLIC OPINION SURVEY** 
1

This questionnaire is part of a program of research being conducted by Dianne McKillop, a PhD student at Edith Cowan University.

You will be asked to read a brief description of an assault and to answer some questions about it. There are no right answers to the questions, your personal opinion is all that is needed. However, I would ask that you give some thought to your opinion, rather than base your answers on your immediate reaction to the assault description.

Participation in the research is voluntary, you do not have to take part. Your responses will be completely anonymous, you should not write your name anywhere on the questionnaire. The information you provide in response to the questionnaire will be held in strict confidence by the researcher. The person who asked you to participate in the research will not see the completed questionnaire.

If you have decided that you would like to take part in the research, it involves three steps:

- | |
|---|
| <ol style="list-style-type: none">1 Read and carefully consider the assault description.2 Answer the 6 questions.3 Record any additional comments you wish to make before folding the questionnaire and sealing it in the envelope provided. The envelope will be returned to us unopened. |
|---|

If you have any questions about this research, please do not hesitate to contact Dianne or her research supervisor at either of the numbers listed below.

Thank you very much for your assistance.

**Dianne McKillop
PhD Student
School of Psychology
Edith Cowan University
Tel: (08)**

**Associate Professor Edward Helmes
PhD Supervisor
School of Psychology
Edith Cowan University
Tel: (08)**

Assault Description

(see Appendix L)

Questions:

- 1** Please place a cross anywhere on the scale below to indicate the extent of your negative EMOTIONAL reaction to this crime.

|_____|
no negative emotional reaction *extremely negative emotional reaction*

- 2** Please place a cross anywhere on the scale below to indicate how MORALLY WRONG you think this offence was.

|_____|
not at all morally wrong *extremely morally wrong*

- 3** Please place a cross anywhere on the scale below to indicate how HARMFUL you think this offence was.

|_____|
not at all harmful *extremely harmful*

- 4a** Please indicate your opinion on the severity of the punishment deserved by Greg Hill.

|_____|
no punishment *the maximum punishment for this offence*

Questions continue over the page.....

3

4b What factors influenced your opinion on the severity of punishment deserved by Greg Hill?

MOST important factor: _____

other important factors: _____

5 Please rate the following factors according to their role in your decision about Greg Hill's penalty. Place a cross anywhere on each of the four scales to show how important that factor was in your decision.

the need to deter him from doing it again	
_____	_____
<i>not at all important</i>	<i>extremely important</i>

the need to rehabilitate him	
_____	_____
<i>not at all important</i>	<i>extremely important</i>

the need to make an example of him	
_____	_____
<i>not at all important</i>	<i>extremely important</i>

the need to ensure he gets what he deserves	
_____	_____
<i>not at all important</i>	<i>extremely important</i>

6 So that I can be sure that this research represents a range of people, I would be grateful if you could supply the following general information:

- your age _____
- whether you are *male or female* _____

  **RETURNING THE QUESTIONNAIRE**  

Please now place the completed questionnaire in the envelope provided, SEAL IT and return it to the research assistant.
Thank you again for your time and effort.

Appendix N
Participant Debriefing Information Sheet Used in the
Experimental Study Reported in
Chapter Four


 **PUBLIC OPINION SURVEY** 


PARTICIPANT INFORMATION SHEET

The purpose of the research you have participated in was to test the effect of an offenders' social position and an offender-victim relationship on condemnation of offences and punishment decisions by the general public.

There were six different versions of the assault description used in this study. They described an assault committed by a doctor, a lawyer, or a police officer on someone with whom they either did, or did not, have a professional trust relationship.

The results of the study will be available in mid-January, 2000. You are welcome to contact me for a copy of the results at that time.

Thank you for your participation.

Dianne McKillop
PhD Candidate in Forensic Psychology
Edith Cowan University
Tel: (08)

Appendix O

Comments Made by Participants in the Police Officer/Professional-Relationship Condition of the Experimental Study Reported in Chapter Four

The comments recorded by participants in the police officer/no-professional-relationship condition of the second experimental study illustrated the strong negative responses evoked by police officers who break the law (see Table 14). Comments made by participants in the police officer/professional-relationship condition recorded below generally showed a greater degree of tolerance.

Experimental Condition police/client	
Offender characteristics that were considered in assigning punishment.	Hill, as a police officer, should have known better.
	Police officer should have training that includes anger control, etc.
	He is a policeman and should know better. However, we all have bad days. Only he knows how much stress he has been under. He may need to make a decision about his career.
	Police officer could have been under stress. Presume it was a first offence. Puzzled as to why he did it.
	He was an officer of the law and shouldn't do things like that.
	He is a police officer and is supposed to protect people in the community – not harm them.
	He was a policeman and his attack was unprovoked and unnecessary.
	He is a police officer – probably over-reacted due to stress at work.
	As a police officer, his behaviour should be exemplary.