

Sentencing Strategies and Justice: Effects of Punishment Philosophy on Sentencing Decisions

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The cognitive processes underlying sentencing decisions made by college student subjects in a judicial decision-making experiment were examined. Subjects were asked to follow one of three punishment strategies (retribution, rehabilitation, or deterrence). In addition, the type of crime and the physical attractiveness of the offender were systematically varied. Length of recommended prison term, subjects' judgments of seriousness of the crime, likelihood of recidivism, and blame attributed to offender and victim were examined. The pattern of strategy effects on prison term recommendations was generally consistent with that found in other studies involving real judges in their actual cases. Deterrence group sentences were the most severe for all crimes, whereas the rehabilitation group sentences were the least severe for serious crimes only. Surprisingly, the rehabilitation group subjects consistently blamed the victim of the crime more than did the other groups. This finding is discussed with respect to belief in a just world and defensive attribution.

The question of what constitutes just, fair, or appropriate treatment of a criminal is among the central ethical and legal questions in any society. Although there exists a great body of literature that addresses the issue, only a small proportion of this literature involves an empirical examination of the factors involved in sentencing decisions. Empirical studies of the sentencing behavior of actual judges have found rather large disparities among judges in sentences for the same crime, but have had difficulty pinpointing the sources of these differences (e.g., Partridge & Eldridge, Note 1). Hogarth's (1971) provocative investigation of the sen-

tencing practices, philosophies, attitudes, and so on of magistrates in Ontario, Canada suggested that one of the most important determinants of differences in sentencing practices among magistrates was *penal philosophy*, that is, the decision-making rules or strategies they used in sentencing.

The present study examines the nature of the sentencing process by focusing on the effects of sentencing strategy. It is suggested that a person's notions about the purposes a just sentence should serve—his or her penal philosophy, so to speak—play an important role in mediating both the use of information in sentencing and the severity of the final sentence.

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Sentencing Strategies

Three sentencing strategies or philosophies were selected for examination in the present study on the basis of their clear conceptual distinguishability and their widespread use among laypeople, philosophers, and members of the legal profession. The three sentencing strategies were labeled *retribution*, *rehabilitation*, and *deterrence* and correspond respectively to Hogarth's (1971) punishment, reformation, and general deterrence orienta-

tions. His summaries of the three orientations are as follows:

Punishment [retribution]: The attempt to impose a just punishment on the offender, in the sense of being in proportion to the severity of the crime and his culpability, whether or not such a penalty is likely to prevent further crime in him or others.

Reformation [rehabilitation]: The attempt to change the offender through treatment or corrective measures, so that when given the chance he will refrain from committing crime.

General deterrence [deterrence]: The attempt to impose a penalty on the offender before the court sufficiently severe that potential offenders among the general public will refrain from committing further crime through fear of punishment. (p. 70)

Effects of Strategy on Sentencing Behavior

Among magistrates Hogarth (1971) found that for relatively minor offenses more severe sentences were positively related to a rehabilitation orientation. On the other hand, for serious crimes more severe sentences were positively related to retribution and deterrence orientations. He also found that magistrates who espoused a rehabilitation sentencing philosophy claimed to place a great deal more weight on the characteristics and background of the offender than did magistrates with other penal philosophies, who tended to attach relatively greater importance to the characteristics of the offense. As Matza (1964) points out, this difference in emphasis is well illustrated by the common but controversial notion that whereas formerly the punishment was made to fit the crime, now the treatment is made to fit the individual.

Wheeler, Bonacich, Cramer, and Zola (1968), in a study of juvenile court judges in Boston, found that severity of the sanctions for relatively minor juvenile offenses "appears to be positively related to the degree to which a judge uses a professional, humanistic, social welfare ideology in making his decisions" (p. 55). They offer two explanations for this somewhat surprising finding: (a) "To the extent that a person absorbs a social welfare ideology, and believes he is acting in behalf of the child rather than in behalf of the community, he may be able to take actions he could not justify on other grounds" and (b) "that adoption of a more sophisti-

cated ideology regarding delinquency causation and treatment has the added consequence of making the person more sensitive to problems of delinquency in the first place. Acts that some might regard as mere child's play may be seen as representing underlying pathology of a serious nature" (p. 57).

Thus, both Hogarth (1971) and Wheeler et al. (1968) found among real judges that a rehabilitation orientation led to longer sentences for minor crimes, whereas for serious crimes Hogarth found that a rehabilitation strategy produced shorter sentences than either retribution or deterrence strategies.

In the present study, the effects of sentencing strategy on sentencing decisions were examined by asking subjects to follow a briefly described strategy in making their sentencing decisions. If the patterns found by Wheeler et al. (1968) and Hogarth (1971) were directly caused by differing sentencing strategies rather than other concomitants of sentencing philosophy such as personality characteristics of the judge, then the same sentencing patterns should be obtained from subjects following the different strategies.

In light of Hogarth's finding that rehabilitation-oriented magistrates claimed to place more weight on characteristics of the offender than did other magistrates, who attached more importance to characteristics of the offense, it was also anticipated that the physical attractiveness of the defendant might have more of an effect on subjects following a rehabilitation strategy than it would on other subjects. Consequently, attractiveness of the offender was varied in the present study. In addition, subjects' ratings of their perceptions of the offender, victim, offense, and other relevant aspects of the sentencing situation over a wide variety of crimes were expected to provide some insight into the effects of sentencing strategy on sentencing decisions. This, in fact, turned out to be the case.

Method

Overview

Small groups of three or four college students were randomly assigned to four strategy groups, three of which were instructed to follow either a

retribution, a rehabilitation, or a deterrence strategy in sentencing. The fourth group was a control group in which subjects were given no instructions about philosophy or strategy in sentencing. Each subject was given a typewritten booklet containing short descriptions of 10 crimes along with 10 facial photographs (1 for each crime) and asked to sentence each offender to an appropriate number of years at the adult state correctional institution. In addition, for each crime subjects rated several other characteristics of the crime and the criminal. After all sentencing had been completed, subjects answered several questions designed to assess their perceptions of the adult state correctional institution and their personal philosophy of criminal punishment. Finally, subjects were asked to paraphrase in writing the sentencing strategy they had been instructed to use and to indicate how conscientiously they had followed it.

Design

The basic design made use of a 10 × 10 Latin square constructed with 10 crime descriptions and 10 photographs (five attractive males and five unattractive males). A single 10 × 10 Latin square was chosen randomly, and the same square was used for each strategy group. Twenty subjects (10 male and 10 female) were randomly assigned to each group so that a total of 80 subjects were used in the experiment. Each subject made judgments about each crime paired with 1 of the 10 photographs. That is, each subject made 10 sentencing judgments involving all 10 crimes and all 10 photographs, but crimes and photographs were paired differently for each subject according to which row of the Latin square he or she was assigned to. Males and females were counterbalanced so that each row of the square in each group contained 1 male and 1 female subject. The order of presentation of the crime-photo pairs was randomized independently for each subject with the constraint that runs of more than 2 attractive or unattractive photos in sequence were not permitted.

Sentencing Strategies

The strategy instructions were embedded in the general typewritten instructions on the first page of the questionnaire/booklet. Several aspects of the experimental procedure were designed to encourage subjects to process the details of the strategy instructions as well as to articulate to themselves the meaning and implications of the sentencing strategy they were asked to follow. First, all the instructions on the first page were read aloud by the experimenter while subjects read along on their own copies. The experimenter asked subjects to pay particular attention to the strategy instructions, and subjects were told that they would later be asked to paraphrase the "definition of appropriate judicial sentencing" that was to follow.

Important portions of the instructions to the subjects are presented below. (Complete instructions are available from the author.)

General instructions. The general instructions for all groups included the following:

In order to make sure that subjects are using similar definitions of what constitutes appropriate judicial sentencing, we would like you to use the definition that a large number of judges feel is correct.

Strategy instructions. The particular strategies that were inserted for each group were based on Hogarth's (1971) summaries of the retribution, rehabilitation, and deterrence orientations that were presented earlier. The strategy instructions for the rehabilitation group are given in full to show how the summaries were translated into instructions.

[Rehabilitation:] Many judges feel that the process of judicial sentencing is the attempt to change the offender through treatment or corrective measures, so that when given the opportunity in the future, he will abstain from committing crime. In other words you should make your judgments about the severity of sentence you impose strictly on the basis of what sentence would be most likely to change the man or rehabilitate him. What is likely to rehabilitate one man who commits a particular crime may not be likely to rehabilitate a different man who commits a different crime. Please *do not* be concerned with what the man strictly deserves because of the crime he has committed or with how the sentence you impose will affect the general public. We are concerned with rehabilitating the man and the best sentence is one which will bring this about.

The strategy instructions for the other groups were similar elaborations of Hogarth's summaries.¹ In the control group, the entire section on "similar definitions of what constitutes appropriate judicial sentencing" was simply omitted. An attempt was made to present each strategy in as positive a light as possible. The last sentence in each definition as well as the reference to "many judges" was in the nature of a mild justification for using the particular strategy under consideration. To make sure that

¹ Reid Hastie and Michael Saks (Note 1) have pointed out that a possible demand bias exists in the deterrence strategy instructions that include the phrase "penalty . . . sufficiently severe that potential offenders . . . will refrain." This may have unduly biased subjects toward excessively severe sentences. In future work the instructions might be improved simply by deleting the word severe and replacing the word sufficiently with sufficient. On the other hand, the idea that more severe sentences are likely to be stronger deterrents seems an integral part of a deterrence strategy, and it might be argued that the instructions should reflect this.

over the course of the session subjects did not forget the strategy they were to use, short one-sentence reminders were inserted in each booklet (except for the control group, of course) after the third and sixth crime. For example, the reminder for the retribution group was as follows:

Please don't forget to make your sentencing decisions on the basis of what the man has earned or deserves as a result of the crime he has committed.

Crimes

Ten crimes were chosen to represent a range of type and severity. The brief description that was given for each crime (in order of judged seriousness) is presented below along with the title that is used to refer to that crime throughout the article.

(Shoptlift): This man shoplifted a camera and set of lenses worth approximately \$600.

(Assault): This man physically assaulted another man over a minor driving mishap. As a result of the assault the other man was hospitalized for several days.

(Car theft): This man stole a late-model car from a parking lot and totaled it in a police chase a few hours later.

(Swindle): This man swindled a young woman. He pretended to be romantically interested in her, then "borrowed" her entire savings (\$2,000) and skipped town.

(Forgery): This man forged a check for \$2,000 from a former employer.

(Burglary): This man broke into two apartments in the complex where he lived while the occupants were away and stole \$1,500 worth of valuables.

(Robbery): This man robbed a gasoline station by forcing the attendant at gunpoint to open the cash register.

(Manslaughter): This man became intoxicated at a party and as a result ran a red light on the way home, causing an accident in which the young woman in the other car was killed.

(Rape): This man followed a young woman home from the supermarket, forced his way into her apartment, and raped her at knife point.

(Murder): This man shot and killed his former girl friend when she decided to marry another man.

Offender Photographs

Photographs of five attractive and five unattractive males were selected from a pool of 30 yearbook photographs from a school in another city by having pilot subjects rate the men in the photos on an

11-point physical attractiveness scale. The 30 photos were selected to be similar in age of subject (18-22 years), facial expression of subject (nonsmiling), and other general subject characteristics (e.g., medium hair length, no glasses, and no beards).

Subjects

Subjects enrolled in the introductory psychology course at the University of Denver participated in the experiment to fulfill a research participation requirement. A total of nine additional subjects were run to replace subjects whose data were unusable. Four subjects were replaced either because they described a strategy in their paraphrase other than the one they were given or because they explicitly indicated that they had not followed the sentencing strategy they were given; two subjects were replaced because they skipped pages in their booklets; and three subjects were replaced because they obviously misinterpreted the instructions about how to mark the response scales.

Procedure and Questionnaire

Before receiving instructions, subjects rated the 10 photographs on personality adjective scales. (Since these data are of minor relevance to the analyses, they are not discussed in the present article.) After subjects had completed these initial ratings they were given the strategy instructions along with the booklet containing the crime-photo combinations and the questions to be answered about them.

For each crime-photo combination subjects indicated the sentence they would give the offender (any sentence from 0 to 99 years was allowed) and then rated the crime and offender on the following scales. First, subjects checked 11-point (0-10) scales with respect to the following questions: seriousness of the crime, likelihood that the man is psychologically abnormal or emotionally disturbed, likelihood that the man would commit the same crime in the future if he were simply released without sentence, likelihood that the man has committed this crime in the past, how much blame for the occurrence of the crime should be placed on the man himself, the victim(s) of the crime, and the accidental circumstances surrounding the crime. In addition, the nine 7-point bipolar adjective scales were again checked for each crime-photo combination.

At the end of the booklet were several questions designed to tap the subject's perceptions of the average adult state correctional institution, how well he or she understood and had attempted to follow the sentencing strategy that was given, and the subject's personal sentencing philosophy.

Results and Discussion

Initial inspection of the data revealed that for length of sentence in years, the homo-

ogeneity-of-variance assumption underlying the analysis of variance model was strongly violated. To make the variances more equal and at the same time bring the distributions of sentences into a closer approximation of normality, a logarithmic transformation was carried out on the length of sentence in years.² Over and above the purely statistical advantages of the derived sentencing scale, there are intuitive reasons for preferring it to raw years. For example, it is likely that the subjective difference in severity of sentence between sentences of, say, 80 and 90 years is much smaller than the difference between sentences of 0 and 10 years. The log-transformed scale treats the difference in severity of sentence between 80- and 90-year sentences as much smaller than the difference between 0- and 10-year sentences and, thus, seems closer to subjective psychological reality than does the raw-years scale. All references to severity of sentence in the following discussion refer to the transformed scale.

An analysis of variance³ was performed on the derived severity-of-sentence scale. Statistically significant effects were found for strategy ($p < .001$), attractiveness of the offender ($p < .025$), crime ($p < .001$), and the Strategy \times Crime interaction ($p < .025$).

Joint Effects of Strategy and Crime on Sentences

In seeking an interpretation of the Strategy \times Crime interaction, it is helpful to look at severity of sentence plotted against type of crime for each of the four strategy conditions in Figure 1. To make this kind of plot more meaningful, crimes are plotted along the abscissa and scaled by means of the overall average seriousness ratings that subjects assigned to each crime. Thus, the horizontal axis may be interpreted as rated seriousness of crime, with each crime placed appropriately thereon.⁴

Figure 1 shows the results of plotting severity of imposed sentence as a function of type/seriousness of crime for each strategy condition. First, sentences imposed by subjects in the deterrence group were more severe for all crimes than were sentences im-

posed by subjects in other groups. For serious crimes (i.e., forgery to murder) subjects in the rehabilitation group imposed the least severe sentences, with the retribution and control group sentences falling intermediate to those of the deterrence and rehabilitation groups. For less serious crimes, although the deterrence group still imposed more severe sentences, the differences among the other three groups were much smaller and showed some reversals (e.g., for car theft and assault the retributive group imposed the lowest sentences). Second, between the average seriousness ratings of 5 and 6 a cluster of four crimes appears—car theft, swindle, forgery, and burglary—in which the sentencing pattern seems to be less systematic.

Figure 2 shows the best-fit (least squares) straight lines that were found for each strategy group using the data shown in Figure 1. Of particular interest are the slopes of the various lines. The average slope for the retribution and control groups was significantly steeper than the average slope for the rehabilitation and deterrence groups, $F(1, 644) = 20.6$, $p < .001$. Moreover, after removing the variation due to this single-degree-of-freedom contrast from the Strategy \times Crime interaction, the residual was nonsignificant, $F(26, 644) = 1.10$, $p > .25$.

In accordance with the hypotheses, it appears that the adoption of a particular sen-

² In addition, because subjects occasionally imposed sentences of 0 years, a constant of 1.0 was added to every sentence prior to taking the natural logarithm. This simply had the effect of making a "raw" sentence of 0 years correspond to a 0 on the derived sentence scale.

³ The design used in this study was a slightly more complicated version of Plan 9 in Winer (1971). It was anticipated at the outset that there would be no systematic effects due to the random factor, individual faces nested in level of attractiveness, or interactions with this factor. Preliminary examination of the data bore these expectations out for all the dependent variables, hence all terms involving faces nested in attractiveness were pooled into the residual error term.

⁴ An analysis of variance carried out on the seriousness ratings showed no significant effects due to strategy or interactions with strategy, hence it was deemed appropriate to use overall averages of rated seriousness to place crimes on the seriousness scale.

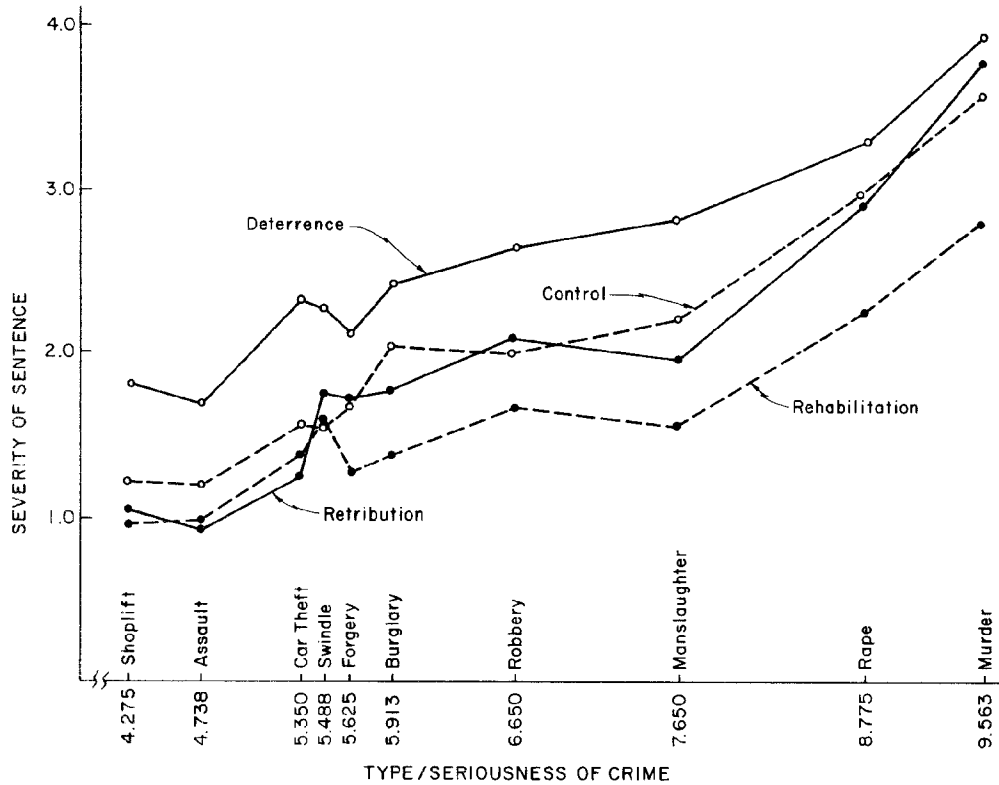


Figure 1. Severity of sentence as a function of type/seriousness of crime for the four strategy groups.

tencing strategy does, indeed, affect the severity of sentence imposed, and this effect differs for crimes of differing seriousness.

The deterrence group's imposition of consistently higher sentences suggests, not surprisingly, that an overriding concern with deterring potential offenders among the general public results in the imposition of harsh sentences that might be expected to frighten potential offenders into law-abiding behavior.

Although it is impossible to compare directly the present results with previous studies of real judges in real cases because of differences in design and analysis, the patterns appear to be similar in some respects but not identical. Hogarth (1971, pp. 335-336), for example, concluded that for serious crimes, a rehabilitative strategy seems to result in shorter sentences, whereas retributive and deterrence strategies lead to longer sentences. This is in accord with the present

findings. With regard to relatively minor crimes such as car theft and assault, both Hogarth and Wheeler et al. (1968) found that a retributive strategy was associated with shorter sentences, whereas a rehabilitative strategy led to longer sentences. This is only partially consistent with the present findings in which the use of a retributive strategy also led to the shortest sentences of all, whereas a rehabilitative strategy led to relatively short sentences. The effect of a deterrence strategy on sentences for minor crimes in Hogarth's study is unclear from his discussion.

Hogarth (1971, p. 332) also found that of his many variables, seriousness was the one most highly correlated with the length of sentence given by magistrates. Table 1 shows the average correlation coefficients obtained for each strategy group between severity of imposed sentence and several other ratings

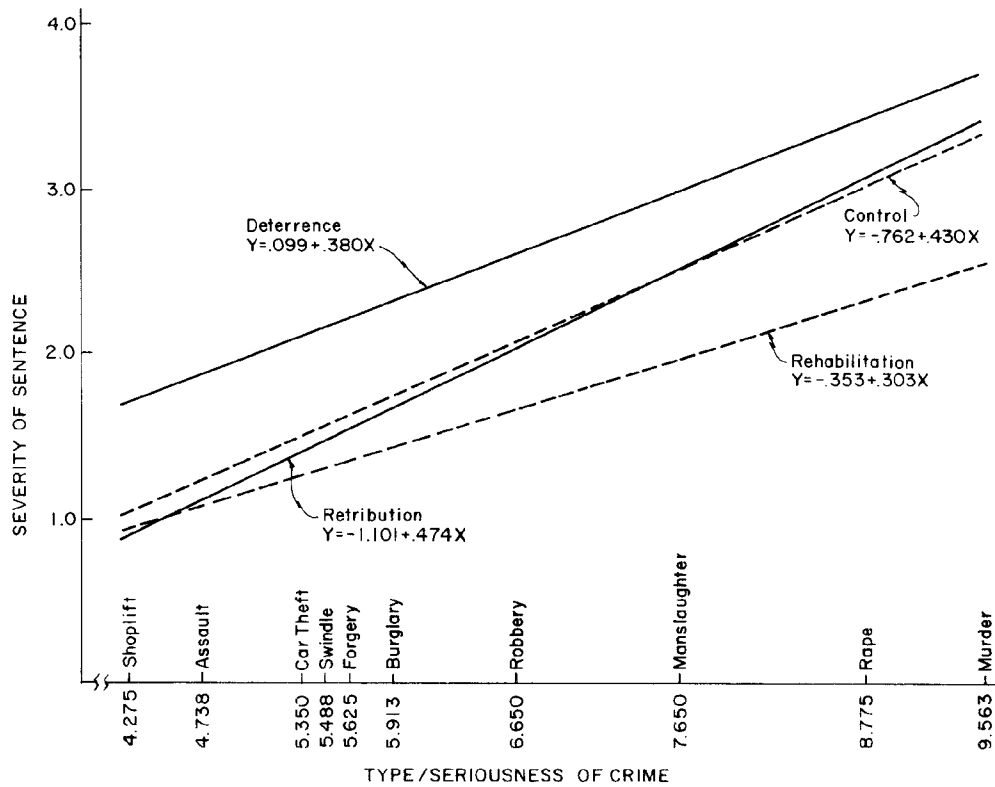


Figure 2. Best-fit lines for the data of Figure 1.

that subjects made for each crime-photo combination.

As Table 1 indicates, in all groups the highest average correlation was between severity of imposed sentence and rated seriousness of the crime. Thus, although the relation between sentence severity and seriousness of crime is strongly affected by sentencing strategy (as evidenced by the different slopes in Figure 2), regardless of strategy subjects maintain very high correlations between length of sentence and seriousness of the crime. The possibility that differences in imposed sentences among the groups were mediated by differences in perceived seriousness of the crime is contravened by the absence of strategy effects ($p > .25$) or Strategy \times Crime interaction effects ($p > .25$) on rated seriousness.

Strong effects due to crime were found for every dependent variable except rated physical attractiveness of the offender. These

main effects, however, are of limited use in clarifying the effects of sentencing strategy on sentencing judgments and thus are not considered here. No Strategy \times Crime interaction effects were found on any variables other than sentence severity.

Effects of Sentencing Strategy on Attribution of Blame

Perhaps the most important findings to emerge from this study are those having to do with attributions of blame and the effect of sentencing strategy on these attributions.

Analyses of variance were carried out on the three blame-attribution ratings (i.e., blame attributed to the offender, the victim, and accidental circumstances) made by subjects for each crime. Strategy main effects were found for both amount of blame attributed to the offender and blame attributed to the victim, $F(3, 40) = 2.95$, $p < .05$ and

Table 1
Average Correlations Between Severity of Imposed Sentence and Various Crime-Photo Ratings for Each Strategy Group

Rating	Control	Retribution	Rehabilitation	Deterrence
Seriousness of crime	.807***	.880***	.790***	.897***
Likelihood of recidivism	.088	.038	.183	.256*
Psychological abnormality	.627***	.591***	.657***	.591***
Likelihood of similar past offense	-.168	-.113	-.164	-.169
Blame attributed to offender	.116	.215*	.253***	.121
Blame attributed to victim	-.010	.072	-.202*	-.127
Blame attributed to accidental circumstances	-.060	-.262**	-.251**	.068

Note. The entries in this table were obtained by calculating correlations for each subject, transforming them to Fisher's z , averaging over the group, and then transforming back to correlation coefficients. Significance levels were derived from t tests comparing the average Fisher's z to zero.

* $p < .05$.

** $p < .01$.

*** $p < .001$.

$F(3, 40) = 4.94$, $p < .01$, respectively, whereas there was no strategy effect for blame attributed to accidental circumstances, $F(3, 40) < 1$. A Strategy \times Attractiveness \times Crime interaction, $F(27, 644) = 1.73$, $p < .05$, was also found for amount of blame assigned to the victim. Careful examination of this rather complex interaction produced no convincing interpretation, hence it is not discussed further. All other effects (except the crime main effect mentioned above and an Attractiveness \times Crime interaction on blame assigned to accidental circumstances discussed in the next section) for the blame-attribution ratings were nonsignificant.

As shown in Table 2, subjects in the rehabilitation group showed a much greater tendency to blame the victim of the crime more and the offender less than did subjects in any other group, and this effect appeared to be quite stable across crimes. The fact that subjects in the rehabilitation group blamed the victim of the crime more is an unanticipated but important finding. It suggests that a rehabilitation orientation with its emphasis on helping the offender may have side effects in the form of increased blaming of the victim.

Most recent analyses of "blaming the victim" rely on the concepts of "defensive at-

tribution" or "need to believe in a just world" or some combination thereof (Chaikin & Darley, 1973; Lerner, 1974; Pepitone, 1975; Shaver, 1970). The present data are interpreted within this theoretical context.

As Chaikin and Darley (1973) and others have pointed out, the just-world hypothesis and the defensive-attribution hypothesis both rest on the premise that people are motivated strongly by needs for security and control over what happens to them. As a consequence, the more an observer identifies or empathizes with another person, the less the blame for an undesirable incident is attributed to that person (Aderman, Brehm, & Katz, 1974; Chaikin & Darley, 1973; Shaver, 1970).

If the adoption of a rehabilitation strategy with its concomitant emphasis on helping the offender induces subjects to empathize or identify with him or her to a greater degree than does the adoption of the other strategies, then rehabilitation subjects would be expected to blame the offender less; this is what occurred. On the other hand, an extremely undesirable and threatening incident has taken place (viz., the crime). If the offender is not completely responsible for what happened, then the rest of the responsibility for the crime must lie elsewhere, for example, with chance, society, or the victim.

From the judge's standpoint, chance and society are essentially uncontrollable factors, and for this reason it is threatening to allow the highly negative outcomes associated with crime to be contingent on such causes. If, however, victims often cause their own misfortunes, then whether a person becomes a victim is somewhat personally controllable;

Table 2
Mean Amount of Blame Assigned to Offender, Victim, and Accidental Circumstances as a Function of Strategy and Crime

Crime	Retribution	Rehabilitation	Deterrence	Control	<i>M</i>
Shoplifting	8.8	7.9	8.5	8.9	8.5
	1.2	2.2	1.1	.8	1.3
	2.0	2.1	1.1	2.5	1.9
Assault	7.6	6.7	7.9	7.6	7.4
	2.2	4.1	2.4	2.7	2.8
	2.9	4.1	3.2	3.9	3.5
Car theft	8.9	7.5	8.6	9.1	8.5
	1.2	2.0	1.6	1.1	1.5
	1.9	1.9	1.7	2.8	2.1
Swindle	8.6	8.2	8.3	8.2	8.3
	2.3	3.8	2.5	4.3	3.2
	1.9	1.4	1.5	2.5	1.8
Forgery	9.0	8.5	8.3	8.8	8.6
	.6	2.6	1.5	1.1	1.4
	2.1	2.3	2.5	2.6	2.4
Burglary	9.2	7.9	8.8	9.0	8.7
	.6	2.0	1.0	1.8	1.3
	1.5	2.0	2.6	2.8	2.2
Robbery	9.1	8.5	8.7	8.9	8.8
	.3	1.3	.4	.7	.7
	2.3	1.9	1.9	2.0	2.0
Manslaughter	8.3	8.0	8.8	9.3	8.6
	.4	1.1	.7	.5	.7
	4.4	3.1	3.5	4.6	3.9
Rape	9.0	8.2	9.3	8.7	8.8
	1.1	1.8	1.1	1.6	1.4
	1.3	1.4	1.2	2.6	1.6
Murder	8.5	7.7	8.5	8.3	8.2
	2.2	3.2	1.7	2.0	2.2
	2.0	2.8	2.8	3.4	2.7
<i>M</i>	8.69	7.90	8.58	8.65	8.46
	1.18	2.38	1.37	1.64	1.64
	2.22	2.30	2.19	2.96	2.42

Note. Ratings were made on an 11-point scale in which 0 was labeled *none of the blame* and 10 *all of the blame*. The top number in each set of three is blame assigned to offender, the middle number is blame assigned to victim, and the bottom number is blame assigned to accidental circumstances.

hence, it is least threatening to shift additional responsibility for the crime to the victim.

Regardless of whether the particular explanation just given is correct, the finding that adopting a rehabilitative strategy can cause one to blame the victim more is an important finding, especially in view of recent proposals to include victim compensation as part of the sentencing process.⁵

A word of caution is appropriate, however. Subjects in the present study were asked to adopt a particular strategy rather than to choose a strategy. There are excellent reasons for designing the study this way. Nonetheless, the design leaves open the possibility that subjects who choose a rehabilitation strategy do not have their justice and security needs threatened by the adoption of an altruistic orientation toward the offender.

Effects of Attractiveness of the Offender

The physical attractiveness ratings that were embedded in the bipolar adjective scales were significantly different for attractive ($M = 3.71$) versus unattractive ($M = 1.17$) offenders, $F(1, 644) = 1175$, $p < .001$. In addition, as earlier research led us to expect, attractiveness of the criminal had a significant effect on the severity of sentence imposed; that is, attractive criminals in general were given less severe sentences than were unattractive criminals. The mean length of sentence for unattractive offenders was approximately 9 months longer than that for attractive offenders, $F(1, 644) = 5.21$, $p < .025$. It was also predicted at the outset that the magnitude of the attractiveness effect would differ for the respective strategies, with the rehabilitation group showing the largest attractiveness effect. The Strategy \times Attractiveness interaction for severity of sentence, however, turned out to be nonsignificant, $F(3, 644) = 1.07$, $p > .25$, although the differences were in the predicted direction.

An Attractiveness \times Crime interaction was found for the amount of blame assigned to accidental circumstances surrounding the crime, $F(9, 644) = 3.06$, $p < .005$. This interaction was due almost entirely to the fact

that accidental circumstances were blamed much more for attractive manslaughterers ($M = 5.13$) than for unattractive manslaughterers ($M = 2.65$), whereas for other crimes the differences between attractive and unattractive offenders were small and un-systematic. Manslaughter is the only 1 of the 10 crimes in which chance plays a major causal role, and it appears that subjects were much more willing to attribute the crime to chance for attractive offenders than for unattractive offenders.

An understanding of the manner in which the sentencing process is affected by the attractiveness of the offender is aided somewhat by noting that unattractive offenders are seen as more psychologically abnormal, $F(1, 644) = 27.31$, $p < .001$, and more likely to commit the crime again in the future, $F(1, 644) = 17.53$, $p < .001$. The magnitudes of these effects were not significantly affected by strategy or type of crime.⁶

Concluding Remarks

The results of this study demonstrate that major differences in length of sentence imposed may be induced by having subjects make their judgments in accord with differing punishment strategies. Moreover, by randomly assigning subjects to strategy groups, the present study shows that these differences can be the direct result of using different sentencing strategies rather than the result of other individual differences among judges. The pattern of results obtained appears to be consistent in many respects with sentencing patterns found among real judges in real cases.

⁵ Since 1965 at least 10 states have adopted victim compensation legislation. See Schafer (1977) for a review of victim compensation in the United States as well as other countries and for a discussion of the issues and recent proposals.

⁶ Sigall and Ostrove (1975) found that for the crime of swindle, the usual attractiveness effect (i.e., attractive offenders receive less severe sentences) disappeared. Although the present data show differences in the same direction as Sigall and Ostrove's data, the swindle anomaly is not significant. This could be due to the fact that Sigall and Ostrove used female offenders exclusively, whereas the present study used only male offenders.

These results have several implications. They suggest that some of the often lamented disparities among judges' sentences for the same crime may be due to differences in the purposes each judge feels a sentence should serve. Furthermore, they lend support to Simon's (1976) contention that "to explain human performance in most cognitive tasks it is necessary to introduce subject strategies as intervening variables that are likely to produce or to account for individual differences of large magnitude" (p. 260).

Perhaps the most important finding to emerge from the study is that using a particular strategy affects not only the length of sentence imposed but also judgments about the relative amounts of blame that should be assigned to the victim and the offender. The results indicate that the adoption of a rehabilitative orientation toward a criminal can produce a marked increase in victim blaming; however, the dynamics of this process deserve further investigation.

Reference Note

1. Hastie, R., & Saks, M. Personal communication, January 27, 1978.

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