

**The Influence of Need and Responsibility on the assignment
of punishments for criminal offences**

**Thesis submitted in accordance with the requirements of the
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**The Influence of Need and Responsibility on the Assignment of Punishments
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Abstract

Although much has been written on the psychology of justice, little attention has been paid to how punishment is, or can be, incorporated into our notions of what is 'just'. This thesis examines the viability of certain aspects of a revised theory of equity, known as 'Equity as Desert' (EAD), as a possible way of describing how decisions are made as to what constitutes 'just punishment'. In particular, it was predicted that punishment for criminal offences would be influenced by information regarding the needs of the offender, and his responsibility for his state of need. Nine empirical studies are reported. In these, subjects were required to assign punishments for a variety of offences described in vignettes, along with information about the relative need of the offender and his responsibility for his state of need. In some of these studies the need was described as influencing the intentions of the offender (an input moderator), in others the need was something that would result from the particular punishment assigned (an outcome adjustment). Various possible sources of individual differences were also investigated, including gender. Results show some broad support of EAD, and some significant effects in the level of punishment assigned by male and female subjects were also apparent. It is concluded that EAD may be a useful framework for understanding decisions about contextual influences on the assignment of punishments.

Preface

According to Scherer (1994), the evolution of human society from hunters to that of social organisation has resulted in the quest for an ideal, just society. Early work on the psychology of what constitutes a just society was dominated by the theory of psychological equity. Equity theory essentially states that justice exists between individuals when those who make positive contributions receive positive outcomes and those who make negative contributions receive negative outcomes, in equal proportion. However, the past three decades have seen a steady decline in the importance of equity as a component of justice, hence, if one now searches the psychological literature on justice one will find reference to numerous different kinds of justice, particularly the notions of justice as equality and the satisfaction of need. In addition, writers often blur the distinction between notions of justice and concepts such as altruism, humanitarian norms and morality. As a result a number of writers have commented on the confusion that now exists in this area. Significantly, however, in all of this confusion, little attention has been paid by psychologists to how punishment is, or can be, incorporated into the notion of justice. Punishment is a central component within our judicial system and therefore it would seem an essential focus for any psychological research into the area of justice. However, the main focus in the psychology of justice has been in the area of rewards and not punishment.

Therefore this thesis will focus on the area of justice as it applies to the punishment of offenders. In particular it will examine the viability of certain aspects of a revised theory of equity to the punishment of criminal offenders which emphasises how the constructs of 'need' and 'responsibility' may be incorporated into our notions of what constitutes 'just' punishment for a variety of criminal acts.

CHAPTER ONE

What is Justice?

Any psychological theory of what constitutes 'just' punishment must obviously start with a definition of the term 'justice'. The search for a single definition of justice poses considerable problems for psychologists as the notion of justice goes far beyond the disciplinary boundaries of psychology and finding any consensus is virtually impossible. To illustrate this point, in this chapter some of the main definitions proposed by philosophers and others are reviewed briefly. It should be emphasised that a review of these definitions provides a context that is fundamental to understanding the theoretical framework from which the experiments in this thesis are derived.

1.1 Legal Justice

If one were to conduct a survey asking people what was meant by the term 'justice' the most common response would probably be in relation to the law. The idea that the term justice is synonymous with the law has a long history as the word 'justice' itself is assumed to have evolved from the Latin 'jus' which relates to the law. Many philosophers have perpetuated this link, e.g. Thomas Hobbes stated that: "no law can be unjust" (1651/1960 p. 227). and John Stuart Mill proposed that:

"in most, if not all languages, the etymology of the word which corresponds to just, points distinctly to an origin connected with the ordinances of law....Justum is a form of jussum, that which has been ordered" (1861/1993 p. 48).

According to Bell (1992) literature addressing the concept of legal justice takes two different perspectives, that of considering justice as an ideal which transcends that of society and the other that justice is socially constructed.

There are three differing approaches taken by those considering 'justice as an ideal' to which the law should aspire; these are natural law, discursive, and utilitarian. The natural law approach is one which attempts to establish and justify principles of justice which are independent from particular communities. If one follows this viewpoint it could be suggested that the law should adhere to demands of moral law (see Dabin 1969; Villey 1975). However, according to Bell (1992), justice is only one of many moral virtues and therefore he argues that perhaps it is better to view justice, not as an independent virtue, but as a way of realising other values such as individual rights or the common good. Thinking of justice in this way sees each individual as an end in themselves and therefore must be treated as such:

"each individual must be recognised (by others) for what he is worth, and to each must be attributed (by others) what belongs to him"
(Del Vecchio, 1955, p. 67).

Therefore, the basis of justice is that individuals are free actors (Weinreb, 1987). However, Finnis (1980) states that justice is both an individual and a societal virtue in that the distribution of resources can either be assigned to an individual or to a community to ensure needs, desert, capacity and function are considered. But clearly the main problem with the natural law approach to justice is that it does not tell us what the natural law demands. Throughout history numerous philosophers and politicians have put forward their own views of what constitutes natural law from survival of the fittest to unconditional love for ones' neighbours. In other words, without a conception of what actually constitutes natural law we have no means of predicting when situations will be considered 'just' or 'unjust'. An alternative view of legal justice therefore, is that justice varies with the particular values of a community, hence this is known as the discursive approach to legal justice.

A leading proponent of the discursive theories of legal justice is Perelman (1972) who argues that just laws and regulations are not arbitrary but reflect the values of that community. Therefore, an unjust law is one that deviates from the customs

of that community without good reason. However, according to Bell (1992) this approach to justice is merely a reflection of the understanding of that community; obviously a major problem with this approach is that it begs the question of what is meant by good reason.

In contrast, according to Bell (1992), utilitarian approaches to legal justice often link to legal positivism in which the ideal that is set may not be that which is reflected in society. For example, Posner, (1981) takes an economic perspective arguing that the most neutral test of what is just is the maximising of wealth. Posner states that resources are most efficiently used by those who want them most as shown by their willingness and ability to pay for them. Critics of this approach, e.g. Campbell (1988), however, have argued that justice and utility are separate standards for decision making; what may be for the social good is not always necessarily the most just action. But in any case it is not clear how Posner's theory fits in with the concept of legal justice. If justice is obedience to law what is the law that governs wealth maximisation as a central feature of justice? If it is another instance of natural law it clearly contradicts other conceptions of natural law based on Kantian principles that is the individual's as ends in themselves. On the other hand, if it is seen as an instance of custom derived law, then it becomes immediately apparent that the laws of many communities are clearly not based on a wealth maximisation principle. Hence, obedience to law in these communities would not coincide with wealth maximisation.

One of the major problems therefore, for the conception of justice as obedience to law, is there is no consensus as to whether justice is to be construed as obedience to some ideal principle or law or whether it is supposed to apply to obedience to any set of laws adopted by particular communities. These two conceptions of legal justice are bound to come into conflict. For example, with regard to the latter, Marcic (1969) states that justice is what is done according to the law, is conforming to the laws in your community. This view sees justice in terms of formal, procedural justice emphasising the application of the law (Kamenka and

Tay, 1979). Also, Luhmann (1973) argues that justice is not an ideal to be strived for in the way individual decisions are considered but is merely a process within which the complexity of human relations can be handled. As part of a process of social decision making justice is merely a process of dealing with the complexity of the social facts and the demands made on the social system. Therefore, law is not in isolation but interdependent with other social systems and subject to change over time.

To others, however, legal justice can only be just if the social arrangements which the law enforces are themselves just in line with the wider principles of social justice operating in society (Sadurski 1983). This view suggests that social standards of justice exist independently of what is embodied in the laws of particular communities. Seen from this perspective the concept of legal justice as obedience to some other standards is vacuous without a detailed analysis of what those standards are.

Is it possible then to define justice purely in terms of the law? Sadurski (1985) states that the term justice is more than simply a legal term, it is more of a moral one. If we consider the introduction of the Poll Tax by the former Conservative government, we would see that it was considered by a great many people as an unjust tax although it was legal. Therefore, it is possible to have something which is lawful but considered unjust. By unlawful in this context it is meant in terms of the current laws, laws which as we saw with the poll tax, can be changed. In other words, the only conception of legal justice that has validity is the notion of obedience to natural law hence the following statement from St. Thomas Aquinas (13th century/1925):

"any law that is unjust and unreasonable, and repugnant to the law of nature is not a law but a perversion of law"

But, as previously emphasised, the difficulty here is defining what exactly is meant by natural law. From a Christian perspective natural law may be that law handed down by God in the Ten Commandments, from a Muslim point of view

the Koran and from a secular perspective that which reflects one's own personal views. This brings us to discussions of the relationship between justice and morality. Is justice obedience not to the laws of society or even some of the more barbaric laws of nature, but to moral law?

1.2 Justice as Moral Law

If justice is more than the current laws of society, is it to do with what is seen as 'right' and 'wrong' in a moral sense? Is a just action that which is morally right? This proposal presents obvious difficulties, for example, history is full of instances of people arguing against certain behaviours on moral grounds, e.g. homosexuality, suicide, pre-marital sex etc., but it is not easy to see the objections to many of these behaviours in terms of injustice. For example, at the end of 1997 publicity re-emerged regarding the child murderer, Myra Hindley, and whether she should be released from prison or not. There were those who argued that it is morally wrong, although possibly just, that she not be considered for parole; illustrating the familiar distinction between the idea of justice and the moral virtue of mercy. So perhaps justice and morality are not always synonymous with each other.

The act of behaving in a just way and that of acting morally towards others has been discussed by those such as Karniol and Miller (1981). They argue that to philosophers from Aristotle to Rawls, justice has been proposed as a primary value underlying all morality. For example, according to Kohlberg (1971, 1976):

"a moral judgement is a sense of justice" (1976, p. 50).

and those who display the highest level of moral reasoning, in turn, reason in accordance with justice. However, others do make a distinction between principles of justice and moral principles in the treatment of others. Lucas (1980) argues that it is possible to act in a just manner but lack any moral principles.

Frankena (1962) states that it is possible for society to be just without being benevolent as well as just whilst being benevolent.

Perhaps then justice concerns a more specific moral principle such as the sanctity of human life thus, Kohlberg (1976) also states that justice as a moral principle dictates that the right to life is more important than the right to property. But this view is not held by all, for example, Nozick (1980) states that:

"a right to life is not a right to whatever one needs to live; other people may have rights over these other things" (p. 179).

Perhaps then justice is not synonymous with morality in general but concerns more specifically, the conception of rights.

1.3 Justice as Rights

If, as Nozick (1980) claims, justice is about the rights of the individual does this solve the problem of defining the nature of justice? According to Bell (1992) justice cannot be equated with rights without some conceptions of the rights to which we should be entitled, for example, few people would endorse the right to abuse children as just. Nozick (1980), therefore, states that justice can be defined in terms of 'entitlement', that is, protecting the individual right to property. MacIntyre (1982), however, argues that justice cannot solely be to do with rights, as rights are a comparatively recent invention and decisions as to which rights are acceptable in terms of justice assumes a definition of justice lying outside the conception of rights.

It would seem that it is not possible to arrive at a definitive definition of justice when looking the law, morality or rights. Perhaps then, rather than trying to define justice in terms of a specific criterion, it is necessary to look more generally at justice in terms of the activities to which the term justice can be applied.

1.4 The Domain of Justice

A society, according to Rawls (1972), is an association of people who recognise certain rules of conduct as binding and who usually act in accordance with them. In any society there is also conflict and therefore principles are required to determine the distribution of resources and the systems for that distribution. Such principles are those of distributive and procedural justice. In addition a set of principles is required to conceptualise reactions to injustice, that of retributive justice. These principles are not new phenomena; according to Cullen (1992), the distinction between procedural and distributive justice can be seen in the work of Aristotle, who, is considered to have been the greatest influence in western thinking on the issue of justice. The concept of retributive justice, according to Hogan and Elmer (1978) can be seen in one of the oldest written works, Anaximander's cosmology, which states:

"From what sources things arise, into them also is their destruction, as is ordained, for they give satisfaction and reparation to one another for their injustice, according to the ordering of time"

It is generally agreed amongst philosophers, psychologists and sociologists that justice has something to do with the rules or principles which guide human behaviour so it is to these that we now turn.

1.5 Distributive Justice

The term 'distributive justice' is generally used to refer to distribution of resources e.g. wealth, rights etc. with the emphasis on fairness (Homans, 1958). By fairness it is meant that those similar cases are treated in a similar manner and those which are not similar are treated differently.

There are however, those, both in the present such as Nozick (1980), and in the past, such as Hobbes (1651/1960) who reject the use of the term distributive

justice. Nozick believes that, in a free society, we are not entitled to some central share of benefits and costs, and Hobbes stated that the allocation of goods to individuals is the moral principle of equity, not justice.

Nevertheless, even if we were to agree that justice is about the distribution of resources what constitutes a just distribution? Is it an equal distribution?

1.6 Justice as Equality and Need

According to Cullen (1992) the notion of justice is usually related in some way to the concept of equality. This can be seen in the work of those such as Dworkin (1977). However, his theory refers to equality of concern and respect rather than an equal distribution of resources. In fact it focuses more on Rawls (1972) conception of justice in terms of :

"the liberal principle of fair equality of opportunity" (p. 83).

The problem however, with the notion of equality as equality of opportunity, is that it may conflict with the concept of equality in terms of equality of outcomes in that some people will use their opportunities better than others and therefore end up with unequal outcomes. To ensure the continuance of equal outcomes it would therefore be necessary to redistribute resources from those who had acquired them to those who had not. To many however, this would conflict with the principle of justice that requires people to be rewarded for honest endeavour.

Another common principle as equality is that often attributed to Aristotle, that is that equals should be treated equally and unequals unequally. But clearly this would not necessarily result in a conception of equality that would be acceptable to all, for example if one allowed an electoral vote only to white males over six feet tall and excluded everyone else, this would apparently obey the rule.

According to some, therefore, justice is not about continual distribution according to strict equality of outcomes, rather it is about distribution according to need. For example, according to those such as Schwartz (1975) and Vlastos (1975), justice requires that people should receive sufficient resources, according to their needs, to maintain an equal level of opportunity and lifestyles. However, there are those such as Nozick (1980) who argue that need is to do with charity and not justice.

But in any case, again, distribution according to need would seem to offend those who argue that justice requires that people should be rewarded according to their efforts or contributions. In other words, justice is not about equal outcomes, or the equal satisfaction of needs, it is about getting what one deserves.

1.7 Justice as Desert

A number of philosophers, such as Evans (1981) and Sadurski (1983), have argued that view stating that justice has nothing to do with equality, rights or fairness but deservingness. However, we encounter a familiar problem here in that how do we decide what someone deserves? As Sterba (1986) states:

"while everyone argues that justice, almost by definition, is giving people what they deserve, there appears to be little agreement concerning what it is that people deserve" (p. 1).

Feinberg (1970) attempted to clarify the relationship between desert and justice and lists five classes of treatment in which we get what we deserve:

- awards of prizes
- assignment of grades
- rewards and punishments
- praise, blame etc. (informal responses)
- reparation, liability etc., (modes of compensation)

In probably the most comprehensive theory of desert, Sadurski (1985) argues that desert concerns the establishment of a situation of equilibrium between

individuals' contributions to society and what happens to them. However, even amongst supporters of desert, few have argued that desert is the only, or even most important, principle of justice. Thus, Feinberg argues that desert is only one part of justice, Nozick (1980) argues that desert is subsidiary to property rights, and others such as Rawls (1972) have completely rejected desert as the basis of justice.

However, another fundamental problem for the notion that justice is about the distribution of resources is that some have argued that justice is not fundamentally about what people end up with but the procedures that give rise to various distributions.

1.8 Procedural Justice

Procedural justice has been associated with the decision making processes in the distribution of benefits and costs (Lind and Tyler, 1988; Rawls, 1972).

Thus, Rawls (1972) argues that perfect procedural justice exists when a fair procedure produces a just outcome.

However it is possible for an innocent person to be found guilty of a crime (an unjust outcome) even though the appropriate procedures were followed (i.e. they had a fair trial). Thus writers such as Sadurski (1985) have argued that justice cannot be solely about procedures. If they were, then no outcome distribution, no matter how abhorrent, could be unjust so long as the appropriate (just) procedures had been followed.

So far our discussion has focused almost entirely on justice as it applies to those who obey the laws of society and its values. When we consider the treatment of criminals it is immediately apparent that many proposed principles of justice are inapplicable.

1.9 Criminal Justice

The problem of deciding what to do with criminals has largely been ignored due to the proposal that the two areas of distributive justice and criminal justice are totally separate and distinct and it is not possible to apply comparable principles of justice to them (see for example Rawls, 1972). For example, if we applied some of the principles of distributive justice to the punishment of offenders it would make little sense. Thus, to most, it makes no immediate sense to argue that all offenders should receive equal punishments, or punishments based on their economic needs.

Hegel (1864/1942) actually argued that offenders have a right to be punished but others have argued that this makes a nonsense of the concept of rights (Honderich, 1976). In any case, the fact that offenders may have a right to be punished does not actually give guidelines as to the amount or type of punishment they have the right to. In contrast, Kant (1797/1970) argued that by violating rules, offenders give up their rights against others. This is however, problematic as if justice is about rights and offenders have none then one could take any action one liked against an offender without it being seen as unjust. Kant, attempting to resolve this problem, proposed that the only just punishment was one which fit the crime. This is central to a long standing debate within the area of criminal justice as to what punishment is actually for, is it for deterrence, retribution, rehabilitation or none of these? (see Honderich, 1976; Hospers, 1961; Lee, 1981).

There are those who argue that the only justification possible for the imposition of punishment is to deter future crime and to rehabilitate the offender i.e., two wrongs do not make a right. Taken literally this standpoint is actually problematic in that the results could be seen as unjust according to other criteria. For example, if it were found that severe punishment i.e., the death penalty, did effectively deter petty thieves but did not deter terrorists who were quite willing

to become martyrs for their cause, how could we justify punishing only thieves with death? In fact why it would be necessary to only punish those people who were actually guilty? Just pick any person, or group of people, and kill them to show that this is what would happen to those who commit the act of petty theft. As argued by Honderich (1976), strict deterrence allows victimisation.

Does the argument that punishment is for the purpose of rehabilitation fair any better? Should the punishment not mean incarceration but therapy or similar? This is not a new argument, according to Mill (1861/1962), reformers such as Florence Nightingale proposed that offenders should be treated not punished; but can offenders be rehabilitated? According to Eysenck (1977), whatever punishment is given should be tailored to the offender and not the crime. This argument has nothing to do with the severity of the crime but due to the fact that people differ in the kinds of programme which will benefit them leading ultimately to their rehabilitation. However, this could lead to a similar problem as with deterrence, in that decisions may conflict with our other notions of justice. It would appear to contradict common sense notions of justice, for example, for a murderer to receive a less severe punishment than a petty thief (see Sadurski, 1985).

This dilemma is not apparent for those who believe punishment is for retribution regardless of any positive, or negative, effects that may follow. According to retributivists, the only justification required for the metering of punishment is that an offence has been committed and thus the offender deserves to be punished. Kant, a proponent of this view, argued that those who are innocent must not be punished but that we have a duty to punish the guilty regardless of any consequences of such punishments. A part of this belief in retribution is that the punishment fit the crime, i.e. the more serious the crime the greater the punishment (see Flew, 1979; Raphael, 1980; Rawls, 1971). However, the logic behind the punishment should fit the crime philosophy, is unclear. For example, Hogan and Elmer (1978) argue that the object of retribution is that all should share equally in the burdens of civilised living but it is difficult to see how

forcibly inflicting burdens on criminals, according to their crime, satisfies this principle.

1.10 Conclusion

So far then, it seems that philosophers and behavioural scientists have reached little consensus as to what is meant by 'justice'; consequently it is not surprising that psychologists have had little success in defining a psychological model of what constitutes 'just punishment'.

Indeed, if we look more particularly at what psychologists have had to say on the subject of justice, the problems become readily apparent.

CHAPTER TWO

The Rise and Fall of Equity Theory

According to Sampson (1980) justice in the public domain differs to justice in the private one. Perhaps therefore, rather than looking for definition of justice in the realm of institutions and/or society perhaps we should look within the private domain, within the psychology of individuals, for some model of justice which influences perceptions of justice and subsequent behaviour.

Karniol & Miller (1981) state that from Aristotle to Rawls, justice has been shown to be a primary value underlying all morality. However, due to the problems associated with defining justice we have little understanding of how justice actually guides human behaviour. Consequently, according to Tornblom (1992) the idea that "justice is in the eye of the beholder" (p.177) is now an accepted viewpoint within the field of social psychology. Hence there are those, such as Reis (1984); Goode (1978); and Mikula (1984) who propose that either any attempt to define justice is a waste of time or is not within the realms of psychological enquiry. However, this is not to say that psychology has not concerned itself with the issue(s) of justice.

2.1 The Rise of Equity

Psychological research into justice, in the main, grew out of work on social exchange theory (see Blau, 1964; Homans, 1961; Thibaut & Kelley, 1959), and in particular equity theory as proposed by Adams (1965).

Equity theory rose out of social exchange theories such as Homans (1961, 1974). Building on the paradigm of Aristotle's concept of proportionality in relation to justice, Homans proposed that distributive justice was concerned with the idea that individuals should receive outcomes in proportion to their inputs. Thus, Homans (1974) says:

"the rewards to each man be proportional to his costs - the greater the rewards, the greater the costs - and that the net rewards, or profits, of each man to be proportional to his investments - the greater the investments, the greater the profit" (p. 75).

This can be represented as:

$$\frac{\text{A's rewards less A's costs}}{\text{A's investments}} = \frac{\text{B's rewards less B's costs}}{\text{B's investments}}$$

Therefore, justice or equity, exists when, relative to others, the more one invests the more one receives in equal proportions.

Within this formula costs refer to those psychological and/or material things given up in an exchange situation whilst investments refer to 'relevant attributes' such as skill, age, effort etc. Homans suggested that those who receive less than that which is equitable will feel anger, whilst those who receive more will feel guilt, with the greater level of emotion being felt for the greater injustice of under reward than for over reward in any given situation.

Adams (1965), refined this concept, in a more simple form, stating that equity exists when an individuals' inputs (contributions) are in equal proportion to their outcomes (receipts) relative to others. This can be represented as follows:

$$\frac{\text{Outcomes for A}}{\text{Inputs of A}} = \frac{\text{Outcomes for B (other)}}{\text{Inputs of B (other)}}$$

Adams used the term inequity rather than injustice to explain the result on an imbalance in the above equation. In this interpretation outcomes refer to the positive or negative consequences (e.g. wages for a job done, or costs incurred),

the result of the interaction, whilst the inputs are those contributions made (e.g. effort, ability, education etc.).

Having formulated how people would assess whether a given situation was equitable (just) or not, Adams proposed a number of consequences of inequity (an unjust situation). Like Homans, he believed that, although over reward might be easier to tolerate, both over and under reward would result in unpleasant feelings. Incorporating some of the principles of Festinger's (1957) cognitive dissonance theory, that when experiencing tension the individual will be motivated to reduce it, he went on to propose a series of behaviours, both psychological and behavioural, that may result from finding oneself in an inequitable situation. These strategies are as follows:

- **Increase or decrease the inputs:** If one is experiencing inequity due to being over or under rewarded, one obvious way to attain cognitive equilibrium is to alter one's inputs either by increasing or decreasing them. This strategy has been supported in a number of studies e.g. Adams (1963, 1965); Greenberg (1988). For example, in one study in which participants were asked to carry out a proof reading task, those who were led to believe they were being overpaid in relation to their qualifications increased their output by producing work of a higher quality compared to others who believed they were being paid in line with their qualifications.
- **Increase or decrease the outcomes:** Conversely, it may be possible to change ones' outcomes. If under rewarded it may be possible to ask for a pay increase or some other benefit to restore an equitable situation. If over rewarded the theory predicts that people will give back outcomes to restore equity.
- **Cognitively distort the level of inputs and outcomes:** If it is not possible to actually change inputs and outcomes, or a person is not willing to do so, according to Adams the person may psychologically change them. For example, individuals may cognitively change their perspective to convince themselves that the other person deserves greater outcomes for some reason

(perhaps they have greater costs) or their inputs are greater (they work harder) thus justifying the perceived inequitable situation.

- **Change the comparison other:** A person may decide that the person chosen to be the 'comparison other' is actually not suitable and look for someone in a more comparable position.
- **Leave the situation:** If all else fails the person could leave the situation and move to a more equitable one.

Adams further proposed that the strategy which an individual is most likely to use to maintain the perception of an equitable state is that which will give him or her the most profitable outcomes whilst maintaining their self esteem. He also stated that people will use the easiest strategy.

This initial work by Adams was the starting point for a proliferation of research and publications into Equity Theory and its applications. However, although Adams (and probably Homans) are cited as the founding fathers of the theory, according to Crosby and Gonzalez-Intal (1984), the work of Walster (now Hatfield) and colleagues was instrumental in bringing the concept of equity to the forefront within the field of psychology. Indeed, it was Elaine Hatfield and her colleagues who firmly established the concept of psychological equity in relation to theoretical assumptions in relation to justice (for example see Austin and Walster, 1974; Austin and Hatfield, 1980; Walster, Berscheid and Walster, 1973; Walster and Walster, 1975; Walster, Walster and Berscheid, 1978). Starting from the premise that 'man is selfish' (Walster et al., 1973, p, 151) they put forward four main proposals:

1. individuals will try to maximise their outcomes.
2. groups will use principles of equity for distributing resources among members by rewarding those who treat others equitably and punishing (by increasing costs) those who treat others inequitably.
3. people in inequitable situations will feel distress, the level of which increases as the amount of inequity increases.

4. If in an inequitable situation individuals will be motivated to restore equity.

Hatfield et. al. also proposed a revised formula for representing equity. They revised the formula because, whilst maintaining the premise that the greater the input the greater the output should be, and those with equal inputs should have equal outputs, they wanted the formula to cope with negative inputs as well as positive ones. Adams' formula is problematic because, whilst there is no problem when all inputs and outcomes are greater than zero and positive, it cannot readily cope with zero inputs and negative inputs and outcomes. For example, consider a situation where person A contributes 5 positive inputs (e.g. hours of work) and receives 5 negative outcomes (e.g. punishments) whereas person B contributes 5 negative (or bad) inputs (e.g. stealing) and receives 5 positive units of reward. In this example, the good person will have been punished and the bad person rewarded but, according to the formula put forward by Adams this would be an equitable situation because $-5/5$ and $5/-5$ result in -1 in each case. This situation not only goes against all common sense notions of justice but, according to Harris (1976), is not in accordance with the fundamental assumption of equity, namely that:

"when equity holds, outcomes are an increasing function of inputs"
(p.196)

i.e. the greater ones inputs the greater should be the outcomes.

Attempting to overcome these problems Walster et. al. (1973) put forward the following revised formula:

$$\frac{O_A - I_A}{|I_A|^K} = \frac{O_B - I_B}{|I_B|^K}$$

In this, the K's are +1 or -1 according to whether O - I and I have the same or opposite signs, with the vertical lines around the inputs indicating that the sign of the input should be ignored. However, according to Wagstaff and Perfect (1992), this formula still poses problems as it cannot accommodate a situation such as when the inputs for A and B are zero, yet the outcomes differ, also the relationship between outcomes and inputs is not linear.

However, despite these problems, as already stated, Hatfield and her colleagues have been very influential in their work within the field of equity. Like Adams, they also proposed that those people who perceive inequity will experience feelings of anxiety and be motivated to reduce them, hence the individual who takes a greater share than he or she deserves i.e. the exploiter, and the person whose outcomes are reduced as a consequence, the victim, both suffer distress. This distress can be expressed as guilt, shame, anger etc. and emanates from two sources, that of retaliation and self concept distress. Retaliation distress is a conditioned anxious response which develops perhaps as a result of being punished as a child for exploiting another. The exploiter therefore, may be anxious that someone or some official body may retaliate against him or her for the act and the victim may fear being considered weak. On the other hand, self concept distress occurs when an individual violates the norms of society which incorporates the belief that people should treat others fairly and justly. The strategies people use to reduce the perceptions of inequity are similar to those proposed by Adams, some of the proposed psychological strategies used include: derogation of victims (Glass, 1964); denying responsibility for the act (Brock and Buss, 1964); minimising the victims suffering (Brock and Buss, 1962), other people may intervene in attempting to restore equity e.g. friends or organisations such as the courts etc. Walster et. al. (1978) propose that exploiters will often spend a great deal of energy to make restitution to those against whom they have acted unfairly and that one of the first responses of a victim will be to seek retribution. Also, according to Hatfield, Walster and Traupman (1979), it is possible for an impartial observer to respond to an inequitable situation in the same manner to those actually involved in the situation albeit with less emotion.

However, because we have the capacity to empathise with others, to understand and relate to feelings of anger, embarrassment, guilt, shame, etc., even if with less intensity, it is perhaps not surprising that observers react in a similar manner to participants to inequitable situations, hence Walster and Walster state:

"...theorists have concluded that even the most aloof of 'impartial' observers is motivated to right existing wrongs, and failing that to at least convince himself that his is an inequitable world, a place where exploiters are somehow entitled to their benefits and the deprived somehow deserve to suffer". (1975, p. 24)

2.2 Supporting Evidence for Equity

A great deal of the research carried out to determine whether or not people use the principles of equity theory in deciding whether a situation is fair or just has concentrated on situation of over and under payment. Work by Homans (1953) and Jackques (1961) found that inequitably underpaid office and factory workers were more likely to be angry, wanted to change jobs and sought union help to redress the imbalance than were equitably paid workers. Austin & Walster (1974) administered a Mood Adjective Check list to subjects and found that they were more content when equitably rewarded than when over or under rewarded. Such negative emotions have been found in other research, e.g. Pritchard, Dunnette & Jorgenson (1972), found that overpaid subjects displayed greater job dissatisfaction than did those who were equitably paid; and Lawler, Koplin, Young & Fadem (1968) found that subjects who were overpaid on a piece rate task increased their perception of how qualified they were to carry out the task whilst those equitably paid did not. Studies have also indicated that subjects will amend the amount produced to restore perceptions of equity, e.g. Adams & Rosenbaum (1962) found those overpaid produced more than those equitably paid. According to Walster et. al. (1978) the workers in these studies responded to perceptions of inequity in line with that proposed by Adams, i.e. they left their jobs, changed their perceptions of what was a fair rate of pay or how difficult the job was. (For a review of other early work see Greenberg and Cohen, 1982).

More recent work has produced similar results in support of equity theory as a principle of justice. Studies have again shown that underpayment and overpayment can lead to low job satisfaction compared to equitable pay (Vecchio, 1982; Sweeney, 1990). Summers and Hendrix (1991) also found that perceptions of pay equity are linked, indirectly, to voluntary turnover via a pathway from pay equity to pay satisfaction to job satisfaction to organisational commitment and intent to leave. In addition Mowday (1987) found that perceptions of pay equity decreased both the quality and quantity of work whilst those overpaid increase quality and quantity where possible.

It would appear from the above that people often do use the principles of equity theory to determine if an economic situation is fair and adjust their subsequent behaviour accordingly. It must be pointed out, however, that the majority of research in this area has been conducted in laboratory situations, often using the student population for subjects, which may bias the results obtained. For example, student samples in laboratory studies may simply respond to the demand characteristics of the situation (Orne, 1962). One quasi experimental study conducted in the field was that of Greenberg (1988) who temporarily altered the status of certain employees i.e. assigned them to larger, smaller or the same size office as they were entitled to in line with their job status. He found that the production of these employees did change in line with what equity theory would predict, i.e. those assigned to larger offices produced more, those to smaller less and the control group maintained the same level of production. A later study by Greenberg in 1990 found that when subjects performed a task for which they were either underpaid or equitably paid and then asked to take their own pay, those equitably paid took the exact amount to which they were entitled but those who were underpaid took more; i.e. they stole.

Another area of research is that of intimate relationships, an area where Hatfield and her associates have been prominent. In a relationship, if one party perceives themselves to perhaps be contributing more to the relationship and receiving less

than their partner, i.e. an inequitable situation, then this can lead to feelings of anger and of being cheated in one partner and guilt in the other (Berscheid and Walster, 1978; Hatfield, Walster and Traupman, 1979). Walster, Walster and Traupman (1978) found that subjects reported that those who felt under benefitted and over benefitted in their intimate relationships with others were less happy and contented than those who felt equitably treated. Those who reported their relationships as equitable in terms of their inputs and outcomes reported greater satisfaction, were more likely to stay together whilst those reporting inequitable relationships were more likely to be depressed, dissatisfied and engage in sexual activities outside the relationship rather than with their partner (Berscheid and Walster, 1978; Hatfield, Walster and Traupman, 1979). According to Robinson and Spitze (1992), these perceptions of inequity in relationships are particularly salient to women in relation to the division of household labour. Also, equity does not only influence happiness in relationships amongst younger people but also older couples and friends (Reynolds, Renner and Johnson, 1995).

Although it is not claimed that the principles of equity theory are the only explanations which could be called upon to explain such results it has to be said that the evidence in support of equity theory appears to be impressive. Nevertheless, arguably the reign of equity theory as the focus of social psychological theories on justice has ended. As stated by Deutsch (1975):

"Equity theory is still an important but no longer a dominant theoretical influence...."(p.308)

Considering the proliferation of research during the 1970's and 1980's, and the apparent positive and supportive results, why has this happened?

2.3 The Demise of Equity

As previously indicated, the mathematical formulae proposed by those such as Adams and Walster and Walster are problematic in that they cannot cope well

with zero and negative inputs and outcomes. However, in many respects this has been the least of equity's problems.

Reacting to the statement by Walster et.al. (1978) that equity theory:

"provided the beginning of the general theory of social interaction social psychologists so badly need" (p. 2)

Utne and Kidd (1980) argue that not only is equity theory not a general theory of social interaction it is incomplete as a theory of situations that explicitly involve notions of justice. This is a view supported by others such as Leventhal (1976) and Sampson (1975). There are thus two major criticisms of equity theory as a theory of justice.

1. The domain of behaviour that equity theory purports to explain has been overextended, it must be realised justice concerns are not always paramount or even present in many social interactions.
2. Even in situations where justice concerns are salient the equity norm is only one of many possible justice norms that may be evoked to influence behaviour.

Utne & Kidd (1980) argue that equity theorists lead us to believe that they have addressed the importance of fairness within all social motivations and that among socialised individuals equity concerns are the major force in social interaction. However, Leventhal Karuza and Fry (1980) challenge this view stating that justice concerns are not always the primary motivation in directing action in relationships. Furthermore, they argue that fairness is only one motivational force among many that affect a person's perception and behaviour and, not only is it often a weaker force than others, but that in many situations people do not even consider the question of fairness. Utne & Kidd also argue that, whilst people may want to return to an equitable state, the proposed methods are inadequate. They state that causal attributions are important in determining the degree of

distress produced by inequity and these causal attributions are often successfully invoked to alleviate distress without altering perceptions of the initial inequity. Individuals do not always distort their view of reality or objectively adjust outcomes and inputs to restore equity, instead the attributions, in the form of more information than simply knowledge of the outcomes; e.g. they almost always have information or can speculate about why the inequity came about which may have implications for how the under benefitted person may feel about being mistreated.

Another of equity theory's most ardent adversaries is Melvyn Lerner. Lerner and his colleagues developed, during the 1960's and 70's, The Just World Theory. According to this theory:

"A Just World is one which people get what they deserve" (1980, p. 11)

The assumption underpinning this theory is that people have a basic psychological need to believe that the world operates in a "just" way. Therefore, when we see people suffering or being rewarded by chance the belief in this just world is threatened and it is necessary to restore this belief by techniques such as denial, withdrawal and reinterpretation of the events. It is the latter, the 'psychological defences' (1980, p.20), that Lerner is most interested in, such as the tendency to derogate the victim or reduce the positive characteristics of the victim. The concept of Just World has generated a great deal of research, especially in areas such as blaming the victim of crimes and poverty for their own situation (Symonds, 1975; Wagstaff, 1982, 1984).

However, although Lerner is a fierce critic of equity theory, there are similarities between equity and Just World; for example if a just world is one in which the desirable acts and attributes (positive inputs) are rewarded (given positive outcomes) and undesirable acts and attributes (negative inputs) are punished (given negative outcomes) then the 'Just World' is remarkably like an 'equitable' world.

However, it is the assumption underpinning equity theory that justice is motivated by one's self desire to maximise your own pay-offs that most troubled Lerner. Instead, Lerner argues that justice behaviour is motivated by a wish to live in a stable world. Thus he argues each person, through learning as a child, develops a personal contract with the world which becomes the basis of deserving or entitlement. When this is threatened, actions will be taken to restore justice thereby restoring equilibrium between their social contract and the environment.

However, perhaps the most fundamental criticism of equity is that it is just one rule of justice and not necessarily the most important. For example, those such as Deutsch (1975); Lerner (1977); Sampson (1969, 1975) and Mikula and Schwinger (1978) posit a number of other justice principles which have the characteristics of social norms and which are used as distribution rules. The most important of these are:

1. The contribution principle : allocation is made proportionally to each individuals contribution (this essentially is the basis of equity theory).
2. The equality principle : equal allocation is made to all individuals regardless of individual attributes
3. The need principle : allocation is made according to the needs of the individual

The way in which these principles are applied is dependent upon the characteristics of the recipients social relationship and the characteristics of the situation in which the goods are attained.

According to Deutsch (1975), the focus of equity theory, or the contribution principle, in relation to justice can be expected in a society where the primary ideology is focused around economic values. This focus can be seen in much of the experimental work which looks at the distribution of monetary resources. Thus, Lerner (1974) and Leventhal (1976) are among those who propose that in

situations where economic productivity is the main goal the equity rule will indeed be followed. This is based on the justice rule that those who contribute more should get more and, according to Campbell (1975), rewarding people according to their contributions is more likely to enhance productivity. Thus, Garrett (1973) found that people gave a higher weighting to the equity rule when it was important for individuals to work hard and do well. Mirels and Garret (1971) found that people who scored highly on their Protestant Work Ethic Scale, that measures a commitment to the idea that hard work and ambitions are key values to be embraced, gave higher rewards for good performance than to low performance. Deutsch (1975) however, argues that this can lead to envy and a sense of superiority and thus when the maintenance of social relations is important the equality rule will be dominant. A third rule, that of need, dictates that fairness or justice is often evaluated on the basis of whether needs and desires have been satisfied to prevent suffering. Berkowitz and Daniels (1963) found that people worked harder when it was believed a fellow co-worker needed their help and a greater weight is given to the needs rule when an individual feels a sense of responsibility for the welfare of another (Schwartz 1970; 1974). Thus, people often take action to raise the outcomes of those who are in a state of need. This view implies that different groups may use a specific underlying value system for the distribution of resources. However, in reality it seems inevitable that groups may experience conflict unless they can either know the different situations and context in which the different rules apply or perhaps make one rule the dominant one.

According to Messick (1993), the equality heuristic is actually the more useful in terms of a benchmark for decision making. He argues that in situations where the proportionality rule is inappropriate people start from a point of equality and then, if necessary, adjust accordingly. Therefore, the equality rule is used as an initial anchoring point in the decision making process and, if necessary, adjustments can be made with the subsequent distribution not necessarily being total equality. He also argues that the equality rule is easier to follow when making decisions in everyday life. Social cognition theorists such as Tversky and

Kahneman (1971, 73, 74) have argued that the processes people use in making judgements actually bear little resemblance to statistical principles such as proportionality. However, Messick appears to be inconsistent with his conceptualisation, for although he talks about the equality rule being a benchmark, implying proportionality and need may be used as adjustments, he also asks how we can tell whether someone is using the equality rule as opposed to some other such as equity or need, implying the latter are more than adjustments. Also, the idea that people are out to maximise their own self interests, and therefore will use the rule which maximises their own benefits, is also inherent in his thoughts. This does not fit well with the use of the equality benchmark which is supposed to apply to the maintenance of social relations rather than the competitive self interest.

In another multiprincipled approach, Leventhal (1976) argues that the situation will determine which rule is used but the rules can be contradictory e.g. a person may contribute less but have a greater need. In cases such as the latter, Leventhal proposes that those distributing resources will take some action to raise the outcomes for those who have a high level of need. To determine how deserving a person is, Leventhal states that the 'judge' (referring to the individual deciding whether a particular situation is just) will go through a mental procedure in which they make various estimates of deservingness, having different weightings, culminating in one overall estimate. The weightings are decided via a multistage sequence of judgements, those early in the process providing information for those in the latter. There are four phases in this procedure, first the weighting, then the preliminary estimates of deserving followed by the rule combination and finally the evaluation of the outcome. The equality rule is seen as cognitively simpler to use and therefore Leventhal argues that this may be used as the fallback rule in complex situations, he also suggests that those with more limited cognitive capacity may give this rule greater weighting. This would explain why children often tend to use the equality rule.

Less attention has been paid to the use of the needs rule except to argue that it ignores inputs when human welfare is salient (Schwartz, 1975).

2.4 Attributions of Responsibility

The issues surrounding equity are also complicated by the fact that, in selecting a rule for allocating outcomes, people often take into account the locus of responsibility for inputs, e.g. when the locus of responsibility for inputs is made salient people are more likely to allocate higher proportional outcomes to those whose inputs are based on effort, rather than ability or chance factors (see Greenberg, 1980; Lamm, Kayser and Shanz, 1983 and Leventhal and Michaels, 1971). Cohen (1982) argues that perceptions of justice are influenced by attributions of responsibility, thus people will help the innocent but not the blameworthy. Utne and Kidd (1980) thus propose that, contrary to what is proposed in equity theory, individuals need not necessarily psychologically or physically adjust inputs and outcomes to restore equity. Instead, attributions of responsibility may be used as additional information about the intentions etc. of individuals to maintain the perceptions of equity whilst reducing any unpleasant feelings resulting from the perceived injustice. Therefore, attributions are used, not to eliminate inequity or restore equity, but to enable inequity to be tolerated. Research findings support the view that attributions are important, for example Berkowitz (1969) found that if a 'victim' is perceived as responsible for his/her situation he/she is less likely to receive help than someone who is not responsible for a comparable situation. However, although equity does not take into account attributions of responsibility, do the multiprincipled approaches fare any better? With the exception of perhaps Lerner's early theorizing, the concept of responsibility does not appear to have been part of any multiprincipled model either. Moreover, although there does appear to be agreement that the concept of responsibility should be considered within theories of justice at some level, there is no consensus as to what being responsible for one's actions actually means. Within the field of psychology, concepts such as causality, intention, blame and justification, are often found within models of responsibility (for example Heider,

1958; Fincham and Jaspers, 1980) but the relationship between these and responsibility is not as simple as it seems. For example, Cross, Jones and Card (1988) state that according to English Law, in cases of negligence, a person can be held criminally liable for the death of someone even if the intent to kill was absent. Shaver (1985) has attempted to clarify this situation conceptually, by stating that a person may be instrumental in the cause of an outcome but not be responsible or worthy of blame; but responsibility is a more complex concept. To be considered responsible therefore depends not only on whether the person caused the outcome but whether they were aware that the outcome could result from the action, whether they intended such an outcome, whether they had a choice as to whether to act in that way or not and whether they understood that the action was wrong on a moral level. Therefore, according to Shaver, an individual can be responsible for an outcome but not necessarily blamed providing they have an acceptable explanation. However, what constitutes an acceptable excuse? Shaver does not go into detail on this point. Also, Shaver concentrates on the attributions of blame, but what about actions that result in positive outcomes? Do the same processes apply? Again, it would appear that social psychological research on justice cannot give us a definite answer. As stated by Cohen (1982):

"None of the major theoretical statements on justice makes attributions a central, explicit concern" (p. 124).

2.5 The Problem of Just Punishment

Tornblom (1992) states that the multiprinciple approach to distributive justice, incorporating the rules of equity, equality and need, is now the dominant approach within social psychology. However, there does not seem to be any agreement as to whether their rules are supposed to constitute separate principles of justice or whether one is perhaps used as a benchmark and then adjusted accordingly. These problems are further magnified when we consider of what constitutes a 'just punishment'.

Within equity theory, the clear assumption is that the more serious the crime, i.e. the more negative the inputs, the greater the punishment should be, i.e. more negative outputs. However, as stated previously the formulae of equity theory proposed by Adams (1965) and Walster et al (1973) are problematic when looking at zero inputs and negative inputs and outcomes, i.e. the equity formula does not work. Anderson (1976) therefore argues that situations involving negative inputs differ to such an extent from those in which participants make positive contributes that equity theory must be declared inapplicable to negative situations i.e. people ignore using equity as a theory of punishment. Moreover, Hogan and Elmer (1981) argue that equity has nothing to do with punishment . However, it must also be noted that other multidisciplinary theories do not incorporate the notion of punishment at all.

Both equity and multidisciplinary theories of justice have concentrated on the distribution of positive inputs and outcomes; this is perhaps surprising in that the term 'justice' is, in everyday life, probably used as much, if not more, in relation to the allocation of punishments for criminal acts than the allocation of rewards. Thus, although there is a body of literature which considers criminal liability, punishment and sentencing within the criminal justice system (see for example: Stephenson, 1992; Fitzmaurice and Pease, 1986; Ten 1987), there has been little attempt to relate this research to theories of justice.

Possible links between the concepts to those of need and equality (components of the multiprinciple approach to justice) and punishment are far from obvious. To allocate punishments on the basis of need only would negate any considerations of responsibility, a fundamental criteria of English Law, i.e. mens rea. Equality fairs no better, how just would it be to allocate the same punishment to offenders regardless of the crime committed?

So, where does all of this leave psychological theorist of justice and punishment? Evidence suggests that the two most important assumptions of public concepts of

a just punishment are that it should fit the crime in that the more serious the crime the more severe the punishment should be (for example: Gebotys and Roberts, 1987; Hamilton and Rytina, 1980; von Hirsch, 1985; von Hirsch and Jareborg, 1989) and that they can only be punished in relation to their level of responsibility. We could therefore say that, although equity theory fails in its failure to address responsibility, on a common sense level, it does relate to the proportionality aspect of punishment (although attempts to find a formula to describe this have not been successful).

In effect, therefore, having rejected equity theory as a theory that can encompass the allocation of rewards and punishments, psychologists are left without any coherent theory of what constitutes 'just' punishment.

CHAPTER THREE

Equity as Desert (EAD)

So far it has been argued that equity theory, as a main principle of justice, seems to have lost favour, being displaced by the multiprinciple approach. One result of this is psychologists are left with a vacuum as regards a theory of a 'just' punishment. At least, in principle, equity theory seemed to encompass a major component of the common sense notion of just punishment, i.e. that punishment should fit the crime', the greater ones negative inputs the greater ones negative outcomes, but the major difficulty has been finding a formula that will encapsulate this idea. It is notable that even Aristotle seemed to have difficulties on this point.

3.1 Finding a Formula

Although Aristotle's geometric proportion rule for distributive justice is the basis of the modern day equity principle, he adopted a different formula, that of 'arithmetical proportion', when considering the punishment of criminals. This formula assumes that people aim to maintain equality in the distribution of benefits and costs. Thus, it is assumed that those perpetuating the crime gain and victims lose, such that the more serious the crime the greater the gain to the criminal and loss to the victim; hence to restore equity the offender must lose and the victim must gain until equality is restored. Aristotle however, does not seriously consider what is actually meant by a gain to the criminal. For instance, consider the crime of attempted murder. According to this conception a person who expends years of effort and a fortune in attempting, unsuccessfully, to murder someone, has nevertheless 'gained' by doing this. Sadurski (1985) agrees with Aristotle in the use of the arithmetical proportion in punishment and attempts to resolve this problem by arguing that the gain of the criminal is that of "*non-self-restraint*" (1985, p. 229) and that other gains, such as financial, sexual or psychological, are just incidental by products of the action. Accordingly, those

1. outcomes are distributed in equal proportion to inputs i.e. the more one inputs the more one should receive.
2. positive inputs should result in positive outcomes and negative inputs, negative outcomes.
3. those who contribute nothing should receive nothing, either positive or negative. Also, when all inputs are zero any outcomes should be distributed equally, thus maintaining equity.

This formula works as well for negative inputs/outcomes as for positive inputs/outcomes. For example, if person A and B contribute 10 and 5 hours of positive work (inputs) and the reward (outcome) available is £30, then equity exists if person A is given £20 and B £10. Similarly, if person C and D contribute -10 and -5 units (for example criminal behaviour) and there was 30 units available for distribution (units of punishment) then person C should be receive 20 and D 10 units of punishment respectively.

Whilst we may have a mathematical formula which builds on the original proposals by Adams (1965) and others which encompasses negative as well as positive inputs and outcomes we need a theoretical model to back up the formula to be tested.

Wagstaff (1994) has therefore proposed a theoretical solution to some of the problems referred to in the previous chapters. Firstly, he argues that it may be possible to encompass the main proportional assumption of equity theory together with the philosophical notion of desert, into a single model, that of 'Equity as Desert' (EAD). Before discussing EAD however, a brief outline of what is meant by the term 'desert' will be given, as according to Wagstaff, although equity, and other principles, are often referred to as being principles of 'desert', little consideration has been given to the historical and/or philosophical meaning of the term.

3.2 The Nature of Desert

The term 'desert' derives from the Latin 'deservio' which means 'to serve zealously', which can be linked to the word 'merit' which derives from 'merito' meaning to 'draw pay or serve as a soldier'. This implies that both the terms 'deserving' and 'merit' have historical connections with the concept of 'service', particularly the notion of rewarding positive contributions to the welfare of others and punishing negative services which harm the welfare of others.

If we look at philosophical literature it is possible to find references to the importance of desert in the works of Aristotle in the 3rd century B.C. entitled 'Nichomachaen Ethics, Book V' (1984) whose rule of distributive justice, as we have noted, is equated with that of equity theory. However, interpretations of the work of Aristotle, in this respect, have omitted some of the details. For example, Aristotle argued that a main rule of distributive justice is that goods be distributed in proportion with merit, merit corresponding with 'virtue' but in addition he emphasised that virtue (or vice) was under the control of the individual i.e. individuals have a choice. In Aristotle's time, it should be noted, virtue was defined as a contribution or service to the community (MacIntyre, 1982). Relating this to equity a positive input therefore has two aspects, that of a contribution to the good of society and that it is possible for the individual to choose, or not, to perform such an act.

A similar theme can be found in the writings of Immanuel Kant (1775/1963) who proposes a concept of 'divine justice' in which god distributed rewards, in return for good, and punishments, in return for bad, in strict proportion. Also, central for Kant was the premise that an individual only deserved to be rewarded, punished, praised or blamed for an action if he or she could have freely chosen to have acted otherwise. This idea that individuals cannot be held responsible or deserving of blame or punishment unless they could have chosen to behave differently can be seen in the work of those such as Franklin (1968) and Hospers

(1961) and is incorporated into the notion of 'mens rea' in English criminal law (Curzon, 1980).

According to Wagstaff (1994) therefore, it may be possible to combine the proportionality and responsibility or choice aspects of desert into a single principle, termed 'Equity as Desert' (EAD). This states that:

"a just distribution is one in which the outcomes of participants are proportionally an increasing function of their inputs, but under conditions in which each participant has an equal choice or opportunity (either real or hypothetical) to provide the relevant inputs". (p142-3).

It should be noted that the equal choice does not have to be taken literally, as stated in the quotation these can be hypothetical or be based on how we would have expected others to act given the same choices and that there should be equal choice to perform inputs.

One important implication of this model is that it may be possible to combine other rules of justice, those of responsibility, equality and need, into a single principle.

According to Wagstaff (1994, 1998), the concept of responsibility, as it related to justice, is problematic (see Shaver, 1985; Shaver and Drown 1986) in that it is not clear how it effects, if at all, the proportionality aspect of desert. Wagstaff, like Aristotle, argues that it is not possible to consider the concept of 'responsibility' without also considering choice, as the idea of agency of the individual is at the core of the model of human causality that underpins the notion of responsibility. According to this model, each individual has a 'character' or 'self' which controls and can instigate, or choose, our actions so that we are responsible for any outcomes which result from behaving in a certain manner. Thus, we are not personally responsible for outcomes which may be caused by influences outside of our control even if, on a physical level, we may have been instrumental in causing the outcome.

The impact of the actors' responsibility for, or choices regarding, their situations has been shown in many studies, e.g. Ickes, Kidd and Berkowitz (1976) who found that less help was offered to those who were perceived as responsible for their situation and Sudnow (1967) and Roth (1972) who found less help was given to those who were considered to have brought their misfortunes upon themselves, e.g. perpetrators of crime, alcoholics etc.

In England, criminal law reflects the above idea of responsibility and its relationship with choice. Hence, there are instances in the law, e.g. being judged mentally ill; committing a crime under duress; injuring another whilst sleepwalking etc., where a defence may be made (see Curzon, 1980; Cross, Jones and Card, 1988; Norrie, 1993). In essence, these instances could be seen to reflect restricted or non-existent choice. There are also situations in which, according to both Aristotle and English law when people can act without deliberate intention to inflict harm but still be blamed if they were careless and failed to consider the consequences of their actions. For example, in English law, a person who causes injury because he is driving too fast can be held responsible, even if intent to harm was absent. It can be argued here that by not choosing to be careful they, by implication, chose to be careless in a situation in which they could have reasonably predicted negative outcomes. Or, in other words, a person can be held blameworthy for not exercising a choice open to him or her even if there was no deliberate intent to harm (i.e. 'choosing not to choose').

The key element determining responsibility appears therefore, to be the nature of choices made by the individual. Responsibility exists when an action, has, or has not, been carried out that results in consequences and one could have chosen to have acted otherwise (Wagstaff, 1994). The more control an individual has over choices, the more responsible that individual is perceived to be.

According to the EAD model, the relationship between responsibility and choice, as described above, has implications for how we perceive desert, i.e. it assumes

that individuals have equal choice or opportunity to perform the action in question. As already stated, this does not have to be choice in a literal sense, the choice may be equivalent or even hypothetical.

But what happens when this equality of choice or opportunity are not present? For example, if person (A) has no opportunities to perform as person (B), how can the input be assessed as it is not possible to determine if (A) is more or less deserving than (B). In such cases, according to EAD, the equality rule would normally be followed in that it is assumed all inputs are equal and thus any outcomes should be distributed accordingly. But how does 'need' fit into all of this?

According to those such as Feinberg (1970); Sadurski (1985) and Walzer (1983) need is irrelevant to the idea of desert because 'need' makes little sense as an input or contribution. Wagstaff (1994) however, proposes that it might make more sense to consider 'need' as an outcome adjustment rather than as an input per se. In essence, Marx (1875/1986) also proposed this, arguing that to distribute resources equally to two individuals who have performed equally, when one has children and the other has not, would actually be treating them unequally as the person with children needs more resources to attain an equal standard of living to those with no children and thus the outcomes should be adjusted accordingly. In other words, true equality demands distributions according to need (Vlastos, 1975).

This logic can be incorporated into EAD, for example, a person in a state of need may be construed as carrying an outcome deficit relative to others not in need which will require adjustment or recompense before true proportionality according to inputs can be obtained (see also Campbell, 1988; Feinberg, 1970).

In considering need as an outcome adjustment, if a situation starts off from an equitable point and then, through no fault of an individual he or she ends up in a situation of need, then the outcome to be distributed will be adjusted accordingly

to maintain equity. Support for this idea has been offered by Elliot and Meeker (1986) who found that subjects integrated information given about the inputs and need in deciding the distribution of outcomes. However, the reason for this state of need can mediate the distribution of resources (Leventhal, 1976). According to Wagstaff (1994, 1998) those people who are in a state of need who are responsible, i.e. have brought it upon themselves, are not liable for compensation as they can be blamed for their situation. Thus, if someone gambles or drinks away their 'outcomes' they have chosen to so and, in the same situation, it would not be reasonably expected that others would act the same, should not expect their subsequent need to be compensated. Also, if the need arises due to a negative input such as laziness, or punishment for a criminal act, then the need may be judged as an appropriate negative return for a negative input. Consequently, the issue of whether individuals are responsible or not responsible for their state of need, will be taken into account when making judgements of what is a fair or just outcome. There is a variety of experimental evidence to support the view that locus of responsibility for need is implicit when making allocations according to need (see Brabant and Lerner, 1975; Utne and Kidd, 1980; Schmidt and Wiener, 1988; Wagstaff, 1994; Weiner, 1980; Meyer and Mulherin, 1980).

One implication of this is that, from the perspective of EAD, it may be possible to incorporate need into a theory of just punishment. If need is seen as an outcome adjustment then a person who receives accidental or 'unchosen' negative outcomes, resulting in a state of need, may be considered as deserving less punishment than someone not in such a state, even though their offences are of equal seriousness.

However, it may also be possible to construe need, not as an input per se, but as an input adjustment or moderator. For example, if a man commits a crime (has negative inputs) but does so because he is in a state of need (say he steals because he is starving), within the present conception of choice and responsibility his choices are essentially restricted. He has fewer choices than those who are not hungry. Hence, his opportunities are restricted and unequal compared to others,

thus reducing the negative value of his inputs and making him deserving of less punishment than someone not in need.

3.3 Summary

Within the field of psychology there has been little, or no, attempt to formulate a comprehensive theory of what constitutes 'just' punishment. The most promising theory in this respect, equity, has been rejected for a variety of reasons including the failure to take on board other allocation principles, in particular equality and need, and to consider attributions of responsibility. This has left psychology in a vacuum with regards to a theory of justice and punishment.

However, by considering need as a pure form of equality, and by incorporating the idea of responsibility into the equity formula, it is possible that EAD may form a basis for a possible psychological theory of 'just' punishment.

The aim of this thesis, therefore, is to determine if people follow some aspects of Equity as Desert, when assigning sentences for various criminal acts.

However, before moving onto the predictions and experimental work, it is useful to examine in more detail what psychologists and other behavioural scientists have to say more specifically about sentencing and punishment

CHAPTER FOUR

Punishment and Sentencing

As noted previously, according to Miller and Vidmar (1981) Social Psychologists have paid little attention to the issue of punishment and, considering that punishment is often regarded as the cornerstone of the justice process they find this strange. Indeed, punishment is often seen by people as synonymous with the rendering of justice, for instance, Miller and McCann (1979) found that when people were given the choice between punishing the perpetrator of a crime or compensating the victim of a crime they generally chose punishment of the offender. According to Miller and Vidmar (1981), punishment may be defined 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).

According to this definition, punishment must follow, and be a consequence of, the perception that someone has violated a rule, norm or a law. The sanction may take the form of a deprivation or unpleasant experience which may be physical, social or psychological and the punishment may therefore, include not only physical acts such as torture, confinement or a fine but ostracism, banishment from social groups etc.

However, to determine if it is possible to link punishment to a theory of justice it is necessary to take a look at the differing perspectives regarding the reasons for punishment to determine which, if any, could be encompassed within a theory of justice. As many writers have acknowledged, not all the reasons given for punishment are necessarily related to justice. For instance, whilst it may be useful, in some sense, to provide rehabilitation for child murderers, whether this is what 'justice' demands is another matter (Honderich, 1976).

Under the reign of 18th century Europe punishment would appear to have been arbitrary and harshly retributive, dominated by capital and corporal punishment

(death and physical to the body). What is now considered the 'due process' of law, in the form of effective legal safeguards against wrongful conviction was absent and laws which defined which actions were criminal were vague and disparate. The vast discretion given to the judges meant that the guilty were often as likely to go unpunished as the innocent were to be wrongly convicted and punished. It is argued by Cavadino and Dignan (1997) that this system was unfair, unjust, inhumane, irrational and an inefficient way of controlling crime. This can be exemplified in the opening pages of Foucault's work entitled 'Discipline and Punish' (1977) in which he describes, in detail, the actual punishment metered out to Damien who, in 1757, suffered the following punishment in relation to his offence of killing his parents:

"...on a scaffold that will be erected there, the flesh will be torn from his breasts, arms thighs and calves with red-hot pincers, his right hand, holding the knife with which he committed the said parricide, burnt with sulphur, and, on those places where the flesh will be torn away, poured molten lead, boiling oil, burning resin, wax and sulphur melted together and then his body drawn and quartered by four horses and his limbs and body consumed by fire, reduced to ashes and his ashes thrown to the winds" (p. 3)

Any social institution can only be considered legitimate if it is perceived as morally justified and, according to Cavadino and Dignan the old age moral question about punishment is "What justifies the infliction of punishment on people?" (1997, p. 32). Due to the nature of punishment being harmful, painful or unpleasant to the recipient and because deliberately inflicting harm on others is not socially acceptable, then a justification for state harm i.e. punishment is required. The two most often cited justifications for punishment are those of *utilitarianism* and *retribution* ; therefore, we will look at these in turn.

4.1 Utilitarianism

According to Hudson (1996) Utilitarianism has been influential in the more recent thinking behind crime reduction penology. An advocate of Utilitarianism

was Jeremy Bentham (1748-1832) who proposed that the role of governments was to promote human happiness, minimising the amount of suffering, thus in terms of punishment, the pains suffered by the offender is only justified if it reduces future incidences of crime. In other words, the unpleasantness caused to the offender may be outweighed by the avoidance of unpleasantness to other people in the future. Thus from a Utilitarian point of view, punishment is morally right. This belief in punishment led Bentham to design the Panoptican prison in which all prisoners were under constant surveillance by custodians located in a central observatory. The prisoners were required to work to ensure they acquired regular work habits to avoid returning to a life of crime upon release. Bentham saw offenders as having a limited sense of responsibility and lacking rational thought which could be corrected by such reformative techniques.

A major impact of Bentham's work in relation to punishment today is the pre-eminent use of prison as a sanction. According to Foucault (1977) the end of the 18th century and the beginning of the 19th saw a massive shift from corporal to *carceral* punishment which aims not just to contain offenders for a set period of time, thus deterring others from offending, but to discipline them in that:

"punishment no longer addressed itself to the body of the criminal but to the soul" (p. 16).

This belief in the efficacy of prison is a much debated issue. For example, Wilson (1975) claimed that theft could be reduced by twenty percent simply by locking up offenders for longer periods. Politicians, in attempting to show the electorate that they are 'tough on crime' have also endorsed the view that prison, as a form of punishment, works. As stated by the former Home Secretary, Michael Howard:

"Let us be clear. Prison works.it makes many who are tempted to commit crime think twice" (Party conference, 1993).

and the current Home Secretary, Jack Straw, does not appear to be challenging this view, reflected in the fact that the U.K. has the highest prison population in Europe.

This philosophy underpinned the introduction, in England and Wales, of the 'short sharp shock' regimes in young offender centres during the 1980's and the 'Boot camps' in the 1990's, based on the use of strict discipline and military style drills.

However, according to Hudson (1996), there is no evidence to suggest that these strict regimes reduce recidivism any more than those less severe. Indeed, there are those such as Brody (1976); Cavadino and Dignan (1997) and West (1982) who argue that the effects of prison are, at most limited with alternative non-custodial measures often being as effective at preventing re-offending at a much reduced cost (see Ashworth, 1983 and Raynor, 1988). It is however, extremely difficult to determine the exact effectiveness of prison as measuring re-offending rates is extremely difficult.

A difficulty with deterrence is the problem of knowing how severe punishments have to be to deter people from committing a criminal act. It could perhaps be assumed that a schedule of punishments could be devised based on the kinds of crime we could imagine ourselves committing that may have a deterrent effect. Such deterrent strategies have been implemented in various European countries, including the U.K., in relation to offences such as driving with excess alcohol. With the use of short prison sentences based on the assumption that most reasonable people would prefer not to drink, or take a taxi, than go to prison.

However, it is not possible to know with any certainty what would deter others, as can be seen by the number of people who do drink and drive. Also, such strategies rely on the belief that reasoning amongst offenders and non offenders is similar but, according to those such as Blagg and Smith (1989), it is possible that attitudes towards crime, and its costs and benefits, differ between these two groups.

It could be argued therefore, that punishment strategies based on deterrence are not successful in reducing crime rates. However, in addition to these doubts about the effectiveness of deterrence Hudson (1996) states three other objections:

1. it allows for punishment of the innocent. (For example, one might punish an innocent person as an example to others).
2. it allows punishment in excess of what is deserved in proportion to the harm done. (For example, if severe penalties are more likely to deter, say shop lifters, than murders, then deterrence theory would argue that shoplifters should be punished more harshly than murderers).
3. it allows for punishment for offences which may be committed in the future rather than for those which have been committed in the past.

Significantly, these arguments could be construed as appealing to the concept of 'justice'. As stated by Walker (1991):

"If, as has been claimed, deterrents never work, to inflict suffering, or even inconvenience, in the name of deterrence is to do so uselessly, and therefore wrongly". (p.13)

In addition to deterrence, Utilitarianists such as Bentham, also advocated taking away the desire to offend by rehabilitating the offender to enable re-integration into society after the punishment. This 'treatment' or 'medical' model views criminal behaviour, not as an act of free will whereby the individual chooses to commit the act or not, but as a symptom of some underlying pathology which requires treatment and not punishment per se. Thus, the offender is subjected to 'diagnosis' followed by 'treatment' aimed at preventing re-offending. This treatment can take place whilst incarcerated and the period of incarceration can be indeterminate as you cannot predict at the outset of the treatment how long it will take. Therefore, the treatment is designed to fit the individual rather than the punishment fit the crime.

Those who support the rehabilitation model, e.g. Lacey (1988) and Hudson (1993), argue that by not taking into account psychological and social factors punishment is both impersonal and it presumes crime is the result of freely taken decisions and choices thus imputing greater culpability and responsibility to offenders than is often warranted. However, the counter argument is that viewing human behaviour from such a deterministic perspective both treats people as less than 'human' in taking away free will and choice whilst denying moral integrity (see for example von Hirsch and Maher, 1992).

Evaluations of the effectiveness of the medical model do not appear to have fared any better than those of incarceration in respect of recidivism rates (see for example, Bailey, 1966; Martinson, 1974 and McGuire, 1995). In addition, if the punishment is designed to suit the offender rather than the crime, this could result in two individuals who have committed the same offence serving varying lengths of incarceration dependent upon their progress through the 'treatment' programme. As pointed out by Lewis (1971) some offenders could advantage themselves, speeding up their release, by participating in programmes in which they 'pretend' to be benefiting from, expressing remorse for past actions, of which they had none, and stating an intention to refrain from criminal behaviour, whilst having no such intention. Thus, as with deterrence, rehabilitation does not appear to bring us nearer a 'just' punishment.

In addition to punishment being viewed as a method of preventing crime punishment for wrongdoing is justified in terms of those who commit crime deserve to be punished, i.e. retribution is sought.

4.2 Retribution

According to Hudson (1996) the two main underlying elements of retribution theory are:

1. punishment should be for crimes committed rather than for those which may be committed in the future.
2. the punishment should fit the crime

Retributive penal systems can be found documented throughout history with the most famous being that in The Old Testament, '*lex talionis*' i.e. an eye for an eye, which requires equivalence between the punishment and the crime committed.

This concept of 'an eye for an eye' is problematic as, although it may seek equivalence, it does not restore perfect equity. For example, if A's car is deliberately damaged by B without any provocation then equity will be restored if A, in retaliation, damaged B's car (i.e. B will have received negative outcomes/punishment to balance the negative input of the attack on A's car).

However, A will have not only suffered the distress of having the car damaged, expended effort and spent time in damaging B's car, but is still left without a car. Thus, a more equitable outcome would be for B to have been punished and, at the same time, compensated A for the loss of the car and costs incurred. This logic can be seen within English law in that it is not sufficient to take stolen goods from the person who stole them and return them to their original owner, this would not be considered a 'just punishment'.

Current theories of retribution, attempting to overcome the problems indicated above, require punishment to be proportionate to the seriousness of the crime, i.e. a schedule of punishments should be available with the most severe reserved for the most serious offences, known as tariff sentencing (Hudson, 1996). This system allows for circumstances of the offence and offender to be taken into account in the actual sentence passed, e.g. a particular crime may carry a tariff of

five years but there will be a band above and below (three to seven years) which may be used, depending on culpability, need etc. This desert model, i.e. the offender gets what they deserve proportionally, sees punishment as society's way of apportioning blame on the offenders and thus there is no place for punishing the innocent as in the Utilitarian theory. This brings us again to the issue of responsibility. Importantly, the just deserts model allows for consideration of mitigating circumstances such as responsibility and, according to Fitzmaurice and Pease (1986), the concept of responsibility is central to the sentencing process. Although, prior to the sentencing stage, the finding of guilt, i.e. the formal assessment or admission of responsibility, will already have been taken into account, it would appear that certain factors, for example, mitigation, aggravation, culpability and moral responsibility, can influence the actual sentence passed.

The questions raised by attempting to differentiate between responsibility and liability for punishment can be said to be located on two levels: firstly that which concerns the underlying link between responsibility and punishment i.e. free will cannot be responsible without an assumed freedom of choice in how to act and secondly, the links between responsibility and liability denies the existence of determined behaviour. The ability to choose to perform or to omit to do something is a prerequisite to an assessment of responsibility.

For judges the ascription of responsibility is important, being the basis of English law. Blackman (1981) argues that an act does not make a person guilty of a crime unless they are also of guilty mind (another of the basis of English law) and therefore criminal law has to interpret or attribute mental elements which can only be inferred by others.

This concept of responsibility is central to sentencing practice because without it, the idea of responsibility and thus free will and choice the current sentencing system could not exist. A sentence is, after all, a statement of responsibility mediated by the provisions of the law, even when guilt has been established

factors such as mitigation or aggravation entail a re-examination of the liability to be punished through consideration of factors concerned with the morality of the accused.

4.3 Conclusion

It would appear that, in relation to punishment and sentencing, there are many theories and great deal of contradiction and confusion. However, when it comes to considerations of what constitutes 'just' punishment, arguably the theory which has been most associated with the idea of justice is that of retribution, which formally requires that the punishment should fit the crime; only the guilty should be punished and that offenders should possess free will and be able to freely choose not to offend.

'unless a man has the capacity and a fair opportunity or chance to adjust his behaviour to the law its penalties ought not to be applied to him" (Hart, 1968, p.181).

This essentially describes the stereotypical concept of desert, as proposed in Wagstaff's principle of EAD.

However, EAD also allows for adjustments according to need. To reiterate, if need is seen as an outcome adjustment then a person who receives 'unchosen' negative outcomes, resulting in a state of need, may be considered as deserving less punishment than someone not in a state of need. In addition, it may also be possible to construe need, not as an input per se, but as an input adjustment or moderator. For example, if a man commits a crime (has negative inputs) but does so because he is in a state of need (say he steals because he is starving), thus within the present conception of choice and responsibility his choices are essentially restricted. He has fewer choices than those who are not hungry. Hence, his opportunities are restricted and unequal compared to others, thus reducing the negative value of his inputs and therefore he is deserving of less punishment than someone not in need.

Interestingly, this may allow strict retribution theory, based on the seriousness of the offence, to be integrated, to a certain extent, with theories based on the individual circumstances or needs of the offender (Thomas, 1979).

It may be possible then, in EAD, we have a model which will allow us to make assumptions of the underlying principles people use in deciding whether or not something is just and relate this to the sentencing of criminal acts. This is important in that we know very little about the cognitive processes involved in sentencing. For example researchers such as Fitzmaurice (1981) and Ashworth, Genders, Mansfield, Peay and Player (1984), found that judges talked of sentencing as being down to emotions such as hunches and instinct. It would seem, that, contrary to Lord Devlin's belief that sentencing is easy, there is no clear model of how people arrive at their decisions.

However, perhaps EAD may provide some insight into the basis of these 'hunches'.

CHAPTER FIVE

Introduction to the empirical studies

Given the previous considerations, the main aims of the present thesis are to test whether certain aspects of the Equity as Desert principle are used by individuals as the cognitive basis for sentencing decisions. In other words, whether people apply an equity psychological model of 'justice' when making decisions about punishment.

On the basis of the EAD principle, the following hypothesis were formulated:

1. Those offenders who are responsible for (had a choice) the offences will receive harsher punishments.
2. Those offenders who are in a state of need (mitigating circumstances) will have their sentences reduced compared to those not in need.
3. Those offenders who are responsible for their state of need will have a lesser reduction in their sentence compared to those who are not responsible for their state of need.

It can be noted that, in the context of EAD, 'need' is operationally defined in two ways. 1) It can mean simply an outcome deficit relative to others; one is 'in need' when one possesses less than one is due or entitled to on the basis of equity. 2) It can correspond to a situation in which, of necessity, one would be expected to act in a certain way. The two definitions are not, however, mutually exclusive. For instance, a man who needs to get to hospital because he is bleeding, is also in a state of deprivation, or has an outcome deficit, relative to those who are not injured. In all of the following studies 'need' was construed as a deficit relative to others than requires action (this, in fact, accords well with the Concise English

Dictionary's definition of the term 'need'). Accordingly, it matters not whether other people might have different conceptions of what constitutes 'need'.

It will be noted that *not* systematically investigated in this thesis was the central assertion derived from Equity theory that punishment should be proportional to crime seriousness. Although, obviously important, the issues surrounding this assertion were too complex to be considered here. According to EAD, the link between punishment and crime seriousness depends on how need and responsibility are incorporated into the equation. To investigate the crime seriousness/punishment relationship systematically, therefore, would require the formulation of an extra set of studies in which need and responsibility are effectively neutralised. Instead, therefore, it was decided to concentrate just on the need and responsibility components of EAD.

In addition some individual differences were also investigated. These were based on the following considerations:

5.1 Gender

Much of the research conducted into gender differences within the area of distributive justice has focused on reward allocation, with inconsistent results. This led Major and Deaux (1982) to propose that when gender differences did occur they were dependent upon the context and research paradigm used. In addition, differences in the ratings of crime seriousness have elicited differing results. Main, Boon and McAllister (1992) found that, out of thirty eight crimes presented, females rated them all as more serious than males, whilst Bannister and Pordham (1994) found only one gender difference out of forty seven crimes. Other conflicting results include those of Boor (1975), who found no such differences and Cookie (1975) who found females more sensitive and kindhearted in their judgements of seriousness and punishments. However, Rossi, Simpson and Miller (1985) found females more severe in both their evaluation of crime seriousness and appropriate punishments. Despite these conflicting findings it

was considered worthwhile to investigate whether gender differences would emerge in relation to punishments, responsibility and need.

5.2 Other Individual Differences

Four other scales were used: Just World Scale (Rubin and Peplau, 1975); Locus of Control Scale (Duttweiler, 1984); Stoicism Scale (Wagstaff and Rowledge, 1994) and Moral Development Scale (Gibbs, Basinger and Fuller, 1992). The rationale for including them was as follows:

Just World: The Just World Hypothesis was formulated by Lerner (1965) and central to this theory is the tendency of individuals to blame victims of misfortunes for their own fate. Rubin and Peplau (1975) developed the scale and found that those who obtained high scores believed that good people get rewarded and bad people get punished, compared to those with low scores. In addition Izzett (1974) found that those with high scores were more punitive in the allocation of sentences for criminal acts than those who scored low. Packer (1968) states that those who have a high belief in a just world will advocate a 'crime control' model in which they *presume guilt*, believe the police and courts make few mistakes and are not sympathetic to the rights of those accused of crimes. It might be predicted, therefore, that those high on the Just World Scale would be more punitive and take less account of responsibility and need.

Locus of Control: The Locus of Control concept was proposed by Rotter (1966) who stated that those individuals with internal locus of control perceive themselves in control of their lives whilst those with external locus of control would attribute consequences to luck, fate, chance or some other person or force surrounding them. In addition being internal or external affects the attributions of responsibility to the actions of others. Thus those who perceive themselves as in control, and therefore responsible for their actions, will be more punitive in their assignment of punishments than those who perceive themselves as not in control and thus subject to fate, chance etc.(Sosis, 1974). Locus of control has also been

found to correlate with the belief in a just world in that Rubin and Peplau (1975) proposed that those individuals with an internal locus of control would have a strong belief in a just world. It might be predicted therefore, that those high on locus of control (i.e. internal) would be more punitive and less likely to consider variations in responsibility.

Stoicism: Can be defined as lacking in emotional expression and exercising emotional control. The underlying philosophy of stoicism is that people must learn to accept their destiny and thus it is no use complaining when fate comes 'knocking on the door' and as nothing happens accidentally; 'stoics' must not let feelings take over and thus are indifferent to the misfortunes of others as well as to their own. Wagstaff and Rowledge (1994) developed a scale to measure stoicism and found that high scorers were less emotionally affected by emotionally disturbing stories they were exposed to. Following this, it could be suggested that 'stoics' would not take into account factors such as need, when assigning sentences for criminal acts.

Moral Development: Piaget (1948) proposed that concepts such as rules, punishment, authority, equality, reciprocity as central to the issue of justice and morality. From his research he stated that a mature sense of justice is formed and developed, with an age related developmental trend from self interest to equality to equity. Central to the development of justice, according to Damon (1980) is 'social role' taking and thus the ability to empathise. However, although social role taking and moral thinking are linked it is possible to be advanced in social role taking and limited in moral thinking. Following this logic therefore, it is proposed that those with a high level of moral development, as measured on the Gibbs, Basinger and Fuller (1992) scale, will take into account the need and responsibility of the offender more when assigning punishments.

Pilot Studies

No formal pilot studies were conducted in this thesis, however, all materials in the following studies were vetted, and extensively modified, by three experimenters.

CHAPTER SIX

Driving Offences

The first four studies conducted were based around various driving offences; these were:

- a) driving with an excess blood alcohol level
- b) driving through a red traffic light
- c) driving over the speed limit
- d) knocking over a child on a pedestrian crossing

These do not, of course, exhaust the range of driving offences according to the law, but they were chosen to represent some of the most serious offences (as opposed to say minor parking offences, or evasion of road tax), so that a more complete range of punishments would seem applicable.

In each of these studies responsibility for the act, need and responsibility for that state of need were manipulated in various ways with need being represented as an outcome adjustment or an input moderator. The precise details of each study are presented, together with the predictions made, at the beginning of each of the four studies.

Driving offences were chosen because although it is recognised that some driving offences, e.g. drink driving, are considered serious, generally driving offences are not seen as serious as some other types of offences. For example, a study conducted by Main, Boon and McAllister (1992) found that speeding was rated 28th out of a possible 38 offences; Corbett and Simon (1991) found speeding was rated 24th out of a possible 26 motoring offences by both police and the public.

Thus, it could be said that generally, that driving is rated as quite low in scales of crime seriousness and that most people, in the general population even if they do not drive themselves, have experience of travelling in motor vehicles and thus

would be able to relate to situations involving driving offences. For example, the majority of people do not commit burglary, theft, violence or sex offences but Lex (1989) found that the majority of drivers admitted to having broken the speed limit during the past six months and Corbett and Simon (1991) found that nearly all drivers they questioned admitted to breaking at least one traffic law occasionally. Also, according to Corbett and Simon the majority of the public do not consider most driving offences, e.g. speeding, failure to observe traffic signs etc. are 'really a crime' (p. 154) but are increasingly less sympathetic towards those who drink and drive. Research in relation to attributions for drink driving accidents indicate that the level of punishment assigned to the driver increases as the severity of the outcome increases (Dejoy, 1985; Dejoy and Klippel, 1984) but mitigating circumstances, such as a wet road surface, reduced the level of responsibility (Pliner and Cappell, 1977).

These findings suggest that people do utilise a proportional justice model, taking into account extenuating circumstances. Of the following studies one involved drink driving; the others were less serious driving offences but had varying outcomes. The concepts of responsibility and need were investigated to determine if these concepts influence the punishments assigned.

It should be emphasised, however, that the object of these studies was not to investigate the relationship between crime seriousness and levels of punishment directly, but to assess whether need and responsibility affect punishment decisions at different levels of crime seriousness. For example, it may be the case that need and responsibility play little part in crimes of low seriousness.

Study 1

Driving Offences : Need as an outcome adjustment

6.1. Introduction

This first study incorporated three scenarios depicting the following driving offences:

- a) driving with an excess blood alcohol level
- b) driving through a red traffic light
- c) driving over the speed limit

Within these situations responsibility for the act, need and responsibility for that state of need were manipulated, with need being an outcome adjustment.

As noted earlier, the following predictions were made:

- a) harsher punishments will be assigned when the perpetrator is deemed responsible for the misdemeanour than when not responsible for the same misdemeanour
- b) lesser punishments will be assigned when, relative to others, the perpetrator would be left in a state of need as a result of punishment, than when not left in a state of need
- c) subjects will assign harsher punishments when the perpetrators are responsible for their state of need than when not responsible for their state of need.

As additional variables, gender and age of the subject were investigated together with the status of the offender. To reiterate, Rossi, Simpson and Miller (1985) found that, in all cases presented, females were more severe in the ratings of

crime seriousness and appropriate punishments. In view of these results, a further prediction was made, i.e.:

d) Female subjects will assign harsher punishments than male subjects

Research into age differences in the allocation of resources has, in the main, focused on those of children and adolescents ignoring any differences in adults but Tornblom (1992) does suggest that within the age ranges of 25-80 differences in justice conceptions are rare. With regard to the status of the offender different results have also been found, with Walker (1978) finding no influence on the punishments assigned whilst Jankovic (1978) and Stecher and Sparks (1982) found differences. No predictions were made regarding status or age in this study as, they were incorporated purely as controls, to see if they could be eliminated from future studies.

6.1.(i). Method

Subjects:

The subjects were 60 members of the British general public, 30 females and 30 males, from various occupations and backgrounds. The ages for the female subjects ranged from 22-59 years ($M=34$; $SD=12.47$) and for males from 22-59, ($M=36.67$; $SD=9.82$). As in all the following studies, the sample was gathered opportunistically. The materials were given to a number of people who distributed them in a variety of situations.

Materials and Procedure:

The study involved vignettes which depicted fictitious characters (a female, male, professor, building labourer, 35 year old and a 17 year old) each committing three different traffic offences, that of driving whilst under the influence of alcohol; driving through a red light and driving over the speed limit. Thus the pairs of characters covered the three roles, sex, status and age, mentioned in the introduction (pages 58-59).

Of the 60 subjects which took part ten, 5 female and 5 male, received vignettes depicting one of the fictitious characters i.e. female or male or professor or building labourer or 35 year old or 17 year old. The fictitious character was depicted as committing each of the three driving offences with the situations manipulated so that they were either responsible or not responsible for the misdemeanour and in a state of need or not in a state of need and responsible for their need or not responsible for their need. Each subject therefore, received vignettes relating to all three driving offences.

For example, taking the fictitious female character who is responsible for the misdemeanour, the vignette read as follows:

"A woman goes to a party and drinks a great deal of alcohol. When driving home she is stopped by the police. The woman is breathalysed and found to be over the legal limit."

And when not responsible for the same misdemeanour it read :

"A woman goes to a party and drinks only non-alcoholic drinks. However, unknown to her someone had spiked the drinks. When driving home she is stopped by the police. The woman is breathalysed and found to be over the legal limit."

For need or no need, however, the vignettes were worded in such a way that, depending upon the punishment assigned, it would be possible to appear as if the character depicted were being punished more than once and more than the character who was not in a state of need following the same misdemeanour.

Therefore, the vignette in the need scenario read as follows:

"A woman, on the way to work, drove through a red light and was stopped by the police. The car is the only method by which the woman can get to work."

or in the condition of no need for the same misdemeanour e.g.:

"A woman drove through a red light on the way to work, although she actually lived close enough to walk. The woman was stopped by the police."

For responsible for need or not responsible for need the vignettes were worded to incorporate the other two conditions, that of responsibility and need. A situation was therefore created in which both the individuals who committed the misdemeanours were left in a state of need with one individual being responsible for the resultant state of need:

"A woman is stopped by the police whilst driving well over the speed limit through a town. The car is the only means by which the woman can get to work as she had recently decided to move to a remote village with no access to public transport".

and the other not responsible for the resultant state of need:

"A woman is stopped by the police whilst driving well over the speed limit through a town. Due to local government cut backs

there is no bus or train service where she lives and therefore the car is the only means by which the woman can get to work".

The above situations were identical for each of the other fictitious characters. In addition, to reduce the possibility of order effects the vignettes were counterbalanced in the way they were presented to the subjects.

Also, the wording of the scenarios was deliberately designed to make aspects such as need salient; although such wording could be construed as setting up an 'expectation', this is not seen as a problem with testing the model as it is still up to the participants to decide how to respond, i.e. the exact direction of the expectations is not explicit in the wording.

After reading each vignette subjects were required to assign the punishment they thought appropriate for the misdemeanour depicted. There were three punishments given for each misdemeanour, a fine in increments of £400 with a minimum of £0 and a maximum of £2000; a period of disqualification in increments of 12 months with a minimum of 0 and a maximum of 60 months and finally a prison sentence in increments of 12 months with a minimum of 0 and a maximum of 60 months. The subjects were instructed that these punishments were not cumulative but to be assigned as if they were the only penalties available i.e.:

"If a fine were the only penalty at your disposal how much would you fine the person described above. Please indicate the fine you would give on the following scale..."

and

"If disqualification from driving were the only penalty at your disposal for what length of time would you disqualify the person described above. Please indicate the length of the disqualification you would give on the following scale..."

and

"If a prison sentence were the only penalty at your disposal what prison sentence would you give to the person described above. Please indicate the length of the prison sentence you would give on the following scale..."

(Refer to appendix 1(a) for an example of survey forms distributed),

These punishments represent those which may actually be assigned to individuals committing these offences (see Hood 1972 and The Home Office Handbook 1991). Different kinds of punishments were offered as it was acknowledged that subjects might have a preference for a certain kind of punishment for a particular offence, and that by offering more than one it was hoped that floor and ceiling effects might be avoided.

Design:

The following tables represent the designs used in this study:

Table 1: Representation of the design for Responsible and Not Responsible

Character of offender	Gender of subject	Responsible	Not Responsible
Female	Female		
	Male		
Male	Female		
	Male		
Professor	Female		
	Male		
Building Labourer	Female		
	Male		
35 year old	Female		
	Male		
17 year old	Female		
	Male		

Table 2: Representation of the design for Responsible for Need and Not Responsible for Need

Character of offender	Gender of subject	Responsible for Need	Not Responsible for Need
Female	Female		
	Male		
Male	Female		
	Male		
Professor	Female		
	Male		
Building Labourer	Female		
	Male		
35 year old	Female		
	Male		
17 year old	Female		
	Male		

Table 3: Representation of the design for Need and No Need

Character of offender	Gender of subject	Need	No Need
Female	Female		
	Male		
Male	Female		
	Male		
Professor	Female		
	Male		
Building Labourer	Female		
	Male		
35 year old	Female		
	Male		
17 year old	Female		
	Male		

It will be noted that the sets of within subjects variables (i.e. responsible/not responsible; responsible for need/not responsible for need and need/no need) were analysed separately as each was linked with a different crime. Although, obviously not ideal as a design, this was considered necessary because, if the same crime had been used throughout, it would a) have been more difficult too construct appropriate vignettes, b) the hypothesis of the study might have looked a little to transparent and c) the participants would perhaps have lost concentration.

6.1.(ii) Results

The data were analysed by means of mixed 6 x 2 x 2 ANOVA's i.e. character of the offender x gender of the subject x condition with repeated measures on the last factor. Condition refers to 1) responsible/not responsible, 2) need/no need or 3) responsible for need/not responsible for need. As noted previously separate ANOVA's were carried out for the three conditions in relation to each of the three punishments available to subjects, i.e. fine, disqualification and prison. [To assess interaction effects it was necessary to use parametric statistics. However, it can be noted that with equal cell frequencies and fixed levels of the independent variables, as here, the parametric ANOVA is not sensitive to violations of the assumptions of normality and homogeneity of variance (Shavelson, 1988).]

The results obtained will be reported separately for each condition and within this for each sentence available. The conditions of responsibility, need and responsibility for need are prioritised due to these factors being the most important in relation to this thesis. No significant effects for order of presentation were found, so this variable is excluded from the following analysis.

Responsible/ Not Responsible

A 6 x 2 x 2 ANOVA was carried out to compare punishments given by subjects.

Three factors were evaluated:

Factor 1: Fictitious characters (between subjects): This factor had six levels, that of building labourer, professor, female, male, 35 year old and 17 year old.

Factor 2: Gender of Subject (between subjects): This factor had two levels that of male and female

Factor 3: Responsibility (within subjects): This factor had two levels, that of responsible and not responsible.

These factors were evaluated in relation to the three punishments available to the

subjects, that of fine, disqualification and prison sentence. The results for each type of punishment are reported separately as follows:

Fine:

- a) There was a significant main effect for responsibility on fines, $F(1,48) = 97.87, p < 0.00001$. As predicted, the overall fine, in pounds sterling, assigned for those characters responsible for the misdemeanour, $M = 1243.00$ ($SD = 637.97$), was higher than that for those not responsible for the same misdemeanour, $M = 438.17$ ($SD = 502.97$).
- b) The main effect for gender was not significant i.e. there was no significant difference in the fines assigned by female and male subjects. However, the means indicate a trend for female subjects to assign higher fines ($M = 901.17$; $SD = 58.77$) than male subjects ($M = 780.00$; $SD = 489.06$). Thus, as predicted, female subjects, assigned harsher punishments than male subjects.
- c) The main effect for character was not significant i.e. subjects did not take into account the status or gender of the fictitious character when assigning the amount of the fine.
- d) None of the interactions was significant.

The analysis of variance table and means are presented in appendix 1(b).

Age of subject

The subjects were categorised into those aged up to 39 years and those 39 years and older. Although no predictions were made as to whether the age of the subject would influence the punishment assigned to the offender whether they were responsible for the misdemeanour or not responsible a 2 x 2 ANOVA (age x responsibility) was carried out. The results indicated that there were no significant differences in the level of fine assigned between the two age groups. (It was not possible to conduct a more complex ANOVA analyses of age because of small cell frequencies).

The analysis of variance table and means are presented in appendix 1(c).

Disqualification

- a) There was a significant main effect for responsibility on length of disqualification, $F(1,48) = 99.70, p < 0.00001$. As predicted, the overall mean length of disqualification, in months, assigned for those characters who were responsible for the misdemeanour, 27.10 (SD=17.55) was higher than that for those not responsible for the same misdemeanour, 7.32 (SD = 11.00).
- b) The main effect for gender was not significant, i.e. there was no significant difference in the period of disqualification assigned by male and female subjects. However, the means indicate a trend for female subjects to assign longer periods of disqualification (M= 19.70; SD= 12.39) than male subjects (M= 14.72; SD= 11.85). Thus, as predicted, female subjects are assigning harsher punishments than male subjects.
- c) The main effect for character was not significant, i.e. subjects did not take into account the status, gender or age of the fictitious character when assigning the period of disqualification.
- d) None of the interactions was significant.

The analysis of variance table and means are presented in appendix 1(d).

Age of subject

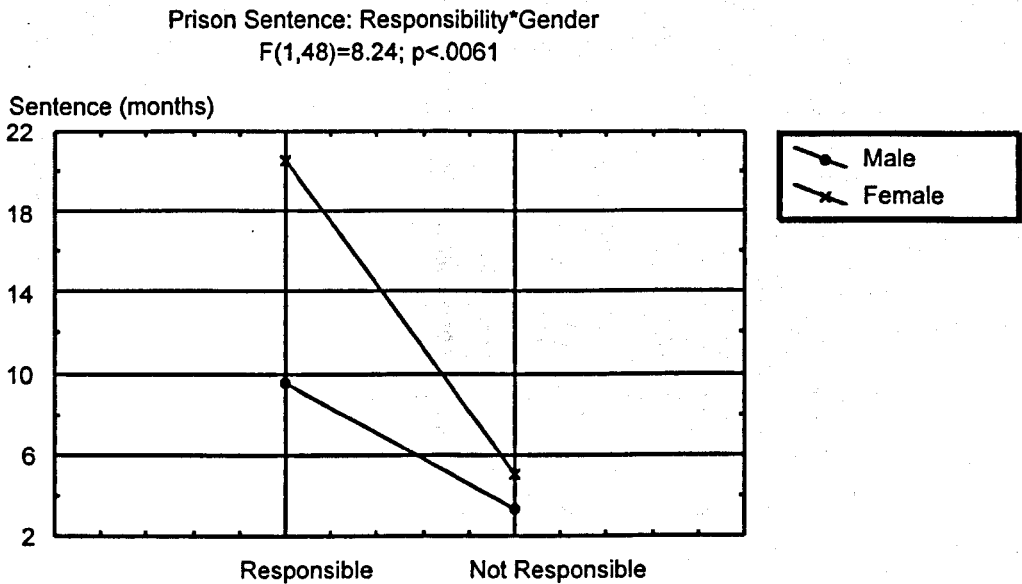
Again, the subjects were categorised into those aged up to 39 years and those 39 years and older. A 2 x 2 ANOVA (age x responsibility) was carried out. The results indicated that there were no significant differences in the periods of disqualification assigned between the two age groups. (Again, it was not possible to conduct a more complex ANOVA analysis of age because of small cell frequencies).

The analysis of variance table and means are presented in appendix 1(e) and 1(cii).

Prison Sentence

- a) There was a significant main effect for responsibility on the prison sentence awarded, $F(1,48)= 45.79$, $p<0.00001$. As predicted, the overall mean period of prison sentence assigned for those responsible for the misdemeanour, in months, was 15.07 (SD=17.09), higher than that for those not responsible for the same misdemeanour, 4.18 (SD=10.08).
- b) There was also a significant main effect for gender, $F(1,48)= 4.72$, $p<0.03$. As predicted, female subjects assigned longer prison sentences than male subjects. The means were 12.85 months (SD = 12.45) and 6.40 months (SD=11.01), for females and males respectively.
- c) The main effect for character was not significant i.e. subjects did not take into account the status or gender of the fictitious character when assigning prison sentences.
- d) There was a significant responsibility x gender interaction, $F(1,48)=8.24$, $p<0.006$. The means are presented graphically in figure 1:

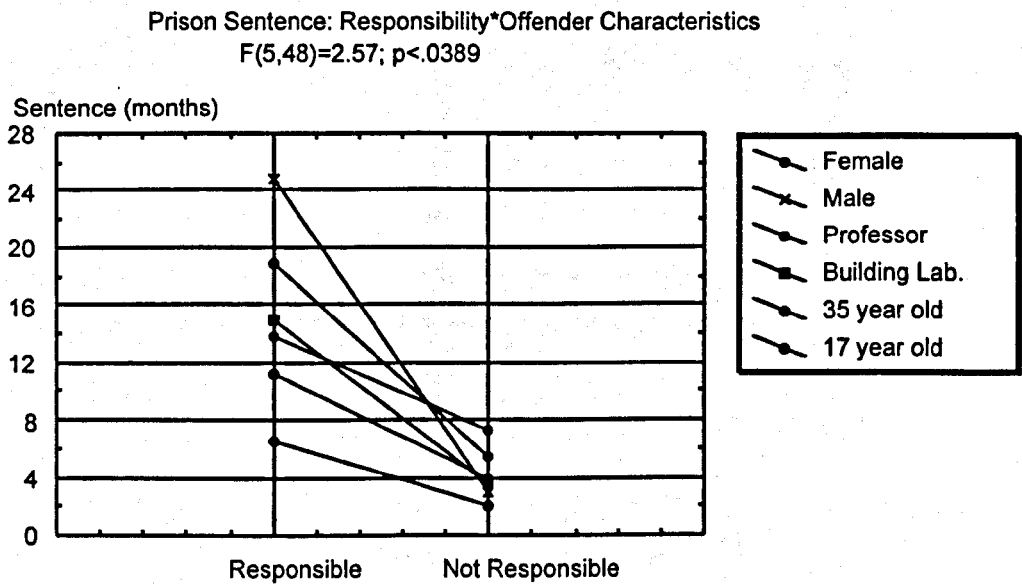
Figure 1 : Responsibility and Gender interaction in relation to the prison sentence assigned



Post hoc Tukey tests ($p < 0.05$) on these data indicated that the mean length of the prison sentence assigned by males when the person was responsible for the misdemeanour, 9.53 months ($SD = 11.85$) was significantly lower than that assigned by females, 20.60 ($SD = 19.77$). However, when not responsible, the mean length of the prison sentence assigned by males was 3.27 months ($SD = 11.12$), not significantly different from that of females, 5.10 ($SD = 9.02$).

- e) There was a significant responsibility by character interaction $F(5,48) = 2.57, p < 0.04$. This was mainly due to extra punitiveness towards the responsible male. All of the means indicated lesser sentences when the offender was not responsible. The means are presented graphically in figure 2:

Figure 2 : Responsibility and Offender Characteristic interaction in relation to the prison sentence assigned



Post hoc Tukey tests ($p<0.05$) between the responsible and not responsible characters separately indicated that the responsible male was awarded a significantly higher prison sentence, $M=24.90$ ($SD=24.37$) than that awarded to the responsible female character, $M=11.20$ ($SD=11.21$) and the responsible 35 year old, $M=6.60$ ($SD=6.60$). Moreover, the responsible male was the only character to be awarded a significantly higher sentence than that awarded to any of the not responsible characters.

f) No other interactions were significant.

The analysis of variance table and means are presented in appendix 1(f).

Age of subject:

Again, the subjects were categorised into those aged up to 39 years and those 39 years and older. A 2 x 2 ANOVA (age x responsibility) was carried out. The results indicated that there were no significant differences in the level of fine assigned between the two age groups.

The analysis of variance table and means are presented in appendix 1(g) and 1(cii).

Need/No Need

A 6 x 2 x 2 ANOVA was carried out to compare punishments given by subjects.

Three factors were evaluated:

Factor 1: Fictitious characters (between subjects): This factor had six levels, that of building labourer, professor, female, male, 35 year old and 17 year old.

Factor 2: Gender of Subject (between subjects): This factor had two levels that of male and female.

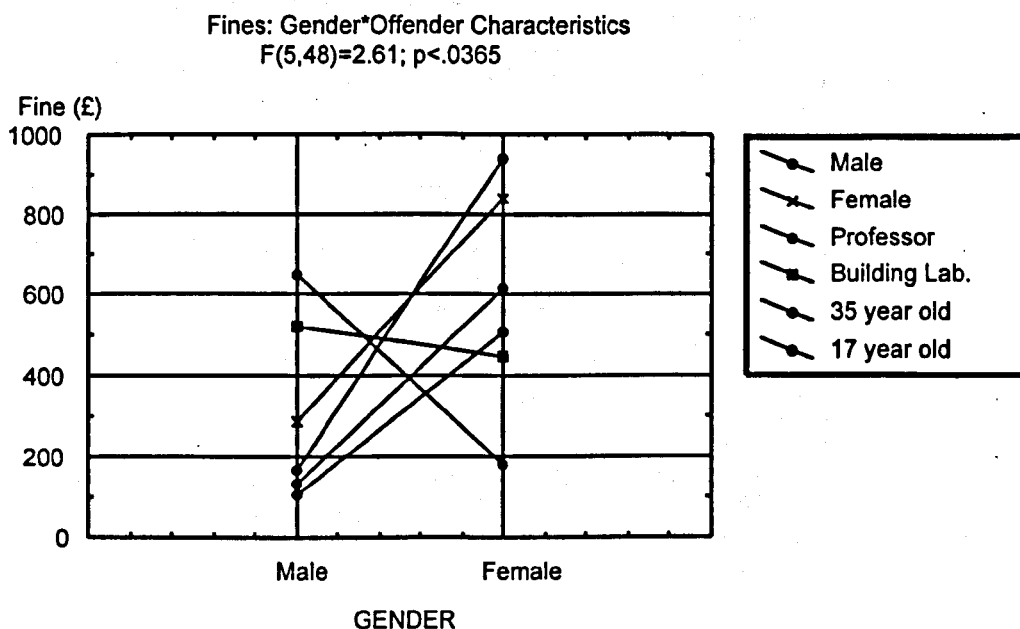
Factor 3: Need (within subjects): This factor had two levels, that of Need and No Need.

These factors were evaluated in relation to the three punishments available to the subjects, that of fine, disqualification and prison sentence. The results for each punishment are reported separately as follows:

Fine

- a) The main effect for need was not significant i.e. subjects were assigning similar fines whether the character was left in a state of need or no need. However, the means indicate a trend for subjects to assign a lower fine ($M= 437.83$; $SD= 496.23$) to those offenders in a state of need than those not in a state of need ($M= 460.17$; $SD= 495.01$).
- b) There was a significant main effect for gender, $F(1,48) = 5.69$, $p<0.02$. As predicted female subjects assigned higher fines than male subjects. The means were 587.67 ($SD=548.78$) and 310.33 ($SD=378.92$) for females and males respectively.
- c) The main effect for character was not significant.
- d) There was a significant character x gender interaction, $F(5,48)= 2.61$, $p<0.04$. The means are presented graphically in Figure 3.

Figure 3 : Gender of Subject and Offender Characteristics interaction in relation to the fine assigned



Post hoc Tukey tests ($p<0.05$) on the gender differences within each character level showed no significant differences. However, looking at the interaction depicted above it would appear that the greatest difference in the fine assigned between male and female subjects is that to the 17 year old offender. The means were 940.00 (£) ($SD=792.47$) and 168.00 ($SD= 43.82$) for females and males respectively.

e) None of the other interactions was significant.

The analysis of variance table and means are presented in appendix 1(h).

Age of Subject

Again, the subjects were categorised into those aged up to 39 years and those 39 years and older. A 2 x 2 ANOVA (age x need) was carried out. The results indicated that there were no significant differences in the level of fine assigned between the two age groups.

The analysis of variance table and means are presented in appendix 1(I).

Disqualification

- a) There was a significant main effect for need on periods of disqualification, $F(1,48) = 13.06$, $p < 0.0007$, in the direction predicted. The overall mean period of disqualification assigned to those in a state of need following the misdemeanour was 5.53 months ($SD = 10.76$) which was lower than that for those not in a state of need, 10.65 ($SD = 15.17$).
- b) There was a significant main effect for gender, $F(1,48) = 6.69$; $p < 0.01$. As predicted female subjects assigned longer periods of disqualification, $M = 11.90$ ($SD = 14.42$), than male subjects, $M = 4.28$ ($SD = 7.54$).
- c) The main effect for character was not significant i.e. subjects did not take into account the status, gender or age of the fictitious character when assigning prison sentences.
- d) None of the interactions was significant.

The analysis of variance table and means are presented in appendix i(j).

Age of Subject

Again the subjects were categorised into those aged up to 39 years and those 39 years and older. A 2 x 2 ANOVA (age x need) was carried out. The results indicated that there were no significant differences in the period of disqualification assigned between the two age groups.

The analysis of variance table and means are presented in appendix 1(k) and 1(Iii).

Prison

- a) There was a significant main effect for need in relation to the length of prison sentences assigned, $F(1,48) = 4.02$, $p < 0.05$ in the direction

predicted. The overall mean prison sentence assigned to those in a state of need following the misdemeanour was 3.61 (SD= 7.75) which was lower than that for those not in a state of need, 6.07 (SD= 12.57).

- b) The main effect for gender was not significant, i.e. there was no significant difference in the length of prison sentence assigned by female and male subjects. however, the means indicate a trend for female subjects to assign longer prison sentences (M=6.63; SD=11.16) than male subjects (M=3.05; SD=6.71). Thus, as predicted, female subjects are assigning harsher punishments than male subjects, although not statistically significant.
- c) There were no other significant results.

The analysis of variance table and means are presented in appendix 1(L).

Age of Subject

Again the subjects were categorised into those aged up to 39 years and those 39 years and older. A 2 x 2 ANOVA (age x need) was carried out. The results indicated that there were no significant differences in the length of prison sentence assigned between the two age groups. (It was not possible to conduct a more complex ANOVA analysis of age because of small cell frequencies).

The analysis of variance table and means are presented in appendix 1(m) and 1(lii).

Responsible for Need/ Not Responsible for Need

A 6 x 2 x 2 ANOVA was carried out to compare punishments given by subjects.

Three factors were evaluated:

Factor 1: Fictitious characters (between subjects): This factor had six levels, that of building labourer, professor, female, male, 35 year old and 17 year old.

Factor 2: Gender of Subject (between subjects): This factor had two levels that of male and female

Factor 3: Need (within subjects): This factor had two levels, that of Responsible for Need and Not Responsible for Need.

These factors were evaluated in relation to the three punishments available to the subjects, that of fine, disqualification and prison sentence. The results for each punishment will be reported separately as follows:

Fine

- a) The main effect for responsible for need was not significant i.e. there was no significant difference in the amount of fines assigned to the offender whether they were responsible for their state of need or not. However, the means indicate a trend for offenders to be given a lesser fine ($M= 561.00$; $SD= 487.72$) when responsible for their need compared to when not responsible for their need ($M= 607.33$; $SD= 526.86$), the opposite direction to that which would be predicted.
- b) The main effect for gender was not significant, i.e. there was no significant difference in the amount of fines assigned by female and male subjects. However, the means indicate a trend for female subjects to assign higher fines ($M= 688.00$; $SD= 474.28$) than male subjects ($M= 480.33$; $SD= 447.02$). Thus, as predicted, female subjects assigned harsher punishments than male subjects, though not significantly.
- c) None of the interactions was significant.

The analysis of variance table and means are presented in appendix 1(n).

Age of Subject

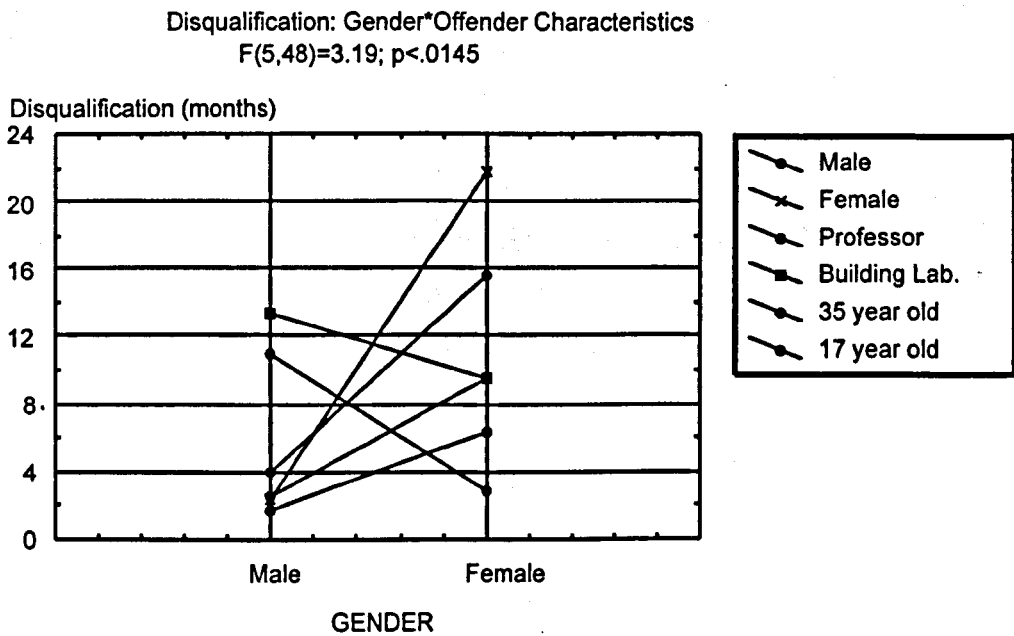
Again, the subjects were categorised into those aged up to 39 years and those 39 years and older. A 2 x 2 ANOVA (age x responsibility for need) was carried out. The results indicated that there were no significant differences in the level of fine assigned between the two age groups.

The analysis of variance and table of means are presented in appendix 1(o).

Disqualification

- a) The main effect for responsible for need was not significant i.e. there was no significant difference in the period of disqualification assigned to the offender whether they were responsible for their state of need or not. However, the means indicate a trend for offenders to be given a lesser period of disqualification ($M= 7.48$; $SD= 9.38$) when responsible for their need compared to when not responsible for their need ($M= 9.30$; $SD= 11.99$), the opposite direction to that which would be predicted.
- b) There was a significant main effect for gender on disqualification, $F(1,48)= 4.99$, $p<0.03$. As predicted, the mean period of disqualification assigned by female subjects was 10.95 months ($SD= 11.31$), longer than that by male subjects, 5.83 ($SD= 7.97$).
- c) The main effect for character was not significant i.e. subjects did not take into account the status, gender or age of the fictitious character when assigning periods of disqualification.
- d) There was a significant character x gender interaction, $F(5,48)=3.19$, $p<0.01$. The means are presented graphically in Figure 4.

Figure 4: Gender and Offender Characteristics interaction in relation to the period of disqualification assigned



Post hoc Tukey tests ($p<0.05$) on gender comparisons within each character level indicated that in only one condition was there a significant gender difference. The highest mean period of disqualification in any condition was assigned by female subjects to the female character, $M=21.809$ ($SD= 17.11$), and this was significantly higher than that assigned by male subjects to the female character, $M=2.40$ ($SD=3.92$).

e) There were no other significant results.

The analysis of variance table and means are presented in appendix 1(p).

Age of Subject

Again, the subjects were categorised into those aged up to 39 years and those 39 years and older. A 2 x 2 ANOVA (age x responsibility for need) was carried out. The results indicated that there were no significant differences in the period of disqualification assigned between the two age groups.

Analysis of Variance, post hoc and mean tables are presented in appendix 1(q) and 1(oi).

Prison Sentence

- a) The main effect for responsible for need was not significant i.e. there was no significant difference in the length of prison sentence assigned to the offender whether they were responsible for their state of need or not. However, the means indicate a trend, offenders were given a lesser prison sentence ($M= 4.83$; $SD= 8.84$) when responsible for their need compared to when not responsible for their need ($M= 4.98$; $SD= 9.34$), the opposite direction to that which would be predicted.
- b) There was a significant main effect for gender, $F(1,48) = 4.62$, $p < 0.05$. As predicted, the mean length of prison sentence, in months, assigned by females was 7.35 ($SD= 10.91$), significantly longer than that assigned by males, $M= 2.47$ ($SD= 5.21$).
- c) The main effect of character was not significant i.e. the subjects did not take into account the status, gender or age of the fictitious character when assigning prison sentences.
- d) None of the interactions was significant.

The analysis of variance table and means are presented in appendix 1(r).

Age of Subject

Again, the subjects were categorised into those aged up to 39 years and those 39 years and older. A 2 x 2 ANOVA (age x responsible for need) was carried out and showed no significant results.

The analysis of variance table and means are presented in appendix 1(s) and 1(oii).

6.1.(iii) Discussion

The results obtained give some support to the hypotheses that subjects will assign harsher punishments when the perpetrator is responsible for the offence, and that subjects will assign lesser punishments when the perpetrator would be left in a state of need following the punishment. In the former respect these results support the general principle derived from both theories of the attribution of blame (Shaver, 1985) and Equity as Desert; however, more significantly, in the latter respect the results appear to lend some support to the Equity as Desert proposal that need can be used as an outcome adjustment in equity (Wagstaff, 1994; Wagstaff and Perfect, 1992).

It can be noted that the results suggest that need was indeed used as an outcome adjustment and not a separate rule of justice. In this study need was defined solely in terms of need of a car. Defined in this way, it had no significant influence on the assignment of fines or prison sentences, only on the period of disqualification from driving. Thus this specific need only significantly affected the variable for which it was obviously relevant. If it were operating a separate rule of justice one might have expected it to have influenced all three categories of punishment to the same extent.

However, the prediction that subjects would assign a harsher punishment when the perpetrators were responsible for their state of need was not supported. Perhaps this is because responsibility for need does not operate as Equity as Desert might predict. Another possible explanation is that the vignettes might have seemed too ambiguous and the manipulation of need too abstract to affect the punishments assigned. The vignette perhaps, needed to state more clearly that the person created the need as, in the vignette, the person made a choice to live in a remote village and thus the need of a car was a consequence of that choice. The issue of there being no public transport may not have been considered when deciding to move to the remote village.

The results obtained also indicated that, in many situations, female subjects were more punitive when assigning punishments for offences than male subjects. Such gender differences, although inconsistent, have been found in other studies, for example, Main, Boon and McAllister (1992) and Rossi, Simpson and Miller (1985) found differences though Boor (1975) and Bannister and Pordham (1994) found no such differences. Main et. al. (1992) propose that such differences, when they occur, could be due to greater fear of crime by females, because of their vulnerability and the socialisation process which emphasises dependency upon men. If the latter is the case, one might expect women to be particularly punitive towards males who offend and thereby exploit their position of power. However, these explanations do not help us understand why females are being more punitive with regard to driving offences, as in these situations, females are not necessarily in a more vulnerable position than males. However, this may help us understand why, within this study, females, whilst being generally more punitive, were not necessarily so against the male offender. They were only significantly more punitive against the female offender and 17 year old. No definitive explanations can be offered here, if female subjects were trying to show disapproval of women for transgressing a stereotype usually assigned to men, that of the reckless, aggressive driver, then one would have expected harsher punishments in all conditions. With regard to the 17 year old, again if female subjects were trying to deter these young offenders from re-offending one would have expected overall harsher punishments in all conditions. The fact that subjects assigned longer prison sentences to the male character than the female character when they were responsible for the misdemeanour which could perhaps be due to the reluctance within society in general to incarcerate women.

Interestingly, however, females general punitiveness was not apparent when the offender was not responsible for his misdemeanour, suggesting perhaps that females are particularly sensitive to differences in responsibility.

There were, however, no consistent age differences at all in the assignment of punishments. This lack of consistency of age differences across the different

punishments in the different conditions supports, to some extent, the proposal by Tornblom (1992) that such age differences in distributive justice are rare. Perhaps, as proposed by Major & Deaux (1982), age differences do exist but we do not understand them.

Given these considerations, a second study was conducted to investigate the effects of responsibility for need on the assignment of punishments. Gender differences were still investigated but, as the characteristics of the offender and age of the subject generated few meaningful differences, these variables were not considered in further studies.

This second study was also designed to overcome some potential methodological problems with this first study. Apart from the aforementioned problems of ambiguity and abstractness, the primarily within subjects design of this first study might have made the issues rather too transparent to participants. Also, the large number of vignettes could have introduced an element of boredom that might have interfered with participants' concentration on the task.

Study 2

Driving Offences : Need as an output adjustment

6.2. Introduction

As already stated, the prediction in study 1 that subjects would assign a harsher punishment when the perpetrators were responsible for their state of need than when not responsible, was not supported. With this in mind, this second study attempted to provide a less ambiguous representation of responsibility for need to determine if punishments assigned would be adjusted accordingly. In addition, this study used a between groups design in which subjects were asked to assign sentences for only one of the three conditions, that of responsible for need, not responsible for need and no need. This was intended to overcome any possible problems with a within subjects design in relation to the conditions (e.g. transparency, boredom etc.).

The vignettes used in this study were based on a central theme incorporating all the three driving offences from study 1, i.e.:

- a) driving with an excess blood alcohol level
- b) driving through a red traffic light
- c) driving over the speed limit

together with a more serious outcome:

- d) knocking over an elderly person on a pedestrian crossing

These situations were then manipulated to depict the offender as being responsible for his state of need, not responsible for his state of need and in no need. In all cases, the 'need' was one of needing money.

According to the multiprinciple approach to justice in the distribution of resources, equity and need can be construed as different principles that operate in

different circumstances. The basic assumption behind the concept of need as a separate rule of justice is that inputs are effectively ignored in favour of the well-fare of the individual/s concerned (e.g. Deutsch, 1975; Leventhal, 1986; Sampson, 1975; Schwinger, 1980; Schwartz, 1975). If this is the case in criminal justice, then, when operating need, judges should prefer a penalty that is based on need and effectively ignores the actions or inputs of the offenders. Conversely, when operating equity, they should prefer a penalty that is based on actions (inputs) only, and ignores need. However, if, as EAD predicts, need is construed as an outcome adjustment in equity, then judges should prefer a penalty that integrates both inputs and need.

In addition, therefore, a further test was used to investigate the possibility that need was operating as a separate rule of justice rather than an outcome adjustment. This involved asking the subjects to rate how fair they considered three different punishments. These punishments were as follows:

- a) A period of disqualification plus a fine. This represented an outcome which ignored need, in conditions in which the offender was described as having no money.
- b) A period of disqualification only. This represents equity moderated by need in that when the offender was depicted as having no money this 'need' was taken into account when considering the fairness of the punishment.
- c) No punishment at all. In conditions in which the offender had no money and needed a car, this outcome would effectively concentrate on need and ignore inputs or actions.

Gender differences were again considered, and, in addition, whether the subject was a driver or non driver was evaluated, although no predictions were made with regard to the latter.

The following predictions were made:

- a) overall, subjects will rate the use of both punishments as fairer than no punishment when the offender is responsible for his need than when not responsible for his state of need;
- b) subjects will rate the punishment of disqualification plus a fine as the fairest when the offender is not in need, or is in need but responsible for the state of need;
- c) females will rate the disqualification plus a fine as more fair than males, thus indicating a more punitive attitude.

6.2.(i). Method

Subjects:

The subjects were 90 members of the British general public, 39 males and 51 females from various occupations and backgrounds. The ages for the male subjects ranged from 19-51 years ($M=31.69$; $SD=8.32$) and for females from 17- 50 years ($M=31.41$; $SD=7.25$). (It should be noted that seventy four out of the ninety subjects held a current U.K. driving license.)

Materials and Procedure:

The study involved three vignettes which depicted a fictitious character committing traffic violations. As mentioned, the three violations used in study 1, that of driving with an excess of alcohol in the bloodstream, driving through a red light and speeding were incorporated within the one vignette together with an outcome that was more serious than previously in an attempt to portray a more concrete example of a situation in which the character was responsible or not responsible for their need and not in a state of need. Due to the character manipulations having little effect on the punishments assigned in the first study only one character was depicted in this study, known as 'John'. Of the 90 subjects who took part, 35 received vignettes depicting John in need and responsible for his state of need:

"John inherited some money from a relative and spent several months of high living which included a great deal of gambling, drinking etc. This lifestyle resulted in the total loss of John's money. Having no money and to enable him to keep his car, a necessity to get to his work, John had to move out of his expensive apartment and rents a small bedsit. One night John goes out on the town and has a great deal of alcohol to drink. Late that evening he gets into his car, and whilst driving over the speed limit, goes through a red light knocking down an elderly woman on a pedestrian crossing. The woman is not physically injured but is suffering from shock. John is subsequently stopped by the police, breathalysed, and found to have well over the legal amount of alcohol in his bloodstream. Having spent all of his savings on gambling and drink it is essential that John retains the use of his car to stay in employment, enabling him to pay the rent on his bedsit etc."

35 subjects received those depicting John in need but not responsible for his need:

"John inherited some money from a relative. He was conned into investing his money in a bogus investment company, along with many other people, and was defrauded of all of his money. Having no money and to enable him to keep his car, a necessity to get to his work, John had to move out of his expensive apartment and rents a small bedsit. One night John goes out on the town and has a great deal of alcohol to drink. Late that evening he gets into his car, and whilst driving over the speed limit, goes through a red light knocking down an elderly woman on a pedestrian crossing. The woman is not physically injured but is suffering from shock. John is subsequently stopped by the police, breathalysed, and found to have well over the legal amount of alcohol in his bloodstream. Having been defrauded of all of his savings it is essential that John retains the use of his car to stay in employment, enabling him to pay the rent on his bedsit etc."

finally, 20 subjects were given a vignette in which he was not in need.:

"John inherited some money from a relative. As a result he runs a car, although he does not require a car to get to work, and can afford to live in an expensive apartment. One night John goes out on the town and has a great deal of alcohol to drink. Late that evening he gets into his car, and whilst driving over the speed limit, goes through a red light knocking down an elderly woman on a pedestrian crossing. The woman is not physically injured but is suffering from shock. John is subsequently stopped by the police, breathalysed, and found to have well over the legal amount of alcohol in his bloodstream".

After reading the vignette subjects were asked to rate, on a five point Likert scale (5 very fair to 1 very unfair), each of three punishments. The punishments were:

- 1) twelve months disqualification from driving plus a fine of £1,000 (equity only),
- 2) twelve months disqualification (representing equity moderated by need) and
- 3) no fine and no punishment at all (need only).

Each punishment was presented with an accompanying rationale, as follows:

1. 12 months disqualification from driving **plus** a fine of £1,000. This means that John would not be able to get to work nor pay to get to work.
2. 12 months disqualification **and no** fine. This would enable John to get to work as a neighbour has offered a lift for part of the disqualification period and with no fine to pay it would be possible for John to pay to get to work for the remainder of the disqualification period.
3. No punishment at all.

These punishments represent those which may actually be assigned to individuals committing these offences (see Hood 1972 and The Home Office Handbook 1991).

Refer to appendix 2(a) for an example of survey forms distributed.

Design:

In study 1 subjects were presented with all of the conditions i.e. responsible/not responsible; need/no need; responsible for need/not responsible for need. In this study, to overcome any problems associated with using a within measures design a between measures design was used in which subjects received only one condition. This is represented below:

Table: 4 Representation of the design used within Study 2:

Condition	Gender	Disqualification with fine	Disqualification	No Punishment
Responsible for Need	Male Female			
Not Responsible for Need	Male Female			
No Need	Male Female			

Order effects were controlled for by varying the presentation of the three punishments.

6.2.(ii). Results

The fairness ratings were analysed by means of a 3 x 2 x 3 ANOVA with repeated measures on the last factor; i.e. variable under consideration (responsible for need/not responsible for need/no need) x gender x fairness of three differing punishments (fine, disqualification and prison).

To summarise, three factors were evaluated:

Factor 1: Need (between subjects): This factor had three levels, that of responsible for need, not responsible for need and no need.

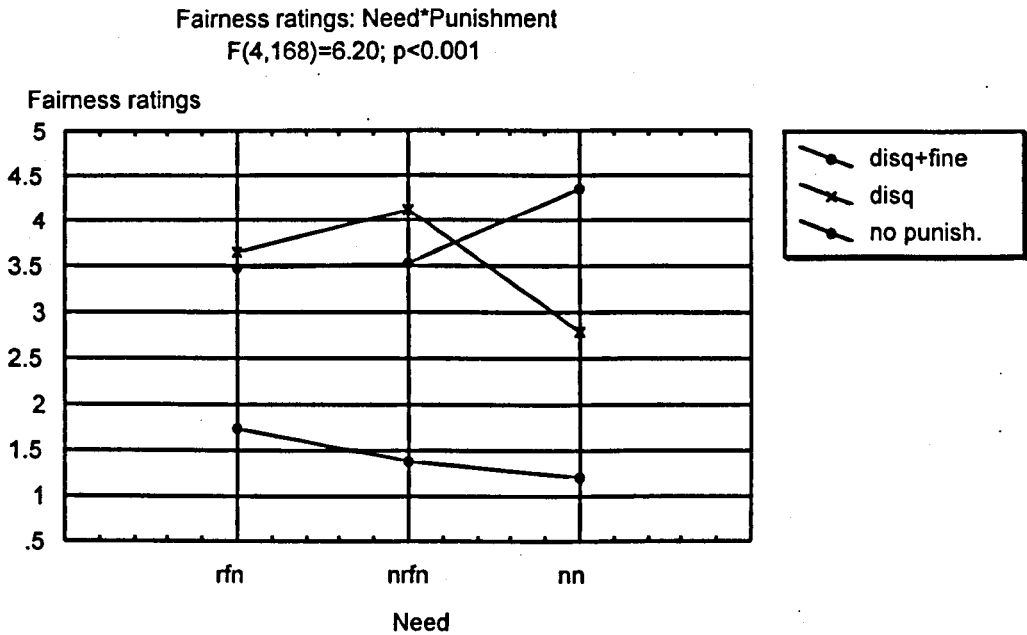
Factor 2: Gender of Subject (between subjects): This factor had two levels, that of male and female.

Factor 3: Punishments (within subjects): This factor had three levels, that of disqualification with fine, disqualification and no punishment.

The following results were obtained:

- a) The main effect for need conditions was not significant, i.e. subjects did not take into account whether the character was responsible or not responsible for their state of need or in a state of need. This was not unexpected however, as the measure collapsed the three punishment ratings, including no punishment. The means were as follows:
Responsible for Need, $M=8.94$ ($SD=1.15$); Not Responsible for Need, $M=8.71$ ($SD=1.62$) and No Need, 8.35 ($SD=1.42$).
- b) There was a significant main effect for punishment, $F(2,168)=97.11$, $p<0.0000001$. Post hoc Tukey tests ($p<0.05$) indicated that no punishment was seen as the least fair ($M=1.49$, $SD=0.95$) which was significantly different from the disqualification with fine ($M=3.62$, $SD=1.28$) and the disqualification ($M=3.61$, $SD=1.12$) which were seen as equally fair punishments.
- c) More importantly, there was also a significant responsible for need x punishment interaction, $F(4,148)=6.20$, $p<0.0001$. The means are presented graphically in Figure 5.

Figure 5 : Need and Punishment interaction in relation to fairness ratings of punishments



** rfn= responsible for need; nrfn= not responsible for need; nn= no need

Post hoc Tukey tests ($p < 0.05$) on these data, between the three need conditions showed the following significant effects. As predicted, there was a significant increase in the fairness rating of the disqualification and fine punishment when the offender was not in need, compared to when he was in need, regardless of responsibility for need. However, there was a significant decrease in the fairness rating of the disqualification alone punishment when the offender was not in need compared to when he was *not* responsible for need (but not when he was responsible for need). In other words, when the offender was in need, (had no money), and not responsible for this need, a punishment which takes this into account (disqualification only) was judged fairest. However, when the offender was not in need, a full punishment (disqualification plus fine) was judged fairest.

The full table of means is also shown in table 5.

Table 5: Means and standard deviations for fairness ratings of punishments assigned to those offenders Responsible for Need; Not Responsible for Need and Not in Need.

Condition		Disqualification Plus Fine	Disqualification	No Punishment
Responsible for Need	Mean	3.46	3.68	1.80
	SD	1.27	0.93	1.16
Not Responsible for Need	Mean	3.37	4.00	1.34
	SD	1.28	0.91	0.84
No Need	Mean	4.35	2.80	1.20
	SD	1.09	1.36	0.52

- d) There was a significant main effect for gender, $F(1,84)=8.93$, $p<0.004$.
The overall mean of the fairness ratings given by male subjects was 9.28 (SD=1.45) compared to female subjects of 8.29 (SD=1.45) indicating that, overall, the male subjects considered the punishments to be fairer than female subjects.
- e) No other interactions were significant.

The analysis of variance table is presented in appendix 2(b)

6.2.(iii). Discussion

To summarise, the results of this study essentially showed that no punishment was perceived as the least fair outcome, regardless of level of need. However, when the offender was in a position of need for which he was not responsible, a reduced punishment which took this need into account was considered fairest. On the other hand, when the offender was not in need, the maximum punishment available was the fairest.

The results of this second study, therefore, further support the view, derived from Wagstaff's (1994) Equity as Desert principle, that for many subjects need can operate as an outcome adjustment in the assignment of punishments for motoring offences. It could still conceivably be argued that, rather than using need as an outcome adjustment, subjects were applying need and equity as separate principles, but simultaneously rather than exclusively. Nevertheless, either way the present results are contrary to the view that, in the assignment of punishments for offences, equity and need operate independently. Instead, the results suggest that, for a majority of subjects, the actions of the offenders were not overruled by their needs; rather they were either offset by their needs, or their needs were disregarded.

Moreover, in this second study, subjects did show some adjustment to their punishments, in the predicted direction, according to whether the offender was responsible for need or not responsible for their need although the effect was not strong.

The results obtained also indicated that male subjects considered the punishments to be fairer than did female subjects. However, no conclusions can be drawn from these findings as none of the interactions, involving gender, was significant

and thus it cannot be determined if the female subjects thought the punishments less fair due to being too harsh or too lenient.

Study 3

Driving Offences: Need as an input moderator

6.3. Introduction

The next study further investigated the issue of responsibility and need, but with need presented as an input moderator rather than an outcome adjustment. When need operates as an outcome adjustment it is assumed that the offender has some kind of deficit in what he or she receives that requires compensation of some sort such that, when assigning punishments for criminal acts, the punishment is reduced. In this context therefore, need is not being used as an *excuse* for the offence, the offender is not less *culpable* than someone not in need, need is used simply as a basis for adjusting the outcomes. In some situations, however, need can be construed as an *excuse for action, or an input moderator* which restricts choices and therefore affects responsibility. This can be seen in the legal defence of necessity when, for example, someone steals because they are starving (Cross, Jones and Card 1988; Curzon, 1986).

The possibility was also investigated that by making the outcomes of the offences more severe, and the offences more serious, responsibility will play a role in the mediation of the offender's needs. Therefore in the following two studies the driving offence included a young child being knocked down and in shock, whilst not actually being physically hurt, and the driver committed more than one driving offence.

Individual Differences

The effects of the gender of the subject on the assignment of punishments were again considered. In addition to this a person's belief in a just world and locus of control were investigated to determine if these influence the level of punishments they will assign.

As mentioned briefly in Chapter five, the Just World Hypothesis was formulated by Lerner (1965) and central to this theory is the tendency of individuals to blame

victims of misfortunes for their own fate. According to Rubin and Peplau (1975) many people view the world as a just place where merit and fate are closely aligned. It has been found that those who believe the world is a just place tend to derogate the victim in certain circumstances (see Lerner, 1970; Lerner 1974 for a summary of research) and see success as a virtue (Berscheid and Walster, 1974). Heider (1958) proposes that the belief in a just world is a pervasive cognitive tendency resulting from the more general principle of cognitive balancing. Heider sees justice as an 'ought force' (p.69) which equates happiness with goodness and unhappiness with wickedness and when they coexist this is a just situation but when happiness and wickedness coexist this situation is unjust:

"The relationship between goodness and happiness, between wickedness and punishment is so strong, that given one of these conditions, the other is frequently assumed. Misfortune, sickness accident are often taken as signs of badness and guilt. If O (the other) is unfortunate, then he has committed a sin. (p.235).

However, not all people subscribe to this hypothesis, Lerner and Simmons (1966) found that not all subjects disparaged the victim, they were more likely to attribute misfortunes to environmental factors or fate. So we have both individual and situational variations in people's perceptions of justice. The development of the 'Just World Scale' by Rubin and Peplau (1975) and subsequent findings have indicated that those who score high in the belief in a just world believe good people get rewarded and bad people are punished to a greater extent than those with low scores. Those such as Zuckerman, Gerbasi, Kravitz and Wheeler (1974) found that people who believe strongly in a just world are most likely to perceive victims as deserving their misfortune and/or asking for trouble. This derogation of victims occurs even if there is no reason to believe that the victim was responsible for their misfortune. Importantly, Izzett (1974) found that those individuals who scored high on the Just World scale were more punitive in the allocation of sentences for criminal acts than those who scored low. According to Packer (1968), this occurs because those who have a high belief in a just world advocate a 'crime control' model in which they presume guilt, believe the police and courts make few mistakes and are not sympathetic to the rights of those

accused of crimes. Thus, it could be presumed that those individuals would not take into account the needs, and responsibility for needs, of offenders when assigning sentences.

Again, as mentioned in Chapter five, one factor which has been found to correlate with the belief in a just world is that of locus of control. Rubin and Peplau (1975) proposed that those individuals with an internal locus of control would have a strong belief in a just world, i.e. an individual determines their own rewards and punishments rather than being at the mercy of external forces (Rotter, 1966). This proposal has been supported in several studies which found, using Rotter's locus of control scale (in which a high score indicates an *external* locus of control) a negative relationship between the two concepts (see for example Rubin and Peplau, 1973; Zuckerman and Gerbasi, 1977). Feinberg, Powell and Miller (1982) also found a relationship between victim derogation and the need to render the environment predictable and controllable.

The concept of locus of control of reinforcements was proposed by Rotter (1966). A reinforcement can be perceived as being a function of the person's own behaviour, i.e. internal locus of control, or a function of luck, chance, fate or some other person or force surrounding a person, i.e. external locus of control. It could be further suggested, therefore, if individuals perceive themselves in control of, and responsible for, their own rewards and punishments then this notion will be extended to other individuals when assessing their responsibility. Thus those who perceived themselves as not in control of, and therefore not responsible, will be less punitive in their assignment of punishments than those who perceive themselves as in control and therefore responsible for their actions. Sosis (1974) found that, in a scenario where a person drinks and drives unintentionally injuring someone, internals held the driver more responsible than externals for the accident; in addition, he found that internals assigned longer prison sentences than externals. Thus, it might be predicted that those who score high on the locus of control scale (i.e. internal) would be generally more punitive and less likely to consider variations in responsibility.

The vignettes used in this study incorporated all three driving offences from studies 1 and 2, i.e.:

- a) driving with an excess blood alcohol level
- b) driving through a red traffic light
- c) driving over the speed limit

together with a more serious outcome:

- d) knocking over a child on a pedestrian crossing

The following predictions were made:

- a) harsher punishments will be assigned when the perpetrator is responsible for his state of need compared to when not responsible.
- b) harsher punishments will be assigned to the perpetrators not in a state of need compared to the offender who is in need.
- c) female subjects will assign harsher punishments than male subjects.
- d) subjects who score high on the just world scale will assign harsher punishments, regardless of responsibility or need.
- e) subjects with 'internal' locus of control will assign harsher punishments, regardless of responsibility or need.
- f) those who believe in a just world will have a more 'internal locus of control'.

6.3.(i). Method

Subjects:

The subjects were 60 members of the British general public, 30 males and 30 females, from various occupations and backgrounds. The ages for the male subjects ranged from 17-56 years ($M=33.26$; $SD=10.53$) and for females from 16-52 years ($M=28.28$; $SD=9.88$). It should be noted that 3 male and 2 female subjects failed to indicate their age so the above means are based on 55 subjects.

Materials and Procedure:

This study involved three vignettes which depicted a fictitious character committing traffic violations. In these vignettes "need" operated as an input moderator in that it was due to the 'need' to get to the hospital that the character, George, had to drive his car. George was either responsible or not responsible for the need or not in need. Of the 60 subjects who took part 20 completed vignettes depicting George responsible for his state of need, i.e.:

"A 30 year old man, George, is single with no dependants, employed and lives in a house in the countryside. He has no telephone. George has bought a substance to use on his garden. The substance is clearly labelled as toxic and must be used with care. A face mask must be worn. However, George decides that these precautions are not really necessary and uses the substance, ignoring the warnings. This substance creates a cloud of white dust and, after a few minutes of exposure George experiences a severe burning sensation in his lungs and throat. As the burning sensation is getting worse, and because there is no one around to drive him, George gets into his car to drive to his nearest neighbours to ask them to take him to hospital. On his way to his neighbours, George is stopped by the police. He had been driving well over the speed limit, had gone through a red light and had knocked over a child on a pedestrian crossing. The child was shocked, but otherwise unhurt. As George was clearly unwell, the police took George to the hospital themselves. George has no previous convictions."

20 completed vignettes depicting George as not responsible for his state of need, i.e.:

"A 30 year old man, George, is single with no dependants, employed and lives in a house in the countryside. He has no telephone. One afternoon, George is sitting in his garden when he experiences a severe burning sensation in his lungs and throat; he sees a cloud of thick white dust falling over his garden. It is coming from a aeroplane which is spraying crops in an adjacent field. As the burning sensation is getting worse, and because there is no one around to drive him, George gets into his car to drive to his nearest neighbours to ask them to take him to hospital. On his way to his neighbours, George is stopped by the police. He had been driving well over the speed limit, had gone through a red light and had knocked over a child on a pedestrian crossing. The child was shocked, but otherwise unhurt. As George was clearly unwell, the police took George to the hospital themselves. George has no previous convictions."

and 20 completed vignettes depicting George as not in need, i.e.:

"A 30 year old man, George, is single with no dependants, employed and lives in a house in the countryside. George has recently had some problems with severe burning sensations in his lungs and throat. He has been receiving treatment at the local hospital and is due to return for what is probably his last check up. George gets into his to drive to the local hospital. On his way to the hospital George is stopped by the police. He had been driving well over the speed limit, had gone through a red light and had knocked over a child on a pedestrian crossing. The child was shocked, but otherwise unhurt. George has no previous convictions."

After reading the vignette subjects were required to assign the punishment they thought appropriate for the driving offence depicted. There were three punishments given, a fine with a minimum of £0 and a maximum of £2000; a period of disqualification and a prison sentence both with a minimum of 0 months and a maximum of 60 months (5 years). The subjects were instructed that these punishments were not cumulative but to be assigned as if they were the only penalties available i.e.:

"If a fine were the only penalty at your disposal how much would you fine George for dangerous driving?"

and

"If a period of disqualification were the only penalty available for how long would you disqualify George for dangerous driving?"

and

"If a prison sentence were the only penalty available what length of prison sentence would you give George for dangerous driving?"

As in previous studies these punishments represent those which may actually be assigned to individuals committing these offences (see Hood 1972 and The Home Office Handbook 1991).

Refer to appendix 3(a) for an example of survey forms distributed.

In addition each subject was required to complete the Just World Scale (Rubin and Peplau, 1975). This scale was developed in light of the recognition that not all people believed in the existence of a just world, and those who did, varied in the strength of that belief, i.e. this belief does not fall into belief and not belief categories but people can be placed on a continuum in their level of belief, from no belief to total belief. Respondents are required to indicate to the extent to which they agree or disagree, on a six point continuum, with 20 items on the scale. Half of the items refer to a just world where good deeds are rewarded, e.g. 'By and large people deserve what they get' (q.11) whilst the other half refer to an unjust world where bad deeds are as likely to be rewarded as good ones, e.g. 'Careful drivers are just as likely to get hurt in traffic accidents as careless ones' (q.4). According to Furnham and Procter (1989) the scale has resulted in a great deal of research with over fifty references in the Social Science Citation Index between 1975 and 1985 alone. The research encompasses a wide area, including general attitudes towards justice (e.g. Karniol, 1980); juror behaviour (e.g. Arbuthnot, 1983) and accidents, misfortunes and fate (e.g. Kiecolt-Glaser and Williams, 1987). In addition the scale has been correlated significantly with many other measures of individual differences e.g. authoritarianism (Rubin and Peplau, 1973); religion (e.g. Finamore and Carlsen, 1987); protestant work ethic (e.g. Wagstaff, 1984); conservatism and social attitudes (e.g. Wagstaff and Quirk, 1983) and locus of control (e.g. Zuckerman and Gerbasi, 1977).

Rubin and Peplau administered the scale a sample of 180 U.S. students, half male and half female and found a wide distribution of scores on the scale; similar results are reported by Merrifield and Timpe (1973) and high internal consistency (Alpha=.80 and .81 respectively). Rubin and Peplau thus determined that the scale was:

"tapping an underlying general belief that can meaningfully be viewed as a single attitudinal continuum" (1975, p. 70).

However, the scale has not been without its' critics. Lerner (1980), who developed the concept of the Just World, argues that the scale contains unsuitable items which only tap a naive view of social reality. He proposed that the scale should, perhaps, be conceptualised not as a measure of the degree to which people believed in a just world but as an index of different styles that individuals used to maintain their belief in a just world.

However, notwithstanding such criticisms, there is much empirical support for the validity of the scale, so in this study the scale was used to ascertain if those who have a high belief in a just world are more punitive, i.e. assign harsher punishments to offenders, than those who have a low belief in a just world.

Refer to appendix 3(b) for an example of the scale plus the scoring key.

As previously stated, a belief in a just world has been found to correlate with locus of control, another facet which has be measured in this study. The scale used was that developed by Duttweiler (1984). Most previous studies measuring locus of control have used the scale developed by Rotter (1966) but this scale has been the focus of increasing criticisms (see MacDonald, 1973; Collins, 1974; Zuckerman and Gerbasi, 1977). These criticisms include:

1. a low item total score correlation.
2. the multidimensionality of the scale
3. the forced-choice format

4. the inclusion of items that are not representative of the construct
5. the item referents
6. the heterogeneity of external control orientation

(Duttweiler, 1978, p. 210)

The Rotter scale measures external locus of control whilst the Duttweiler measures internal, focusing on aspects of personal choice, belief in one's self and independent action. The Duttweiler (1984) scale was tested on students at a U.S. college and the item score correlations for this and a subsequent field test were .85 and .84 respectively. In view of these results it is proposed that the Duttweiler measure is a stronger and more reliable scale for the measure of internal locus of control than other scales.

Refer to appendix 3(c) for an example of the scale plus the scoring key.

Design:

The main design of this study is represented in Table 6.

Table 6: Representation of the design used within Study 3

Condition	Gender	Punishment *
Responsible for Need	Female	
	Male	
Not Responsible for Need	Female	
	Male	
No Need	Female	
	Male	

* Punishment refers to: fine, disqualification and prison

6.3.(ii). Results

The data were analysed by means of 3 x 2 ANOVA's i.e. condition x gender of the subject. Condition refers to 1) responsible for need, 2) not responsible for need and 3) no need. Separate ANOVA's were carried out in relation to the three punishments available to subjects, i.e. fine, disqualification and prison sentence.

The results obtained are reported separately for each punishment.

Fine

A 3 x 2 ANOVA was carried out to compare the fines assigned by subjects according to whether the offender was responsible for his need, not responsible or not in a state of need.

To reiterate, two factors were evaluated:

Factor 1 : Need (between subjects). This factor had three levels; responsible for need, not responsible for need and no need.

Factor 2: Gender (between subjects). This factor had two levels, that of male and female.

- a) There was a significant main effect for Need, $F(2,54)=10.10$, $p<0.0002$. Post hoc Tukey tests ($p<0.05$) indicated that there was a significant difference between the fine given when responsible for need $M= 1020.00$ ($SD= 813.91$) compared to when not responsible for need $M= 457.50$ ($SD= 440.50$) and between those not responsible for need and not in need $M= 1301.00$ ($SD= 700.43$) . There was no such difference in fines assigned to those responsible for need and not in need . This indicates that, as predicted, when assigning fines, subjects took account of the locus of responsibility for the need, i.e. if you are not responsible for the need a lesser fine is imposed.
- b) There was a significant main effect for gender, $F(1,54)=13.10$, $p<0.0006$.

The overall fines assigned by male subjects was 643.67 (SD=645.61) compared to female subjects of 1208.67 (SD=745.04) indicating that, as predicted, female subjects were more punitive than male subjects

c) The interaction was not significant.

The analysis of variance tables is presented in appendix 3(d).

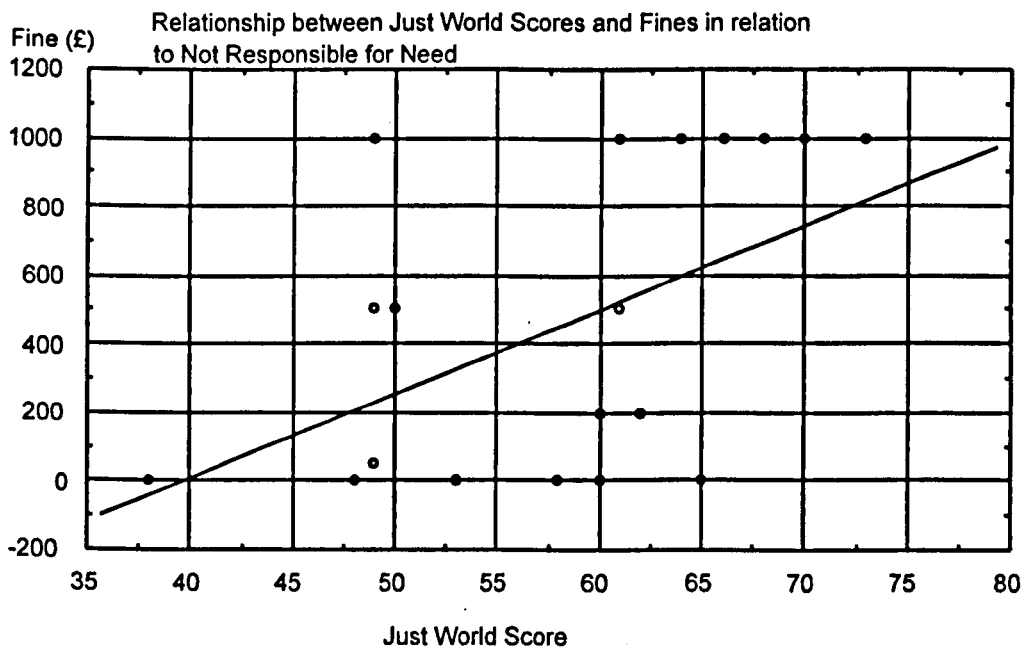
Belief in a Just World

It was originally proposed to conduct ANOVA's using high and low Just World and Locus of Control as factors. However, because of the distribution of scores it was impossible to obtain adequate cell frequencies. Consequently, analyses were restricted to correlations.

The only significant relationship between a belief in a just world and the fines assigned was found in relation to being not responsible for need, $r = .49$; $p < 0.03$.

The relationship is presented graphically in figure 6:

Figure 6: The relationship between a belief in a Just World and Fines assigned in relation to Not Responsible for Need.

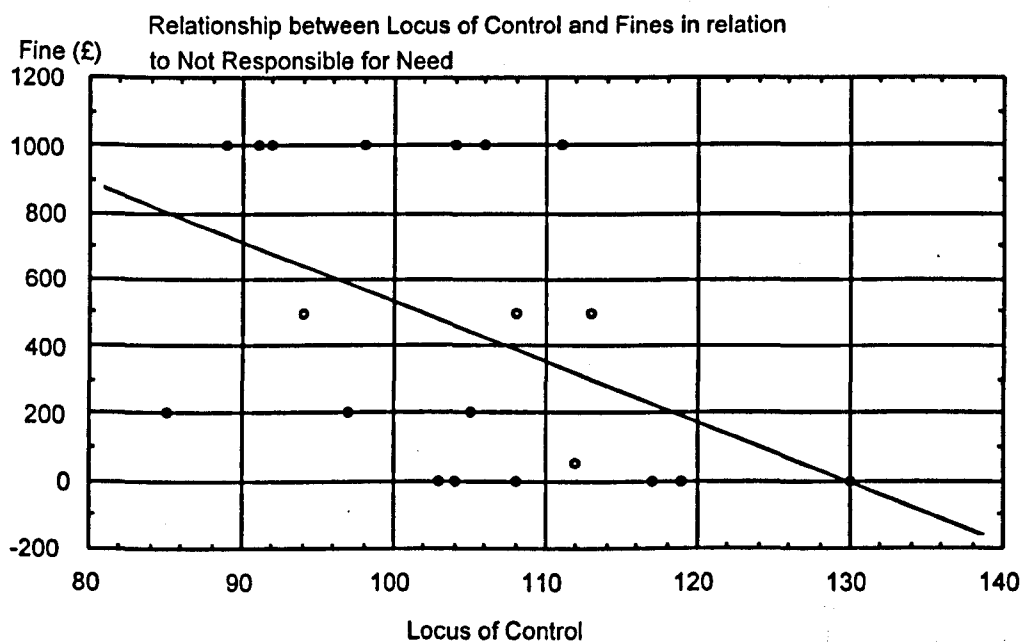


Thus, an increasing belief in a just world results in a higher fine being on those offenders who are not responsible for their need, thus supporting the prediction that those who belief in a just world would not take into consideration the circumstances of the offender.

Locus of Control

The only significant relationship between locus of control and the fines assigned was found in relation to being not responsible for need, $r = -.47$; $p < 0.04$. The relationship is presented graphically in figure 7:

Figure 7: The relationship between Locus of Control and Fines assigned in relation to Not Responsible for Need.



Thus, those with an 'internal' locus of control imposed a higher fine being on those not responsible for their need, thus supporting the prediction that those with internal locus of control will be more punitive when the offender is not responsible for need: i.e. responsibility is ignored.

The full correlation table is presented in appendix 3(d).

Disqualification

A 3 x 2 ANOVA was carried out to compare the period of disqualification assigned by subjects according to whether the offender was responsible for their need, not responsible or in no state of need.

Thus again, two factors were evaluated:

Factor 1 : Need (between subjects). This factor had three levels; responsible for need, not responsible for need and no need.

Factor 2: Gender (between subjects). This factor had two levels, that of male and female.

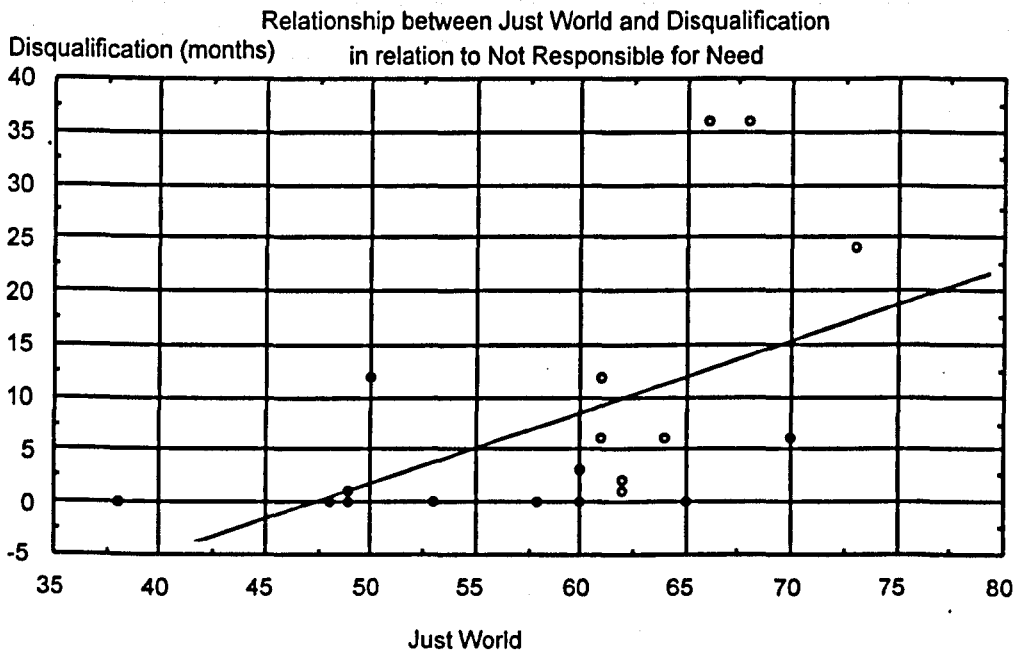
- a) There was a significant main effect for Need, $F(2,54)=6.27$, $p<0.004$. Post hoc Tukey tests ($p<0.05$) indicated that there was a significant difference between the period of disqualification given to those not responsible for need $M= 7.30$ ($SD= 11.50$) than those not in need $M= 26.30$ ($SD= 19.05$) and between those not responsible for need $M=7.30$ ($SD= 11.50$) and not in need. There was no such difference between those responsible for need and not in need. This indicates that, as predicted, when assigning periods of disqualification, subjects took account of both need and the locus of responsibility for the need, i.e. if you are not responsible for the need a shorter period of disqualification is assigned.
- b) There was a significant main effect for gender, $F(1,54)=5.71$, $p<0.02$. The mean fine assigned by male subjects was 13.03 ($SD=18.40$) compared to female subjects of 24.00 ($SD=19.75$) indicating again, as predicted, that female subjects were more punitive than male subjects.
- c) The interaction was not significant.

The analysis of variance table is presented in appendix 3(e).

Belief in a Just World

The only significant relationship between a belief in a just world and the period of disqualification assigned was in relation to not responsible for need, $r = .53$; $p < 0.02$. The relationship is presented graphically in figure 8:

Figure 8: The relationship between a belief in a Just World and period of disqualification assigned in relation to Not Responsible for Need.

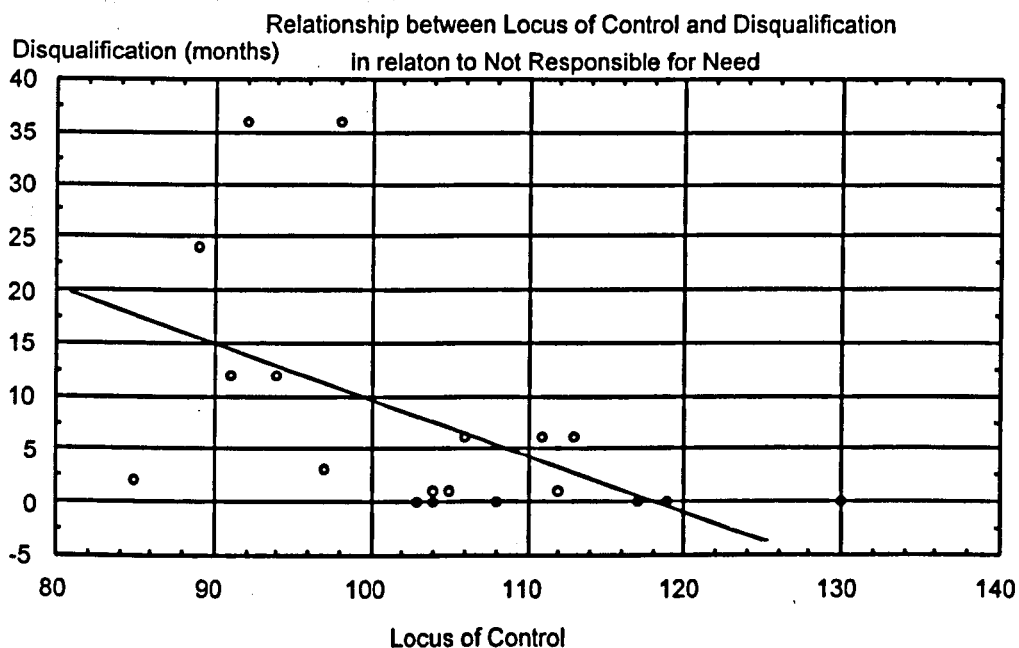


Thus, as predicted, an increasing belief in a just world accompanies a longer period of disqualification for those offenders who are not responsible for their need.

Locus of Control

The only significant relationship between locus of control and the period of disqualification assigned was found in relation to being not responsible for need, $r = -.47$; $p < 0.04$. The relationship is presented graphically in figure 9:

Figure 9: The relationship between Locus of Control and period of disqualification assigned in relation to Not Responsible for Need.



Thus, those with an 'internal' locus of control impose a longer period of disqualification being imposed on those not responsible for their need. Again, this supports the prediction made.

The full correlation table is presented in appendix 3(e).

Prison Sentence

A 3 x 2 ANOVA was carried out to compare the length of the prison sentence assigned by subjects according to whether the offender was responsible for their need, not responsible or in no state of need.

Two factors were evaluated again:

Factor 1 : Need (between subjects). This factor had three levels; responsible for need, not responsible for need and no need.

Factor 2: Gender (between subjects). This factor had two levels, that of male and female.

- a) The main effect for Need was not significant. However, the means show that, as predicted, when the offender was not responsible for need (M= 4.17; SD= 7.74) the length of prison sentence assigned was less than when he was responsible for need (M= 9.50; SD= 14.40) and when not in need (M= 9.60; SD= 13.70).
- b) There was a significant main effect for gender, $F(1,54)=7.74, p<0.007$. The overall prison sentence assigned by male subjects was 3.52 (SD=7.02) compared to female subjects of 12.00 (SD=15.00) indicating again, as predicted, female subjects were more punitive than male subjects.
- c) The interaction was not significant.

The analysis of variance table is presented in appendix 3(f).

Belief in a Just World

Significant relationships were found between a belief in a just world and the length of prison sentence assigned when the offender was responsible for need, $r= .54; p<0.01$, and not responsible for need, $r= .51; p<0.02$. The relationships are presented graphically in figures 10 and 11:

Figure 10: The relationship between a belief in a Just World and length of prison sentence assigned in relation to Responsible for Need.

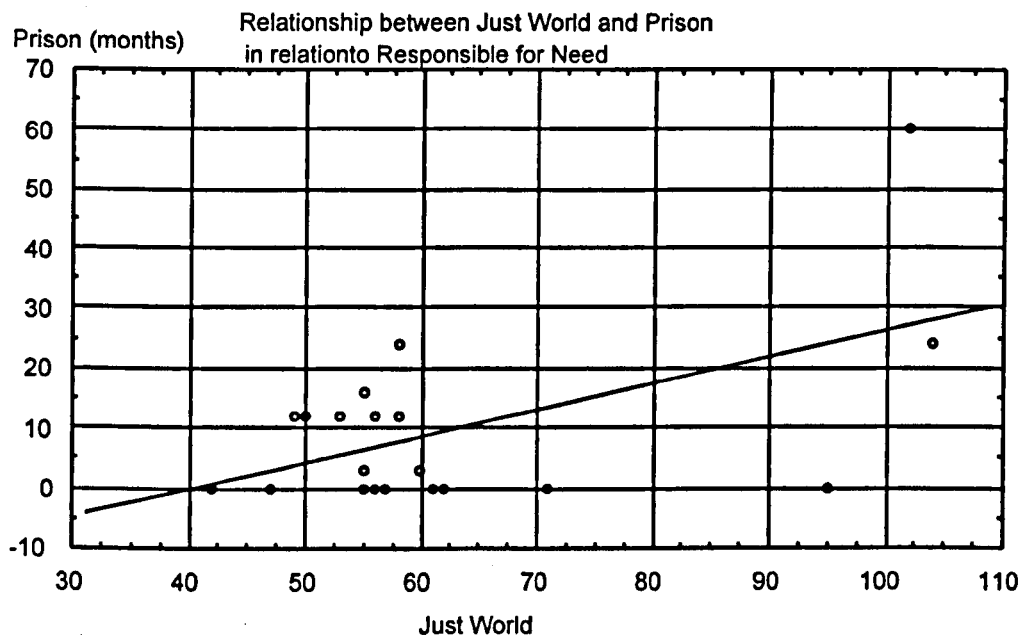
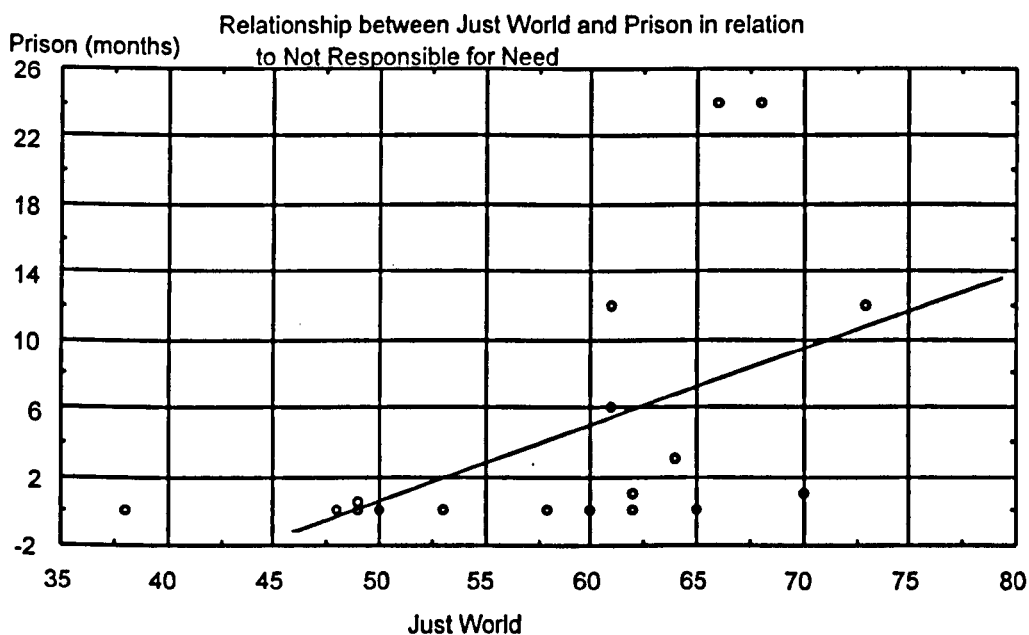


Figure 11: The relationship between a belief in a Just World and length of prison sentence assigned in relation to Not Responsible for Need.



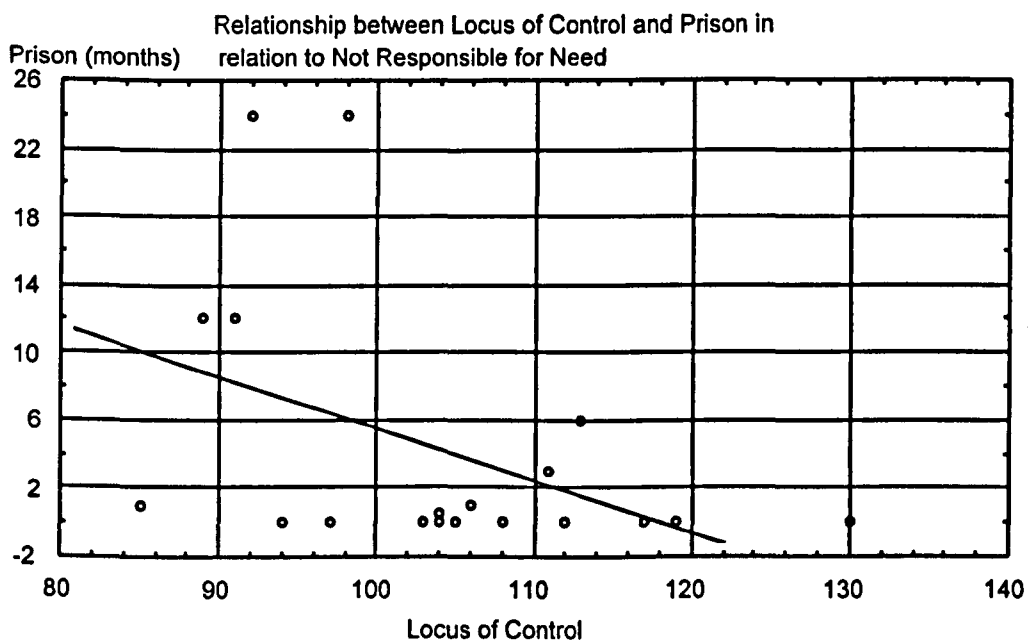
The results in relation to not responsible for need were as expected, in line with previous findings and the predictions made. It is more difficult to interpret the

result in relation to responsible for need; other than to suggest it fits with high 'just world believers being generally more punitive to victims.

Locus of Control

The only significant relationship between locus of control and the length of prison sentence assigned was found in relation to the offender who was not responsible for need, $r = -.45$; $p < 0.05$. The relationship is presented graphically in figure 12:

Figure 12: The relationship between Locus of Control and length of prison sentence assigned in relation to Not Responsible for Need.

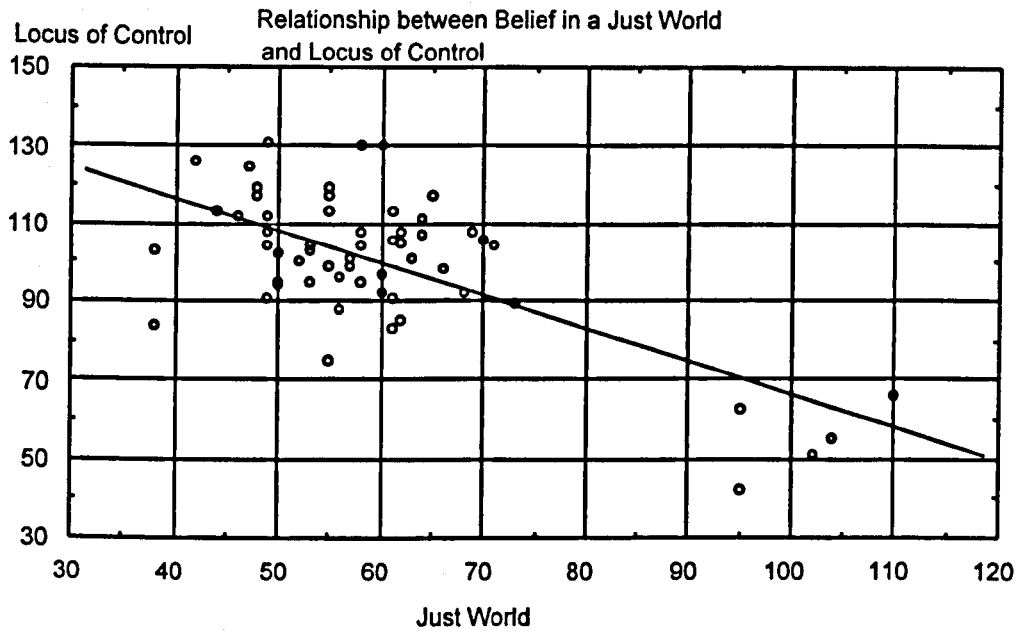


Thus, again, those with an 'internal' locus of control assigned longer prison sentences to those not responsible for their need.

Belief in a Just World and Locus of Control

There was a significant relationship between the belief in a just world and locus of control, $r = -.68$; $p < 0.000$. The relationship is presented graphically in figure 13:

Figure 13: Relationship between Belief in a Just World and Locus of Control



Thus, as predicted, subjects with an internal locus of control had a high belief in a just world.

6.3.(iii). Discussion

The results indicate that both the level of responsibility and need of the offender were taken into account when assigning a fine and period of disqualification. Although not significant, the means indicate was the same trend for the prison sentence, i.e. that both the level of responsibility and need of the offender were taken into account when assigning the sentence. In other words, when need was used as an input moderator (the choice of the driver was restricted, i.e. he *had* to drive to the hospital), subjects took into account the locus of responsibility for need by assigning lesser punishments when the offender was not responsible for the need.

One possible reason for the lack of significance in the assignment of the prison sentence was that subjects were more variable in the sentences they were prepared to offer. For example, in the present study all the SD's for the prison sentences were higher than their means; this was not so for the fines and disqualifications. Another possibility is that the 'need' involved was still not sufficiently salient to influence this particular variable.

As in the previous studies, there were significant differences in all three punishments assigned by male and female subjects; females again were more punitive than males.

The results of the Belief in a Just World scale indicated significant relationships between a Belief in a Just World and the assignment of all three punishments, i.e. fine, period of disqualification and prison for those offenders who were not responsible for their need. This is in line with predictions, i.e. those who believe in a just world would be less inclined to take account of extenuating circumstances such as responsibility and need. These results could also be construed as support for Zuckerman et. al's (1974) proposal that believers in a Just World are more likely to perceive those in need as deserving of their fate, i.e. in the present study the offenders could have been perceived as deserving of their

plight, thus there would be no necessity for high Just World Believers to make adjustments for need.

This effect, however, was less so when the offender was responsible for his state of need. One possible reason for this is that, according to Lerner (1980), bias resulting from the Just World Belief is most likely to operate when individuals are the victims of random events; when they are actually clearly responsible for their plight, there is less of a problem to resolve for someone who wants the world to be just, and less need to derogate the victim.

In relation to Locus of Control, the results are similar. There was a significant relationship between those who have internal locus of control and the punishments assigned (fine, disqualification and prison sentence), but only when the offender was not responsible for his need. This suggests that whereas a person who has internal locus of control is most likely to reflect this bias in situations where locus of control is presented as external, the converse does not seem to be the case, i.e. those high on external locus of control are not more likely to claim that those responsible for need should be compensated. There is no obvious explanation for this, though perhaps it is the case that an 'internal' bias is more powerful than an 'external' bias, as indicated for example in the Fundamental Attribution Error (Nisbett and Ross, 1980).

Finally, as predicted, there was a significant relationship between the Belief in a Just World and Locus of Control, i.e. those subjects with a high Belief in a Just World had internal Locus of Control.

Study 4

Driving Offences : Need as an input moderator

6.4. Introduction

This next study further investigates the issue of responsibility and need with the need presented as an input moderator. It was seen in the previous study that subjects took into account the level of responsibility for need of the offender when assigning all three punishments, that of a fine, period of disqualification and, although not significant, prison sentence.

However, this next study incorporated a more visible serious need of the offender, that of bleeding profusely, together with the same driving offences, to determine if subjects will again use the need and responsibility principles of Equity as Desert in the assignment of punishments. In sum therefore, the main aims of conducting this study were:

- a) to check the robustness of the results of the previous study, and
- b) to see if all three types of punishment would be affected by responsibility for need if the need variable is made more salient.

Gender differences in the assignment of punishments were again assessed together with Belief in a Just World and Locus of Control.

The predictions made for this study were the same as those in study 3.

6.4.(i). Method

Subjects:

The subjects were 60 members of the British general public, 30 males and 30 females, from various occupations and backgrounds. The ages for the male subjects ranged from 16-50 years (M=28.79;SD=9.41) and for females from 17-55 years (M=29.38; SD=10.57). It should be noted that 1 male and 1 female subject failed to indicate their age so the above means are based on 58 subjects.

Materials and Procedure:

This study involved three vignettes which depicted a fictitious character committing traffic violations. In these vignettes "need" operated as an input moderator in that it was due to the 'need' to get to the hospital that the character, Nigel, had to drive his car. Nigel was either responsible for need, not responsible for need or not in need. Of the 60 subjects who took part 20 completed vignettes depicting Nigel responsible for his state of need, i.e.:

"A 30 year old man, Nigel, is single with no dependants, employed and lives in a house in the countryside. One afternoon, whilst carrying out some repairs on his house, Nigel sustains a deep cut to his neck which is bleeding very heavily. Nigel is unable to telephone for an ambulance because, although he has no money problems, he has not paid his telephone bill and the line has therefore been disconnected. Because there is no one around to drive him, Nigel gets into his car to drive to his nearest neighbours to ask them to take him to hospital. On his way to his neighbours, Nigel is stopped by the police. He had been driving well over the speed limit, had gone through a red light and had knocked over a child on a pedestrian crossing. The child was shocked, but otherwise unhurt. As Nigel was bleeding very heavily, the police took Nigel to the hospital themselves. Nigel has no previous convictions".

20 completed vignettes depicting Nigel as not responsible for his state of need, i.e.:

"A 30 year old man, Nigel, is single with no dependants, employed and lives in a house in the countryside. One afternoon, whilst carrying out

some repairs on his house, Nigel sustains a deep cut to his neck which is bleeding very heavily. Whilst telephoning for an ambulance he gets a pre-recorded message advising him that the ambulance service has gone on strike. Because there is no one around to drive him, Nigel gets into his car to drive to his nearest neighbours to ask them to take him to hospital. On his way to his neighbours, Nigel is stopped by the police. He had been driving well over the speed limit, had gone through a red light and had knocked over a child on a pedestrian crossing. The child was shocked, but otherwise unhurt. As Nigel was bleeding very heavily, the police took Nigel to the hospital themselves. Nigel has no previous convictions".

And 20 completed vignettes depicting Nigel as not in need, i.e.:

"A 30 year old man, Nigel, is single with no dependants, employed and lives in a house in the countryside. Following a deep cut to his neck Nigel has been receiving treatment at the local hospital and, is due to return for what is probably his last check up, and get the stitches removed. Nigel gets into his car to drive to the hospital. On his way to the hospital Nigel is stopped by the police. He had been driving well over the speed limit, had gone through a red light and had knocked over a child on a pedestrian crossing. The child was shocked, but otherwise unhurt. Nigel has no previous convictions".

After reading the vignette subjects were required to assign the punishment they thought appropriate for the driving offence depicted. There were three punishments given, a fine with a minimum of £0 and a maximum of £2000; a period of disqualification and a prison sentence both with a minimum of 0 months and a maximum of 60 months (5 years). The subjects were instructed that these punishments were not cumulative but to be assigned as if they were the only penalties available, i.e.:

"If a fine were the only penalty at your disposal how much would you fine Nigel for dangerous driving?"

and

"If a period of disqualification were the only penalty available for how long would you disqualify Nigel for dangerous driving?"

and

"If a prison sentence were the only penalty available what length of prison sentence would you give Nigel for dangerous driving?"

Refer to appendix 4(a) for an example of survey forms distributed.

As in previous studies these punishments represent those which may actually be assigned to individuals committing these offences (see Hood 1972 and The Home Office Handbook 1991).

Subjects were again required to complete the Just World Scale (Rubin & Peplau, 1975) and a Locus of Control scale (Duttweiler, 1984) as in study 3.

Design:

Table 7: Representation of the design used within Study 4:

The main design used with this study is represented below:

Condition	Gender	Punishments*
Responsible for Need	Female	
	Male	
Not Responsible for Need	Female	
	Male	
No Need	Female	
	Male	

* Punishment refers to: fine, disqualification and prison

6.4.(ii). Results

The data were again analysed by means of 3 x 2 ANOVA's i.e. condition x gender of the subject. Condition refers to 1) responsible for need, 2) not responsible for need and 3) no need. Separate ANOVA's were carried out for the three conditions in relation to the three punishments available to subjects i.e. fine, disqualification and prison sentence.

The results are reported separately for each punishment:

Fine .

A 3 x 2 ANOVA on the data for fines showed the following results:

- a) There was a significant main effect for Need, $F(2,54)=13.00$, $p<0.00002$. Post hoc Tukey tests ($p<0.05$) indicated that there was a significant difference between the fine given, when the offender was responsible for need, $M=721.00$ ($SD=740.15$) compared to when not in need, $M=1489.95$ ($SD=666.37$) and between not responsible for need, $M=487.75$ ($SD=601.51$) and not in need . There was no such difference in fines assigned to those responsible for need and not responsible for need. This indicates that subjects were taking account of need when assigning a fine, however, responsibility for that need was not taken into account. Nevertheless, the means indicate that when the offender was not responsible for need the amount of fine assigned was less than that when the offender was responsible for need.
- b) The main effect for gender was not significant. However, the means indicate a trend for female subjects to assign higher fines, ($M=1049.97$; $SD=759.04$) than male subjects ($M=749.17$; $SD=802.05$).
- c) The interaction was not significant.

The analysis of variance table is presented in appendix 4(b).

Belief in a Just World

There was no significant relationship between a belief in a just world and the fine assigned when the offender was responsible or not responsible for their need or not in need.

Locus of Control and Fines

There was no significant relationship between a locus of control and the fine assigned when the offender was responsible or not responsible for their need or not in need.

The full correlation table is presented in appendix 4(c).

Disqualification

A 3 x 2 ANOVA was carried out to compare the period of disqualification assigned by subjects.

- a) There was a significant main effect for Need, $F(2,54)=11.94$, $p<0.00005$. Post hoc Tukey tests ($p<0.05$) indicated that there was a significant difference between the period of disqualification given when the offender was responsible for need $M=13.95$ ($SD=17.14$) compared to when not in need $M=30.75$ ($SD=18.46$) and between not responsible for need $M=7.10$ ($SD=9.21$) and not in need. This indicates, again, that subjects were taking account of need when assigning a period of disqualification, i.e. the periods of disqualification were reduced. However, responsibility for that need was not taken into account. But again, the means indicate that when the offender was not responsible for his need, the period of disqualification was less than that when responsible for need.
- b) The main effect for gender was not significant, i.e. there was no significant difference in the period of disqualification assigned by female and male subjects. However, again, the means indicate a trend for female

subjects to assign longer periods of disqualification

($M=17.90$; $SD=17.48$), than male subjects ($M=16.63$; $SD=19.22$).

- c) The interaction was not significant.

The analysis of variance table is presented in appendix 4(d)

Belief in a Just World

There was no significant relationship between a belief in a just world and the fine assigned when the offender was responsible or not responsible for need or not in need.

Locus of Control and Fines

There was no significant relationship between a locus of control and the fine assigned when the offender was responsible or not responsible for need or not in need.

The full correlation table is presented in appendix 4(c).

Prison Sentence

A 3 x 2 ANOVA on the prison sentence data showed the following:

- a) There was a significant main effect for Need, $F(2,54)=4.82$, $p<0.01$. Post hoc Tukey test ($p<0.05$) indicated that there was a significant difference between the prison sentence assigned to those responsible for their need $M=4.90$ ($SD=9.20$) and not in need $M=14.10$ ($SD=14.81$) and between those not responsible for their need $M=4.50$ ($SD=9.40$) and not in need. Again, this indicates that subjects were taking account of need when assigning a prison sentence, i.e. the prison sentences were reduced. However, responsibility for that need was not taken into account. Nevertheless, as before, the means indicate that when not responsible for

- their need the prison sentence was less than that when responsible for need.
- b) There was a significant main effect for gender, $F(1,54)=6.84$, $p<0.01$. As predicted female subjects assigned longer prison sentences than male subjects. The means were 11.57 (SD=14.81) and 4.10 (SD=7.05) respectively.
 - c) The interaction was not significant.

The analysis of variance table is presented in appendix 4(e).

Belief in a Just World

There was no significant relationship between a belief in a just world and the fine assigned when the offender was responsible or not responsible for need or not in need.

Locus of Control and Fines

There was no significant relationship between a locus of control and the fine assigned when the offender was responsible or not responsible for need or not in need.

Belief in a Just World and Locus of Control

There was no significant relationship between a belief in a just world and locus of control.

The relevant correlation table is presented in appendix 4(c).

6.4.(iii). Discussion

The results indicate that the need of the offender was taken into account when assigning all three punishments, that of a fine, period of disqualification and prison sentence. The punishment was reduced when the offender was in a state of need.

However, there were no significant effects for responsibility for need, though the means were all in the predicted direction.

With respect to responsibility for need, therefore, the results were not as clear cut as predicted. In retrospect, however, this was most likely due to ambiguity in the description of the need variable. When writing the scenario it was assumed that the offender would be judged responsible for the fact that he could not find transport to hospital even though he was bleeding. However, on further reading it is evident that, although he could be held responsible for the transport problem, it is not obvious that he was responsible for the fact that he was bleeding. In other words, with regard to the most salient feature of his need, he was not unambiguously responsible. This is, of course, an important point in its own right. In real-life it is not always easy to unambiguously assign blame, and whether a person will be found blameworthy may depend crucially on how the case is argued.

This would not explain, however, why none of the relationships with the individual differences variables was significant. These inconsistent findings, both in relation to study 3 and previous research, are again difficult to interpret. There is nothing obviously different in the scores for these variables between this and the previous study, see table 8:

Table 8: Means and Standard Deviations for Belief in a Just World and Locus of Control Scores.

Individual Difference		Study 3	Study 4
Belief in a Just World	Mean	59.83	54.72
	SD	14.79	7.61
Locus of Control	Mean	99.80	104.83
	SD	18.21	12.75

In relation to gender differences, as found in the previous studies, there was a trend for females to be more punitive in the assignment of punishments than males, although the differences were only significant in relation to the prison sentences assigned.

6.4.(iv). Overall Conclusion in relation to the four driving studies

It would appear that, although results were mixed, in relation to driving offences there is some evidence, from overall trends at least, that subjects were applying the need and responsibility for need according to the principles of Equity as Desert, i.e. they were less punitive when the offender was in need, but most particularly when the offender was not responsible for the need. These trends occur for both need as an outcome and input moderator, but for them to operate, it is essential that the locus of responsibility for need is made clear and unambiguous, and the outcome of the offence is serious.

CHAPTER SEVEN

Assault, Burglary and Manslaughter

To summarise, in relation to driving offences it was found that, on the whole, when the outcome of the offence was more serious, and the need and locus of responsibility unambiguously apparent, there was some evidence that subjects take into account the need of the offender and locus of responsibility into account when assigning punishments. For even though the results were not always statistically significant, the means were invariably in the predicted direction. Similar effects were found when need was used as an input moderator.

The next obvious step, therefore, was to see if these effects generalise to different types of crime. In the next four studies the crimes chosen were assault, burglary and manslaughter. The predictions for each of the following studies were as before, i.e.:

- a) harsher punishments will be assigned when the perpetrator is deemed responsible for his state of need compared to when not responsible
- b) harsher punishments will be assigned when the offence was committed whilst the perpetrator was not in a state of need than when in a state of need
- c) female subjects will be more punitive than male subjects
- d) those subjects who score high on the just world scale will assign harsher punishments when the offender is not responsible for need.
- e) those subjects with 'internal' locus of control will assign harsher punishments when the offender is not responsible for need.
- f) those who believe in a just world will have 'internal' locus of control.

Study 5

Assault : Need as an outcome adjustment

7.1. Introduction

The first crime chosen in this series of studies was that of assault. Assault was chosen because, as with driving offences, it is a crime which most people will either have had experience of, or be familiar with, through media reports. The present study portrayed an offender whose need is to avoid a criminal record in order to secure an offer of employment. In this study need was employed as an outcome adjustment.

7.1.(i). Method

Subjects:

The subjects were 60 members of the British general public, 30 males and 30 females, from various occupations and backgrounds. The ages for the male subjects ranged from 19-56 years ($M=31.93$; $SD=11.09$) and for females from 17-53 years ($M=31.20$; $SD=9.15$).

Materials and Procedure:

This study involved three vignettes which depicted a fictitious character, Gary, committing a physical assault against another person. In these vignettes "need" was operating as an outcome adjustment in that Gary has just been offered employment and therefore has to avoid having a criminal record if he is to avoid being in need, (i.e. permanently out of work). Gary was either responsible for need, not responsible for need or not in need. Of the 60 subjects who took part 20 completed vignettes depicting Gary responsible for his state of need, i.e.:

"Gary is 25 years old and, although he has been offered many good jobs has refused them all preferring to remain unemployed. One evening Gary

goes to a local 'disco' where he has arranged to meet some friends. Whilst talking to these friends at the bar Gary is verbally insulted by a total stranger. These insults continue for some time and finally Gary, losing his temper, hits the stranger in the face breaking his nose and knocking his front teeth out. The police are called and Gary is arrested and charged with assault. Gary has no previous convictions. If sent to prison Gary's chances of gaining future employment will be unlikely".

20 completed vignettes depicting Gary as not responsible for his state of need, i.e.:

"Gary is 25 years old and, although he has been actively seeking work, has been unemployed for some time. However, he has just been offered, and accepted, a good job abroad so he decides to go out and celebrate. Gary goes to a local 'disco' where he has arranged to meet some friends. Whilst talking to these friends at the bar Gary is verbally insulted by a total stranger. These insults continue for some time and finally Gary, losing his temper, hits the stranger in the face breaking his nose and knocking his front teeth out. The police are called and Gary is arrested and charged with assault. Gary has no previous convictions. If sent to prison Gary will not be able to take up the offer of the job abroad and his chances of future employment will be unlikely".

And 20 completed vignettes depicting Gary as not in need, i.e.:

"Gary is 25 years old unemployed. One evening Gary goes to a local 'disco' where he has arranged to meet some friends. Whilst talking to these friends at the bar Gary is verbally insulted by a total stranger. These insults continue for some time and finally Gary, losing his temper, hits the stranger in the face breaking his nose and knocking his front teeth out. The police are called and Gary is arrested and charged with assault. Gary has no previous convictions. Although a prison sentence would reduce Gary's chances of future employment he is not concerned as his wealthy father supports him and therefore it is not necessary for him to work".

After reading the vignette subjects were required to assign the punishment they thought appropriate for the offence depicted. There were two punishments given, a fine with a minimum of £0 and a maximum of £2000 and a prison sentence with a minimum of 0 months and a maximum of 60 months (5 years). The subjects were instructed, as usual, that these punishments were not cumulative but to be assigned as if they were the only penalties available, i.e.:

"If a fine were the only penalty at your disposal how much would you fine Gary for assault?"

and

"If a prison sentence were the only penalty available what length of prison sentence would you give Gary for assault?"

(Refer to appendix 5(a) for an example of survey forms distributed).

As in previous studies these punishments represent those which may actually be assigned to individuals committing these offences (see Hood 1972 and The Home Office Handbook 1991).

As in studies 3 and 4 in Chapter 5 subjects were also required to complete the Just World Scale (Rubin & Peplau, 1975) and a Locus of Control scale (Duttweiler, 1984).

Design:

Table 9: Representation of the design used within Study 5:

The main design used is shown in the table below.

Condition	Gender	Punishments*
Responsible for Need	Female	
	Male	
Not Responsible for Need	Female	
	Male	
No Need	Female	
	Male	

* Punishments refer to a fine and prison sentence

7.1.(ii). Results

The data were analysed again by means of 3 x 2 ANOVA's, i.e. condition x gender of the subject. Condition refers to 1) responsible for need, 2) not responsible for need and 3) no need. Separate ANOVA's were carried out for the three conditions in relation to the two punishments available to subjects, i.e. fine and prison sentence.

The results obtained will be reported separately for each punishment.

Fine

A 3 x 2 ANOVA on the fines data showed the following

- a) There was no significant main effect for Need. However, the means indicate that, when the offender was responsible for his need a higher fine was assigned, $M=631.00$ ($SD=615.89$), than when not responsible, $M=380.00$ ($SD=363.24$) or when not in need, $M=602.50$ ($SD=669.34$).
- b) The main effect for gender was not significant. However, the means indicate a trend for female subjects to assign higher fines ($M=570.00$; $SD=539.89$) than male subjects ($M=505.67$; $SD=600.77$).
- c) The interaction was not significant.

The analysis of variance table is presented in appendix 5(b).

Belief in a Just World

There were no significant relationships between a Belief in a Just World and the fines assigned to the offenders responsible for their need, not responsible for their need or not in need.

Locus of Control

There were no significant relationships between Locus of Control and the fines assigned to the offenders responsible for their need, not responsible for their need or not in need.

The full correlation table is presented in appendix 5(b).

Prison Sentence

A 3 x 2 ANOVA on the prison sentence data showed the following:

- a) There was no significant main effect for Need. However, the means indicate that, when responsible for their need a longer prison sentence was assigned, $M=13.00(SD=10.73)$, than when not responsible, $M=9.15(SD=10.02)$ or when not in need, $M=7.40(SD=7.45)$.
- b) The main effect for gender was not significant. However, the means again indicate a trend for female subjects to assign longer prison sentences ($M=11.10; SD=8.52$) than male subjects ($M=8.60; SD=10.63$).
- c) The interaction was not significant.

The analysis of variance table is presented in appendix 5(c).

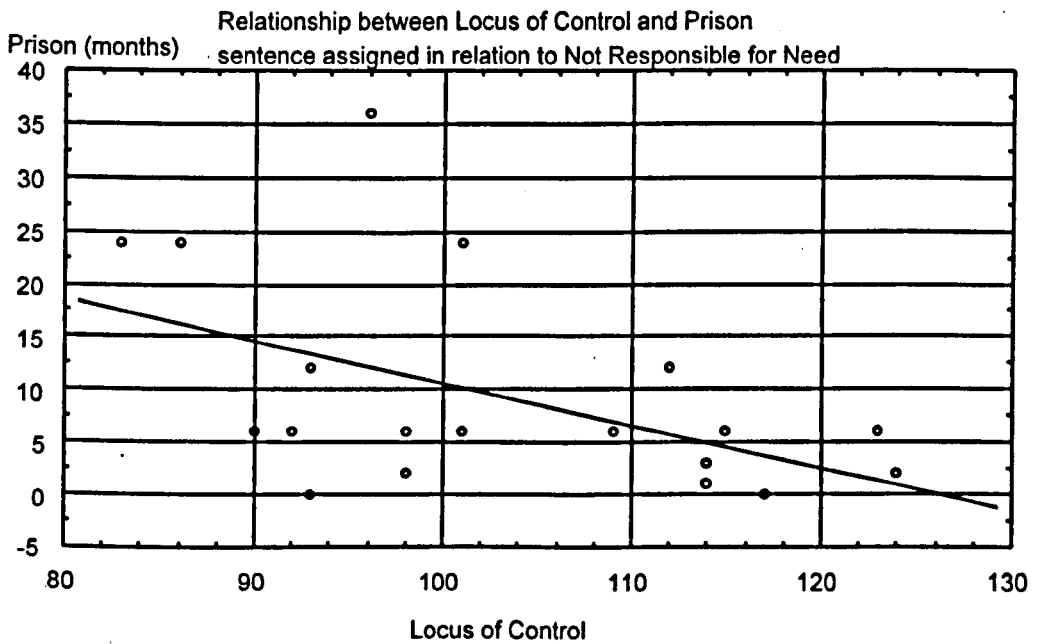
Belief in a Just World

There were no significant relationships between a Belief in a Just World and the prison sentences assigned to the offender responsible for their need, not responsible for their need or not in need.

Locus of Control

The only significant relationship for Locus of Control was that in relation to the prison sentence assigned when the offender was not responsible for need, $r = -.50247$, $p < 0.02$. The relationship is presented graphically in figure 14:

Figure 14: The relationship between Locus of Control and length of prison sentence assigned in relation to Not Responsible for Need.

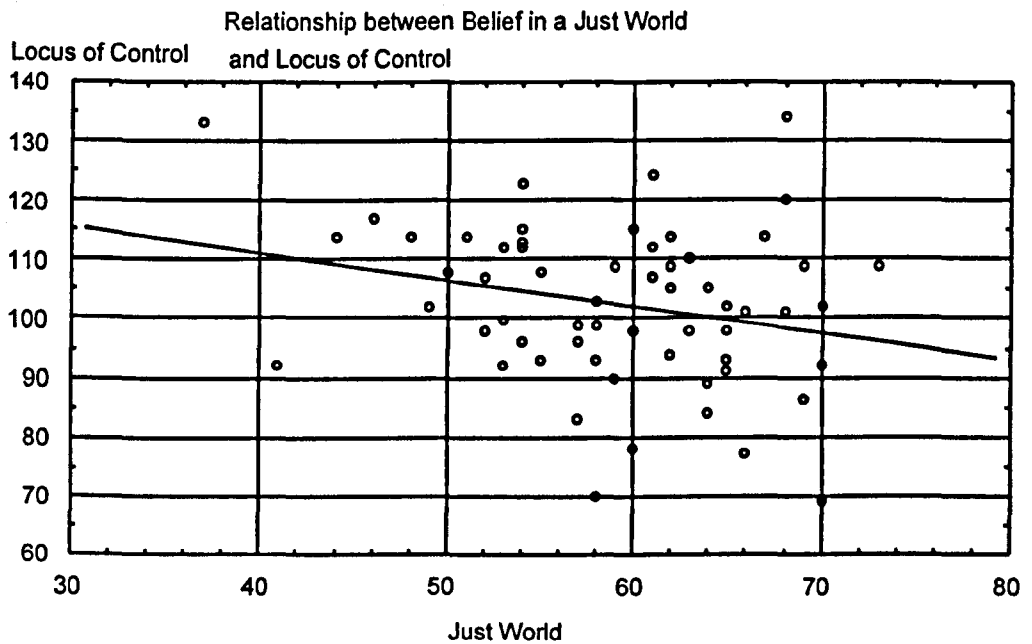


Thus, as predicted, those with an 'internal' locus of control assigned longer prison sentences to the offender who was not responsible for his need.

Belief in a Just World and Locus of Control

There was a significant relationship between the belief in a Just World and Locus of Control, $r = -.25817$; $p < 0.05$. The relationship is presented graphically in figure 15:

Figure 15: The relationship between Belief in a Just World and Locus of Control



Thus, as predicted, those who believe in a Just World have an internal Locus of Control.

The full correlation table is presented in appendix 5(c).

7.1.(iii) Discussion

Although the main results obtained were not statistically significant, the means indicate that subjects assigned lesser punishments to those offenders who were not responsible for their need than when responsible for their need. However, a more detailed look at the results shows that other trends were not as predicted.

It was noted that the mean fine assigned was highest when the offender was responsible for his need and lowest when not responsible for need. However, those not in need were assigned a lower fine to those responsible for need despite being provoked into the act. Perhaps a possible explanation for this lies within the situation depicted. In the 'responsible for need' situation Gary is depicted as a person who, although having been offered employment, has chosen to remain unemployed and could therefore be seen as lazy and/or a 'scrounger' and deserves a harsher punishment than Gary in the situation where he has a wealthy father to support him and, whilst has chosen not to work, would not require state support. In relation to the prison sentences assigned, although subjects assigned a lesser sentence to those not responsible for their need than when responsible for their need the lowest sentence, once again, assigned to those not in need. Perhaps the situation described within the vignette, that of not needing to work due to a wealthy father, affected the prison sentence assigned; perhaps this went in his favour because he would not require state support. Another possible problem is that the need, i.e. loss of work, could have been construed as less salient than the crime, i.e. assault. All this suggests that as situations become more complex, then obviously more factors are brought in to play; however, the fact that many factors are involved is not in itself a criticism of the EAD model, rather the implication is that operating the model can be a cognitively complex process (in which case perhaps some participants may generate simple heuristics).

The results again, although not significant, indicated that females were more punitive than males in the assignment of punishments.

Also, there were no significant relationships between fines or prison sentences assigned in all three conditions and those who have a high Belief in a Just World. In relation to Internal Locus of Control however, there was one significant relationship; those with an internal locus of control assigned a longer prison sentence to those offenders who were not responsible for their need, with no such relationship when not responsible for their need or not in need. These latter results are in line predictions, but the failure to find significant relationships with the Just World Belief is difficult to explain.

Study 6

Burglary : Need as an outcome adjustment

7.2. Introduction

This next study focuses on the crime of burglary. The crime of burglary was also chosen as it is a crime which a great number of people have experienced, or know of someone who has experienced it. Stalins and Lurigio (1990) reported that respondents stated the typical burglary as consisting of high levels of harm and, generally they thought the sentences assigned were too lenient. The authors argue that some individuals rely on unrepresentative impressions of burglary cases when forming an evaluation of sentencing severity and when indicating sentence preferences. Miethe (1984) found that when rating the seriousness of crimes which had been grouped into those of 'violent crimes' and 'property offences' there was a consensus relating to the seriousness of violent crimes but not property offences. A study conducted by Rossi, Simpson and Miller (1985) found that when subjects were exposed to vignettes, in relation to both property and personal injury, the results were not so clear cut. For example, they report that whilst crimes against the person were seen as more serious than theft of property, the punishments assigned did not necessarily differ, leading Rossie et. al. to conclude that seriousness is not the sole determinant of what is an appropriate sentence. In addition, they found that lesser punishments were assigned to those committing first offences against people than property whilst financial need acted as mitigating circumstances in the assignment of sentences for burglary. They also found gender differences in that females were more punitive than males, however, Main et. al. (1992) found no gender differences in the seriousness ratings of burglary.

In this study need was used again as an outcome adjustment, but in this case the need was arguably made more salient than in the previous study in that if the offender was punished, his children would go into care.

7.2.(i). Method

Subjects:

The subjects were 60 members of the British general public, 30 males and 30 females, from various occupations and backgrounds. The ages for the male subjects ranged from 15-57 years ($M=29.70$; $SD=12.02$) and for females from 18-54 years ($M=32.97$; $SD=10.58$).

Materials and Procedure:

This study involved three vignettes which depicted a fictitious character, Fred, committing an act of burglary. In these vignettes "need" operated as an outcome adjustment in that if Fred was sent to prison his children would have to be taken into care. Fred was either responsible for this need, not responsible for need or not in need. Of the 60 subjects who took part 20 completed vignettes depicting Fred responsible for his state of need, i.e.:

"Fred is 30 years old, employed and lives on his own having separated from his wife and two children. Fred has regular contact with his children and is well known for being a good father.

In an attempt to gain some extra money Fred plans to break into a small local shop where he knows that they keep cash on the premises. Days before this burglary is due to be carried out Fred learns that his estranged wife has died and her new partner does not want to take responsibility for the children. Fred still carries out the burglary knowing that, should he get caught and sent to prison the children will have to go into care as there is no one else who could look after them.

Fred is caught by the police and charged with burglary. He has no previous convictions."

20 completed vignettes depicting Fred as not responsible for his state of need, i.e.:

"Fred is 30 years old, employed and lives on his own having separated from his wife and two children. Fred has regular contact with his children and is well known for being a good father.

In an attempt to gain some extra money Fred plans to break into a small local shop where he knows that they keep cash on the premises. Fred carries out the break in but is caught by the police and charged with burglary. Whilst waiting to go to court Fred is informed that his estranged wife has died and her new partner does not want to take responsibility for the children. If Fred is sent to prison the children would have to go into care as there is no one else who could look after them.

Fred is caught by the police and charged with burglary. He has no previous convictions."

And 20 completed vignettes depicting Fred as not in need, i.e.:

"Fred is 30 years old, employed and lives on his own have separated from his wife. They have no children.

In an attempt to gain some extra money Fred plans to break into a small local shop where he knows that they keep cash on the premises. Fred carries out the break in but is caught by the police and charged with burglary.

Fred is caught by the police and charged with burglary. He has no previous convictions."

After reading the vignette subjects were required to assign the punishment they thought appropriate for the offence depicted. There were two punishments given, a fine with a minimum of £0 and a maximum of £2000 and a prison sentence with a minimum of 0 months and a maximum of 60 months (5 years). The subjects were instructed that these punishments were not cumulative but to be assigned as if they were the only penalties available i.e.:

"If a fine were the only penalty at your disposal how much would you fine Fred for burglary?"

and

"If a prison sentence were the only penalty available what length of prison sentence would you give Fred for burglary".

(Refer to appendix 6(a) for an example of survey forms distributed).

As in previous studies these punishments represent those which may actually be assigned to individuals committing these offences (see Hood 1972 and The Home Office Handbook 1991).

Subjects were again required to complete the Just World Scale (Rubin & Peplau, 1975) and a Locus of Control scale (Duttweiler, 1984) as used in previous studies.

Design:

The main design used within study 6 is presented in table 10 below:

Table 10: Representation of the design used within study 6

Condition	Gender	Punishment *
Responsible for Need	Female	
	Male	
Not Responsible for Need	Female	
	Male	
No Need	Female	
	Male	

* Punishment refers to a fine and prison sentence

7.2.(ii). Results

The data were analysed by means of 3 x 2 ANOVA's i.e. condition x gender of the subject. Condition refers to 1) responsible for need, 2) not responsible for need and 3) no need. Separate ANOVA's were carried out for the two punishments available to subjects, i.e. fine and prison sentence.

The results will be reported separately for each punishment.

Fines

A 3 x 2 ANOVA on the data for fines showed the following:

- a) There was no significant main effect for Need. However, the means indicate that, when the offender was responsible for his need a higher fine was assigned, $M=890$ ($SD=609.70$) than when not responsible for need, $M=602.50$ ($SD=544.95$) or when not in need, $M=710.25$ ($SD=590.56$). Thus, it would appear that, although not significant, subjects took account of the locus of responsibility for the need of the offender.
- b) The main effect for gender was not significant. However, the means again indicate a trend for females subjects to assign higher fines, $M=755.00$ ($SD=566.96$) than male subjects, $M=713.20$ ($SD=611.05$).
- c) The interaction was not significant.

The analysis of variance table is presented in appendix 6(b).

Belief in a Just World

There were no significant relationships between a Belief in a Just World and the fines assigned to the offender responsible for the need, not responsible for his need or not in need.

Locus of Control

There were no significant relationships between Locus of Control and the fines assigned to the offender responsible for the need, not responsible for his need or not in need.

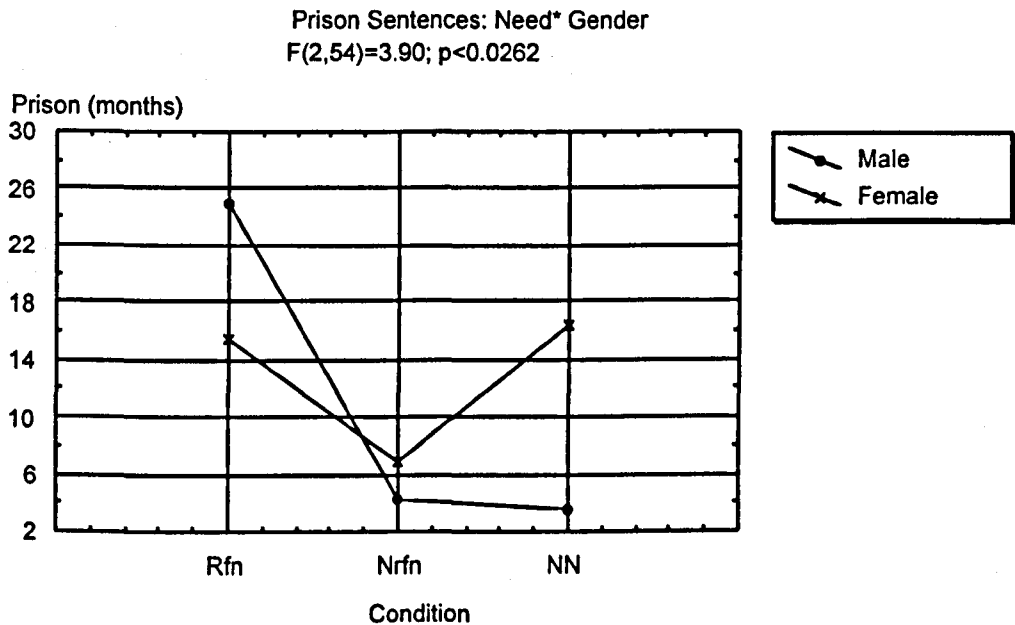
The full correlation table is presented in appendix 6(b).

Prison Sentence:

A 3 x 2 ANOVA on the prison sentence data showed the following:

- a) There was a significant main effect for Need, $F(2,54)=6.92$; $p<0.002$. Post hoc Tukey tests ($p<0.05$) indicated that there was a significant difference between the prison sentence assigned to the offender responsible for need, $M=20.15$ ($SD=18.52$) compared to not responsible for need, $M=5.60$ ($SD=6.89$) and between responsible for need and not in need, $M=9.95$ ($SD=11.72$). There was no significant difference between not responsible for need and not in need. This indicates that some subjects took account the locus of responsibility for the need, but the predicted difference from no need was not found.
- b) The main effect for gender was not significant. However, the means show a trend for female subjects to assign longer prison sentences, $M=11.10$ ($SD=8.52$) than male subjects, $M=8.60$ ($SD=10.63$).
- c) There was a significant interaction for need and gender, $F(2,54)=3.90$; $p<0.03$. The means are presented graphically in figure 16:

Figure 16: Gender of subject and Need in relation to the prison sentence assigned



**Rfn= responsible for need; Nrfn= not responsible for need; NN= no need

Post hoc Tukey tests($p<0.05$) indicated that there were significant differences in the length of the prison sentences assigned when the offender was not in need by male ($M=3.50$; $SD=2.32$) and female subjects ($M=16.40$; $SD=13.85$). Although none of the other differences was significant, it can be seen above that males assigned longer sentences when the offender was responsible for his need ($M=24.90$; $SD=22.18$) than did the female subjects ($M=15.40$; $SD=13.47$). However, both female and male subjects took account of the need of the offender in that a lesser sentence was assigned, the mean for male subjects being 4.30 ($SD=3.59$) and females, 6.90 ($SD=9.14$). Thus, on the whole, it would appear that female subjects were more punitive when the offender was not in need, or responsible for need, compared to when he was not responsible for his need; whereas males were less likely to make a differentiation between not in need and not responsible for need.

The analysis of variance table and means are presented in appendix 6(c).

Belief in a Just World

There were no significant relationships between a Belief in a Just World and the fines assigned to those offenders Responsible for the Need, Not Responsible for his Need or not in Need.

Locus of Control

There were no significant relationships between Locus of Control and the fines assigned to the offender responsible for the need, not responsible for his need or not in need.

Belief in a Just World and Locus of Control

There was no significant relationship between a Belief in a Just World and Internal Locus of Control in relation to any of three conditions, i.e. responsible for need, not responsible for need and no need.

The full correlation table is presented in appendix 6(d).

7.2.(iii). Discussion

The results obtained, although not always statistically significant, were again broadly in line with the predictions made.

Notably however, for males at least, the punishment assigned to those not in need was lower than that for those responsible for the need. Arguably, this could have occurred because the fact that he *knew* what the outcome for the children would be and this made subjects consider his crime to be more serious.

Overall, the results again, although not significant, indicated that females were more punitive than males in the assignment of punishments. Perhaps, in view of the assumptions made about gender differences due to differing social development pathways, it is surprising that the results were not significant. What is interesting perhaps, is the need and gender interaction obtained in relation to the prison sentences. This indicated that male subjects assigned a lesser sentence when the offender was not in need, i.e. did not have children, than when responsible or not responsible for that need, thus not differentiating between not responsible for need and not in need. However, in line with predictions, female subjects assigned a longer prison sentence for the offender not in need compared to when not responsible for his need. This could perhaps be interpreted as females being more sympathetic than males in that they adjusted the sentence when not responsible for need but were more punitive when the offender was responsible for his need or not in need.

Again, there was no significant relationship between a belief in a Just World and Internal Locus of Control and the severity of the punishments assigned and there was no relationship between Belief in a Just World and Locus of Control.

At this point, therefore, the effects of these two individual difference variables were no longer investigated.

Studies 7A and 7B

Burglary and Burglary plus Manslaughter/Murder :

Need as an input moderator

7.3. Introduction

The next two studies were run concurrently on the same sample. The first involved burglary, the second burglary with manslaughter/murder. The purpose of the two parts was again to determine if the effects were reliable and would generalise across crimes varying in severity.

In these studies need was an input moderator, with the need being financial. Indeed, as noted, Rossi, Simpson and Miller (1985) found that financial need did operate as a mitigating circumstance in property crimes.

In this study, in addition to assigning sentences, subjects were asked to rate on a scale of 1 to 5 as to how responsible and guilty they thought the offender was of burglary, manslaughter and murder and, if asked whether guilty or not guilty, which would verdict would they give. The purpose of these measurements was to see whether punishment and guilt were perceived in similar ways.

In addition to gender, the concept of 'stoicism' was introduced to determine if this would influence the level of punishment assigned. To reiterate, the rationale for inclusion was as follows.

The concept of 'stoicism' has its roots in early philosophy, the school being founded by Zeno of Citium in 300 BC although its roots can be traced back to the Cynic school formed after Socrates. The term 'stoicism' derives from 'stoa poikile' or 'painted porch' and members of this school of thought became known as 'philosophers of the porch'. Their underlying philosophy was that all natural processes such as sickness and death follow the unbreakable law of nature and thus people must learn to accept their destiny. There is no use complaining when fate comes 'knocking on the

door' and as nothing happens accidentally 'stoics' must not let feelings take over and thus are indifferent to the misfortunes of others as well as to one's own. This lack of emotion has remained within the modern definition of the 'stoic', e.g. the Chambers 20th Century Dictionary gives the definition as 'indifferent to pleasure or pain'. Thus, according to Wagstaff and Rowledge (1994) 'stoics' could be said to have three main characteristics; i) they lack emotional involvement, ii) they lack emotional express and iii) they exercise emotional control and endurance. In a study in which subjects were exposed to emotionally disturbing stories and asked to rate them on scales designed to measure emotional responsiveness. Wagstaff and Rowledge (1994) found that high stoics were less emotionally affected by the stories. Accordingly, it could be suggested that 'stoics' would be less likely to take into account factors such as need, when assigning sentences for criminal acts.

The predictions therefore were:

- a) harsher punishments will be assigned when the perpetrator is responsible for his need compared to when not responsible.
- b) harsher punishments will be assigned when the perpetrator is not in a state of need compared to when in need.
- c) subjects will rate the perpetrators as more guilty and responsible when responsible for his need and not in need compared to when not responsible for need.
- d) female subjects will assign harsher punishments than male subjects
- e) those who score high on the stoicism scale will assign harsher punishments regardless of need or responsibility for need.

7.3.(ii). Method

Subjects:

The subjects were 60 members of the British general public, 30 females and 30 males, from various occupations and backgrounds. The ages for the female subjects ranged from 22-46 years (M=31.96; SD=6.91) and for males from 19-53 (M=34.97; SD=10.48).

Materials and Procedure:

The study involved six vignettes (three for study 7A and three for 7B) which depicted a 25 year old fictitious character, 'John' committing criminal acts, that of burglary and burglary during which the offender is interrupted by the homeowner who dies after being assaulted. Each subject was presented with a definition of manslaughter and murder, (see appendix 7(a)), together with a set of vignettes depicting the offence of burglary alone and that of burglary where the homeowner is assaulted and dies. The situation in which these offences were carried out were manipulated so that 'John' committed the acts whilst in a state of 'need' for which he was responsible or not responsible or was not in a state of 'need'.

Study 7A

The vignette for burglary alone in which 'John' was responsible for his state of need read as follows:

"A 25 year old man, John, is single with no dependants, employed and lives in a flat. He likes to gamble so he borrows a large amount of money, places a bet and loses all of the money. One evening, faced with losing his flat and being 'out on the street', in an attempt to get some money, he breaks into a house, while the occupants are out, by smashing a window. He steals £500 causing no other damage. A neighbour calls the police and he is caught and arrested without further incident. He has no previous convictions."

And when not responsible for need for the same misdemeanour:

"A 25 year old man, John, is single with no dependants, employed and lives in a flat. He is suddenly made redundant because of staff cutbacks at work and cannot find immediate work. Also, he had borrowed money from a fraudulent insurance company which collapsed leaving him massively in debt, without hope of compensation. One evening, faced with losing the flat and being 'out on the street, in an attempt to get some money, he breaks into a house while the occupants are out, by smashing a window and steals £500, causing no other damage. A neighbour calls the police and he is caught and arrested without further incident. He has no previous convictions."

and when not in a state of need for the same misdemeanour:

"A 25 year old man, John, is single with no dependants, employed and lives in a flat. Although he does not have any financial problems, one evening in an attempt to get some extra easy money, he breaks into a house, while the occupants are out, by smashing a window. He steals £500 causing no other damage. A neighbour calls the police and he is caught and arrested without further incident. He has no previous convictions"

After reading each of the vignettes the subjects were required to complete sections A, B, C and D on a form. Section A required them to rate the extent to which they considered John guilty of burglary on a 5 point likert type scale (from absolutely sure to definitely not). In section B they were required to rate, on an identical scale, how responsible they thought John was. In section C they were asked to state whether they considered John guilty or not guilty. Finally section D required them to assign the punishment they thought appropriate for the misdemeanour depicted. There were two punishments given, these being a fine, the minimum being £0 and the maximum £2000, and a prison sentence with the minimum being 0 and maximum 25 years. The subjects were instructed that each of these punishments were to be assigned as if they were the only penalties available, i.e.:

"if a fine was the only penalty available what you assign?...."

and

"if a prison sentence was the only penalty available what would you assign...."

Refer to appendix 7(b) for an example of survey forms distributed.

Study 7B

In the situation where a burglary was committed during which someone is killed, the vignette when responsible for need read as follows:

"A 25 year old man, John, is single with no dependants, employed and lives in a flat. He likes to gamble so he borrows a large amount of money, places a bet and loses all of the money. One evening, faced with losing the flat and being 'out on the street'. he breaks into a house by smashing a window. Whilst stealing £500 he is interrupted by the elderly female occupant of the house. He picks up a poker, knocks the woman over the head, killing her. A neighbour calls the police and he is caught and arrested without further incident. John claims that he did not mean to kill the woman, it was an accident. He has no previous convictions".

And when not responsible for need for the same misdemeanour:

"A 25 year old man, John, is single with no dependants, employed and lives in a flat. He was suddenly made redundant because of staff cut backs at work and cannot find immediate work. Also, he had borrowed money from a fraudulent insurance company which collapsed leaving him massively in debt, without hope of compensation. One evening, faced with losing the flat and being 'out on the street', he breaks into a house by smashing a window. Whilst stealing £500 is interrupted by the elderly female occupant of the house. He picks up a poker, knocks the woman over the head, killing her. A neighbour calls the police and he is caught and arrested without further incident. John claims that he did not mean to kill the woman, it was an accident. He has no previous convictions."

And when not in a state of need for the same misdemeanour:

"A 25 year old man, John, is single with no dependants, employed and lives in a flat. Although he does not have any financial problems, one evening in an attempt to get some extra easy money, he breaks into a house by smashing a window. Whilst stealing £500 he is interrupted

by the elderly female occupant of the house. He picks up a poker, knocks the woman over the head, killing her. A neighbour calls the police and John is caught and arrested without further incident. John claims that he did not mean to kill the woman, it was accident. He has no previous convictions".

After reading the second part of the form each of the vignettes subjects were required to complete sections A, B and C. Section A required them to rate the extent to which they considered John guilty of burglary on a 5 point likert type scale (from absolutely sure to definitely not); responsible for the act burglary (on an identical scale) and to choose between guilty and not guilty. In section B they were required to provide the same information as in section A but in relation to manslaughter . Finally section C required them to assign the punishment they thought appropriate for the misdemeanour depicted. Due to the seriousness of the offence the only punishment available was a prison sentence with the minimum being 0 and maximum 25 years.

It is recognised that there is a set punishment for the murder of another person, i.e. life sentence. This was not used in this instance for two reasons: firstly, it was not obvious that the offence was murder and secondly the punishments are used to determine if responsibility and need influence the levels of punishment assigned. This would not be possible if only the category of 'life sentence' had been used. In 'real life', if there are extenuating circumstances, then the sentence of life for murder may not apply (for example, self defence).

Refer to appendix 7(c) for an example of survey forms distributed.

All subjects were also required to complete the Stoicism scale. This scale was developed by Wagstaff and Rowledge (1994) to measure emotions in that it is hypothesised that 'stoics' would show less emotional reaction to vignettes with an emotional content. Preliminary work by Wagstaff and Rowledge show high reliability ($r=.90$; $p<0.001$) and internal consistency with all item part-whole correlations being significant (range from 0.28, $p<0.03$ to .78, $p<0.001$).

Refer to appendix 7(d) for an example of the scale plus the scoring key.

Design:

The main design used in studies 7A and 7B is presented in table 11 below:

Table 11: Representation of the design used with studies 7A and 7B

**Burglary alone and
Burglary with Manslaughter/Murder**

Gender	Rfn	Nrfn	Nn
Male			
Female			

* Rfn = Responsible for Need; Nrfn = Not Responsible for Need; Nn = No Need

7.3.(ii) Results

The results for the two studies, 7A and 7B, are reported separately.

Study 7A

The data for 7A (burglary alone) were analysed by means of 2 x 3 ANOVA's with repeated measures on the second factor, i.e. gender of the subject condition.

Condition refers to 1) responsible for need, 2) not responsible for need and 3) no need. Separate ANOVA's were carried out for the two punishments available to subjects, i.e. fine and prison sentence.

The results will be reported separately for each punishment.

Fine (7A)

A 2 x 3 ANOVA on the data for fines showed the following results:

- a) There was a significant main effect for need on fines, $F(2,116) = 27.85$, $p < 0.0000001$. Post hoc Tukey tests, ($p < 0.05$) indicated that there was a significant difference between the fines assigned when the offender was responsible for need ($M=1231.00$; $SD=677.74$) and when not responsible for need ($M=953.58$; $SD=657.30$) and between responsible for need and not in need (1412.50 ; $SD=616.90$). There was also a significant difference when not responsible for need and not in need. Thus subjects took into account both the locus of responsibility for the need of the offender in the predicted direction.
- b) The main effect for gender was not significant. However, the means indicate a trend for male subjects to assign higher fines, $M=1255$ ($SD=593.66$) than female subjects, 1143.06 ($SD=590.26$).

- c) The interaction was not significant.

The analysis of variance table is presented in appendix 7(e).

Stoicism

There were no significant relationships between stoicism and the fines assigned in relation to all three conditions.

The correlation table is presented in appendix 7(e).

Prison Sentence (7A)

A 2 x 3 ANOVA on the data for prison sentences showed the following results:

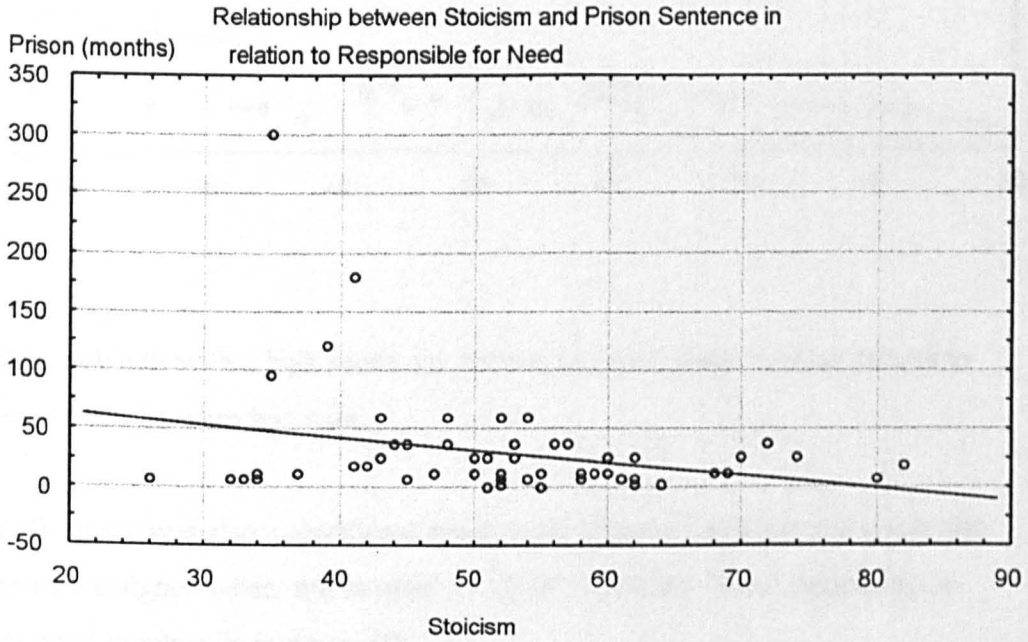
- a) There was no significant main effect for Need. However, the means indicate that, when responsible for need a longer sentence was assigned, $M=30.37$ ($SD=46.94$) than when not responsible, $M=26.53$ ($SD=39.11$). There was little difference in the sentence when responsible for need and not in need, $M=30.75$ ($SD=36.60$).
- b) The main effect for gender was not significant. However, the means indicate a trend for female subjects to assign longer prison sentences, $M=35.61$ ($SD=49.16$) than male subjects, $M=22.75$ ($SD=20.31$), although not significantly.
- c) The interaction was not significant.

The analysis of variance table is presented in appendix 7(f).

Stoicism (7A)

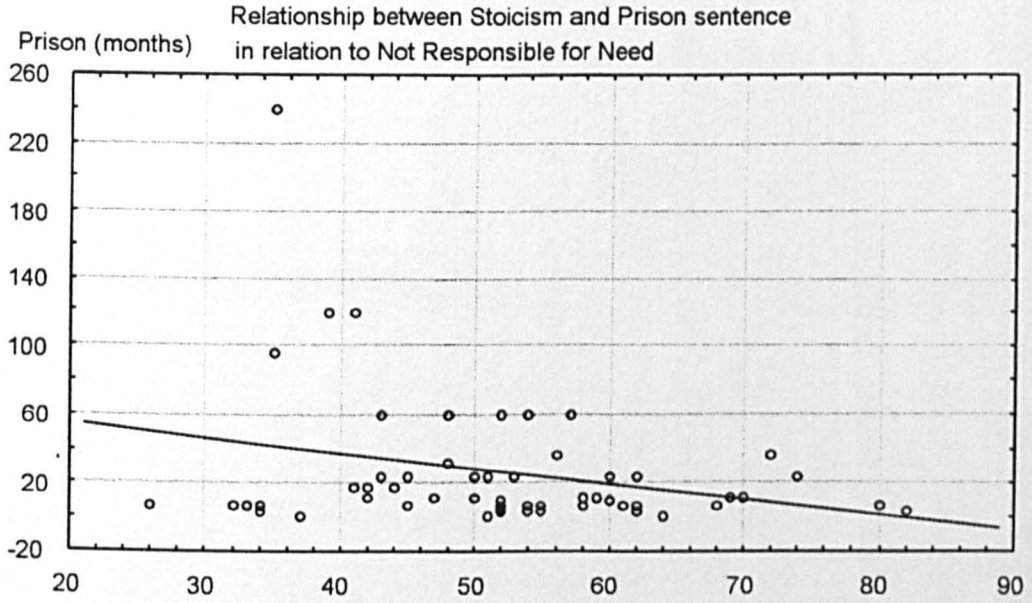
There was a significant relationship between stoicism and the prison sentence assigned to those responsible for need, $r = -.27277$, $p < 0.03$. This relationship is presented graphically in figure 17:

Figure 17: The relationship between Stoicism and the length of prison sentence assigned in relation to Responsible for Need



There was a also a significant relationship between stoicism and the prison sentence assigned when not responsible for need, $r = -.27308$, $p < 0.03$. This relationship is presented graphically in figure 18:

Figure 18: The relationship between Stoicism and the length of prison sentence assigned in relation to Not Responsible for Need



Again, subjects with a high score, i.e. 'stoics', assigned longer prison sentences than those who were less stoic.

Finally, there was also a significant relationship between stoicism and the prison sentence assigned when not in need, $r = -.25367$, $p < 0.05$. This relationship is presented graphically in figure 19:

responsibility for need when deciding how responsible he was, overall, for the offence.

- b) The main effect for gender was not significant. However, the means indicate a trend for male subjects to rate the offender as more responsible ($M=4.79$; $SD=0.53$) than female subjects ($M=4.74$; $SD=0.43$).
- c) The interaction was not significant.

The analysis of variance table is presented in appendix 7(g).

Ratings of Guilt (7A)

A 2 x 3 ANOVA on the ratings of guilt showed the following:

- a) The main effect for Need was not significant. The means indicate that there was little difference in the ratings of guilt assigned whether the offender was responsible for his need ($M=4.92$; $SD=0.28$), not responsible for need ($M=4.93$; $SD=0.31$) or not in need ($M=5.00$; $SD=0.00$).
- b) The main effect for gender was not significant. The means indicate that there was little difference, between male ($M=4.99$; $SD=0.06$) and female subjects ($M=4.91$; $SD=0.23$), in the ratings of guilt assigned whether the offender was responsible for their need, not responsible or not in need
- c) The interaction was not significant

The analysis of variance table and means are presented in appendix 7(h).

Guilty/Not Guilty

All subjects, both male and female, found the offender guilty of burglary in all three conditions, therefore, no further analysis was carried out.

Study 7B

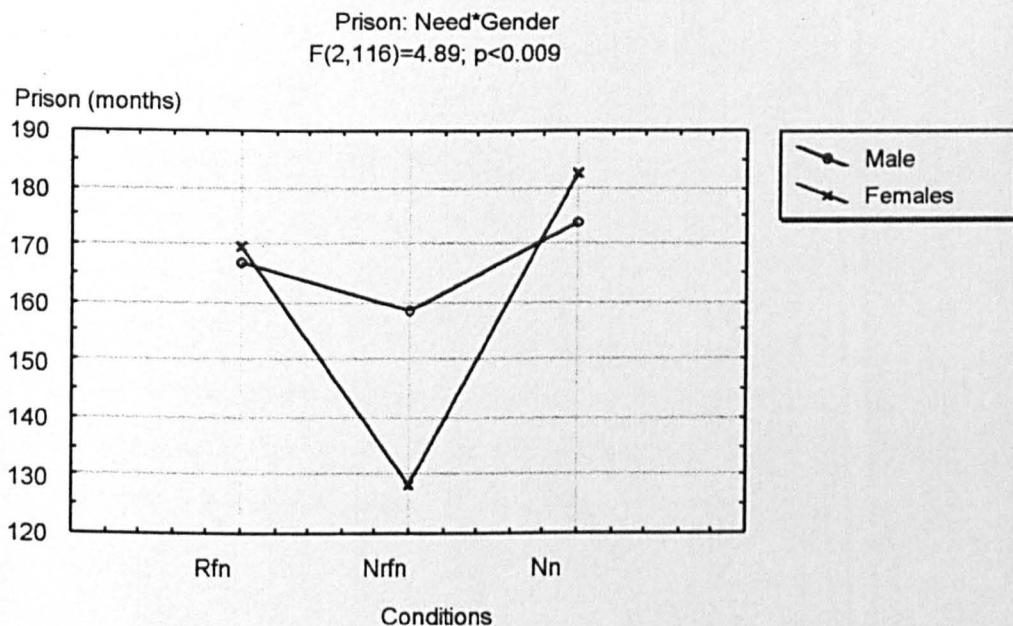
The data for 7B (burglary and manslaughter/murder) were also analysed by means of a 2 x 3 ANOVA i.e. gender of the subject x condition. Condition refers to 1) responsible for need, 2) not responsible for need and 3) no need. There was only one punishment available to subjects, that of a prison sentence.

Prison Sentence

The 2 x 3 ANOVA on the length of prison sentence showed the following:

- a) There was a significant main effect for need, $F(2,116)= 14.19$, $p<0.000003$. Post hoc Tukey tests ($p<0.05$) indicated that there was a significant difference between the prison sentences assigned to the offender responsible for need $M=168.27$ ($SD= 78.71$) and not responsible for need $M=143.42$ ($SD=82.80$). There were also significant differences between the offender responsible and not responsible for need and not in need $M= 178.20$ ($SD=84.96$). Thus the results indicate that subjects took into account both the locus of responsibility for the need and the need of the offender.
- b) The main effect for gender was not significant. However, the means indicate a trend for male subjects to assign longer prison sentences, $M=166.27$ ($SD=77.19$) than female subjects, $M=160.32$ ($SD=76.21$).
- c) There was, however, a significant need and gender interaction, $F(2,116) = 4.89$, $p<0.009$. The means are presented graphically in figure 20:

Figure 20: Need and Gender interaction in relation to prison sentence assigned



* Rfn = responsible for need; Nrfn= not responsible for need; Nn = no need

Post hoc Tukey tests ($p<0.05$) indicated that there was a significant difference in the prison sentence assigned to the offender not responsible for his need between the female subjects, $M=128.43$ ($SD=79.24$) and the male subjects, $M=158.40$ ($SD=84.88$). Thus female subjects were more sensitive towards the needs of the offender than the male subjects when the offender was not responsible for need. There were no significant differences between males and females in the sentences assigned to the offender when responsible for need or not in need.

The analysis of variance table and means are presented in appendix 7(I)

Stoicism (7B)

There were no significant relationships between stoicism and the prison sentences assigned in any of the three conditions.

The correlation table is presented in appendix 7(I).

Ratings of Responsibility (7B)

It can be noted that when asked to assign a punishment subjects assigned the punishment to the whole crime. Ratings of responsibility and guilt however, were split between the components of the crime.

A 2 x 3 x 3 ANOVA was therefore carried out to compare the ratings of responsibility assigned, for the acts of burglary, manslaughter and murder by subjects according to whether the offender was responsible for his need, not responsible or not in need.

Three factors were evaluated:

Factor 1 : Gender of subject (between subjects): This factor had two levels, that of male and female.

Factor 2 : Crime (within subjects). This factor had three levels, that of burglary, manslaughter and murder.

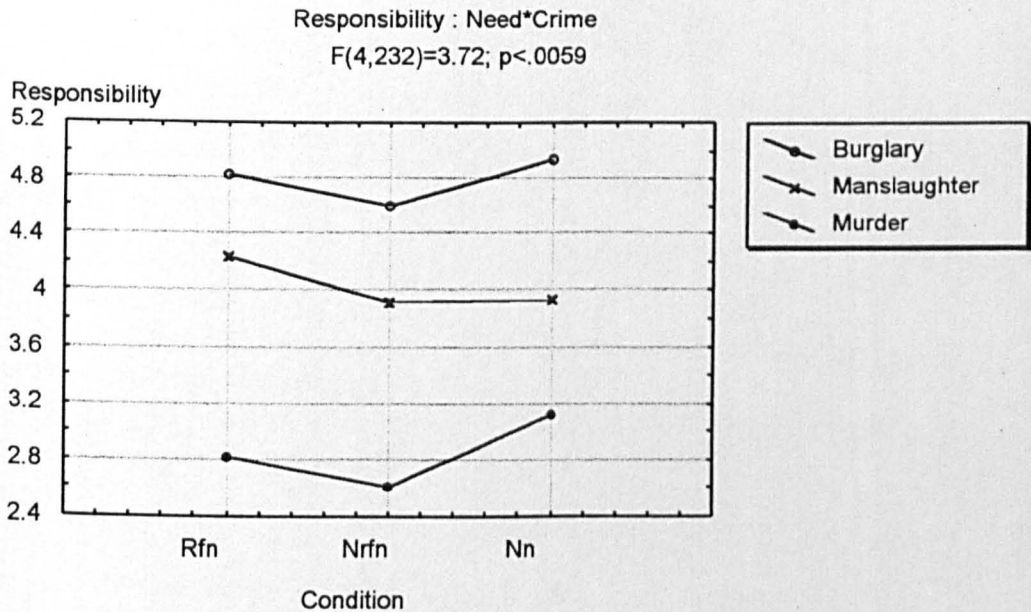
Factor 3: Need (within subjects): This factor had three levels, that of responsible for need, not responsible for need and no need.

- a) There was a significant main effect for Need, $F(2,116)=15.80$; $p<0.0000009$. Post hoc Tukey tests ($p<0.05$) indicated that there was a significant difference between the ratings of responsibility given when the offender was responsible for need, $M=4.16$ ($SD=0.57$) and when not responsible for need, $M=3.91$ ($SD=0.69$). There was also a significant difference between when he was not responsible for need and in no need

M=4.24 (SD=0.45). Thus, subjects took account of the locus of responsibility for the need and the need of the offender when deciding how responsible he was for the offence, in the predicted direction.

- b) There was a significant main effect for Crime, $F(2,116)=52.05$; $p<0.0000001$. Post hoc Tukey tests ($p<0.05$) indicated that there was a significant difference in the ratings of responsibility given to the act of burglary M=4.78 (SD=0.58) compared to manslaughter M=4.03 (SD=1.16). There was also a significant difference between burglary and murder M=2.84 (SD=1.23) and manslaughter and murder. Thus subjects perceived offenders most responsible for burglary and least responsible for murder.
- c) The main effect for gender was not significant. The means indicate that there were no differences in the overall ratings of responsibility given by male, (M=4.10; SD=0.65) and female, (M=4.11; SD=.36) subjects.
- d) There was a significant interaction for need and crime, $F(4,232)=3.72$; $p<0.006$. The means are presented graphically in figure 21:

Figure 21: Need and Crime in relation to ratings of responsibility for the offence



* Rfn= responsible for need; Nrfn=not responsible for need; Nn=no need

Post hoc Tukey tests, ($p < 0.05$) indicated that there was a significant difference in the ratings of responsibility assigned to the offence of burglary when the offender was not responsible for his need ($M = 4.60$; $SD = 0.83$) compared to when not in need, ($M = 5.00$, $SD = 0.00$). In relation to manslaughter, there was a significant difference in the ratings of responsibility when he was responsible for need ($M = 4.23$; $SD = 1.23$) compared to when not responsible for need ($M = 3.92$; $SD = 1.27$). In relation to murder, there was a significant difference when not responsible for need ($M = 2.60$; $SD = 1.29$) compared to when not in need ($M = 3.12$; $SD = 1.37$). Thus, subjects rated the offender as most responsible for the acts of burglary and murder when the offender was not in need but most responsible of manslaughter when responsible for his need.

e) No other interactions were significant.

The analysis of variance table is presented in appendix 7(k).

Ratings of Guilt (7B)

A 3 x 3 x 2 ANOVA was carried out to evaluate the ratings of guilt assigned, for the acts of burglary, manslaughter and murder by subjects according to whether the offender was responsible for need, not responsible or not in need.

Three factors were evaluated:

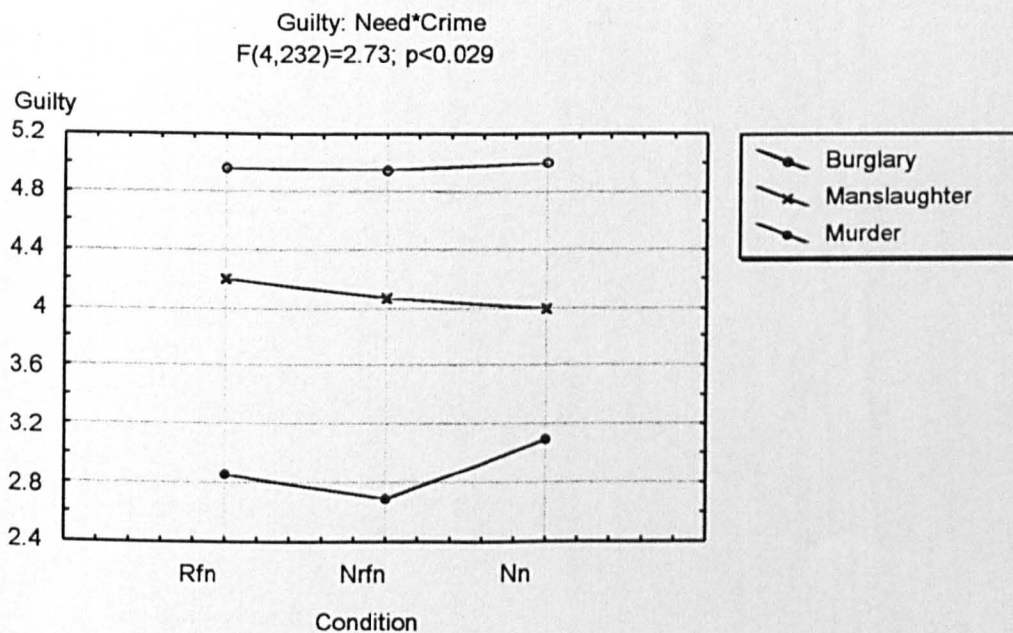
Factor 1 : Gender of subject (between subjects): This factor had two levels, that of male and female.

Factor 2 : Crime (within subjects). This factor had three levels, that of burglary, manslaughter and murder.

Factor 3: Need (within subjects): This factor had three levels, that of responsible for need, not responsible for need and no need.

- a) There was a significant main effect for Need, $F(2,116)=4.10$, $p<0.02$. Post hoc Tukey tests ($p<0.05$) indicated that there was a significant difference between the ratings of guilt when the offender was not responsible for need $M=4.16$ ($SD=0.34$) and not in need $M=4.27$ ($SD=0.35$). There were no other significant differences, the mean for responsible for need being 4.19 ($SD=0.56$).
- b) There was a significant main effect for Crime, $F(2,116)=53.41$, $p<0.0000001$. Post hoc Tukey tests ($p<0.05$) indicated that there was a significant difference, in the ratings of guilt given to the crime of burglary $M=4.98$ ($SD=0.13$) compared to manslaughter $M=4.08$ ($SD=1.13$). There was also a significant difference between burglary and murder $M=2.88$ ($SD=1.28$) and manslaughter and murder. Thus subjects perceived offenders most guilty for burglary and least guilty of murder.
- c) The main effect for gender was not significant. The means indicate that there was no difference in the ratings of guilt assigned by female subjects ($M=4.22$; $SD=0.26$) and male subjects ($M=4.22$; $SD=0.34$).
- d) There was a significant interaction for need and crime, $F(4,232)=2.73$; $p<0.03$. The means are presented graphically in figure 22:

Figure 22: Need and Crime Interaction in relation to ratings of guilt



* Rfn=responsible for need; Nrfn=not responsible for need; Nn=no need

Post hoc Tukey tests ($p < 0.05$) indicated that, in relation to murder, there was a significant difference in the ratings of guilt assigned to the offender when not responsible for his need ($M=2.70$; $SD=1.38$) compared to no need ($M=3.10$; $SD=1.39$). Thus subjects found the offender equally guilty of burglary and manslaughter regardless of need or responsibility for need but in relation to murder rated him as more guilty when not in need than when not responsible for need.

e) No other interaction was significant.

The analysis of variance table is presented in appendix 7(k).

Guilty/Not Guilty (7B)

All subjects held the offender guilty of burglary and were more likely to rate them guilty of manslaughter than murder regardless of whether they were responsible, not responsible or not in need. This applies to both male subjects and female subjects. (refer to appendix 7(L)).

7.2.(iii). Discussion

The results obtained, although not always statistically significant, indicate some support for the view that in the assignment of punishments need was used as an input moderator in line with the need and responsibility for need principles of Equity as Desert. The results are summarised as follows.

Study A

In relation to study A, on the whole as predicted, there was a trend for subjects to assign greater punishments when the offender was responsible for his need and not in need compared to when not responsible for need. Although these findings were only significant in relation to the fine, the trend of the means for the prison sentence were in the same direction.

Again, as predicted, although not significant, the means indicate a trend for female subjects to be more punitive in the assignment of punishments than male subjects.

When taking into account the ratings of responsibility, subjects took into account need and responsibility for need, in that the offender was found most responsible when not in need, and least responsible when not responsible for need. However, in relation to ratings of guilt, there were no differences, i.e. the offender was found equally guilty regardless of need or responsibility for his need. This is reinforced further by the fact that when asked to give a verdict of guilty or not guilty, all subjects stated 'guilty'. There were no significant gender differences in the ratings of responsibility or guilt, although the means show that male subjects rated the offender both more responsible and guilty than female subjects. The trend for female subjects to assign more punitive punishments indicates that the assignment of punishments is not necessarily linked to generally perceived levels of guilt or responsibility.

There were no relationships found between stoicism and the fines assigned. However, in relation to the prison sentence, as predicted, those subjects who scored high on the stoicism scale assigned the longer prison sentences. It is difficult to explain why no such relationship was found in the fines assigned.

Study B

Due to the severity of the offence in Study B only a prison sentence was available and subjects again assigned punishments in line with predictions, i.e. the most punitive sentence was assigned when the offender was not in need and the least when not responsible for need, for all crimes.

Although not significant, the means again indicate that, as predicted, females were overall more punitive than male subjects. However, the need and gender interaction shows that female subjects also took greater account of responsibility for need, i.e. when the offender was not responsible for his need the sentence was reduced. Thus female subjects, whilst being more punitive, could be said to be more sensitive to the issue of responsibility for need, a finding which reflects that found in study six on burglary, and, to some extent, study 1 on driving offences.

When rating the level of responsibility, as predicted, the offender was judged more responsible when not in need and least when not responsible for his need. However, the need x crime interaction shows that the level of responsibility for the three conditions (responsible for need, not responsible for need and no need) was influenced by the offence itself. For manslaughter, subjects rated the offender as significantly more responsible when responsible for his need with no difference between when not responsible for need and not in need. However, for both burglary and murder the significant differences were between not responsible for need and no need. There is no obvious reason however, why this trend should not occur for manslaughter.

In relation to ratings of guilt, subjects rated the offender as most guilty when not in need and least when not responsible for need. However, the interaction shows that this difference only occurred in relation to murder, in that there was a significant difference in the ratings of guilt when the offender was not responsible for his need compared to when not in need.

There were no relationships between stoicism and the prison sentences assigned.

Finally, when subjects were required to give a verdict of guilty/not guilty, all subjects found the offender guilty of burglary in both studies (7A and 7B). In study 7B subjects were more likely to find the offender guilty of manslaughter, in all three conditions, but not of murder. This reticence could be due to the more serious consequences for the offender should be found guilty of murder.

In summary, therefore, although not entirely consistent, most of the findings are broadly in line with the predictions from EAD. The only real departure from the predictions was the failure to show a difference between the no need and not responsible for need in the assignment of responsibility for the crime of manslaughter. Perhaps, however, this was due to the accidental 'nature' of manslaughter. Also, differences in guilt according to need and responsibility for need only showed up significantly in relation to the crime of murder, perhaps again because subjects were more sensitive to the effects of their 'judgements', i.e. a guilty verdict of murder has the most severe consequences. Either way, it seems that the measures of guilt and responsibility did not map onto each other exactly.

The inconsistent findings in relation to Stoicism are also difficult to explain, but it seems that this variable has little predictive value in this context.

Chapter Eight

The Influence of Moral Development

So far although, arguably, the findings have been broadly supportive of the predictions of EAD regarding the influence of need and responsibility, attempts to find reliable measures that will reflect individual differences in the use of these factors have not been very successful. In the final two studies, a different type of measure was therefore used, that of moral development.

Moral maturity, or moral development, can be considered a central issue to that of justice. Moore, Hembree and Enright (1993) propose that, because not all individuals have the same view of what is fair, we should not assume that all people use the same strategies in arriving at justice judgements. Only by taking a developmental perspective can we attempt to determine what factors may influence these differences in adulthood, e.g. are the psychological processes involved due to particular experiences which determine complex attitudes about what is just or do people, because of their limited capacity for processing information, use simple heuristics when making judgements? As argued by Kuo (1976), if a behaviour is not present at birth then it must be the result of developmental processes but heuristics are often perceived as pre-existent. If they do develop then the extent to which they can be modified and/or the context within which they are used may be dependant upon their fixed developmental properties. For example, according to Messick (1993) the equality rule in distributing resources is used primarily because it is cognitively easy to use. It is this belief that is central to theories relating to the development of justice put forward by those such as Piaget (1948, 1968); Kohlberg (1963, 1971) and Damon (1975) who, in the main, are in agreement that children perceive fairness in different ways to that of an adult. It is the work of the above which will be the main focus of this section.

Piaget (1948), working within a cognitive developmental framework, was one of the first to systematically address the development of concepts of justice using vignettes which incorporated rules, punishment, authority, equality, reciprocity,

concepts which he saw as central to the issue of justice and morality. From the analysis of responses to such stimuli he proposed that there were three major stages in the development of respect for rules and a sense of justice, which derived from the concept of reciprocity. These stages highlighted qualitative development changes in how people reason about reward allocation therefore understanding the cognitive abilities of a child is an important factor in understanding their allocation behaviour.

The first stage, moral realism (sometimes referred to as heteronomous morality) is usually exhibited in children under the age of 7 years. In these early years children view rules as 'given', they are inflexible and cannot be changed. Also significant in this stage is the belief in immanent justice, that nature will punish transgressions, and everything is either right or wrong. A person's actions are considered to be right or wrong based on the consequences of the act and not on intentions or motives, the more serious the consequences the greater the punishment that should be allocated. Piaget sees the basis for this stage being the child's cognitive structure, their egocentrism in that they assume everyone sees the world from the same viewpoint as them, and the tendency to reify psychological phenomena together with the experience of adult control. The second stage, developing at the age of 7/8 years is related to the interactions with peers and a greater level of give and take within the friendships. The beliefs of immanent justice and of expiatory punishments are overtaken by the idea that the punishment should fit the crime and in the allocation of goods the equality rule is favoured over obedience to authority.

Finally, at about 11 or 12 years, the child moves into the autonomous morality (moral relativism) stage. The rule of equity is favoured as the more just rule of distribution and extenuating circumstances, motivations and intention of actions are taken into account when making decisions about justice. Rules are seen, not as something that has to be obeyed but as products of social interaction, which can therefore be changed and conceptions of justice are less influenced by outside pressures.

Piaget therefore, sees that a mature sense of justice is formed and developed through co-operation, reciprocity and role taking among peers. These stages of development are presented as invariant but the ages are only guidelines, individuals will progress through these different rates dependent upon levels of peer interactions, environmental factors and cognitive development.

This age related developmental trend from self interest to equality to equity preferences has been supported by much empirical research (for examples see Damon, 1977; Hook, 1983). However, other aspects of Piaget's theory, such as the experiential antecedents of maturity (Johnson, 1962) or the influence of peer orientation in the development of autonomous concepts of justice (Boehm and Nass, 1962) have not been supported.

Kohlberg (1963, 1964, 1971), extending the work of Piaget, proposed a sequence of moral development consisting of six stages within three levels of moral orientation which deals more explicitly than Piaget's with the development and application of justice:

"The principles central to the development of moral judgement... is that of justice. Justice, the primary regard for the value and equality of all human beings and for reciprocity in human relations, is a basic and universal standard" (Kohlberg, 1974, p4).

Again, like Piaget, Kohlberg used vignettes but in the form of moral dilemmas in which obedience to the law conflicts with the welfare of people. From this work Kohlberg proposed that the stages were invariant in sequence, hierarchical and universal with few people actually reaching the highest stages, each stage in the development being qualitatively different, on a cognitive level, from the other.

Kohlberg sees the nature of the individual's sense of justice important in assessing their level of moral development. For example, at stage one justice is defined in terms of power, similar to Piaget's stage of moral realism, whereas at stage two justice consists of either the equality rule or what the person wants for

themselves. These two stages are most common in children up to the age of 10 years. Stage three sees justice as reciprocity rather than equality with stage four development during adolescence and remaining the predominant mode in most adults, focusing on the relationship between the individual and the social systems in which they live. At this stage justice is perceived less in terms of equality of the application of laws with equity being the most dominant rule in the distribution of resources. The final two stages, if they develop at all, do not emerge until a person is at least in their twenties and when justice is conceptualised in terms of universal ethics which sees each human life as the most important issue. Kohlberg states that a just solution necessitates taking the roles of those involved and perceiving the situation in an objective manner from all perspectives in an unbiased manner. Central to the development of principles of justice is the ability to empathise with others which results from social role taking. Depalma & Foley (1975) support this notion of empathy in that they state it serves to humanise individuals and reduce moral realism allowing the child to understand the concept of fairness which evolves into the adults notion of justice. Damon (1973) also maintains that social role taking is central to the development of justice. Working within a Piagetian framework Damon proposes that the mode of what he called 'social perspective taking' influences the mode of conceptualising justice. He identifies four levels with each incorporating the structures of the previous one into a newly organised social view. The structural changes in social perspective taking that occur at each level are reflected in changes in conceptions of justice. Damon points out that although social perspective taking and moral thinking are linked it is possible to be at an advanced level of social perspective taking but be limited in moral thinking. Kohlberg (1971) maintains that children and adults organise their entire social worlds through one or more of the basic 'justice structures' that make up his six stage moral justice sequence. Justice is, according to Kohlberg) the essential factor in human social life and therefore human thinking about social relations and institutions is structured primarily by notions of justice.

Kohlberg's claim that the levels of moral development are universal has been challenged due to the interviews being carried out on a male sample only. Gilligan (1977) argues that males and females experience the world in different ways which results in systematic differences in social skills. Male social development highlights a growing sense of individuality whilst female development stresses connectedness between individuals. These two differing pathways result in the development of two moral orientations, that of justice which is male dominated and the ethics of care which is mainly held by females. Therefore, Kohlberg is using a male sample to develop his theory and consequently assessing women's moral development and concepts of justice by a male defined system, that of justice and not care. According to Moon (1986) this actually makes no difference in that he found little evidence to support Gilligan stating that whilst most males and females may have different social experiences the resulting development of justice reasoning is remarkably similar. This lack of support for Gilligan's view has been proposed by others, e.g. Page and Tyrer (1995); Tyrer (1994) and Friedman, Robinson and Friedman (1988).

According to Berg and Mussen (1975) one problem with our understanding of the development of justice principles is the relationship between moral judgement and concepts of justice on the other. A person who is capable of high levels of moral reasoning and/or mature concepts of justice may not necessarily always behave in a manner which reflects this. There is some evidence to support a link between the two, e.g. low levels of moral development have been found to predict cheating behaviour (Kolberg, 1963; Krebs, 1968); mature moral reasoning is associated with higher levels of feelings of guilt (Hoffman, 1970) and with prosocial behaviours (Rubin and Schneider, 1973).

Notwithstanding these criticisms, however, cognitive theories clearly perceive that conceptions of 'justice' become more relative and complex as individuals pass through various stages, i.e. individuals in the higher stages of moral development are more likely to take the perspective of others and consider intentions and contextual influences rather than applying simple heuristical rules.

This leads to an obvious prediction, i.e. individuals who are highest in terms of their stage of moral development will be more sensitive to the responsibility and need components of EAD, and will be more likely to take these into account when assigning punishments.

This was the additional hypothesis tested in the final two studies.

Study 8

Driving offence : Need as an outcome adjustment

8.1. Introduction

The vignettes used in this study were the same as those used in study 2.

The vignettes used incorporated the driving offences of:

- a) driving with an excess blood alcohol level
- b) driving through a red traffic light
- c) driving over the speed limit
- d) knocking over an elderly person on a pedestrian crossing.

These situations were then manipulated to depict the individual as being responsible for need, not responsible for need and in no need, with need operating as an outcome adjustment.

The assignment of punishments was changed from the one used in the previous study to that representing the other driving studies within this thesis, i.e.

"If a fine were the only penalty at your disposal how much would you fine John for dangerous driving? The minimum amount being £0 and the maximum amount £2000.

The amount I would fine John is _____ (£'s)"

Similar statements in respect of disqualification and a prison sentence were given with the minimum period 0 months and the maximum 5 years (60 months) for both punishments.

In addition to the above each subject was required to complete the Gibbs, Basinger and Fuller (1992) Sociomoral Reflection Scale - Short Form (SRM-SF). Gender was also investigated

The following predictions were made:

- a) harsher punishments will be assigned when the perpetrator is responsible for his state of need compared to when not responsible.
- b) harsher punishments will be assigned when the perpetrator is not in a state of need than when in need.
- c) female subjects will assign harsher punishments than male subjects
- d) subjects who score high on the moral development scale will be more sensitive to responsibility and need. This should manifest itself in a significant negative correlation between scores on the moral development scale and punishments assigned. No other significant correlations with moral development would be predicted.

8.1.(i). Method

Subjects

The subjects were 22 members of the British general public, 11 females and 11 males, from various occupations and backgrounds. The ages for the female subjects ranged from 22-50 years (M=34.9; SD=9.35) and for males from 20-56 (M=35.9;SD=12.04).

Materials and Procedure

The study involved vignettes, previously used in the second study within this thesis, which depicted a fictitious character, John, committing traffic violations. The three violations were that of driving with an excess of alcohol in the bloodstream, driving through a red light and speeding in which the character was either responsible for his need, not responsible for his need or not in a state of need. Subjects were given all three vignettes.

The vignette in which 'John' was responsible for his need read as follows:

'John inherited some money from a relative and spent several months of high living which included a great deal of gambling, drinking etc. This lifestyle resulted in the total loss of John's money. Having no money, and to enable him to keep his car, a necessity to get to his work, John had to move out of his expensive apartment and rents a small bedsit.

One night John goes out on the town and has a great deal of alcohol to drink. Late that evening he gets into his car and, whilst driving over the speed limit, goes through a red light knocking down an elderly woman on a pedestrian crossing. The woman is not physically injured but is suffering from shock. John is subsequently stopped by the police, breathalysed, and found to well over the legal amount of alcohol in his bloodstream.

Having spend all of his savings on gambling and drink it is essential that John retains the use of his car to stay in employment

enabling him to pay the rent on his bedsit etc.

When not responsible for his state of need it read:

'John inherited some money from a relative. He was conned into investing his money in a bogus investment company, along with many other people, and was defrauded of all of his money. Having no money, and to enable him to keep his car, a necessity to get to his work, John had to move out of his expensive apartment and rents a small bedsit.

One night John goes out on the town and has a great deal of alcohol to drink. Late that evening he gets into his car and, whilst driving over the speed limit, goes through a red light knocking down an elderly woman on a pedestrian crossing. The woman is not physically injured but is suffering from shock. John is subsequently stopped by the police, breathalysed, and found to well over the legal amount of alcohol in his bloodstream.

Having spend all of his savings on gambling and drink it is essential that John retains the use of his car to stay in employment enabling him to pay the rent on his bedsit etc.

And when not in a state of need:

'John inherited some money from a relative. As a result he a car, although he does not require a car to get to work, and can afford to live in an expensive apartment.

One night John goes out on the town and has a great deal of alcohol to drink. Late that evening he gets into his car and, whilst driving over the speed limit, goes through a red light knocking down an elderly woman on a pedestrian crossing. The woman is not physically injured but is suffering from shock. John is subsequently stopped by the police, breathalysed, and found to well over the legal amount of alcohol in his bloodstream.'

After reading each vignette subjects were required to assign the punishment they thought appropriate for the misdemeanour depicted. There were three punishments given for each misdemeanour, a fine with a minimum of £0 and a maximum of £2,000; a period of disqualification and a prison sentence both with a minimum of 0 months and a maximum of 60 months (5 years). The subjects

were instructed that these punishments were not cumulative but to be assigned as if they were the only penalties available, i.e.:

"If a fine were the only penalty at your disposal how much would you fine John for dangerous driving?"

and

"If a period of disqualification were the only penalty available for how long would you disqualify John for dangerous driving?"

and

"If a prison sentence were the only penalty available what length of prison sentence would you give John for dangerous driving?"

Refer to appendix 8(a) for an example of survey forms distributed.

As in previous studies these punishments represent those which may actually be assigned to individuals committing these offences (see Hood 1972 and The Home Office Handbook 1991).

In addition each subject was required to complete a scale of moral development. As previously stated, Piaget and Kohlberg, both measured levels of moral development by the use of vignettes, perhaps with those of Kohlberg being the most widely used. Kohlberg's MJI (Moral Development Interview) used moral dilemmas to elicit moral judgement (reasoning and decision making), the scoring of which is guided by a comprehensive scoring manual. However, according to Gibbs, Basinger and Fuller (1992) Kohlberg's vignettes are extremely complex to score accurately. Due to these problems, attempts have been made to develop an easier method of measuring moral development whilst retaining reliability and validity. The result of twelve years of development work by Gibbs and various colleagues has culminated in the Sociomoral Reflection Measure - Short Form (SRM-SDF), by Gibbs Basinger and Fuller (1992), which has been used in this study. The reliability and validity of this measure was assessed, by Gibbs et. al.

using data from 473 subjects (from an original 509). Reliability and validity measures were acceptable, e.g. test-retest, $p < .0001$; Cronbachs alpha = .92; correlation with the MJJ, $p < 0.0001$. For a more extensive reviews see Basinger (1990) and Basinger, Gibbs and Fuller (1991).

The SRM-SF consists of 11 short answer items that address sociomoral values in which people are required to state how important the issue is and why. The responses to all items results in a score which represents the overall level of moral development for that individual (the higher the score, the higher the level of moral development).

Refer to appendix 8(b) for an example of the scale plus the scoring key.

Design:

The main design used in this study is given below:

Table 12: Representation of the design used with study 8:

Gender	Responsible for Need	Not Responsible for Need	No Need
Male			
Female			

8.1.(iii). Results

The data were analysed by means of mixed 2 x 3 ANOVA's with repeated measures on the second factor, i.e. gender of the subject x condition. Condition refers to 1) responsible for need, 2) not responsible for need and 3) no need. Separate ANOVA's were carried out for the three punishments available to subjects, i.e. fine, disqualification and prison sentence.

The results are reported separately for each punishment.

Fine

A 2 x 3 ANOVA was carried out to compare the fines assigned by subjects according to whether the offender was responsible for their need, not responsible or in no state of need.

The results obtained were as follows:

- a) There was a significant main effect for Need, $F(2,40)=8.50, p<0.0008$. Post hoc Tukey tests indicated that there was a significant difference between the fines assigned when the offender was responsible for his need ($M=1436.36$; $SD=674.39$), compared to those not in need ($M=1809.09$; $SD=392.68$). There was also a significant difference between the fines assigned when not responsible for need ($M=1368.18$; $SD=690.33$) and not in need. There was no such difference in the fines assigned to the offender responsible for his need and not responsible for need although the means do indicate a higher fine when responsible for need.
- b) There was no significant main effect for gender. However, the means indicate that, contrary to predictions, males assigned a higher fine ($M=4800$; $SD=1768.05$) than females ($M=4427.27$; $SD=1358.01$).
- c) There was no interaction.

The analysis of variance table is presented in appendix 8(c).

Moral Development and Fine

There was no significant correlations between the levels of moral development and the fine assigned in relation to any of the three conditions, i.e. responsible for need, not responsible for need and no need. Though the correlations between moral development and fine was negative and slightly larger in the not responsible for need condition.

Moral Development , Gender and Fine

There was no significant correlation between the level of moral development and fines assigned for either male or female subjects in any condition.

The full correlation table is presented in appendix 8(c).

Disqualification

A 2 x 3 ANOVA (gender x condition) was carried out to compare the periods of disqualification assigned by subjects according to whether the offender was responsible for their need, not responsible or in no state of need.

The results obtained were as follows:

- a) There was no significant main effect for Need. However, the means indicate that, when not in need a slightly longer period of disqualification was assigned, $M=38.18$ ($SD= 20.66$) compared to when responsible for need, $M=37.36$ ($SD=20.36$) and not responsible for need, $M=37.18$ ($SD= 20.67$). However, it can be seen from the means that there was little difference in the punishments assigned to the differing conditions.
- b) The main effect for gender was not significant. However, again the

means indicate that, contrary to predictions, for males to assign longer periods of disqualification, $M=44.18$ ($SD=22.490$), than females, $M=30.97$ ($SD=16.80$), although not significantly.

- c) The interaction was not significant.

The analysis of variance table is presented in appendix 8(d).

Moral Development and Disqualification

There was no significant correlations between the levels of moral development and the period of disqualification assigned in relation to any of the three conditions, i.e. responsible for need, not responsible for need and no need. Though the correlations between moral development and disqualification was negative and slightly larger in the not responsible for need condition.

Moral Development , Gender and Disqualification

There was no significant correlation between the level of moral development and period of disqualification assigned for either male or female subjects in any condition.

The correlation table is presented in appendix 8(c and d).

Prison Sentence

A 2 x 3 ANOVA (gender x condition) was carried out to compare the prison sentences assigned by subjects according to whether the offender was responsible for their need, not responsible or in no state of need.

The results obtained were as follows:

- a) There was no significant main effect for Need. However, the means

indicate that, when not in need, a longer prison sentence was assigned, $M=25.59$ ($SD=22.62$) than when responsible for need, $M=24.50$ ($SD=22.06$) and not responsible for need, $M=24.59$ ($SD=21.09$).

However, again there was little difference in the punishment assigned in any of the three conditions.

- b) The main effect for gender was not significant. However, the means indicate again that, contrary to predictions, males assigned a longer prison sentence ($M=87.82$; $SD=77.93$) than females ($M=61.54$; $SD=52.65$).
- c) The interaction was not significant.

The analysis of variance table is presented in appendix 8(e).

Moral Development and Prison sentence

There was no significant correlations between the levels of moral development and the prison sentence assigned in relation to any of the three conditions, i.e. responsible for need, not responsible for need and no need. Though the correlations between moral development and prison sentence was negative and slightly larger in the not responsible for need condition.

Moral Development , Gender and Prison sentence

There was no significant correlation between the level of moral development and the prison sentence assigned for either male or female subjects in any condition.

The correlation table is presented in appendix 8(c and e)

8.1.(iii). Discussion

The results obtained, although only significant for fine, indicate that, overall, in line with predictions, that need was operating as an outcome adjustment in line with the need and responsibility principles of EAD.

In relation to gender differences, contrary to the results obtained in previous studies within this thesis, and the predictions made, there was a trend for male subjects to be more punitive in the assignment of all three punishments, although the differences were not statistically significant. This is difficult to interpret but could be due to the small sample size of twenty two in this study compared to sixty in others.

There were also no significant relationships found between levels of moral development and any of the three punishments assigned in any of the three conditions. One possible explanation, in addition to the small subject sample, could be the ages of the subjects. Those such as Kohlberg propose that, when an individual turns twenty years of age, they begin to conceptualise justice as universal ethics and thus most people from this age upwards will have similar conceptions of justice. As the ages of the subjects within this study ranged from 20-56 perhaps a consensual view of justice would be expected. This is also reflected in the range of scores obtained on the Sociomoral Reflection scale, 267-365 with a mean score of 324.58 (SD=31.92). There is also little difference in the scores obtained from male and female subjects with a mean score of 326.89 (SD=34.02) for males and 322.50 (SD=31.50) for females. This lack of gender differences in the level of moral development supports the view of those such as Moon (1986) who states that although men and women may have different social experiences the resulting development of justice reasoning is very similar. Having said this, there was a very slight trend in the predicted direction, for a negative correlation between moral development and punishments assigned in the not responsible for need condition.

Study 9

Burglary : Need as an input moderator

8.2. Introduction

In the previous study, there were no significant relationships between moral development and punishments assigned. In order to investigate this further, a second study incorporating need as an input moderator and a more serious crime was carried out.

The vignettes used in this study were the same as those in study 7A, depicting a burglary.

All subjects completed the same moral development scale as used in study 8, the SRM-SF.

The same predictions as those in study 8 were made.

8.2.(ii). Method

Subjects

The subjects were 18 members of the British general public, 9 females and 9 males, from various occupations and backgrounds. The ages for the female subjects ranged from 22-50 years ($M=34.9$; $SD=9.35$) and for males from 20-56 ($M=35.9$; $SD=12.04$).

Materials and Procedure

The study involved vignettes which depicted a fictitious character, John, committing a burglary, as previously used in chapter eight, study 7A (burglary alone). The reasons for John committing the burglary were varied in that he was

either responsible for his need, not responsible for his need or in no need with need operating as an input moderator.

The vignette in which 'John' was responsible for his need read as follows:

'A 25 year old man, John, is single with no dependants, employed and lives in a flat. He likes to gamble so he borrows a large amount of money, places a bet and loses of the money. One evening, faced with losing his flat and being 'out on the street', in an attempt to get some money, he breaks into a house, while the occupants are out, by smashing a window. He steals £500 causing no other damage. A neighbour calls the police and he is caught and arrested without further incident.

When not responsible for his state of need it read:

'A 25 year old man, John, is single with no dependants, employed and lives in a flat. He is suddenly made redundant because of staff cutbacks at work and cannot find immediate work. Also, he had borrowed money from a fraudulent insurance company which collapsed leaving him massively in debt, without hope of compensation. One evening, faced with losing his flat and being 'out on the street', in an attempt to get some money, he breaks into a house, while the occupants are out, by smashing a window. He steals £500 causing no other damage. A neighbour calls the police and he is caught and arrested without further incident.

And when not in a state of need:

'A 25 year old man, John, is single with no dependants, employed and lives in a flat. He likes to gamble so he borrows a large amount of money places a bet, and loses all of the money. Although this does not cause him any financial problems, one evening in an attempt to get some extra easy money, he breaks into a house, while the occupants are out, by smashing a window. He steals £500, causing no other damage. A neighbour calls the police and he is caught and arrested without further incident.

After reading each vignette subjects were required to assign the punishment they thought appropriate for the misdemeanour depicted. There were two punishments given for each misdemeanour, a fine with a minimum of £0 and a maximum of £2,000 and a prison sentence with a minimum of 0 months and a

maximum of 60 months (5 years). The subjects were instructed that these punishments were not cumulative but to be assigned as if they were the only penalties available, i.e.:

"If a fine were the only penalty at your disposal how much would you fine John for burglary?"

and

"If a prison sentence were the only penalty available what length of prison sentence would you give John for burglary?"

Refer to appendix 9(a) for an example of survey forms distributed).

As in previous studies these punishments represent those which may actually be assigned to individuals committing these offences (see Hood 1972 and The Home Office Handbook 1991).

In addition each subject was required to complete the same moral development scale, the SMR-SF, as in the previous study.

Design:

The main design used in this study is given below:

Table 13: Representation of the design within study 9:

Gender	Responsible for Need	Not Responsible for Need	No Need
Male			
Female			

9.2.(ii). Results

The data were analysed again by means of mixed 2 x 3 ANOVA's, with repeated measures on the second factor, i.e. gender of the subject x condition. Condition refers to 1) responsible for need, 2) not responsible for need and 3) no need.

Separate ANOVA's were carried out for the two punishments available to subjects, i.e. fine and prison sentence.

Fine

A 2 x 3 ANOVA (gender x condition) was carried out to compare the fines assigned by subjects according to whether the offender was responsible for their need, not responsible or in no state of need.

- a) There was a significant main effect for Need, $F(2,32)= 15.21$, $p<0.00002$. Post hoc Tukey tests ($p<0.05$) indicated that there was a significant difference between the fines assigned when responsible for need, $M=869.44$ ($SD=497.09$) compared to when not in need, $M=1238.89$ ($SD=612.98$). As predicted there was also a significant difference between the offender not responsible for his need, $M=631.67$ ($SD=483.73$) compared to when not in need. There was no such difference in the fines assigned to the offender responsible for his need and not responsible for need although the means to indicate a higher fine when responsible for need.
- b) The main effect for gender was not significant. However, contrary to predictions, the means indicate that males assigned a higher fine ($M=2791.11$; $SD=1055.27$) than females. ($M=2688.89$; $SD=1729.30$).
- c) The interaction was not significant.

The analysis of variance table is presented in appendix 9(b).

Moral Development and Fine

As in the previous study, there was no significant correlation between the levels of moral development and the fine assigned in relation to any of the three conditions, i.e. responsible for need, not responsible for need and no need. Though the correlations between moral development and fines was negative and slightly larger in the not responsible for need condition.

Moral Development, Gender and Fine

As in the previous study, there was no significant correlation between the levels of moral development and the fines assigned for either male or female subjects.

The correlation table is presented in appendix 9(b).

Prison Sentence

A 2 x 3 ANOVA (gender x condition) was carried out to compare the prison sentences assigned by subjects according to whether the offender was responsible for their need, not responsible or in no state of need.

The results obtained were as follows:

- a) There was a significant main effect for Need, $F(2,32) = 5.96$, $p < 0.006$. Post hoc Tukey tests ($p < 0.05$) indicated that there was a significant difference between the prison sentence assigned when not responsible for need, $M = 9.94$ ($SD = 14.75$) compared to when not in need, $M = 18.56$ ($SD = 20.54$). There were no such differences between the fines assigned when responsible for need, $M = 13.28$ ($SD = 14.34$) and not responsible for need, nor between responsible for need and not in need. Again, therefore, the results were broadly as predicted.

- b) The main effect for gender was not significant. However, contrary to predictions, the means indicate that males assigned a longer prison sentence ($M=51.10$; $SD=61.67$) than females ($M=32.56$; $SD=25.94$).
- c) The interaction was not significant.

The analysis of variance tables is presented in appendix 9(c).

Moral Development and Prison sentence

As in the previous study, there was no significant correlation between the levels of moral development and the prison sentence assigned in relation to any of the three conditions, i.e. responsible for need, not responsible for need and no need. Though the correlations between moral development and prison sentences was negative and slightly larger in the not responsible for need condition.

Moral Development, Gender and Prison sentence

As in the previous study, there was no significant correlation between the levels of moral development and the prison sentences assigned for either male or female subjects.

The correlation table is presented in appendix 9(c).

9.2.(iii). Discussion

Once again the results obtained, although not always statistically significant, indicate that, broadly in line with predictions, that need was operating as an input moderator as predicted by EAD.

In relation to gender differences, the results obtained were similar to those in the previous study which were contrary to the results obtained in previous studies, i.e. there was a trend for male subjects to be more punitive in the assignment of all three punishments, although the differences were not statistically significant. Again, this is difficult to interpret but could be due to the small sample size of eighteen in this study compared to sixty in others.

Again there was no relationships found between levels of moral development and any of the two punishments assigned in any of the three conditions. Although the same slight trend emerged for a greater negative correlation between moral development and punishments assigned in the not responsible for need condition.

CHAPTER NINE

Discussion

It would appear, from the results of the nine studies reported, that in the assignment of punishments for criminal acts, people could be said to use the responsibility and need principles of Equity as Desert. In particular, they assigned lower punishments when the offender was not responsible for his need. However, whilst there may be an underlying principle in use, there are clearly other factors which influence the decision making process. In this chapter the findings will be discussed in more detail and for clarity will be divided into the following sections: responsibility and need; gender; other individual differences; punishment severity and crime seriousness; theoretical perspectives and future directions.

It will be noted again that **not** tested in this thesis is the principle derived from Equity Theory that punishment must fit the crime, i.e. the more serious the crime the more severe the punishment. Given the complexities of this issue, investigation of the assertion that crime seriousness and punishment are related was considered beyond the scope of the present thesis. I will return to this issue however, in later in the discussion.

To save unnecessary repetition, the results are broadly summarised in Table 16.

Responsibility and Need:

Taking driving offences first, it was found that, when assigning punishments subjects took account of the locus of responsibility for the act and the need of the offender both when need was considered as an input moderator and an outcome adjustment, but were not so consistent in their consideration of responsibility for need.

In the first study considering driving offences, the subjects, as predicted, assigned higher sentences when the offender was responsible for the act thus supporting the general principle derived from theories of the attribution of blame and equity as desert (for example, Harvey and Rule, 1978; Fincham and Jaspers, 1980; Honderich, 1976; Shaver, 1985; Wagstaff, 1994). In relation to need, the fact that the only punishment to be adjusted downwards was that of the period of disqualification indicates that need was indeed being used as an outcome adjustment, rather than an input moderator, because the need was defined solely in terms of need of a car and thus had no influence on the assignment of fines or prison sentences.

However, in relation to responsibility for need there was no such adjustment made and a number of reasons were put forward to account for this. For instance, it could be that responsibility for need does not operate as Equity as Desert might predict; another possibility was that the situation in the vignette may have been considered ambiguous, and the manipulation of need too abstract, to affect the punishments assigned.

In the second study, in order to address the possible problems with the vignette in the first study the vignette was altered to incorporate all three offences used in the first study (i.e. speeding and driving through a red light whilst having a blood alcohol level which exceeds the legal amount) together with a more serious outcome, that of knocking someone over. Again, as predicted, need alone was found to operate as an outcome adjustment in line with the principles of Equity as Desert. However, this time there was a slight effect for responsibility for need. But perhaps again the absence of a strong effect may have been due to ambiguity in the vignettes. For instance, according to Shaver (1985) individuals can be held responsible in a negligence sense for failing to prevent something they clearly did not cause. In the case of the first study the offender moved to the country *knowing* that there was no public transport and in the second being conned into investing his money could have been seen as negligent behaviour which *could*

have been avoided, therefore, perhaps little distinction was made between the two vignettes in terms of responsibility for need in the assignment of punishments. Collectively, the results were taken to indicate that punishment for actions can be moderated by need, but not overruled by need.

At this stage, it was decided to switch emphasis onto need as an input moderator rather than an outcome adjustment. To reiterate, when need operates as an outcome adjustment it is assumed that the individual has some kind of deficit in what she or he receives that requires compensation of some sort such that when assigning punishments for criminal acts punishment is reduced. In this context therefore, need is not used as an *excuse for the offence*, the offender is not less *culpable* than someone not in need, need is used simply as a basis for adjusting the outcomes. In some situations, however, need can be construed as an *excuse for action* or an input moderator which restricts choices and therefore affects responsibility. This can be seen in the legal defence of necessity when, for example, someone steals because they are starving (Cross, Jones and Card, 1988; Curzon, 1980). Therefore, two further studies were conducted depicting a situation in which a person, out of necessity, was driving to the hospital when he committed various driving offences. Although in both studies there was a significant tendency to take need per se into account by assigning lower punishments when the offender was in need, only in one condition, in study 3, was there a significant differences between responsible and not responsible for need. However, in every condition, in both studies, there was a trend to assign lowest punishments in the not responsible for need condition and highest in the no need condition.

Attention was then turned to more serious criminal offences, assault and burglary, with need considered as an outcome adjustment.

The results of the assault study, although not statistically significant, followed the principles of equity as desert in that less severe punishments were assigned to those not responsible for need compared to those responsible for need and not in

need. However, interestingly, there was a trend for subjects to assign higher fines and longer prison sentences when responsible for their need than when not in any need even though the offender was portrayed as having been provoked into the assault. As noted before, it could be speculated perhaps, that in the 'responsible for need' vignette, Gary may be seen as lazy and/or a 'scrounger' and thus deserving of harsher punishment than Gary in the 'no need' situation, where he has a wealthy father to support him and thus, although he has chosen not to work, would not require support.

In the burglary study the need was the serious need of the offenders' children, thus the offender either knew (responsible for need) or did not know (not responsible for need) that should he get caught that his children would have to be taken into care. There was no consideration of children in the no need condition. As predicted, and in line with EAD, the responsibility and need of the offender was taken into account in that significantly shorter prison sentences were assigned for the offender who was not responsible for his need (only the prison sentence was significant but those for the fine followed the same trend).

The next study incorporated two vignettes, for each condition, one in which a burglary takes place where no-one is injured and the second an identical burglary where the offender is interrupted, attacks the homeowner who subsequently dies. In both these instances need was operating as an input moderator.

In relation to the act of burglary alone, the results indicated that the subjects took account of the responsibility and need of the offender (only the results for the prison sentence were significant but those for the fine followed the same trend) with those responsible for need receiving more punitive punishments than when not responsible for need. When assigning a punishment for the burglary offence in which the homeowner dies, only a prison sentence was available to subjects. Again, responsibility and need were taken into account in that the punishment was adjusted downwards for those offenders not responsible for their need. Highest punishments were assigned in the no need condition.

In these two studies, consistent with what would be required of members of a jury, subjects were also asked to indicate on a sliding scale how responsible and guilty, they thought the offender was.

In the first of these two studies subjects were asked to indicate levels of responsibility and guilt for burglary and in the second for burglary, manslaughter and murder (definitions of manslaughter and murder were provided, see appendix 7(a)). In addition subjects were asked to indicate whether they perceived the offender as guilty or not guilty of each offence.

In relation to responsibility, for both studies, subjects rated the offender less responsible when not responsible for need and most responsible when not in need. In the second, the offender was rated as most responsible for burglary and least for murder, indicating that the situation in the vignette, that the death was accidental, lessened the level of responsibility in line with what EAD would predict. The ratings for guilt showed no differences for burglary alone, however, when the homeowner dies, subjects adjusted the level of guilt in response to the need of the offender, i.e. he was less guilty when not responsible for his need than when not in need. However, no significant difference in ratings was found between the offender who was responsible for his need and not responsible for need indicating that locus of responsibility for need did not affect the level of guilt. However, there was also a significant need x crime interaction. Subjects rated the offender as equally guilty of burglary and manslaughter regardless of need or responsibility for need but in relation to murder rated him as more guilty when not in need than when not responsible for need

When assigning a verdict of 'guilty' or 'not guilty' there was no difference for burglary in either study; all subjects found the offender guilty. For manslaughter, the majority found the offender guilty but for murder the difference was no so great, with just over half finding the offender guilty. It would appear that, for the less serious crime of burglary, there was no hesitation

in finding the offender guilty but for the more serious crime of murder, subjects were reluctant to find the offender guilty, possibly due to the serious outcome for the offender in relation to such a serious offence.

The final two studies were mainly concerned with the issue of moral development and are reported under the 'individual differences' section to follow.

Gender Differences:

Although not always statistically significant, in seven out of nine of the studies reported here females were more punitive than males in the assignment of punishments regardless of the seriousness of the crime. Considering that the studies were related to criminal behaviour and females are reported to both perceive that they are more likely to be victims of crime and have a greater fear of crime, (see for example Gomme, 1986; 1988) then one might expect them to be more punitive in the assignment of punishments. However, in the final two studies, although as already stated the vignettes were the same as used previously, males were more punitive than females. No obvious explanation for this latter finding comes to mind. Another interesting finding was obtained in relation to the assignment of a prison sentence to the offender in studies 6 and 7B. In these situations, females were more punitive overall, but appeared to be more *sensitive* to the needs and responsibility of the offender than the males in that they assigned a lesser prison sentence when the offender was not responsible for their need. From a developmental perspective, perhaps it is not surprising that females are seen to be more sensitive, because, as previously stated, according to Damon (1980) central to the development of justice is the ability to empathise. These empathetic feelings are not only directed at those close to us, i.e. friends and family, but it is possible to express such behaviour to strangers if we have some sense of shared identity (Maccoby, 1980). According to Gilligan (1982) one might expect females to show more empathy in justice situations. She proposed that males, when faced with a moral problem, approach it in terms of rationality and logic, i.e. by assigning or apportioning blame or guilt, deciding who is most

correct and thus reaching a 'just' evaluation of the problem. However, females are more likely to conceptualise issues in terms of a care orientation in which decisions are guided by considerations of personal relationships, empathy and concern for others. Although the work of Gilligan is not without its' critics (see for example Friedman, Robinson and Friedman, 1988 and Walker, 1984) perhaps this reasoning can explain the tendency for women, in some situations, to show more empathy by adjusting the punishment in relation to the need of the offender. However, if one were to follow the logic put forward by Gilligan, perhaps it would be expected that females would, overall, assign lesser punishments than males.

These mixed findings in relation to gender differences add to the varied results found by researchers such as Main, Boon and McAllister (1992) and Major, McFarlin and Gagnon (1984) etc. However, perhaps, overall, the present findings could be taken as confirmation that females are influenced by the context of the situation more than men.

Other Individual Differences:

In attempting to determine if there is a relationship between a persons' attitudes and the punishments assigned to the differing conditions across the various criminal acts several scales were used, Belief in a Just World (Rubin and Peplau, 1975; Locus of Control (Duttweiler, 1984, Stoicism (Wagstaff and Rowledge 1994) and Moral Development (Gibbs, Basinger and Fuller, 1992). The results obtained produced inconsistent results.

Considering the Belief in a Just World, in study three the results obtained were in line with the predictions made, i.e. those who scored high on the Belief in a Just World scale assigned more punitive punishments when the offender was not responsible for his need. However, in the further three studies no significant relationships were obtained. These results are difficult to interpret, however, Rubin and Peplau (1975) propose that not all individuals react in the same way,

there are both situational and individual variations in people's perceptions of justice. In addition, they propose that this belief changes over time; we teach children to believe in a just world in order to encourage good behaviour but adults, who, due to experience and a mature level of moral development, are more likely to override such a belief. Perhaps, it could be speculated, that as the majority of subjects had a mature level of moral development, the Belief in a Just World ceased to have an impact over the assignment of punishments. This could perhaps, also explain why Alderman, Brehm and Katz (1974) found that those who had a high belief in a just world still reacted with compassion in experimental situations in which the situation elicited empathy.

The results obtained in relation to Locus of Control were also inconsistent. As with Belief in a Just World, in study three chapter six, the results obtained were as predicted, i.e. those with internal locus of control were more punitive when the offender was not responsible for need. A similar pattern of results was also obtained in the study depicting assault (study five), but for the prison sentence only. However, this effect did not occur in other studies. No obvious explanation can be offered for these inconsistent findings, except for sample differences. If there is an effect, it does not appear to be very robust.

The third individual difference variable, that of Stoicism, also produced varying results in that they were in line with predictions for the prison sentence assigned but not the fine in study 7A and no significant effects were found in study 7B. These were the only studies in which this scale was used and, as the scale was developed and tested in relation to poverty, not criminal acts and perhaps it is a factor which has no influence over such matters.

Finally, as previously stated, there were no significant relationships between moral development and punishments assigned in any of the three conditions in both studies 8 and 9. However, in line with predictions, there was a trend in both studies for a negative correlation between moral development and punishments assigned in the not responsible for need condition. To reiterate, one possible

explanation for these results, other than the small sample size, could be that when individuals turn 20 years of age, according to Kohlberg, people begin to conceptualise justice as universal ethics and thus people above this age will have similar conceptions of justice. In the studies, the mean age of the sample groups was above 20 years and the scores obtained on the SRQ are grouped within a relatively small range (267-365), indicating similar levels of moral maturity. Thus, it could be expected that there would be no strong relationship found between punishments and moral maturity. In addition, there were no gender differences which perhaps indicates that although men and women may have different social experiences the resulting development of justice reasoning is very similar.

Punishment severity and crime seriousness

Although crime severity and crime seriousness were not systematically investigated in this thesis, an examination of descriptive data relevant to this issue may, nevertheless, be of some interest.

To reiterate, according to McFatter (1982) studies have shown that there is wide agreement on the principle that punishments should be in proportion to the seriousness of the crime (see for example: Hamilton and Rytina, 1980; Rossi, Waite, Rose and Berk, 1974; Sellin and Wolfgang, 1964). Therefore, it could be expected that the most severe punishments would be assigned to the most serious offences.

Due to the differing nature of the situations used within the vignettes and the differing experimental designs, it was not possible to carry out sensible systematic statistical analysis on the data but descriptive data, for the no need condition, are given in tables 14 and 15.

Taking driving offences first, the table below contains the mean punishments assigned for each of the driving offences in the no need condition only. The first

offence, that of driving through a red light, was found by Corbett and Simon (1991), to be rated eighth in a list of twenty six driving offences. The final two columns represent a situation where the driver is speeding, drives through a red light and knocks a pedestrian down. In the first column (*) the driver is experiencing severe breathing problems and the second (**) is bleeding profusely, with both drivers on their way to hospital.

Table 14: Means and standard deviations for punishments assigned for driving offences in the No Need condition only

Punishment		Driving through red light	Speeding & red light*	Speeding & red light**
Fine	mean	460.17	1301.00	1489.95
	SD	495.01	700.43	666.37
Disqualification	mean	10.65	26.30	30.75
	SD	15.17	19.05	18.46
Prison	mean	6.07	9.60	14.10
	SD	12.57	13.30	14.81

It can be seen from the above table that, generally, there would appear to be a broad trend such that the more serious the crime the more severe the punishment.

Table: 15 Means and standard deviations for punishments assigned for burglary, assault and burglary with manslaughter/murder in relation to No Need

Punishment		Burglary*	Burglary **	Assault	Burglary with Manslaughter/ Murder
Fine	mean	710.25	1412.50	602.50	N/A
	SD	590.56	616.90	669.34	
Prison	mean	9.95	30.75	7.40	178.20
	SD	11.72	36.60	7.45	84.96

(* = burglary; ** burglary alone in study where homeowner dies)

In the table above, in accordance with the crime serious scale of Bannister and Pordham (1994), burglary has been placed as less serious than assault (although it is recognised that assault in this case was the of use fists and not a gun as in Bannister and Pordham). As the assumption was made that manslaughter/murder

would be perceived as the most serious of the crimes. The results indicate that burglary was punished more than assault when assigning both fines and prison sentence. It could perhaps be argued that the circumstances affected the punishment, not just the seriousness of the actual act, as burglary in the first column could have resulted in the offenders child being taken into care. In the second column, although only money was taken during the burglary, subjects were also exposed to an identical burglary where the householder interrupted them and the burglar attacked them and the subsequently died. It is possible that the subjects read all of the stimuli sheets given to them prior to assigning the punishment and thus were affected by the serious outcome. As expected, manslaughter was punished the most severely.

In summary then, it would appear that we cannot totally accept the hypothesis that the more serious the crime the more severe the punishment assigned. Thus perhaps supporting the assertion made by Bannister and Pordham, that there is no direct relationship between crime seriousness and punishment. However, it must also be stated that the seriousness of the above crimes were based on the survey results obtained by Corbett and Simon (1991) in the case of driving offences and Bannister and Pordham (1994) for the remainder of the offences, and perceptions of crime seriousness do change over time and can be affected by the experiences of those rating those offences.

However, clearly a major difficulty for investigating the relationship between crime seriousness and punishment within the Equity as Desert model, is that the perceptions of crime seriousness in the various vignettes, like those used in the present study, may not map exactly onto existing scales of crime seriousness, i.e. we really need to know how seriousness of the crime in *a particular vignette* is 'judged', by a *particular* sample, to assess relative crime seriousness accurately. It may be the case that for crime seriousness to emerge as a linear predictor of punishment one needs to assess both a particular sample using a common set of vignettes, i.e. a common methodology.

Theoretical Perspectives:

In sum, arguably, the results show broad support for the predictions derived from EAD regarding the operation of need and responsibility. Although the predicted trends were clearly not always significant; nevertheless, in general it would seem to be the case that they are most robust when:

- a) the crime is fairly serious,
- b) the need itself is serious, and
- c) when need is construed as an input moderator

Given the broad support in this thesis for how need and responsibility might operate with the EAD principle, it becomes pertinent to speculate why people might behave in this way. Why should people adjust punishments according to notions of responsibility and need?, particularly when crimes and outcomes are serious. One possible, and somewhat speculative, way of viewing this might be from the perspective of evolutionary psychology.

According to Barry (1989), the assumption underlying many approaches to justice is that:

"Justice.....underwrites mutually disadvantageous co-operative arrangements, whether they arise from explicit agreement or not... just terms of co-operation are those that would have been agreed upon by people trying to do the best for themselves" (p.367).

Thus, perhaps all that is being proposed is that, in situations where interests may conflict, 'just' rules are those which people *ought to adopt* to maximise their own selfish interests and whether they have agreed to them is not the most important factor.

However, people do not always behave in a selfish way, there are numerous incidents and psychological research, indicating that people are often motivated

to help others i.e. behave in an altruistic manner. Take the definition of altruism offered by Sabini (1995):

"doing something for someone else.....with no benefit to oneself, often with the possibility of risk to oneself" (p.290).

Such behaviour, according to those such as Bateson (1987) and Cialdini, Schaller, Houlihan, Arps, Fultz and Beaman (1987), may offer no obvious extrinsic rewards but may benefit the individual intrinsically by experiencing a reduction in negative psychological states which include the alleviation of feelings of guilt and the pain of empathy. This reduction in psychological states can be found in equity theory in that the motivation for justice is that inequity can produce feelings of psychological distress which individuals are then motivated to reduce (Walster and Walster, 1975; Walster, Walster and Bercheid, 1978). However, this explanation does not help us understand why one particular principle, such as Equity or EAD, is more likely to reduce stress than any other.

Staying with the broad concept of altruism, Trivers (1971) argues that there are instances where it may be useful to help others in the assumption that this will increase the probability of them helping you should the need arise in the future, i.e. reciprocal altruism. For this to work it is important that the costs and benefits incurred be proportional. This concept works if all members of a species operate in this way but not if there are some who cheat, i.e. they do not return favours in proportion to those received, if at all. According to Dawkins (1976), cheats are most likely to prosper when they face 'suckers' (i.e. those who indiscriminately incur costs to benefit others, regardless of the benefits received in return). When cheats face suckers computer simulations have shown, in evolutionary terms, cheats prosper and suckers become extinct. However, enter those who will help those who have helped them in the past but not those who cheat, i.e. grudgers. Dawkins (1976) found, in simulations, that whilst in the short term, being a grudger does not seem a good strategy, over time it will dominate as the most evolutionary stable strategy. Studies have shown that this 'tit for tat' strategy of grudgers can be useful in inducing effective co-operation; Axelrod (1980, 1984)

and McClintock and Liebrand (1988) found that those using 'tit for tat' strategies were seen to be intelligent, strong and *fair*. However, in larger groups Boyd and Richerson (1992) found that a far better strategy than 'tit for tat' was some form of direct retaliation which they call *retribution*, i.e. more co-operation is produced when non co-operators are punished. This 'negative reciprocity', according to Clutton-Brock and Parker (1995), may serve as a method of persuading reluctant helpers to co-operate and of discouraging thieves and cheats. Thus in larger groups, e.g. society, a strategy which returns favours with favours and returns non co-operation and cheating with punishments may offer the most stable system.

It can be seen from the above that there is a similarity here with EAD. Positive and negative reciprocity are the hallmarks of proportional desert. As stated by Wright (1995):

"The intuitively obvious idea of just deserts, the very core of the human sense of justice, is, in this view, a by product of evolution, a simple genetic strategy" (p. 205).

Thus proportional desert, from an evolutionary perspective, can be construed as a sophisticated group version of 'tit for tat' designed to facilitate social exchange for the benefit of all by encouraging co-operation and discouraging non co-operation and punishing cheating. According to Boyd and Richerson (1991) it may actually be adaptive, in an evolutionary sense, to punish people who refuse to enter into co-operative arrangements, they may be a social liability.

However, although it might make sense to punish those who do not co-operate, e.g. criminals, what about the concept of responsibility (or personal choice) which is central to EAD and this thesis? The notion of responsibility or personal choice may have evolved as a way of fine tuning both negative and positive reciprocity to encourage efficient co-operation and discourage cheating. Rewarding those who choose to contribute efficiently may serve to reinforce such behaviour in other members of the group whilst punishing those who deliberately

choose not to contribute or choose to offend may both discourage them, and others, from similar future behaviour. However, punishing those who did not choose to offend, or did so by accident, can be costly and prevent future co-operation. It is pointless, and costly, to punish those who would not be likely to offend again in any case.

One implication of this is that when people are in need, and are not responsible for being in need, to punish them without consideration of this is to punish them disproportionately and thus offend the logic of the proportionality principle.

When need operates as an input moderator, it affects the degree of choice (i.e. the extent to which the act was an 'accident') thus influencing responsibility as described above.

Of course, there may be alternative ways of explaining the present results other than EAD. For example the multiprinciple approach assumes justice has several dimensions and a number of rules. Thus, Leventhal (1976), following the multiprinciple approach, argues that people use several justice rules when making decisions, i.e. the contributions rule, the needs rule and the equality rule. Also, the multiprinciple approach assumes that the different principles are utilised in different situations. According to Lerner (1974):

- when economic productivity is the primary goal, equity will be the dominant principle of distributive justice.
- when the maintenance of personal relationships is the goal, equality will be the dominant principle.
- when personal welfare is the goal, need will be the dominant principle.

However, this does not tell us how the three can be integrated and work together, and the issue of responsibility is not considered in this framework and thus is not adequate alternative explanation.

Future Directions

The present studies suggest a number of directions for future research.

When using a survey method of collecting information consideration should perhaps be given to what Orne (1962) described as 'demand characteristics' of the situation, i.e. the results obtained may simply represent the responses which the subject thought the researcher wanted. However, such findings, according to Hamilton and Rytina (1980) do not necessarily invalidate such results, indeed they can actually support the fact that consensus has been obtained (in this case supporting the assertion that individuals use EAD as an underlying principle of justice).

Nevertheless, a future study may benefit by the use of both quantitative and qualitative methodologies. For example, once subjects had responded to the survey, a semi structured interview as to why the respondents answered as they did and other comments they may wish to make may enhance our understanding of the use of EAD as a principle of justice and the gender differences in the assignment of punishments found within this thesis. In addition, sample populations of disadvantaged groups within society, e.g. ethnic minorities and those on low incomes could be identified and included perhaps along with a group of individuals who have been convicted of criminal acts. Perhaps most importantly, however, future research should be directed towards how responsibility and need interact with the proportionality component of EAD. In other words when these factors are controlled, does punishment actually fit the crime?

Methodological Considerations

It could be argued that there are two strands to this brief consideration of the methodology used in this thesis, firstly those specific to the thesis and secondly those concerned with the use of vignettes within research generally.

Firstly, in relation to those specific to this thesis, it could be argued that, as there was no actual outcome for the offenders in the vignettes and the artificial situations depicted, that the subjects may not have taken the assignment of the sentences as 'seriously' as one may have wished. However, as the assignment of the sentence was undertaken to determine if the responsibility and need aspect of 'Equity as Desert' influenced the sentencing, and the results indicate that generally they were, then this concern is perhaps unfounded. Another issue which may have influenced the result obtained, and was not addressed within this research, was whether any of the subjects had been a victim or perpetrator of any criminal acts. If this were to be the case then, as with other more qualitative methods of research, one would find it difficult to replicate these findings. However, Marshall and Rossman (1989) propose that replication is problematic for most methodologies as the 'real world' changes and thus one cannot expect such replication. Finally, by only asking subjects to assign a sentence or a guilty verdict one is not actually gaining any real understanding of why such judgements have been made. It must however, be stated that this research was undertaken to determine if people were using a model rather than why those judgements were made but it is acknowledged that this would have added value to the findings made.

On a more general level, although the use of vignettes is widespread (see for example Kohlberg, 1976; Piaget, 1948; Scott, Deary and Peolosi, 1995; Miles and Huberman, 1994) there are weaknesses in such a method, for example, the wording of a vignette may expose what is being required of the subject. However, although this could lead to demand characteristics (Ormer, 1976), i.e. the subject giving the response that they think the researcher is looking for, this is a problem for many other types of survey/questionnaire research which depends on the subjects honesty of response (Marshall and Rossman, 1989). In addition, the quality of the stimulus is an important factor, and it has been suggested in some cases in this thesis, (e.g. study 1 in the responsibility for need condition), that the vignette may have been problematic. The design of the study, i.e. within

or between subjects, is also a factor of consideration both in terms of exposure to the subject of what is being investigated and in terms of fatigue. This was considered as a possible problem in study 1 where subjects were required to respond to a battery of vignettes.

Finally, it is impossible to know how the subjects have actually interpreted the vignettes and responded in light of that interpretation, i.e. it is a highly subjective process, and this makes it impossible for the researcher to be totally confident that people are responding in the same manner.

However, taking the above problems into account, in this thesis the use of vignettes is seen to have been the appropriate methodology. It provided a great deal of data which was easy to manipulate and was amenable to statistical analysis, thus enabling some generalisation of findings. Thus, it is proposed that a firm foundation for the proposal that people do use the need and responsibility aspects of EAD as a principle of justice when assigning punishments for various criminal acts has been produced.

The use of qualitative methodology would, perhaps, enhance our understanding of why, and why not, people take into account need and responsibility when assigning sentences for criminal acts together with the gender differences highlighted in this thesis. In addition, the issue of being the victim, or perpetrator, of criminal activity may have been investigated (although it is acknowledged that ethical considerations would be a factor in this).

Table 16 : Summary of Results

	Study 1 : Driving Need : Outcome Adjustment	Study 2 : Driving Need: Outcome Adjustment	Study 3 : Driving Need : Input Moderator	Study 4: Driving Need : Input Moderator
What	Speeding need: would not be able to work	Speeding, driving through red lights and drink driving. Knocks elderly woman down, no injury, shock. Need is lacking money	Speeding, driving through red lights and drink driving. Knocks child down, no injury, shock. Need is injury: can't breathe	Speeding, driving through red lights and drink driving. Knocks child down, no injury, shock. Need is injured and bleeding
Found	Fine: Not Significant RFN: 561.00 (SD=487.72) NRFN: 607.33 (SD=526.86) NN: 460.17 (SD=495.01) Disq. : Not Significant RFN: 7.48 (SD=8.84) NRFN: 9.30 (SD=11.99) NN: 10.65 (SD=15.17) Prison : Not Significant 4.83 (SD=8.84) 4.98 (SD=9.34) NN: 6.07 (SD=11.16)	Disq + Fine : Significant RFN: 3.46 (SD=1.27) (a) NRFN: 3.37 (SD=1.28) (b) NN: 4.35 (SD=1.09) (b) Disq. only : Significant RFN: 3.68 (SD=0.93) (a) NRFN: 4.00 (SD=0.91) (ab) NN: 2.80 (SD=1.36) (b) No Punishment: RFN: 1.80 (SD=1.16) NRFN: 1.34 (SD= 0.84) NN: 1.20 (SD=.52)	Fine: Significant RFN: 1020.00 (SD=813.91) (a) NRFN: 457.50 (SD=440.50) (b) NN: 1301.00 (SD=19.05) (c) Disq: Significant RFN: 21.95 (SD=11.50) (a) NRFN: 7.30 (SD=11.50) (a) NN: 26.30 (SD=19.05) (b) Prison: Not Significant RFN: 9.50 (SD=14.40) NRFN: 4.17 (SD= 7.74) NN: 9.60 (SD=13.70)	Fine: Significant RFN: 721.00 (SD=740.15) (a) NRFN: 487.75 (SD=601.51) (a) NN: 1489.95 (SD=666.17) (b) Disq: Significant RFN: 13.95 (SD=17.14) (a) NRFN: 7.10 (SD=9.21) (a) NN: 30.75 (SD= 18.46) (b) Prison: Significant RFN: 4.90 (SD=9.20) (a) NRFN: 4.50 (SD= 9.40) (a) NN: 14.10 (SD= 14.81) (b)
Interpretation	<ul style="list-style-type: none"> perhaps RFN does not operate as EAD predicts vignettes too abstract manipulation of need too abstract 	<ul style="list-style-type: none"> actions not overruled by needs, either offset by their needs or needs disregarded 	<ul style="list-style-type: none"> applying EAD ie. choice of driver restricted prison - undecided, more variability in sentencing, need was not sufficiently salient to influence sentence 	<ul style="list-style-type: none"> need taken into account NS for RFN due to ambiguity of need variable, responsible for transport problem not obvious was responsible for bleeding

	Study 5 : Assault Need : Outcome Adjustment	Study 6 : Burglary Need: Outcome Adjustment	Study 7A: Burglary Need : Input Moderator	Study7B: Burglary & Mans. Need : Input Moderator
What	hits stranger who is insulting him need: a criminal record may prevent employment	burglary of shop, stole money Need: children will go into care	burglary of house, stole money needed money to keep home	burglary of house, homeowner struck and dies needed money to keep home
Found	<p>Fine: Not Significant RFN: 631.00 (SD=615.89) NRFN: 380.00 (SD=363.24) NN: 602.50 (SD=669.34)</p> <p>Prison: Not Significant RFN: 13.00 (SD=10.73) NRFN: 9.15 (SD=10.02) NN: 7.40 (SD=7.45)</p>	<p>Fine: Not Significant RFN: 890.00 (SD=609.70) NRFN: 602.50 (SD=544.95) NN: 710.25 (SD=590.56)</p> <p>Prison: Significant RFN: 20.15 (SD=18.52) (a) NRFN: 5.60 (SD=6.89) (b) NN: 9.95 (SD=11.72) (c)</p>	<p>Fine: Significant RFN: 1231.00 (SD=667.74) (a) NRFN: 953.58 (SD=657.30) (b) NN 1412.50 (SD= 616.90) (c)</p> <p>Prison: Not Significant RFN: 30.37 (SD=46.94) NRFN: 26.53 (SD=39.11) NN : 30.75 (SD=36.60)</p> <p>Ratings of Resps. Significant RFN: 4.78 (SD= 0.64) NRFN: 4.52 (SD=0.93) NN: 5.00 (SD= 0.00)</p> <p>Ratings of guilt: Not Significant RFN: 4.92 (SD=0.28) NRFN: 4.93 (SD=0.31) NN: 5.00 (SD=0.00) Guilty/Not guilty = ALL</p>	<p>Prison: Significant RFN: 168.27 (SD=78.71) (a) NRFN: 143.42 (SD=82.80) (b) NN: 178.20 (SD=84.96) (c)</p> <p>Ratings of Resps. Significant RFN: 4.16 (SD=0.57) (a) NRFN: 3.91 (SD=0.69) (b) NN: 4.24 (SD=0.45) (c)</p> <p>Ratings of guilt: Significant RFN: 4.19 (SD=0.36) (a) NRFN: 4.16 (SD=0.69) (a) NN: 4.27 (SD=0.35) (b) Guilty/Not guilty = Manslaughter more than murder</p>
Interpretation	<ul style="list-style-type: none"> • NN benefited as wealthy father = no state support • loss of work less salient than crime of assault 	<ul style="list-style-type: none"> • more punitive when RFN due to knowing outcome for children 	<ul style="list-style-type: none"> • fine = using principles • prison = large variance, undecided 	<ul style="list-style-type: none"> • using principles in prison

	Study 8: Driving and Moral Development Need : Outcome Adjustment	Study 9 : Burglary and moral development Need:Input moderator
What	as study 2 but punishments changed as for other driving studies	as study 7 part A
Found	<p>Fine: Significant RFN: 1436.36 (SD=647.39) (a) NRFN: 1368.18 (SD=690.33) (a) NN: 1809.09 (SD=392.68) (b)</p> <p>Disq: Not Significant RFN: 37.36 (SD=20.36) NRFN: 37.18 (SD=20.67) NN: 38.18 (SD=20.66)</p> <p>Prison: Not Significant RFN: 24.50 (SD=22.06) NRFN: 24.59 (SD=21.99) NN: 25.59 (SD=22.62)</p> <p>MD = no significant relationships</p>	<p>Fine: Significant RFN: 869.44 (SD=497.09) (a) NRFN: 631.67 (SD=483.73) (b) NN: 1238.89 (SD=612.98) (c)</p> <p>Prison: Significant RFN: 13.28 (SD=14.34) (a) NRFN: 9.94 (SD=14.75) (a) NN: 18.56 (SD=20.54) (b)</p> <p>MD = no significant relationships</p>
Interpretation	<ul style="list-style-type: none"> • need taken into account for fine only • NS for responsible for need • No significant relationship moral development and punishment - ages of subjects and all high level of moral development 	<ul style="list-style-type: none"> • need and respons for need for fine • need only for prison • No significant relationship moral development and punishment - ages of subjects and all high level of moral development

Key:

RFN = responsible for need
NRFN = not responsible for need
NN = no need

MD= moral development

(a,b,c) : indicate which are significant.

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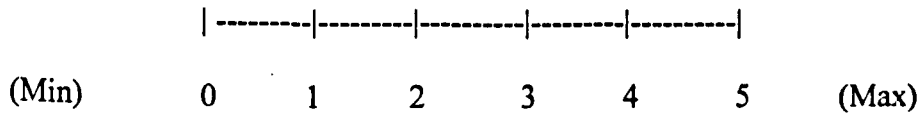
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Section C:

If a **prison sentence** were the **only** penalty at your disposal for what prison sentence would **you** give to the person described above. Please indicate the length of the prison sentence **you** would give on the following scale where:

0 = NO PRISON SENTENCE >>> MAXIMUM prison sentence = 5 years



Appendix: 1(b)

- i) Analysis of variance table for the fines assigned in relation to Responsible/Not Responsible

Effect	df Effect	MS Effect	df Error	MS Error	F value	p-level
Responsible/Not Responsible	1	.194E 08	48	198557.5	97.86938	.0000000
Gender of Subject	1	.440E 06	48	442547.5	.99524	.3234679
Fictitious Character	5	.632E 06	48	442547.5	1.42727	.2315506
Fictitious Character * Gender of Subject	5	.336E 06	48	442547.5	.75893	.5838453
Fictitious Character* Responsible/Not Responsible	5	.118E 06	48	198557.5	.59626	.7028738
Gender of Subject* Responsible/Not Responsible	1	.690E 04	48	198557.5	.03475	.8528960
Fictitious Character* Gender of Subject* Responsible/Not Responsible	5	.458E 06	48	198557.5	2.30575	.0588749

- ii) Means and standard deviations for fines assigned to the fictitious characters in relation to Responsible/Not Responsible

Character		Responsible	Not Responsible
Female	Mean	980.00	480.00
	Sd	628.58	463.80
Male	Mean	1530.00	710.00
	Sd	592.64	622.63
Professor	Mean	1410.00	560.00
	Sd	574.36	774.88
Building Labourer	Mean	1200.00	328.00
	Sd	533.33	307.42
35 year old	Mean	1108.00	176.00
	Sd	833.32	165.41
17 year old	Mean	1230.00	375.00
	Sd	625.48	372.12

Appendix: 1(b) (continued)

iii) Means and standard deviations for fines assigned by female and male subjects to the various fictitious characters in relation to Responsible/Not Responsible

Character	Gender of Subject		Responsible	Not Responsible
Female	Female	Mean	880.00	800.00
		Sd	334.66	424.26
	Male	Mean	1080.00	160.00
		Sd	867.18	219.09
Male	Female	Mean	1700.00	540.00
		Sd	670.82	456.07
	Male	Mean	1360.00	880.00
		Sd	517.69	769.42
Professor	Female	Mean	1340.00	560.00
		Sd	705.69	814.25
	Male	Mean	1480.00	560.00
		Sd	481.66	829.46
Building Labourer	Female	Mean	1080.00	480.00
		Sd	558.57	178.88
	Male	Mean	1320.00	176.00
		Sd	540.37	350.54
35 year old	Female	Mean	1096.00	128.00
		Sd	932.78	172.97
	Male	Mean	1120.00	224.00
		Sd	831.86	160.87
17 year old	Female	Mean	1680.00	530.00
		Sd	521.54	468.51
	Male	Mean	780.00	530.00
		Sd	319.37	468.51

Appendix: 1(c)

- i) Analysis of variance table for the fines assigned in relation to Age and Responsible/Not Responsible

Effect	df Effect	MS Effect	df Error	MS Error	F value	p-level
Age of subject	1	.718E+06	58	444860.2	1.61471	.2089042
Responsible/Not Responsible	1	.190E+08	58	207889.6	91.29243	.0000000
Age* Responsibility	1	.361E+06	58	207889.6	1.73722	.1926733

- ii) Means and standard deviations for all punishments in relation to Age and Responsible/Not Responsible

Age group		Fine (£)	Disqualification (months)	Prison (months)
Up to 39 years of age (N=40)	Mean	785.87	16.11	7.55
	SD	474.28	10.69	8.26
39 years and above (N=20)	Mean	950.00	19.40	13.78
	SD	466.13	15.03	16.95

Appendix: 1(d)

- i) Analysis of variance table for the periods of disqualification assigned in relation to Responsible/Not Responsible

Effect	df Effect	MS Effect	df Error	MS Error	F value	p-level
Responsible/Not Responsible	1	11741.41	48	117.7625	99.70414	.0000000
Gender of Subject	1	745.01	48	279.8625	2.66205	.1093128
Fictitious Character	5	.193.81	48	279.8625	.69251	.6315714
Fictitious Character * Gender of Subject	5	530.57	48	279.8625	1.89582	.1125581
Fictitious Character* Responsible/Not Responsible	5	142.01	48	117.7625	1.20589	.3207466
Gender of Subject* Responsible/Not Responsible	1	238.01	48	117.7625	2.02109	.1615932
Fictitious Character* Gender of Subject* Responsible/Not Responsible	5	182.69	48	117.7625	1.55133	.1919274

- ii) Means and standard deviations for periods of disqualification (in months) assigned to the fictitious characters in relation to Responsible/Not Responsible

Character		Responsible	Not Responsible
Female	Mean	24.00	9.00
	SD	16.00	12.41
Male	Mean	33.60	7.50
	SD	19.64	7.65
Professor	Mean	25.80	11.60
	SD	20.01	18.73
Building Labourer	Mean	31.80	5.40
	SD	17.90	5.97
35 year old	Mean	25.80	11.60
	SD	20.01	18.73
17 year old	Mean	27.00	7.80
	SD	13.93	11.24

iii) Means and standard deviations for periods of disqualification (in months) assigned by female and male subjects to the fictitious characters in relation to Responsible/Not Responsible

Character	Gender of Subject		Responsible	Not Responsible
Female	Female	Mean	33.60	14.40
		Sd	17.80	15.65
	Male	Mean	14.40	3.60
		Sd	5.37	5.37
Male	Female	Mean	48.00	9.60
		Sd	16.97	9.10
	Male	Mean	19.20	5.40
		Sd	5.40	6.15
Professor	Female	Mean	20.40	7.60
		Sd	8.05	10.43
	Male	Mean	31.20	15.60
		Sd	27.63	25.31
Building Labourer	Female	Mean	28.80	7.20
		Sd	18.20	6.57
	Male	Mean	34.80	3.60
		Sd	19.16	5.37
35 year old	Female	Mean	20.40	2.00
		Sd	24.59	2.54
	Male	Mean	20.40	2.27
		Sd	11.69	5.07
17 year old	Female	Mean	34.80	9.60
		Sd	16.10	15.65
	Male	Mean	19.20	6.00
		Sd	5.02	5.61

Appendix: 1(e)

**Analysis of variance table for period of disqualification (months)
assigned in relation to Age and Responsible/Not Responsible**

Effect	df Effect	MS Effect	df Error	MS Error	F value	p-level
Age of subject	1	288.20	58	301.9326	.95453	.3326260
Responsible/Not Responsible	1	129.5153	58	129.5153	79.80476	.0000000
Age* Responsibility	1	2.20	58	129.5153	,01702	.8966576

Appendix: 1(f)

- i) Analysis of variance table for the prison sentences assigned in relation to Responsible/Not Responsible

Effect	df Effect	MS Effect	df Error	MS Error	F value	p-level
Responsible/Not Responsible	1	3553.408	48	77.5958	45.79380	.0000000
Gender of Subject	1	1248.075	48	264.3458	4.72137	.0347573
Fictitious Character	5	234.455	48	264.3458	.88693	.4972462
Fictitious Character * Gender of Subject	5	432.935	48	264.3458	1.63776	.1681259
Fictitious Character* Responsible/Not Responsible	5	199.148	48	77.5958	2.56648	.0388869
Gender of Subject* Responsible/Not Responsible	1	639.408	48	77.5958	8.24024	.0060782
Fictitious Character* Gender of Subject* Responsible/Not Responsible	5	121.468	48	77.5958	1.56540	.1878509

- ii) Means and standard deviations for prison sentences (in months) assigned to the fictitious characters in relation to Responsible/Not Responsible

Character		Responsible	Not Responsible
Female	Mean	11.20	3.90
	Sd	11.21	8.01
Male	Mean	24.90	3.00
	Sd	24.37	7.61
Professor	Mean	13.80	7.20
	Sd	17.90	18.93
Building Labourer	Mean	15.00	3.60
	Sd	17.49	5.06
35 year old	Mean	6.60	2.00
	Sd	6.60	3.97
17 year old	Mean	18.90	5.40
	Sd	17.43	11.21

Appendix: 1(f) (continued)

iii) Means and standard deviations for prison sentences assigned by female and male subjects to the fictitious characters in relation to Responsible/Not Responsible

Character	Gender of Subject		Responsible	Not Responsible
Female	Female	Mean	16.20	5.40
		Sd	13.68	10.48
	Male	Mean	6.20	2.40
		Sd	5.76	5.37
Male	Female	Mean	41.40	6.00
		Sd	23.66	10.39
	Male	Mean	8.40	0.00
		Sd	9.81	0.00
Professor	Female	Mean	9.60	2.40
		Sd	10.04	5.37
	Male	Mean	18.00	12.00
		Sd	24.00	26.83
Building Labourer	Female	Mean	22.80	4.80
		Sd	21.80	6.57
	Male	Mean	7.20	2.40
		Sd	7.82	3.29
35 year old	Female	Mean	8.40	3.60
		Sd	8.04	5.37
	Male	Mean	4.80	0.40
		Sd	5.02	0.55
17 year old	Female	Mean	25.20	8.40
		Sd	22.61	15.65
	Male	Mean	12.60	2.40
		Sd	8.60	3.91

Appendix: 1(g)

**Analysis of variance table for the length of prison sentence (months)
assigned in relation to Age and Responsible/Not Responsible**

Effect	df Effect	MS Effect	df Error	MS Error	F value	p-level
Age of subject	1	1033.350	58	280.0047	3.69047	.0596436
Responsible/Not Responsible	1	3465.600	58	101.7763	34.05115	.0000003
Age* Responsibility	1	64.067	58	101.7763	.62949	.4307781

Appendix : 1(h)

- i) Analysis of variance table for the fines assigned in relation to Need/No Need

Effect	df Effect	MS Effect	df Error	MS Error	F value	p-level
Need/No Need	1	14963.	48	16286.7	.918747	.3426073
Gender of Subject	1	2307413.	48	405250.0	5.63802	.0210167
Fictitious Character	1	212552.	48	405250.0	.524496	.756210
Fictitious Character * Gender of Subject	5	1056021.	48	405250.0	2.605852	.0365256
Fictitious Character* Need/No Need	5	8475.	48	16286.7	.520385	.7595787
Gender of Subject* Need/No Need	1	563.	48	16286.7	.034589	.8532441
Fictitious Character* Gender of Subject *Need/No Need	5	11707.	48	16286.7	.718829	.6124727

- ii) Means and standard deviations for fines assigned to the fictitious characters in relation to Need/No Need

Character		Need	No Need
Female	Mean	376.00	368.00
	Sd	492.50	497.75
Male	Mean	562.00	564.00
	Sd	488.30	589.60
Professor	Mean	380.00	450.00
	Sd	590.29	564.21
Building Labourer	Mean	490.00	480.00
	Sd	366.52	234.76
35 year old	Mean	265.00	345.00
	Sd	358.68	381.50
17 year old	Mean	554.00	554.00
	Sd	667.47	667.47

iii) Means and standard deviations for fines assigned by male and female subjects to the fictitious characters in relation to Need/No Need

Character	Gender of Subject		Need	No Need
Female	Female	Mean	616.00	608.00
		Sd	614.23	623.15
	Male	Mean	136.00	128.00
		Sd	156.46	158.49
Male	Female	Mean	860.00	820.00
		Sd	545.89	775.87
	Male	Mean	264.00	308.00
		Sd	128.37	127.75
Professor	Female	Mean	180.00	180.00
		Sd	148.32	148.32
	Male	Mean	580.00	720.00
		Sd	813.63	715.54
Building Labourer	Female	Mean	420.00	480.00
		Sd	376.83	178.88
	Male	Mean	560.00	384.71
		Sd	480.00	303.31
35 year old	Female	Mean	456.00	552.00
		Sd	436.90	439.45
	Male	Mean	74.00	138.00
		Sd	95.91	164.98
17 year old	Female	Mean	940.00	940.00
		Sd	792.46	792.46
	Male	Mean	168.00	168.00
		Sd	43.82	43.82

Appendix: 1(I)

- i) Analysis of variance table for the fines assigned in relation to Age and Need/No Need

Effect	df Effect	MS Effect	df Error	MS Error	F value	p-level
Age of subject	1	273375.0	58	479808.7	.5697583	.4534091
Need/No Need	1	14726.7	58	15222.6	.9674221	.3294092
Age*Need	1	326.7	58	155222.6	.0214593	.8840425

- ii) Means and standard deviations for all punishments in relation to Age and Need/No Need

Age group		Fine (£)	Disqualification (months)	Prison (months)
Up to 39 years of age (N=40)	Mean	415.25	6.26	3.76
	Sd	459.44	8.28	6.74
39 years and above (N=20)	Mean	516.50	11.75	7.00
	Sd	546.89	16.98	12.97

Appendix : 1(j)

- i) Analysis of variance table for periods of disqualification assigned in relation to Need/No Need

Effect	df Effect	MS Effect	df Error	MS Error	F value	p-level
Need/No Need	1	14963.	48	16286.7	.918747	.3426073
Gender of Subject	1	2307413.	48	405250.0	5.63802	.0210167
Fictitious Character	1	212552.	48	405250.0	.524496	.756210
Fictitious Character * Gender of Subject	5	1056021.	48	405250.0	2.605852	.0365256
Fictitious Character* Need/No Need	5	8475.	48	16286.7	.520385	.7595787
Gender of Subject* Need/No Need	1	563.	48	16286.7	.034589	.8532441
Fictitious Character* Gender of Subject *Need/No Need	5	11707.	48	16286.7	.718829	.6124727

- ii) Means and standard deviations for periods of disqualification assigned to the fictitious characters in relation to Need/No Need

Character		Need	No Need
Female	Mean	1.30	6.10
	Sd	3.77	18.94
Male	Mean	606.0	11.90
	Sd	15.09	20.20
Professor	Mean	3.20	3.30
	Sd	5.01	4.94
Building Labourer	Mean	5.20	6.40
	Sd	5.92	8.22
35 year old	Mean	0.70	1.90
	Sd	1.25	3.75
17 year old	Mean	4.70	6.80
	Sd	7.80	9.85

- iii) Means and standard deviations for periods of disqualification assigned by male and female subjects to the fictitious characters in relation to Need/No Need

Character	Gender of Subject		Need	No Need
Female	Female	Mean	8.40	13.20
		Sd	10.04	16.10
	Male	Mean	0.20	12.20
		Sd	0.45	26.72
Male	Female	Mean	13.60	24.40
		Sd	19.77	23.51
	Male	Mean	1.20	2.60
		Sd	2.68	3.13
Professor	Female	Mean	2.00	6.80
		Sd	2.45	9.86
	Male	Mean	7.40	10.80
		Sd	10.57	8.90
Building Labourer	Female	Mean	6/00	12.00
		Sd	6.00	0.00
	Male	Mean	2.00	9.00
		Sd	2.55	15.30
35 year old	Female	Mean	5.40	7.80
		Sd	6.15	5.85
	Male	Mean	1.60	1.40
		Sd	2.61	2.61
17 year old	Female	Mean	17.40	25.80
		Sd	24.41	23.39
	Male	Mean	1.20	1.80
		Sd	1.30	2.49

Appendix: 1(k)

ii) **Analysis of variance table for period of disqualification (months)**
assigned in relation to Age and Need/No Need

Effect	df Effect	MS Effect	df Error	MS Error	F value	p-level
Age of subject	1	803.0042	58	281.0084	2.85758	.0963123
Need/No Need	1	579.7042	58	56.1653	10.32139	.0021477
Age*Need	1	49.5042	58	56.1653	.88140	.3517116

Appendix : 1(L)

- i) Analysis of variance table for the prison sentences assigned in relation to Need/No Need

Effect	df Effect	MS Effect	df Error	MS Error	F value	p-level
Need/No Need	1	180.0750	48	44.7917	4.020279	.0506131
Gender of Subject	1	385.2083	48	159.2583	2.418764	.1264590
Fictitious Character	5	150.2283	48	159.2583	.943300	.4617973
Fictitious Character * Gender of Subject	5	287.1483	48	159.2583	1.803035	.1301371
Fictitious Character* Need/No Need	5	22.4150	48	44.7917	.500428	.7743692
Gender of Subject*Need/No Need	1	1.0083	48	44.7917	.022512	.8813627
Fictitious Character* Gender of Subject*Need/No Need	5	78.8683	48	44.7917	1.760781	.1389877

- ii) Means and standard deviations for prison sentences assigned to the fictitious characters in relation to Need/No Need

Character		Need	No Need
Female	Mean	1.30	6.10
	Sd	3.77	18.94
Male	Mean	6.60	11.90
	Sd	15.08	20.20
Professor	Mean	3.20	3.30
	Sd	5.01	4.94
Building Labourer	Mean	5.20	6.40
	Sd	5.92	8.22
35 year old	Mean	0.70	1.90
	Sd	1.25	3.75
17 year old	Mean	4.70	6.80
	Sd	7.80	9.85

Appendix : 1(L) (continued)

iii) Means and standard deviations for prison sentences assigned by male and female subjects to the fictitious characters in relation to need/no need

Character	Gender of Subject		Need	No Need
Female	Female	Mean	2.60	0.20
		Sd	5.27	0.45
	Male	Mean	0.00	12.00
		Sd	0.00	26.83
Male	Female	Mean	12.00	22.00
		Sd	20.78	25.61
	Male	Mean	1.20	1.80
		Sd	2.68	2.68
Professor	Female	Mean	1.60	1.60
		Sd	2.60	2.60
	Male	Mean	4.80	5.00
		Sd	6.57	6.40
Building Labourer	Female	Mean	7.20	7.20
		Sd	6.57	6.57
	Male	Mean	3.20	24.00
		Sd	5.07	10.36
35 year old	Female	Mean	1.20	3.60
		Sd	1.64	4.92
	Male	Mean	0.20	0.20
		Sd	0.45	0.45
17 year old	Female	Mean	8.40	12.00
		Sd	10.04	12.00
	Male	Mean	1.00	1.60
		Sd	1.41	2.61

Appendix: 1(m)

**Analysis of variance table for the length of prison sentence (months)
assigned in relation to Age and Need/No Need**

Effect	df Effect	MS Effect	df Error	MS Error	F value	p-level
Age of subject	1	279.5042	58	171.3274	1.631404	.2065984
Need/No Need	1	158.4375	58	45.8170	3.458049	.0680189
Age*Need	1	.0375	58	45.8170	.000818	.9772747

Appendix: 1(n)

- i) Analysis of variance table for the fines assigned in relation to Responsible for Need/Not Responsible for Need

Effect	df Effect	MS Effect	df Error	MS Error	F value	p-level
Responsible for Need/ Not Responsible for Need	1	64403.	48	67366.7	.956012	.3330961
Gender of Subject	1	1293763.	48	370428.3	3.492615	.0677518
Fictitious Character	5	621347.	48	370428.3	1.677375	.1581658
Fictitious Character * Gender of Subject	5	749811.	48	370428.3	2.024174	.0919764
Fictitious Character*Responsible for Need/Not Responsible for Need	5	136155.	48	67366.7	2.021108	.0924223
Gender of Subject*Responsible for Need/Not Responsible for Need	1	18750.	48	67366.7	.278328	.6002298
Fictitious Character*Gender of Subject*Responsible for Need/Not Responsible for Need	5	109734.	48	67366.7	1.628906	.1704309

- ii) Means and standard deviations for fines assigned to the fictitious characters in relation to Responsible for Need/Not Responsible for Need

Character		Responsible for Need	Not Responsible for Need
Female	Mean	540.00	384.00
	Sd	685.14	451.45
Male	Mean	660.00	790.00
	Sd	550.15	534.27
Professor	Mean	375.00	545.00
	Sd	204.46	391.90
Building Labourer	Mean	740.00	1000.00
	Sd	516.83	666.67
35 year old	Mean	486.00	382.00
	Sd	426.88	420.00
17 year old	Mean	565.00	543.00
	Sd	452.19	476.14

Appendix: 1(n) (continued)

iii) Means and standard deviations for fines assigned by male and female subjects to the fictitious characters in relation to Responsible for Need/Not Responsible for Need

Character	Gender of Subject		Responsible for Need	Not Responsible for Need
Female	Female	Mean	560.00	560.00
		Sd	589.91	589.91
	Male	Mean	520.00	208.00
		Sd	940.95	191.99
Male	Female	Mean	880.00	1020.00
		Sd	701.43	567.45
	Male	Mean	440.00	560.00
		Sd	260.77	433.59
Professor	Female	Mean	270.00	290.00
		Sd	185.74	151.66
	Male	Mean	480.00	800.00
		Sd	178.88	400.00
Building Labourer	Female	Mean	560.00	1040.00
		Sd	219.00	696.63
	Male	Mean	920.00	960.00
		Sd	687.02	792.46
35 year old	Female	Mean	784.00	552.00
		Sd	406.55	558.86
	Male	Mean	188.00	212.00
		Sd	150.73	112.78
17 year old	Female	Mean	860.00	880.00
		Sd	477.49	460.43
	Male	Mean	270.00	206.00
		Sd	120.41	119.08

Appendix: 1(o)

- i) Analysis of variance table for the fines assigned in relation to Age and Responsible for Need/Not Responsible for Need

Effect	df Effect	MS Effect	df Error	MS Error	F value	p-level
Age of subject	1	48166.67	58	446240.5	.1079388	.7436863
Responsible for Need/Not Responsible for Need	1	60166.67	58	77266.7	.7786880	.3811854
Age*Responsible for Need	1	326.67	58	77266.7	.0042278	.9483806

- ii) Means and standard deviations for all punishments in relation to Age and Responsible for Need/Not Responsible for Need

Age group		Fine (£)	Disqualification (months)	Prison (months)
Up to 39 years of age (N=40)	Mean	570.00	7.86	4.00
	SD	492.68	9.18	7.11
39 years and above (N=20)	Mean	612.50	9.45	6.72
	SD	427.62	11.75	11.53

Appendix: 1(p)

- i) Analysis of variance table for the period of disqualification assigned in relation to Responsible for Need/Not Responsible for Need

Effect	df Effect	MS Effect	df Error	MS Error	F value	p-level
Responsible for Need/ Not Responsible for Need	1	99.0083	48	29.7958	3.322892	.0745531
Gender of Subject	1	785.4083	48	157.4875	4.987115	.0302340
Fictitious Character	5	206.2683	48	157.4875	1.309744	.2757407
Fictitious Character * Gender of Subject	5	502.3883	48	157.4875	3.190020	.0144683
Fictitious Character*Responsible for Need/Not Responsible for Need	5	36.7883	48	29.7958	1.234680	.3076823
Gender of Subject*Responsible for Need/Not Responsible for Need	1	72.0750	48	29.7958	2.418962	.1264437
Fictitious Character*Gender of Subject*Responsible for Need/Not Responsible for Need	5	19.0550	48	29.7958	.639519	.6706168

- ii) Means and standard deviations for periods of disqualification assigned to the fictitious characters in relation to Responsible for Need/Not Responsible for Need

Character		Responsible for Need	Not Responsible for Need
Female	Mean	9.20	10.40
	Sd	9.30	15.37
Male	Mean	9.40	14.80
	Sd	15.33	17.37
Professor	Mean	7.30	6.40
	Sd	8.30	9.96
Building Labourer	Mean	9.00	13.90
	Sd	8.60	11.89
35 year old	Mean	3.60	4.50
	Sd	4.86	5.52
17 year old	Mean	6.40	5.80
	Sd	7.82	5.07

Appendix: 1(p) (continued)

iii) Means and standard deviations for periods of disqualification assigned by male and female subjects to the fictitious characters in relation to Responsible for Need/Not Responsible for Need

Character	Gender of Subject		Responsible for Need	Not Responsible for Need
Female	Female	Mean	13.20	18.00
		Sd	10.73	18.97
	Male	Mean	5.20	2.80
		Sd	6.26	5.21
Male	Female	Mean	17.00	26.60
		Sd	19.42	17.43
	Male	Mean	1.80	3.00
		Sd	2.83	5.20
Professor	Female	Mean	2.60	3.00
		Sd	5.27	5.10
	Male	Mean	12.00	9.80
		Sd	8.48	12.97
Building Labourer	Female	Mean	7.20	12.00
		Sd	6.57	8.48
	Male	Mean	10.80	15.80
		Sd	10.73	15.40
35 year old	Female	Mean	5.40	7.20
		Sd	6.15	6.57
	Male	Mean	1.80	1.80
		Sd	2.68	2.68
17 year old	Female	Mean	10.20	9.00
		Sd	9.40	4.24
	Male	Mean	2.60	2.60
		Sd	3.65	3.78

Appendix: 1(q)

- i) Analysis of variance table for the length of period of disqualification (months) assigned in relation to Age and Responsible for Need/Not Responsible for Need

Effect	df Effect	MS Effect	df Error	MS Error	F value	p-level
Age of subject	1	67.2042	58	203.8084	.329742	.5680316
Responsible for Need/Not Responsible for Need	1	100.1042	58	30.6550	3.265513	.0759384
Age*Responsible for Need	1	3.5042	58	30.6550	.114310	.7365105

Appendix: 1(r)

- i) Analysis of variance table for the prison sentences assigned in relation to Responsible for Need/Not Responsible for Need

Effect	df Effect	MS Effect	df Error	MS Error	F value	p-level
Responsible for Need/ Not Responsible for Need	1	.6750	48	9.5583	.070619	.7915757
Gender of Subject	1	715.4083	48	154.8250	4.620755	.0366565
Fictitious Character	5	64.8083	48	154.8250	.418591	.8334910
Fictitious Character * Gender of Subject	5	145.4883	48	154.8250	.939695	.4640107
Fictitious Character*Responsible for Need/Not Responsible for Need	5	7.5150	48	9.5583	.786225	.5647266
Gender of Subject*Responsible for Need/Not Responsible for Need	1	27.0750	48	9.5583	2.832607	.0988627
Fictitious Character*Gender of Subject*Responsible for Need/Not Responsible for Need	5	9.0750	48	9.5583	.949433	.4580475

- ii) Means and standard deviations for prison sentences assigned to the fictitious characters in relation to Responsible for Need/Not Responsible for Need

Character		Responsible for Need	Not Responsible for Need
Female	Mean	5.00	3.80
	SD	8.27	8.01
Male	Mean	6.40	6.70
	SD	14.95	15.04
Professor	Mean	5.00	5.00
	SD	8.27	8.27
Building Labourer	Mean	6.60	7.80
	SD	8.22	11.33
35 year old	Mean	1.30	3.10
	SD	2.00	6.43
17 year old	Mean	4.70	3.50
	SD	7.79	4.86

Appendix: 1(r) (continued)

iii) Means and standard deviations for prison sentences assigned by male and female subjects to the fictitious characters in relation to Responsible for Need/Not Responsible for Need

Character	Gender of Subject		Need	No Need
Female	Female	Mean	7.40	7.40
		SD	10.57	10.57
	Male	Mean	2.60	0.20
		SD	5.27	0.45
Male	Female	Mean	11.00	13.40
		SD	20.83	19.92
	Male	Mean	1.80	0.00
		SD	4.04	0.00
Professor	Female	Mean	2.60	2.60
		SD	5.27	5.27
	Male	Mean	7.40	7.40
		SD	10.57	10.57
Building Labourer	Female	Mean	9.60	12.00
		SD	10.04	14.70
	Male	Mean	3.60	3.60
		SD	5.37	5.37
35 year old	Female	Mean	1.80	6.00
		SD	2.68	8.48
	Male	Mean	0.80	0.20
		SD	1.09	0.45
17 year old	Female	Mean	8.40	6.00
		Sd	10.04	6.00
	Male	Mean	1.00	1.00
		Sd	1.22	1.22

Appendix: 1(s)

- i) Analysis of variance table for the length of prison sentence (months) assigned in relation to Age and Responsible for Need/Not Responsible for Need

Effect	df Effect	MS Effect	df Error	MS Error	F value	p-level
Age of subject	1	198.0167	58	155.1806	1.276040	.2632869
Responsible for Need/Not Responsible for Need	1	2.400	58	9.7142	.247060	.6210316
Age*Responsible for Need	1	5.4000	58	9.7142	.555886	.4589337

Appendix: 2(a)

Example of Survey Form Distributed : Responsible for Need

Please read the following passage:

John inherited some money from a relative and spent several months of high living which included a great deal of gambling, drinking etc. This lifestyle resulted in the total loss of John's money. Having no money and to enable him to keep his car, a necessity to get to his work, John had to move out of his expensive apartment and rents a small bedsit.

One night John goes out on the town and has a great deal of alcohol to drink. Late that evening he gets into his car and, whilst driving over the speed limit, goes through a red light knocking down an elderly woman on a pedestrian crossing. The woman is not physically injured but is suffering from shock. John is subsequently stopped by the police, breathalysed, and found to have well over the legal amount of alcohol in his bloodstream.

Having spent all of his savings on gambling and drink it is essential that John retains the use of his car to stay in employment, enabling him to pay the rent on his bedsit etc.

The law usually demands, at the very minimum, a 12 month period of disqualification for such an offence. However, if the following punishments were available which do **you** think would be the most **fair** punishment to assign to John.

Please circle how **fair** you consider **each** of the following punishments:

1. 12 months disqualification from driving **plus** a fine of £1,000. This means that John would not be able to get to work nor pay to get to work.

very fair fair neutral unfair very unfair

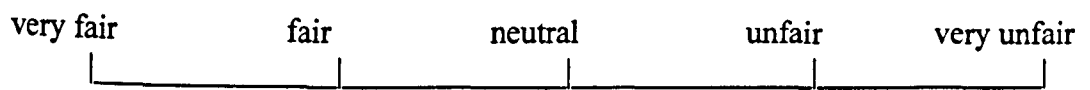
|-----|-----|-----|-----|

2. 12 months disqualification **and no** fine. This would enable John to get to work as a neighbour has offered a lift for part of the disqualification period and with no fine to pay it would be possible for John to pay to get to work for the remainder of the disqualification period.

very fair fair neutral unfair very unfair

|-----|-----|-----|-----|

3. No punishment at all.



Thank you for your co-operation

Appendix: 2(b)

**Analysis of variance table for the fairness ratings assigned to
punishments in relation to Responsible for Need/Not Responsible for
Need and No Need**

Effect	df Effect	MS Effect	df Error	MS Error	F value	p-level
Level of Need	2	0.9195	84	0.703719	1.30657	.2761925
Gender of Subject	1	6.2868	84	0.703719	8.93373	.0036708
Punishments	2	128.029 3	168	1.318330	97.1147 6	.0000000
Need*Gender of Subject	2	0.3375	84	0.703719	.47953	.6207567
Need*Punishment	4	8.1778	168	1.318330	6.20313	.0001114
Gender of Subject*Punishment	2	1.8172	168	1.318330	1.37838	.2548200
Need*Gender of Subject *Punishment	4	2.0487	168	1.318330	1.55405	.1889300

Appendix: 3(a)

Example of Survey Forms Distributed : Responsible for Need

**PLEASE READ THE FOLLOWING AND COMPLETE SECTIONS
A, B AND C**

A 30 year old man, George, is single with no dependants, employed and lives in a house in the countryside. He has no telephone. George has bought a substance to use on his garden. The substance is clearly labelled as toxic and must be used with care. A face mask must be worn. However, George decides that these precautions are not really necessary and uses the substance, ignoring the warnings. This substance creates a cloud of white dust and, after a few minutes of exposure George experiences a severe burning sensation in his lungs and throat. As the burning sensation is getting worse, and because there is no one around to drive him, George gets into his car to drive to his nearest neighbours to ask them to take him to hospital. On his way to his neighbours, George is stopped by the police. He had been driving well over the speed limit, had gone through a red light and had knocked over a child on a pedestrian crossing. The child was shocked, but otherwise unhurt. As George was clearly unwell, the police took George to the hospital themselves. George has no previous convictions.

Please complete all of the following sections, i.e. A and B and C.

SECTION A

If a fine were the **only** penalty at your disposal how much would you fine George for **dangerous driving**?

The minimum amount being £0 and the maximum £2000

The amount I would fine George is _____ pounds sterling (£)

SECTION B

If a period of disqualification were the **only** penalty available for how long would you disqualify George for **dangerous driving**?

The minimum period is 0 months and the maximum is 60 months (5 years).

Please indicate whether you are referring to years or months.

The period I would disqualify George for is _____ years/months

Please turn over the page for section C

Appendix: 3(a)(continued)

SECTION C

If a prison sentence were the **only** penalty available what length of prison sentence would you give George for **dangerous driving**?

The minimum period is 0 months and the maximum is 60 months (5 years). Please indicate whether you are referring to years or months.

The length of prison sentence I would give George is _____ years/months

PLEASE ENSURE YOU HAVE GIVEN A RESPONSE TO ALL SECTIONS

THANK YOU

Appendix: 3(b)(i)

Just World Scale

Please complete the following questionnaire according to your own opinion.
Please circle the response which is closest to your point of view for each statement.

1. It can be said that a person rarely deserves the reputation they have
Strongly Agree Agree Undecided Disagree Strongly Disagree
2. Basically the world is a just place
Strongly Agree Agree Undecided Disagree Strongly Disagree
3. People who get 'lucky breaks' have usually earned their good fortune
Strongly Agree Agree Undecided Disagree Strongly Disagree
4. Careful drivers are just as likely to get hurt in traffic accidents as careless ones
Strongly Agree Agree Undecided Disagree Strongly Disagree
5. It is common for guilty people to get off free in British courts
Strongly Agree Agree Undecided Disagree Strongly Disagree
6. Pupils almost always deserve the grades they get in school
Strongly Agree Agree Undecided Disagree Strongly Disagree
7. People who keep in good shape have little chance of suffering a heart attack
Strongly Agree Agree Undecided Disagree Strongly Disagree
8. The political candidate who sticks up for their principles rarely get selected
Strongly Agree Agree Undecided Disagree Strongly Disagree
9. It is rare for innocent people to be wrongly sent to jail
Strongly Agree Agree Undecided Disagree Strongly Disagree

10. In professional sports many fouls never get called by the referee
Strongly Agree Agree Undecided Disagree Strongly Disagree
11. Generally people deserve what they get
Strongly Agree Agree Undecided Disagree Strongly Disagree
12. When parents punish their children it is usually for good reasons
Strongly Agree Agree Undecided Disagree Strongly Disagree
13. Good deeds often go unnoticed
Strongly Agree Agree Undecided Disagree Strongly Disagree
14. Although evil people may hold political power for a while, in the course of history good usually wins out
Strongly Agree Agree Undecided Disagree Strongly Disagree
15. It almost any business or profession, people who do their job well rise to the top
Strongly Agree Agree Undecided Disagree Strongly Disagree
16. Most parents tend to overlook the things most to be admired in their children
Strongly Agree Agree Undecided Disagree Strongly Disagree
17. It is often impossible for a person to receive a fair trial in Britain
Strongly Agree Agree Undecided Disagree Strongly Disagree
18. People who meet with misfortune have brought it on themselves
Strongly Agree Agree Undecided Disagree Strongly Disagree
19. Crime does not pay
Strongly Agree Agree Undecided Disagree Strongly Disagree
20. Many people suffer through no fault of their own
Strongly Agree Agree Undecided Disagree Strongly Disagree

Appendix: 3(b)(ii)

Scoring key for Just World Scale

Question	Strongly Agree	Agree	Undecided	Disagree	Strongly Disagree
1	1	2	3	4	5
2	5	4	3	2	1
3	5	4	3	2	1
4	1	2	3	4	5
5	1	2	3	4	5
6	5	4	3	2	1
7	5	4	3	2	1
8	1	2	3	4	5
9	5	4	3	2	1
10	1	2	3	4	5
11	5	4	3	2	1
12	5	4	3	2	1
13	1	2	3	4	5
14	5	4	3	2	1
15	5	4	3	2	1
16	1	2	3	4	5
17	1	2	3	4	5
18	5	4	3	2	1
19	5	4	3	2	1
20	1	2	3	4	5

High Score = Belief in a Just World

Appendix: 3(c)(i)

Internal Locus of Control Index

Please read each statement. Where there is a blank _____, decide what your normal or usual attitude, feeling or behaviour would be:

A= Rarely (less than about 10% of the time)

B= Occasionally (about 30% of the time)

C= Sometimes (about half the time)

D= Frequently (about 70% of the time)

E= Usually (more than 90% of the time)

Of course, there are always unusual situations in which this would not be the case, but think of what you would do or feel in most normal situations. Write the letter that describes your usual attitude or behaviour.

1. When faced with a problem I _____ try to forget it
2. I _____ need frequent encouragement from others for me to keep working at a difficult task
3. I _____ like jobs where I can make decisions and be responsible for my own work
4. I _____ change my opinion when someone I admire disagrees with me
5. If I want something I _____ work hard to get it
6. I _____ prefer to learn the facts about something from someone else rather than have to dig them out for myself
7. I will _____ accept jobs that require me to supervise others
8. I _____ have a hard time saying "no" when someone tries to sell me something I do not want
9. I _____ like to have a say in any decisions made by any group I am in
10. I _____ consider the different sides of an issue before making any decisions
11. What other people think _____ has a great influence on my behaviour
12. Whenever something good happens to me I _____ feel it is because I have earned it
13. I _____ enjoy being in a position of leadership

14. I _____ need someone else to praise my work before I am satisfied with what have done
15. I am _____ sure enough of my opinions to try and influence others
16. When something is going to affect me I _____ learn as much about it as I can
17. I _____ decide to do things on the spur of the moment
18. For me, knowing I have done something well is _____ more important than being praised by someone else
19. I _____ let other peoples' demands keep me from doing things I want to do
20. I _____ stick to my opinions when someone disagrees with me
21. I _____ do what I feel like doing not what other people think I ought to do
22. I _____ get discouraged when doing something that takes a long time to achieve results
23. When part of a group I _____ prefer to let other people make all the decisions
24. When I have a problem I _____ follow the advice of friends or relatives
25. I _____ enjoy trying to do difficult tasks more than I enjoy trying to do easy tasks
26. I _____ prefer situations where I can depend on someone else's ability rather than just my own
27. Having someone important tell me I did a good job is _____ more important to me than feeling I have done a good job
28. When I am involved in something I _____ try to find out all I can about what is going on even when someone else is in charge

Appendix : 3(c)(ii)

Scoring key for Internal Locus of Control Index

Question	A	B	C	D	E
1	5	4	3	2	1
2	5	4	3	2	1
3	1	2	3	4	5
4	5	4	3	2	1
5	1	2	3	4	5
6	5	4	3	2	1
7	1	2	3	4	5
8	5	4	3	2	1
9	1	2	3	4	5
10	1	2	3	4	5
11	5	4	3	2	1
12	1	2	3	4	5
13	1	2	3	4	5
14	5	4	3	2	1
15	1	2	3	4	5
16	1	2	3	4	5
17	5	4	3	2	1
18	1	2	3	4	5
19	5	4	3	2	1
20	1	2	3	4	5
21	1	2	3	4	5
22	5	4	3	2	1
23	5	4	3	2	1
24	5	4	3	2	1
25	1	2	3	4	5
26	5	4	3	2	1
27	5	4	3	2	1
28	1	2	3	4	5

High score = Internal Locus of Control

Appendix: 3(d)

i) Analysis of Variance table showing fines assigned when Responsible for Need, Not Responsible for Need and Not in Need

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	3689532.	54	365438.7	10.09617	.0001883
Gender	1	4788375.	54	365438.7	13.10309	.0006507
Need* Gender	2	536045.	54	365438.7	1.46685	.2396934

ii) Correlation: Belief in a Just World and Locus of Control in relation to fines assigned

Condition		Belief in a Just World	Locus of Control
Responsible for Need	r=	-.21164	.32131
	p=	0.370	0.167
Not Responsible for Need	r=	.49393	-.45701
	p=	0.027	0.043
No Need	r=	.15778	-.15577
	p=	0.506	0.512

Appendix: 3(e)

- i) Analysis of Variance table showing periods of disqualification assigned when Responsible for Need, Not Responsible for Need and Not in Need

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	1981.817	54	316.0389	6.270800	.0035572
Gender	1	1804.017	54	316.0389	5.708211	.0204083
Need* Gender	2	51.617	54	316.0389	.163324	.8497341

- ii) Correlation: Belief in a Just World and Locus of Control in relation to periods of disqualification assigned

Condition		Belief in a Just World	Locus of Control
Responsible for Need	r=	.03767	.07488
	p=	0.875	0.754
Not Responsible for Need	r=	.52940	-.51864
	p=	0.016	0.019
No Need	r=	.03258	.892
	p=	.40052	0.080

Appendix: 3(f)

- i) Analysis of Variance table showing prison sentences assigned when Responsible for Need, Not Responsible for Need and Not in Need

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	192.654	54	139.4338	1.381689	.2598898
Gender	1	1079.504	54	139.4338	7.742055	.0074172
Need* Gender	2	18.754	54	139.4338	.134502	.8744428

- ii) Correlation: Belief in a Just World and Locus of Control in relation to length of prison sentence assigned

Condition		Belief in a Just World	Locus of Control
Responsible for Need	r=	.53981	-.35302
	p=	0.014	0.127
Not Responsible for Need	r=	.51196	-.44612
	p=	0.021	0.049
No Need	r=	.34753	-.39740
	p=	0.133	0.083

Appendix: 4(a)

Example of Survey Forms Distributed: Responsible for Need

PLEASE READ THE FOLLOWING AND COMPLETE SECTIONS A, B AND C

A 30 year old man, Nigel, is single with no dependants, employed and lives in a house in the countryside. One afternoon, whilst carrying out some repairs on his house, Nigel sustains a deep cut to his neck which is bleeding very heavily. Nigel is unable to telephone for an ambulance because, although he has no money problems, he has not paid his telephone bill and the line has therefore been disconnected. Because there is no one around to drive him, Nigel gets into his car to drive to his nearest neighbours to ask them to take him to hospital. On his way to his neighbours, Nigel is stopped by the police. He had been driving well over the speed limit, had gone through a red light and had knocked over a child on a pedestrian crossing. The child was shocked, but otherwise unhurt. As Nigel was bleeding very heavily, the police took Nigel to the hospital themselves. Nigel has no previous convictions.

Please complete all of the following sections, ie A and B and C.

SECTION A

If a fine were the **only** penalty at your disposal how much would you fine Nigel for **dangerous driving**?

The minimum amount being £0 and the maximum £2000

The amount I would fine Nigel is _____ pounds sterling (£)

SECTION B

If a period of disqualification were the **only** penalty available for how long would you disqualify Nigel for **dangerous driving**?

The minimum period is 0 months and the maximum is 60 months (5 years).
Please indicate whether you are referring to years or months.

The period I would disqualify Nigel for is _____ years/months

Appendix: 4(a)(continued)

SECTION C

If a prison sentence were the **only** penalty available what length of prison sentence would **you** give Nigel for **dangerous driving**?

The minimum period is 0 months and the maximum is 60 months (5 years).
Please indicate whether you are referring to years or months.

The length of prison sentence I would give Nigel is _____ years/months

PLEASE ENSURE YOU HAVE GIVEN A RESPONSE TO ALL SECTIONS

THANK YOU

Appendix: 4(b)

- i) Analysis of Variance table showing fines assigned when responsible for need, not responsible for need and not in need

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	5500315.	54	423096.2	13.00015	.0000246
Gender	1	1357210.	54	423096.2	3.20780	.0788931
Need* Gender	2	757841.	54	423096.2	1.79118	.1765293

Appendix: 4(c)

i) Belief in a Just World and Locus of Control in relation to fines assigned

Condition		Belief in a Just World	Locus of Control
Responsible for Need	r=	-.12841	-.15194
	p=	0.590	0.523
Not Responsible for Need	r=	-.00588	-.19873
	p=	0.980	0.401
No Need	r=	.10136	.21181
	p=	0.671	0.370

ii) Belief in a Just World and Locus of Control in relation to periods of disqualification assigned

Condition		Belief in a Just World	Locus of Control
Responsible for Need	r=	-.19814	-.19966
	p=	0.402	0.399
Not Responsible for Need	r=	.33026	-.27549
	p=	0.155	0.240
No Need	r=	-.12571	.14586
	p=	0.597	0.539

iii) Belief in a Just World and Locus of Control in relation to length of prison sentence assigned

Condition		Belief in a Just World	Locus of Control
Responsible for Need	r=	-.32605	-.07191
	p=	0.161	0.763
Not Responsible for Need	r=	.9659	-.27181
	p=	0.406	0.246
No Need	r=	.25913	.04982
	p=	.270	0.835

Appendix: 4(d)

Analysis of Variance table showing periods of disqualification when responsible for need, not responsible for need and not in need

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	2961.617	54	248.0704	11.93861	.0000509
Gender	1	24.067	54	248.0704	.09702	.7566404
Need* Gender	2	125.317	54	248.0704	.50517	.6062286

Appendix: 4(e)

Analysis of Variance table showing prison sentences assigned when responsible for need, not responsible for need and not in need

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	589.866 6	54	122.3222	4.822237	.0118329
Gender	1	836.266 7	54	122.3222	6.836588	.0115513
Need* Gender	2	7.4667	54	122.3222	.061041	.9408495

Appendix: 5(a)

Example of Survey Forms Distributed : Responsible for Need

PLEASE READ THE FOLLOWING AND COMPLETE SECTIONS A AND B

Gary is 25 years old and, although he has been offered many good jobs has refused them all preferring to remain unemployed. One evening Gary goes to a local 'disco' where he has arranged to meet some friends. Whilst talking to these friends at the bar Gary is verbally insulted by a total stranger. These insults continue for some time and finally Gary, losing his temper, hits the stranger in the face breaking his nose and knocking his front teeth out. The police are called and Gary is arrested and charged with assault. Gary has no previous convictions. If sent to prison Gary's chances of gaining future employment will be unlikely.

Please complete both of the following sections, ie A and B

SECTION A

If a fine were the **only** penalty at your disposal how much would you fine Gary for **assault**?

The minimum amount being £0 and the maximum £2000

The amount I would fine Gary is _____ pounds sterling (£)

SECTION B

If a prison sentence were the **only** penalty available what length of prison sentence would you give Gary for **assault**?

The minimum period is 0 months and the maximum is 60 months (5 years). Please indicate whether you are referring to years or months.

The length of prison sentence I would give Gary is _____ years/months

PLEASE ENSURE YOU HAVE GIVEN A RESPONSE TO BOTH SECTIONS

THANK YOU

Appendix: 5(b)

- i) Analysis of Variance table showing fines assigned when responsible for need, not responsible for need and not in need.

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	377731.7	54	325011.3	1.162211	.3204937
Gender	1	62081.7	54	325011.3	.191014	.6638169
Need* Gender	2	306931.7	54	325011.3	.944372	.3952519

- ii) Correlation: Belief in a Just World and Locus of Control in relation to fines assigned

Condition		Belief in a Just World	Locus of Control
Responsible for Need	r=	.15223	-.08545
	p=	0.522	0.720
Not Responsible for Need	r=	.02149	.35838
	p=	0.928	0.121
No Need	r=	.12259	.07891
	p=	0.607	0.741

Appendix: 5(c)

- i) Analysis of Variance table showing prison sentences assigned when responsible for need, not responsible for need and not in need.

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	164.1500	54	90.38704	1.816079	.1724566
Gender	1	93.7500	54	90.38704	1.037206	.3130134
Need* Gender	2	87.3500	54	90.38704	.966400	.3869319

- ii) Belief in a Just World and Locus of Control in relation to length of prison sentence assigned

Condition		Belief in a Just World	Locus of Control
Responsible for Need	r=	.36343	-.10107
	p=	0.115	0.672
Not Responsible for Need	r=	.15121	-.50247
	p=	0.525	0.024
No Need	r=	.23535	.07754
	p=	0.318	0.745

Appendix: 5(d)

Correlation: Belief in a Just World and Locus of Control for each of the three conditions

Condition		
Responsible for Need	r=	-.00172
	p=	0.994
Not Responsible for Need	r=	-.19648
	p=	0.406
No Need	r=	-.39590
	p=	0.084

Appendix: 6(a)

Example of Survey Forms Distributed :Responsible for Need

**PLEASE READ THE FOLLOWING AND COMPLETE SECTIONS
A AND B**

Fred is 30 years old, employed and lives on his own having separated from his wife and two children. Fred has regular contact with his children and is well known for being a good and caring father.

In an attempt to gain some extra money Fred plans to break into a small local shop where he knows that they keep cash on the premises. Days before this burglary is due to be carried out Fred learns that his estranged wife has died and her new partner does not want to take responsibility for the children. Fred still carries out the burglary knowing that, should he get caught and sent to prison, the children would have to go into care as there is no one else who could look after them,

Fred is caught by the police and charged with burglary. He has no previous convictions.

Please complete all of the following sections, i.e. A and B

SECTION A

If a fine were the **only** penalty at your disposal how much would **you** fine Fred for **burglary**?

The minimum amount being £0 and the maximum £2000

The amount I would fine Fred is _____ pounds sterling (£)

SECTION B

If a prison sentence were the **only** penalty available what length of prison sentence would **you** give Fred for **burglary**?

The minimum period is 0 months and the maximum is 60 months (5 years). Please indicate whether you are referring to years or months.

The length of prison sentence I would give Fred is _____ years/months

**PLEASE ENSURE YOU HAVE GIVEN A RESPONSE TO BOTH
SECTIONS**

THANK YOU

Appendix: 6(b)

- i) Analysis of Variance table showing fines assigned when responsible for need, not responsible for need and not in need

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	421921.3	54	343138.4	1.229595	.3004665
Gender	1	25833.8	54	343138.4	.075287	.7848364
Need* Gender	2	.388246. 2	54	343138.4	1.131457	.3300894

- ii) Correlation: Belief in a Just World and Locus of Control in relation to fines assigned

Condition		Belief in a Just World	Locus of Control
Responsible for Need	r=	.00250	.21512
	p=	0.992	0.362
Not Responsible for Need	r=	.16662	.07901
	p=	0.483	0.741
No Need	r=	-.23690	.24260
	p=	.315	0.303

Appendix: 6(c)

- i) Analysis of Variance table showing prison sentences assigned when responsible for need, not responsible for need and not in need

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	1115.550	54	161.2815	6.916789	.0021165
Gender	1	60.00	54	161.2815	.372020	.5444633
Need* Gender	2	628.550	54	161.2815	3.897224	.0262420

- ii) Means and standard deviations in relation to the prison sentences (months) assigned to offenders by male and female subjects

Condition	Gender		Sentence
Responsible for Need	Female	mean	15.40
		sd	13.47
	Male	mean	24.90
		sd	22.18
Not Responsible for Need	Female	mean	6.90
		sd	9.14
	Male	mean	4.30
		sd	3.59
No Need	Female	mean	16.40
		sd	13.85
	Male	mean	3.50
		sd	2.32

Appendix: 6(d)

- i) Correlation: Belief in a Just World and Locus of Control in relation to length of prison sentence assigned

Condition		Belief in a Just World	Locus of Control
Responsible for Need	r=	-.28366	.26109
	p=	0.226	0.266
Not Responsible for Need	r=	-.01080	-.43038
	p=	0.964	0.058
No Need	r=	-.19118	-.18024
	p=	0.419	0.447

- ii) Correlation: Belief in a Just World and Locus of Control

Condition		
Responsible for Need	r=	.31200
	p=	0.181
Not Responsible for Need	r=	-.00559
	p=	0.981
No Need	r=	-.03611
	p=	0.880

Appendix: 7(a)

Definitions of offences in Study 7A and 7B

Burglary:

A person is guilty of burglary if they enter a building, uninvited, with the intention of stealing anything in that building. Also, if the person entering the building inflicts, or attempts to inflict, grievous bodily harm on any person within that building.

Manslaughter:

A person is guilty of manslaughter if they kill another person but where there was no intention to cause that death.

Murder:

When any adult person of sound mind kills another human being in peace time with 'malice aforethought'.

Malice aforethought means 'an intention on the part of the accused person to kill or cause grievous (serious) bodily harm to the other person'.

The above definitions were adapted from:

Curzon, L.B. (1989). *Basic Law*. The M&E Handbook Series

Smith, J.C. and Hogan, B. (1992). *Criminal Law (7th ed.)*. London: Butterworths

Appendix: 7(b)

**Example of Survey Forms Distributed: Responsible for Need
Study 7A : Burglary only**

PLEASE READ THE FOLLOWING AND COMPLETE SECTIONS A, B, C
AND D

A 25 year old man, John, is single with no dependants, employed and lives in a flat. He likes to gamble so he borrows a large amount of money, places a bet and loses all of the money. One evening, faced with losing his flat and being 'out on the street', in an attempt to get some money he breaks into a house while the occupants are out, by smashing a window. He steals £500, causing no other damage. A neighbour calls the police and he is caught and arrested without further incident. He has no previous convictions.

SECTION A:

Please indicate the extent to which you consider John is **GUILTY OF BURGLARY** by putting a circle around **one** statement on the following scale:

Absolutely Sure	Fairly Sure	Undecided	Probably Not	Definitely Not

SECTION B:

Please indicate the extent to which you consider John to be **RESPONSIBLE** for the act of **BURGLARY** by putting a circle around **one** statement on the following scale:

Absolutely Sure	Fairly Sure	Undecided	Probably Not	Definitely Not

SECTION C:

If you had to decide if John was **GUILTY OR NOT GUILTY** of the act of **BURGLARY** which would you choose. Please indicate by putting a circle around either guilty or not guilty on the following scale

GUILTY	NOT GUILTY

Appendix: 7(b)(continued)

SECTION D

If a **fine** sentence was the **only** penalty available what would you assign? The minimum being £0 and the maximum being £2000.

The fine I would assign is _____ (£'s)

If a **prison** sentence was the **only** penalty available what would you assign? The minimum being 0 years and the maximum being 25 years. Please indicate whether you are referring to years or months.

The prison sentence I would assign is _____ years/months

PLEASE ENSURE YOU HAVE GIVEN A RESPONSE TO ALL SECTIONS

THANK YOU

Appendix:7(c)

**Example of Survey Forms Distributed: Responsible for Need
Study 7B : Burglary with manslaughter/murder**

PLEASE READ THE FOLLOWING AND COMPLETE SECTIONS A, B C
AND D

A 25 year old man, John, is single with no dependants, employed and lives in a flat. He likes to gamble so he borrows a large amount of money, places a bet and loses all of the money. One evening, faced with losing the flat and being 'out on the street', he breaks into a house by smashing a window. Whilst stealing £500 is interrupted by the elderly female occupant of the house. He picks up a poker, knocks the woman over the head, killing her. A neighbour calls the police and he is caught and arrested without further incident. John claims that he did not mean to kill the woman, it was an accident . He has no previous convictions.

SECTION A:

Please indicate the extent to which you consider John is **GUILTY OF BURGLARY** by putting a circle around **one** statement on the following scale:

Absolutely Sure	Fairly Sure	Undecided	Probably Not	Definitely Not

Please indicate the extent to which you consider John to be **RESPONSIBLE** for the act of **BURGLARY** by putting a circle around **one** statement on the following scale:

Absolutely Sure	Fairly Sure	Undecided	Probably Not	Definitely Not

If you had to decide if John was **GUILTY OR NOT GUILTY** of the act of **BURGLARY** which would you choose. Please indicate by putting a circle around either guilty or not guilty on the following scale

GUILTY	NOT GUILTY

Appendix: 7(c) (continued)

SECTION B

Please indicate the extent to which you consider John is **GUILTY OF MANSLAUGHTER** by putting a circle around **one** statement on the following scale:

Absolutely Sure	Fairly Sure	Undecided	Probably Not	Definitely Not

Please indicate the extent to which you consider John to be **RESPONSIBLE** for the act of **MANSLAUGHTER** by putting a circle around **one** statement on the following scale:

Absolutely Sure	Fairly Sure	Undecided	Probably Not	Definitely Not

If you had to decide if John was **GUILTY OR NOT GUILTY** of the act of **MANSLAUGHTER** which would you choose. Please indicate by putting a circle around either guilty or not guilty on the following scale

GUILTY	NOT GUILTY

SECTION C

Please indicate the extent to which you consider John is **GUILTY OF MURDER** by putting a circle around **one** statement on the following scale:

Absolutely Sure	Fairly Sure	Undecided	Probably Not	Definitely Not

Please indicate the extent to which you consider John to be **RESPONSIBLE** for the act of **MURDER** by putting a circle around **one** statement on the following scale:

Absolutely Sure	Fairly Sure	Undecided	Probably Not	Definitely Not

Appendix: 7(c)(continued)

If you had to decide if John was **GUILTY OR NOT GUILTY** of the act of **MURDER** which would you choose. Please indicate by putting a circle around either guilty or not guilty on the following scale

GUILTY

NOT GUILTY

|-----|

SECTION D

If a **prison** sentence was the **only** penalty available what would you assign? The minimum being 0 years and the maximum being 25 years. Please indicate whether you are referring to years or months.

The prison sentence I would assign is _____ years/months

PLEASE ENSURE YOU HAVE GIVEN A RESPONSE TO ALL SECTIONS

THANK YOU

Appendix: 7(d)(i)

Stoicism Scale

Please read **each** statement and indicate your response by circling one of the five options

SA = Strongly Agree
A = Agree
N = Neutral

D = Disagree
SD = Strongly Disagree

- | | | | | | |
|---|----|---|---|---|----|
| 1. I tend to cry at sad films | SA | A | N | D | SD |
| 2. I sometimes cry in public | SA | A | N | D | SD |
| 3. I do not let my problems interfere with my everyday life | SA | A | N | D | SD |
| 4. I tend not to express my emotions | SA | A | N | D | SD |
| 5. I like someone to hold me when I am upset | SA | A | N | D | SD |
| 6. I do not get emotionally involved when I see suffering on television | SA | A | N | D | SD |
| 7. I would consider going to a counsellor if I had a problem | SA | A | N | D | SD |
| 8. I tend to keep my feelings to myself | SA | A | N | D | SD |
| 9. I would not mind sharing my problems with a male friend | SA | A | N | D | SD |
| 10. It makes me uncomfortable when people express their emotions in front of me | SA | A | N | D | SD |
| 11. I don't really like people to know what I am feeling | SA | A | N | D | SD |
| 12. I rely heavily on my friends for emotional support | SA | A | N | D | SD |
| 13. I always take time out to discuss problems with my family | SA | A | N | D | SD |
| 14. One should keep a 'stiff upper lip' | SA | A | N | D | SD |

Appendix: 7(d)(ii)(continued)

15. I believe that it is healthy to express one's emotions	SA	A	N	D	SD
16. Getting upset over the death of a loved one does not help	SA	A	N	D	SD
17. I would not mind sharing my problems with a female friend	SA	A	N	D	SD
18. 'A problem shared is a problem halved'	SA	A	N	D	SD
19. I would not cry at the funeral of a close friend or relative	SA	A	N	D	SD
20. Expressing one's emotions is a sign of weakness	SA	A	N	D	SD

PLEASE ENSURE THAT YOU HAVE GIVEN A RESPONSE TO ALL
TWENTY STATEMENTS

THANK YOU

Appendix: 7(d)(ii)

Scoring Key for Stoicism Scale

SA = Strongly Agree D = Disagree
A = Agree SD = Strongly Agree
N = Neutral

	SA	A	N	D	SD
1. I tend to cry at sad films	1	2	3	4	5
2. I sometimes cry in public	1	2	3	4	5
3. I do not let my problems interfere with my everyday life	5	4	3	2	1
4. I tend not to express my emotions	5	4	3	2	1
5. I like someone to hold me when I am upset	1	2	3	4	5
6. I do not get emotionally involved when I see suffering on television	5	4	3	2	1
7. I would consider going to a counsellor if I had a problem	1	2	3	4	5
8. I tend to keep my feelings to myself	5	4	3	2	1
9. I would not mind sharing my problems with a male friend	1	2	3	4	5
10. It makes me uncomfortable when people express their emotions in front of me	5	4	3	2	1
11. I don't really like people to know what I am feeling	5	4	3	2	1
12. I rely heavily on my friends for emotional support	1	2	3	4	5
13. I always take time out to discuss problems with my family	1	2	3	4	5
14. One should keep a 'stiff upper lip'	5	4	3	2	1

Appendix: 7(d)(ii)(continued)

15. I believe that it is healthy to express one's emotions	1	2	3	4	5
6. Getting upset over the death of a loved one does not help	5	4	3	2	1
17. I would not mind sharing my problems with a female friend	1	2	3	4	5
18. 'A problem shared is a problem halved'	1	2	3	4	5
19. I would not cry at the funeral of a close friend or relative	5	4	3	2	1
20. Expressing one's emotions is a sign of weakness	5	4	3	2	1

Appendix: 7(e)

Study 7A

- i) Analysis of variance table showing fines assigned in relation to the three conditions

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	3205068.	116	115061.	27.85537	.0000001
Gender	1	563920.	58	1051260.	.53642	.4668683
Need* Gender	2	80434.	116	115061.	.69906	.4991350

- ii) Correlation: Stoicism and fines (£) assigned

	Responsible for Need	Not Responsible for Need	No need
r =	.02116	-.02505	-.07778
p =	0.872	0.849	0.555

Appendix: 7(f)

Study 7A

i) Analysis of variance table showing prison sentences assigned in relation to the three conditions

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	319.517	116	392.621	.813805	.4456826
Gender	1	7436.939	58	4244.207	1.752256	.1907872
Need* Gender	2	63.472	116	392.621	.161663	.8509193

ii) Correlation: Stoicism and prison sentences assigned

	Responsible for Need	Not Responsible for Need	No need
r =	-.27277	-.27308	-.25367
p =	0.035	0.035	0.050

Appendix: 7(g)

Study 7A

i) Analysis of variance table showing ratings of responsibility in relation to the three conditions

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	3.516667	116	.3007663	11.69236	.0000237
Gender	1	.088889	58	.6915709	.12853	.7212608
Need* Gender	2	.038889	116	.3007663	.12930	.8788373

ii) Means and standard deviations for ratings of responsibility in relation to the act of burglary for all three conditions

	Responsible for Need	Not Responsible for Need	No need
Mean	4.78	4.52	5.00
sd	.64	.93	0

iii) Means and standard deviations for ratings of responsibility assigned by male and female subjects, in relation to act of burglary for all three conditions

Gender		Responsible for Need	Not Responsible for Need	No Need
Male	mean	4.83	4.53	5.00
	sd	.75	.97	0
Female	mean	4.73	4.50	5.00
	sd	.52	.90	0

Appendix: 7(h)

Study 7A

- i) Analysis of variance table showing ratings of guilt in relation to the three conditions

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	.1166667	116	.0427203	2.730942	.0693494
Gender	1	.2722222	58	.0852490	3.193259	.0791684
Need* Gender	2	.02722222	116	.0427203	1.690583	.1889235

- ii) Means and standard deviations for ratings of guilt in relation to the act of burglary for all three conditions

	Responsible for Need	Not Responsible for Need	No need
Mean	4.92	4.93	5.00
SD	.28	.31	0.00

- iii) Means and standard deviations for ratings of guilt assigned by male and female subjects, in relation to act of burglary for all three conditions

Gender		Responsible for Need	Not Responsible for Need	No Need
Male	mean	4.97	5.00	5.00
	SD	.18	0.00	0.00
Female	mean	4.87	4.87	4.91
	SD	.35	.43	.23

Appendix: 7(I)

Study 7B

- i) Analysis of Variance table showing prison sentences assigned in relation to the three conditions

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	19260.74	116	1357.13	14.19224	.000003
Gender	1	1590.14	58	17648.52	.09010	.7651228
Need* Gender	2	6639.27	116	1357.13	4.89213	.0091251

- ii) Correlation: Stoicism and prison sentence assigned

	Responsible for Need	Not Responsible for Need	No Need
r=	-.04991	.14277	.01598
p=	.705	.276	.904

Appendix: 7(j)

Study 7B

Analysis of variance table showing ratings of responsibility assigned in relation to the three conditions

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	4.4241	116	.280013	15.79954	.0000009
Gender	1	.1852	58	3.165262	.05851	.8097270
Crime	2	171.9130	116	3.302618	52.05354	.0000000
Need* Gender	2	.5574	116	.280013	1.99065	.1412462
Gender* Crimes	2	.4241	116	3.302618	.12841	.8796216
Need* Crimes	4	1.6185	232	.435473	3.71669	.0059327
Need* Gender* Crime	4	.8463	232	.435473	1.94340	.1040707

Appendix: 7(k)

i) **Analysis of variance table showing ratings of responsibility assigned in relation to the three conditions**

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	4.4241	116	.280013	15.79954	.0000009
Gender	1	.1852	58	3.165262	.05851	.8097270
Crime	2	171.9130	116	3.302618	52.05354	.0000000
Need* Gender	2	.5574	116	.280013	1.99065	.1412462
Gender* Crimes	2	.4241	116	3.302618	.12841	.8796216
Need* Crimes	4	1.6185	232	.435473	3.71669	.0059327
Need* Gender* Crime	4	.8463	232	.435473	1.94340	.1040707

Appendix: 7(L)

Study 7B

- i) Differences in guilty/not guilty verdict given to the various crimes for all three conditions

Crime/Condition	Not Guilty	Guilty
Burglary: Responsible for Need	0	100
Burglary: Not Responsible for Need	0	100
Burglary: No Need	0	100
Manslaughter: Responsible for Need	18.33	81.67
Manslaughter: Not Responsible for Need	18.33	81.67
Manslaughter: No Need	26.67	73.33
Murder: Responsible for Need	63.33	36.67
Murder: Not Responsible for Need	66.67	33.33
Murder: No Need	58.33	41.67

- ii) Differences in guilty/not guilty verdict given to the various crimes for all conditions by Male subjects

Crime/Condition	Not Guilty	Guilty
Burglary: Responsible for Need	56.67	43.33
Burglary: Not Responsible for Need	66.67	33.33
Burglary: No Need	60.00	40.00
Manslaughter: Responsible for Need	0	100
Manslaughter: Not Responsible for Need	0	100
Manslaughter: No Need	0	100
Murder: Responsible for Need	30.0	70.00
Murder: Not Responsible for Need	20.00	80.00
Murder: No Need	26.67	73.33

Appendix: 7L (continued)

iii) Differences in guilty/not guilty verdict given to the various crimes for all conditions by Female subjects

Crime/Condition	Not Guilty	Guilty
Burglary: Responsible for Need	60.00	40.00
Burglary: Not Responsible for Need	60.00	40.00
Burglary: No Need	73.33	26.67
Manslaughter: Responsible for Need	0	100
Manslaughter: Not Responsible for Need	0	100
Manslaughter: No Need	0	100
Murder: Responsible for Need	23.22	76.67
Murder: Not Responsible for Need	16.67	83.33
Murder: No Need	10.00	90.00

Appendix: 8(a)

Example of Survey Forms Distributed: Responsible for Need

Please read the following passage:

John inherited some money from a relative and spent several months of high living which included a great deal of gambling, drinking etc. This lifestyle resulted in the total loss of John's money. Having no money and to enable him to keep his car, a necessity to get to his work, John had to move out of his expensive apartment and rents a small bedsit.

One night John goes out on the town and has a great deal of alcohol to drink. Late that evening he gets into his car and, whilst driving over the speed limit, goes through a red light knocking down an elderly woman on a pedestrian crossing. The woman is not physically injured but is suffering from shock. John is subsequently stopped by the police, breathalysed, and found to have well over the legal amount of alcohol in his bloodstream.

Having spent all of his savings on gambling and drink it is essential that John retains the use of his car to stay in employment, enabling him to pay the rent on his bedsit etc.

If a **fine** were the **only** penalty at your disposal how much would you fine John for dangerous driving. The minimum amount being £0 and the maximum amount £2000.

The amount I would fine John is _____ (£'s)

If a **period of disqualification** were the **only** penalty available for how long would you disqualify John for dangerous driving. The minimum amount of time being 0 months and the maximum 5 years (60 months).

The period of disqualification I would assign to John is _____
months/years

(please indicate whether your sentence is in years or months)

If a **prison sentence** were the **only** penalty available what length of prison sentence would you give John for dangerous driving. The minimum amount of time being 0 months and the maximum 5 years (60 months).

The length of prison sentence I would assign to John is _____
months/years

(please indicate whether your sentence is in years or months)

Thank you for your co-operation

Social Reflection Questionnaire

Instructions

In this questionnaire, I want to find out about the things you think are important for people to do, and especially why you think these things (like keeping a promise) are important. Please try to help me understand your thinking by **writing as much as you can to explain - even if you have to write out your explanation more than once**. Do not just write "same as before". If you can explain better or use different words to show what you mean, that helps me even more. Please answer all the questions, especially the 'why' questions. If you need to, feel free to use the space in the margins to finish writing your answers.

Please provide the following information:

Male Female(please circle)

Age:

Thank you for your co-operation and be assured that your responses are totally confidential.

Appendix: 8(b)(i)(continued)

Please circle either Very Important or Important or Not Important for each of the following questions.

1. Think about when you've made a promise to a friend of yours. How important is it for people to keep promises, if they can, to a friend?

Very Important Not Important Important

Why is that Very Important/Important/Not Important (Whichever one you circled)?

2. What about keeping a promise to anyone? How important is it for people to keep promises, if they can, even to someone they hardly know?

Very Important Not Important Important

Why is that Very Important/Important/Not Important (Whichever one you circled)?

Appendix: 8(b)(i)(continued)

3. How about keeping a promise to a child? How important is it for parents to keep promises, if they can, to their children?

Very Important Not Important Important

Why is that Very Important/Important/Not Important (Whichever one you circled)?

4. In general, how important is it for people to tell the truth?

Very Important Not Important Important

Why is that Very Important/Important/Not Important (Whichever one you circled)?

5. Think about when you've helped your mother or father. How important is it for children to help their parents?

Very Important Not Important Important

Why is that Very Important/Important/Not Important (Whichever one you circled)?

Appendix: 8(b)(i)(continued)

6. Let's say a friend of yours needs help and may even die, and you're the only person who can save him or her. How important is it for a person (without losing his or her own life) to save the life of a friend?

Very Important Not Important Important

Why is that Very Important/Important/Not Important (Whichever one you circled)?

7. What about saving the life of anyone? How important is it for a person (without losing his or her own life) to save the life of a stranger?

Very Important Not Important Important

Why is that Very Important/Important/Not Important (Whichever one you circled)?

8. How important is it for a person to live even if that person doesn't want to?

Very Important Not Important Important

Why is that Very Important/Important/Not Important (Whichever one you circled)?

Appendix: 8(b)(i)(continued)

9. How important is it for people not to take things that belong to other people?

Very Important Not Important Important

Why is that Very Important/Important/Not Important (Whichever one you circled)?

10. How important is it for people to obey the law?

Very Important Not Important Important

Why is that Very Important/Important/Not Important (Whichever one you circled)?

11. How important is it for judges to send people who break the law to jail?

Very Important Not Important Important

Why is that Very Important/Important/Not Important (Whichever one you circled)?

Please ensure you have completed ALL questions

Appendix: 8(c)

- i) Analysis of Variance Table showing fines assigned in relation to the three conditions

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	1239242.	40	145772.7	8.501195	.0008
Gender	1	254697.	20	828363.6	.307470	.5854
Need* Gender	2	71970.	40	145772.7	.493712	.6140

- ii) Correlation: moral development and punishment in relation to Responsible for Need

	Fine (£)	Disqualification (months)	Prison sentence (months)
r value	-.30	-.10	-.15
p value	0.210	0.680	0.538

- iii) Correlation: moral development and punishment in relation to Not Responsible for Need

	Fine (£)	Disqualification (months)	Prison sentence (months)
r value	-.41	-.11	-.16
p value	0.082	0.654	0.510

Appendix: 8(c)(continued)

iv) Correlation: moral development and punishment in relation to No Need

	Fine (£)	Disqualification (months)	Prison sentence (months)
r value	-.26	-.08	-.09
p value	0.279	.732	.717

v) Correlation: Moral Development , Gender and Fines

Gender		Responsible for Need	Not Responsible for Need	No Need
Male	r value	-.43908	-.43908	-.33142
	p value	.237	.237	.384
Female	r value	-.25244	-.52399	-.17248
	p value	.482	.120	.634

Appendix: 8(d)

- i) Analysis of Variance Table showing periods of disqualification assigned in relation to the three conditions

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	6.242	40	2.642	2.362385	.1072
Gender	1	2880.242	20	1182.461	2.435804	.1343
Need* Gender	2	6.242	40	2.642	2.362385	.1072

- ii) Correlation: moral development , gender and disqualification

Gender		Responsible for Need	Not Responsible for Need	No Need
Male	r value	-.09453	-.09453	-.09453
	p value	.809	.809	.809
Female	r value	-.24161	-.26094	-.15896
	p value	.501	.467	.661

Appendix: 8(e)

i) Analysis of Variance Table showing the prison sentences assigned in relation to the three conditions

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	8.061	40	8.961	.8995604	.4148
Gender	1	1265.470	20	1474.206	.8584076	.3652
Need* Gender	2	8.061	40	8.961	.8995604	.4148

ii) Correlation: moral development , gender and prison sentence

Gender		Responsible for Need	Not Responsible for Need	No Need
Male	r value	-.21623	-.21623	-.21623
	p value	.576	.576	.576
Female	r value	-.21300	-.25307	.0919
	p value	.555	.481	.958

Appendix: 9(a)

PLEASE READ THE FOLLOWING AND COMPLETE SECTIONS A, B, C AND D

A 25 year old man, John, is single with no dependants, employed and lives in a flat. He likes to gamble so he borrows a large amount of money, places a bet and loses all of the money. One evening, faced with losing his flat and being 'out on the street', in an attempt to get some money he breaks into a house while the occupants are out, by smashing a window. He steals £500, causing no other damage. A neighbour calls the police and he is caught and arrested without further incident. He has no previous convictions.

If a **fine** were the **only** penalty at your disposal how much would you fine John for dangerous driving. The minimum amount being £0 and the maximum amount £2000.

The amount I would fine John is _____ (£'s)

If a **prison sentence** were the **only** penalty available what length of prison sentence would you give John for dangerous driving. The minimum amount of time being 0 months and the maximum 5 years (60 months).

The length of prison sentence I would assign to John is _____
months/years

(please indicate whether your sentence is in years or months)

Thank you for your co-operation

Appendix: 9(b)

- i) Analysis of Variance Table showing fines assigned in relation to the three conditions

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	1685239	32	110775.9	15.21304	.00002
Gender	1	15674.	16	684012.1	.02291	.8816
Need* Gender	2	30813.	32	110775.9	.27816	.7590

- ii) Moral Development and Punishment in relation to Responsible for Need

	Fine (£)	Prison sentence (months)
r value	-.19	-.11
p value	0.45	0.65

- iv) Correlation: Moral Development and Punishment in relation to Not Responsible for Need

	Fine (£)	Prison sentence (months)
r value	-.28	-.14
p value	0.27	0.57

Appendix: 9(b)(continued)

iii) Correlation: Moral development and punishment in relation to No Need

	Fine (£)	Prison sentence (months)
r value	.05	-.15
p value	0.84	0.55

iv) Correlation: Moral Development , Gender and Fines

Gender		Responsible for Need	Not Responsible for Need	No Need
Male	r value	-.36247	-.52805	-.06085
	p value	.338	.144	.876
Female	r value	-.14051	-.16175	.19650
	p value	.718	.678	.612

Appendix: 9(c)

i) **Analysis of Variance Table showing the prison sentences assigned in relation to the three conditions**

Effect	df Effect	MS Effect	df Error	MS Error	F	p level
Need	2	339.3518	32	56.9005	5.963956	.006
Gender	1	510.2963	16	745.9630	.684077	.4203
Need* Gender	2	51.2407	32	56.9005	.900533	.4164

ii) **Correlation: Moral Development , Gender and Prison sentence**

Gender		Responsible for Need	Not Responsible for Need	No Need
Male	r value	-.13894	-.19718	-.15297
	p value	.721	.611	.694
Female	r value	-.06683	-.00956	-.14956
	p value	.864	.981	.701

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