STRUCTURAL ANALYSIS OF TREATMENT AND PUNISHMENT ATTITUDES TOWARD OFFENDERS

DISSERTATION

Presented in Partial Fulfillment of the Requirements for the Degree Doctor of Philosophy in the Graduate School of the Ohio State University

By

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The Ohio State University

2004

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ABSTRACT

The recent history of attitudes toward criminals seems to show a sharp increase in public and legislative punitiveness, with very serious consequences especially for juveniles and sex offenders. This study investigated how these attitudes vary with established factors as well as new or understudied variables, such as perpetrator age and type of offense. Significant effects were found for profession of participants, offender age, participant age, and belief in the effectiveness of rehabilitation. Although punishment attitudes, treatment attitudes, and attributions of responsibility varied with these factors, hypotheses regarding adolescence and sex offenders received only partial support. Studies of punitive attitudes toward offenders have largely relied on simple theoretical models. A more complex model of the genesis of punitive attitudes was fit to the data using structural equation modeling techniques, but fit was poor. Results are discussed in terms of past literature and the concepts of stereotypes, prejudice, and demonizing of outgroups in general, and perpetrators specifically.
ACKNOWLEDGMENTS

I wish to thank my adviser, Dr. Steven J. Beck, for his support, suggestions, and expertise. I also wish to thank Drs. Leslie Rudy and Lisa Cravens-Brown, for their encouragement, creativity in suggesting alternate views of difficult problems, help with questions of data analysis, and invaluable advice regarding the interpersonal aspects of higher education.

I am also indebted to Bruce Hunsberger, PhD, for providing me with some of the most important psychometric instruments in this study, and to Drs. Emery and Arkin for serving on my committee.
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CHAPTER 1

INTRODUCTION

Summary

Violence has long been a problem in most societies (Collier, 2003; Guerra, Huesmann, & Spindler, 2003), and dealing with violent actions has been an important focus of governing institutions (e.g., H. J. Cohen, 2001). In the United States, the issue of punishment versus treatment of offenders against the law has been salient since before the Declaration of Independence (Friedman, 1979). From the beginnings of the American law, we find modern legal protections for the accused and the convicted built into the criminal code. However, much of the implementation of this legal structure appears quite punitive to those with twenty-first-century attitudes, until the nineteenth century, when developments in incarceration and juvenile justice became widespread (Rawlings, 1999). Despite America’s innovations in these areas, we have also led the world in homicide rates and incarceration rates (J. L. Williams & Rodeheaver, 2000).

Writers and researchers have become concerned with a recent punitive trend in American politics and public opinion, beginning in the mid- to late-twentieth century (Ray, 1982). Voters and politicians have endorsed increasingly-harsh punishments for criminals (Tyler & Boeckmann, 1997). Explanations for the trend have varied, but legislation has continued to increase in its punitiveness. Signs of this trend in legislation
include “three strikes” laws, boot camps, sentencing guidelines, sentencing requirements (including definite sentences), and “truth in sentencing” laws (J. Williams, 2003). Three of the groups that have arguably felt the effects of this trend the most keenly are drug offenders, juvenile offenders and sex offenders, all of which seem to be “special cases” in criminal law and public opinion. The current study will focus on the last two categories, leaving the case of punitiveness toward drug offenders to other researchers.

Recent laws affecting sex offenders include community notification laws, sexually violent predator laws, chemical castration laws, and laws allowing communities or victims to participate in sentencing (Farkas & Stichman, 2002). These laws have raised little outcry in the public arena, but have prompted great concern by some legal professionals, who see these sanctions as violations of basic human and legal rights guaranteed to others accused of, or convicted of crimes in the United States (National Center for Missing and Exploited Children, 1997).

The punitive trend affects juvenile offenders in unique ways, as well. Generally increasing punishments for young offenders, movements to open juvenile records to the public, or to adult courts, and laws requiring that juveniles be tried as adults all enjoy apparent public support (Greenwood, Petersilia, & Zimring, 1980; Sandys & McGarrell, 1995; Wu, 2000). However, these laws have also been criticized. Criticisms about these legal developments include insistence that juveniles rehabilitation even more than adult offenders do (Moon, Sundt, Cullen, & Wright, 2000), that juveniles are likely targets of abuse in adult court and penal systems (Coalition for Juvenile Justice, 1998), and that juveniles are being held to adult standards in legal proceedings, without having the cognitive or emotional capacity that adults have (Cauffman & Steinberg, 2000).
Research in the areas of punishment and treatment has identified several factors that are consistently correlated with endorsement of punishment and treatment alternatives (e.g., Baron & Hartnagel, 1996; Greenwood et al., 1980; Leiber & Woodrick, 1997; Markowitz, 1997). Many other factors have shown associations as well, although inconsistent or preliminary as yet. Although several theorists have attempted to describe the origins of punishment attitudes in social terms (Knight, Johnson, Carlo, & Eisenberg, 1994; Vidmar, 2002; Zimbardo & Haney, 1998), there is little data, yet, to support any particular theory. Furthermore, few if any attempts have been made to theoretically integrate the psychological variables, on the individual and interpersonal level, that could account for the public’s punitivity.

In the current survey-based study, several factors are investigated that have been shown to predict punitive and rehabilitative attitudes. In addition to tests of the effects of individual variables, the effect of sexual offenses vs. nonsexual offenses on these attitudes is investigated, as well as the effect of the perceived age of the offender, with particular attention to the age ranges of childhood and adolescence. Finally, a more complex model of the individual factors is proposed and tested, in an attempt to create an integrative view of the determinants of attitudes of treatment and punishment toward those who have committed crimes.

Historical Review

The history of organized attempts to curb deviance is by no means a linear progression; we see false starts, failed movements, and frequent regressions to earlier methods of control, even after newer ones are shown to be either more effective or more
humane (Hostettler, 1992). A wide variety of legal and societal tools have been employed in these enterprises, and great innovations have been seen through the centuries.

The history of legal reforms certainly does not begin with English common law, although this review will begin there. Societies of all kinds have curbed social deviance, sometimes in ways that were arguably more progressive than medieval or even modern England (Binder, 1988; Hostettler, 1992, pp. 42-46). For example, Hammurabi’s Code, which predates the second millennium BCE, has been shown to be remarkably sophisticated (Patrick & Marsh, 2001). However, American law is a descendant of English common law (Sutton, 1988b, pp. 20-30), and so this historical review will be constrained in its scope.

**English Common Law**

When the Roman Empire started to crumble, its occupation of the British Isles ended (officially, in 409 C.E.). A period of relative decentralized anarchy began then, which possibly resembled the pre-Roman situation. Individual warlords with small kingdoms exerted varying amounts of control over villages and towns. There was no strong central government, and social control for moderate and extreme acts of deviance (e.g., theft, rape, murder) generally took the form of blood feuds between villages or family units (Hostettler, 1992, pp. 1-4).

In the seventh century, early legal developments appeared as increasingly-powerful kings consolidated Britain into four kingdoms, and began to exert greater social control, in order to curb threats to their political power. These kings mandated that disputes be resolved with fines in many cases, instead of vengeance. This system of fines
most especially included penalties for what had now become vigilantism (Hostettler, 1992, pp. 5-7).

At this point it is important to note that crime is defined in a very real way by laws, or at least societal norms. In other words, without laws, there is no crime. Until the prohibition of blood feuds by kings, there was no rational possibility of calling this violence criminal (Pepinsky & Jesilow, 1984, p. 33).

The early English kings and common courts (which were neither synonymous, nor necessarily united in their goals), placed values, called *gilds*, on various items of property, and on different classes of men. Noblemen, for instance, had a greater value under the law (i.e., a greater *weregild*), than peasants. Fines (*bots*) must be paid, based on these values, in the event of theft, damage, or death. Generally, accidental death caused by a person was considered to be the same as murder. If fines could not be paid, horrific physical punishments—often executions—were the rule. One early development of note during this period was the *wite*, which was a fine in excess of that paid to the damaged party, to be paid to the king. This method of government revenue increase would continue to be exploited by the English and all other modern governments (Hostettler, 1992, pp. 14-15).

The system of fines was not always obeyed, and it did not cover all criminal behavior. The royalty and their officers could still use discretion in punishing wrongdoers, and local courts continued to operate, as well. Severe punishments, which were “plentiful and barbaric,” were by no means abolished by the system of fines. In fact, the legal implementation of these punishments seemed to increase for the next thousand years, as royal governments took more and more control over criminal justice. It is
important to remember that the stratification of society during this period was marked. Punishments differed by social class, so that a nobleman could kill a peasant and pay separate fines to church and state, whereas a peasant who killed might be summarily tortured and killed (Hostettler, 1992, pp. 4-5).

Anglo-Saxon courts during this period were composed of village men, meeting informally, outdoors. Their judgments were often arbitrary, with varying adherence to royal decrees. In later centuries, a sheriff was present as the executor of justice and agent of the king. It was common at such courts to decide the guilt or innocence of the accused with ordeals, in which the power of God, pagan deities, or the accused’s inherent guilt or innocence was assumed to be made manifest through physical phenomena. Such ordeals included such things as burning the accused in various ways and observing the rate of healing; feeding the accused some food with feathers in it and observing whether or not she or he choked to death, hog-tying the accused and throwing him or her in water, to see if she or he floated, etc. (Hostettler, 1992, pp. 8-13).

It is generally thought that these courts, despite their strong punishments, were only a minor deterrent to crime, if any. Their enforcement power was limited, and the motivation to violate legal decrees was strong, due to extreme poverty. Later innovations took great advantage of community organization in the service of legal behavior. “Hue and cry” laws mandated that all citizens participate in raising alarm when crime was committed. The “tithing” was a division of communities into small groups, with all members being held accountable for the misdeeds of any of their number. Outlawry was also a group-level innovation. If one was declared an outlaw (which could happen for a variety of infractions), then he could be killed at will by anyone, with or without
provocation (Hostettler, 1992, pp. 21-23). This is perhaps an early manifestation of the extreme prejudice and feeling of justification for punishing criminals that still persists in public opinion toward criminals (de Keijser, van der Leeden, & Jackson, 2002).

The Crown had an inconsistent relationship with crime during these centuries. It continued to use systems of fines to increase both compliance and revenues. It hired, at various times, bands of skilled outlaws, to augment its police or military forces. It also sanctioned the use of slaves, and mandated slavery as a punishment for the violation of some laws (slaves could also be freed as a punishment to slave owners; (Hostettler, 1992, pp. 13-25).

In the tenth century, King Edgar decreed that all men would have access to just judgments under the law, although the implementation of this decree seems to have been inconsistent. In the eleventh century, William the Conqueror began the process of separating the legal powers of the church and the state. He also abolished the death penalty briefly, although he replaced executions with maiming, blinding, and castration, in an attempt to frighten would-be lawbreakers. Around this time, juries of twelve men and grand juries of twenty-four began to appear to judge suspects, in place of ordeals (Hostettler, 1992, pp. 27-31). A seventeenth-century evolution of this system would become the basis for the American jury (Harrington, Strier, & Shestowsky, 1999).

Following the reign of William, a period of near-anarchy began, in which the Crown and church jailed, tortured and killed unprecedented numbers of people, many of whom were undoubtedly innocent of any major offense. Gaols, or early prisons, began to be widely used in the twelfth and thirteenth centuries. These were places of torture, abuse, depravity, and disease. About one-fourth of the prison population died per year of
typhus alone, and accounts of abuse are plentiful. Ordeals reappeared in courts, and the
lists of both minor and capital crimes grew, with creative and torturous punishments.
Treason, a new crime which would be used extensively by some later kings, was
punished with especially protracted and demeaning executions (Hostettler, 1992, pp. 34-
35).

The Crown continued to increase its revenues through the profits of crime. The
amounts of the fines and the list of crimes that were punishable by fine grew, and
forfeitures were increased (Hostettler, 1992, pp. 35-40). One new tool in this area was the
right of parens patrie, which was legally phrased as a paternal responsibility for the
Crown to care for orphans, but which was used almost exclusively to gain access to the
lands and money of wealthy heirs (Willey, 1985). This principle would later be cited in
influential court cases in the mid-19th century United States as the justification for the
suspension of rights in juvenile courts (Hawes, 1979).

During the sixteenth century, the rack and other torture devices were still
commonly used, especially for treason, which seemed to be occurring at epidemic levels.
Rights for the accused were still very primitive, as a suspect could be convicted without
witnesses or evidence. The Crown had disproportionate power, and wielded it regularly,
such as in a campaign to rid the country of vagrants by branding them or giving them as
slaves to those who accused them. The Star Chamber arose in power as the Crown’s legal
court, and it became notorious for its torture procedures, and its demands of ex officio
confessions. Parliament began to actively oppose the King’s use of criminal statutes as
political tools, and we see the earliest precedents of the right to silence and probable
Themes that were apparent (and had been apparent for some time) during this period include the increasing severity of punishment for repeat offenders, prisoners being required to pay for their internment and services rendered in prison, and prisoners being used for labor (Hostettler, 1992, pp. 99-100). These, of course, will seem familiar to contemporary American readers.

The eighteenth century brought an increased pace of legal change. For instance, a distinction was made between manslaughter and murder, and statutes prohibiting sex offenses appeared formally. This century also brought the American Revolution and the emergence of American criminal law (Friedman, 1979). Although the American system was not insensitive to international innovations, such as the reform efforts of Sir Jeremy Bentham and Sir Thomas Coke, American law followed a distinct path, and has been responsible for several legal innovations in its own right (J. Williams, 2003).

Early American Law

The puritan colonies of New England were established partly as a form of protest against English secularism and libertinism. When a cohesive legal system was suddenly needed (due to a political crisis in Massachusetts), it was based directly on the Mosaic laws of the Old Testament. However, it would be a mistake to trace later American legal structures directly to these early laws. In fact, it appears that these sometimes-harsh laws were drafted hastily, and were short-lived. Much has been made of the “stubborn child” statute of 1646, which specified the punishment for oppositional children over the age of sixteen as execution. However, this law was as short-lived as the rest of the early Puritan laws, and does not appear to have ever been used. American criminal law was largely
developed in colonies other than Massachusetts, and is much more directly related to English common law than early biblical jurisprudence (Sutton, 1988a, pp. 30-42).

**Imprisonment**

England and the rest of Europe experimented with a variety of imprisonment strategies. Gaols had existed for centuries in England, but as prison populations burgeoned, the monarchy used other methods, such as hulks and exportation, to contain increasing prison populations. The hulks were prison ships moored off coasts, or in rivers. Conditions were horrific, and death rates were very high. Exportation involved sending prisoners in large numbers to New Zealand, Australia, Africa, and other places that were not England (Hostettler, 1992, pp. 135-138). Conditions on the prison ships, and in the destination colonies were apparently just as bad as they had been in the hulks, although the distances involved made it easier for citizens and legislators in England to ignore these facts (Rawlings, 1999, p. 55). As a side note, apparently North America was briefly a destination of prisoner transportation. During the revolutionary war, some prisoners were shipped from England to the colonies, but this practice was stopped when independence was secured (Rawlings, 1999).

Breaking laws in the early American states resulted frequently in corporal punishment, such as being flogged (Patrick & Marsh, 2001), although incarceration was also possible. American prisons before the 19th century probably resembled their European counterparts, which were characterized by official beatings and other corporal punishment, as well as unofficial abuses and rampant disease, despite periodic attempts at reform (Hostettler, 1992, pp. 56-61; Rawlings, 1999, p. 99). America, with its general rejection of the punitive measures the founders saw in England, eventually began to
mandate prison for many offenses, instead of executions. This was a fairly recent feature of English law, as well (Hostettler, 1992), prompted by increasingly humanitarian concerns for the welfare of those accused of wrongdoing.

The most innovative prisons of this age were developed by the Quakers in Pennsylvania, at the end of the eighteenth century. They provided individual rather than group confinement, and prisoners were given good food and plenty of solitary time to ponder the Word of God (Patrick & Marsh, 2001). The Quaker reformers believed that humane treatment and scripture, in a peaceful and uncomplicated environment, would change character and therefore behavior. However, these prisons were very costly. The Eastern State Penitentiary was the most costly structure built in the U.S. at the time (Patrick & Marsh, 2001).

The Quaker prison system was quickly taken over by government agencies, and much of the pre-Quaker, secular atmosphere returned, with crowded cells and state-sanctioned corporal punishment (Patrick & Marsh, 2001). A similar pattern of reform was observed in England (Hostettler, 1992, p. 143; Rawlings, 1999), and France (Nilan, 1992). In all cases, it appears that highly punitive earlier systems were briefly replaced with humanitarian, very expensive “penitentiaries” designed by idealistic welfarist groups, and then the systems reverted to something similar to (but less punitive than) the original system of prisons.

How Much Crime

Before beginning a discussion of the general issue of punishment versus treatment, the issue of crime rates must be addressed. Crime rates are often referenced in discussions of “the punitive public,” as evidence that the public’s endorsement of
sanctions is disproportionate to the amount of crime that exists (e.g., Haney & Zimbardo, 1998; Oliver Willard, 2002; Pepinsky & Jesilow, 1984). Therefore, it is necessary to have an idea of how much crime occurs, so that the public’s purported over-punitiveness can be accurately assessed.

The difficulties of measuring crime rates accurately have been discussed in several places (e.g., Eisner, 2003; Marowitz, 2000; Roth, 2001; Schlesinger Louis, 2001). Some of the difficulties include assumptions that not all crimes are reported or recorded, and political factors that result in different behavioral acts being criminalized in different historical periods, and in different geographical locations. One solution to these problems is to study “index crimes” such as homicide, as an indicator of overall crime rates (Curtis, 1985; Eisner, 2003), especially when other data are not available. Homicides, forcible rapes, robberies, aggravated assault, and larceny are more likely to be reported than other crimes, and are nearly universally criminalized, although their predictive value for overall crime rates is not unquestioned (e.g., Cook & Laub, 2002; Monkkonen, 2002). The most serious of these, homicide, is often the only reliable statistic available from historical records.

In a recent historical analysis, Roth (2001) shows that early European records show occasional periods of very high homicide rates. He finds that a rate of 18 to 23 homicides per 100,000 persons prevailed in the thirteenth century, and that rates as high as 15 per 100,000 occurred during the sixteenth century. He concludes that these rates were probably similar to rates across Europe. Roth (2001) also shows that homicide was as high as 100 per 100,000 in America during the era of frontier violence, during the
seventeenth century (although this period of violent culture clash between Europeans and Native Americans represents a unique situation).

The homicide rate in the American colonies reduced drastically during the three to four decades following the period of frontier violence, until it stabilized at around 7 to 9 homicides per 100,000 persons (Roth, 2001). This rate, higher than European homicide rates for the same time frame, seems to have set the standard for the next two centuries of American history. In the early 20th century, the homicide rate in the United States climbed to around 10 per 100,000. It dipped to around 5 per 100,000 during the late 1950’s, then rose again through the mid-1980’s (Roth, 2001). Since the latter part of the twentieth century, homicide—indeed, crime in general—seems to have been declining in the United States (Monkkonen, 2002). Urban crime rates have been much higher than overall rates in the U.S. since 1950, even though they, too have shown a decrease since at least 1992 (Monkkonen, 2002).

Thome (2001) has found that there has been a general, although nonlinear, decline in European crime rates since the seventeenth century, with a steady increase in crime since 1960. For two hundred years, the homicide rates for the United States have been five to ten times greater than those of England and the rest of Western Europe, and the European rise in crime rates has done little to close the gap (Roth, 2001). Curiously, the American rates of nonviolent crimes, such as theft, are no higher than in Europe, although violent and other crimes are correlated to roughly the same degree in each country (Monkkonen, 2002). One intuitive explanation for the punitive trend in American politics would invoke a simple American character attribute of violence-proneness. However, this would fail to explain the vast differences in criminal justice policy in the
U.S. over three centuries, while violent crime rates have remained high. The United
states has led Western Europe in homicide rates, and is now comparable to Russia and
former Eastern Bloc states. In addition, Williams and Rodeheaver (2000) found that,
although Russia led the U.S. in homicides at the end of the 20th century, the United States
had higher rates of all other violent crimes.

Relying heavily on the Uniform Crime Reports (published yearly by the Federal
Bureau of Investigation) and the National Crime Survey (prepared for the Census
Bureau), Weiner and Wolfgang (1985) found increases in the rates of all varieties of
violent crime from 1960 through the end of the 1970’s in the United States. They also
found that juveniles were overrepresented as offenders during this period. Despite high
homicide rates in the United States, relative to Europe, Friedman (1979) reviewed
sociological studies and concluded that there had been a general decrease in violent crime
in the United States, from 1860 to 1970. Note that Friedman’s time focus was much
broader than Wolfgang’s, so the apparent contradiction is not necessarily a problem. The
two studies together suggest that the general century-long decrease in crime was capped
by a relative increase, from 1960 through 1980.

The 1980’s saw a turnaround in American crime numbers. Cottle, Lee and
Heilbrun (2001) reviewed recent trends and found that, from 1989 to 1998, the overall
FBI crime index decreased by 14%. Both violent and property arrest rates showed
significant decreases. However, juvenile crime seemed to be on a different trajectory
during this period than adult crime. Overall juvenile crime rates decreased by half the
amount that adult crime did, and whereas adults showed a 3% increase for violent crime
arrests, juvenile arrests for violent crimes increased by 15%. This disparity was
accounted for mainly by increased arrests for aggravated assault, but juvenile arson and robbery arrest rates were up, as well. Arrest rates for forcible rape, homicide, car theft, burglary, and other crimes showed significant decline for all age groups (Cottle et al., 2001).

The increasing crime statistics for juveniles in Europe and the United States in the latter half of the twentieth century may represent increasing crime among our youth; however, Estrada (2001) reanalyzed crime statistics in Europe and concluded that juvenile crime probably had not increased at all between the 1960’s and the mid-1990’s. He attributed the increase in the official crime rates to a number of national- or international-level factors that have acted to increase criminal charges and reports of crime by children during the time period in question, and which confound research in this area.

Estrada’s (2001) explanations for the spurious apparent increase in juvenile crime rates in Europe include observations that new official systems were put in place to report crimes in the 1960’s, and new centralized organizations were created, to collect crime statistics. Media coverage of juvenile crime seems to have increased as well, fueled by increased television coverage, and showing a bias toward portraying juveniles as dangerous, sociopathic criminals. Social trends have brought increased fear of juvenile crime, and an increased willingness to report crime and charge juveniles. Police have been more likely to arrest juveniles during this time period, and both the legal and de facto definitions of crime for juveniles have changed. Estrada also found that conviction rates of juveniles in juvenile court had increased during the time period of his study.
The advent of “zero tolerance” policies in the 1980’s and 1990’s has resulted, both in Europe and the United States, in drastic increases in the prosecution of drug possession, weapons possession and assault, when committed by students on school property (Estrada, 2001; Richart, Brooks & Soler, 2003). In many cases, schools or police officers are authorized to file criminal charges, even if victims are unwilling to do so. These laws, and the social climate that led to their implementation, have resulted in drastically increased rates of reported juvenile offending, due to official involvement in incidents that would previously have been handled informally by school personnel (Richart, Brooks, & Soler, 2003). Estrada found that nearly the entire increase in Swedish juvenile crime since the mid-1980’s could be accounted for by reports of school-based juvenile crime. The majority of these incidents are minor. He found, for example, that during the 1980’s, there was not a single “minor” (by research criteria) criminal incident reported by Swedish schools. During the 1990’s, however, the number of “minor” offenses reported by schools exceeded the total number of reports of all kinds from the previous decade. These reports, simplified and encouraged by technological and social changes, accounted for the major part of a 300% increase in criminal incidents reported by schools (Estrada, 2001).

It is not surprising that by 1993, when crime rates had, by all accounts, been rising for three decades in Europe, and had only recently begun to decline in the United States, and when official records had shown juvenile crime to be steadily rising, poll results found that Americans saw crime as the most important problem in the nation, surpassing economic concerns for the first time (J. Williams, 2003).
Public Attitudes Toward Punishment

Research on public attitudes toward the punishment of criminals does not appear until the late 20th century (Toch & Adams, 1988); however, the discussion of these issues is at least as old as the United States. Friedman, for example (1979), described heated public criticism of colonial Pennsylvania laws that were considered by many to be too harsh. Friedman also describes historical threads in the literature showing that, as gangs and criminals became more brutal in the eighteenth and nineteenth centuries, they were countered by brutal laws, police forces, and vigilantes.

Although it may be in some ways an artificial starting point, the openly reformist position of early prisons (especially the Quaker prison experiments) creates a high-water mark for what could be called “rehabilitationism,” “welfarism,” or “reformism” toward adult criminals (Sundt, Cullen, Applegate, & Turner, 1998; Wormith & Olver, 2002). The punitive trend in American politics and public policy could be seen as beginning at that point, although research has focused more specifically on late twentieth-century punitiveness, noticed by several authors (F. T. Cullen, Fisher, & Applegate, 2000; Warr, Meier, & Erickson, 1983; Zimmerman, Vanalstyne, & Dunn, 1988).

Since the 1970’s, Survey and poll results in the United States and Canada have consistently shown strong support for harsh punishments for criminals, including determinate prison sentencing (i.e., “no possibility for parole,” etc.), three-strikes laws, (life sentences automatically given to three-time felony offenders), boot camps, and other strong measures (F. T. Cullen et al., 2000; Ortetfabregat, 1991; Schwartz, Guo, & Kerbs, 1993; Tyler & Boeckmann, 1997). The death penalty for serious offenders has shown an increase in popularity during this time period (Borg, 1998; Stack, 2000), and surveys
report a general view that the justice system is too lenient toward offenders (Hartlaub, 1998; Ortetfabregat, 1991; Walsh, 1984).

These public opinion and crime legislation trends have been closely paralleled by shifts in penal philosophy. The American prison system, which began with stated goals of treatment and rehabilitation of the offenders in its custody, has steadily shifted focus away from these aims since the mid-twentieth century. As the public and officials began to perceive the rehabilitation-oriented prison system as inadequate to meet the demands of increasing numbers of criminals and criminal acts, rehabilitation ideals were replaced with a philosophy of deterrence, where the punishments inherent in the prison system were assumed to have an inhibiting effect on criminal behavior (McFatter, 1978; Zimbardo & Haney, 1998).

Punitive courts and prisons.

Deterrence theory, based conceptually on principles of operant behavioral psychology, has been criticized on humanitarian and utilitarian grounds. Humanitarian criticisms center on the necessity of causing pain or discomfort to individuals, in order to obtain behavioral changes (Card, 1991; Costanzo & Costanzo, 1994; Kury & Ferdinand, 1999). Utilitarian criticism include the ineffectiveness of punishment, relative to other forms of behavioral modification, and the far-from-ideal implementation of behavioral principles of effective punishment by the justice system (McGuire, 2002; Roberts, 1991). A more subtle criticism has been outlined by McClelland and Alpert (1985), who demonstrated that the threat of a given punishment (even with the guarantee of swift, effective implementation) has varying deterrent power across individuals. For example, some criminals may see even harsh fines as unavoidable operational costs, and
individuals from some areas of society may see prison as a minor unpleasantness that may enhance one’s reputation. The researchers caution that there is no single effect of any given punishment across individuals.

The above point argues against inflexible sentencing, the deciding factor in Louise Forer’s decision to resign her judicial position (Forer, 1994). She cites an incident in which she was required by federal guidelines to sentence a man to a long, indeterminate prison term for stealing a small amount of money, which he had already repaid, to feed his family. Forer discusses the need to provide punishments that are proportionate to offenses, tempered by mitigating factors.

Ferdinand and McDermott (2002) have taken McClelland and Alpert’s (1985) suggestions slightly further in advocating “substantive justice,” in which those who commit crimes would be punished with equivalent levels of subjective discomfort, regardless of the objective manifestation of their punishment. Indeed, behavioral theory would predict that, for an equal deterrence effect, the individual psychological impact of a possible sanction must be equal for each person. This would seem, logically, to necessitate different sanctions for each individual, to achieve the same subjective deterrence effect (Ferdinant & McDermott, 2002).

In the 1960’s and 1970’s, prisons in North America demonstrated another philosophy: containment. Simply put, this perspective argues that those who have committed crimes must be kept away from their intended victims (Haney & Zimbardo, 1998). This penal goal is often discussed together with the goal of incapacitation, which is similar in its focus on preventing the re-commission of crime by making it physically impossible for an offender to recidivate (Farkas & Stichman, 2002). Prison sentences, as
long as they last, serve the goals of both incapacitation and containment. It is notable that
the adoption of the containment/incapacitation approach implies a rejection of
intrapsychic considerations in offender management. There seems to be nothing in these
philosophies that is concerned with assessing or changing the thoughts or behavior of
those who commit crimes, or those who have already committed crimes (although these
philosophies of prison use may be cited together with deterrence).

Finally, in the 1970’s and 1980’s, prisons began to function on the philosophy of
“just desserts” (Grupp, 1984; McFatter, 1982). This openly retributive penal goal is based
on the idea that those who have violated norms (e.g., laws) “deserve” to be made to suffer
for their deviance (sometimes phrased as the victims deserving to have the satisfaction of
seeing perpetrators suffer; Darley, 2002).

Incapacitation, containment, and just desserts/retribution all fail, even in theory,
to prevent future criminal behavior by those who are punished, and may therefore be seen
as representing a lack of faith in the ability of institutions to perform any rehabilitation

Since the 1970’s, a flurry of laws has been passed that can be seen as more
punitive than those that were in effect before this period. Three-strikes laws, determinate
sentencing, and sentencing guidelines of other kinds mandate long, often inflexible
prison sentences for criminals in a system that was previously known for its ability to
consider individual factors in criminal behavior and tailor punishment to individual needs
(Forer, 1994). “Truth in sentencing” laws provide a guarantee that offenders will serve
some percentage (such as 85%) of their sentences before being eligible for parole,
irrespective of prison behavior. The majority of U.S. states have adopted these laws (J.
Williams, 2003). “Boot camp,” or “impact incarceration,” describes alternative prisons in which military-style discipline and work details predominate. These institutions also exist in most states (J. Williams, 2003). Other legal “innovations” include the return of “shaming” penalties and public or victim participation in criminal sentencing (e.g., (Ronken & Lincoln-Robyn, 2001). These laws have all been linked to public opinions advocating more serious punishments for offenders, and perceptions that the existing laws have not been severe enough (F. T. Cullen et al., 2000; Hartlaub, 1998).

Objections to increased legal punitiveness.

The legal changes effected since the 1970’s have been cause of great concern in some corners of the legal profession, and remarkably little concern in the public arena (Forer, 1994). These new laws have been criticized for a variety of reasons, some of which are outlined here.

Sentencing guidelines, three-strikes laws, and truth-in-sentencing laws have been seen by legal professionals as violating separation of powers in the United States, because they represent judicial duties (sentencing of criminals) undertaken by the legislative branch of the government (congress; those who create sentencing guidelines). In addition, they can be seen as a reduction in the constitutional protection of defendants, because a portion of sentencing power is given (sometimes directly and other times indirectly) to prosecutors, rather than judges (Forer, 1994).

These laws also reduce the ability of judges to exercise discretion in sentencing, which is traditionally a major portion of their job. The concomitant reduction in the ability of courts to provide individualized justice is seen by some as violating the intent of the constitution, and certainly results in overly harsh punishments for some offenders.
The fact that penalties have increased nearly across the criminal justice spectrum adds to this problem (Forer, 1994; Grupp, 1984; McFatter, 1978).

A final criticism of these laws is that the crimes they punish are selected without reference to empirical data concerning dangerousness or recidivism risks of different categories of crimes or criminals (Tyler & Boeckmann, 1997).

Consequences of punitive policy.

Criminal laws tend to multiply over time (Hostettler, 1992). The effect of new criminal sanctions in the past few decades (e.g., stalker laws, sexual harassment laws, hate crimes, etc.), as well as the massive increase in the length of average prison sentences, due to legal reforms, has arguably resulted in a steadily increasing rate of incarceration in the United States, since the 1970’s (Pepinsky & Jesilow, 1984). Note, however, that it could also be argued that increases in crime have caused all of the above changes, and also resulted in higher incarceration rates.

The imprisonment rate in the United States has increased for decades, and is now the highest in the world, at over 700 citizens per 100,000 imprisoned (Walmsley, 2004). The only nations on earth that rival this rate are nations of the former Soviet Union, which may still be said to be undergoing social upheavals following its collapse, and nations with inherent social unrest, such as certain Caribbean nations. The United States’ high imprisonment rate is certainly an anomaly among economically and politically similar nations such as Canada and the nations of Western Europe, which have rates of imprisonment of their citizens that are five to eight times lower (Pratt, 2000).

Theories have surfaced, since the middle part of the last century, that punishment actually makes crime more likely (Menninger, 1968; Pepinsky & Jesilow, 1984),
although such theories are inherently difficult to support or disprove. The original, rehabilitative, stance of the U.S. prison system was motivated both by humanitarian concerns and by observations that the current penal systems were not working (Sutton, 1988a; Zimbardo & Haney, 1998). A return to punishment as a major focus of penal policy would seem to be a reversal of policy.

Within a mere thirty years, the United States prison system has experienced unprecedented crowding, funding difficulties, reductions in treatment programs (even those that had a consensus of effectiveness), and possibly an increase in the overall dangerousness of inmates, due to increased negative affect and negative behavioral conditioning (McCorkle, 1993). In addition, Patrick and Marsh (Patrick & Marsh, 2001) suggest that if inmates perceive the goals of prison to be punitive, recidivism and crime may be increased as inmates resist this agenda, whereas the perception of rehabilitative goals can increase the identification that inmates or other adjudicated persons feel with these aims, and will act to reduce crime, overall. Patrick and marsh echo other writers in partially blaming the failure of early prison reform attempts on disregarding inmate perceptions of prisons.

In an attempt to rectify this oversight, Patrick and Marsh conducted their own study of prisoner perceptions (Patrick & Marsh, 2001). They found prisoners’ attitudes toward the rehabilitation and punishment goals of their prison to vary significantly. These perceptions were related to their relationships with corrections officers, how much cooperation they believed the prison system expected from them, and their perceptions of overcrowding. Notably, the majority of inmates saw prison as punitive experience, and 31% of inmates did not see rehabilitation as even partially a goal of the prison. It must be
acknowledged, however, that with a sample size of 63 and dozens of comparisons, this study may have suffered from overinterpretation.

As the conditions in U.S. prisons have become more problematic, and as funding questions have become more difficult to answer, the government has begun to turn to outside sources for help with management of the penal system, in the form of privatization of prisons. The privatized prisons have enjoyed some glowing reviews of their effectiveness; however, some have suggested that conflicts exist on the parts of those running the privatized prisons, and those who produce the positive reports (sometimes the same parties; Geis, Mobley, & Schichor, 1999).

Despite the proliferation of punitive policies in American corrections, despite the economic and pragmatic difficulties of supporting the burgeoning prison population, and despite the reduction in the crime rate, the punitive trend does not seem to be abating. One explanation for this is that perhaps the public believes the negative correlation between crime rates and prison rates to be evidence of the effectiveness of the punitive policy mindset. However, this explanation cannot be accurate, because the public continues to perceive a significant increase in crime, rather than a reduction (Applegate, Cullen, Turner, & Sundt, 1996; Oliver Willard, 2002). In fact, the fear of crime is a common theory in attempts to explain the public’s punitiveness (e.g., Lee, 2001).

There appears to be no easy answer to the problem (or perception) of violence in American society; however, to the extent that the American public and legislature continue to increase the punishments available to those who break the law, while providing no treatment or prevention options, prison populations may proceed through
increasing cycles of “frustration, despair, and violence” (Haney & Zimbardo, 1998), which may lead to further criminality and negative societal consequences.

The Punitive Public

Ray (1982) conducted a study with Australian subjects, to test a theory including the proposition that fearful traits would predict punitiveness in hypothetical sentencing scenarios. The hypothesis was not borne out (in a partial failure of support for the fear of crime theory), but he found that the punishments recommended by his participants were far in excess of the punishments generally given by the Australian courts. Ray seems to have been operating under the popular assumption at the time, that the justice system in Western countries had become increasingly lenient toward offenders. Ray seems to have been surprised by his findings, and he began his research discussion with the statement, “There is very clearly a stark gap between actual sentencing practice and what the public see as appropriate sentencing practice… There would appear to be no set of reasonable assumptions which would suffice to close the gap. People in general want far more severe sentences than our courts in fact award.”

As research in the 1970’s and 1980’s continued to show the trend toward punishment in public opinion, both in and outside the area of criminal justice (Bogacki, 1982; Boland & Wilson, 1978; Parkay & Conoley, 1982; Ray, 1982 Summer), researchers began to speak of “the punitive public” (Zimbardo & Haney, 1998). This trend could easily be extended backward in time, far beyond the twentieth century. However, a less extensive view will suffice here, to show that the current phenomenon, although certainly pronounced in the late twentieth century, is not original.
Pratt (1998) finds evidence for a retributive, or perhaps self-protective, trend in American public opinion and legislature from at least the beginning of the twentieth century, in reviewing the historical antecedents for the current spate of punitive laws targeted at sex offenders (to be discussed, below). This pattern of legislation occurred at least three times in the past century, beginning with “habitual offender” laws, early in the century, which were a series of harsh punishments for repeat property and petty offenders. The pattern continued with the advent of “sexual psychopath” laws in the 1930’s, which were aimed at mentally ill sex offenders, and were fueled by public paranoia and misunderstanding of sexual crimes and criminals. These laws were very similar to today’s sexually violent predator laws, which provide for involuntary commitment of sexual criminals. Pratt concludes that “dangerousness” is a kind of emotionally-charged label that triggers punitive responses from the public:

Dangerousness itself is not some fixed and certain quality. Instead, it has been a constantly shifting phenomenon that has brought particular individuals into the spotlight for public denunciation and expulsion before apparently losing interest in them and moving on to embrace the next assortment of wretches who meet its criteria (Pratt, 1998).

Not only are the public seen to be punitive, but their punitive tendencies seem to be increasing over time For example, Darley (2002) found that participants in a sentencing study chose sentences for criminal defendants that were consistent with just desserts (retribution) goals, rather than deterrence or incapacitation. This and much other research in the last decade stands in contrast to studies performed in the 1960’s and before, in which the public recommended sentences similar to those given by courts (e.g.,
Gibbons, 1969). In addition, legislation toward offenders has increased in its aversiveness through the last three decades (Haney & Zimbardo, 1998; Zimbardo & Haney, 1998).

Why is Punishment so Bad?

Card (1991), in his case for the treatment of sexual offenders, writes that any amount of punishment is likely to make criminals more dangerous. However, not all authors, researchers, or policy makers believe punishment to be inherently flawed as an offender management strategy (Trute, Adkins, & MacDonald, 1996). Nevertheless, there is at least a consensus among treatment and research professionals that effective treatment (or as effective as is available in any given domain) is a critical component to any legal response to crime, if crime rates are to be eventually reduced (Wilk & McCarthy, 1986), and that unnecessary punishment is likely to exacerbate problems, rather than solve them.

Despite general perceptions for several decades that offender therapy was ineffective at reducing recidivism, there is now a growing body of evidence that “some things do work” (McGuire & Priestley, 1992) in rehabilitating criminals. Thus, hopelessness does not seem to be an adequate reason to abandon treatment ideals and settle for non-rehabilitative prison strategies (Zimbardo & Haney, 1998).

Cottle, Lee, and Heilbrun conducted a meta-analysis in which they discovered that, among juvenile offenders, a small percentage of individuals are responsible for a large percentage of committed crimes (Cottle et al., 2001). This kind of result is similar to findings with adult offenders (e.g., Loucks, 2002). Broad, context-insensitive punishments (such as sentencing requirements, etc.) will cause unnecessary suffering in
light of these facts, as highly-aversive sentences are applied indiscriminately to a
criminal population composed of a relatively benign majority.

Why does the punitive trend continue?

Given the availability (if not the widespread acceptance) of the facts regarding
treatment and punishment, why does general punitiveness continue? Several explanations
have been offered.

Explanations for public punitiveness.

Moore (1974) outlines a system where the (possibly inaccurate) fear of crime and
the political motivations behind its control may contribute to legislative and public
endorsement of punishment options. Subjective uncertainty is a key issue in Moore’s
theory, as is the consequent anxiety experienced by those who believe crime to be an
imminent danger. Politicians are seen as capitalizing on public anxiety. In this vein,
Haney & Zimbardo (1998) describe a process of “raising the ante” among politicians, in
which each lawmaker may attempt to appear more “tough on crime” than the others, in
order to satisfy what she or he perceives as the public’s desire to punish criminals, with
reelection motives being the root factor. This process is reminiscent of the social
comparison processes at work in group polarization. Group polarization is a phenomenon
in which attitudes among group members become more extreme over time.

One explanation for group polarization is that individuals who share similar views
of an issue may adopt more extreme attitudes through a similar process of social and
ideological one-upmanship; each group member attempts to gain group benefits
(solidarity, security in the group) by demonstrating her commitment to what she
perceives as the group ideology, resulting in increasingly extreme endorsements of group
ideals (G. S. Sanders & Baron, 1977). Consistent with this explanation is the suggestion of Pratt (2000), that contemporary lawmakers may see punitiveness toward criminals as evidence of virility or social power, and may actively work to be seen as punitive, whereas lawmakers in the past might have seen high prison rates as a source of national shame.

Ellard and colleagues (2002) attribute much of public punitive policy to demonization of offenders, similar to the demonization of Jews in Nazi Germany, or other undesirable social groups at other points in time. They use a combination of empirical and philosophical data to show that demonization of a particular group results in a preoccupation with making members of the demonized group suffer, and reduces the requirement to treat them according to internal moral standards. This may pave the way to accept apparently simple—if morally reprehensible—solutions to crime. Ellard et al. note that “just world” beliefs are likely to lead to demonization of criminals, because they are perceived to have brought their misery on themselves, through their behavior.

Just world beliefs, or just world biases, are a set of beliefs about the moral nature of the world. Those who possess these attitudes believe that individuals who experience good fortune in life must have performed moral acts to merit their fortune, whereas those who experience negative events must necessarily have done something morally wrong to bring these events on themselves (Lerner, 1980).

The introduction of concepts such as the just world bias and demonization into a discussion of punitive criminal policy immediately creates parallels with the concepts of stereotyping and prejudice, which may be seen as a more general case of demonization, and to which just world biases have been shown to contribute (Lerner, 1980).
Forer (1994) has suggested that the problem is the environment at the level of public consciousness. In keeping with this perspective, Bond and Lemon (1981) found that newly-appointed lay magistrates in England became more punitive in their sentencing philosophies with increased experience in judging defendants, but were influenced in the direction of rehabilitative sentencing with educational interventions. Experience with offenders can apparently increase or decrease punitiveness.

Friedman (1979) suggested that, with increasing urbanization, public tolerance of crime has decreased. Crime is bad for economic prosperity, and bad for large groups of people, in general. Greater overall disruption is caused by crime in cities than in rural environments, and so increasing urbanization has led to reduced tolerance of crime. This analysis is unique for its focus on cities as entities which naturally resist, rather than foster, crime.

Pratt (2000) has described a model of converging social forces that has resulted in punitive prison policy. The factors he cites are a reduced reliance on traditional roles, especially for females; the perceived failure of “welfarism” and the rehabilitative model of prisons, increased personal autonomy under conservative government, with a concomitant increase in personal responsibility for safety and reduced sense of security; and increased media participation in showing exaggerated views of crime and the dangerousness of everyday life. These factors add together to produce a cognitive strategy in individuals of near-paranoid fear of crime, and a reduced sense of personal control over one’s safety.

Neapolitan (2001) has suggested, in light of the fact that homicides cannot significantly contribute to prison rates (being much lower in their base rate of occurrence
than imprisonment rates), that “fear of crime” must be the primary motivator behind the policies leading to the high incarceration rate in the U.S. This hypothesis has received only partial support (Lee, 2001; Males, 2001; Ouimet & Coyle, 1991).

Media coverage and exaggeration of crime has been blamed for punitive public trends by other writers, as well. Bullock and Cubert (2002) found that coverage of domestic violence fatalities in Washington State was biased, and that individual reports were distorted by newspapers. The news emphasized anonymous crimes, the isolated nature of certain incidents, and cues of deviance in offenders. They underrepresented crimes within families, which are by far the most common in this area. The authors concluded that this bias could contribute to a fear of anonymous, uncontrollable violence. Hughes, Marshall, and Sherrill (2003) found that college women inaccurately perceive strangers as the highest threat for personal assault, and that they misperceived many low-probability or lower-risk situations as representing very high risk to their personal safety. These trends are in line with media coverage of assaults. Kury and Ferdinand (1999) suggest that processes including media exaggeration of crime, public insecurity, and ineffective policing have led to punitivity in former Eastern Bloc countries, and that media bias in particular may have increased punitiveness around the world.

Ellard (2002) demonstrated that demonization may be activated by “evilness” cues, such as complete lack of remorse for actions. Estrada (2001), in his review of the alleged increase in juvenile crime in Sweden, found a possible real-world demonstration of evilness cues leading to demonization of criminals, when he discovered a media trend that began in the summer of 1986, right as juvenile crime reports began to skyrocket:
juvenile criminals were portrayed by television and print media as “polite, emotionally cold and unpredictable,” and as assaulting others “for kicks.”

Social psychological literature is replete with research germane to the idea that misrepresentation of crime or criminals in the media could lead to increased punitiveness. For example, Keller (1999) found that fear can motivate behavioral change, if information on how to avoid the feared stimulus is available. If we are subject to media-biased images of criminals as extremely dangerous, unpredictable, and ubiquitous, then we are also never far from political messages telling us that the way to reduce our anxiety over possible crime victimization is to become “tougher on crime” (Cullen, Fisher & Applegate, 2000).

An interesting example of media effects in the United States is the U.S. President’s State of the Union address. Presser and Gunnison (1999) have found a significant correlation between the attention the President gives crime in his yearly televised speech and the seriousness of crime as a national issue, as rated by public opinion polls, shortly thereafter. For each 1% increase in presidential focus on crime in his address, public response to the standard “most important issue facing the nation” poll question increases approximately 0.4% (Presser & Gunnison, 1999).

Williams (2003) proposes a model of competing cognitive constructs to account for punitive attitudes. He suggests that two distinct cognitive systems clash in public’s mind: a crime control model and a due process model. If there is enough concern about crime, the first model will trump the second, resulting in a willingness to forego due process for criminals. Concern about crime does not seem to be in short supply (Presser & Gunnison, 1999; Haney & Zimbardo, 1998).
As an interesting note in this section, research on the attitudes of prisoners themselves can result in counterintuitive insights. Simourd and Olver (2002), like others since the 1950’s, have either found (in the case of Simourd and Olver) or assumed evidence of distinct, socially deviant “criminal” attitude constructs in prisoners. These attitude constructs may lead to beliefs in the irredeemable deviance of criminals.

However, Benaquisto and Freed (1996) found that inmates, on average, have about the same beliefs about prisoners (others) as does the general public. That is, they believe that other prisoners hold deviant attitudes, although they themselves tend to have beliefs about lawfulness that are similar to those of the general public. In addition, prisoners tend to agree with the public’s punitive attitude toward prisoners, advocating harsher verdicts than the courts deliver.

If Benaquisto and Freed’s (1996) findings are accurate, then the dynamics of punishment toward prisoners become more one-sided than it has been assumed to be. That is, much of the research reviewed in this paper concludes that legislators and the public in general have become more punitive toward prisoners; However, the reverse may not be true. There may not be a two-sided group conflict, but rather a single group (criminals), which is recognized as deviant and deserving of sanctions by both the majority group and by those who belong to this legal minority.

Zhang, Messner and Lu (1999) found slightly different effects. They discovered that Chinese inmates who received harsher sanctions were more likely to perceive their sentences as being unfair. They suggested, citing Sherman’s (1993) defiance theory, that perceptions of the unfairness of official sanctions may lead to greater criminal deviance. Therefore, increased punitiveness may ultimately lead to increased criminal behavior.
Unfortunately, this study was confounded by the fact that many of the most harshly punished prisoners were imprisoned as part of social “drives” by the Communist party, explicitly aimed at political and social control through demonstrations of state power. During these “drives,” prisoners may have received especially severe sanctions, or sanctions for behavior that might have been tolerated at other times. Therefore, their perception of unfairness may not have been due to severity of punishment alone, but perhaps to actual unfairness or arbitrariness of sanctions.

The picture of public attitudes in this area is anything but simple, and it is complicated when the sparse cross-cultural literature is considered. Although punitivity toward criminals seems to be increasing in China and the former Soviet nations, these effects are not always seen. Developing nations in Latin America, Asia, and Africa also show increases in punitivity. Canadian punitivity is inconsistent, as well, with increasing approval of a death penalty poll item since the early 1980’s, while overall legislative punitiveness has been shown in some studies to be decreasing (Kury & Ferdinand, 1999).

Evans and Scott (1984) found that punitiveness was high in both American undergraduate and Islamic Kuwaiti respondents; however, the differences between the sets of ratings could not fully be accounted for by fundamentalism or religious differences.

Eysenck (1954) suggested that the theories of crime endorsed by the general public were usually simplistic and crude, despite evidence that crime itself was a phenomenon with complex causes. This hypothesis could suggest explanations of both public punitiveness and the confusing picture of this punitiveness that is portrayed by the aggregated literature so far.
Public punitive attitudes could conceivably be partly driven by a psychologically economical response to a belief in the imminent danger of unpredictable crime. The frequently contradictory and confusing literature on public punitiveness could be a result of the use of simple models of the public’s attitudes.

Relevant to this discussion is the comment that the researchers cannot agree, either on what causes crime, or on what causes public attitudes about crime (Gibbons, 1999). As Estrada stated at the end of his article on Swedish juvenile crime, "When criminologists find it so difficult to arrive at a consistent interpretation of underlying trends, it is difficult to demand that the public have a ‘correct’ perception of the bigger picture.” Perhaps one reason the punitive public has not been adequately explained is because the origin of this punitivity is not easy to explain.

Sex Offenders

It takes very little research to see that public and legislative punitiveness toward sex offenders is very high in the current political climate. In fact, sex offenses are given ratings similar to murder (McCorkle, 1993; Wasielecki, 1996). Palermo and Farkas (2001, pp. 153-173) argue that sexual offenders have historically been treated as fundamentally different within the United States legal system, as evidenced by sexual predator laws, sex offender registration requirements, community notification laws, castration laws (chemical and surgical), and generally unrealistic views of sex offenders’ dangerousness, prevalence of mental disorders, and likelihood of reoffending.

Beginning in the 1930’s, based largely on inflammatory (and misleading) comments by J. Edgar Hoover about the prevalence of sex crimes in America, several states passed “sexual psychopath” laws, which resulted in the involuntary civil
commitment of several sex offenders, after their prison sentences were completed, ostensibly for treatment. The implementation of these statutes was rare and inconsistent (Pratt, 2000, states that the laws were “hardly ever used”), and the treatment was inconsistent and contradictory, as was the evidence for its effectiveness (Wood, Grossman, & Fichtner, 2000). The laws were abandoned within a few decades, “for good reason” (Pratt, 2000). However, the fact remains that the laws were passed in a rapid fashion, based largely on public fear of sexual predators. The ease with which this fear was incited is notable.

The current Sexually Violent Predator laws (SVP) are very similar to the sexual psychopath laws. They allow states to place sex offenders in secure facility after parole, indefinitely. This requires a judgment of “mental abnormality,” which is a very problematic construct (Becker & Murphy, 1998), and the laws have prompted serious legal challenges and concerns. For one thing, the cost of keeping offenders in secure facilities has been estimated at between $65,000 and $100,000 (T. Shaw, Heesacker, & Delgado-Romero, 1999). In addition, constitutional questions about double jeopardy have been raised (Winick & La Fond, 1998), as offenders are required to serve what is essentially an indeterminate prison sentence, after their original sentence is completed.

Other recent innovations in American law toward sex offenders, originating in the 1990’s and adopted in several other countries, include community notification measures such as “Megan’s law,” and “shaming” punishments (F. Cohen, 1999; Pratt, 2000; Samra-Grewal, Pfeifer, & Ogloff, 2000). Presser and Gunnison (1999) argue that community notification (the presence of sex offenders being announced in some way to community members) is inconsistent with “restorative justice” ideals, and is more
consistent, as applied, with punishment and “shaming” types of punishment. They mention, however, the fact that both the public and legislators are more willing to endorse the ideals of restorative justice than shaming.

All of the recent laws directed at sex offenders suffer from problems with due process violations, as well as double jeopardy, as they represent ongoing punishments after the “debt to society” has been paid (Palermo & Farkas, 2001). Cohen (1999) argues that, if the principles underlying SVP commitment laws were applied to other types of offenders, it would be possible to involuntarily commit criminals who had no mental disorder, for an indefinite period after prison sentences were completed, because of a judgment that they might likely reoffend, that treatment prognosis in prisons is poor, and that treatment needs are long-term. This could be done even if no treatment program specifically for the offender’s problem existed, and the offender could be retained in secure custody indefinitely.

Zevitz and Farkas (2000) found that a wide variety of negative consequences had been suffered by the vast majority of paroled sex offenders under community notification in Wisconsin (threats, denial of residence, social ostracization, emotional harm to family members, loss of employment), but found no effect on recidivism rates, either positive or negative. West predicts negative consequences of the new laws on sex offenders, after describing incidents of mob violence against a convicted pedophile in 1997. He suggests that future confessions will be stifled by the fear of consequences (Edwards & Hensley, 2001), resulting in more children being retraumatized by the need to testify in court to establish guilt. West also predicts increased social costs, such as increased policing to prevent vigilantism. He sees an increase in “recovered memories” of abuse and
widespread restrictions in family and social life for many people, because of fears of accusations (e.g., babysitting, bathing children, etc.). He predicts damaged student-teacher relationships, as well.

However, West also claims that children frequently fabricate stories of sexual abuse out of vengefulness or to satisfy interrogators, and insists that “benign if not beneficial” sexual relationships can exist between adults and adolescents.

Perhaps the most disturbing aspect of punitiveness toward sex offenders is castration, which has enjoyed a surge of popularity in public opinion polls around the world, and has been adopted in some U.S. states as a “voluntary” way for paroled sex offenders to reduce their parole restrictions or prison terms (Farkas & Stichman, 2002; Lisker & Pollack, 1997). Baker (1984) argues that castration is legally impermissible, and should be classified as “cruel and unusual punishment” under U.S. law. Although studies performed in European countries have reported success in reducing recidivism (not unbridled success), the fact that castration involves destruction of body parts and results in permanent infertility renders it unconstitutional, according to Baker.

Pratt (2000) argues that the new punitiveness toward sex offenders represents a “throwback” to pre-twentieth-century methods of dealing with criminals, in that they are corporal, public, arbitrary, excessive, and indefinite. He also argues that, although sex offenders are specifically targeted, they are simply one target of the “new intolerance” or “new punitiveness” in world society.

Sexual Offense Research Findings

Public belief about sex offenders is that they represent incorrigible criminals, qualitatively different from either noncriminal or nonsexually criminal populations.
(Becker & Murphy, 1998). The truth, to the extent that it is known, is somewhat more prosaic (Fedoroff & Moran, 1997; Lieb, Quinsey, & Berliner, 1998).

A large percentage of sex offenders are not “specialized” in sex offense or in a specific sex offense, and many nonsex offenders have committed undetected sexual offenses, both contrary to popular belief (Card, 1991; Palermo & Farkas, 2001), p. 170). In addition, there is a subset of sex offenders who have no diagnosable paraphilia, including pedophilia (Becker & Murphy, 1998). Sex offenders represent a very heterogeneous group (Becker & Murphy, 1998; Prentky, Lee, Knight, & Cerce, 1997), and the majority probably cannot be classified as mentally disordered. In fact, mental disorders are probably no higher than among the general public (Becker & Murphy, 1998). Note that, although identified as a mental disorder in the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders, fourth edition (DSM-IV), pedophilia does not meet the validity criteria that many other mental disorders in the manual meet, and the majority of child molesters may not be classifiable as pedophiles according to the criteria specified in DSM-IV (O'Donohue, Regev, & Hagstrom, 2000).

In his controversial article, West (2000) argues that pedophilia is not as threatening to the public as believed, because most sex offenders are not pedophiles, sex offenders have relatively low reconviction rates (although he seems to discount the idea that there are many unidentified recidivists, attributing such data to a few serious offenders), and because many sex offenses are “less dangerous” behaviors, such as “exposure from a safe distance.” He agrees with the extremely controversial research of
Rind et al. (Rind, Tromovitch, & Bauserman, 1998), who concluded that sex offenses do not have the serious consequences for victims that many professionals assume.

Despite the fact that many researchers (e.g., Prentky et al., 1997) suggest that recidivism and offense rates are consistently underestimated by current research, sex offenders are far from the commonly-perceived “lost causes” (Poll, 2000, August August). Estimates of recidivism rates are plagued with methodological problems in sex offender research (Grossman, Martis, & Fichtner, 1999; Marques, 1999), but some trends are noteworthy. For instance, recidivism rates are below 10% for offenders who abuse those in their families (Hanson, 2002), and recidivism rates for other classes of offenders are probably no higher than for violent nonsexual offenders (Becker & Murphy, 1998; Fedoroff & Moran, 1997), as evidenced by lower apparent rates of recidivism.

However, Hood, et al. (Cauffman & Steinberg, 2000), after finding that recidivism for even the more serious sex offenders was low, also found that parole board members overestimated these rates. The definitive study, so far, on recidivism in sex offenders was performed by Karl Hanson (2002). He found, in a sample of over 4,000 offenders, that recidivism for most sex crimes, as officially measured, was under 10%, although some offenders, such as rapists and intrafamilial child molesters in some age groups, had recidivism rates as high as 30%.

Of course, there is the possibility that the most secretive recidivists may be most dangerous (Seto & Barbaree, 1999; Wormith & Olver, 2002), and prediction of recidivism is extremely difficult, although recent actuarial methods increase accuracy (Grossman et al., 1999). In the end, however, treatment decreases recidivism for many offenders (Grossman et al., 1999; Hanson, 2002; Maletzky & Steinhauser, 2002).
words, sex offenders are approximately as amenable to treatment and as prone to recidivism as other types of offenders (Cottle et al., 2001).

The effectiveness of treatment for adolescent sex offenders compared to adolescent nonsex offenders is similar to the comparison between adult offenders (Benda, Corwyn, & Coombs, 2001; Lipsey, 1992), with two differences. First, structured treatment approaches, such as multisystemic treatment (MST) appear to offer significant gains over other types of treatment (Becker & Murphy, 1998). Second, adolescent sex offenders are more changeable in many ways than adults, due to developmental differences, their sexual offending is less likely to be driven by deviant sexual arousal, and they may be similar in important ways to juvenile nonsexual offenders, all of which may combine to yield lower recidivism rates than adult sex offenders (Veneziano & Veneziano, 2002).

Although sex offender therapy can be effective, some therapy alternatives have generated controversy. Specifically, mandatory treatment with hormonal agents such as methyl progesterone acetate (MPA; “Depo Provera”), also called “chemical castration,” has been both praised and criticized in the literature (Meisenkothen, 1999; Stone, Winslade, & Klugman, 2000). Whether these methods are overly punitive and doomed to failure or appropriate and effective has not yet been determined.

As with nonsex offenders, the deterrent benefits of punishment have not been demonstrated, and may be detrimental to sex offender management (Card, 1991; Kosky, 1989; McGuire, 2002). The debate in this area is even more salient than with other types of lawbreakers, since the public tends to see sex offenders as even more deserving of punishment. For instance, two-thirds of the participants in a 1991 poll said that they
would oppose the reduction in sex offenders’ sentences even if the offenders agreed to
court-mandated treatment (Minneapolis Star and Tribune, 1991, November November),
and three-quarters of respondents in a more recent telephone survey indicated that sexual
offenders as a whole should receive longer prison sentences without the possibility of
parole (Atlanta Journal-Constitution, 1997, April). Opinion polls support both chemical
and surgical castration (Stone et al., 2000), and the latter has sometimes been instituted in
other countries on an institution-wide basis, partly in response to perceived public
pressure (Wille & Beier, 1989). There does not seem to be a modern analogue to this in
the realm of nonsexual offenders.

Sex Offenders as a Special Case

The public’s inaccurate view of sex offender management, dynamics, therapy,
recidivism, prevalence, etc. takes the same form as the results of other cognitive biases,
in that inaccurate conclusions are repeatedly drawn from the same kind of information
(Wilson, 1997). Discussions and portrayals of both sex and violence result in
physiological arousal (Brehm, Kassin & Fein, 2002, p. 424), and so it might be reasoned
that the intersection of sex and violence represented by sexual crimes could produce a
heightened emotional state, which might have a biasing influence on attitudes and
decisions about sex offenders. When attitudes about children are added (Schlossman,
1977), perhaps the uniqueness of sexual offenses—especially against children—might
not seem so surprising.

Adolescence

Adolescence is a unique developmental period, both physically and
psychologically. There is a general cross-cultural understanding of a relationship between
developmental level and responsibility for actions (Benchekroun, 1982; Bersoff & Miller, 1993). Anthropological research demonstrates the importance of rites of passage in adolescence, emphasizing adolescence as a stage between childhood and adulthood, during which adult responsibilities are undertaken, and where critical decisions must be made (Alexander, 2000; Arnett, 2001; Bjornsen, 2000; Schlegel, 1995). These rites of passage are pervasive throughout societies, and include repeated features emphasizing increasing responsibility and passage through trials that are beyond the abilities of children (Benchekroun, 1982), but may now be within the grasp of teenagers.

Schlegel (1995) defines adolescence through its sexual characteristics. She reviews hundreds of anthropological studies and concludes that all human societies (and many monkey and ape societies) regulate adolescent sexual behavior more strictly than adult sexual behavior, which is generally permitted within marriage; or child sexual behavior, which is often winked at and labeled “harmless exploration.” Adolescents have acquired the physical ability to reproduce, but have not yet entered in stable, socially-sanctioned relationships for doing so. The consequences of uncontrolled adolescent sexual behavior are severe, involving economic, social and emotional costs.

By Schlegel’s logic, many of the restrictions and concerns about adolescent behavior make sense. As near-adults, adolescents possess the physical machinery not only to reproduce, but to perform other adult-like behaviors, as well, such as causing violence, obtaining resources, persuading others, etc. If their behavior at this stage is not constrained, the impulsiveness that characterizes the adolescent period may have long-term consequences to them and others. Juvenile crime as a focus of concern is entirely reasonable in Schlegel’s system.
Psychologists since Freud and Piaget have recognized the reduced capacity for decision making in children, including difficulties with abstract reasoning, perspective-taking, and prediction of future events (Hockenbury & Hockenbury, 2003). Recent evidence has shown that human brains may not finish myelination until age 30 (e.g., Sowell et al., 2003), creating a physiological substrate for the disparity in cognitive functioning between adolescents and adults. The ability to regulate and deal with one’s emotional states is also a gradually-acquired skill, and decision-making abilities are to some extent dependent on it (Graziano & Tobin, 2003). The ability to reason about moral issues seems to be directly related to the above abilities, and is not fully mature in adolescence (Kohlberg, 1984). In short, adolescents (not to mention children) are not as able to make good decisions as are adults. This fact has been widely recognized since at least the enlightenment period, and has guided—to varying extents—juvenile law and social policy (Scott, 2000; Schlossman, 1977).

Possibly because of the scientific developments mentioned above, modern Western society has been, if anything, more concerned with adolescence than other cultures. Juvenile courts deal principally with adolescent defendants (vs. children), and the language of early juvenile court creation specified adolescents as a specific target (Schlossman, 1977). Controlling juvenile crime has been of concern since the beginning of the modern era (Platt, 1979), both as a means to stem the overall tide of social deviance by attacking its source, and as part of the humanitarian “child-saving” movements of the eighteenth and nineteenth centuries. However, note that revisionist historical views have equated concerns about juvenile crime with attempts at state control of the lower classes (Edelman, 2002).
There seems to be a historical, in addition to current social, consensus that children and adolescents had differing responsibility for crime than adults. Before the seventeenth century in most of Europe, children under seven were considered too young to be punished at all (Bandalli, 1999; Binder, 1979). English common law held that a child could not have a “guilty mind” under the age of seven, and required establishment of a guilty mind for children between the ages of seven and fourteen. Note that the intentions of adults were given no consideration under common law, and the only possible outcome for children under the age of fourteen was either a full acquittal or an adult punishment. Most Western nations still have minimum age specifications of the same form that existed in the middle ages in Europe; that is, a childhood no-punishment age, plus a secondary adolescent age limit, although the specific ages vary (Bandalli, 1999).

The United States was the first country to establish juvenile courts, in the mid-nineteenth century (Binder, 1979; Coalition for Juvenile Justice, 1998), with a variety of features not present in adult courts. Despite clear abuses in the juvenile justice system in the past century and a half, the juvenile court seems to have been established out of humane motives (Binder, Geis, & Bruce, 1988). Growing out of social movements of the time, such as rational criminology and child-saving, the juvenile court was widely copied in Europe, and hailed as a progressive step in the humane treatment of children under the law (Schlossman, 1977; Sutton, 1988a). The language of the time, in regards to juvenile crime, is replete with appeals to humanity, to higher motives, and to paternal feelings of tenderness (Platt, 1979).
The evolution of the court from that point on can be seen as adding to the protections guaranteed to children in the original juvenile courts, until the 1990’s, when criminal law expanded to reduce the limitations against prosecution of children (vs. diversion or discretionary lack of legal action (Binder, 1979). Whereas the original juvenile courts operated with an explicit treatment philosophy, and with assurances of confidentiality (Breda, 2001; Warboys & Wilber, 1996), Binder asserted in 1979 that the trends toward the end of the twentieth century could well reverse all special protections for juveniles. Later, after the trend Binder predicted had borne itself out, other researchers have noted the partial return to adult punishments for juveniles who commit serious crimes (Baron & Hartnagel, 1996; Mears, 2001). The punitive trend in American legislation may possibly have set back progress in juvenile justice by over a century (Binder, 1979).

These changes are prompted by the same forces present in adult corrections: public opinion seems to favor increased punishment of juvenile criminals. For example, polls show strong support for juvenile waivers to adult courts (Mears, 2001; Wu, 2000), and there is increased endorsement of the death penalty for minors (Skovron, Scott, & Cullen, 1989). In one mock-jury study, subjects decided to execute a ten-year-old hypothetical defendant (Crosby, Britner, Jodl, & Portwood, 1995), and Robinson and Stephens (1992) found, in reviewing the decisions of juvenile-court judges, that mitigating factors (including and especially youth itself) were frequently either not considered or inadequately considered in death penalty cases for juveniles.

It seems clear that there was a strong anti-punishment sentiment on the part of most Western citizens until the mid- to late-twentieth century, at which point that
sentiment began to quickly reverse itself, being replaced by a pro-punishment sentiment. Finding the reasons for this reversal may have far-reaching consequences.

As reviewed previously, Estrada (2001) found evidence that juvenile crime increases in the past few decades have been exaggerated in Europe. The same official statistics in the United States have shown recent declines in most kinds of juvenile crime. Nevertheless, public belief in the increase of juvenile crime continues (Skovron et al., 1989; Wu, 2000), and may be one reason for the reduction in rehabilitationism toward juveniles.

While investigating concerns that juveniles might receive overly lenient judicial treatment, Greenwood et al. suggested other possible sources of bias (Greenwood et al., 1980). They suggested that offenses by the young would tend to be in the lower end of severity within individual offense categories, that younger offenders were more likely to engage in group crimes than adults (thereby creating multiple criminal charges with each perpetration, and inflating statistics), and that the police and courts may have differential responses to the young than to adults, possibly due to a desire to rehabilitate juvenile offenders. The authors found no evidence that the courts were more lenient to juvenile offenders, in contrast to apparent public opinion at the time.

The reasons for refraining from excessive punishment of minors grow from our understanding of the nature of childhood and adolescence. The negative effects of overpunishing young people have been known or reasoned for many decades (Grupp, 1984; Menninger, 1968). They include psychological damage and increased dangerousness of offenders who are given adult sanctions and expected to live up to adult standards of behavior and moral development, when such moral development—as well as
the physical, emotional, and cognitive development that accompany it—are not yet complete. As reviewed above, the psychological and biological development of adolescents is far from complete. Their abilities to reason, manage their emotions, and make moral decisions are not the same as those of adults. Therefore, a juvenile defendant does not have the cognitive or emotional capacity to participate in the increasingly-punitive adult legal system.

Thus, it is disturbing, or perhaps telling, that the media for the last few decades has increasingly portrayed juvenile offenders as mature and coldly responsible for their actions (Estrada, 2001; Ghetti & Redlich, 2001), and thus as both deserving and prepared for adult consequences. Such media “spin,” most likely based on the profitability of shocking imagery, is an inaccurate representation of juvenile cognitive development, no matter how horrific the crimes of any particular young person, and no matter how mature the young person may appear on the surface. Increased punishment, including adult punishment, for juveniles, occurs in violation of a century of research in the areas of childhood and adolescent development.

The picture for adolescent sexual offenders, as discussed earlier, is even more uncertain for the near future, involving the general punitive trend toward offenders, relaxation of legal protections for juveniles, and an especially vindictive public attitude toward those who commit sexual crimes (Pratt, 2000). Given the consensus that negative affect may drive sex offending (e.g., Rice & Harris, 2003), and that juveniles are not prepared for adult consequences or punitiveness, it may be especially unwise to increase punishments for juvenile offenders. However, given what is known about the punitive tendencies of the public toward sex offenders (Pratt, 2000) and the recent reduction in
protection of juveniles from punitive policies in the legal system (Rosenheim, Zimring & Tanenhaus, 2002), it seems inevitable that such punishments will continue to increase.

**Does the Punitive Public exist?**

Several authors have recently argued that a belief in “the punitive public” is misguided. For example, several researchers (e.g., Cullen, Cullen, & Wozniak, 1988; Cullen, Golden, & Cullen, 1983; Hanson & Slater, 1993; Ortetfabregat, 1991) have discovered that “the public” endorses treatment alternatives as desirable and necessary for criminals, although the overall level of treatment endorsement has dropped in recent years. When questioned, general survey respondents indicate an understanding of the reasons and need for offender treatment, and agree with its aims (McCorkle, 1993; Trute et al., 1996). The key seems to lie at least partly in the phrasing of questions, and the provision of treatment attitude indicators, independent of those designed to measure punishment attitudes. McCorkle’s results especially underscore the fact that “the public” is not a unitary entity, and its attitudes are a diverse collection (Durham, 1993).

As further evidence for a nonpunitive aspect to public opinion, Preston (2003) found some support for separate judicial systems in the United States for elderly, mentally disabled, and even possibly for the physically disabled. This recognition of extenuating circumstances and responsibility issues is not concordant with a unitary view of “the punitive public.”

Other evidence that suggests a mitigating trend in public punitiveness includes a finding that district judges from Louisiana and Texas cited reasons other than just desserts for sanctions (although just desserts was statistically related to the actual sanctions of the majority; McFatter, 1982).
Neapolitan (2001) showed that the strongest predictor of imprisonment rates, cross-nationally, was national homicide rates. Therefore, the punitiveness of the public may be somewhat justified, as a response to high homicide rates (although, as noted earlier, homicide represents a small minority of overall crimes). Ferdinand and McDermott (2002) argue that many “punitive” measures, such as shaming, etc. can be therapeutic if carefully balanced with appropriate tx responses. To the extent that public respondents hold these same views (even if their mental models of behavioral processes are not necessarily accurate), their responses may appear punitive, but actually represent a treatment orientation. Gibbons (1969) found that public respondents were more punitive than legislation at the time, but mostly for white-collar crimes, which are arguably underpunished in the first place, making the respondents in his survey slightly more just than the law (see Pepinsky & Jesilow, 1984). However, note that this study predates much of the purported punitive trend.

Oswald (1992), in investigating the dimensions of a theoretical debate between utilitarian/pragmatic and moral/retributive justifications for punishment, found that justifications for punishment could not, in themselves, predict punitive behavior. It is possible that previous research has assumed that they could, and in fact, many of the inconsistencies in this area may be between punitive survey subjects and less punitive subjects in real-life situations (Cumberland & Zamble, 1991).

As an example of the above point, Cumberland and Zamble (1991) found that research participants endorsed punitive options more frequently when questions were phrased in global, nonspecific terms. When asked to make decisions in specific cases as mock court jurors, participants were more treatment-oriented and less punitive. This
finding suggests that methodology can influence results significantly. In a similar vein, Questions asking whether the U.S. or Canadian justice system is “too lenient” may not be valid if respondents know very little about these systems. Respondents from the Canadian public—who appear to be roughly as “punitive” in surveys as U.S. respondents—had simplistic, punitive responses to questions about sentencing and conditional release options, until they were given framing and context conditions that helped clarify the structure of the Canadian conditional-release system. With the simple inclusion of educational frames, widely varying opinions on the conditional-release program appeared. In fact, several dramatic reversals of sentencing occurred (T. Sanders & Roberts, 2000).

Williams (2003), Forer (1994), and others have noted that some of the most punitive recent trends in criminal law are rarely acted upon after legislation is passed. The laws are often treated by policymakers as symbolic, and after having served a function—to placate a perceived angry public, or to win an election—they are not used widely (or sometimes not used at all).

Unfortunately, the research cited above cannot account for all punitive research findings. Although it may be a complex entity, the punitive public seems to exist. Why are people punitive?

Given the volume of literature about the punitivity of American public policy, and examples of punitive public opinion that are not explained away by any of the suggestions above, it is not possible to ignore the fact that the public simply appears to endorse increasing amounts of punishment toward criminals (Zimbardo & Haney, 1998). It is the purpose of this study to investigate the reasons for this behavior.
A simple (although theoretically unsatisfying) answer would be that certain individuals have a punitive character attribute. Nias (1972) found that social attitudes, including elements of punitive attitudes, were well-formed in children by the time they reached mid-elementary school, including elements of what would be called authoritarianism in adults. Perry documented punitiveness as an apparently unidimensional attitude construct of jurors in a mock trial situation, and this construct predicted verdicts. Unfortunately, he may have confounded punitiveness with a belief in guilt, and verdicts may have reflected that dimension, as subjects used their sentencing power to compensate for sentences that they did not agree with. Little or no other research on punitiveness as a personality factor exists, and it is certainly not one of the Big Five. Even the best single personality factors have limited ability to predict (and therefore explain) behavior (Knight et al., 1994), and so explanations must be sought elsewhere, even if punitive personality traits are identified.

**Demographic Predictors**

The age of survey respondents has shown conflicting predictive power. Hartlaub, (1998) and Wilk & McCarthy (1986) failed to find an age effect for punishment attitudes, but McCorkle (1993) found that younger subjects were more likely to endorse treatment options for offenders than older respondents, and Trute et al. (1992) found that age differentiated punishers from non-punishers in their sample. These examples may represent cohort effects, in which older participants were more likely to be socially conservative in their general attitudes.

In his study of sociodemographic variables associated with violent attitudes, Markowitz (1997) found that the youthfulness of respondents had predictive power, as
well, but younger respondents reported more violent attitudes than older respondents. This possibly represents a direct conflict with McCorkle’s (1993) research.

The race or ethnicity of research respondents has also been investigated. Jackson and Ammen (1996) found it “most interesting” that African American correctional officers in their Texas sample were less punitive than their White counterparts (they had expected the opposite result). Congruent with the theoretical predictions of the “affordable” hypothesis, DeLisi (2001) found a similar effect. DeLisi theorized that members of the majority group can “afford” to hold punitive or intolerant attitudes, due to their social class benefits, whereas minority groups risk severe group or personal consequences from such policies.

Non-white respondents showed a higher endorsement of interpersonal violence in Markowitz’s (1997) research, which would seem to predict a greater willingness to endorse punishment items. However, if interpersonal violence tendencies are uncorrelated with punitive attitudes, Markowitz’s (1997) findings for the effects of age and race would make sense. This relationship has yet to be fully explored. Finally, Mears (2001) found no effects of race when investigating support for juvenile waivers to adult courts.

Gender has shown stable effects in punishment attitude research. Walsh found that female probation officers were more lenient and less punishment-oriented than males (Walsh, 1984). Wasieleski (1996) found a similar effect with jury members, as did Hartlaub (1998) in a college sample. Applegate, Cullen, & Fisher (2002) also found a gender effect in an impressively large data set where women were more treatment oriented and men were more punishment oriented; however, the effect was small to
moderate in size. Mears (2001) found that males were more likely to recommend that juvenile property offenders be tried as adults, and Parkay and Conoley (1982) reported that male teachers advocated corporal punishment of students much more frequently than female teachers.

Perhaps it will come as no surprise that consistent differences have been found in treatment/punishment attitudes between perceivers who occupy different professional roles related to crime and criminals. The most frequently researched professions (besides general lay populations) are law enforcement or corrections workers on one hand, and mental health profession or child protection workers on the other. For example, Furnham and Alison (1994) found that police officers were more punitive than the general public (and that convicted offenders were less punitive), using a sentencing grid methodology. Consistently, those who work in the “helping professions” are found to have lower punishment attitudes and higher treatment attitudes than lay respondents, whereas police or corrections officers tend to endorse a pattern of attitudes similar to that of the general public (Ghetti & Redlich, 2001; Sanders, 2000 #527; Hubbartt & Singg, 2001; Trute et al., 1996; Wilk & McCarthy, 1986)

One early study, however, found no direct evidence for any effect of professional role (the groups included policemen, ministers, ROTC members, lawyers) on attribution of responsibility or assignment of sanctions for behavior in short-story vignettes (M. E. Shaw & Reitan, 1969). There was a lower discrepancy between attributions of responsibility and assignment of sanctions for occupations concerned with the “responsibility-sanctioning system” (policemen, military officers) than others, however, and this finding may represent the effect that others have found, in an altered form.
Other Predictors

Besides demographics, it appears that there are more complicated patterns at work in determining public response to criminals. In keeping with the above research, factors are now being identified that do not permit a simplistic picture of “the public’s attitude.”

Early research in this field attempted to find an effect of religiosity on punishment attitudes, with few and contradictory results (e.g., Grasmick, Davenport, Chamlin, & Bursik, 1992; Mears, 2001). Later attempts have been more successful, focusing instead on fundamentalist religious beliefs instead of general religiosity. Religious fundamentalism has been described a literal interpretation of scripture. Those endorsing fundamentalist beliefs have been found to reliably endorse higher punishment levels than those who do not (Grasmick et al., 1992; Grasmick & McGill, 1994; Leiber & Woodrick, 1997; Leiber, Woodrick, & Roudebusch, 1995). In the United States (where the bulk of this research has been performed), religious fundamentalism is most likely associated with Old Testament sources of jurisprudence, which are more punitive than general Western law.

Grasmick and McGill (1994) also demonstrated that at least a partial explanation for the effect of religious fundamentalism on punitive attitudes could be due to attribution style. That is, fundamentalist Christian respondents may have a positivistic, internal attribution style that assigns personal responsibility to individuals for their behavior, instead of allowing situational variables to mitigate personal blame. This paves the way for a punishment orientation, because offenders are then seen as deserving punishment for what is seen as a personal choice to offend.
Evans and Scott (1984) found that fundamentalism predicted higher seriousness ratings for a variety of offenses, especially white collar crimes and morals offenses, in American and Kuwaiti respondents. Punitiveness was not tested, per se, but it seems reasonable that punitiveness might be related to perceived offense seriousness. It is notable here that, at the time, Kuwait employed a variety of punishments on a systematic basis, that may appear overly harsh compared to American laws (Evans & Scott, 1984).

The classical psychological construct of Authoritarianism has been found to be a predictor of treatment vs. punishment orientations, as well. Hartlaub (1998) and Stack (2000) both discovered that authoritarianism predicted punitiveness (in the latter study, it was in the form of death penalty support), and Wasieleski (1996) found that undergraduates’ sentencing behavior depended in part on authoritarianism in a mock jury situation. Parkay and Conoley (1982) found that dogmatism (related to authoritarianism) predicted attitudes condoning corporal punishment in schools, and Kury (1999) reviewed evidence that punitive attitudes were much higher in the former socialist/authoritarian nations of Europe (e.g., East Germany vs. West Germany) than in the democratic, less authoritarian nations. It might not seem surprising to find that this construct might be related to a willingness to punish.

On the other hand, Feather, Boeckmann, and McKee (2001) found that the Right Wing Authoritarianism scale did not directly predict sanctions for offenses, although they theorized that subjects’ values may have acted at a psychologically earlier point in their study than they had been able to test.

Although it may seem obvious, little research has focused on how people’s belief in the effectiveness of treatments or sanctions will affect their endorsement of such.
Bandura’s (1977) concept of self-efficacy is closely conceptually related. That is, if an individual’s tendency to engage in behavior is affected by her belief that the behavior will produce the desired outcome, then an individual’s willingness to endorse a program such as psychological rehabilitation for offenders should be related to the individual’s belief that such rehabilitation would prove beneficial.

McFatter (1982) found that the perceived effectiveness of sanctions was related to the utility values of sanctions for hypothetical crime scenarios, and Salekin et al. (Salekin, Yff, Neumann, Lestico, & Zalot, 2002) found that juvenile court judges’ perceptions of the probable effectiveness of treatment was a strong predictor of their estimates of juvenile dangerousness, part of the process in deciding whether to send juvenile defendants to adult courts. However, little else has been done with this variable.

Already mentioned under the heading of religious fundamentalism, subjects’ attribution of responsibility to prospective recipients of treatment or punishment has been found to predict a willingness to assign these consequences. In early research, Shaw and Reitan (1969) manipulated attributions of responsibility via vignettes, and found a strong effect on sanctions assigned to hypothetical actors. On a related note, Salekin et al. (2002) used factor-analytic strategies with surveys distributed to juvenile court judges, and found that the perceived sophistication/maturity of juvenile defendants (as shown in answers to questions regarding autonomy, emotional intelligence, and intellectual intelligence) was strong predictor of the judges’ estimates of juvenile dangerousness, which influenced juvenile waiver decisions. Feather (2001) found that attributions of responsibility mediated subjects’ judgments of compensation for a hypothetical corporate offense that resulted in harm to innocent people, and Sulzer and Burglass (1968) found
that attributions of responsibility for behavior in short-story vignettes were positively correlated with punitiveness of responses, in their study of college females and Air Force ROTC males. It seems clear from these studies that, if measured properly, there is still a general consensus that juveniles should not be held as fully responsible for their crimes as are adult offenders. It remains to be explained why this tendency is being tempered by an opposing tendency to hold adolescent offenders accountable as if they were adults.

A possibly contradictory study bears mention here. Viney, Waldman, and Barchilon (1982) found that college students who had higher beliefs in the concept of free will were less likely to show punitive attitudes, whereas those who believed in a more determinist view of human behavior advocated harsher punishment in a questionnaire format. This was opposite theoretical predictions, and is difficult to explain by the rationale used in previous studies. However, “belief in free will” is not the same as attributing accountability to another for his actions, although conceptually it would seem related.

In a politically-charged area of research, the effect of political orientation has been studied remarkably little. However, Furnham and Alison (1994) found that participants’ political attitudes were related to their views of crime etiology. Conservative voters tended to ascribe crime to poor education, whereas more liberal voters cited less controllable social factors.

A variety of factors that are not easy to classify have also been investigated in regard to punishment and treatment attitudes. Mears (2001) found that higher respondent income predicted somewhat more punitiveness (youths sanctioned as adults) when youths were convicted of drug offenses, and that married Ss were more likely to sanction youths.
severely if the crime involved a violent offense. Mears found no effects (or inconsistent effects) of race, conservative political ideology, number of persons in household, belief in parents’ responsibility for children’s actions, urban vs. rural residence, or residence in states with high rates of juvenile violent crime.

**Situational/Social Factors**

Although the present study is not concerned directly with situational or social factors, it seems germane to discuss them briefly here, given the proliferation of sociological and social-psychological theories of both criminal behavior and public attitudes in this area of research. Vidmar (2002), who has recently begun to elucidate the social context in which retributive justice occurs, has suggested that work in this area has ignored variables outside the individual level, besides obvious sociological factors. In predicting punitive responses to criminals, he cites research and theorizing that suggests importance of violation of community values, the use of community outsiders as an explanation of deviance, and apostasy from an ideological or other group affiliation (for instance, the extreme reaction of some Muslims to Salman Rushdie’s writings, or the violent protests by Roman Catholics regarding allegations of pedophilic priests). In addition, he recommends the study of excuses and mitigating factors (c.f. Robinson, 1992, cited previously), the inflammatory effects of a perceived failure to punish those guilty of offenses against communities, and the effects of apologies and remorse on punitive attitudes.

**Summary**

Polls consistently report that a majority of U.S. citizens see the juvenile court system as too lenient (Moon, Sundt, Cullen, & Wright, 2000), and legislators have long
been criticized for basing legislative decisions on poll results (Kirby, 2003; Schlozman, 2003). Criminals are likely to be treated unfairly in an overly punitive criminal justice system, and subjected to undue harm. Juveniles are likely to be harmed even more, and treated even less justly, and sex offenders have been the target of special, possibly unconstitutional, punishment laws. These policies are directly responsible for the extremely costly increase in prison populations in the United States, and may ultimately have the effect of increasing criminal recidivism, which would further inflate the unreasonably high prison population.

The exploration of the psychological determinants of attitudes toward the punishment and rehabilitation of offenders is a first step in beginning to predict the consequences and trajectory of the current move toward increasing punitiveness for both juvenile and adult offenders. It is hoped that the information from this and similar studies might contribute to eventual efforts to alter this trajectory.

Rationale for the Current Study:

The overwhelming majority of research in this area makes it clear that there is a punitive tendency in the American public. The current study will address the issue of punitiveness in samples from four distinct population groups, representing helping professions and those whose employment is not specifically related to the helping professions. The general methodology will be survey self-report, with items and scales included in the survey protocol that both replicate research on the simple effects of variables already shown to affect punishment attitudes, and investigate previously-unresearched (or under-researched) hypotheses in this area.
Ghetti and Redlich (2001) will be used as a stepping stone to the present study, with a general similarity of methodology, but also with important differences. The current study will utilize vignettes of offender behavior and ratings of attitudes or perceptions of those who read the vignettes. The current study will also study offender age as a predicting variable. However, the outcome variables of interest in this study will be expanded beyond perceptions of accountability, to include attitudes toward the treatment or punishment of offenders. Also, the causal models tested in the second phase of data analysis will utilize more sophisticated statistical technology (structural equation modeling). These models will test indirect effects, rather than direct effects.

The analysis of this study will be undertaken in two stages. The first stage will involve an investigation of the actions of individual variables on punishment and treatment orientation. The second phase of the study will involve testing causal models of the genesis of treatment and punishment attitudes toward offenders. These models will have in common a general assumption that demographic and other broad variables are mediated in their effects on treatment and punishment attitudes by intervening psychological constructs.

The specification of a mediational model of attitudes stems partly from the sometimes confusing pattern of results obtained by researchers in this area, looking for simple effects, but also informed by the form (not necessarily the content) of Ajzen’s (1991) theory of planned behavior and other theories that share similar structural elements. Although the current study does not represent the pan-theoretical melding of situational, demographic, and psychological factors that might eventually be required to explain the diverse findings in this area of research, it represents an empirically-inspired,
rationally-driven attempt to model the effects seen in this literature, at a level of complexity closer to that which has been seen in the studies to date. Although there is little guidance in this area to help with the specification of a complex model of treatment and punishment item endorsement, it is clear that simple models are doomed to fail. The author is in agreement with Cronbach (1957), who contends that artificially simplified models of human behavior can never hope to describe this behavior with any approximation of the complexity with which it occurs.

McCorkle (1993), quoting Flanagan and Caulfield (1984), stated that public attitudes are “…anything but simple. They are ‘diverse, multidimensional and complex.” To the extent that the implicit or explicit models of public attitudes in research remain simple, they do not reflect the complexity that has become apparent through research in this area. Most previous tests of punishment vs. treatment attitudes have not utilized the sophisticated tools now available to social science researchers to test complex models.

Variables in the current study

Offender age.

The variables included in this research will be listed by their classification in the final model, and the predictor variables are those assumed to occupy causal primacy in the model (that is, they are seen as root causes in the model, and therefore act before the other variables). Offender age is the first of these variables. The importance of offender age on sanctions has only been addressed systematically by Ghetti and Redlich (2001). They found that offenders of increasing ages during adolescence (11, 14, and 17) received increasing attributions of accountability. However, they did not investigate ages outside this range.
Given the importance, cross-culturally (including in Western European culture), of adolescence as a transitional stage, and a presumed public understanding of basic cognitive development, it seems reasonable to predict that punishment attitudes toward offenders will show a greater rate of change for offenders in the adolescent years than for child or adult offenders. This results in a prediction of a cubic trend, shown on a scatterplot as an “S” shape, with the greatest slope value corresponding to the adolescent period. Another way of stating this prediction is that the punishment orientation of subjects toward child offenders will be low, and will increase rapidly as the age of the offender enters adolescence, then will level off at a high rate during adulthood. Treatment attitudes are also predicted to show this shape, due to the fact that general punitivity, while being reduced for children and high for adults, will drop quickly during adolescence. In the interests of replicating Ghetti and Redlich’s (2001) study, attributions of accountability are also expected to show the S-shaped curve, with increasing accountability for personal actions attributed to individuals as they become older.

To capture these effects, the variable of offender age ranges from seven years to twenty-seven. If adolescence is defined as the ages from twelve to seventeen, this results in a representation of five years of childhood, six years of adolescence, and ten years of adulthood. The extra years of adulthood were included to explore possible lingering effects of adolescence; that is, to see if gradual increases in punitivity continued from young adulthood into adulthood proper.

Although it might have been telling to explore the effects of ages below seven on punishment or treatment endorsements, this presented several problems. In the interests of prototypicality, it was desirable to represent a victim who was a child, rather than a
toddler or an infant. The age of the offender was manipulated to remain always higher than the age of the victim, because specifying one or more categories of offense involving same-age children or a younger offender would have created a conceptually different category of offense, and added a dimension to the scenarios that would confound interpretation of data. It is hoped that the ages from seven to eleven will provide an adequate sample of childhood ages for this study.

Survey respondent demographics.

Given the robust effect that gender and professional role have had in the literature, and the intent to create an integrated model here, the inclusion of these variables was necessary. Although race has not been consistent in its effects on treatment and punishment attitudes, this study was seen as an opportunity to further clarify any effect this variable might have, as well. This study introduces a further individual demographic variable: personal experience with sex offenders. It is reasoned that increased contact with this group will lead to a systematic change of attitudes toward sex offender treatment and punishment (e.g., Woody, 2000)

Offender type.

As already detailed, public punishment attitudes toward sex offenders have been arguably more severe than toward nonsex offenders. However, the comparison between attitudes toward sex and nonsex offenders in this area has not yet been systematically undertaken. Given the view that sex offenders are both perceived and treated differently in Western society, it is necessary to show this difference empirically and to include this difference as a variable in explaining the genesis of attitudes toward punishment. Both
sex offenders and nonsex offenders will be portrayed in the vignettes used to elicit treatment and punishment responses from subjects.

Mediators

Mediators are factors that account for part or all of another variable’s ability to predict changes in a dependent variable. In the conceptual model tested in this study, psychological factors are presumed to mediate the effects of demographic variables on outcome attitudes. That is, “how one thinks” changes the basic tendencies created by “who one is,” or “who one’s target is.”

Attributions of responsibility.

This variable is hypothesized to covary with offender age, and to account for part of the effects attributed to simple punitiveness. As seen in Ghetti and Redlich’s (2001) study, this variable has some empirical support in this area. Given past research in this area, and developmental considerations, it is reasoned that offenders will be assigned greater responsibility with greater age, especially during adolescence.

Authoritarian beliefs.

Authoritarian beliefs may lead to an internal justification for treating offenders poorly (e.g., Ellard et al., 2002). Authoritarianism has been associated with punitiveness toward those who deviate from group norms, in a variety of circumstances (e.g., Christie, 1991). Authoritarian beliefs are theorized to account for part of the relationship between the demographic factors and treatment/punishment outcome variables. That is, race/ethnicity, professional orientation, and age are all assumed to derive part of their ability to predict punishment and treatment attitudes from their association with authoritarianism.
Belief in effectiveness of treatment.

A belief in the effectiveness of treatment has been investigated in this area only in passing, or in tangentially-related studies (Redlich, 2001; Wilk & McCarthy, 1986). However, since McCorkle’s (1993) finding that treatment orientation is distinct from punishment orientation, it seems reasonable to include a belief in treatment effectiveness as a predictor of treatment option endorsement, because it is a well-documented phenomenon that individuals are less likely to engage in behavior if there is little or no possibility of efficacy in this endeavor (Bandura, 1977). Therefore, this variable is hypothesized to mediate the relationship between demographic determinants of the outcome attitudes, and the treatment/punishment attitudes themselves. It is of especial theoretical interest to see whether those whose professional training includes an explicit endorsement of the value of psychological treatment will in fact endorse treatment more fully for criminals than other populations, and consequently endorse lower levels of punishment.

Outcome Variables

Punishment attitudes will, of course, be investigated, as will treatment attitudes toward offenders. These have received very little research treatment for sex offenders or juvenile criminals, and have not yet been specifically researched for juvenile sex offenders. Therefore, this study will represent a novel investigation of the pattern of treatment and punishment attitudes that survey respondents have toward sexual and nonsexual offenders, across a broad developmental span, and toward a new target population. As described above, both sex offenders and juvenile offenders are hypothesized to represent “special” cases in public punitiveness, due to the previously-
discussed socially protected nature of childhood, the transitional stage of adolescence, and the emotionally-arousing taboo topics of sexual violence. The effects of offender age and offender type are of particular interest.

Hypotheses

The aims of the current study lead to a variety of hypotheses and steps in analysis. These steps can be conceptually organized into three categories: replication hypotheses, in which previously-studied factors are investigated; new hypotheses, in which new factors or new kinds of interaction are explored, and model building, in which a structural equation modeling process is undertaken to test the theoretical predictions in a coherent way.

Replication Hypotheses

The subject variables of age, gender, professional group (helping professions vs. others), and race/ethnicity are hypothesized to show the same effects that they have shown in the majority of previous research. That is:

1. Older subjects will endorse more punitive and less treatment-oriented items for offenders in general.
2. Female subjects will show less punitive and more treatment-oriented attitudes.
3. Professional “helpers” (i.e., professional psychologists in this study) will show higher treatment and lower punishment attitudes than other research participants.
4. Nonwhite survey respondents will endorse more treatment and less punishment items than their White counterparts.

New Hypotheses

5. Offender Age will predict treatment and punishment attitudes.
5a. Younger offenders will receive higher treatment ratings than older offenders.
5b. Younger offenders will receive lower punishment ratings than older offenders.
5c. Younger offenders will receive lower attributions of accountability than older offenders.
5d. A cubic trend will describe each of the above relationships, with the greatest rate of slope change occurring between the ages of 12 and 17.
6. Perceived offender/offense type (sexual vs. nonsexual) will predict punishment and treatment attitudes.
6a. Respondents will endorse higher mean punishment attitudes for sex offenders than nonsexual offenders.
6b. Respondents will endorse lower mean treatment attitudes for sex offenders than nonsexual offenders.
7. Experience with sexual offenders will predict punishment and treatment attitudes.
7a. Increased personal experience with sex offenders will predict higher treatment attitudes toward sex offenders.
7b. Increased personal experience with sex offenders will predict lower punishment attitudes.
8. Belief in the effectiveness of rehabilitation will predict punishment and treatment attitudes.
8a. There will be a positive relationship between belief in the effectiveness of rehabilitation and treatment attitudes.
8b. There will be a negative relationship between belief in the effectiveness of rehabilitation and punishment attitudes.

Causal Model Test

9. The proposed structural equation model will fit the data with acceptable model fit indices and plausible coefficient signs and strengths.
CHAPTER 2

METHOD

Subjects/Participants

Participants were 657 individuals from four populations: psychology 100 undergraduates (tested in person), and mail survey respondents from the American Psychological Association’s (APA) Division 12 membership (clinical psychologists), psychologist members of the Association for the Treatment of Sex Abusers (ATSA), and randomly-selected residents of the greater Columbus, Ohio metropolitan area. The first group was recruited through the Ohio State University Department of Psychology’s Research Experience Program (REP). The remaining volunteers were recruited through direct mailings of questionnaires. APA participants were randomly selected from Division 12 membership by the APA research office, which provides random samples of membership for a fee. Members of ATSA were randomly sampled from a list of over 1,200 ATSA members who indicated in their membership materials that they would be willing to participate in research. The ATSA administration provides this list to researchers, free of charge, if the researchers are members of ATSA, as is the investigator of this study. The community participants were randomly sampled from the Columbus, OH residential telephone directory.
Initial estimates (by computer script for the SAS computer package) indicated an estimated required sample size of approximately 240 to produce power of .90 for tests of fit for the statistical models. Three factors, however, suggested a need for a larger sample, if at all possible. First, the familywise error rate problems created by the comparisons required by the large number of substantive hypotheses, as well as fitting multiple models to the same data set, will not all be controllable through post-hoc statistical means; their negative effects may be reduced with a larger, more representative sample. Second, in the case of poor model fit, it would be desirable to modify the structural equation model and re-fit to the data, which would capitalize on chance associations in the sample, so a higher N was indicated, in order to have a holdout sample, for cross-validation purposes. Third, response rates among community and professional groups can be low, and are difficult to predict.

500 undergraduates were recruited for the study, although difficulties with initial instruction sets, and clearly-invalid response styles required that some questionnaires be discarded. 145 questionnaires from this sample were unusable. 96 questionnaires were discarded because of anomalies from photocopying (resulting in invalid combinations of vignettes and general questions) that were not discovered until the surveys had been completed. 49 questionnaires were discarded due to clearly-invalid response sets (e.g., everything rated as “0”, geometric patterns in responses, first page and last page completed but all others left blank, etc.). Of the original 500, 355 (71.0%) questionnaires appeared valid (mean age: 19.54 years, SD = 2.11; 54% male, 46% female; 78% White, 10.3% Black, 11.5% other race/ethnicity). 500 questionnaires were sent to randomly selected individuals from the Association for the Treatment of Sex Abusers (ATSA),
Division 12 of the APA, and community residents of Columbus, Ohio. 181 ATSA members returned surveys (36.2% response rate; mean age = 50.1 years, SD = 10.17; 51% male, 49% female; 92.7% White, 2.8% Black, 4.4% other race/ethnicity), 101 APA members responded (20.2% response rate; mean age = 52, SD = 9.00; 93% White, 1% Black, 6% other race/ethnicity), and only 20 community respondents returned protocols (4.0% response rate; mean age = 49.0 years, SD = 15.69; 85% White, 10% Black, 5% no reported race/ethnicity). Gender was not significantly different between groups.

Table 1 shows the age distribution of the sample, by population group (ATSA, APA, community, and psychology 100). Table 2 shows the mean differences between cells within the previous table, and the results of the Tukey’s HSD test for differences in means. The psychology 100 group is significantly different from all other groups in age, with a much lower average age (19.5 years). The other three groups did not differ significantly in age (approx. 50 years; F_{2,297} = 1.47, p = .234; Tukey’s HSD found no significant pairwise differences between APA, ATSA, and community groups).

Table 3 shows the distribution of race/ethnicity among the population groups of the sample. The samples differed significantly as to racial/ethnic composition ($\chi^2_{3, df} = 26.40, p < .001$). This significant difference was primarily due to the greater racial diversity on the psychology 100 population, which had approximately triple the percentage of nonwhite participants (21.8%) compared to the racial/ethnic minority proportions in the APA and ATSA samples (7.0% and 7.2%, respectively). The community sample included a 10.5% minority proportion, which means that 2 of the 19 respondents in this group who chose to answer the race/ethnicity question indicated that they were not white. While this diversity is greater than that of the APA and ATSA
samples (still half that of the psychology 100 sample), the low N in the community group resulted in very little effect of this diversity overall.

Materials/Questionnaire Items

Offense Vignettes

The questionnaire packet (see Appendix C) included vignettes describing a sexual offense and a violent, nonsexual offense against a six-year-old female victim. In all vignettes, the perpetrator was a male relative who had committed several offenses against the victim, as this configuration describes the majority of known sexual offenses (see for instance, McConaghy, 1998). The details of the offenses were not described, in order to promote congruence between sexual and nonsexual offenses portrayed in the matched scenarios.

The two vignettes were made as similar to one another as possible, while minimally varying the wording to specify either a sex (“fondling”) or a nonsex (“hitting”) offense toward a child. This similarity was thought to be desirable, in order to reduce the possibility of creating incomparable variables through questionnaire text choices.

Although the portrayed victim was invariably six years old, each questionnaire specified the age of the perpetrator as one of 21 possible ages (7 to 27 years old). Return rates of the different forms were remarkably equal. No age was unaccounted for in the responses, and each offender age value accounted for between 3.8% and 5.9% of the total surveys. A chi-square test was performed to determine whether the distribution of age (as returned by participants) was significantly different across groups. The null hypothesis of equal distribution across groups was not rejected ($\chi^2_{60, df} = 49.41, p = .83$). Therefore, the distribution was assumed to be equal. The offender age distribution across groups can be
seen in table 4. Note that the community group, with its low response rate, returned questionnaires with a more or less even distribution of offender ages.

**Outcome Measures**

As Trute and colleagues (1996, 1992) have shown, preferences for treatment and punishment of offenders may be part of two separate dimensions instead of opposite ends of the same scale. Other researchers in this area (e.g., Hartlaub, 1998) had previously measured punishment and treatment attitudes as endpoints on one continuum—that is, high punishment necessarily implied low treatment attitudes. However, Trute et al. (1996) demonstrated that independent scales for punishment and treatment attitudes accounted for observed differences better than a single scale, with participants often endorsing both high punishment and high treatment ratings for offenders. With this in mind, the current study will include separate scales for punishment attitudes and treatment/rehabilitation attitudes.

The treatment and punishment attitude scales from McCorkle’s (1993) larger questionnaire were used in this study, due to their psychometrics and their brevity (a prime concern, due to the anonymous and unreimbursed nature of the survey mailings). The vignette and the treatment and punishment questionnaires were the first items in the questionnaire packet, in an attempt to avoid premature priming of the constructs of treatment and punishment orientations. The treatment and punishment questionnaires were repeated twice for each participant, because they referenced the specific acts of the sexual and nonsexual offense vignettes included in each questionnaire (e.g., “Think of Jack when you answer the following questions”). The order of the vignettes was randomly varied, to prevent order effects. A check on this revealed no order effects of
first observed offender type on overall punishment ($t_{557} = 1.157$, $p = .248$) or overall treatment ($t_{539} = 0.245$, $p = .807$).

The treatment and punishment attitudes scales consist of four items each (see Appendix C). McCorkle reported Cronbach’s alpha coefficients of .90 for the punishment attitudes scale, and .92 for the treatment attitudes scale. In this study, the punishment attitudes scale had an alpha coefficient of .87 for sex offender vignettes and .86 for nonsex offender vignettes. These coefficients are adequate. The alpha coefficients for the treatment attitudes scale in this study were .53 for sex offender vignettes and .48 for nonsex offender vignettes. These coefficients are very low, and may indicate a lack of unidimensionality of the scales.

The scores from the treatment attitudes scale will be referred to as treatment attitudes. The scores from the punishment attitudes scale will be referred to as punishment attitudes.

**Mediators**

Belief in rehabilitation effectiveness was measured by the “belief in the effectiveness of rehabilitation” scale (ER), used in a similar application by Skovron, Scott and Cullen (1989), who hypothesized that belief in rehabilitation effectiveness was a mediating factor accounting for public support (or lack thereof) for the death penalty. The ER scale was negatively related to endorsement of the juvenile death penalty in their study, but they did not report reliability statistics. In the current study, the ER scale showed adequate internal consistency, with a Cronbach’s alpha coefficient of .77.

Perceived offender responsibility was measured by three scales. The first was taken from Ghetti and Redlich’s (2001) adapted perception of accountability
questionnaire (Crosby, 1995). Specifically, the attribution of accountability (AA) composite scale will be used, as it measures perceivers’ attributions of responsibility and accountability for an observed or imagined actor’s actions. Note that this scale, like the treatment and punishment scales, will immediately follow the treatment and punishment orientation measures, and refer directly to the actions portrayed in them (“Think of John when you answer the following questions…”). Ghetti and Redlich (2001) reported Cronbach’s alpha for the AA scale as .66. The alpha coefficient for AA was somewhat higher in the current study, at .80.

Perceived offender responsibility will be tapped by the victim blame (VB) and social blame (SB) scales (McFatter, 1978), which indicate the extent to which individuals blame the victims of negative actions or social factors instead of assigning blame to protagonists. McFatter’s article (1978) did not report internal consistency measures; however, in the current study, the VB scale alpha coefficient was .73, and the SB alpha coefficient was .83. Both are adequate.

The third mediating variable, authoritarian-fundamentalist beliefs, will be indicated by four items or scales. The first two of these will be taken from Altemeyer & Hunsberger (1992): the right-wing authoritarianism scale (RWA), a 24-item Likert response scale tapping authoritarian submission, authoritarian aggression, and conventionalism, and religious fundamentalism. The RWA scale was reported to have a Cronbach’s alpha coefficient between .88 and .93 (Laythe, Finkel, & Kirkpatrick, 2001). In the current study, this scale produced an alpha coefficient of .91.

The items in the RF scale measure the presence of a militant, conservative religious belief system. This study will utilize the 12-item version (RF-12). The RF-12 is
a shortened version of the original RF scale, and has shown very promising initial reliability (Cronbach’s alpha = .91 to .92) and validity (personal communication, B. Hunsberger, 11/2002). In the current study, the RF-12 returned a Cronbach’s alpha coefficient of .91.

The four-item F scale (Lane, 1955), a very brief measure of the same construct tapped by the RWA scale, will also be included, as will the question: “How would you describe your political affiliation? Very liberal, liberal, neither liberal nor conservative, conservative, very conservative?” The four-item F scale (F4) is lacking in reliability information in the literature, but Christie (1991) states that the item content is not dated and that the F4 is the best short form authoritarianism scale for general populations (Christie, 1991), p. 556). In the current study, the F4 scale returned a Cronbach’s alpha coefficient of .57, which is low.

Predictors

Gender will be operationalized as the item: “Male or Female.”

Offender age will be operationalized as a randomly-chosen number between 7 and 27 to describe the age of the offender in the vignettes, as described above. Each participant, although she or he may see vignettes portraying both sex and nonsex offenders, will see only one offender age (e.g., the sex and nonsex offender will always be the same age, when both are included in a protocol).

Offender type will be specified through the use of the vignettes, described above (either a sex or nonsex offense will be described in each vignette).

Experience with sex offenders was assessed with two questions (see Appendix C), one concerning the number of offenders the respondent has known, and the other
concerning the degree to which each respondent has known the offenders. The resulting two numbers were multiplied to obtain an index of personal familiarity with sexually offending individuals. However, a significant portion of sex offender therapists reported extremely high numbers in this category, resulting in extremely skewed distributions when multiplied. For analysis purposes, the single item, “how many offenders have you known…” was used, exclusively.

Design

The study was conducted between subjects, except for the variables of offender type and treatment, punishment, and accountability attitudes toward specific offender types (sex or nonsex offender). These last variables represented within-subjects factors, as each participant received both a sex and nonsex offender vignette, with accompanying questions about treatment, punishment, and accountability for both of the perpetrators portrayed. See analysis notes, in the next section, for treatment of between- and within-subjects factors in special cases.

Note that the current study is a partial experimental design. The offender type variable is manipulated within subjects, and offender age is manipulated between subjects, while other variables represent correlational data collected equally from all subjects.

PROCEDURE

The first set of hypotheses (replication hypotheses) were tested with a hierarchical procedure, beginning with omnibus tests (e.g., MANOVA). Main and interaction effects that showed significance in the MANOVA were followed up by more specific tests. Significant effects in these analyses were followed by tests of simple effects or of
comparisons between cell means, as appropriate (controlled for familywise error rate).

When predictor variables were not assumed to be correlated (or when such correlations were of no theoretical interest), individual analyses for each predictor were performed from the beginning, rather than factorial analyses. This strategy, although partially data-driven, is less likely to return spurious results than purely data-driven procedures, such as comparisons of all possible mean pairs. A similar strategy was followed for all hypotheses involving group and subgroup comparisons.

**General Analysis Methods**

Hypotheses regarding bivariate associations were tested with Pearson’s correlation coefficients, and tests of significance.

Hypotheses regarding S-shaped curves were tested with curve-fitting procedures to detect cubic trends.

Model fit and model building procedures are described in detail, in a later section.

Unless otherwise noted, significance criteria were set at the .05 level. In addition, given the size of the data set for this study, some procedure to prevent the statistical inflation of unimportant results was judged necessary (see for instance J. Cohen, 1994). A standard statistical power chart (J. Cohen & Cohen, 1983) reveals that, with an N of over 600, there is greater than a 99% probability that true effect sizes of .20 or larger will be detected. David Lykken (1968) suggested that it would not be implausible for the “ambient background noise” in any given area in psychology to be as high as 4 to 5 percent of shared variance between any two given variables (i.e., common variance due to unmeasured random variables). Given the fact that .20 is often referred to as a minimal (or unacceptably small) effect size, and that a correlation coefficient of .20 indicates a
relationship that accounts for only 4% of the variance between two associated variables, a
decision was made to treat correlations of .20 or smaller as equivalent to zero for this
study.

**Analysis Notes**

**MANOVA in SPSS.**

The SPSS computer program was used for analyses, except model fit, which was
accomplished by RAMONA, included with the SYSTAT software package. When using
the SPSS computer program for data analysis, MANOVA and ANOVA results are
somewhat different than in the traditional orthogonal, balanced-design case. SPSS uses a
method of subtracting individual factor and interaction effects from the full model to
estimate sums of squares and F-ratios. In the case of a fully-balanced ANOVA, the
results (called by SPSS “unique sums of squares” and “unique effects”) are identical to
those calculated in the classical manner. However, when designs are imbalanced
(unequal N between groups, for instance), sums of squares are not additive in the SPSS
analysis. Therefore, the sums of squares for main effects, interactions, and error will not
equal the total sums of squares in the current analysis, given the unbalanced nature of the
data. In addition, SPSS includes “implicit” factors, such as subjects factors, that are not
reported in some designs. Therefore, degrees of freedom in SPSS analyses are not always
additive (Nichols, 1994; Thomas Nygren, personal communication, August, 2004).

The overall F statistic obtained from the MANOVA procedure is an estimated F.
This F may be calculated by a variety of different strategies (all of which are independent
of the MANOVA procedure, proper), and is less straightforward than the F statistic in
ANOVA. Pillai’s Trace is a commonly-used estimate of F, which is robust to unbalanced
designs and violations of the assumptions of MANOVA (Thomas Nygren, personal
communication, August, 2004). The resulting analyses reported in SPSS and the tables in
Appendix A are estimates of the direct effects of individual components of the design on
the dependent variables; in other words, the results of the MANOVA procedure.

SPSS provides a corrected model analysis (corrected by mean values) for designs
with unbalanced N. These values will be used and reported when appropriate. The term
“intercept” in SPSS outputs is an integral part of the MANOVA analysis in SPSS, but the
F value denotes only a test of the null hypothesis that the grand mean of the design is
zero. This quantity is of no theoretical importance, as no hypothesis in this study includes
the prediction that the means of scales are actually zero.

Mismatched N of subjects/participants.

In many analyses, the N for individual analyses was lower than the total N. This
was due to missing data for individual subjects, as many participants chose not to answer
all questions in the questionnaire packet. See the “subjects/participants” section for actual
numbers of participants in each group in the study. Note that in some cases (see below),
missing data in individual analyses was due to variations in survey forms in the
psychology 100 sample.

Overall ratings and offender-type-specific ratings.

89 psychology 100 students received fully-between-subjects versions of the
survey questionnaire. That is, each of these subjects answered questions regarding only a
sex offense or a nonsex offense. The remaining participants in the study received
questionnaires with both offenses specified. For these subjects, the treatment,
punishment, and attributions of accountability scales were only completed once, with a specific offense type (sex or nonsex offense) as the prompting scenario.

There was no reason to believe that this form variation would affect any of the variables except the treatment, punishment, and attributions of accountability ratings, as the remaining items were explicitly independent of the sex offense or nonsex offense vignettes. Therefore, the data of these 89 participants (53 sex offender only questionnaires, 36 nonsex offender only questionnaires) were entered into all analyses involving general, non-offense-specific scales.

For between-subjects analyses involving offense-specific scales, the data from these 89 participants were correctly formatted already. For analyses involving overall treatment, overall punishment, or overall accountability ratings, the single scale (sex offender or nonsex offender treatment, punishment, or accountability) score for each of these 89 participants was entered into the analysis with the 2-scale average of the rest of the participants (sex offender plus nonsex offender average of treatment, punishment, and attributions of accountability).

For between-subjects tests of treatment, punishment, or accountability scales, the within-subjects treatment, punishment and accountability data from the remaining 568 participants was treated in the following manner: whichever offense vignette type was seen first by the participant (sex offender or nonsex offender) was used as the primary indicator of attitudes. It was reasoned that this first vignette, and the related treatment, punishment and accountability scales, would provide the most accurate estimate of attitudes, being unbiased by order effects (as the participants conceivably would not yet have seen the other offender type vignette). The scales corresponding to the first offender
type were entered into analyses requiring between-subjects comparisons on these three scales.

Results

**Replication Hypotheses**

1. Age: Older subjects will endorse more punitive and less treatment-oriented items for offenders in general.
2. Gender: Female subjects will show less punitive and more treatment-oriented attitudes.
3. Professional orientation: Professional “helpers” (i.e., professional psychologists, etc.) will show higher treatment and lower punishment attitudes than other research participants.
4. Race/Ethnicity: Nonwhite survey respondents will endorse more treatment and less punishment items than their White counterparts.

**Punishment and treatment by respondent age.**

The association between participant age and punishment attitudes toward offenders was investigated with simple Pearson’s correlation coefficients ($r$). The correlation between respondent age and overall punishment ratings was $r = -.625$ ($p < .001$). This finding was followed up with an analysis of the correlation between age and sex offender punishment ratings ($r = -.618, p < .001$) and nonsex offender punishment ratings ($r = -.555, p < .001$). These two correlations are significantly different from one another ($t_3 = 845.10, p < .001$), indicating that the association between participant age and punishment was stronger for perceived sex offenders than for perceived nonsex offenders.
Respondent age and overall treatment attitudes toward offenders was found to be significant, but below criteria for practical significance in this study ($r = .159$), and also opposite in direction from theoretical predictions.

During analysis, it was noted that the overall data distribution was substantially nonnormal, and biased according to age and professional (sample) group. That is, psychology 100 students were significantly younger (19.54 years) than all other groups (50.61 years; no significant age differences between APA, ATSA, community groups). Therefore, the observed overall correlations between participant age and treatment or punishment attitudes were likely due to sample bias. To check this possibility, independent correlational analyses were performed within the psychology 100 group and within the other groups (aggregated, due to nonsignificant age differences between the remaining three groups).

Within the psychology 100 group, the correlation between participant age and punishment ratings was $r = .048$. The correlation between participant age and treatment ratings was $r = .019$. Neither of these correlations was significant. Within the non-psychology 100 groups, age was significantly correlated with punishment ratings ($r = -.210, p < .01$), but nonsignificantly correlated with treatment ratings ($r = .054$). In the non-psychology 100 sample, punishment ratings toward sex offenders and nonsex offenders were correlated with participant age at $r = -.195$ and $r = -.200$, respectively. These correlations did not differ significantly. Hypothesis 1 was partially supported.

**Race, gender, and professional group punishment and treatment ratings.**

These hypotheses were tested with a hierarchical procedure, similar to that described above. Three MANOVAs were performed, one with each factor (subject
gender, professional helping profession, and race/ethnicity) as the independent variable, with overall treatment and punishment responses (aggregated across offender types for each individual respondent) as the two dependent variables. The results are in tables 5 through 9. A factorial MANOVA with all factors included simultaneously was considered, but there was no theoretical reason to expect correlation between the factors, nor was there reason to suspect interaction effects.

**Effect of Race/Ethnicity on Treatment and Punishment Attitudes.**

The multivariate F for the MANOVA of race/ethnicity on punishment and treatment attitudes (table 5) was significant (Pillai’s Trace $F_{10} = 2.48, p = .01$), with an estimated partial $\eta^2$ value (variance accounted for by the factor) just above criteria, at .02. Given this significant result, the remaining MANOVA effects were examined.

The univariate effect for race was significant on punishment attitudes ($F_{5,631} = 3.47, p < .01$), but not treatment attitudes ($F_{5,631} = 0.65, p = .67$). Given the significant effect on punishment attitudes (and above-criterion $\eta^2$ of .03), a follow-up analysis was performed on the effect of race on punishment attitudes, broken down by sex vs. nonsex offenders. The means for these comparisons can be seen in table 6. The follow-up analysis consisted of two one-way ANOVAs, with significance criteria corrected by the Bonferroni procedure; that is, the standard alpha level of .05 was reduced to .025, given the two comparisons being performed in this case. The effect of participant race was significant on both sex offender punishment ratings ($F_{1,606} = 9.89, p < .01$) and nonsex offender punishment ratings ($F_{1,589} = 9.34, p < .01$). However, the variance accounted for by each relationship was estimated to be below criteria (est. $\omega^2 = .014$ and .013,
respectively). Note also that the differences in mean punishment levels are the reverse of hypothesis predictions; White participants endorsed lower punishment ratings than did Nonwhite participants. Hypothesis 4 was not supported.

Effect of Gender on Treatment and Punishment Attitudes.

The multivariate F in the MANOVA (see table 8) of gender on treatment and punishment attitudes was nonsignificant (Pillai’s Trace $F_2 = 1.62, p = .20$). No further analyses were performed. Hypothesis 2 was not supported.

Effect of Group Membership on Treatment and Punishment Attitudes.

The multivariate F in the MANOVA (see table 9) for the effect of professional group on treatment and punishment attitudes was significant (Pillai’s Trace $F_2 = 197.66, p < .01$), and the variance accounted for was above criteria (partial $\eta^2 = .38$). Therefore, a follow-up MANOVA was performed with sex and nonsex offender ratings of both treatment and punishment as dependent variables (table 10). The multivariate test for this model was also significant (Pillai’s Trace $F_2 = 109.41, p < .01$) and the variance accounted for was above criteria, at 45%. The univariate effects of professional orientation (as a binary variable) on all four dependent measures were significant (sex offender punishment ratings: $F_{1,540} = 422.30, p < .01, \eta^2 = .44$; nonsex offender punishment ratings: $F_{1,540} = 266.90, p < .01, \eta^2 = .33$; sex offender treatment ratings: $F_{1,540} = 12.67, p < .01, \eta^2 = .02$; nonsex offender treatment ratings: $F_{1,540} = 12.91, p < .01, \eta^2 = .02$).

The above analyses were taken as sufficient justification to perform follow-up analyses. First, individual ANOVAS for treatment and punishment ratings were
conducted with participant group (coded as all four distinct groups) as an independent variable. The effect of participant group on overall punishment ratings was significant ($F_{3,653} = 142.38, p < .01$). This association accounted for 40% of the variance (estimated $\omega^2 = .40$). See figure 1 for a graphic representation of these punishment ratings. The effect of participant group on overall treatment ratings was also significant ($F_{3,646} = 7.83, p < .01$). This association accounted for 3% of the variance (estimated $\omega^2 = .03$).

As a final step, post-hoc pairwise means comparisons, controlled by Tukey’s Honestly Significant Difference (HSD) procedure, were conducted within both treatment and punishment ratings, by subject group, for sex offender and nonsex offender vignettes. A plot of these means can be seen in figures 2 and 3. As seen in the graphs, the APA and ATSA punishment ratings were similar for both types of offenders ($p > .05$). See table 11 for cell means of treatment and punishment attitudes by population group.

Community respondents endorsed significantly higher punishments for sex offenders than both APA (mean difference = 2.31, standard error = 0.58, $p < .01$) and ATSA respondents (mean difference = 2.95, SE = 0.55, $p < .01$). Psychology 100 subjects scored higher on the punishment scale with sex offenders than did APA (mean difference = 3.18, SE = 0.28, $p < .01$) or ATSA subjects, as well (mean difference = 3.47, SE = 0.23, $p < .01$). Community and psychology 100 groups also differed from each other, with psychology 100 respondents endorsing greater punishment for sex offenders (mean difference = 1.44, SE = 0.54, $p = .04$).

For nonsex offender punishment ratings, a similar pattern emerged. Psychology 100 respondents endorsed more punitive items than APA (mean difference = 3.18, SE = 0.28, $p < .01$), ATSA (mean difference = 3.47, SE = 0.23, $p < .01$), or community
respondents (mean difference = 1.65, SE = 0.55, p = .01). Community respondents were higher on this scale than APA (mean difference = 1.53, SE = 0.58, p = .04) or ATSA respondents (mean difference = 1.83, SE = 0.56, p = .01), and APA and ATSA subjects did not differ from one another.

For sex offender treatment, the only pairwise difference was between psychology 100 and ATSA respondents, with ATSA participants endorsing slightly higher treatment attitudes for sex offenders (mean difference = .80, SE = .19, p < .01). For nonsex offender treatment, the same difference emerged (mean difference = .74, SE = .17, p < .01). Hypothesis 3 was partially supported.

New Hypotheses

Offender age.

5: Offender Age will predict treatment, punishment, and accountability attitudes.

5a: Younger offenders will receive higher treatment ratings than older offenders.

5b: Younger offenders will receive lower punishment ratings than older offenders.

5c: Younger offenders will receive lower accountability ratings than older offenders.

These hypotheses were investigated through the use of correlation coefficients and follow-up analyses. The correlation between offender age and overall treatment ratings, across groups, was nonsignificant (r = -.053), but punishment ratings were moderately associated with offender age (r = .382, p < .001). Further analysis revealed that offender age was correlated with sex offender punishment ratings (r = .354, p < .001) and nonsex offender punishment ratings (r = .396, p < .001), at nearly the same level. The direction of the association was as predicted, with younger offenders receiving
less punishment endorsements. Figure 4 shows the distribution of punishment ratings across perceived offender ages.

The correlation between overall treatment ratings and offender age was found to be nonsignificant ($r = -.053, p = .18$). See figure 5 for a graphic representation of this relationship.

The correlation between offender age and the AA scale was found to be $r = .569$ ($p < .001$). Further analysis showed that the correlation of offender age with AA toward sex offenders was $r = .563$ ($p < .001$), and with AA toward nonsex offenders was $r = .554$ ($p < .001$). This relationship describes higher attributions of accountability being given to older offenders (figure 6). Hypotheses 5a and 5c received support, but hypothesis 5b did not.

5d. A cubic trend will describe each of the above relationships, with the greatest rate of slope change occurring between the ages of 12 and 17.

A test for cubic trends is available from the “curve fitting” options available with SPSS version 12.0. None of the three independent variables in question had a significant cubic effect on offender age. The cubic term, added to the linear model of the relationship between offender age and overall punishment ($R^2 = .146$), added less than one percent of variance accounted for ($R^2 = .154; \text{increase in } R^2 = .008$). The low $R^2$ between overall rehabilitative attitudes and offender age ($R^2 = .003$) was increased to .013 by the admission of a cubic term (increase in $R^2 = .010$).

The linear effect of offender age on accountability attributions accounted for approximately one-third of the variance in the data ($R^2 = .338$). Adding the cubic element improved this by 7.5% ($R^2 = .413; \text{increase in } R^2 \text{ from linear model} = .075$). This
increase in prediction is above the threshold seen for this study; however, this increase in predictive ability was not attributable to the cubic trend, but to the quadratic trend, which offered a 6.9% increase in variance accounted for over the linear model. The cubic trend offered only a 0.6% increase over the quadratic trend. Hypothesis 5d was not supported. However, see figure 6 for the visible quadratic trend in the data.

Offense type.

6. Perceived offender/offense type (sexual vs. nonsexual) will predict punishment and treatment attitudes:

6a. Respondents will endorse higher mean punishment attitudes for sex offenders than nonsexual offenders.

6b. Respondents will endorse lower mean treatment attitudes for sex offenders than nonsexual offenders.

6c. Respondents will endorse higher mean attributions of accountability for sex offenders than nonsexual offenders.

These hypotheses were borne out in technical detail by the data. A MANOVA with offender type as the independent variable (binary; sex offender vs. nonsex offender) and the three dependent variables of punishment ratings, treatment/rehabilitation ratings, and attributions of accountability, returned a significant multivariate F (Pillai’s Trace $F_3 = 3.43, p = .02$, partial $\eta^2 = .02$). Following this omnibus test, the main MANOVA found significance for the effect of the IV on all three DVs (see table 12; punishment ratings: $F_{1,629} = 8.05, p < .01$; treatment ratings: $F_{1,629} = 4.24, p = .04$, attributions of accountability: $F_{1,629} = 3.75, p = .05$). However, the partial $\eta^2$ values for all three of these main effects indicated that only approximately 1% of the variance in the model was
explained by each (see also adjusted $R^2$ values in table 12). This is below the threshold for this study. Thus, although sex offender type had a statistically significant effect, in the correct direction, on ratings of punishment, treatment, and accountability of the offenders, the effect was not large enough to be of practical significance. This hypothesis was not supported.

**Experience with sex offenders.**

7. Experience with sexual offenders will predict punishment and treatment attitudes.

7a. Increased personal experience with sex offenders will predict higher treatment attitudes toward sex offenders.

7b. Increased personal experience with sex offenders will predict lower punishment attitudes.

Before the correlation between experience with sex offenders and treatment or punishment ratings could be assessed, the variable indicating the number of sex offenders each participant had known in their lifetime needed to be transformed. Due to the fact that the vast majority of psychology 100 students reported “0” as their answer, and ATSA professionals reported numbers up to 8,000, the distribution was not amenable to parametric tests in its raw form. After a logarithmic transformation, the distribution had much more normal characteristics, and scatterplots of the transformed variable against treatment and punishment ratings (Figures 7 and 8) show that the relationship does not seem to be grossly nonlinear, although it may be biased by large amounts of zero responses among college students. Therefore, Pearson’s correlation coefficients were used in these analyses. Both associations were statistically significant: Pearson’s $r = -$
.500 (punishment ratings; \( p < .001 \)) and \( r = .186 \) (treatment ratings; \( p < .001 \)). The first correlation is significant and in the predicted direction. As the second correlation was below practical significance levels for this study, hypothesis 7 was partially supported.

Belief in effectiveness of rehabilitation.

8. Belief in the effectiveness of rehabilitation will predict punishment and treatment attitudes.

8a. There will be a positive relationship between belief in the effectiveness of rehabilitation and treatment attitudes.

8b. There will be a negative relationship between belief in the effectiveness of rehabilitation and punishment attitudes.

The effectiveness of rehabilitation scale (ER) was significantly correlated with treatment attitudes (\( r = .412, p < .001 \)), and with punishment attitudes (\( r = -.278, p < .001 \)). Both correlations are significant, and in the predicted directions. See figures 9 and 10 for scatterplots. The difference between these correlations was significant (\( p < .001 \)), indicating that the relationship between belief in the effectiveness of rehabilitation (ER) and punishment was not as strong as that between ER and an endorsement of treatment attitudes. Hypothesis 8 was supported.

Model Building

Theory and Rationale

Since the 1970’s, structural equation modeling and similar statistical tools have enjoyed increasing popularity, partly for their ability to provide parsimonious tests of complex theories (Raykov & Marcoulides, 2000). In the current study, the selection of variables to be included was guided by a desire to test a model of their effects on
treatment and punishment endorsements. The model chosen here is inspired in its structure by social-cognitive models of human behavior, such as Ajzen’s theory of planned behavior, Anderson’s information integration theory, (Anderson, Lepper, & Ross, 1980), and other theories.

Ajzen’s theory posits that intentions are formed by the combination of subjective norms, attitudes toward behavior, and perceived behavioral control (Ajzen, 1991). Anderson’s theory is one in which “early” variables (personal dispositions) are added to “later” variables (perceptions of a target person) in forming social cognitive judgments. The general (if inferred) pattern from these and other theories is that there are predisposing psychological “environment” variables being mediated in their effects on end product variables. This is the general perspective that led to specification of the initial full model in the current study.

Note that the model proposed here is conceptually simple, consisting of “beginning,” “middle,” and “end” variables. The reader will likely think of many other examples of such a simple theoretical structure, or elements of it, in research on priming effects, prejudice, judgment and decision making, etc.

Organization of Variables in the Model

The general “beginning, middle, end” perspective guided the creation and modeling of the variables in this study, from among those that had been shown to covary with punishment attitudes, and those that were theorized to do so, in addition to those in the literature. First, the most robust variables from the literature on treatment and punishment attitudes toward offenders were selected. Second, new variables that seemed logically lacking or underrepresented in the literature were added to the overall group
Finally, the variables were grouped into the three categories, which might be called “beginning, middle and end,” or preceding variables, mediators, and outcome variables in the model.

Respondent characteristics (age, professional orientation, gender, race/ethnicity, and familiarity with incarcerated populations) were hypothesized to have early psychological effects, because of their status as identity variables. Elements of such fundamental schemas as culture and self-concept have been shown to have pervasive and automatic effects on cognitive processes (e.g., Markus & Kitayama, 1991). Other variables, such as offender type and offender age, were placed early in the model, as they were hypothesized to reflect fast-acting, automatic social cognitive processes, due to pervasive beliefs and stereotypes about childhood, age, criminals, and sex offenses (Ellard et al., 2002). These are the “beginning” variables in the model. Race/ethnicity was not entered into the model, because of its inconsistent effects in the literature (DeLisi, 2001; Jackson & Ammen, 1996; G. Wilson & Dunham, 2001; R. P. Wilson, 1997), as well as lack of significant effects in the current data set.

The two outcome variables were, of course, treatment and punishment orientation. These are the “end” variables in the structural equation model.

The variables hypothesized to act between the early sets and the outcome variables fell into three categories: variables associated with interpersonal attribution of responsibility for behavior; variables associated with authoritarianism, dogmatism, and religious fundamentalism; and a belief in the effectiveness of treatment options available for offenders. These sets of variables were hypothesized to mediate the association
between the “beginning” variables and the “end” attitudes seen as the outcome, and so they were placed in a block between the preceding and outcome variables. They constitute the “middle” variables. Note that, despite an assumption that the “middle” variables represent mediational processes, the complexity of the model involved will preclude statistical tests of mediation, which is a technique not suited to models including latent variables, and which in any case would require a very large number of regression analyses for full testing.

Model Creation

Structural equation modeling (SEM) techniques test the degree of fit between theoretical models and actual data sets. These theoretical models usually involve latent variables (LVs), which are “indicated” by manifest variables (MVs). That is, a group of manifest variables is hypothesized to be imperfectly representing the latent variable, in the same way that factor scores on a psychometric test represent the latent factor assumed to give rise to the factor scores.

The MVs in any given model are empirically measured. That is, they are scores on questionnaires, measured values, or answers to questions. The LVs, by contrast, are hypothesized. SEM procedures can be used to test the existence and relationships between LVs, or at least the plausibility of the particular model in which the LVs appear.

In the graphical representations of SEM models, LVs are indicated by ellipses or circles, MVs by rectangles or squares, and relationships between variables are indicated by arrows. Single-headed arrows indicate a direct causal relationships hypothesized by the model, and double-headed arrows indicate a covariance or correlation hypothesized to exist between two variables. The results of the SEM procedure include both measures of...
fit (how well the theoretical model accounts for the empirically-observed relationships between the variables) and estimates of relationships strength. The latter are indicated by coefficients for each arrow in the model. If specified in a certain way (all LVs having variances of 1.0), these coefficients can be interpreted in the same way as standardized beta-coefficients in regression analysis. Using terminology from path analysis (SEM with no latent variables), they are often termed “path coefficients.”

The model testing took place in three general steps. The first step involved assessing the integrity of the individual components of the model. SEM procedures were used to conduct confirmatory factor analyses (CFA) on groups of manifest variables that were theoretically assumed to indicate common latent variables (factors). To the extent that the CFA sub-model fit the data adequately, these sub-models were entered as components of the larger model. Indicators that did not significantly indicate the LVs in the sub-models were not included in the larger model.

Confirmatory factor analyses.

The four-factor F scale (F4), the right-wing authoritarianism scale (RWA), the 12-item religious fundamentalism scale (RF-12), and political affiliation were included in a confirmatory factor analysis (figure 11). All factor loadings except political orientation were significant. For this reason, political orientation was not entered in the main model. The RMSEA value of .082 indicates “adequate” fit of the authoritarian-fundamentalist attitudes sub-model to the covariance structure of the data. This CFA serves not only to justify the inclusion of this submodel in the main theoretical model, but to confirm the assumption in this study that authoritarianism and fundamentalism may be treated as part of the same cognitive construct.
The demographic variables of respondents present a different situation than the CFA situations described above. There is no theoretical rationale for hypothesizing a latent variable with subjects’ age, profession, gender, and familiarity with sex offenders as indicators. In fact, each of these variables is conceptually more of a cause than an effect in the overall structure guiding the creation of this model, whereas in a traditional factor analysis conceptualizations, they are indicators (effects) of a latent factor (the cause). These variables were entered into the main theoretical model as causal indicators, and the conglomerate latent variable they related to was named “punishment/treatment demographics,” because these demographics were chosen specifically for their predictive ability in the area of punishment/treatment attitudes. This conglomerate is simply a linear combination of the four causal indicators.

No CFA is possible on a causal indicator model. However, some test of the coherence of these factors, and their tendency to “cluster” was desired. Therefore, a traditional CFA was performed, as if the variables were indicators of a latent variable. The results (Figure 12) show good fit (RMSEA = .065) and good expected cross-validation (ECVI = .036). This was taken as evidence of the coherence of these indicators, although the direction of causality was reversed when this cluster of variables was entered into the full model.

Offender characteristics (offender age and offender type) were entered into the model as another set of causal indicators. However, testing a factor structure with less than four indicators is pointless in SEM, as any successful fit of such a model to the data will necessarily be perfect, thereby providing no information about the true degree of association between the factors. Offender characteristics, therefore, were not tested for
coherence before being entered in the main model. The latent construct of responsibility attributions had a similar problem, only being indicated by three manifest variables (the attributions of accountability scale, social blame scale, and victim blame scale). This submodel was also entered without being tested.

**Latent Variable Interrelationships.**

The paths between variables in this model may be organized into three kinds. First, variances or covariances are indicated with double-headed arrows (although in this case they are not graphically represented for error variables, each of which is given a variance parameter). Second, indicators have one-directional paths to or from their respective latent variables. The remaining paths—all one-directional in this model—are those of theoretical interest.

It was hypothesized that ER would mediate the relationship between the demographics of the respondents and the offender characteristics, on the one hand, and outcome variables, on the other. Attributions of responsibility and authoritarian-fundamentalist attitudes were also assumed to act in this way, and were specified in the structural model thus. In other words, any actions of age, gender, profession, or familiarity with sex offenders on punishment or treatment attitudes were assumed to be explained by how these factors interact with the mediators. For the purposes of demonstrating the rational/theoretical element of the construction of the main model, the rationale for the remaining paths follows, although there are no great leaps of logic involved.

It is plausible and intuitive that those who enter (or remain in) professions dealing with deviant or frightening behavior would believe in the efficacy of their own
interventions, make situational corrections for their initial external attributions about others’ behavior, and be unlikely to identify with authoritarianism or religious fundamentalism.

It is plausible that the schemas activated by thinking about violent or sexually coercive behavior would influence perceivers’ tendencies to make personal attribution for this behavior. Stereotypes about criminals, children, and adults are possibly maintained by reference to intuitive theories of individual responsibility, and one’s willingness to endorse treatment or punishment alternatives likely depends on one’s belief in the efficacy of those alternatives.

Model fit and modification

The RAMONA software program, distributed with the SYSTAT statistical package, was used to fit the model to the correlation matrix. RAMONA has some advantages over competing software, such as LISREL and AMOS (e.g., the ability to constrain variances of endogenous latent variables to 1.0, and the ability to correctly analyze correlation matrices in addition to covariance matrices). The sample of 657 was randomly split in half for the first set of analyses. This resulted in an N of 326.

The “full” model can be seen in Figure 13. The fit of the overall model to sample 1 was poor (RMSEA = .196), although the pattern of path coefficients was generally in line with theoretical predictions. Little else can be said about this model, because of poor fit.

The full model was modified to produce the “reduced” model (figure 14), which consisted of all the paths with coefficients greater than or equal to 0.1, plus a path added from punishment/treatment demographics directly to treatment orientation. This was seen
as desirable, because with the removal of other paths, this direct effect was confounded with the effect of belief in effectiveness of treatment. This model returned one boundary condition (variance of error term near zero), which was dealt with by fixing the parameter to zero (figure 14 shows the second attempt to fit the model). The fit of this model to the same data was also very poor (RMSEA = .201). No comparisons of model fit or path coefficients were deemed appropriate, given the fact that both models fit very poorly, and the fit of this second model was even worse than the first.

With the failure of the reduced model, two further sets of models were specified. The first set was a “dropout” series, in which variables (generally, latent variables with their indicators) were removed from the model, one at a time, with direct paths replacing the mediating paths that had previously been specified. The variable clusters (submodels) that were removed were authoritarian-fundamentalists attitudes, attributions of responsibility, effectiveness of rehabilitation, and offender characteristics. Without exception, removal of these did not result in improved fit, although their path coefficients remained very similar to what they had been in the full and reduced models. When authoritarian-fundamentalist attitudes was removed from the model, the resulting RMSEA was .218 (90% confidence interval: .204, .233). When attributions of responsibility was removed, RMSEA = .256 (90% CI: .242, .271). When ER was removed, RMSEA = .220 (90% CI: .209, .232). When offender characteristics were removed, RMSEA = .246 (90% CI: .229, .263). Three of the four models also suffered from multiple boundary estimates of parameters and/or redundant parameters. These problems indicate possible invalidity of the parameter and fit estimates. These models were not considered viable. Further details of analysis are available upon request.
The last set of models to be specified was based on the “beginning, middle, end” taxonomy of variables. First, a “direct” model was specified (figure 15), in which the mediating variables were removed, in favor of direct paths from the preceding variables to the outcome indicators. Then, a model of “late” variables was tested, consisting of mediators directly causing changes in outcome variables (the “preceding” variables were taken out of the model; Figures 16 and 17); Finally, a “convergence” model was specified, in which all variable groups except the outcome variables acted directly on the outcome variables.

The direct model was not amenable to the SEM methodology. Attempts at fit resulted in multiple identification problems, such as redundant parameters and boundary values. This model was abandoned. The convergence model also returned several (five) boundary conditions and a redundant parameter. The RMSEA (.217) was likely uninterpretable because of these problems. This model was also abandoned. The late model was acceptable in its number of boundary conditions (1), and fit was nearly within acceptable limits (RMSEA = .133, 90% CI: .115, .153). However, note the widening of the confidence interval for RMSEA, relative to the full and reduced models, indicating possible problems with accuracy in estimation. In addition, as can be seen in figure 16, the values for parameters in this model were larger than expected. It was not known whether this model could be interpreted as is, or if it represented some random fluke of the model fit process.

The reduced model and the late model were both fit to the second (cross-validation holdout) sample of N = 331. The reduced model performed similarly (slightly better) than when fit to the original sample (RMSEA = .184, 90% CI: .171, .197). This is
still not in the acceptable range for fit, and so this model was not tested or modified further. All parameter values included the previous parameter values (from fit to sample 1) in their 90% confidence intervals. This was taken as evidence that there was no substantial difference in the pattern of path coefficients. The significance of the difference between fit indices was seen as superfluous, because neither sample provided an acceptable fit. The late model had much worse fit in the second sample (see figure 17) than it did in the first (RMSEA = .197; 90% CI: .178, .296). In addition, the pattern of parameters showed serious instability between samples. This model was also abandoned, due to this instability.

The correlation matrices used to test the above models in samples 1 and 2 are found in tables 12 and 13. Many of the relationships mentioned in the above report of results can be seen in these matrices.
 CHAPTER 3

DISCUSSION

General hypotheses

The majority of the substantive hypotheses received partial or full support, which replicates previous research in this area. The surprising correlation of -.63 between respondent age and punishment attitudes can perhaps be explained by the fact that the participant groups in this study were biased with regards to age, due to the inexplicably low response rate of community survey participants. This resulted in only twenty participants from groups other than college students (mean age: 19 years) and treatment professionals (mean ages: 52 and 50 years). Therefore, respondent age is partially confounded in this study, across groups, and conclusions should be drawn cautiously.

With this caveat, the fact that college undergraduate population showed a higher punishment level than any of the other groups—including the few community respondents—was somewhat surprising. It is counterintuitive that those being educated in psychology, even at the undergraduate introductory level, would endorse more punishment items than community respondents, and past research has tended to show lower punishment ratings in young college groups than in older groups (e.g., McCorkle, 1993).
Given this caveat, however, it is interesting that a moderate negative correlation described the relationship between age and punishment ratings within non-psychology 100 groups, and there was no practically significant effect of age within non-psychology 100 groups on treatment ratings.

Professional orientation showed strong predictive power for treatment and punishment orientation. This is probably not simply due to the effect of the greater average age of the psychologists (although this cannot be ruled out), given the support for this finding in past literature (e.g., Hubbart & Singg, 2001; Hartlaub, 1998). It appears that there is a tendency for mental health professionals to endorse less punishment-focused consequences for perpetrators of crimes.

The gender of respondents was, somewhat surprisingly, not a good predictor of treatment or punishment items in this study (see Applegate, Cullen, & Fisher, 2002; Walsh, 1984; R. P. Wilson, 1997), and cannot be accounted for by sampling issues, as both males and females were represented approximately equally in all groups. Likewise, race/ethnicity showed only very small effects for overall punishment (in the direction opposite that found in past research; Nonwhite participants endorsed higher punishment ratings than White participants), and those effects dropped below practical significance criteria when individual analyses were performed. Given the simplicity of measuring these two items (punishment and race), this is not likely to be a measurement issue.

The failure of race/ethnicity to predict attitudes could be due to the disproportionate representation of White respondents in the psychology 100 sample, compared to the APA or ATSA samples. Psychology 100 participants were more punitive
overall; thus, this effect could have combined with the greater numbers of Nonwhite participants in the psychology 100 sample to produce an apparent race effect.

It would have been telling to see the effect of race on punishment and treatment in a sufficiently large community sample. Although Columbus has an average-sized African American population, only two African American community respondents returned questionnaires, and this was certainly not enough to affect the overall analysis, no matter what the attitudes of these two individuals may have been.

The age of offenders predicted punishment attitudes and attributions of offender responsibility, but not treatment attitudes. This last nonsignificant effect was surprising, given the literature on the integral concept of child-saving (therefore an explicit treatment orientation) in the history of the legal system in the United States, presumably with public support (see Cullen, Golden & Cullen, 1983, for example). Apparently, in juvenile justice situations, child-saving is trumped by punishment concerns.

The SEM model posited a strong relationship between the offender characteristics latent variable and offender age (note that the relationship between this LV and its only other indicator was small, indicating that the LV itself was accounted for almost entirely by offender age), and between offender characteristics and attributions of responsibility. Thus, the model suggests that older offenders will be attributed greater responsibility for their actions. Substantive hypotheses bore this relationship out.

Offense type was not a strong factor in the substantive hypotheses or the SEM model. One possibility for this was the way the vignettes were framed (see Appendix C). In the interests of avoiding confounds, the vignettes differed by only a single word (except for the name of the perpetrator): “fondling” vs. “hitting.” Personal observations
with psychology 100 participants suggested that some individuals did not notice this
difference at all, and believed they were filling out duplicate punishment and treatment
questions, with identical vignettes. Future investigations of the effects of sex vs. nonsex
offenses on punishment and treatment attitudes should rectify this problem by increasing
the power of this manipulation.

Likewise, experience with sex offenders did not seem to be a powerful predictor
in the structural equation model, possibly because of the problem with differentiation
between the sex and nonsex offender vignettes. To the extent that participants were
unaware of the fact that they had seen a vignette describing a sexual offense, the
constructs of sex offending in their minds may not have been primed, and this lack of
cognitive association may have translated into a lack of statistical association.

Additionally, the extreme nonnormality of the variable of familiarity with sex offenders,
due almost entirely to group differences (ATSA vs. psychology 100), may have masked
any more marked effects that such psychological variables may actually exert.

Notice, however, that even with transformations and population bias problems,
this variable (number of sex offenders known) had a relationship with punishment
attitudes that accounted for 25% of the shared variance. We see here that punishment
attitudes have a stronger relationship to this variable than do treatment attitudes. To the
extent that these data represent actual psychological processes, it would appear that one’s
familiarity with sex offenders is more strongly associated to one’s punishment than
treatment attitudes.

The failure of the cubic trend to appear in treatment, punishment, or attributional
variables by offender age was contrary to prior hypotheses. One possibility for the failure
of these effects in this study may be that punishment levels and attributions of accountability toward children are currently so high that any cubic or S-shaped tendencies have been erased by the “lifting” of the end of the distribution that lies in the childhood developmental area, due to increased punitiveness toward children. This is a disquieting possibility, but it would be in accordance with much of the literature Cullen, Golden & Cullen, 1983; Singer, 1988; Baron & Hartnagel, 1996). Future research may focus on punitiveness toward child offenders in particular, with a focus that is beyond the scope of this study.

Another possibility for the failure of the S-curve to appear with these three variables is that not enough childhood years were measured. Examination of the relationship between offender age and attributions of accountability reveals a significant quadratic trend. It appears that perceivers assign increasing responsibility for behavior to offenders as their age increases through adolescence and young adulthood, but that this tendency has a “ceiling” for those who are approximately 19 to 20 years old. This is similar to the 21-year-old criterion employed in many juvenile court systems for defining adulthood. It is possible that the trend also has an unmeasured “floor” for offenders who are younger than seven years old. However, if this is the case, this would suggest a qualitative shift in attributions of responsibility toward children, that begins somewhere around or below the seven-year mark. The author has no theoretical reason to expect such a finding. The data are equally likely to represent a gradual, linear increase in attributing responsibility to children from birth until they reach adulthood.

Effectiveness of rehabilitation (ER) was a significant variable in substantive hypotheses; notably, however, it failed to predict punishment in the SEM model,
although the causal path from ER to treatment attitudes was moderately strong. Post-hoc reasoning suggested that perhaps the questions that form the ER scale prime mental schemas of rehabilitation and treatment, while the punishment schemas are not directly primed by these questions. This could be one more piece of evidence that punishment attitudes and treatment attitudes are independent constructs, rather than endpoints on the same scale. This finding may also provide construct validation support for ER as a discreet construct.

The measurement of treatment/rehabilitation attitudes as an independent construct from punishment attitudes is relatively new in this area. Thus, it may not be surprising to find that treatment attitudes were not a strong, consistent variable, in many ways. In the SEM model, this variable was not causally linked to attributions of accountability, for example. This outcome was puzzling, as *a priori* hypotheses suggested that attributions of responsibility for behavior would be a main determinant of treatment attitudes. The failure of treatment attitudes to correlate with offender age is also puzzling, as the juvenile court system seems to have been based on a shared national belief that age is associated with responsibility for actions (Binder, 1979). However, we may not need to look farther than the treatment attitudes scale itself, which had poor internal consistency in this sample (alpha = .53/.48; post-hoc analyses revealed item-total correlations between .57 and .68).

In the same vein, personal experience with sex offenders did not predict treatment attitudes. The reasoning behind the hypothesis to the contrary was that ATSA and APA professionals would likely be more concerned with treatment than punishment,
and this greater concern was predicted to increase the association between the two variables in question.

Explanations for the failure of treatment/rehabilitation attitudes to show consistent effects could lie in the psychometric properties of the questions (as seen above), demographic differences between the groups in this study, or a lack of activation of any offender-treatment schema in the minds of the participants. The last possibility is the most troublesome, because it suggests that punishment may be a more powerful motivation in decision making (in the situations tapped by this study) than treatment concerns. This, of course, is what many writers and researchers have expressed concern about (Darley, 2002; McGuire, 2002), and this is what much of the evidence seems to suggest (e.g. F. T. Cullen et al., 2000; McCorkle, 1993; Zimmerman et al., 1988). However, to fully accept this proposition, the current study or one like it would need to be carried out with a more reliable measure of treatment attitudes.

Punishment attitudes were a robust variable in the model and in the substantive hypotheses. This finding supports much of the literature in this area of study (Applegate et al., 2002; de Keijser et al., 2002; Stack, 2000). Punishment attitudes reliably varied with professional group, offender age, attributions of accountability, belief in the effectiveness of rehabilitation, and experience with sex offenders. It may be that the most obvious effect of this study is to reaffirm the facts about public punitiveness that have become more and more obvious for the past three decades. However, in drawing this conclusion, the current study’s methodology must be taken into account. This study utilized vignettes and generally-phrased questions, referencing a hypothetical individual. We have already seen that punishment ratings may decrease when participants are asked
to make decisions that affect real humans (e.g., Perry, 1976; Woody, 2000), which was not the case here.

Demonizing and Prejudice

Within the caveats mentioned above, this study seems to echo those before it: punitiveness is at high levels. The question of why this should be so is not an easy one to answer. However, a concept that seems to have possible explanatory power for the results of this study, and to be able to explain the relationship between many study findings and the research field in general is that of demonization. Ellard and colleagues (2002) define demonizing as assigning character attributes of “evilness” to others, or attributing their actions to “evilness.” Ellard et al. posit a cognitive schema of evilness, similar to other generalized schemas. This schema consists of attributes such as a sociopathic lack of empathy, a desire to hurt others, and inexplicable motivations to commit acts of violence.

In Ellard and colleagues (2002) discuss issues regarding demonization that are surprisingly relevant to the study of punishment attitudes, especially with sex offenders and juveniles. For instance, the authors in consideration suggest that process of demonizing a member of an outgroup can interfere with perceivers’ ability and motivation to consider complex situational factors in judging the target’s behavior, and demonizing “results in a preoccupation with making the perpetrator suffer,” at the expense of considering other, more effective ways of dealing with the problem behavior, especially when those demonized are also dehumanized. The relevance to the public’s increasing punishment attitudes is clear.

Ellard et al. (2002) note that perpetrators of crimes are frequently both dehumanized and demonized. It has been widely noted (F. T. Cullen et al., 2000; Estrada,
2001; Harris & Scott, 2002; Lieb et al., 1998; Males, 2001) that there seems to be a media bias toward emphasizing the aspects of offenders that make them seem less connected to society and less similar to other humans. If a generalized evilness schema exists, this media bias may activate it in the minds of viewers, by making criminals appear foreign, strange, incomprehensible in motivation, and not quite human. When this schema is activated, demonization and dehumanization of the social targets may take place.

The above findings suggest a possible cycle of demonization as a response to crime, and also as a cause of further demonization. Crime may lead to media portrayals of criminals as cold, distant, remorseless individuals with little in common with the average person (e.g., Estrada, 2001; Harris & Scott, 2002). This view may lead to perceiver attributions of evilness (Ellard et al., 2002), and resultant attitudes toward the criminals that may be described as demonizing. Demonizing, of course, justifies nearly any level of punishment, as the targets of this process are believed to be deserving of punishment and not quite human.

Ellard et al. (2002) review many possible answers to the question of why we demonize others. These explanations include the idea that we demonize in order to avoid the self- or other-perception that we condone the deviant behavior (perhaps especially relevant in the case of sexual offenses or murder). Demonizing may also help us maintain our “just world” beliefs, or may make evil seem more controllable, since we may believe the base rate of evil to be very low in the general population (Ellard et al., 2002).

Ellard et al. (2002) found that evilness cues activated a “just world” responses in participants, which resulted in higher punishment ratings toward the demonized
(compared to nondemonized) perpetrators of crimes. This kind of research may provide one key to understanding increasing punishment attitudes in Western society: we increasingly demonize offenders and treat them as a foreign outgroup, which justifies increasing punishment. Our just-world biases may be a part of the genesis or maintenance of the problem, because we may see criminal behavior as evidence of both deservingness of punishment and lack of true humanity.

Attributions of accountability, authoritarianism, and religious fundamentalism have all been linked to the just world bias (Altemeyer & Hunsberger, 1992; Christie, 1991; Laythe, Finkel & Kirkpatrick, 2001). Although no measure of just world attitudes was included in this study, the RF-12 scale was found, after the fact, to correlate at $r = .379$ with overall punishment ratings, in the total sample. The RWA scale was associated as well ($r = .538$), as were the F4 scale ($r = .492$) and the AA scale ($r = .555$). These associations could certainly be seen as support for the idea that just-world biases (or at least their known associates) may contribute to a willingness to hold offenders responsible for their behavior and to punish them. Although a statistically redundant fact, it bears mention that the authoritarianism-fundamentalism LV in the full and reduced models had a strong, significant causal effect on punishment ratings.

One explanation for the effects in the current study of offender age on both punishment ratings and attributions of accountability (the twin facts that these ratings were high, as well as the fact that they dropped in a more or less linear fashion as the age of the perpetrator dropped) might be that demonizing, or stereotyping and prejudice in general, is less likely to happen when competing schemas, such as those related to child
protection and developmental levels are primed at the same time that evilness schemas are primed.

In consideration of the above, the author of this study received several handwritten messages on surveys depicting young (e.g., under 10 years old) perpetrators of crimes. Many of the messages seemed intended to remind the author of the extreme need for treatment for young offenders, or to express disbelief that someone that young could perform the acts described. These messages, written by participants who must have suspected that their comments would have little effect on research outcomes, and who had already expressed similar ideas in their responses to survey items, may represent the outcome of a conflicting set of schemas being activated, and some psychological discomfort that required action on their part to ameliorate the discomfort.

The idea that stereotyping/prejudice behavior or attitudes can be tempered by the activation of other constructs is not new. In fact, these automatic processes have been found empirically to be reduced in their effects when cues are present that prompt, for example, a liking response (Sinclair & Kunda, 1999) or a child-protection response (e.g., Cullen, 1983). Children, and the priming of the “child” schema, may prompt such responses, which could in some cases counteract the negative schema primed by the “criminal” cues evident in the questionnaires and vignettes. These speculations, of course, although consistent with the data collected and analyzed here, go beyond this study to a significant extent.

Although an interesting concept, demonizing processes seem to be nothing more than a special case of the cognitive, affective, and behavioral processes active in stereotyping, prejudice, and discrimination. Both concepts (or sets of concepts) postulate
a combination of negative affective responses, biased social information processing, and
differential (negative) treatment for a certain group or class of individuals, who represent
an outgroup compared to the actor or perceiver (Brehm, Kassin, & Fein, 2002; Linville &
Jones, 1980). Demonizing seems to represent negative stereotypes, prejudice and
discrimination, driven by (and not simply rationalized by) a belief that the target group is
composed of individuals who are deserving of this treatment.

With this analysis, other findings from social psychology seem germane, and may
offer tentative explanations for the results of the current study. The contact hypothesis
(Allport, 1954) suggested that prejudice could be reduced through increased interpersonal
contact between ingroup and outgroup members, and was in fact part of the rationale
implicit in the hypotheses regarding experience with sex offenders in the current study.
Further revisions of the contact hypothesis, based on empirical tests of its propositions,
have found that other factors are important in this process as well, such as a personal
level of interaction between group members, cooperative intergroup activities, and social
norms that condone the interpersonal contact (Brehm et al., 2002). The therapy process
could certainly be seen as fulfilling these requirements. To the extent that APA and
ATSA respondents had worked with crime-involved populations (a variable
unfortunately not assessed by the questionnaire, but almost certainly highly represented
in the ATSA sample), they may have had a reduction in their prejudicial attitudes toward
criminals, and therefore their punishment ratings. This is an intuitively satisfying
explanation for the effects of personal acquaintance with sex offenders on the punishment
ratings variable.
Other parallels between prejudice and demonizing offer suggestions for future research in this area. For example, Tajfel et al. (Tajfel, Billig, Bundy, & Flament, 1971) and Turner (1987) discuss ingroup and outgroup processes that lead to derogation of outgroup members as a way of increasing one’s personal and group self-esteem. The punitive trend toward criminals could be seen in this light, as being driven by an American need to increase or maintain feelings of self-worth. These are easily measurable variables, and future research could easily explore possible connections between punitive attitudes and threats to personal or social self-esteem. Note that research between punitive attitudes and threats to perceived personal or group security have already been successfully performed (e.g., Ouimet & Coyle, 1991).

Limitations of the present study

The most obvious problem in this study, apparent after data analysis, is the specification of the offender-type variable. A more powerful manipulation of this variable (for example, describing the sex vs. nonsex offenses in greater detail, or labeling them as sex offenses vs. nonsex offenses) would have provided much more power to investigate causal hypotheses involving attitudes toward those who commit different types of offenses. Although the researcher was very concerned about possible noncomparable constructs (e.g., rape vs. assault might be seen as “apples and oranges” and therefore not amenable to direct comparison), in retrospect it is clear that the offender type variable was not manipulated strongly enough. The significance of the association with punishment attitudes suggests that the predicted relationship may exist, but the lack of practical effect size suggests that a more powerful manipulation will be needed to assess it accurately.
In future studies (or if the researcher were to perform this study again), piloting several variables would be desirable, including the offense vignettes and the scales for which little psychometric data were available beforehand. Regarding the offense vignettes, it might be possible to construct pilot studies that assessed the comparability, in terms of emotional impact or semantic similarity, of various vignette elements, such as “rape” vs. “assault,” or “sex offender” vs. “violent offender.”

Although the vignettes were constructed with empirical prototypicality in mind (that is, the offense details were selected to represent what is known about the “average” incident of sexual abuse in the United States), with an implicit assumption that research populations would quickly label such behaviors as sexual offenses, that proposition, too, is now in question. There is no way of knowing, from the current data, whether respondents—to the extent that they recognized differences in the vignettes at all—identified “fondling” as a sexual offense. Indeed, many offenders and their families do not label such acts as an offense, although the law is very clear (e.g., Fedoroff & Moran, 1997).

Another area for improvement is the response rate from the community sample. Due to financial limitations, it was not possible to offer compensation to community respondents for returning completed surveys. The very low response rate from this group resulted in confounds between variables. For instance, with the reduced age and experience of psychology 100 subjects and the reduced participation of community respondents, it is not possible to know how much of the significant relationship between familiarity with sex offenders and sex offender punishment attitudes is due to familiarity
vs. professional group, because almost none of those reporting familiarity with sex offenders belonged to any non-treatment-provider group.

In an alternate scenario, compensation could be used to increase response rates from community survey participants, or the strategy of pre-giving might be profitably employed. Another possibility would be to choose a different recruitment technique, such as television, radio, or newspaper advertisements. The sample composition of a volunteer group (such as the psychology 100 group) would be less random, but each participant seen would result in a completed protocol.

The failure of the structural equation models (with the exception of the successful factor analyses of sub-models) may have been due to hasty specification of complex models. Although it is true that most of the research in this area has used models that are far too simple to model the complexities of human cognition, perhaps the models specified in this study were too complex, and therefore had a low probability of being reasonably accurate, given the variables involved. Future research may attempt a rationally-driven model-building process in which progressively more complex models are tested, perhaps in large numbers, and the resulting successful models are cross-validated on independent samples.

Ellard et al.’s (2002) use of the concept of a belief in a just world has prompted the author to consider the failure to include this concept as a shortcoming of the current study, as well. It seems logical that belief in a just world would have a statistical and cognitive relationship to authoritarian-fundamentalist attitudes, and to attributions of accountability, as well as possibly to participant demographics. It would be interesting to
test this hypothesis, and to see if the fit of the theoretical model might be improved with the inclusion of this variable.

In short, despite the successfully-tested substantive hypotheses, the current study has definite room for improvement. This area of research is still relatively new, and many of the findings from this study will be useful in creating and evaluating future research on punishment attitudes.

CONCLUSION

Binder (1979) suggested that the punitive trend toward juveniles could perhaps be due to the perceived failure of the juvenile court, which was established with lofty aims to rehabilitate children and thereby reduce crime. Others have postulated a variety of other social factors that could be responsible for changes in punishment attitudes in the past half century. It has not been within the scope of this paper to explore these intriguing possibilities. However, the inclusion of a greater variety of variables than most studies in this area have included, and their pattern of significant effects on punishment attitudes, suggests that there may be many more unmeasured variables, on different levels of analysis, that could hold part of the answer to the dilemma of the public’s recent punitiveness.

What have we learned from this study? Authoritarianism and fundamentalism can parsimoniously be seen as indicators of a single cognitive construct, and this construct is related to punitiveness. Punitive policy attitudes are much lower among those who are associated with the psychological helping professions than in general populations—including Midwestern undergraduate populations. Those who believe that rehabilitation can be effective are more likely to think that it should be tried as an alternative with
criminals. Individuals in general, despite their sometimes harsh punishment attitudes toward offenders, are willing to moderate these attitudes for children and even adolescents. This moderation seems to be due in part to a consensus that children should not be held as accountable for their behavior as adolescents, and that adolescents are still less responsible for their behavior than are adults. Those who are personally familiar with individuals who have committed crimes are less likely to endorse harsh punishments than those who are not familiar with such individuals.

We have learned that punishment may be a stronger motivator in criminal justice decisions than treatment. Perhaps the very concept of criminal justice primes punishment schemas in the minds of those reporting their inner states. If this is the case, then perhaps a competing priming of treatment schemas, through public education or legal education, could help counteract the punitive trend in public opinion and law. Increased attention to the treatment options available, with explanations of their benefits, might reduce the tendency to punish criminals severely. This would seem to be an uphill battle, given the imperfect record of criminal rehabilitation, and the implicit political theories of reduced crime through increased punitiveness, in which politicians trade in buzzwords and heuristics.

If activation of punishment schemas is automatic, then it may be possible to engage the public or legal professionals in increased effortful processing, in order to counteract the “priming” effect of the punishment debate. Perhaps the entire issue, in fact, might be best seen from the stereotype/prejudice/discrimination perspective, with all the challenges inherent to that area. The principles of the contact hypothesis might be used to increase meaningful interaction—in vivo or in vitro, via mass media—with actual
individuals who have committed crimes, taking care to reduce the media bias that has been previously discussed. This shift in perspective would be relevant to several aspects of research in this area, including the public’s apparent preference for simple models of behavior change over complex ones, and the possible personal investment that we may have in identifying ourselves as fundamentally different from criminals.

We have learned that creating models of complex psychological processes is a difficult proposition. The failure of the proposed model reduces our ability to make causal statements in many cases. However, two variables in the study were created as manipulated independent variables, and their effects may still be interpreted causally, without concern. Offender age does cause increased punishment attitude endorsement, as well as increased attributions of responsibility. Offender type, however, had less obvious effects (although, as discussed before, this finding is likely due to ambiguity of the materials). Emphasizing age and developmental levels, therefore, may help in the persuasion process regarding punishment vs. treatment for those responsible for sanctioning juveniles. This is a two-edged sword, however, as this argument may actually bolster punishment attitudes toward adults.

There is no shortage of conjecture or theory in this area of research. What is lacking is integrative empirical investigation on a level not yet widely seen. This study is such an investigation, albeit with mixed results. The conclusions drawn from these data, although including some new information, largely replicate past studies and confirm what we already know in describing punishment attitudes. It is hoped that this study may serve as a stimulus to future research, in prompting further testing of theories that have a
realistic possibility of explaining why the American public seems to want to punish its criminals so severely at the beginning of the twenty-first century.


Harris, R. J., & Scott, C. L. (2002). Effects of sex in the media. In J. Bryant, (Ed); Zillmann, Dolf, (Ed.) *Media effects: Advances in theory and research (2nd ed.)*.

Hillsdale, NJ: Lawrence Earlbaum.


### Table 1. Mean age of participants by population group

<table>
<thead>
<tr>
<th>Subject</th>
<th>Population Group</th>
<th>Mean</th>
<th>N</th>
<th>Std. Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>APA</td>
<td></td>
<td>52.00</td>
<td>100</td>
<td>9.002</td>
</tr>
<tr>
<td>ATSA</td>
<td></td>
<td>50.02</td>
<td>180</td>
<td>10.172</td>
</tr>
<tr>
<td>Commune</td>
<td></td>
<td>49.00</td>
<td>20</td>
<td>15.694</td>
</tr>
<tr>
<td>Psy100</td>
<td></td>
<td>19.54</td>
<td>351</td>
<td>2.112</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>33.86</strong></td>
<td><strong>651</strong></td>
<td><strong>17.064</strong></td>
</tr>
</tbody>
</table>

ANOVA results: Age varies significantly between groups ($F_{3,653} = 1029.31, p < .001$). Missing age data: 6 cases (APA: 1; ATSA: 1; Psychology 100: 4).
<table>
<thead>
<tr>
<th>Group</th>
<th>Mean Diff.</th>
<th>Std. Error</th>
<th>P</th>
<th>95% Confidence Interval</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATSA X APA</td>
<td>-1.98</td>
<td>.888</td>
<td>.117</td>
<td>-4.26 to .31</td>
</tr>
<tr>
<td>Community X APA</td>
<td>-3.00</td>
<td>1.744</td>
<td>.314</td>
<td>-7.49 to 1.49</td>
</tr>
<tr>
<td>Community X ATSA</td>
<td>-1.02</td>
<td>1.678</td>
<td>.929</td>
<td>-5.34 to 3.30</td>
</tr>
<tr>
<td>Psyc100 X APA</td>
<td>-32.46 *</td>
<td>.807</td>
<td>.000</td>
<td>-34.54 to -30.38</td>
</tr>
<tr>
<td>Psyc100 X ATSA</td>
<td>-30.48 *</td>
<td>.653</td>
<td>.000</td>
<td>-32.16 to -28.80</td>
</tr>
<tr>
<td>Psyc100 X Community</td>
<td>-29.46 *</td>
<td>1.636</td>
<td>.000</td>
<td>-33.67 to -25.24</td>
</tr>
</tbody>
</table>

Test: Tukey’s HSD for all cell differences
* Mean difference is significant at the .05 level.

Table 2. Differences in mean age between population groups
<table>
<thead>
<tr>
<th></th>
<th>APA</th>
<th>ATSA</th>
<th>Community</th>
<th>Psyc100</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caucasian (White)</td>
<td>93</td>
<td>167</td>
<td>17</td>
<td>272</td>
<td>549</td>
</tr>
<tr>
<td>African American (Black)</td>
<td>1</td>
<td>5</td>
<td>2</td>
<td>36</td>
<td>44</td>
</tr>
<tr>
<td>Hispanic American (Hispanic)</td>
<td>2</td>
<td>2</td>
<td>0</td>
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<td>16</td>
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<td>Asian American (Asian)</td>
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<td>1</td>
<td>0</td>
<td>20</td>
<td>22</td>
</tr>
<tr>
<td>Pacific Islander</td>
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<td>0</td>
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<td>1</td>
</tr>
<tr>
<td>Other</td>
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<tr>
<td>Total White</td>
<td>93</td>
<td>167</td>
<td>17</td>
<td>272</td>
<td>549</td>
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<tr>
<td>Total Nonwhite</td>
<td>7</td>
<td>13</td>
<td>2</td>
<td>76</td>
<td>98</td>
</tr>
</tbody>
</table>

Omnibus differences across all groups: $\chi^2_{3\text{df}} = 26.40, p < .001$. Missing race data: APA, 1; ATSA, 1; community, 1; psychology 100, 7.

Table 3. Race/ethnicity of population groups
<table>
<thead>
<tr>
<th>Off. Age</th>
<th>psyc 100 % of Total</th>
<th>community % of Total</th>
<th>APA % of Total</th>
<th>ATSA % of Total</th>
<th>Total % of Total</th>
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<td>35 5.33</td>
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<tr>
<td>10</td>
<td>16 2.44</td>
<td>7 1.07</td>
<td>7 1.07</td>
<td>30 4.57</td>
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<tr>
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<td>19 2.89</td>
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<td>39 5.94</td>
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</tr>
<tr>
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Table 4. Distribution of offender age across groups in study. No significant differences between distributions ($\chi^2_{60 df} = 49.41, p = .83$).
### MULTIVARIATE TESTS
(Pillai’s Trace)

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### BETWEEN-SUBJECTS EFFECTS

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| Total        | Punish  | 54292.25    | 637|       |       |     |         |
|              | Treat   | 88640.25    | 637|       |       |     |         |
| Corr. Total  | Punish  | 5017.51     | 636|       |       |     |         |
|              | Treat   | 1964.69     | 636|       |       |     |         |


Table 5. MANOVA results. Effects of race (white or nonwhite) on overall punishment and treatment levels
SO = sex offender ratings. NSO = nonsex offender ratings. Punish = punishment attitudes/ratings. Note missing data due to 89 psychology 100 participants not given within-subjects questionnaire packets, incomplete scale responses by other participants, and 10 participants not reporting race data.

Table 6. Means comparison by race of participant, between punishment and treatment ratings responding to sex/nonsex offender vignettes.
SO = sex offender ratings. NSO = nonsex offender ratings. Punish = punishment attitudes/ratings.

Table 7. 4 one-way follow-up ANOVAS for effects of race on sex offender/nonsex offender punishment ratings.

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MULTIVARIATE TESTS
(Pillai’s Trace)

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BETWEEN-SUBJECTS EFFECTS

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Table 8. MANOVA results. Effects of gender on overall punishment and treatment levels
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(Pillai’s Trace)

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### BETWEEN-SUBJECTS EFFECTS

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|                | Treat  | 89915.75 | 647|         |       |       |          |
| Corr. Total    | Punish | 5169.37  | 646|         |       |       |          |
|                | Treat  | 1987.92  | 646|         |       |       |          |


Table 9. MANOVA results. Effects of professional group (helping professional or non-helping professional) on overall punishment and treatment levels
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(Pillai’s Trace)

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Table 10. Follow-up analysis: MANOVA effects of group (helping profession/non-helping profession) on sex offender and nonsex offender punishment and treatment ratings
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* Difference is significant at the .05 level. SO = sex offender ratings. NSO = nonsex offender ratings. Treat = treatment attitudes scale. Pun = punishment attitudes scale. Comm = community participants. P100 = psychology 100 participants.

Table 11. Cell means and differences for sex offender and nonsex offender punishment and treatment ratings by group. Tukey’s HSD test used to calculate all $p$-values.
**MULTIVARIATE TESTS**  
(Pillai’s Trace)

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### BETWEEN-SUBJECTS EFFECTS

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Table 12. Effects of offender type (sex vs. nonsex offender) on treatment attitudes, punishment attitudes, and attributions of accountability
### Table 13. Results of fitting full structural equation model to data

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Sample Discrepancy Function Value : 3.091

Population discrepancy function value, Fo : 2.966
Bias adjusted point estimate : (2.748,3.195)
90.000 percent confidence interval : 3.091

Root MS error of approximation
Steiger-Lind : RMSEA = SQRT(Fo/df)
Point estimate : 0.190
90.000 percent confidence interval : 0.183,0.197

Expected cross-validation index
Point estimate (modified aic) : 3.206
90.000 percent confidence interval : 3.206
CVI (modified AIC) for the saturated model : 0.366

Test statistic: 2027.393
Exceedance probabilities:-
Ho: perfect fit (RMSEA = 0.0) : 0.000
Ho: close fit (RMSEA <= 0.050) : 0.000

Multiplier for obtaining test statistic = 656.000
Degrees of freedom = 82
Effective number of parameters = 38
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S_Age = subject age. K1L10 = how many sex offenders known (log 10 transformation). PROF = subject professional group (helping vs. nonhelping). OF_TYPE = first type of offender mentioned in vignettes (sex vs. nonsex offender). FRSTACC = attributions of accountability scale as applied to first offender vignette. SB = social blame scale. VB = victim blame scale. F4 = 4-item F scale. RWA = right wing authoritarianism scale. RF12 = religious fundamentalism scale—12-item version. FRSTPUN = punishment attitudes on first offender vignette. SGEND = subject gender. ER = belief in effectiveness of rehabilitation scale.

Table 14. Correlation matrix for sample 1
<table>
<thead>
<tr>
<th></th>
<th>S_AGE</th>
<th>K1L10</th>
<th>PROF</th>
<th>OF_AGE</th>
<th>OF_TYPE</th>
<th>FRSTAC</th>
<th>SB</th>
<th>VB</th>
<th>F4</th>
<th>RWA</th>
<th>RF12</th>
<th>FRSTPU</th>
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<th>ER</th>
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</thead>
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<td>0.57</td>
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<td>0.10</td>
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<td>0.10</td>
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<td>0.10</td>
<td>0.10</td>
<td>0.10</td>
<td>0.10</td>
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<td>0.25</td>
<td>0.25</td>
<td>0.04</td>
<td>0.58</td>
<td>0.10</td>
<td>0.10</td>
<td>0.10</td>
<td>0.10</td>
<td>0.10</td>
<td>0.10</td>
<td>0.10</td>
<td>0.10</td>
</tr>
</tbody>
</table>

**Table 15. Correlation matrix for sample 2.**

S_AGE = subject age. K1L10 = how many sex offenders known (log 10 transformation). PROF = subject professional group (helping vs. non-helping). OF_TYPE = first type of offender mentioned in vignettes (sex vs. non-sex offender). FRSTACC = attributions of accountability scale as applied to first offender vignette. SB = social blame scale. VB = victim blame scale. F4 = 4-item F scale. RWA = right wing authoritarianism scale. RF12 = religious fundamentalism scale—12-item version. FRSTPUN = punishment attitudes on first offender vignette. SGEND = subject gender. ER = belief in effectiveness of rehabilitation scale.
Higher scores indicate more punitive attitudes. APA/ATSA not significantly different. All other differences significant ($F_{3,653} = 142.38$, $p < .01$).

Figure 1. Punishment attitudes by population group
Higher scores indicate more punitive attitudes endorsed. For both offender types, APA/ATSA difference not significant. All other differences within offender type significant ($p < .05$).

Figure 2. Sex offender and nonsex offender punishment and treatment ratings by participant group
Higher scores indicate more punitive attitudes endorsed. For both offender types, psyc 100 significantly different from ATSA ($p < .01$). No other significant differences within offender type.

Figure 3. Sex offender and nonsex offender treatment ratings by respondent group
Overall Punishment Ratings

Higher scores indicate more punitive attitudes endorsed.

Figure 4. Box plot of overall punishment ratings by offender age. No significant cubic trend.
Higher scores indicate more punitive attitudes endorsed.

Figure 5. Box plot of overall treatment ratings by offender age. No significant cubic trend.
Overall Attributions of Accountability

Higher scores indicate a greater tendency for survey respondents to attribute responsibility for behavioral acts to individual factors vs. outside factors.

Figure 6. Box plot of attributions of accountability by offender age. No significant cubic trend.
$r = -.19$. Higher scores indicate more rehabilitation attitude items endorsed.

Figure 7. Scatterplot of sex offender treatment attitudes by number of sex offenders known by subjects (logarithm transformation)
Figure 8. Scatterplot of sex offender punishment attitudes by number of sex offenders known by subjects (logarithm transformation)

$r = -.50$. Higher scores indicate more punitive attitudes endorsed.
Higher scores indicate an increased endorsement of punishment attitudes and increased belief in effectiveness of treatment for criminals.

Figure 9. Punishment ratings as a function of belief in effectiveness of rehabilitation.

\[ r = -0.278, \ p < .01. \]
Higher scores indicate an increased endorsement of rehabilitation attitudes and increased belief in effectiveness of treatment for criminals.

Figure 10. Rehabilitation ratings as a function of belief in effectiveness of rehabilitation.

$r = .412, p < .01$. 
Figure 11. Confirmatory factor analysis for authoritarian-fundamentalist attitudes submodel
Figure 12. Confirmatory factor analysis results for demographic causal indicator sub-model.
Figure 13. Full model parameters and path diagram
Figure 14. Reduced Model fit to sample 1 (N = 326). RMSEA = .201 {.188 ≤ .90 ≤ .214}, ECVI = 2.308 {2.058 ≤ .90 ≤ 2.582}. df: 49. Effective number of parameters: 29.
Figure 15. Conceptual representation of direct model (unable to fit to data)
Figure 16. Late model fit to sample 1 (N = 326). RMSEA = .133 {(.115 ≤ .90 ≤ .153)}, ECVI = .661 {(.529 ≤ .90 ≤ .782)} df: 25. Effective number of parameters: 20. Values in parentheses: Nonsignificant path coefficients.
Figure 17. Late model fit to sample 2 (N = 331). RMSEA = .197 \{.178 \leq .90 \leq .216\}, ECVI = 1.135 \{.967 \leq .90 \leq 1.326\}. df: 24. Effective number of parameters: 21. Values in parentheses: Nonsignificant path coefficients.
Sex Offense Vignette:

Read the Following Description carefully:
John is a (AGE)-year-old cousin of Mary, who is 6 years old. John has been convicted of intimidating, threatening, and fondling Mary several times over the course of several months.
Think of John when you answer the items on THIS PAGE ONLY.

Non-Sex Offense Vignette:

Read the Following Description carefully:
Jack is a (AGE)-year-old cousin of Mary, who is 6 years old. John has been convicted of intimidating, threatening, and hitting Mary several times over the course of several months.
Think of John when you answer the items on THIS PAGE ONLY.

Measure 1. Offense vignettes.

<table>
<thead>
<tr>
<th>Statement</th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>The primary concern with this criminal should be to make sure he is severely punished for his crime.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>If the only way this criminal and others like him can be locked up is to build more prisons, then so be it.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>The only way to prevent this criminal from committing future crimes is to keep him locked up.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>The courts are generally too easy on people who commit this sort of crime.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

Measure 2. Punishment attitude scale (McCorkle, 1993).
Trying to rehabilitate this person would probably be a waste of time. 1 2 3 4
This offender would probably benefit from the psychological counseling programs offered in the prison. 1 2 3 4
If this offender received educational and vocational training in prison, he probably would not commit crimes in the future. 1 2 3 4
More effort needs to be made to expand and improve programs that would give this offender the chance to change his life. 1 2 3 4

Measure 3. Treatment attitude scale (McCorkle, 1993).

John's age should be considered when making a decision about his sentence. 5 4 3 2 1
John has the mental capacity to fully appreciate the consequences of his criminal actions. 5 4 3 2 1
John did not fully understand the wrongfulness of his actions. 5 4 3 2 1
John should be considered fully responsible for his actions. 5 4 3 2 1

Measure 4. Attributions of accountability scale (Ghetti & Redlich, 2001; Crosby, 1995).
The next few pages contain general questions and statements about a variety of social issues. Circle the response for each item that best indicates your response to that item. You may find that you sometimes have different reactions to different parts of a statement. When this happens, combine your reactions and circle the number that indicates your average answer.

There are several different scales. Look at each item carefully to make sure that the number you circle best describes your reaction.

Measure 5. Instructions for general questions.

<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For violent offenders, do you think that rehabilitation programs are…</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>For nonviolent offenders do you think that rehabilitation programs are…</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>For juvenile offenders do you think that rehabilitation programs are…</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>For adult offenders do you think that rehabilitation programs are…</td>
</tr>
<tr>
<td>1</td>
</tr>
</tbody>
</table>
People are victims of crime because they deserve it. 1 2 3 4 5 6

Victims of violence should be held responsible for actions that place them in jeopardy. 1 2 3 4 5 6

People can avoid violence by staying out of dangerous situations. 1 2 3 4 5 6

There are certain types of people who become victims of violent crime. 1 2 3 4 5 6

People set themselves up to be victimized. 1 2 3 4 5 6


As alcohol or drug abuse increases, so does violent crime. 1 2 3 4 5 6

Violence is a product of a morally unhealthy society. 1 2 3 4 5 6

Violent crime is increasing due to the increase of gang activities. 1 2 3 4 5 6

There is a strong relationship between alcohol/drug usage and violent acts. 1 2 3 4 5 6

Due to the decreased emphasis on family values, there is a high rate of violent crime. 1 2 3 4 5 6

There is a relationship between the present morality and the incidence of violent crime. 1 2 3 4 5 6

Drug addicts and dealers are responsible for a significant amount of violence. 1 2 3 4 5 6

The rate of violent crime is directly related to our societal values. 1 2 3 4 5 6

<table>
<thead>
<tr>
<th>Item</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>God has given humanity a complete, unfailing guide to happiness and</td>
<td>-4</td>
</tr>
<tr>
<td>salvation, which must be totally followed.</td>
<td>-3</td>
</tr>
<tr>
<td></td>
<td>-2</td>
</tr>
<tr>
<td></td>
<td>-1</td>
</tr>
<tr>
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<tr>
<td></td>
<td>1</td>
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<tr>
<td></td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>4</td>
</tr>
<tr>
<td>No single book of religious teachings contains all the intrinsic,</td>
<td>-4</td>
</tr>
<tr>
<td>fundamental truths about life.</td>
<td>-3</td>
</tr>
<tr>
<td></td>
<td>-2</td>
</tr>
<tr>
<td></td>
<td>-1</td>
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<tr>
<td></td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>4</td>
</tr>
<tr>
<td>The basic cause of evil in this world is Satan, who is still</td>
<td>-4</td>
</tr>
<tr>
<td>constantly and ferociously fighting against God.</td>
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<tr>
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<td>-2</td>
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<td>4</td>
</tr>
<tr>
<td>It is more important to be a good person than to believe in God</td>
<td>-4</td>
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<tr>
<td>and the right religion.</td>
<td>-3</td>
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<tr>
<td></td>
<td>-2</td>
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<td></td>
<td>-1</td>
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<td></td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>4</td>
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<tr>
<td>The fundamentals of God’s religion should never be tempered with,</td>
<td>-4</td>
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<tr>
<td>or compromised with others’ beliefs.</td>
<td>-3</td>
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<td>-2</td>
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<td>-1</td>
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<td></td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>4</td>
</tr>
<tr>
<td>“Satan” is just the name people give to their own bad impulses.</td>
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<tr>
<td>There really is no such thing as a diabolical Prince of Darkness</td>
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<tr>
<td>who tempts us.</td>
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<tr>
<td></td>
<td>3</td>
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<tr>
<td></td>
<td>4</td>
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<tr>
<td>When you get right down to it, there are basically only two kinds</td>
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</tr>
<tr>
<td>of people in the world: the Righteous, who will be rewarded by</td>
<td>-3</td>
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<tr>
<td>God; and the rest, who will not.</td>
<td>-2</td>
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<td></td>
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<tr>
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<td>4</td>
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<tr>
<td>Scriptures may contain general truths, but they should NOT be</td>
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<tr>
<td>considered completely, literally true from beginning to end.</td>
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<tr>
<td></td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>4</td>
</tr>
<tr>
<td>To lead the best, most meaningful life, one must belong to the</td>
<td>-4</td>
</tr>
<tr>
<td>one true religion.</td>
<td>-3</td>
</tr>
<tr>
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<tr>
<td></td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>4</td>
</tr>
<tr>
<td>All of the religions in the world have flaws and wrong teachings.</td>
<td>-4</td>
</tr>
<tr>
<td>There is no perfectly true, right religion.</td>
<td>-3</td>
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<tr>
<td></td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>4</td>
</tr>
<tr>
<td>There is a particular set of religious teachings in this world</td>
<td>-4</td>
</tr>
<tr>
<td>that are so true, you can’t go any “deeper” because they are the</td>
<td>-3</td>
</tr>
<tr>
<td>basic, bedrock message that God has given humanity.</td>
<td>-2</td>
</tr>
<tr>
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<td>-1</td>
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<tr>
<td></td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Whenever science and sacred scripture conflict, <em>science</em> is</td>
<td>-4</td>
</tr>
<tr>
<td>probably right.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Statement</th>
<th>Very Strongly Disagree</th>
<th>Strongly Disagree</th>
<th>Moderately Disagree</th>
<th>Slightly Disagree</th>
<th>Neutral</th>
<th>Slightly Agree</th>
<th>Moderately Agree</th>
<th>Strongly Agree</th>
<th>Very Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laws have to be strictly enforced if we are going to preserve our way of life.</td>
<td>-4 -3 -2 -1 0 1 2 3 4</td>
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<tr>
<td>People should pay less attention to the Bible and the other old traditional forms of religious guidance, and instead develop their own personal standards of what is moral and immoral.</td>
<td>-4 -3 -2 -1 0 1 2 3 4</td>
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<tr>
<td>Women should always remember the promise they make in the marriage ceremony to obey their husbands.</td>
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<tr>
<td>Our customs and national heritage are the things that have made us great, and certain people should be made to show greater respect for them.</td>
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<tr>
<td>Capital punishment should be completely abolished.</td>
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<tr>
<td>National anthems, flags, and glorification of one’s country should all be de-emphasized to promote the brotherhood of all men.</td>
<td>-4 -3 -2 -1 0 1 2 3 4</td>
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<tr>
<td>The facts on crime, sexual immorality, and the recent public disorders all show we have to crack down harder on deviant groups and troublemakers if we are going to save our moral standards and preserve law and order.</td>
<td>-4 -3 -2 -1 0 1 2 3 4</td>
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<tr>
<td>A lot of our society’s rules regarding modesty and sexual behavior are just customs which are not necessarily any better or holier than those which other peoples follow.</td>
<td>-4 -3 -2 -1 0 1 2 3 4</td>
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<tr>
<td>Our prisons are a shocking disgrace. Criminals are unfortunate people who deserve much better care, instead of so much punishment.</td>
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<tr>
<td>Obedience and respect for authority are the most important virtues children should learn.</td>
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<tr>
<td>Organizations like the army and the priesthood have a pretty unhealthy effect upon men because they require strict obedience of commands from supervisors.</td>
<td>-4 -3 -2 -1 0 1 2 3 4</td>
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<tr>
<td>One good way to teach certain people right from wrong is to give them a good stiff punishment when they get out of line.</td>
<td>-4 -3 -2 -1 0 1 2 3 4</td>
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<tr>
<td>Youngsters should be taught to refuse to fight in a war unless they themselves agree the war is just and necessary.</td>
<td>-4 -3 -2 -1 0 1 2 3 4</td>
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<tr>
<td>It may be considered old-fashioned by some, but having a decent, respectable appearance is still the mark of a gentleman and, especially, a lady.</td>
<td>-4 -3 -2 -1 0 1 2 3 4</td>
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<td></td>
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<tr>
<td>In these troubled times laws have to be enforced without mercy, especially when dealing with the agitators and revolutionaries who are stirring things.</td>
<td>-4</td>
<td>-3</td>
<td>-2</td>
<td>-1</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Atheists and others who have rebelled against the established religions are no doubt every bit as good and virtuous as those who attend church regularly.</td>
<td>-4</td>
<td>-3</td>
<td>-2</td>
<td>-1</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Young people sometimes get rebellious ideas, but as they grow up they ought to get over them and settle down.</td>
<td>-4</td>
<td>-3</td>
<td>-2</td>
<td>-1</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Rules about being “well-mannered” and respectable are chains from the past that we should question very thoroughly before accepting.</td>
<td>-4</td>
<td>-3</td>
<td>-2</td>
<td>-1</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>The courts are right in being easy on drug offenders. Punishment would not do any good in cases like these.</td>
<td>-4</td>
<td>-3</td>
<td>-2</td>
<td>-1</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>If a child starts becoming a little too unconventional, his parents should see to it he returns to the normal ways expected by society.</td>
<td>-4</td>
<td>-3</td>
<td>-2</td>
<td>-1</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Being kind to loafers or criminals will only encourage them to take advantage of your weakness, so it's best to use a firm, tough, hand when dealing with them.</td>
<td>-4</td>
<td>-3</td>
<td>-2</td>
<td>-1</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>a “woman’s place” should be wherever she wants to be. The days when women are submissive to their husbands and social conventions belong strictly in the past.</td>
<td>-4</td>
<td>-3</td>
<td>-2</td>
<td>-1</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Homosexuals are just as good and virtuous as anybody else, and there is nothing wrong with being one.</td>
<td>-4</td>
<td>-3</td>
<td>-2</td>
<td>-1</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>It's one thing to question and doubt someone during an election campaign, but once a man becomes the leader of our country we owe him our greatest support and loyalty.</td>
<td>-4</td>
<td>-3</td>
<td>-2</td>
<td>-1</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>
What young people need most of all is strict discipline by their parents. 
Most people who don’t get ahead just don’t have enough will power. 
A few strong leaders could make this country better than all the laws and talk. 
People sometimes say that an insult to your honor should not be forgotten. Do you agree or disagree with that?

Measure 11. 4-Item F scale (Lane, 1955).

**Disagree** | **Agree**
--- | ---
0 | 1
0 | 1
0 | 1
0 | 1

---

d1  What is your gender? (circle one)  1. Female  2. Male

d2  What is your age? ______


Measure 12. Demographic Items.
k1  How many males have you known in your life who you knew without a doubt had committed at least one sexual offense? __________

k2  On average, how well did you know each of the males in the previous question?

<table>
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<tr>
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<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not Well At All</td>
<td></td>
<td></td>
<td></td>
<td>Very Well</td>
</tr>
</tbody>
</table>

Measure 13. Familiarity with sex offenders.

P1  Would you consider yourself to be politically (circle one):

<table>
<thead>
<tr>
<th></th>
<th>-2</th>
<th>-1</th>
<th>0</th>
<th>1</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Very Liberal</td>
<td>Somewhat Liberal</td>
<td>Middle-of-the-Road</td>
<td>Somewhat Conservative</td>
<td>Very Conservative</td>
</tr>
</tbody>
</table>

Measure 14. Political affiliation.