Chapter 2

Public perceptions of crime and punishment

Jane Wood and G. Tendayi Viki, University of Kent

The rhetoric of the media and political speeches may give the impression that the public in Britain favour punitive sanctions for criminal behaviour (Hough and Moxon 1985; Hough and Roberts 1998). Politicians in Britain and the USA, intent on appeasing voters, often cite findings from opinion polls suggesting the public wants tougher policies on crime (Applegate, Cullen and Fisher 1997; Cullen, Wright and Chamlin 1999). It would seem that people are more concerned with punishing convicted criminals through the use of tougher prison sentences than they are with rehabilitating offenders. Yet this seemingly straightforward public demand, may not be quite so clearcut. There seems to be some disparity between media opinion polls, scientifically conducted research and the political spin placed on findings. This chapter explores a number of reasons why examinations of people’s attitudes to crime and punishment often produce conflicting results. We focus on some of the factors that may have bearing on the opinions people express. We argue that without taking these factors into account, a clear and accurate picture of people’s beliefs concerning crime and punishment is unlikely to be captured.

Public perceptions of offenders

Historically, public representations of the ‘criminal’ seem to reflect a certain ambivalence towards perpetrators of criminal activity. Melossi (2000) observes how public attitudes towards offenders may fluctuate with social and economic conditions. During certain societal periods,
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some criminals have been considered more as innovators and heroes than villains and rates of imprisonment decline accordingly. Melossi (2000) argues that at other times, largely due to social construction by agents of a normative order, the criminal becomes the villain, a ‘public enemy’, and becomes morally repugnant to authority and public alike. Not surprisingly, at such times the use of imprisonment rises. The defining feature of these intermittent social conditions seems to be financial prosperity. As the economy flourishes, the use of imprisonment falls and as economic conditions deteriorate, so the use of imprisonment rises (Chiricos and DeLone 1992; Melossi 2000).

Sparks (2000) adds to the above economic paradigm by explaining how people’s attitudes to punishment may be shaped by the ‘doctrine of less eligibility’. This is essentially the notion that prison conditions must be worse than the living conditions of the working poor in that society. Sparks (2000) argues that during times of high unemployment, members of the public expect prison conditions to be more austere than the conditions endured by the poorest members of society. Consistent with this argument, Kury and Ferdinand (1999) observed that members of the public in Eastern European countries became more punitive in their attitudes to offenders during the social uncertainties brought about by the demise of communism. As such, from a sociological perspective, it seems reasonable to assume that public attitudes to crime and justice may reflect the socio-economic dynamics of a given culture. Consequently, attempts to assess attitudes may not always yield a consistently accurate measure of public beliefs.

When politicians indicate that public opinion favours more punitive sanctioning of offenders, this may not always be the case. Hough and Mayhew (1985) reviewed findings from the British Crime Survey (BCS) and noted the possibility that the public may not actually be as punitive as politicians seemed to believe. Building on this, Hough and Roberts (1998) reviewed the 1996 BCS and reported that there was less support for prison sentences than expected. Similarly, Mattinson and Mirrlees-Black (2000) examined the 1998 BCS and observed a public preference for community based sentences rather than the use of imprisonment. Such evidence is not unique to the UK. Researchers in the USA and Canada also report that public attitudes to crime and punishment are less punitive than political rhetoric would suggest (e.g. Cullen, Skovron, Scott and Burton 1990; Applegate, Cullen and Fisher 1997; Sprott and Doob 1997; Sundt, Cullen, Applegate and Turner 1998).

Apparently, there is a discrepancy between public attitudes and politicians’ assumptions about those public attitudes. Kury and Ferdinand (1999) argue that this inconsistency results from politicians’
over-reliance on data obtained from poorly interpreted opinion polls. It is a matter for concern that, inevitably, inaccuracies in the methodology of opinion polls will have an impact on the findings, which in turn may thread into subsequent policies. For example, Kury and Ferdinand (1999) note that the majority of opinion polls which report the public as punitive, employ broad measures of attitude such as, ‘In your view are sentences too harsh, about right, or not harsh enough?’ (p. 375). Roberts (1992) maintains that this kind of question will inevitably generate the finding that the majority of the public want harsher penalties since there is no opportunity for individuals to express views on alternative types of sentence, for example, community sanctions or imprisonment. This ambiguous approach has led some social scientists to call for more precise items evaluating specific aspects of the criminal justice system if there is to be any hope of accurately capturing attitudes to crime and punishment (e.g. Thomson and Ragona 1987; Roberts 1992; Cullen et al. 1999).

Clearly a breakdown of public views, according to more explicit aspects of crime and punishment, is likely to yield a more accurate, if less accessible, assessment of public opinion than a broad based approach. The whole issue involves so many factors and is so varied that any single assessment attempting to encapsulate this diversity under one methodological roof is likely to be distorted to the point where it becomes meaningless. The discrepancy between public attitudes and politicians’ assumptions is understandable, if political assertions are founded on broad-based polls. Consequently, it is necessary to look at certain factors that are specific to members of the public or specific to aspects of crime and punishment.

**Socio-demographics and attitudes to crime and punishment**

Research has acknowledged that people’s attitudes towards crime and punishment may differ according to the individual’s membership of a particular socio-demographic category such as social class or gender and may well be linked to their explanations for the causes of crime (e.g. Langworthy and Whitehead 1986; Sanders and Hamilton 1987; Hough and Roberts 1998). For example, in Britain, Hough and Moxon (1985) observed that some of the variance in public attitudes to sentencing could be explained by generation and class differences. The authors found that older participants held more punitive attitudes than did younger respondents. These findings were echoed in the USA by Cullen, Clark, Cullen and Mathers (1985) who found that older
respondents were more punishment oriented than were younger participants. Hough and Moxon (1985) also noted how manual workers and their families favoured custodial penalties, whereas non-manual workers did not. Similarly, findings from the 1996 British Crime Survey suggest that respondents with low educational attainment and respondents from manual worker households were more likely to view sentencing as lenient (Hough and Roberts 1998; Mattinson and Mirrlees-Black 2000).

Researchers have also examined the role of gender in attitudes to crime and punishment. Some work has revealed no differences between the genders in terms of support for community-based interventions, such as increasing employment opportunities (McGarell and Flanagan 1985). Similarly, Sanders and Hamilton (1987) found no gender differences in punishment norms and Hough and Moxon (1985) reported only marginal gender differences, except for items concerning rape and soliciting. Perhaps somewhat surprisingly, men were more likely to favour custodial sentences for rape than were women and women were more likely to favour custodial sentences for soliciting. In contrast, findings from the 1996 British Crime Survey suggest that women are more concerned about the lenient sentences handed down for rape convictions than are men. However, women were also more likely to underestimate the length of sentence those convicted of rape received (Hough and Roberts 1998). Mattinson and Mirrlees-Black (2000) note that the 1998 BCS reveals some gender differences in attitudes. Men were more likely than women to consider sentencing as ‘too soft,’ favour the use of imprisonment and regard magistrates and judges as out of touch.

Consequently, the research into the role of gender in attitudes to crime and punishment offers conflicting results that provide no basis for generalisation. Some studies indicate a gender difference in attitudes (e.g., Mattinson and Mirrlees-Black 2000) whilst other studies imply no gender difference (e.g., Sanders and Hamilton 1987). Of the work suggesting gender differences in attitudes to crime and punishment, the inference seems to be that men favour more punitive sanctions than do women. This notion does, however, stand out against the finding that women report the sentencing of rapists as too lenient (Hough and Roberts 1998). There are a number of possible reasons why women may feel that sentences are lenient, although Hough and Roberts (1998) point to false impressions that were held about actual sentencing practice. Even if there were no contradictory results in these gender studies, it would still be difficult to reach any comprehensive conclusions about the role of gender in attitudes to punishment. If men and women have different understandings of sentencing practices and possibly different
experiences and understanding of court room processes in general, not to mention different responses to specific classes of offence, then comparisons between the two groups on attitudes to appropriate sentencing are unlikely to reveal results from which noteworthy inferences may be drawn.

Similarly, the small amount of research examining racial differences in attitudes to punishment also fails to show consistent effects (Langworthy and Whitehead 1986). In the United States, although African-Americans seem to hold negative attitudes towards the criminal justice system (e.g. Decker 1981; Flanagan and Vaughn 1996; Weitzer and Tuch 1999), race does not appear to have any influence on people’s basic values in terms of crime and punishment (Langworthy and Whitehead 1986). For example, whilst some studies reveal Blacks are less tolerant to deviance and favour longer sentences than do Whites (e.g. Dunwoody and Frank 1994), other research fails to produce similar effects (e.g. McGarell and Flanagan 1985). Despite the indications from America that some race differences may exist, the somewhat limited research conducted in Britain reveals no differences in attitudes to crime and punishment according to race of respondent (Hough and Roberts 1998; Mattinson and Mirrlees-Black 2000). As a result, based on the limited and conflicting results of research into race and attitudes to crime and punishment, it is no more possible to draw definitive conclusions than it was with gender.

The above examples indicate that the relationships between demographic variables and attitudes to crime and punishment are far from clear. As such, it is not possible to conclude which sections of society are most likely to hold which attitudes. The inconsistencies in the research may result from methodological differences, but they may also be a function of underlying dimensions such as psychosocial mechanisms.

For example, Langworthy and Whitehead (1986) examined data obtained from a national poll conducted by ABC News in America. They concluded that it would be misleading to describe demographic differences in attitudes to punishment without reference to differences in levels of fear of crime. The authors argue that older people tend to agree with more punitive sanctions than younger people but this is not a direct effect of difference in age. Their findings strongly suggest that elderly individuals are more punitive than young people because older people experience greater fear of criminal victimisation than do younger individuals (see Hale 1996). Thus, differences in attitudes to crime attributed to age may, in reality, be more a function of differences in the experience of fear of crime and people’s self perceived vulnerabilities.

Similarly, in an interesting series of studies, Gault and Sabini (2000)
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attempted to explain why there might be differences between male and female attitudes to the disposal of offenders. The authors argue that, due to socialisation processes, men and women have different emotional orientations. So, when encountering the same stimulus (e.g. an offender), they may respond differently. Emotions are capable of strongly influencing people’s responses by focusing attention and motivating actions (Schwarz and Clore 1983). For instance, when an offence occurs, one person might focus on the perpetrator(s), become angry and develop a desire to punish them, whereas another individual might focus on the victim, become sympathetic and feel a desire to comfort them (Gault and Sabini 2000). Gault and Sabini’s results revealed that women were consistently less punitive than were men and that these differences were mediated by gender differences in empathy. Although this research provides useful information as to potential explanations for gender differences in attitudes, it does not account for the lack of difference found in other studies. Also, since the participants in all four of Gault and Sabini’s (2000) studies were American students, it is uncertain that a similar pattern of results would emerge from the general population in the UK or even in the USA.

In a similar vein, the examination of race and attitudes to crime and punishment seems to make more sense when considered in terms of racial prejudice (e.g. Dovidio, Smith, Donella and Gaertner 1997). In this respect, it is not only the race of the observer that is important, the race of the offender and the victim must also be taken into consideration. Dovidio et al. (1997) observed that White participants who scored highly on racial prejudice scales were more likely to recommend the death penalty for Black defendants than White defendants. Low scoring participants recommended the death penalty for Black defendants only when it was also advocated by a Black juror. Hurwitz and Peffley (1997) note how negative stereotypes associated with racial minorities in America may have some impact on attitudes to crime and punishment. Using computer assisted telephone interviewing, Hurwitz and Peffley (1997) found that White Americans who agreed that ‘most criminals come from ethnic minorities’ were more likely to support punitive criminal justice policies. Thus, it seems that as well as noting a person’s racial group, direct examination of potential prejudiced beliefs needs also to be made when trying to get a clear idea of who holds which attitudes to crime and punishment.

Clearly, although it is tempting to categorise people’s attitudes to crime and punishment according to demographic factors, the evidence so far suggests that this would offer only a part of the picture and an unclear one at that. The above discussion strongly indicates that, although
socio-demographic categories may seem to influence attitudes to crime and punishment, these effects are not direct. Rather, the influence of demographic factors appears to be mediated by psychosocial issues such as emotional orientation, prejudice and fear of crime. Consequently, it is useful to examine more closely the research that has focused specifically on some of these psychosocial factors as predictors of punitive attitudes.

**Fear of crime and attitudes to crime and punishment**

Fear of crime is a critical issue in contemporary criminal justice policy because of its potential to create social misunderstanding concerning the reality and nature of crime (Ito 1993). Although some awareness and concern about crime could be considered to be healthy or even adaptive, taken to its extremes, fear of crime can impede individuals’ behaviour and negatively affect their quality of life (Hale 1996). Fear of crime can destroy a sense of community by transforming certain parts of the neighbourhood into no-go areas and making residents fearful of their neighbours (Wilson 1975; Hale 1996). People who experience fear of crime may change their behaviour, preferring to remain at home and avoiding activities such as travelling on public transport due to the potential danger they present (Garafalo 1981; Patterson 1985; Hale 1996). There is also evidence suggesting that people may fear specific crimes. For instance, some women avoid going out alone at night or going to certain places in their neighbourhoods due to fear of sexual assault (Warr 1985; Gordon and Riger 1989; Mirrlees-Black and Allen 1998). Elderly people are reported to have become so afraid that they are virtually prisoners in their own homes (Wallace 1990; Joseph 1997). Such withdrawal from the community can contribute to the further breakdown of social attachments and result in the fragmentation of neighbourhood life (Hale 1996).

Besides the above effects, researchers have also examined the potential for fear of crime to influence attitudes to crime and punishment. It has been argued that fear of crime can lead to an increase in punitiveness of public attitudes and concomitant reduction in the appeal of liberal criminal justice policies (Hale 1996). However, the results obtained from research in this area remain equivocal. For example, Ouimet and Coyle (1991) examined the relationship between fear of crime and attitudes to sentencing in the general public in Canada. Results revealed no relationship between fear of crime and attitudes favouring severe sentencing. Other researchers have also found no relationship between fear of crime and attitudes to crime and
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punishment (e.g. Fagan 1981; Flanagan, McGarell and Brown 1985; Langworthy and Whitehead 1986). These findings have led researchers such as Brillon (1988) to conclude that there is no relationship between fear of crime and punitive attitudes.

In contrast, other researchers note that there does appear to be a relationship between fear of crime and punitive attitudes. For instance, research has revealed that people who believed their neighbourhood to be unsafe were more likely to perceive the courts as too lenient (Myers 1996). Rossi, Simpson and Miller (1985) presented participants with vignettes describing different types of crime and found that individuals who were more worried about crime were also more likely to recommend harsher sentences. In the UK Hough and Moxon (1985) found that those more fearful of crime were also more likely to advocate tougher sentences. Adding to this, Hough, Lewis and Walker (1988) report that fear of crime was one of the factors significantly associated with attitudes favouring punitive sentencing in England and Wales.

A more recent study, conducted in Canada, attempted to deal with the discrepancies regarding the role of fear of crime in attitudes to crime and punishment (Sprott and Doob 1997). The authors noted that most of the inconsistency in the research may result from differences in the methodologies used by previous researchers. For instance, where some researchers focused on sentencing severity for specific cases, others employed more global measures. Furthermore, Sprott and Doob (1997) argue that asking respondents to ‘sentence’ offenders is not the only or even the best indicator of people’s attitudes to crime and punishment. The authors assessed the relationship between fear of crime and attitudes to the courts and the police. They found that the higher an individual’s level of fear, the more likely they were to rate sentences as too lenient and to view the courts and the police negatively. These effects were still apparent when other demographic variables such as age and gender were controlled.

The above results show how the majority of recent studies (e.g. Myers 1996; Sprott and Doob 1997) suggest that fear of crime is associated with attitudes favouring a more punitive form of sanctioning. If people fear crime, regardless of their demographic backgrounds, then they are more likely to want harsher sanctions, in the hope that offending behaviour and, consequently, their levels of fear may be reduced. Again, the evidence outlined above is not clear-cut regarding a possible relationship between this psychosocial factor and attitudes to crime and punishment. It seems possible that attitudes to crime and punishment may have foundations in more personal experiences of crime and justice.
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Victimisation and attitudes to crime and punishment

Although it may seem reasonable to suggest that a personal experience of victimisation might facilitate punitive attitudes to crime and punishment, researchers have generally failed to produce evidence to support this. In fact, researchers have failed to show a conclusive link between the experience of victimisation and fear of crime (Sheley 1985; Langworthy and Whitehead 1986; Hale 1996). Dull and Wint (1997) conducted a longitudinal study using American college students. The study assessed how attitudes towards the criminal justice system might change over a four-year period as a result of victimisation. Participants’ attitudes were initially measured in the freshman (first) year, then again in the senior (final) year of their studies. The researchers found that individuals who had been victimised during the period of the study were more likely to express negative attitudes towards the police and beliefs that the courts were not effective in dealing with crime. Sprott and Doob (1997) also noted a complex relationship between victimisation and attitudes to crime and punishment. They found that victims of more serious crimes such as crimes of violence did not hold more punitive views on sentencing practices. Interestingly, the authors found that victims of robbery and burglary expressed somewhat more punitive views than did victims of sexual or physical assault. Of similar interest and echoing Hough and Roberts’ (1998) results, was the finding that women were somewhat more likely to indicate sentences as too lenient than were men. However, the authors in this instance did not take measures of the accuracy of people’s knowledge of sentencing practices. As a result it is impossible to know if the women in Sprott and Doob’s (1997) research also held inaccurate views of actual sentencing practices like the women noted within the Hough and Roberts (1998) work, nor did they explore the detail of people’s experiences of the criminal justice system processes they encountered post-victimisation.

Nevertheless, such findings are rare in the research literature. The majority of studies show no relationship between victimisation and punitive attitudes. This is especially the case in studies conducted in the UK. Hough and Moxon (1985) report that in the 1984 British Crime Survey, ‘… victims of crime were no more punitive than others’ (p. 171). Findings from the 1996 British Crime Survey also show no indication that victimisation fuels a desire for harsher penalties (Hough and Roberts 1998). Mattinson and Mirrlees-Black (2000) add to this body of evidence by reporting that the 1998 BCS fails to support the idea that being a victim of crime relates to more punitive attitudes. Studies conducted in the USA and Canada have also found that neither direct
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nor vicarious victimisation has an influence on attitudes to the criminal justice system (e.g. Garafalo 1981; Langworthy and Whitehead 1986). Consequently, with a few exceptions, research seems to suggest that victimisation does not relate to more punitive attitudes. It therefore seems possible that people’s attitudes to crime and punishment may relate more to other attitudes or beliefs they hold, than to personal experience in terms of criminal behaviour.

Individual principles and attitudes to crime and punishment

People’s ideological beliefs have a pervasive impact on how they respond to a variety of social stimuli (c.f. Finamore and Carlson 1987). For example, Rubin and Peplau (1975) demonstrated a link between a belief in a just world and support for government institutions. In a similar fashion, a number of researchers have been interested in the link between ideological beliefs and attitudes towards crime and punishment. For instance, Finamore and Carlson (1987) conducted a study in which they examined the relationship between beliefs in a just world, religiosity and crime control attitudes in American college students. Results revealed that both religiosity and just world beliefs predicted punitive attitudes and that neither variable moderated the other’s effects. Highly religious participants and people with a strong belief in a ‘just world’ were found to hold the most punitive attitudes towards offenders. In a similar series of studies, Grasmick and colleagues (e.g. Grasmick, Bursik and Kimpel 1991; Grasmick, Morgan and Kennedy 1992; Grasmick and McGill 1994) found that Christian fundamentalism strongly predicted individual support for the use of corporal punishment and punitive criminal justice policies. This led the authors to conclude that people who are highly religious seem to hold people more accountable for their actions, thereby deserving punishments (Grasmick and McGill 1994).

Research has also explored conservatism as a potential reason why people may hold punitive attitudes (Taylor, Schepple and Stinchcombe 1979; Stinchcombe, Adams, Heimer, Schepple, Smith and Taylor 1980; Scheingold 1984; Cullen, Clark, Cullen and Mathers 1985). In Canada, Baron and Hartnagel (1996) conducted a telephone survey to assess the relationship between conservatism and punitive attitudes toward juvenile offenders. Results indicated that respondents holding conservative social values were consistently more punitive in their attitudes towards juvenile offenders than were liberal respondents. These effects have also been replicated by a number of independent
studies conducted in the USA and Canada (e.g. Taylor, Scheppele and Stinchcombe 1979; Stinchcombe et al. 1980; Scheingold 1984; Cullen, Clark, Cullen and Mathers 1985). For example, Taylor et al. (1979) found that conservative people, regardless of their levels of fear of crime, were more punitive. Similarly, Stinchcombe et al. (1980) reported that liberal political views were consistent with more lenient criminal justice attitudes. In an attempt to explain the link between conservatism, religiosity and punitive attitudes, Langworthy and Whitehead (1986) argue that highly religious and conservative people are more punitive because they believe that criminals choose to offend. Conversely, liberals tend to hold more positivistic attitudes about criminal behaviour and consider environmental factors as important determinants of any social behaviour, criminal or otherwise. Research does indicate that individuals who hold people accountable for their behaviour, are more likely to endorse punitive criminal justice policies (e.g. Cullen et al. 1985).

In the USA, Tygart (1992) examined the relationship between traditional or orthodox religious beliefs, political conservatism and the philosophical belief in free will, and attitudes towards the use of insanity or mental illness as a defence in court. Results revealed that individuals who were highly religious, politically conservative or held philosophical beliefs in ‘free-will’ were less inclined to accept an insanity plea as a defence. Homant, Kennedy, Kelly and Williams (1986) also found that ideological beliefs were a significant determinant of an individual’s attitudes to the insanity plea as a defence. Individuals who felt that people should be held accountable for their behaviour were less likely to accept insanity or mental illness pleas.

It would seem, therefore, that there is some link between a philosophical belief in ‘free will’ and punitive attitudes. As early as 1959, Nettler reported an American study, which showed that individuals who believed people are free to choose how to behave were more likely to endorse punitive sanctions. However, Viney, Waldman and Barchion (1982) failed to replicate this relationship and instead found that determinists were more likely to be punitive towards offenders. Stroessner and Green (1990) suggest that the relationship between belief in free will and attitudes towards punishment may not be a simple one, since there could be a difference between psychosocial and religious-philosophical determinism. The authors point out that psychosocial determinists believe that environmental factors determine behaviour; while religious-philosophical determinists believe that deities or fate act to control behaviour.

Using American college students, Stroessner and Green (1990) measured and statistically differentiated between these two constructs.
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However, contrary to their predictions, they found that individuals who scored high on psychosocial determinism were more punitive than religious-philosophical determinists and respondents who endorsed free will. The authors explain this finding by arguing that those who scored high on the psychosocial determinism scale may be those who believe that behaviour is influenced by psychological and sociological forces primarily at an early age. These individuals, Stroessner and Green (1990) point out, may advocate punitive measures, even the death penalty, rather than rehabilitative measures, because they believe little or nothing can be done to modify criminal behaviour in adulthood.

Clearly the research offers differential conclusions. Religious and conservative beliefs seem to go hand in hand with more punitive attitudes and some claim this is the case because conservative and religious individuals assume offenders choose to offend (e.g. Langworthy and Whitehead 1986). On the other hand, research also reveals that those who consider offending behaviour as a matter of determinism, i.e. shaped by external forces rather than a matter of choice, also endorse punitive sanctions (e.g. Stroessner and Green 1990). Threading its way through the research, is a notion of responsibility. Thus, accountability and different ideologies seem to dictate the extent to which individuals endorse levels of punishment. As Stroessner and Green (1990) contend, it may be that the relationship between free will and determinism, and attitudes to crime and punishment results from a complexity of belief systems that make the relationship difficult to understand. It certainly appears to be the case that the issue of attitudes to punishment may be complicated due to people having diverse concepts of the aims of punishment. Stroessner and Green (1990) acknowledge this and maintain that some people may consider punishment as an appropriate rehabilitative tool. This raises the concern that attitudes to crime and punishment may be shaped in part by what people expect from a punishment system. Some may see punishment as a tool useful for changing behaviour whereas others may consider it primarily as a form of retribution.

**Type of offence and punitiveness**

In light of the above, it seems plausible to consider that people’s views on punishment may also function according to the levels of perceived harm caused by the type of offence. For example, some researchers have found that the severity of punishment favoured by members of the public was determined by the perceived harm done and consequently
varied according to the seriousness of the crime (Hamilton and Rytina 1980). Adding to this, Jacoby and Cullen (1998) observed that members of the public did not consistently recommend prison for all types of offence. Instead, incarceration was favoured for violent perpetrators and sex-offenders rather than for crimes such as larceny involving small amounts of money. In the same vein, research examining attitudes relating to the early release of prisoners found that people were more likely to favour leniency for non-violent offenders (Cumberland and Zamble 1992). In Britain, the indications are that people believe sentences to be too lenient but only for those who commit burglary (Hough and Moxon 1985) and those who commit rape (Hough and Roberts 1998).

It also seems that the type of offender has a part to play in the construction of public attitudes to crime and punishment. One series of studies reported that the American public did not strongly support the death penalty in cases involving juvenile offenders (Sandys and McGarell 1995; McGarell and Sandys 1996). Recidivist offenders, however, elicit little sympathy from members of the public (Roberts 1996). In one study, American participants were asked to ‘sentence’ offenders with different levels of repeat offending (Finkel, Maloney, Valbuena and Groscup 1996). Results indicated that if the offender’s previous convictions were revealed, then participants favoured more punitive sentencing. If the offender’s previous convictions were not made known, then participants favoured more lenient forms of punishment. Similar results have been observed in Britain: participants were found to favour more punitive sanctions for recidivist offenders, regardless of the offence type (Mattinson and Mirrlees-Black 2000). It seems to be the case that if offenders fail to change their ways following a conviction, the public adopts more punitive attitudes towards them when they re-offend. Mattinson and Mirrlees-Black (2000) concluded that when the word ‘persistent’ was applied to offenders, it seemed to trigger more punitive attitudes.

Consequently, it would be a mistake to assume that people hold uniformly punitive attitudes towards all types of offenders. The age of the offender may influence the punitive sanctions people consider appropriate. Perhaps it is the case that people see younger offenders as more likely to reform or, perhaps, the public finds the idea of executing juvenile offenders as inappropriate or even abhorrent. However, public inclination towards punishment largesse does not extend as far as recidivist offenders. The research suggests that the more offending behaviour the individual has been involved in, the more punitive the public becomes towards them. What is not clear is exactly what the
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Public believes harsher penalties for recidivist offenders will achieve. For instance, it could be that people believe harsher sanctions may once and for all deter an offender’s inclination to offend. It is equally possible that people believe tougher penalties will function primarily to remove the most persistent offenders from society for longer periods of time, resulting in a welcome respite from their offending behaviour. Again, this raises the issue of what it is people expect punishment to achieve. If people have differential expectations of punishment, then perhaps those expectations should be considered when assessing public attitudes to crime and punishment.

Expectations of punishment and attitudes

Even the more straightforward structures within the criminal justice system seem to reflect the disparate aims of punishment. For instance, prisons may have more than one function, striving to incapacitate, deliver retribution, deter reoffending and rehabilitate (see Duff and Garland 1994). Given that these are distinct roles, each with different aims and potential outcomes, it could be argued that people’s attitudes need to be examined separately, in light of potentially differential expectations to each component. Chung and Bagozzi (1997) investigated whether retribution, deterrence and rehabilitation are distinct components of attitudes to punishment. The authors developed three verbal measures of each component and assessed attitudes accordingly. Statistical analyses indicated that attitudes did consist of three components demonstrating that global assessments cannot hope to offer a complete analysis of people’s attitudes to crime and punishment.

In addition, Applegate, Cullen and Fisher (1997) conducted a study in which they specifically focused on people’s attitudes to rehabilitation as a prison goal. The authors maintained people’s attitudes were not adequately tapped by previous work, which had focused exclusively on the retributive aims of the criminal justice system. The study assessed the views of more than 500 residents of Ohio on what they thought the main function of imprisonment should be; to punish, to protect society or to rehabilitate offenders. Results showed that, contrary to previous research, there was strong support for the rehabilitative function of imprisonment. The authors concluded that previous researchers might have over-estimated the punitive attitudes of the American public due to biased global measures of attitudes. Although Applegate et al.’s (1997) research, based on one sample from one area in the USA, cannot be considered as conclusive evidence that public attitudes favour
rehabilitation rather than retribution, it does cast some doubt on the assumption that people are singularly punitive in their attitudes to crime and punishment.

Along the same lines, research conducted in Canada examined demographic differences in more than 10,000 people’s attitudes to specific aspects of the criminal justice process (Kaukinen and Colavecchia 1997). The study focused on public perceptions of the ability of courts to fulfil the dual role of protecting victims whilst also maintaining the rights of the accused. Data analysis revealed an interesting pattern of results. Respondents from higher socio-economic groups most often expressed dissatisfaction with the ability of the courts to protect victims. In contrast, respondents from lower socio-economic categories were more dissatisfied with the ability of courts to protect the rights of the accused. The authors explain these findings in terms of class threat, arguing that upper class dissatisfaction with the courts’ ability to protect the interests of victims reflects upper class fears of becoming victims.

In contrast, lower socio-economic groups may have more experience, direct or indirect, of the unfair treatment of individuals accused of criminal activity. In addition, given the abundance of literature citing the influence of extra-legal factors such as race and social class, it is not surprising that members of social groups most likely to be accused of crime are aware that their group membership may influence how they are treated by the justice system (Kaukinen and Colavecchia 1999). These findings clearly indicate the difficulties inherent in any attempt to make generalisations in terms of attitudes to the criminal justice system. The contextual nature of individual perceptions noted above clearly acts as an impediment to the possibility that global assessments of public opinion offer anything other than a muddied view of attitudes to crime and punishment.

Furthermore, research has also revealed that many respondents underestimated the severity of sentencing practices. For instance, Mattinson and Mirrlees-Black (2000) noted how 56 per cent of respondents in the BCS (1998) believed that less than 60 per cent of adult males convicted of rape were sentenced to immediate custody, when the actual number is 99 per cent. Of course, in rape cases, their misperceptions could be related to the exceptionally low conviction rates rather than sentencing practice in isolation. The incorrect, but widespread, beliefs in the leniency of sentences may be related to a general air of dissatisfaction, or lack of confidence in the system as an entity in and of itself. Nevertheless, what is expressed, and what our policy makers hear, are concerns about the leniency of sentences.
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If public attitudes to crime and punishment feed on the misapprehension that sentencing is more lenient than it actually is, it is hardly surprising that some people consider sentences to be ‘too soft’. Similarly, if people judge sentences as ‘too soft’, it is only to be expected that they will also have a jaundiced view of those handing down the sentences. In their study Hough and Roberts (1998) found that more than three-quarters of people considered judges to be out of touch with the public. Magistrates, although faring somewhat better than judges, were also viewed as out of touch by nearly two-thirds of the sample.

Although it is possible that even if people were educated in terms of sentencing practices they might still express punitive attitudes, research suggests this is not the case. Work in Canada examining attitudes to parole revealed that individuals who were more familiar with the mechanisms of the criminal justice system tended to favour parole whereas individuals who had little knowledge of the justice system did not (Samra-Grewal and Roesch 2000). The indications here are that in the absence of sound knowledge of the justice system, people may form attitudes based on punitive sanctions they believe to be in place rather than the informed judgements a number of researchers and politicians take them to be. As a result, it is impossible to draw definitive conclusions about public opinion if the accuracy of public knowledge of sentencing practices is assumed rather than assessed by those who gather the evidence.

Conclusions

This chapter has provided an overview of some of the many empirical studies that have attempted to assess public attitudes to crime and punishment. By examining the diverse nature and areas of study that have attempted to glean an accurate picture of people’s views, it is clear that we cannot expect the probability or generalisability that are the hallmarks of psychological research. The inconsistency of research evidence, even when examining specific areas, is probably testament to the ambiguous nature of people’s feelings in terms of offenders and offending behaviour. In other words, people’s attitudes to crime and punishment are contextual. The evidence presented in this chapter suggests people’s attitudes are at the mercy of the social/economic climate, the kind of offence and offender, the expectations of what punishment should achieve and even the underlying influence of other belief systems. In addition, there is the possibility of dubious methodological approaches forcing respondents’ choices and the
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misconceptions that people may have of actual sentencing practices. Consequently, it is not surprising that so much incongruity exists in the research, especially in work aiming to achieve global assessments of public attitudes to crime and punishment. What is clear is that political rhetoric asserting public desire for tougher sentencing is more likely to be based on a blurred snapshot of public opinion, rather than the accurate assessment that empirical rigour demands.

Notes

1 This is the belief that good things happen to good people and bad things will happen to bad people, it was further expanded by Lerner (1980).
2 Conservatism is usually measured by examining people’s levels of agreement with statements that endorse traditional social values (e.g. marriage, family, etc.).
3 People who believe that factors outside individuals’ control (e.g. genetic, social or environmental) are more important in accounting for human behaviour.

References

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