Judgments Leading to Punishment: Leniency Effects in the Perception of Punishment

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Abstract

Researchers investigated whether socioeconomic status (SES) or the type of crime of an offender had a leniency effect on observer’s perception of punishment. Twenty-six (14 women, 12 men; age range = 18-24, *M* = 20.37) undergraduate students attending California State University, Northridge read four vignettes of simulated crimes. After each vignette, participants answered questions concerning blameworthiness, degree of guilt, responsibility, severity and confidence. The interaction between SES and type of crime was not statically significant, *p =* .103. However, researchers found that participants perceived the punishment of offenders of low socioeconomic status with more leniency than those of high socioeconomic status, *p =* .009. In addition, participants perceived the punishment of offenders who illegally sold a gun with more leniency than those who had committed involuntary manslaughter, *p =* .028. Results have implications in social psychology as they suggest that socioeconomic status and the type of crime factors in the perception of punishment.

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It has often been speculated whether a particular social aspect of an offender influences the perception of punishment in the observers of the crime. This is to imply, that particular social elements cause an influential effect in the perception of punishment. It would be of great practical importance to research the perception of punishment towards the different particular social elements of individuals. Such findings would be practically applicable in law.

Past research sought to find whether social class, socioeconomic status and the age of offenders had influenced the perception of punishment. Hoffman (1981) recruited 386 (223 females, 163 males) undergraduates of a large southern state university to investigate the influence of lawfully irrelevant extralegal factors on attributions of responsibility for illegal acts. The design of the study was a within-subjects non-experiment. Participants read a mock newspaper article of a trial and completed a questionnaire that measured the typical offender rating of the defendant. Hoffman found support for a relationship between the extralegal factors of socioeconomic status and the typicality of the offender. The findings stress the likelihood of a social class based stereotype of the typical offender, especially towards an individual of low social status.

McKelvie and Bergeron (2003) recruited 95 (58 women, 37 men) undergraduates to test whether age was a mitigating factor in both Canada and the United States. The participants read a vignette of either the crime of murder or theft and were asked to give recommendations for sentencing and parole to measure the severity of punishment. The design of the study was a between-subjects true-experiment. They found that sentences of crimes did reflect a stronger leniency effect on punishment for 60-year-old offenders than for 20-year-old offenders. Both age groups had a stronger leniency effect than 40-year-old offenders. The findings emphasize that the social element of age does have a leniency effect on punishment.

Mazzella and Feingold (1994) conducted a meta-analysis of 80 experimental studies on mock juror judgments. They wanted to test whether characteristics associated with criminal behavior were used as heuristics in their decisions of punishment. This theory was supported in the results as defendants of high socioeconomic status were less probable to be found guilty than defendants of low socioeconomic status. Defendants of high socioeconomic status were also less probable to receive greater punishment than defendants of low socioeconomic status. Both of these findings, however, had very small effect sizes.

The purpose of the study was to investigate whether the socioeconomic status of offenders had affected the perception of punishment in the crime of the illegal sales of guns and the crime of manslaughter. Offenders of high and low socioeconomic status were described in two different vignettes describing the crime of involuntary manslaughter or the crime of the illegal sales of guns.

In the study, it was hypothesized that offenders of high socioeconomic status would be treated with more leniency than offenders of low socioeconomic status. It was also hypothesized that there would be an interaction between the socioeconomic status of the offender and the crime committed, such that offenders of high socioeconomic status who committed involuntary manslaughter would be treated with more leniency than offenders of low socioeconomic status who also committed manslaughter. In addition, offenders of high socioeconomic status who sold illegal guns would be treated with more leniency than offenders of low socioeconomic status who also sold illegal guns. Offenders who sold illegal guns would be treated with more leniency than offenders who committed manslaughter regardless of socioeconomic status.

**Method**

**Participants**

Twenty-six (14 women, 12 men; age range = 18-24, *M* = 20.37) undergraduate students of California State University, Northridge were used as participants. The students were psychology majors who participated in order to fulfill psychology course requirements of research credits.

**Design**

The quantitative experiment used a true-experimental 2 x 2 within-subjects factorial design. The two levels socioeconomic status were high and low socioeconomic status. High socioeconomic status constituted of having an individual annual income of 100,000 dollars or more. Low socioeconomic status constituted of having an individual annual income of 22,000 dollars or less. The two levels of crime were involuntary manslaughter and illegal sales of guns. Involuntary manslaughter constituted of an unintentional killing from recklessness or negligence. Illegal sales of guns constituted of the unlawful selling of guns. To measure the perception of punishment, follow-up questions were scored based upon a punishment severity ratio scale. The average mean score of all of the questionnaires measured the perception of punishment.

**Materials**

The materials consisted of four distinct four-page paper packets containing the vignettes and the follow-up questions. Each page contained one vignette and the follow-up questions after the vignette. The five follow-up questions used a 10-point ratio scale ranging from 0 (total absence of quality) to 9 (total presence of quality). As scores descended, more of the quality of leniency would be present in the participant’s perception of punishment, whereas when scores ascended, more of the quality of punishment would be present. The questions tested for the participants (a) confidence in verdict (b) severity of sentencing, (c) degree of guilt, (d) responsibility for crime and (e) blameworthiness of the offender. Each of which was a different quality in the perception of punishment. These qualities, representing a holistic view on the perception of punishment, were borrowed from a previous study (Freeman, 2006). The vignettes described a case scenario of a man who was of either of the two conditions of socioeconomic status who had committed either of the two conditions of crime with the total of four vignettes accounting for the four different possible treatments. In this way, socioeconomic status was manipulated by varying the two levels of socioeconomic status in the characters of the vignettes. Crime was also manipulated by varying the two levels of crime in the characters of the vignettes. Each vignette consisted of 50 to 100 words. These four vignettes were partially counterbalanced based upon a Latin square table to control for order effects. The four distinct paper packets had different orders of which the vignette occurred based upon the Latin square table to prevent order effects. The follow-up questions were the same for each page.

**Procedure**

The participants were instructed to enter the experimenting room and to sit on a designated seat. The researchers told the participants the instructions to complete the study. They were told that they would be receiving a packet that contained case scenarios of people perpetuating various crimes and contained follow-up questions to each case scenario. Participants were randomly assigned to packets that were partially counterbalanced. Participants were instructed to read each vignette carefully and to answer the follow-up questions to each of the four vignettes. Further, participants were instructed to turn-in their completed packets to one of the researchers and to take the debriefing statement as they existed the room.

**Results**

A SES (low vs. high) X Type of Crime (involuntary manslaughter vs. the illegal sales of guns) ANOVA with both independent variables as within-subject variables was performed on the mean score of the perception of punishment. The analysis revealed a significant main effect of socioeconomic status, *F* (1, 25) = 7.98, *MSE* = 20.05, *η*2 = .242, *p* = .009. Contrary to our hypothesis, the results revealed that those offenders of low socioeconomic status (*M* = 37.90) were treated more leniently than those offenders of high socioeconomic status (*M* = 40.39). A significant main effect for the type of crime was also revealed, *F* (1, 25) = 5.47, *MSE* = 32.99, *η*2 = .180, *p* = .028. Consistent with our hypothesis, the results revealed that those offenders who had committed the illegal sales of guns (*M* = 37.83) were treated with more leniency than those offenders who had committed involuntary manslaughter (*M* = 40.46). Figure 1 shows the average score of the perception of punishment across all conditions where the offender perpetuating either the illegal sales of guns or manslaughter was an individual of either low socioeconomic status or of high socioeconomic status.

However, the ANOVA yielded no statistical significance for the SES X Type of Crime interaction, *F* (1, 25) = 90.47, *MSE* = 31.67, *η2* = .103, *p* = .103.

**Discussion**

The results suggest that individuals of low socioeconomic status were treated with more leniency towards punishment. The results also suggest that individuals who committed the illegal sales of guns were treated more leniently than those individuals who committed involuntary manslaughter. The implications of these findings are very practical from serious court-room decisions to trivial reprimanding. In accumulation, implications are most relevant to social psychology as they suggest that socioeconomic status and the type of crime factors in the perception of punishment.

There are several limitations to this study. First, participants read case scenarios of people perpetuating crimes. Their role in perceiving a punishment was very much like those of a juror hearing a trial. Although the participants read the scenarios carefully and answered critically, the use of a written case scenario can never replicate a real occurrence of the situation such as the juror. This represents a threat to external validity as written case scenario cannot be generalized to situations in reality. Second, the participants of the study were undergraduates of the California State University, Northridge. In numerous studies, college students have been found to be more liberal than the general population (Harvard University Institute of Politics, 2006). In addition, the undergraduates of this study were very young. Both of these characteristics threaten the external validity of the study as they are not reflective of the general population of the United States. These might suggest that other factors played in a role in why the individual of low socioeconomic status received more lenient punishment than the individual of high socioeconomic status. Third, the materials could have possibly caused participants to lose focus as there were to read four paragraphs of case scenarios each with the same questions. This testing effect represents a threat to internal validity.

Future research could improve this study by implementing multiple measures to avoid the limitations of this study. One measure could be to use a video recording of a trial rather than a written case scenario. This would give the study more of a replication of a situation where one observes a crime. Another measure that can be taken by future researchers is to pool a greater variety of participants to truly reflect the general population of the United States.

This study should be of interest to people, because of its social significance. If extra-legal factors do have a partial effect on people’s perception of punishment, then it would be of importance to have this taken into account in decisions of punishment. This is because the offender could possibly be given a punishment not based upon what objectively happened in the crime he or she committed, but rather an irrelevant and extrinsic characteristic of him or her. It has been widely know that the ethnicity of an offender may have a partial effect on observer’s perception of punishment, but such things like the very type of crime and the socioeconomic status of the offender should be given more serious consideration.

References

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*Figure 1.* Average score on questionnaire representing the perception of punishment for: An individual of low socioeconomic status who committed involuntary manslaughter (LowSES/IMS), an individual of low socioeconomic status who committed the illegal sales of guns (LowSES/ISG), an individual of high socioeconomic status who committed involuntary manslaughter (HighSES/IMS) and an individual of high socioeconomic status who committed the illegal sales of guns (HighSES/ISG).