Attitudes and public punishment preferences: Finnish results of Scandinavian sense of justice research

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ABSTRACT

Opinion polls have repeatedly shown that populations favour severe penalties for offenders. However, surveys using a case vignette method, where the attributes of the case described to the respondents are varied, produce more versatile results. Such research gives a nuanced picture of punitive attitudes. In this study, the sentence decisions of laypeople who are informed about the offender's criminal history, ethnic background, gender, social issues and substance abuse were examined.

A representative mail survey collected in Finland as part of Scandinavian sense of justice research was used as empirical data. Respondents were presented with six criminal cases and asked to determine sentences for them. All respondents received the same vignettes, but the background attributes of the offenders varied randomly.

This study showed that all the background attributes had a clear connection to the sentence decisions. Considering these results, the idea of a 'general punitive attitude', which is commonly used in academic literature, appears to be too simple of a way to look at the relationship between attitudes and punishment decisions.

Introduction

An attitude can be described as a person's tendency to take a positive or negative stand on a certain, concrete matter or phenomenon (see e.g. Eagly & Chaiken, 2007, p. 320; Hitlin & Pinkston, 2013). At the population level, attitudes are usually studied by means of opinion surveys in which respondents state their opinions concerning a concrete statement, such as 'People who break the law should be given much harsher sentences than they are these days' (ESS, 2010). Statements such as this (in various forms) have been treated as indicators of specific *punitive attitudes* and, correspondingly, responses to such statements have been addressed as expressions of such attitudes. In a nutshell, the basic idea is that individuals possess a certain amount of punitive attitude, the amount of this attitude varies between individuals and this variation can be explained with certain attributes of the individual and the community in which the individual lives. Apart from separate questions, punitive attitude can also be measured by using punitivity scales (Roberts & Indermaur, 2007) that consist of several questions. This method is,

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nevertheless, also based on the same basic idea: measuring the amount of punitive attitude in an individual.

Another approach is featured in surveys addressing the willingness to punish offenders: instead of surveying the general attitude towards punishment, respondents can be presented with a concrete criminal case – imaginary or based on actual events – and asked to choose the most suitable punishment option. In other words, respondents are put in the position of a laypeople and required to give a sentence based on certain preliminary information (de Keijser & Elffers, 2009; Gelb, 2006; Hough & Roberts, 1999).

The case descriptions (vignettes) usually provide information about certain details of the offence, the conditions in which it has occurred and certain attributes of the offender and victim. Results of such vignette-based studies have usually indicated that people are not as punishment-centric as could be inferred based on general attitude surveys. Their punishment preferences are often close to the punitive practices applied in their country (Balvig, Gunnlaugsson, Jerre, Tham, & Kinnunen, 2015; Gelb, 2006; Roberts & Hastings, 2012).

A vignette-based study was recently conducted in Finland, and it indicated that, on average, the respondents' punishment preferences were close to Finland's actual punitive policies (Kääriäinen, 2018b). In that sense, the result was expected and replicated the earlier results in the field. However, another and probably more interesting finding was that there was significant *dispersion* in the responses, which suggests that no 'general punitive attitude' among the population can be outlined. The observation was exactly the same as that made by Jerre (2013) with vignette-based material in Sweden. Moreover, using a specific punitivity scale, it was discovered in a Finnish study that the variation in punishment preferences could not be predicted with a punitive attitude indicator (Kääriäinen, 2018a). In other words, the general punitive attitude was, at best, a very weak predictor of the sentence decisions of the laypeople. This raises a question about what actually is the connection between sentence decisions of laypeople and their attitudes.

The factors described in vignettes can also be varied. Such research constitutes a *factorial survey*, which combines the benefits of experimental and survey-based research (Auspurg & Hinz, 2014; Rossi & Nock, 1982). In this way, an *indirect* analysis of the attitudes underlying punishment preferences can be made by varying the vignette factors that are expected to influence the respondents' decisions. In other words, it is possible that there is not a certain punitive attitude but *many kinds of attitudes* behind the decision processes of laypeople. The aim of this study is to try to discover some of these attitudes.

A study on the public sense of justice in Scandinavia (Balvig et al., 2015; Olaussen, 2014) was conducted in 2009. The study included a mail survey that contained six criminal case descriptions, in which certain attributes of the offender were varied. Only one of these attributes – the offender's criminal history – was such that, according to the Finnish Penal Code, it must be taken into account when determining the punishment. The remaining attributes were so-called extra-legal factors related to the offender's ethnic background, gender, substance abuse issues and other social factors. The purpose of this study is to analyse how the above-mentioned attributes of the offender, as described in case vignettes, influence Finnish respondents' punishment preferences.

Attitudes in the sentencing by courts

When a professional judge passes a sentence, his/her decision-making should, naturally, rely mainly on applicable laws and the punishment policies prevailing in the country in question. However, each case is unique, and laws cannot provide exact guidelines for determining sentences. Thus, professional judges must always exercise discretion when determining the harshness of sentences, and this discretion may open the door to the influence of extra-legal factors in sentencing. Extra-legal factors are factors that judges unintentionally take into account in their sentencing (Sporer & Goodman-Delahunty, 2009). These factors include, for example, the judge's attitudes towards the personal attributes (such as behaviour, appearance, ethnic background, gender or age) of the suspected offender who is the defendant in the court case or corresponding attributes of the victim of the crime.

Many studies have focused on the role of factors related to the defendant's ethnic background, gender and age in sentencing. A common outcome of these studies has been that minority representatives, men and young defendants usually get harsher sentences than defendants who are majority representatives, women or elderly people (Doerner & Demuth, 2014; Spohn & Holleran, 2000; Steffensmeier, Ulmer, & Kramer, 1998). In addition, the offender's social status, such as unemployment, appears to be a factor that correlates with harsher sentences. Researchers also emphasise the cumulative effect of the above-mentioned factors: a young, unemployed man who represents an ethnic minority is, according to studies, often treated harsher than would be required in light of the nature of the offence or the offender's criminal history (Spohn & Holleran, 2000).

Attitudes in punishment preferences among population: earlier results of factorial surveys

Population survey respondents put in the position of a laypeople are, naturally, not bound by laws or punishment policies. However, it can be assumed that even laypeople intuitively strive to act like professional judges and pay attention at least to the severity of the offence and possibly also other punishment determination principles outlined in the law, such as the offender's criminal history or planned nature of the offence (Robinson & Darley, 2007). Notwithstanding the above, it can also be assumed that extra-legal factors play a bigger role in laypeople's sentences than in those passed by professional judges.

Below is a short review of what earlier research results tell us about the impact of the factors that will be analysed through empirical research in this study: the offender's criminal history, ethnic background, gender, severity of social issues and substance abuse issues. In this review, reference is made to factorial survey studies only. Literature was searched using the Scopus system and the following command: TITLE-ABS-KEY (factorial survey AND puni*) AND DOCTYPE (ar) AND PUBYEAR > 1981. In other words, the search targeted journal articles published between 1982 and 2017 (until 14 September), including the term 'factorial survey' as well as the word segment 'puni' in the title, abstract or keyword list. This search returned 17 articles, one of which was in Spanish, and it was therefore omitted from this study. In addition, Lisa Wallander's systematic literature review of original articles on factorial surveys, which was published

in sociology and closely related fields in 1982–2006 (Wallander, 2009), was used. Wallander's review starts from 1982 because that is when Rossi and Nock published their work 'Measuring Social Judgements: The Factorial Survey Approach', which can be considered the originator of this method (Rossi & Nock, 1982). According to Wallander, a total of 12 articles dealing with public punishment preferences, as studied using the said method, were published in the period 1982–2006. These include eight articles that did not come up in the above-mentioned Scopus search, making the total number of articles compiled for this study 24. A review of these articles revealed that 12 of them reported empirical findings concerning the connection between at least one of the offender attributes addressed herein and punishment preferences. Table 1 lists these 12 articles and indicates the type of connection discovered: positive (+); no connection or connection in certain subgroups only (±) and negative (−).

The criminal history of the offender described in the vignette seemed to increase the sentences given by laypeople in all studies analysed for this purpose. This confirms the assumption that people have an intuitive ability, at least to some extent, to follow the legal principles of sentencing (Roberts & Hough, 2011; Robinson & Darley, 2007). Kristina Jerre's (2016) study is an interesting exception to the above-mentioned results, although it was not found with the literature search described above. According to that study, there were few differences in the sanctions given by Swedish laypeople to previously convicted and non-convicted offenders.

The ethnic background of the described offender as a factor possibly influencing punitive decisions was analysed in three studies, but in all three cases, the discovered connection was very weak. In the first case, the analysis focused on the connection between the offender's race (black vs. white) and the harshness of the sentence in three types of crimes: property loss crimes, crimes against the person and personal crimes without specific victims (Rossi, Simpson, & Miller, 1985). A weak connection was discovered in only one of the crime types – property crimes – in which the sentence was slightly milder if the offender was described to be white or Hispanic. The second study (Miller, Rossi, & Simpson, 1986) addressed the principles of sentencing separately for four population groups: white male, white female, black male and black female. One of

Table 1. Connections between the described offender's criminal history, ethnic background, gender, social issues and substance abuse and the respondents' punishment preferences in 12 factorial surveys.

	Criminal history	Ethnic background	Gender: female	Social issues	Substance abuse
Applegate et al. (1996)	+		+/−		
Applegate et al. (1996)	+			-	+
Applegate and Davis (2006)	+				
Applegate et al. (2009)	+	+/−	+/−		
Boots et al. (2003)	+/−			−	
Budd et al. (2017)	+		−	+	
Cochran, Boots, and Heide (2003)	+			−	
Cummings and Armenta (2002)			−		
Herzog (2003)	+				
Miller et al. (1986)	+	+/−	−	+/−	+/−
Rossi et al. (1985)	+	+/−	−	+/−	+/−
Steen and Cohen (2004)	+				

Positive (+); no connection or connection in certain subgroups only (+/−); and negative (−).

the findings was that black male respondents sentenced a milder punishment for offenders described to be black. In other respondent groups, the race of the described offender did not affect the sentence. The third study examined which factors described in the vignette explain respondents' willingness to send young offenders to juvenile detention centres or adult penitentiaries (Applegate, Davis, & Cullen, 2009). The ethnic background of the described young offender did not seem to have an impact on this decision.

The impact of the described offender's gender on sentence decisions was an object in six studies. Two of these studies did not reveal any connection. One study analysed factors explaining respondents' punishment preferences in a vignette case of driving while intoxicated. One of the analysed factors was the gender of the described driver, but it did not affect the punishment preferences (Applegate, Cullen, Link, Richards, & Lanza-Kaduce, 1996). Similarly, the above-mentioned study by Applegate et al. (2009) addressing the respondents' willingness to send young offenders to adult penitentiaries did not reveal any connection between the described offender's gender and the punitive decision. The other four studies, however, suggested that the gender of the offender plays a role. First, the studies by Rossi, Miller and Simpson indicate that describing the offender as a woman reduced the chosen sentence (Rossi et al., 1985). A similar observation was made in a study addressing students' opinions on sexual harassment (Cummings & Armenta, 2002). Furthermore, the same tendency was discovered when studying respondents' attitudes with vignettes dealing with domestic violence. If the described case featured a male offender (and female victim), clearly harsher sentences were passed than in cases where the offender was female (and the victim was male) (Budd, Burbrink, & Miller, 2017).

Social issues as attributes of the offender described in a vignette were addressed in six studies. In one study, social issues appeared to increase the severity of the sentenced punishment; in two studies, there was no influence; and in three studies social issues appeared to reduce the sentences. However, the social issues addressed in these studies vary greatly.

According to the study by Budd et al. (2017), the social context of domestic violence cases had significance. If the violence took place in a family living in a working-class district, the chosen sentence was harsher than in a case that took place in an affluent area (Budd et al., 2017). One of the studies analysed factors that influenced respondents' readiness to compromise on the 'three-strikes-and-you're-out' principle, and it was discovered that offenders who, according to the vignette, had mental health issues were considered to be worthy of one more chance to avoid the major punishment more often than offenders described to be healthy (Applegate, Cullen, Turner, & Sundt, 1996). Similarly, it was detected that describing the offender as having mental health issues reduced the respondents' willingness to require the death penalty in a vignette featuring a homicide (Boots, Cochran, & Heide, 2003). Alternatively, describing the offender as unemployed did not, according to study findings, affect punishment preferences (Miller et al., 1986; Rossi et al., 1985).

A major proportion of crime is related to substance abuse problems. Therefore, it can be deemed to be somewhat surprising that only 3 of the 12 analysed studies included the offender's substance abuse as a factor possibly influencing sentences. According to the 'classics' of this field, which were described earlier in this article (Miller et al., 1986; Rossi et al., 1985), committing the offence under the influence of drugs increased the sentences, while the involvement of alcohol in the offence did not have a similar effect.

However, the three-strikes-and-you're-out study indicated that committing the offence under the influence of alcohol increased the respondents' willingness to pass a sentence (Applegate et al., 1996).

All in all, it can be stated that factorial survey studies have not produced consistent findings concerning the connection between the factors addressed in this study and the punishment preferences of laypeople. All of the above-cited studies except one (Herzog, 2003) were conducted in the United States. In light of this, Nordic findings will provide an interesting contribution to the discussion on this topic.

The current study

Using factorial survey and Finnish mail survey data ($n = 958$), an indirect analysis of the attitudes underlying punishment preferences was made by varying the following vignette factors that were expected to influence the laypeople's sentence decisions:

- Criminal history of the offender
- Ethnic background of the offender
- Gender of the offender
- Social issues of the offender
- Substance abuse issues of the offender.

Of these, the offender's criminal history was not actually an attitude-reflecting factor, but it was nevertheless useful because it was available and made for a sensible controlling factor for the calculation of regression models. The following section outlines the research material, variables and methods in more detail.

Methods and data

Mail survey and vignettes

This study is based on Scandinavian research data on sense of justice (Balvig, 2006; Balvig et al., 2015; Jerre, 2013; Olaussen, 2014). One part of that data consisted of a mail survey in which respondents were presented with six criminal cases and asked to determine a sentence for them by choosing one of the given options. The cases are shortly described in the project's web sides this way[1] (*The Public Sense of Justice in Scandinavia. A study of attitudes towards punishments in six Nordic countries*, 2018):

- Spousal abuse: a man commits violence against his wife in their home.

- Heroin smuggling: a person addicted to heroin smuggles 250 grams of heroin into the country.

- Kiosk robbery: a man threatens an employee in a kiosk with a knife to give him the money in the safe, 1800 euro.

- Rape: a woman is raped in a hotel by a man whom she meets during a weekend seminar arranged by their employer.

- Bank embezzlement: a female bank employee commits aggravated embezzlement in the bank where she is employed.

- Assault: a man commits assault against another man outside a night open grill bar.

In the mail survey, all respondents received the same vignettes, but certain *background attributes of offenders* varied. Three factors were varied in five vignettes by giving each of them two levels (i.e. creating study design $2^3 = 8$ questionnaires). In one case vignette (the rape case), only two factors were varied, which means that the design was of the format $2^2 = 4$ questionnaires. Hence, we had a factorial survey in which each respondent received one of the eight possible questionnaire variants based on random selection. The number of responses ranged from 115 to 128 per variant. Table 2 contains the factors for each of the six criminal cases, as well as a description of how they were converted into variables for this study. The vignettes were presented to the respondents in the order in which they are listed in Table 2.

Table 2. Variables describing the offender's properties, sorted per case.

Vignette	Described offender variable
Domestic violence	*Offender's ethnic background*, based on name 'Matti' = 0; 'Kemal' = 1. *Offender's social issues*: 'Comes from a normal family and has a permanent job' = 0; 'Is unemployed and has drinking problems' = 1.
	Offender's criminal history: 'No prior convictions' = 0; 'One year ago, he received a sentence for pushing Anne down and kicking her legs' = 1.
Trafficking of narcotics	*Offender's gender*: 'Antti' = 0; 'Liisa' = 1.
	Offender's drug addiction: 'Antti/Liisa is not an addict and doesn't use drugs' = 0; 'Has been using drugs for several years' = 1.
	Offender's criminal history: 'Antti/Liisa has no prior convictions' = 0; 'Antti/Liisa has three prior convictions for selling drugs' = 1.
Robbery	*Offender's social issues*: 'Comes from a normal family living in a rural town, works as a car service technician' = 0. 'Comes from a rural town. Had a very difficult childhood; was often neglected and subject to physical abuse. As an adult, has had mental health issues and difficulties keeping jobs' = 1.
	Offender's drug use: 'Lauri is not a drug addict' = 0; 'Lauri occasionally uses cocaine and amphetamine' = 1.
	Offender's criminal history: 'No prior convictions' = 0; 'One prior conviction for robbery' = 1.
Rape	*Offender's ethnic background*, based on name 'Vesa' = 0; 'Mustafa' = 1.
	Offender's criminal history: 'No prior convictions' = 0; 'One prior conviction for theft' = 1; 'One prior conviction for sexual harassment' = 2; 'One prior conviction for attempted rape' = 3.
Embezzlement	*Offender's social issues*: 'Her life is in a good condition, she has been together with her husband for 18 years, and they live in a house in a Helsinki suburb with their three children' = 0; 'She has major gambling debt. Her gambling and the consequent debt was the main reason for her divorce. Elisa has moved away from her husband and three children, while the rest of the family still live in their old house in a Helsinki suburb' = 1.
	Offender's health and substance abuse: 'Is healthy, has no substance abuse issues' = 0; 'Has health problems due to the long-term abuse of amphetamine and pharmaceutical drugs' = 1.
	Offender's criminal history: 'Elisa has no prior convictions' = 0; 'Elisa has no prior convictions, but she received a severe notice from her employer bank due to suspicious transactions in 2001' = 1.
Street violence	*Offender's social issues*: 'Comes from a normal family living in a rural town. Studies at the university' = 0; 'Comes from a rural town. Had a very difficult childhood; was often neglected and subject to physical abuse. As an adult, has had mental health issues and difficulties keeping jobs' = 1.
	Offender's drinking problems: 'Does not usually have problems with alcohol' = 0; 'Has a serious drinking problem' = 1.
	Offender's criminal history: 'No prior convictions' = 0; 'One prior conviction for a violent crime' = 1.

Table 3. Respondents who chose an unconditional imprisonment sentence, sorted by gender, age group, education and case, % (unweighted *N*).

	Domestic violence	Trafficking of narcotics	Robbery	Rape	Embezzlement	Street violence
Total for material	36	69	68	72	70	48
Respondent's gender:						
Female (506)	35	68	61	70	67	45
Male (433)	36	71	75	75	73	51
Respondent's age:						
15–34 (237)	41	66	70	86	66	50
35–59 (415)	32	71	67	71	69	47
60–79 (296)	38	70	67	57	78	48
Respondent's highest completed education:						
Comprehensive school (249)	39	66	65	66	74	48
Vocational college (257)	34	73	71	73	74	46
Upper secondary school (82)	44	70	67	81	75	55
University of applied science/ college (202)	36	71	68	73	62	47
University (153)	32	62	66	71	65	48

The Finnish sample

In this study we will analyse the Scandinavian mail survey data collected in Finland by the market research company Taloustutkimus in 2009. The sample size was 3000 and the number of responses returned was 958, making for a response rate of 32 per cent, which represents the same level as in other Nordic countries (Balvig et al., 2015, p. 348). The material features a weighting coefficient that can be used for adjusting any distortion caused by loss per respondent age, gender or hometown. All analyses featured in this report are based on weighted figures, unless explicitly noted otherwise. Any formal tests of the reliability or validity of the measures of the Scandinavian data have not been done.

Variables and methods

The featured *independent variables* comprised the following socio-demographic background variables of the respondents: gender, age and education level. The classification and unweighted frequency distribution of these variables are illustrated in Table 3. The independent variables describing the offender's attributes are outlined in Table 2, as mentioned above.

The *dependent variable* consisted of the dichotomy unconditional imprisonment = 1; other consequence = 0.

The deployed analysis methods were frequency distribution, cross-tabling and logistic regression analysis.

Findings

First, descriptive frequency distributions were calculated. Table 3 indicates the percentage rates of respondents who chose unconditional imprisonment, sorted per case and per background variable. At the same time, this table illustrates the unweighted number of respondents in each background variable category. The results for each type of offence are analysed in more detail later.

Table 4 features the results of cross-tabling between the offender's attributes described in the vignettes and unconditional imprisonment sentences for each case. At the same time, each pair of variables was subjected to χ^2 independence tests. In general, it seems that most of the features of the offender we varied have an association with the severity of punishment. However, these results will be commented case by case in detail in the following pages.

In addition to the pair-specific connections described in Table 4, we must, naturally, conduct logistic regression analyses to distinguish the influence of each individual variable when the impacts of other explanatory variables have been standardized. We also conducted logistic regression analyses separately for male and female respondents to identify interaction effects of the gender of the respondents.

Table 4. Offender's properties and unconditional imprisonment sentences; associations per variable pair.

Offender's property	Variable category	Imprisonment, %	Sig.
Domestic violence: ethnic background	Matti (a typical Finnish man's name)	33	***
	Kemal (a typical Arabic man's name)	40	
Domestic violence: social issues	Normal family and permanent job	35	ns
	Unemployed, problems with alcohol	37	
Domestic violence: criminal history	No prior convictions	29	***
	One prior conviction for spousal abuse	43	
Drug trafficking: gender	Male	72	***
	Female	66	
Drug trafficking: drug addiction	Does not use drugs	66	***
	Has been using drugs for years	72	
Drug trafficking: criminal history	No prior convictions	60	***
	Three prior convictions for selling drugs	79	
Robbery: social issues	Normal family, employed	77	***
	Difficult, violent childhood, mental health issues, employment problems	58	
Robbery: drug use	No drug addiction	62	***
	Occasional user of cocaine and amphetamine	73	
Robbery: criminal history	No prior convictions	60	***
	One prior conviction for robbery	75	
Rape: ethnic background	Vesa	68	***
	Mustafa	78	
Rape: criminal history	No prior convictions	67	***
	One prior conviction for theft	66	
	One prior conviction for sexual abuse	78	ns
	One prior conviction for attempted rape	78	
Embezzlement: social issues	Good living conditions & family relations	73	***
	Major debt, divorced	67	
Embezzlement: health and substance abuse	Healthy	70	ns
	Health issues and drug problems	71	
Embezzlement: criminal history	No prior convictions	69	ns
	Received severe notice from employer	71	
Street violence: social issues	Normal family background, university student	48	ns
	Difficult, violent childhood, mental health issues, employment problems	49	
Street violence: drinking problems	No problems with alcohol	48	ns
	Serious drinking problem	48	
Street violence: criminal history	No prior convictions	42	***
	One prior conviction for violent crime	55	

χ^2 test significances: *$p < 0.05$, **$p < 0.01$, ***$p < 0.001$.

Domestic violence

In the domestic violence case, a married couple got into a heated argument, and the 24-year-old husband physically abused his wife. The victim ended up with two broken fingers, became bruised and suffered from pain for a few days.

In this case, 36 per cent of the Finnish respondents chose an unconditional imprisonment sentence (see Table 3). There was no difference between male and female respondents. The youngest and oldest respondents had a harsher attitude towards the case than middle-aged respondents. Those with vocational education saw the case as a milder offence than other respondent groups.

The associations between the offender's attributes and punishment preferences are outlined in Table 4. Two attributes – the offender's criminal history and ethnic background – were associated with the harshness of the sentence. Offenders who had a history of domestic violence charges, as well as offenders whose name suggested a foreign background, were sentenced to harsher punishments. On the other hand, the social standing of the offender did not seem to affect punishment preferences in this case.

To get an even more detailed impression of the impact of different factors on the sentence, the variables were subjected to a logistic regression analysis in which the variable to be explained was the proportion of unconditional imprisonment sentences. We also accounted for the key control variables of respondents, such as gender, age and education. The analysis was performed on both genders separately, and hence, the remaining control variables were the respondent's age and education. In this way, we considered any interaction effects between the respondent's gender and the described offender's attributes. Logistic regressions for all six cases are collected in Table 5.

Expectedly, the offender's prior domestic violence conviction increased the likelihood of preferring an unconditional imprisonment sentence among both genders, but this effect was slightly stronger among women than among men. The foreign background of the offender increased the sentence among both genders, but this effect was stronger among men than among women. An interesting observation was made regarding interaction effects when analysing the impact of the offender's social issues – in this case, unemployment and drinking problems. These factors significantly increased the sentences given by women, but among men, an opposite impact was detected, albeit that this correlation was not very strong. Regarding other background factors, male respondents' older age and high education level decreased the preferred punishments, whereas no corresponding tendency was detected among women in this criminal case.

Trafficking of narcotics

In this case description, a 34-year-old person who is experiencing financial difficulties is hired to import a batch of heroin equivalent to 25,000 single doses into the country for a fee of EUR 2000. The offender is caught by the customs inspection at the Helsinki Airport.

In this case, 69 per cent of the respondents chose an unconditional imprisonment sentence (see Table 3). Gender did not have a significant impact on the punishment preference, and the impact of age was such that the youngest respondents demonstrated slightly milder punishment preferences than others. Those with a university degree chose slightly milder punishments than others.

Table 5. Impact of offender's attributes on choosing unconditional imprisonment in the six criminal cases, odds ratios and their significance

	Respondent: female		Respondent: male	
	Odds ratio	Sig.	Odds ratio	Sig.
Domestic violence				
Respondent's age	1.00	–	0.96	**
Respondent's education	1.05	–	0.86	***
Offender's ethnic background	1.26	*	1.50	***
Offender's social issues	1.46	***	0.80	*
Offender's criminal history	2.05	***	1.73	***
Drug trafficking				
Respondent's age	1.02	–	1.08	***
Respondent's education	1.02	–	0.95	–
Offender's gender	0.83	*	0.76	**
Offender's drug addiction	1.48	***	1.35	**
Offender's criminal history	2.49	***	2.79	***
Robbery				
Respondent's age	1.00	–	1.01	–
Respondent's education	0.98	–	1.07	*
Offender's social issues	0.41	***	0.35	***
Offender's drug use	1.85	***	1.64	***
Offender's criminal history	1.85	***	2.50	***
Rape				
Respondent's age	0.82	***	0.86	***
Respondent's education	1.01	–	0.92	*
Offender's ethnic background	2.13	***	1.63	***
One prior conviction for theft	0.65	**	1.24	–
One prior conviction for sexual harassment	1.56	**	1.42	*
One prior conviction for attempted rape	1.30	–	2.20	***
Embezzlement				
Respondent's age	1.05	***	1.07	***
Respondent's education	0.99	–	0.76	***
Offender's social issues	0.65	***	0.85	–
Offender's health and substance abuse	1.26	*	0.85	–
Offender's criminal history	1.23	*	1.02	–
Street violence				
Respondent's age	0.99	–	1.01	–
Respondent's education	1.09	**	0.96	–
Offender's social issues	1.36	**	0.79	**
Offender's drinking problems	0.92	–	0.96	–
Offender's criminal history	1.87	***	1.55	***

Reference categories for all the variables describing the characteristics of the offenders (see Table 2).
*$p < 0.05$, **$p < 0.01$, ***$p < 0.001$.

In this case, three of the offender's attributes were varied: gender, drug addiction and criminal history (Table 4). These factors seemed to have a significant association with punishment preferences. The strongest association was with the offender's criminal history, but gender and drug abuse history also had an impact. Harsher sentences were given if the offender was described as a male suffering from drug addiction. The increasing effect of the offender's drug addiction was equal to the decreasing effect of describing the offender as a female.

In the logistic regression analysis (Table 5), the above-mentioned observations recurred when the impact of the respondents' background factors were controlled. However, the male respondents' age had an impact: Older men gave harsher sentences than younger ones. The respondent's gender also had a slight impact on judging the offender described to be female: male respondents chose slightly lower punishments than female respondents.

Robbery

In the third vignette, a 28-year-old masked male robbed a small shop's cash register and safe by threatening the clerk with a knife. From this, the robber stole a total of EUR 1600.

In this case, 68 per cent of the respondents chose an unconditional imprisonment sentence (see Table 3). Men preferred slightly harsher punishments than women, but age or education did not have a significant impact on the preferences.

The offender's attributes that were varied in this vignette were social background, drug abuse and criminal history (Table 4). All three of these factors seemed to have a clear connection with punishment preferences. The offender's difficult childhood combined with his current mental health issues and employment problems clearly decreased the chosen sentences. On the other hand, mentioning the offender's drug addiction increased the sentences. In a manner similar to the above-mentioned cases, the offender's criminal history increased the sentences in this case.

The logistic regression analysis further specified these observations (Table 5). Among female respondents, higher age slightly reduced the sentences, and among male respondents, higher education slightly increased them. Among both genders, the offender's difficult childhood and current social issues clearly decreased the preferred punishments, whereas the drug addiction and criminal history increased them. Among men, the impact of criminal history was stronger than among women.

Rape

In the fourth vignette case, a woman and a man who work for the same company but do not know each other met at the company's training event. The training was followed by a get-together including alcohol service and dancing. After the get-together, past midnight, the man and woman decided to go to the man's hotel room for one more beer. There, the man forced the woman to have sex with him.

In this case, 72 per cent of the respondents chose an unconditional imprisonment sentence (see Table 3). Men chose harsher sentences than women, and young respondents were clearly harsher than older ones. Among respondents aged over 60, unconditional imprisonment was chosen by 57 per cent, while among those aged 15–34, the corresponding percentage was 86. Education did not seem to have a consistent impact: the harshest sentences were chosen by those who had completed the general upper secondary education, and the mildest sentences were given by those who had only completed comprehensive school.

The offender attributes varied in this case were criminal history and ethnic background (Table 4). Both of these factors had a connection to punishment preferences. If, according to the vignette, the offender had prior convictions of sexual offences, the number of respondents who chose unconditional imprisonment increased by approximately 10 percentage points. A similar tendency was detected regarding the offender's ethnic background: A Finnish offender was sentenced to unconditional imprisonment by 68 per cent of the respondents, while the corresponding figure for a foreign offender was 78 per cent.

The regression analysis confirmed these findings. The offender's ethnic background (particularly among female respondents) and criminal history and the respondent's age

were the strongest predictors for punishment preferences (Table 5). In addition, among male respondents, a high level of education slightly decreased the sentences. Among female respondents, the offender's prior conviction for theft seemed to, slightly illogically, reduce the punishment preferences. Among male respondents, a prior conviction for attempted rape particularly increased the sentences.

Embezzlement

The fifth vignette described a series of embezzlements. The offender was a middle-aged woman who worked as a bank clerk and had access to significant customer assets. In her work position, she embezzled funds from several customers, some of whom were elderly people, and transferred them to her personal accounts. This accumulated hundreds of thousands in damages for her employer and the customers.

In this case, 70 per cent of the respondents chose an unconditional imprisonment sentence (see Table 3). Men were harsher than women, and older respondents were harsher than younger ones. Less-educated respondents chose harsher sentences than highly educated ones.

The offender's attributes were varied in three respects (Table 4). First, the description stated that the offender had gambling debt, which led to social issues and escalated to a divorce and separation from her children. This factor seemed to reduce the sentences. However, describing that the offender had health issues and substance abuse problems or a criminal history did not seem to affect punishment preferences.

In this case, the logistic regression analysis also further specified these observations (Table 5). Older respondents were harsher than other age groups, as noted above. Among male respondents, those with a low level of education were harsher than those with a higher education. As for the offender's attributes, gambling debt and the consequent break-up with her family seemed to have a reducing effect on sentences, particularly among female respondents. On the other hand, the offender's substance abuse issues and criminal history seemed to slightly increase sentences among female respondents.

Street violence

The sixth and final vignette described a case in which a relatively young man was upset after a night out and ended up in an argument with another relatively young man at a fast food kiosk. The offender hit the other man in the head with a bottle and kicked the victim after he had fallen to the ground. The victim sustained cuts and bruises in the head area but did not suffer any permanent injury.

In this case, 48 per cent of the respondents – 45 per cent of women and 51 per cent of men – chose an unconditional imprisonment sentence (Tables 3 and 4). The respondent's age or education did not seem to associate with the punishment preference.

The varied offender attributes were social issues (the same as in the robbery case), problems with alcohol and criminal history. Of these, only criminal history seemed to predict punishment preferences.

However, the logistic regression analysis further specified these observations (Table 5). Firstly, among female respondents, a high level of education increased the

sentence. Secondly, the offender's social issues (difficult childhood, mental health pro-blems and employment problems; the same as in the robbery case) increased the sentences chosen by female respondents but decreased the sentences chosen by male respondents. In this respect, the result was similar to the robbery case. The offender's drinking problem did not influence punishment preferences in this analysis either. Instead, the offender's criminal history increased the sentences chosen by both men and women, as could be expected.

Summary

The purpose of this study was to examine how attitudes concerning immigration, gender roles, social issues and substance abuse associate with punishment preferences of laypeople. Conducted among Finnish subjects using the factorial survey method, the study analysed how the variation of factors indicating the offender's criminal history, ethnic background, gender, social issues and substance abuse associated with the sentences given by the survey respondents in imaginary criminal cases.

The offender's criminal history was described as one property of the offender in five cases, and, as could be expected based on earlier research (see Table 1), it increased the sentences in five of six cases.

The offender's ethnic background was described in two cases: the domestic violence and rape cases. In both cases, an offender with a foreign background received harsher sentences than a Finnish offender. As was noted in the literature review, earlier research results concerning this factor have been contradictory (Applegate et al., 2009; Miller et al., 1986; Rossi et al., 1985).

The offender's gender was varied in one case, and the results indicated that milder sentences were chosen if the offender was said to be a woman. This effect was slightly stronger among male respondents than among females. The result seems to be aligned with the majority of prior studies addressed in the literature review.

The offender's social issues were described in four vignettes, but the content of these problems varied. In the domestic violence case, the male offender's described social issues consisted of unemployment and drinking problems. At first, they did not seem to associate with punishment preferences. However, when the responses were analysed per responder gender, the observation was made that female responders chose a clearly harsher sentence when the offender was described to be an unemployed alcoholic. On the other hand, male responders demonstrated an opposite trend: the offender's unemployment and drinking problems reduced the sentence.

In the robbery case, the offender's difficult social conditions seemed to reduce sentences among both male and female respondents. In the street violence case, a trend similar to that detected in the domestic violence case was observed: social problems increased the sentences chosen by women but reduced those chosen by men.

In the embezzlement case, the offender was described to be a woman whose social problems consisted of gambling debt, which had led to separation from her family; the offender lived apart from her husband and children. This case produced findings similar to the above-mentioned cases involving social issues: The impact was gender-specific. In this case, the offender's social issues decreased women's willingness to sentence her but had no impact on men's punishment preferences.

Based on these findings, it appears that the influence of the offender's social issues correlated with the gender of the respondent as well as the gender of the described offender. When the offender was described to be a violent male, his social issues seemed to increase women's willingness to punish him but decrease men's punitivity. When the described offender was a woman who had committed serial embezzlement, the preferences turned around: the social issues decreased punitivity among female respondents but had no impact on male respondents.

The offender's substance abuse issues were varied as a separate factor in three cases. In two cases, the offender was said to have problems with drugs and in one case with alcohol. The findings suggested that mentioning the offender's drug addiction or drug use increased the sentences chosen for both male and female respondents. However, only referring to alcohol abuse did not influence punishment preferences.

Limitations

The limitations of this study must, of course, be borne in mind. First, the low response rate of the mail surveys in all of the Nordic countries has undoubtedly reduced the reliability, validity and especially the generalizability of the results at the population level. It is quite possible that the attitudes of respondents who have responded to the survey and those who have not responded differ from each other. More research with better quality data is needed.

Secondly, the material studied using the factorial survey method only allowed analysing certain attitudes related to the attributes of the described offender. There is a need for a lot more European research addressing attitudes related to, for example, the attributes of the victim, the described offence or its circumstances.

Thirdly, this kind of a research setting should be complemented with direct measures on various attitudes other than general punitive ones. This would provide us with information about how the population's punishment preferences are related to attitudes concerning foreigners, equality between genders, social fairness and other such matters that usually divide opinions in this rapidly changing world.

Conclusions

As Ryberg and Roberts have noted, 'public opinion has emerged as a significant force in the field of criminal policy and in particular sentencing policy' (Ryberg & Roberts, 2014, pp. 1–2). Politicians are well aware that in simple opinion polls people are demanding harsher sentences, and they will gladly refer to those results to phish easy votes. Researchers have, in turn, shown the results of research using a vignette method, according to which the punishment requirements of the population may not deviate much from the prevailing punishment practice due to the given information on criminal case and sentence options (Balvig et al., 2015). The results obtained by this method are embarrassing for politicians in another sense, too: when we ask laypeople to impose punishments, punishment decisions vary considerably (Jerre, 2013). One explanation for that could be, as the results of this paper suggest, that there seems to be a wide variety of attitudes behind the decisions of laypeople – not just the general 'punitive attitude'.

There are currently strong pressures on the Nordic welfare states, and, as a result of this, more emphasis is placed on the individual's responsibility in solving social problems. This may in the future also affect the way politicians deal with crimes and punishments. The causes of crimes in the Nordic countries have traditionally been seen primarily as societal: they are the result of poverty and of different forms of exclusion. This has resulted in a logical consequence of thinking about punishment: severe punishments cannot effectively prevent crime. So far, it seems that the Finnish population clearly supports more preventive measures than severe punishments in the fight against crimes (Kääriäinen, 2018b, p. 34). It also seems that the support of the Nordic welfare state is still strong in opinion polls (Svallfors, 2016). Attitudes on the welfare state may, however, be changing.

One reason for this change may be that increasing immigration seems to increase attitudes against the welfare state (Eger & Breznau, 2017). The strong support of populist movements in the Nordic countries is also a sign of such development. While Finland is still ethnically quite homogenous, public debate on immigration has clearly increased in the 2010s, and over the past couple of years, notably harsh voices have emerged. We have seen in Finland and many other parts of Europe that crime and security problems are increasingly linked to the population mobility across national borders. It is likely that attitudes towards the crimes committed by immigrants will, in the future, be curbing.

Another example of changing attitudes is violence against women. Violence against women is seen as an increasingly serious social problem (see e.g. Fagerlund & Kääriäinen, 2018) that many people want to address with more severe penalties and Finland does not make an exception in this respect (Kotanen, 2017). This also reflects the contradictive and multidimensional nature of penal attitudes. It seems that in Finnish public debate the same people who have been in favour of a liberal punishment policy in general are clearly in the position of a more severe punishment policy when it comes to violence against women.

Note

1. The original vignettes and their variations can be found in English from: http://www.nsfk.org/Portals/0/Archive/1_Scandsenseofjustice%20(variations%20English).pdf.

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References

Applegate, B. K., Cullen, F. T., Link, B. G., Richards, P. J., & Lanza-Kaduce, L. (1996). Determinants of public punitiveness toward drunk driving: A factorial survey approach. *Justice Quarterly*, *13*(1), 57–79.

Applegate, B. K., Cullen, F. T., Turner, M. G., & Sundt, J. L. (1996). Assessing public support for three-strikes-and-you're-out laws: Global versus specific attitudes. *NCCD News*, *42*(4), 517–534.

Applegate, B. K., & Davis, R. K. (2006). Public views on sentencing juvenile murderers: The impact of offender, offense, and perceived maturity. *Youth Violence and Juvenile Justice*, *4*(1), 55–74.

Applegate, B. K., Davis, R. K., & Cullen, F. T. (2009). Reconsidering child saving: The extent and correlates of public support for excluding youths from the juvenile court. *Crime & Delinquency*, *55*(1), 51–77.

Auspurg, K., & Hinz, T. (2014). *Factorial survey experiments*. Thousand Oaks, CA: Sage Publications.

Balvig, F. (2006). *Danskernes syn på straf*. Copenhagen: Advokatssamfundet.

Balvig, F., Gunnlaugsson, H., Jerre, K., Tham, H., & Kinnunen, A. (2015). The public sense of justice in Scandinavia: A study of attitudes towards punishments. *European Journal of Criminology*, *12*(3), 342–361.

Boots, D. P., Cochran, J. K., & Heide, K. M. (2003). Capital punishment preferences for special offender populations. *Journal of Criminal Justice*, *31*(6), 553–565.

Budd, K., Burbrink, M., & Miller, J. (2017). Perceptions of appropriate court-ordered sanctions for situational couple violence offenders: A pilot study. *Journal of Family Violence*, *32*(4), 419–430.

Cochran, J. K., Boots, D. P., & Heide, K. M. (2003). Attribution styles and attitudes toward capital punishment for juveniles, the mentally incompetent, and the mentally retarded. *Justice Quarterly*, *20*(1), 65–93.

Cummings, K. M., & Armenta, M. (2002). Penalties for peer sexual harassment in an academic context: The influence of harasser gender, participant gender, severity of harassment, and the presence of bystanders. *Sex Roles*, *47*(5), 273–280.

de Keijser, J. W., & Elffers, H. (2009). Cross-jurisdictional differences in punitive public attitudes? *European Journal on Criminal Policy and Research*, *15*(1–2), 47–62.

Doerner, J. K., & Demuth, S. (2014). Gender and sentencing in the federal courts: Are women treated more leniently? *Criminal Justice Policy Review*, *25*(2), 242–269.

Eagly, A. H., & Chaiken, S. (2007). The advantages of an inclusive definition of attitude. *Social Cognition*, *25*(5), 582–602.

Eger, M. A., & Breznau, N. (2017). Immigration and the welfare state: A cross-regional analysis of European welfare attitudes. *International Journal of Comparative Sociology*, *58*(5), 440–463.

ESS. (2010). *ESS Round 5 Source Questionnaire*. Centre for Comparative Social Surveys, City University London.

Fagerlund, M., & Kääriäinen, J. (2018). Intervening in domestic violence as a police task: Legal reform and policing versus citizens' perspective. *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 1–20. doi:10.1080/14043858.2018.1451019

Gelb, K. (2006). *Myths and misconceptions: Public opinion versus public judgment about sentencing*. Melbourne: Sentencing Advisory Council.

Herzog, S. (2003). The relationship between public perceptions of crime seriousness and support for plea-bargaining practices in Israel: A factorial survey approach. *Journal Crim L & Criminology*, *94*, 103.

Hitlin, S., & Pinkston, K. (2013). Values, attitudes, and ideologies: Explicit and implicit constructs shaping perception and action. In: John DeLamater, Amanda Ward (eds). *Handbook of social psychology* (pp. 319–339). Springer.

Hough, M., & Roberts, J. V. (1999). Sentencing trends in Britain: Public knowledge and public opinion. *Punishment & Society*, *1*(1), 11–26.

Jerre, K. (2013).The public's sense of justice in Sweden-a smorgasbord of opinions. In *Dissertations in criminology* (Vol. 33) Stockholm University.

Jerre, K. (2016). Ska strängare straff dömas ut vid återfall?-allmänhetens inställning till återfallsstraff enligt en nationell vinjettstudie. *Nordisk Tidsskrift for Kriminalvidenskab*, *103*(1), 78-95.

Kääriäinen, J. (2018a). Knowledge, punitive attitudes and punitive gap: Finnish findings. *European Journal on Criminal Policy and Research*, 1–17. doi:10.1007/s10610-018-9384-3

Kääriäinen, J. (2018b). *Seven criminal cases–Comparing Finnish Punishment policies and Finns' punishment preferences*. Helsinki: U. o. H. Institute of Criminology and Legal Policy. Retrieved from https://helda.helsinki.fi/bitstream/handle/10138/232414/Katsauksia_27_K%C3%A4%C3%A4ri%C3%A4inen_2018.pdf?sequence=1

Kotanen, R. (2017). The rise of the crime victim and punitive policies? Changes to the legal regulation of intimate partner violence in Finland. *Violence against Women*, 1–21.

Miller, J. L., Rossi, P. H., & Simpson, J. E. (1986). Perceptions of justice: Race and gender differences in judgments of appropriate prison sentences. *Law and Society Review*, 20, 313–334.

Olaussen, L. P. (2014). Concordance between actual level of punishment and punishments suggested by lay people–but with less use of imprisonment. *Bergen Journal of Criminal Law & Criminal Justice*, 2(1), 69–99.

Roberts, J. V., & Hastings, R. (2012). Public opinion and crime prevention: A review of international trends. In: David P. Farrington and Brandon C. Welsh (eds). *The oxford handbook of crime prevention* (pp. 487–507). Oxford: Oxford University Press.

Roberts, J. V., & Hough, M. (2011). Custody or community? Exploring the boundaries of public punitiveness in England and Wales. *Criminology & Criminal Justice*, 11(2), 181–197.

Roberts, L. D., & Indermaur, D. (2007). Predicting punitive attitudes in Australia. *Psychiatry, Psychology and Law*, 14(1), 56–65.

Robinson, P. H., & Darley, J. M. (2007). Intuitions of justice: Implications for criminal law and justice policy. *Southern California Law Reviews*, 81, 1.

Rossi, P. H., & Nock, S. L. (1982). *Measuring social judgments: The factorial survey approach*. Beverly Hills, London, New Delhi: SAGE Publications.

Rossi, P. H., Simpson, J. E., & Miller, J. L. (1985). Beyond crime seriousness: Fitting the punishment to the crime. *Journal of Quantitative Criminology*, 1(1), 59–90.

Ryberg, J., & Roberts, J. V. (2014). Exploring the normative significance of public opinion for state punishment. In J. Ryberg & J. V. Roberts (Ed.), *Popular punishment: On the normative significance of public opinion*. Oxford: Oxford University Press.

Spohn, C., & Holleran, D. (2000). The imprisonment penalty paid by young, unemployed black and Hispanic male offenders. *Criminology*, 38(1), 281–306.

Sporer, S. L., & Goodman-Delahunty, J. (2009). Disparities in sentencing decisions. In: Margit Oswald, Steffen Bieneck and Jorg Hupfeld-Heinemann (eds). *The social psychology of punishment of crime* (pp. 379–401).

Steen, S., & Cohen, M. A. (2004). Assessing the public's demand for hate crime penalties. *Justice Quarterly*, 21(1), 91–124.

Steffensmeier, D., Ulmer, J., & Kramer, J. (1998). The interaction of race, gender, and age in criminal sentencing: The punishment cost of being young, black, and male. *Criminology*, 36(4), 763–798.

Svallfors, S. (2016). Who loves the swedish welfare state? Attitude trends 1980–2010 (1ed). In *The oxford handbook of Swedish politics* (pp. 22–36). Oxford University Press.

The Public Sense of Justice in Scandinavia. A study of attitudes towards punishments in six Nordic countries. (2018). Retrieved from http://www.nsfk.org/Portals/0/Archive/2_Scandsenseofjustice%20%20NSfK.pdf

Wallander, L. (2009). 25 years of factorial surveys in sociology: a review. *Social Science Research*, 38(3), 505–520. doi:10.1016/j.ssresearch.2009.03.004