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## Third-party responses to injustice: a review on the preference for compensation

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### ABSTRACT

People are often confronted with injustice that is done to others. In such cases, observers (i.e. third-parties) of injustice can restore justice by punishing the perpetrator, as shown by a vast amount of research. However, this focus on punishment has led to the neglect of another behavioural option: compensation of the victim. The current review focuses on this latter behavioural option. More specifically, it is argued that third-parties are more compensation-oriented than previous literature appears to demonstrate. To support this argument, previous research is discussed and the factors that might explain observers' preference for compensation are outlined. To conclude, suggestions for future research are presented.

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Third-party; injustice; punishment; compensation; preference

People are often observers, or the so-called third-parties, to unjust acts that befall others. For example, they might witness a serious assault, a robbery, a threat, or a less 'severe' form of injustice such as noticing a teacher being stricter to one student compared to others. The harm can be financial, physical, and/or emotional. Simplified, these situations contain a perpetrator and a victim, and the unjust act creates an unbalanced or inequitable situation that needs to be restored (e.g. Van Doorn, Zeelenberg, & Breugelmans, 2014). The restoration of this unjust situation can take the form of multiple responses: an observer can choose to punish the perpetrator or to compensate (or help) the victim. The act of punishing entails sanctioning a perpetrator who disregarded a (social) norm, whereas compensation entails repairing the harm done to victim (Darley & Pittman, 2003).

Ever since Kant (1724–1802), who believed in retribution as the only moral justification for punishment (see Lind, 1994, for a comprehensible article on Kant's view on punishment, including a critical note), most philosophic and scientific literature has focused on punitive responses to injustice. Punishment is said to be an intuitive human response to injustice, even assuming that witnesses of injustice prefer to respond punitively rather than compensatory (e.g. Carlsmith, 2006; Darley & Pittman, 2003; Gromet & Darley, 2009b; Van Prooijen, 2010). It has further been suggested that compensation alone often does not restore justice adequately (Adams & Mullen,

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2015; Darley & Pittman, 2003). Adams and Mullen (2015), for example, found that observers still considered punishment necessary to restore justice after the victim received compensation.

However, other studies have nuanced these punishment-focused views. Gromet and Darley (2009a), for example, argue that people's need for punishment does not preclude a desire for restorative actions that address the repairing of the victims' harm. Multiple studies show that observers are just as (or even more) likely to choose compensatory as punitive responses to injustice when given both options (e.g. Leliveld, Van Dijk, & Van Beest, 2012; Lotz, Okimoto, Schlösser, & Fetchenhauer, 2011; Van de Vyver & Abrams, 2015; Van Doorn et al., 2014; Van Doorn, Breugelmans, Zeelenberg, Berger, & Okimoto, 2018b).

How is it possible that such opposing results were found? One of the potential explanations is that the current topic has been studied within different fields (e.g. social psychology (also referred to as behavioural economics), criminology, law), and using a variety of research designs (e.g. vignette studies in which committed crimes are described or economic games in which the unjust situation involves an unfair distribution of money). For example, punitive and compensatory motivations have been studied within the field of economic games and experimental studies in which participants have the opportunity to use their own money to punish a perpetrator or compensate a victim, as well as in situations of injustice outside of such an experimental setting in which participants have the opportunity to influence decisions within the criminal justice system, such as whether a perpetrator should be sentenced or whether victim support or monetary compensation by the state should be granted. It is conceivable that methodologically different studies in different fields lead to different results and different conclusions. However, a coherent integration of the different studies in these different fields is lacking. The current review is aimed at integrating the results from these different disciplinary perspectives.

Besides integrating results, the current article will make the case that people are less punitive than has previously been assumed. By reviewing the current literature on punitive and compensatory motivations, it is asserted that people actually have a general preference for compensation to punishment. More specifically, it is argued that when people observe injustice (i.e. are not victim or perpetrator themselves), they would rather compensate a victim than punish a perpetrator when given the choice. Naturally, a preference for compensation to punishment does not mean that people believe punishment should not be applied at all – the preference for compensation merely signals that it should receive more weight.

In conveying this message, the current review focuses on victim compensation, not restorative justice in general. In this regard, victim compensation is defined as any action aimed at restoring the victim's harm (e.g. financial compensation, emotional support, or direct restoration of broken goods), although most often it involves financial compensation. Restorative justice, on the other hand, entails more than victim compensation only and is defined as 'a process to involve, to the extent possible, those who have a stake in a specific offence and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible' (Zehr, 2003, p. 40). Hence, restorative justice is not necessarily and solely focused on the victim.

Next to the importance of providing an overview of research findings on punitive and compensatory motivations, it is important to gain insight into how third-party observers respond to injustice and the factors that influence their (preferred) response, for legitimacy reasons. Third-party observers' preferred response to injustice can influence satisfaction with the criminal justice system. Tyler (2001) found that citizens evaluate courts based on how fairly and justly they feel people are treated. Today's courts in western society are mainly focused on the punishment of the perpetrator. If it is true that people actually believe that compensation of victims is as important, or even more important, than punishment of perpetrators, this might negatively influence the legitimacy of the criminal justice system and its ability to elicit compliance with social norms and laws (Bennet, 2014; Robinson & Darley, 1997; Tyler, 1990, 2001).

As an introduction, several considerations for comparing studies from different fields are mentioned. Then, the argument that third-party observers of injustice prefer compensatory responses to punitive responses is presented by describing research that reveals a preference for compensation. Please note that in this review, an observer can be anyone witnessing or reading about a harmful act of a perpetrator that affects a victim in a negative way, without being directly involved in the harmful act (although the observer might be acquainted with the perpetrator and/or victim). The review pursues this by explaining why people prefer compensation, through highlighting the motives and factors underlying the choice for compensation. From this follows a reflection on the question why research also reveals punitive motivations and sometimes even a preference for punishment. This review then concludes with summarising main findings and providing ideas for future research.

## **Comparing studies from different fields**

In this review, studies from different fields of research are considered. Most studies reside within the field of behavioural economics (sometimes regarded as a subfield within social psychology), which comprises the study of (human) cognitive, social, and emotional factors in relation to (economic) decision making and behaviour. Several studies within the fields of criminology and law are considered in this review as well.

One difficulty that arises in comparing studies from these different fields is that divergent research methods are used. For example, in behavioural economics (experimental) economic-game studies are often used, whereas in criminology and law vignette-studies are more often applied. The differences between these methods will be discussed briefly in the light of their advantages and disadvantages (for a more detailed explanation, please see Madsen & Stenheim, 2015; and Horne & Lovaglia, 2008).

### ***Economic games***

Many studies discussed in this review use (experimental) economic games to infer conclusions about real-life human behaviour and decision making. In these economic games, subjects are presented with a situation/game that usually includes other (fictional) persons. It studies how subjects behave in these situations/games. Well-known examples are the public goods dilemma and the dictator game. The public goods dilemma is a game in which participants secretly decide how much of their own money they put into a public pot. The amount in the pot is multiplied by a certain

factor and this public asset is divided equally among all players (also the ones that do not contribute). Each player can keep the money that they did not contribute.

Most relevant for the current review, however, is the dictator game. In this game, two persons – a dictator and a recipient – are involved. The dictator gets to distribute some money between him- or herself and the recipient. The recipient can only accept the amount that is given to him or her. An adjustment of this game, called the third-party punishment game (or altruistic punishment game; see Fehr & Fischbacher, 2004), also involves an observer. The observer observes a dictator game played by the dictator and the recipient, and has the possibility to punish the dictator after observing his or her allocation. This game has been regarded as a powerful paradigm to demonstrate punishing behaviour without possible motives of self-interest such as revenge. Leliveld et al. (2012) adjusted this game even further, (also) including the option for the observer to compensate the victim, known as the third-party compensation game or altruistic compensation game.

An advantage of these designs is that conclusions regarding causes and effects can be drawn, given that the design is experimental. Further, studies that use economic games usually use deception to hide the true purpose of the experiment from its subjects. This can reduce demand characteristics that might distort results. However, the external or ecological validity of experimental economic game studies might be low. A large disadvantage is thus that it is unsure to what extent conclusions can be generalised to real-world situations and behaviours.

### ***Vignette studies***

The studies reviewed in this article from the field of law and criminology usually use vignettes in their design. In these studies, subjects are presented with a story about a realistic criminal offence and are asked to make decisions on how they or the criminal court system should act. Although vignette studies also often involve an experimental design, which makes it possible to infer conclusions about cause and effect, the purpose of these studies is often more obvious for subjects. This makes it possible that subjects act according to what they expect is wanted in the study (demand characteristics).

Another critical note regards the hypothetical and ‘anticipated’ nature of vignette studies. That is, the fact that participants are told to picture themselves in the described situation means that responses reflect what people think they would do, instead of what people would actually do. In other words, responses do not reflect actual behaviour. On the other hand, an advantage of vignette studies is that they more closely resemble real-world situations than economic games. This might make it easier to generalise the results. Furthermore, as can be read in the current review, some research demonstrates that the behavioural intentions stemming from hypothetical situations closely resemble actual behaviour. All in all, readers should keep in mind these methodological differences when reading the current review.

## **A preference for compensation**

### ***Non-experimental studies***

Some indirect and preliminary support for the idea that people have a preference for victim compensation to perpetrator punishment can be found in studies investigating public opinions in the fields of law and criminology. These studies reveal that the general public is at least open to alternatives to punishment. Gromet and Darley (2009b), for example, showed that people are concerned with additional justice goals beyond punishment. In their study, participants were asked to read vignettes that described crimes and to indicate to what extent they judged different justice goals (amongst others punishment of the offender and restoration of the victim) necessary to be achieved. The results demonstrated that, although participants were highly concerned with punishing the perpetrator, they judged compensation of the victim necessary too.

De Keijser, Van der Leeden, and Jackson (2002) studied the attitudes of Dutch judges in the criminal court system towards the functions and means of punitive justice interventions. They found that judges are concerned not only with utilitarian, retributive, and rehabilitative grounds for punishment, but also with restorative grounds that are more victim-focused like compensation. Further proof for this idea comes from Roberts and Stalans (2004), who reviewed the literature on the public opinion about restorative justice procedures, including victim compensation. They concluded that the general public seemed to be in favour of such restorative justice procedures, especially in the case of juvenile perpetrators, less severe crimes, and first offenders.

Hence, based on these studies within the fields of criminology and law, it seems that people are concerned with the victim and appear positive about compensatory justice interventions. However, the design of these studies does not allow for an explicit comparison of (third-party) punitive and compensatory motivations. To be able to draw some firmer conclusion about the preference for compensation, experimental studies are explored in the next section.

### ***Experimental studies***

Many studies have been conducted in which third-party observers' responses to injustice were explored, especially showing that third-parties are motivated to punish transgressors (e.g. Fehr & Fischbacher, 2004; Fehr & Gächter, 2002; Nelissen & Zeelenberg, 2009). However, a methodological constraint in this regard is that only a limited number of studies have given attention to (the needs of) victims in such third-party unjust situations. That is, only few studies included both perpetrator punishment and victim compensation as justice interventions. This limited set mainly involves the investigating of punitive and compensatory motivations in economic games. Importantly, many of these studies were not meant to only examine people's preference for compensation or punishment in the case of injustice. Rather, the researchers were mostly interested in people's response to injustice as a consequence of their emotional state, such as anger/moral outrage (Lotz et al., 2011; Van de Vyver & Abrams, 2015; Van Doorn et al., 2018b), or characteristics, such as empathic concern (Leliveld et al.,

2012). Below, some of the most important studies that compared compensatory and punitive responses to injustice are explained.

One of the first studies in the field of economic games that revealed people's preference for compensation in response to injustice is Lotz et al. (2011). They set up an experiment in which participants were made to believe that they were 'Person C' in an alleged three-person (dictator) game. The participants were told that 'Person A' (the dictator) could allocate 10 euros between him- or herself and 'Person B', and that 'Person A' choose to keep the 10 euros and gave nothing to 'Person B'. Next, participants were given 5 euros, which they could use to increase the money of 'Person B' (compensation) and/or reduce the money of 'Person A' (punishment). Results showed that most participants both compensated the victim and punished the perpetrator (42.6%). Most remaining participants chose to only compensate the victim (32%). Only a small minority (6.7%) chose to only punish the perpetrator (the remaining 18.5% refrained from any action). In conclusion, this study shows that, within an economic game, participants rarely opt for solely punitive interventions as a response to injustice.

Leliveld et al. (2012) compared participants' willingness to compensate victims to their willingness to punish perpetrators in several experiments similar to the three-person games used by Lotz et al. (2011). However, in Leliveld et al.'s (2012) experiment participants had to choose to either compensate the victim, punish the perpetrator, or keep the monetary units for themselves. A combination was not possible. Participants were categorised in two groups, based on their scores on an empathic concern questionnaire (high or low). Results showed that in the group with high empathic concern, 54.4% of the participants choose to compensate the victim and 24.3% choose to punish the perpetrator. In the group with low empathic concern, 47.2% choose to punish the perpetrator, whereas 22.2% choose to compensate the victim. It thus seems that compensation was the preferred response only in the group that scored high on empathic concern.

Although the preference for compensation or punishment is influenced by people's empathic concern, this does not mean that the preference for compensation is solely dependent upon the level of an individual's empathic concern. Research has shown that experiences of anger can be such an influence as well (and even independently from empathic concern). For example, in one of Van Doorn et al.'s (2018b) studies participants could use their own hypothetical money to restore justice by punishing and/or compensating, and in another study, participants were asked to choose between compensation, punishment, and keeping the money. In both studies, the researchers found a preference for compensation to punishment in unjust, anger-eliciting situations. These results are largely in line with Van de Vyver and Abrams (2015), who showed that, in a three-person computer game, observers who experienced moral outrage compensated the victim significantly more than people who did not experience moral outrage. Moral outrage did not affect punitive behaviour in this experiment.

Finally, it appears that this preference for compensation to punishment is quite robust. In six experimental studies using economic games, Van Doorn, Zeelenberg, and Breugelmans (2018a) found that the preference for compensation was present even in cases where the perpetrator has been repeatedly unfair, and where punishment might restrain a perpetrator to act unfairly again in the future. More specifically, in three of Van

Doorn et al.'s (2018a) studies, observers read that a person had played multiple dictator games with different other players and had decided, in each game, to unfairly distribute a sum of money that was given to him (i.e. to keep 80 or 90 euro/dollar out of 100). Observers were then given the opportunity to either punish this dictator or compensate the victim. Furthermore, people preferred compensation even when punishment had a greater impact in restoring equity than the compensation. That is, when participants could spend hypothetical money for compensation or punishment, in which every dollar used for punishment would decrease the dictator's amount with \$3, while \$1 compensation would increase the victim's amount with \$1, still more participants (28%) chose to compensate the victim instead of punishing the dictator (11%).

Taken together, there appears to be a large body of evidence that supports the notion that victim compensation is a well-accepted response to injustice, both in the fields of law and criminology, as well as in the fields of (social) psychology and decision making (using experimental and economic games). More specifically, third-party observers in economic games prefer to use their money to compensate the victim over punishing the perpetrator. In the next section, possible explanations for this preference for compensation are discussed.

## **Motivations underlying compensation**

The previous paragraph shows that research that has compared both punitive and compensatory responses to injustice demonstrates a general preference for compensation. The next question is: why is that the case? There are various motives underlying compensation that might answer this question, which can roughly be divided into (social) benefits and individual characteristics.

### ***(Social) Benefits***

Compensation has (social) benefits compared to punishment. For example, compensation could be seen as more efficient for justice restoration than punishment, because it has the benefit of getting the victim out of the disadvantageous position, whereas punishment does not. Without compensation, the victim's harm is not restored (Darley & Pittman, 2003). On the contrary, the often-applied punishment of incarceration includes high costs for the government and for the punished perpetrator (e.g. loss of one's job), while there is no advantage for victims. Also, in economic games punishment both costs the punisher and reduces the assets of the punished. Compensation on the other hand could be considered more of a transfer of money in which the victim gains money (at the cost of the compensator or at the cost of the perpetrator).

Besides being more efficient, compensation can also be seen as more effective than punishment when recidivism rates are considered. For example, UK statistics showed that 56.4% of adult offenders who received a community sentence or were released from custody in 2000 reoffend within 9 years. For offenders who served a prison sentence, this percentage was 78.4% (UK Ministry of Justice, 2012). In the United States, 67.8% of former prisoners were re-arrested after three years; 76.6% after five years (US Bureau of Justice Statistics, 2014). Considering these rather high recidivism rates, people might be more likely to prefer compensation as a response to injustice. The study by Van Doorn



et al. (2018a) seems to support this hypothesis. These authors showed that participants preferred compensation to punishment even in cases where punishment might cause a perpetrator to refrain from acting unfairly again in the future.

Furthermore, compensation is sometimes related to the possibility of receiving social rewards. As a result of helping the victim, observers might gain respect, trust, approval, and recognition, and they are even more likely to experience higher life satisfaction (Barclay, 2006; Gordon, Madden, & Lea, 2014; Oarga, Stavrova, & Fetchenhauer, 2015). People are especially willing to help victims to which they are emotionally close or who are genetically related (O’Gorman, Wilson, & Miller, 2005; Roberts, Vakirtzis, Kristjánadóttis, & Havlíček, 2013; Van Prooijen, 2010). Still, such helping need not be limited to close ones. Van Doorn et al. (2018a, 2018b) and Van de Vyver and Abrams (2015), as discussed previously, have shown that people also preferred compensation to punishment in cases of unacquainted victims of injustice.

Likewise, the potential relational benefits of compensation might be a strong motive for observers to choose to compensate the victim (e.g. O’Gorman et al., 2005). That is, compensating or helping a victim might elicit a reciprocal prosocial action from that victim and thus allows for relationship building, whereas punishment is not likely to lead to a reciprocal prosocial action by the perpetrator but might, on the contrary, elicit an antisocial action in the form of reprisals. For example, O’Gorman et al. (2005) let participants read a scenario in which they learned that they were part of a group that invested money in the stock market. However, one of the fictional members of this group expected to earn more profit than was actually realised. As a result, this group member (the victim in the scenario) was unable to pay his medical bills. O’Gorman et al. (2005) found that participants showed more sympathy for the victim and were more willing to help the victim when they were told that there was a high possibility of future interaction with the victim as opposed to a low possibility of future interaction with the victim. Thus, especially when someone cooperates with or helps an individual who she/he is likely to meet again in the future, the chance exists that this individual will return the favour. Importantly though, O’Gorman et al.’s (2005) scenario did not contain a true perpetrator, as the victim’s fate was due to bad luck. Possibly the effects of potential future interaction are different when a perpetrator is involved. Still, potential future interaction does not seem to be a required element for people to prefer compensation. Also in the so-called one-shot economic games, in which players play a single game in which they have the opportunity to compensate or punish, this preference exists (e.g. Lotz et al., 2011; Van Doorn et al., 2018a, 2018b).

### **Individual factors**

Next to the potential (social) benefits that could make compensation more appealing than punishment, individual factors and characteristics may underlie observers’ preference for compensation. For example, in a series of studies, Sargent (2004) interviewed participants about their attitude towards the punishment of criminals. Also, participants answered questions to indicate their need for cognition; the extent to which they enjoy and engage in effortful cognitive activity. The results showed that people who have a high need for cognition are less supportive of punitive responses to crime. Sargent (2004) argues that these individuals tend to generate more complex attributions

for human behaviour, and hence that they are more likely to attribute a criminal's behaviour to societal influence. Together, this might explain why people with a high need for cognition are more lenient towards perpetrators.

A personality trait linked to a preference for compensatory responses is empathic concern (Leliveld et al., 2012). Empathic concern can be defined as 'other-oriented feelings or sympathy and concern for unfortunate others' (Davis, 1983, as cited in Leliveld et al., 2012). In their study, Leliveld and colleagues discovered that people who scored high on empathic concern were more likely to choose compensation over punishment when given both options, whereas people who scored low on empathic concern were more likely to choose punishment over compensation. Hu, Strang, and Weber (2015) also showed that people with high empathic concern helped receivers of unfair offers in a dictator game more frequently and were faster in their decision.

Several constructs related to empathic concern have been studied in the context of punishment and compensation as well. These constructs are (1) compassion (defined as the cognitive and emotional experience of concern in response to others' suffering associated with a motivation to promote the well-being of others; McCall, Steinbeis, Ricard, & Singer, 2014); (2) justice sensitivity (defined as a stable and consistent interpersonal difference in people's inclination to perceive situations as justice-relevant, as well as in the strength of emotional and behavioural responses to such situations (Lotz, Schlösser, Cain, & Fetchenhauer, 2013)), and (3) Social Value Orientation (SVO) in which an individual is described as a 'prosocial' (defined as having a natural tendency to act prosocially/those who gain positive utility from increasing other persons' welfare) or a 'proself' (defined as having a natural tendency to act more selfishly; Messick & McClintock, 1968; Van Lange, 1999)). Research has shown that compassion can counteract an observer's desire to punish perpetrators, even when this compassion is felt towards someone else than the perpetrator or the victim (Condon & DeSteno, 2011). McCall et al. (2014) showed that practitioners who had engaged mental training exercises including compassion-related meditation were more likely to recompense victims in a dictator game as compared to meditation-naïve controls. Also, people scoring high on justice sensitivity for others behaved more altruistically in economic games than participants who scored low on justice sensitivity for others (Lotz et al., 2013; Stavrova & Schlösser, 2015). That is, these participants shared money more equally in a dictator game. Furthermore, participants who scored high on justice sensitivity for others claimed less money from the winners (chosen by a random draw) of the game than participants who scored low on justice sensitivity for others. These results are in concordance with research on SVO showing that prosocials are more likely to split money evenly than proselfs (Van Lange, 1999). Hence, as with empathic concern, it might be argued that people scoring high on compassion, on justice sensitivity for others, or those characterised as a prosocial might also be more likely to choose compensation over punishment.

Next to feeling concerned for someone else (i.e. empathic feelings), people can also take the *perspective* of others. This can be defined as the capability of individuals to place themselves in the shoes of others and thereby deducing how the other is feeling without explicit emotional cues such as crying (Will, Crone, Van den Bos, & Güröglü, 2013). Will et al. (2013) studied how adolescents reacted to the observed social exclusion of a peer. They discovered that participants who were adept in state affective perspective-taking (measured

by a comparison between the mood of the participant and the observed mood of the victim) showed both enhanced compensation of the victim (the excluded peer) and punishment of the perpetrators (the ones who excluded this peer). Thus, unlike empathic concern, being able to put yourself in the shoes of a victim does not only lead to an increase in compensatory reactions, but also to an increase in punitive reactions to injustice. This difference is not completely surprising when keeping in mind that punitive responses might be more likely for victims of injustice than for observers of injustice (see Van Doorn et al., 2014).

Although previous research suggests that third-parties who possess certain personality traits might be more likely to opt for compensation as a response to injustice than third-parties who do not possess these traits, this does not mean that these personality traits are a requirement for finding a preference for compensation. It seems that injustice in itself (albeit via the experience of anger) can lead to a preference for compensation over punishment (e.g. Lotz et al., 2011; Van Doorn et al., 2018a, 2018b).

### **Why some studies demonstrate a preference for punishment**

Although a considerable amount of research has shown that people prefer compensation over punishment, other studies have demonstrated the opposite: a preference for punishment. Influential authors maintain that punishment is an intuitive human response to injustice (e.g. Carlsmith, 2006; Darley & Pittman, 2003; Gromet & Darley, 2009b; Van Prooijen, 2010). The following section seeks to explain these seemingly contradicting findings. In order to understand why people punish in the first place, this section starts with a short overview of motives underlying punishment.

#### ***Utility and retribution***

Two main justifications or motives that have been put forward for why people resort to punishment are utility and retribution (e.g. Carlsmith, 2006; Carlsmith, Darley, & Robinson, 2002; Darley, Carlsmith, & Robinson, 2000). Both motives have been discussed by important thinkers like Bentham and Kant (e.g. Draper, 2002; Lind, 1994). Jeremy Bentham (1748–1832) is considered the founding father of the utilitarian theory of justice. Regarding punishment, Bentham believed that punishment should always have a benefit to society as a whole. It should, for example, deter the offender himself and/or the general public from committing a similar crime (again). If a similar crime would, hypothetically, never be committed in the future, punishment was not needed according to Bentham (see Draper (2002) for an explanation and evaluation of Bentham's view on punishment). The utilitarian stance justifies punishment by pointing to the positive consequences of punishment, in particular deterrence and incapacitation (Carlsmith, 2006). The idea behind deterrence is that both the punished perpetrator and the general public learn that the negative consequences of norm violations outweigh their benefits. Further, incapacitation can prevent criminals from committing future crimes by imprisoning them (Darley & Pittman, 2003). Punishing the perpetrator might therefore make society safer (Adams & Mullen, 2015), and it might increase normative behaviour for both the perpetrator and the general public (Fehr & Gächter, 2002). In line with these utilitarian ideas is the possibility that *observers of injustice* might choose to punish the perpetrator instead of compensating the victim, because perpetrators are a danger to society while victims are not (Van Prooijen, 2010).

Nevertheless, research has shown that people rarely rely on utility when they have to come up with a punishment for norm violators themselves, even though they usually express favourable attitudes towards utilitarian reasons for punishment (Aharoni & Fridlund, 2012; Carlsmith, 2006; Darley & Pittman, 2003). Carlsmith (2006) asked participants to select information needed to determine prison sentences for criminal offences. The information could be retributive in nature (e.g. severity of the harm and extenuating circumstances) or utilitarian (e.g. risk of violence of the perpetrator and crime frequency). Carlsmith found that people more often select retributive information for sentencing criminals than utilitarian information. Aharoni and Fridlund (2012) also showed that participants, who first read vignettes about criminal offences and were then asked to recommend punishment, recommended punishment of the perpetrator even when there were no practical advantages of punishment, such as specific or general deterrence. As argued by Aharoni and Fridlund (2012), such sentence decisions based on retribution seem to be a form of heuristic decision making. That is, participants do not explicitly believe that retribution justifies punishment, as favourable attitudes towards utilitarian reasons for punishment are expressed, but have a heuristic inclination towards retributive responses to injustice without being consciously aware of that. This is also the commonly used explanation when researchers find that observers tend to respond with punishment to injustice.

### ***Methodological and situational constraints***

So, how is it possible that some studies demonstrate a preference for compensation, whereas others show a preference for punishment? Methodological and situational constraints in previous research might, at least partly, answer this question. Sometimes a third-party might have a motivation to respond to injustice in a compensatory way, but the situation does not allow for such a response. For example, in many studies that use economic games with unfair distributions of money, only punitive responses are studied (e.g. Fehr & Fischbacher, 2004; Fehr & Gächter, 2002). In economic games, people might indeed be motivated to punish because another more prosocial option is absent. As a result, participants might be viewed as more punitive than they really are. Some studies do measure both compensation and punishment, but do not compare the two justice responses (e.g. Gummerum, Van Dillen, Van Dijk, & López-Pérez, 2016). Also outside of economic games, in more real-life settings, it is likely that situational constraints influence how observers of injustice handle these situations. Observers might, for example, be more likely to compensate the victim when the perpetrator remains unidentified, and punishment is not possible. Alternatively, when crimes result in harm that cannot be (fully) compensated, as in the case of murder, punishment of the perpetrator might be a more satisfactory outcome. Unfortunately, no studies to date have investigated such situational constraints on the motivation for punishment or compensation.

Moreover, the studies investigating third-party punishment and compensation differ in whether these behavioural options are *costly* or not. That is, studies that use economic games usually give participants the opportunity to spend (hypothetical) money on punishment, on compensation, or both (or participants can keep the money for themselves). Thus, in these studies both compensatory and punitive responses are costly to the participant. In such cases, it was found that participants

were willing to both compensate the victim and punish the perpetrator, but most participants seemed to prefer compensatory responses to injustice (e.g. Chavez & Bicchieri, 2013; Lotz et al., 2011; Van de Vyver & Abrams, 2015).

In contrast, in studies concerning decisions within the criminal justice system, participants are not made aware of the costs of punishment and compensation like in economic game studies (e.g. Aharoni & Fridlund, 2012; Carlsmith, 2006). Therefore, it is likely that participants do not involve the costs of punishment and compensation in their decision. To illustrate, in Van Prooijen's (2010) studies, compensatory and punitive interventions were either all paid by the perpetrator, or the participants' preference was deducted from the kind of information they judged necessary to answer the question whether justice will prevail. In the latter case, participants could request more information about aspects of the situation (regarding perpetrator punishment and victim compensation) they thought were necessary to answer the question whether justice had prevailed or not. In both cases, participants seemed to prefer punitive justice interventions to compensatory justice interventions. That is, participants recommended punitive justice interventions over compensatory justice intervention when the perpetrator paid for the justice interventions, and participants requested more information on punishment of the perpetrator than on compensation of the victim (Van Prooijen, 2010).

Hence, it seems that compensatory responses to injustice are preferred to punitive responses when justice responses are costly to the observer. This might also explain why Adams and Mullen (2015) found that participants still judged punishment of the perpetrator necessary to restore justice after they learned that the victim had been compensated. This study considered both compensatory and punitive responses in a vignette-study. The researchers found that participants were equally willing to punish the perpetrator after they heard that the victim had been compensated as compared to when the victim had not been compensated. However, participants were less willing to compensate the victim after they heard the perpetrator had been punished as compared to when the perpetrator had not been punished. Perhaps, when participants are not aware of the costliness of different responses to injustice, they make an intuitive decision rather than a more deliberate decision. If the intuitive response to injustice is punishment (e.g. Aharoni & Fridlund, 2012), this might explain why participants still wanted to punish the perpetrator after they heard the victim had been compensated, but were less willing to compensate the victim after they heard the perpetrator had been punished. Based on their intuitive reaction, justice had, after all, been restored.

In sum, observers might prefer compensation to punishment only when their own resources are at stake (or at least are made aware of the costliness of justice interventions). But why would costliness matter in the preference for a justice-restoring response? It might be the case that when justice-restoring interventions are costly, observers are more likely to carefully consider how to spend their money. They might choose the interventions that are most beneficial to them. As mentioned previously, victim compensation is more likely to lead to gaining respect, approval and recognition, and the possibility of future reciprocal help than punishment (e.g. Lotz et al., 2011; O'Gorman et al., 2005; Oarga et al., 2015). Besides, when making a deliberate decision, observers might pay more attention to the victim, than when they make a more intuitive decision. Gromet and Darley (2009a) and Gummerum et al. (2016) all argue that paying attention to the victim

might increase the judged necessity of victim compensation. To illustrate, Gummerum et al. (2016) found that observers in a third-party compensation game spend more money on victim compensation when they were experimentally manipulated to experience victim-focused (rather than self-focused) anger. Furthermore, when punishment and compensation are not costly, people might be less likely to make a deliberate, well-considered decision on how to respond to injustice. Instead, they might be more likely to rely on heuristics, leading to a more punitive response (e.g. Aharoni & Fridlund, 2012).

### **Crime severity**

The severity of a crime can shape behavioural responses as well (e.g. Gromet & Darley, 2006; Rucker, Polifroni, Tetlock, & Scott, 2004). Gromet and Darley (2006) found that participants were more likely to judge retributive punishment necessary as the criminal court cases they read about became more severe. These same authors (2009b) stated that when a crime is severe enough, people's 'automatic' retributive response to injustice is activated. Could it be that people judge transgressions in real-life as more severe than transgression within experimental games, and that punishment is therefore more likely in studies that use real-life situations? Previous findings indicate that people were willing to spend more game money on compensation than punishment (e.g. Chavez & Bicchieri, 2013; Lotz et al., 2011; Van de Vyver & Abrams, 2015; Van Doorn et al., 2018a, 2018b). However, in more real-life scenarios (tax dodging or robbery), as used in studies by Van de Vyver and Abrams (2015) and Van Prooijen (2010), this preference was not found. It thus seems possible that people judge transgressions within experimental games to be less severe than transgressions in the real world, because injustice in the real world often has more severe consequences. However, based on the design of the different studies, direct comparison is difficult. It could be argued that a preference for compensation in severe, real-world scenarios is likely as well, as the victim's harm is often also more substantial in such cases.

Gromet, Okimoto, Wenzel, and Darley (2012) showed that victim satisfaction, relative to dissatisfaction, with a restorative justice process (a facilitated meeting between the offender and the victim to come to an agreement on how the offender can repair the harm caused to the victim) attenuates a third-party's desire to seek offender punishment, *regardless of offence severity*. This relationship was explained by the informational value of victim satisfaction: participants inferred that victims felt closure which in turn elevated participants' satisfaction with the restorative justice outcome. This seems in line with research by Van de Calseyde, Zeelenberg, and Keren (2013) in which participants punished perpetrators of theft less (i.e. recommended a lower number of days for the perpetrator to spend in community service) than when they transgressed against an insured victim as compared to an uninsured victim. The insurance, which might be viewed as a form of compensation, made participants judge the situation as less severe. Though, Adams and Mullen (2015) found that participants still felt that punishment was necessary after a victim had received compensation. It might be the case that participants are more inclined to punish when they are confronted with a statement that punishment (in general) is needed (Adams & Mullen), than when they have to specify how severe this punishment should be (or how much punishment is needed; Van de Calseyde et al., 2013). The latter seems to generate more nuanced responses in participants.

### **Individual factors**

People might be less likely to respond in a compensatory way to injustice when they hold a negative opinion towards the victim, as found in people who score high on the need to belief in a just world (BJW; Hafer & Bègue, 2005; Lerner & Simmons, 1966). People who hold this belief trust that individuals get their 'just deserts'. When high BJW observers witness unjust situations, they might feel the need to somehow fit this injustice with their notion of a just world by blaming the victim for his or her fate. When observers hold the victim responsible for the victim's fate, they might feel less inclined to help the victim (Hafer & Bègue, 2005; Lerner & Simmons, 1966). In line with this idea, Wakslak, Jost, Tyler, and Chen (2007) concluded that the belief in system-justification ideologies predicts less helping of people in a disadvantageous position. System-justification ideologies are beliefs that function as excuses for the current unjust social circumstances, and hence make people feel better. However, whether and how these factors influence the *preference* for compensation or punishment has not (yet) been studied.

### **Conclusions and ideas for further research**

This review examined the current literature on third-party observers' responses to injustice for the claim that people have a preference for compensation to punishment, and sought to highlight factors that explain this preference. A synthesis of the literature from different fields (e.g. psychology, criminology, law) and their own research designs led to a disclosure of several situational as well as individual factors which could influence the justice-restoring response of third-parties.

Indeed, research shows that people are less punitive than has been previously assumed, especially in the field of social psychology/behavioural economics. This might in part be due to the limited choice set: most studies in this field did not include a prosocial option such as compensation of the victim next to the option to punish the perpetrator. A second contributing factor to the finding that people seem more compensatory-oriented than previously thought, pertains to the costliness of one's behaviour. Being aware of the costliness of the options of compensation and punishment (i.e. participants have to spend their own (hypothetical) money to punish and/or compensate) might cause people to more deliberately choose the option of compensation, which seems to have more (social) benefits. In the case of non-experimental studies, often used in the fields of criminology and law, the costs of punishment and compensation are not brought to one's awareness. Perhaps people make more intuitive/heuristic decisions in such cases, opting for a punitive instead of a compensatory response to injustice. It should be noted though that Van Doorn et al. (2018a) also found that when people can choose between punishment or not acting at all (the option to compensate is not included), people prefer the latter.

Previous research has also mainly studied the motivation to compensate and punish separately instead of simultaneously. This leaves many questions unanswered. When people with retributive motives learn that there is a possibility of future interaction with the victim, do they still prefer a punitive response to injustice? Furthermore, do people more often opt for compensation when this justice-restoring intervention is costly as compared to when it is not costly? The questions are possible avenues for future

research. Another suggestion for future research comprises the investigation of the preference for punitive and compensatory responses in the case of severe and less severe unjust situations. Current studies that differ in results often also differ in the use of severe and less severe unjust situations (unfair distributions of money in an economic game versus carjacking).

It is also worth investigating whether punishment involves a more heuristically based decision than compensation. It might be the case that third-parties' initial, automatic, or heuristic response is punishment (e.g. Aharoni & Fridlund, 2012; Carlsmith, 2006; Gromet & Darley, 2006; Van Prooijen, 2010), but when given time or opportunity to think about their behavioural response, compensation is more likely. That is, people might rely on heuristics as low-effort judgmental strategies (Cacioppo, Petty, Feinstein, & Jarvis, 1996) when observing injustice, but process the arguments for other justice-restoring interventions more elaborately when such options are available. Some preliminary support for this idea can be found in research by Sargent (2004), indicating that individuals high in need for cognition (those who enjoy and engage in effortful cognitive activity) were less supportive of punitive measures than their low need for cognition counterparts. Additionally, people's default response may be to focus on the offender and punishment, but one of Gromet and Darley's (2009a) studies showed that when people think about the concerns related to the victim, people were also interested in fulfilling justice goals for the victim. This seems to indicate that, when it comes to the restoration of justice, people's more controlled reasoning system considers justice goals other than punishment as well.

The current review has focused on the preference for compensation over punishment, but these are, of course, not the only possible reactions to injustice. For example, victims of primarily property crimes and minor assaults are given the opportunity to meet the offender, known as victim offender mediation (Umbreit, 2001). With the assistance of a trained mediator, the victim is able to let the offender know how the crime affected him or her and to receive answers to questions, while the offender is able to take direct responsibility for his or her behaviour, to learn of the full impact of what he or she did, and to develop a plan for making amends to the person he or she violated (Umbreit, Coates, & Vos, 2004). Such restorative justice dialogue can lead to a greater sense of closure and healing and is often regarded as a movement that furthers forgiveness and reconciliation (Armour & Umbreit, 2006). Forgiveness is a process in which negative affects, cognitions, and behaviours are replaced by more positive feelings (Enright & Gassin, 1992), and can make an individual decreasingly less motivated to retaliate (Karremans & Van Lange, 2004). Forgiveness has been discussed within perpetrator rehabilitation as well. The effectiveness of many offender rehabilitation programs such as anger management may be further enhanced by the inclusion of interventions that build on the motivation to change and to be forgiving (Day, Gerace, Wilson, & Howells, 2008).

This review discussed research showing a preference for compensation, and the separate motives and factors that help explain this preference. However, the exact explanation for why people prefer compensation to punishment is something that deserves further research. That is, further research is essential to investigate the significance and contribution of different factors in predicting and explaining justice-restoring responses and preferences in third-parties.



## Disclosure statement

No potential conflict of interest was reported by the author.

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