

SOCIALPSYCHOLOGICAL PROCESSES UNDERLYING ATTITUDES TOWARD LEGAL PUNISHMENT

NEIL VIDMAR

DALE T. MILLER

This paper develops a theoretical framework for investigating the socialpsychological dynamics of punishment reactions to criminal offenders. Two basic types of punishment motives are delineated: behavior control and retribution. The target, or focus, of these motives may be the offender or a broader social audience. Within each of the four cells defined by this classification, we review the literature describing how punishment responses are influenced by characteristics of the rule, the offense, and the offender, as well as by the attitude and personality of the reactor. A large number of empirically testable propositions are generated.

I. INTRODUCTION

Throughout modern legal history, a huge volume of legal and philosophical writing has analyzed the rationale behind criminal punishment; far less attention has been devoted to considering criminal punishment as a social and psychological phenomenon (see, e.g., Griffiths, 1973). Within the past few years this situation has been partially corrected by a concerted and systematic effort to understand the socialpsychological dynamics of criminal deterrence (e.g. Gibbs, 1975; Zimring and Hawkins, 1973). But deterrence is only one of the many functions that punishment serves in society. Punishment also defines social boundaries, vindicates norms, and provides an outlet for the psychological tensions aroused by deviant acts. The purpose of this article is, first, to review the theoretical and empirical literature on punishment reactions and second, to develop a socialpsychological conceptual framework that integrates the various research findings and generates

In addition to the support by NSF for this special issue of the *Law & Society Review*, the first author is indebted to the Russell Sage Foundation and the Battelle Seattle Research Center for support during a period when ideas contained in this article were in their germinal stages. Both authors wish to acknowledge that a Canada Council grant also aided preparation of the article. The authors thank Philip Brickman, Robert Hogan, and Charles Thomas for comments on earlier drafts of this paper. Special thanks are due to Richard Abel, who provided ideas and outstanding editorial assistance.

empirically testable research hypotheses concerning punishment reactions.

Scholars and legal decision makers have recognized for some time the need to understand these other functions of punishment. H.L.A. Hart, for example, discussing Dostoevsky's arguments for retributive punishment in *Crime and Punishment*, states that "we still need to understand the moral and psychological appeal which these ideas have, for they have not disappeared yet nor have they been relegated wholly to the sphere of private moral censure" (1968: 159). This need to understand punishment motives has surfaced directly in the legal and political debate on capital punishment. Both judicial decision makers (see, e.g., *Furman v. Georgia*, 408 U.S. 238, 1972; *Gregg v. Georgia*, 428 U.S. 153, 1976; *Coker v. Georgia*, 443 U.S. 584, 1977; see also Bedau and Pierce, 1976; Daniels, 1979; Schwartz, 1979; Vidmar and Ellsworth, 1974) and legislators (see Bedau, 1973; Goldstein, 1978; see also Chandler, 1976; Vidmar, 1974) have noted the high level of public support for the death penalty and addressed it in their decisions, though frequently drawing opposing conclusions about its meaning and relevance. For example, although he voted with the majority in the *Furman* decision, which abolished the death penalty (if only temporarily), Justice Stewart disagreed with some of his colleagues, arguing that retribution is psychologically necessary for a stable society (408 U.S. 238, 308). Justice Marshall, on the other hand, equated retribution with vengeance and deemed it incompatible with decent and civilized conduct (408 U.S. 238, 332).

On another front, after nearly a century of emphasis on isolation and rehabilitation, a number of penologists (e.g., Morris, 1974; von Hirsch, 1976) have urged that the major building block of the criminal sanction should be "just deserts." Thus, the field of penal philosophy is experiencing what Gardner has labelled "the renaissance of retribution" (1976: 781), a development that may have profound implications for society. Both Schulhofer (1974) and Allen (1975) have noted that although recent commissions revising criminal statutes have claimed to set forth totally utilitarian justifications for punishment, in fact they have often made punishment contingent upon harm rather than offender intention. Both authors suggest that the reason for this inconsistency is the belief among reformers that public opinion demands a retributive proportionality between degree of harm and punishment. Finally, discussions of sentencing practices often

center upon whether public opinion would tolerate stigmatization and other forms of denunciation in lieu of incarceration (see, e.g., Orland and Tyler, 1974; also Lasswell and Donnelly, 1959).

Although the foregoing examples demonstrate the importance of understanding punishment reactions, both theoretical and empirical work are sparse.¹ A number of sociological theories address this issue (e.g., Durkheim, 1947; Sorokin, 1937), and there have even been a few attempts to test empirically aspects of Durkheim's theory regarding the relationship between social structure and punishment reactions (Baxi, 1974; Blumstein and Cohen, 1973; Schwartz, 1974; Schwartz and Miller, 1974; Spitzer, 1975). But this literature offers little insight into the basis of punishment reactions among the individuals who make up society, the primary concern of many scholars and certainly of most legal decision makers. At a socialpsychological level, Mead (1918), Ranulf (1938), Thomas and Znaniecki (1902), Heider (1958) and, more recently, Pepitone (1975) and Chein (1975) have written about the dynamics of punishment, but their perspectives have been narrow, and their frameworks have not encouraged systematic empirical tests. Similarly, there are a number of psychological hypotheses, most of them psychoanalytic in orientation (e.g., Alexander and Staub, 1956; Menninger, 1906; Pincoffs, 1966; Radin, 1936), that also remain untested, if indeed they are testable. Finally, there are several criminological studies that attempt to measure public attitudes toward crimes and criminal sanctions (e.g., Ackman et al., 1967; Boydell and Grindstaff, 1971, 1972, 1974; Erikson and Gibbs, 1979; Gibbons, 1969; Hamilton and Rotkin, 1979; Podgórecki et al., 1973; Rose and Prell, 1975; Rossi et al., 1974), but with a few exceptions (e.g., Thomas and Cage, 1976; Sarat, 1977) they have been atheoretical, with no attempt to ascertain the dynamics underlying the reactions. Respondents in the studies have simply been asked to indicate the preferred sanctions for various crimes, and their responses have been compared across various crimes and/or with the sanctions actually administered to criminals or authorized by law.

The purpose of this paper, therefore, is to develop a tentative framework for investigating the motives underlying and the functions served by punishment reactions. The data

¹ Oppenheimer (1913) attempted to summarize the major analytical perspectives on the social and psychological aspects of punishment, but that work is dated.

are too sparse and unsystematic and the problem is too complex to permit a coherent theory at this time. Instead, the framework may be seen as a series of propositions, some based on existing data and knowledge, others derived simply from logical analysis, that attempt to arrange systematically the major factors with which subsequent theoretical attempts must concern themselves.

II. A WORKING DEFINITION OF PUNISHMENT

The term "punishment" has often been defined and conceptualized in confusing ways by social scientists (see Lindesmith, 1968). Our working definition is straightforward and comports with most legal and philosophical conceptualizations as well as with common dictionary definitions: punishment is a negative sanction intentionally applied to someone perceived to have violated a law, rule, norm, or expectation. This definition is robust enough to incorporate all of the socialpsychological dynamics involved in both legal punishment reactions and in those reactions evoked in most nonlegal settings. In achieving this flexibility, the definition also avoids the difficulties of specialized terminology that frequently arise in psychology and sociology. It obviates the need to define a legal act (see Abel, 1974; Friedman, 1975) or to choose between "formal" (court-administered) and "informal" punishment (see Lindesmith, 1968). Thus, punishment need not be limited to collective perceptions and official definitions, as is often the case in sociological writings (Ibid.).

Two important implications of this definition should be made explicit. First, punishment must follow the perception that someone has violated a rule, norm, or law. Psychologists working with animals and humans have frequently used the term to refer to aversive stimulation that conditions behavior, but for our present purposes the shaping of the behavior of a rat in a Skinner box or the slapping of a toddler's hands to teach him/her to keep away from an electric outlet would *not* be considered punishment since no rule has been violated.² Second, the term "sanction" should be broadly interpreted. It may be a deprivation or an unpleasant experience, either of which may be physical, social, or psychological. Punishment, therefore, may include not only physical acts such as torture,

² Lindesmith elaborates upon the conceptual problems caused by this peculiar use of the term "punishment" in psychology. Papers by Singer (1970) and by Harrison and Pepitone (1972) nicely illustrate the conceptual confusion.

confinement, a fine, or enforced restitution, but also attempts at status degradation such as Eskimo song duels, ridicule, ostracism, or expulsion from the social group.

III. A SOCIALPSYCHOLOGICAL PERSPECTIVE

Sociological writing on the dynamics of punishment has tended to focus on its objective consequences, especially on the latent functions for the social group (see Merton, 1957). Little attention is paid to the motives, intentions, and subjective reactions of the individuals who make up that group. On the other hand, a number of psychological writers (e.g., Alexander and Staub, 1956; Pincoffs, 1966) have stressed the unconscious fears and other drives that generate reactions to criminals.³ Without disputing the fruitfulness of these levels of analysis, our socialpsychological approach attempts to discover how social stimuli and psychological drives interact and manifest themselves in the individual (see Lewin, 1951). Such an approach may address itself to a number of questions, two of which are considered in this paper: What cognitive, affective, and conative processes give rise to punishment reactions in the individual? How do these processes interact with social and other situational factors?

Several premises underlie our approach to these questions. One is that a variety of motives can be aroused when a rule violation occurs. These motives are filtered, enhanced, or otherwise mediated by the individual's perception of the offense and the offender as well as by other attitudes and

³ In this paper we have chosen not to pursue certain levels of analysis, such as the legal or philosophical (e.g., Ezorsky, 1972; Gerber and McAnany, 1972) or the Marxist (e.g., Rusche and Kirscheimer, 1939; Foucault, 1977; see also Bittner and Platt, 1966).

Punishment, moreover, also serves functions that have little to do with justice. First, as Durkheim emphasized, punishment serves the functions of defining and maintaining distinctions between ingroup and outgroup and of strengthening the cohesion of the social group. Although punishment may often be aroused by an injustice and explicitly framed to deter further violations or exact vengeance for past ones, it may also fulfill other social functions that are concealed by the rhetoric of justice. Gusfield's (1963) analysis of the temperance movement reveals how both the advocacy of Prohibition and the punishment of its violators may have been justified by practical and moral arguments but may actually have reflected the attempt by one social group to maintain status and social power that were threatened by another.

Punishment also seems to serve another, more psychological, function. Numerous writers have observed that we punish others because of an unconscious impulse to punish those same tendencies in ourselves (e.g., Weihofen, 1957: 138). Punishment has also been viewed as providing an outlet for repressed sadism (Alexander and Staub, 1956).

Although we recognize that punishment is not solely, or even primarily, concerned with righting injustice or preventing future misconduct, we will limit ourselves to a socialpsychological level of analysis in the present article.

values. The reaction is determined not by the objective characteristics of the rule violation but rather by subjective impressions. Although a person is usually capable of articulating many of the motives behind his or her reaction, this is not always the case. Nonetheless, the reaction may still be predictable from an analysis of the stimulus variables impinging on the individual (see Nisbett and Wilson, 1977).

Punishment reactions and the related cognitive and affective processes are learned responses.⁴ Although all social groups have rules, some of which are fairly uniform in content, the form and meaning of the punishment reactions may vary from group to group because they depend on learning. Similarly, the same offense can have different meanings even among different individuals within a given group. The dynamics of punishment are also highly interrelated with the concepts of intention, causality, and responsibility. In both legal (Hart, 1968) and psychological (e.g., Shaw and Sulzer, 1964) writing it is common to suggest that the strength of the punishment reaction depends upon the degree of intentionality and causal responsibility assigned to the offender. In our view, however, the process is often more complicated than this. In many instances the punishment reaction itself may be the primary response, which is followed, not preceded, by the attribution of responsibility. This reciprocal relationship between assignment of responsibility and punitiveness is influenced by a number of cognitive and affective factors, as will be described below.

IV. AN ANALYSIS OF THE COMPONENTS OF PUNISHMENT REACTIONS

We analyze punishment reactions along two dimensions (see Table 1). The first contrasts two motives for punishment: behavior control and reassertion of the reactor's values and beliefs (labelled "retribution" for convenience). Behavior-control reactions are concerned solely with the elimination of ongoing or anticipated future behavior. Retribution derives from the individual's attachment to the group, internalization of group values, and perception of the offense as a threat to those values. These two types correspond roughly to the traditional

⁴ There are scholars (e.g., Chagnon and Irons, 1979: 24; Trivers, 1971) who argue that moralistic aggression and indignation have a biological basis. Without disputing this possibility, we take the position that social learning will shape and guide such impulses if they are indeed biological in origin.

legal and philosophical distinction between utilitarian and retributive motives.

TABLE 1
A CLASSIFICATION OF PURPOSES UNDERLYING PUNISHMENT REACTIONS

| | | <i>Target</i> | |
|----------------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| | | <i>Offender</i> | <i>Others in the Social Environment</i> |
| <i>Basic Motives</i> | Behavior Control | Deterrence; isolation; elimination; reeducation of offender; restitution to victim | General deterrence or threat; prevention of vengeance by victim or others; upholding morale of conformers; disavowal of act |
| | Retribution | Change in offender's belief system vis-à-vis victim or societal rule; reaffirmation of private self-image of victim or surrogates; status degradation and differentiation of offender; assertion of power over offender | Vindicating rule; reestablishing social consensus about rule; diffuse release of psychological tension through social comparison processes |

Our second dimension is framed in terms of the two types of targets for these reactions: the offender or others in the social environment. Although punishment is almost always administered to the offender, the reactor may often be more concerned with its impact on a larger social group. When behavior control is the dominant motive, the punishment reaction may be directed toward deterring either the offender or others from future offenses. Retributive reactions may be focused on the offender in an attempt to reassert the basic rightness of the rule by seeking an admission that the act was wrongful or lowering the offender's status. But an offense may also have value implications for others who, the reactor believes, share his perspective. Retributive motives, therefore, may be directed toward obtaining social acceptance of the reactor's beliefs about the moral rightness of the violated rule. Whatever the dominant motives, others in the social environment may be of greater concern than the offender, as will be discussed later.

The general punishment reactions we have described cannot be understood apart from other beliefs the individual holds about punishment, such as the expectation that it will be effective in preserving obedience to a rule and the fear that failure to punish may threaten internalized values of order,

rightness, and justice. Such associated beliefs result from socialization and other experiential processes and may be accepted by most members of society as cultural "truisms." These moderating and directing beliefs are in turn influenced by specific situational factors associated with perceptions of the rule violation and violator. Finally, individual differences among reactors influence the weight given to various punishment motives and the perceptions of both rule violation and rule violator.

We begin our examination of these various aspects of the punishment process with a discussion of the issues and empirical findings relevant to behavior control.

A. Behavior Control

Most criminal offenses pose a direct physical, material, or social threat to someone. The victim, of course, wants the behavior stopped. But so do others who feel threatened, directly or indirectly. Thus, one major set of motives is behavior control. The reaction may be directed toward the offender or toward others who might emulate the offender.

Punishment reactions directed toward the offender are designed to deter present or future violations. In addition to teaching the offender about the consequences of improper behavior, punishment may also seek to educate about proper modes of conduct or to isolate or even eliminate the violator. Or it may require restitution if the offense involves redressable damages or the situation can be restored to its original state. This behavior-control reaction in its pure form is not only unconcerned about either the past or the moral implications of the offense but also considers the offender's moral character to be irrelevant except as an index of corrigibility. If the reactor could be assured that the perpetrator's offense would never happen again, there would be no need to punish. In Anthony Burgess's novel *A Clockwork Orange*, the dispassionate attempt by Dr. Brodsky to condition Alex to be repulsed by even the thought of violence epitomizes this motive; in Brodsky's words: "We are not concerned with motive, with higher ethics [but] only with cutting down crime . . ." (1962: 126).

A crucial component in this type of reaction is the individual's belief that punishment is efficacious in deterring the offender's present or future behavior. This mediating variable helps explain what might otherwise appear to be paradoxical behavior in punishment reactions. For example,

some studies of sentencing behavior (see Hogarth, 1971; Orland and Tyler, 1974; Wheeler et al., 1968; also McFatter, 1978) have found that judges who tend to be more liberal, empathetic, and nonretributive frequently give more severe sentences, at least for minor or juvenile offenses. The tendency of liberal judges to uphold the belief that "punishment corrects" appears to explain this anomaly.

Punishment of the offender may also be perceived as a "general deterrent" to others who might contemplate similar offenses. A reactor may be motivated in this fashion to the degree that he believes: other people need to be deterred, punishment of an offender can threaten and discourage other potential offenders, and those persons will learn of the sanctions applied against the violator. Although this "general deterrence" belief will usually be associated with a belief in the efficacy of punishment in controlling the behavior of the offender himself, the two can be theoretically and empirically separated. For example, some white-collar offenders may be punished sufficiently by being caught: they lose their jobs, are socially disgraced, and are likely to be denied the opportunity to repeat their offense. Nevertheless, the reactor—whether a legal authority, a business organization, or the general public—may insist on additional punishment as a deterrent to other potential white-collar offenders. It is so difficult to detect this type of offense that some may believe that in order to achieve general deterrence it is necessary to impose highly publicized criminal sanctions upon the rare offender who is caught. Similarly, punishment of "first time" shoplifters as a deterrent to others is frequently advocated not out of personal animosity toward the offender or because of the likelihood of recidivism but simply to publicize the consequences and deter others.

Two additional beliefs may be implicated in behavioral control. First, punishment of the offender may be seen as essential to the morale of those other potential offenders who resisted the temptation to violate the rule and might be upset at seeing an offender go unpunished: "when a defendant escapes who, people think, deserves punishment, they may lose faith in the social structure and may relax their own inhibitions" (Weihofen, 1957: 136). Second, punishment of the offender by a third party may be viewed as a means of preventing vengeance by the victim or by others identified with the victim. Punishment for the purpose of deflecting vengeance is probably more significant and common in tribal societies that contain groups capable of engaging in feuds (see, e.g.,

Peristiany, 1966), but it is also manifested in modern Western societies. The awareness of this possibility is frequently expressed in the sentiment that without formal legal justice "men will take the law into their own hands."

These various behavior-control motives, directed toward both the offender and a broader audience, are widely recognized and play a prominent role in legal and philosophical writing on punishment (see, e.g., Andennaes, 1974; Ezorsky, 1972; Zimring and Hawkins, 1973). Interestingly, however, they have received relatively little attention, and in fact are frequently ignored altogether, in much of the social science literature concerning individual punishment reactions. This is probably because the concept of behavior control appears less rich and interesting, sociologically and psychologically, than motives of retribution. Nevertheless, when behavior-control motives have been studied, they have been found to be strongly and significantly related to punishment reactions. A number of nationwide polls on the death penalty, for example, have found the degree of support for capital punishment to be positively related to the belief that it is a deterrent to crime (Vidmar and Ellsworth, 1974: 1255-56). In particular, a 1973 Harris survey found that 76 percent of those who advocated capital punishment—but only 29 percent of those who opposed it—felt it was more effective punishment than a life sentence (Harris, 1973).

A study by Sarat and Vidmar (1976; see also Vidmar and Dittenhoffer, 1979) provides even more direct evidence of the link between punitiveness and belief in the efficacy of punishment. These researchers attempted to test Justice Thurgood Marshall's hypotheses, stated in *Furman v. Georgia* (408 U.S. 238, 332), that people are ill-informed about the limited deterrent value of the death penalty and, if they were informed, a majority would oppose it. In an experimental survey adult respondents were divided into three groups and presented with arguments and empirical findings concerning the utilitarian (behavior-control) and/or the humanitarian aspects of capital punishment. The utilitarian, but not the humanitarian, information reduced support for the death penalty. The perceived efficacy of punishment in deterring the offender would appear, then, to be a crucial factor in the operation of behavior-control motives.

Thomas and his associates (Thomas, 1977; Thomas and Cage, 1976; Thomas et al., 1976; Thomas and Foster, 1975; Thomas and Howard, 1977) have also investigated the role of

behavior-control motives in attitudes toward first-degree murder and lesser crimes of violence and have discovered that deterrence beliefs are intertwined with other ideas. Their research suggests not only that belief in the efficacy of punishment results in increased willingness to punish but also that fear of crime may increase the perceived efficacy of punishment. In contrast, Furstenburg (1971) presents data indicating that as the perceived risk of victimization *decreased*, concern with the problem of crime *increased*; at the same time, discontent with changing social conditions, especially with attempts to eliminate racial injustice, was positively related to concern about crime. These findings indicate that beliefs in the perceived efficacy of punishment and fear of victimization are complexly related to behavior-control motives.

1. Rule and Offense Characteristics

The most important factor affecting behavior-control reactions is the reactor's sense of personal threat. Rossi et al. (1974), for instance, found that crimes of violence were generally judged to be more serious than crimes involving property. But there are exceptions to this pattern: middle-class property owners, for instance, sometimes express more punitive attitudes toward crimes involving property. Since members of the middle class live and work in an environment relatively free of violent crime, it is not surprising that they tend to be less concerned with the threat of physical harm.

The actual harm resulting from the offense may affect sanctioning responses as well, though its influence may be indirect or multifaceted. Obviously an assault causing serious harm or a theft inflicting large losses will be more threatening than an offense with minor consequences (see Rossi et al., 1974). But there are substantial research findings in social psychology that suggest another reason why harm might be related to punitiveness: the more severe the consequences, the more likely persons are to ascribe intention and responsibility to the offender (e.g., Shaver, 1970; Shaw and Sulzer, 1964; Walster, 1966).

The extent to which the reactor believes that others might be tempted to commit the same crime if the offender goes unpunished should also influence behavior-control responses. The more contagious the reactor believes the offense to be, the more he will favor punishment.

Perceived social consensus that particular behavior is an offense and is dangerous may also influence punitive reactions,

particularly when the immediate threat is not readily apparent. For example, white-collar crime or corporate misbehavior such as price fixing may evoke strong sanction responses only when the reactor perceives that others believe that the offense is serious and in need of control.

2. Rule Violator Characteristics

By definition, behavior-control motives should not be affected by the offender's "moral" character. Nevertheless, offender characteristics do mediate judgments of culpability, predictability, and corrigibility—factors that bear on behavior control.

Generally, a person who has done something accidentally is seen as less culpable and is less likely to be punished, or is punished less severely, than one who acted intentionally (see Rule and Nesdale, 1976). Intentional wrongdoing may be viewed as more predictive of subsequent wrongdoing; conversely, offenses committed as a consequence of forces external to the person (e.g., under duress) will be seen as less predictive. For example, Kelman and Lawrence (1972) found that some people opposed prosecution of Lt. Calley partly on the grounds that he acted under momentary duress, perhaps reasoning not only that Lt. Calley would never have the opportunity to murder Vietnamese again but also that punishment of Calley would have no deterrent value for other soldiers in similar circumstances. Hamilton (1976, 1978b) found that when individuals were presented with a similar hypothetical case in which a soldier killed a prisoner under orders of a superior, the responsibility attributed to the defendant and the punishment thought appropriate declined as the status and power of the superior giving the orders increased.

There is another situation, however, in which there appears to be no plausible reason for the rule violation. Wanton or capricious action, such as a thrill killing by a gang, is particularly disturbing to people. The desire to isolate or otherwise deter the offender may be stronger in such a case than it is when intention is clear and understandable. The intensity and implications of the desire for a predictable and stable environment have been demonstrated in many socialpsychological studies (Lerner and Miller, 1978; Wortman, 1976).

Both the perceived intention behind the offense and other aspects of the offender's behavior also bear upon the reactor's

perceptions of offender corrigibility. For example, a dispassionate or unrepentant rule breaker is more likely to be viewed as a potential recidivist than is an offender who expresses remorse (see Sykes and Matza, 1957; Gusfield, 1967). Similarly, an offender with a history of rule violations is more likely to be perceived as a potential recidivist than a first offender (Ebbesen and Konecni, 1975; Carroll and Payne, 1977).

The social, occupational, and educational status of the offender also affects the punishment response. Status attributes may affect *ascriptions* of responsibility for the offense and *perceptions* of corrigibility and of the efficacy of punishment, whether or not these inferences are empirically valid. Research by Kipnis and Cosentino (1969) and by Rothbart (1968) has shown that one reason why work supervisors vary sanctions according to the status of the worker is their belief that persons of different status are differentially responsive to sanctions.

A number of studies also suggest that perceived similarity between the offender and the reactor may affect the punishment response: the greater the similarity, the lower the punishment recommended (e.g., Mitchell and Byrne, 1973). This relationship may exist because similarity tends to increase attraction and, as the evidence suggests, those who are attractive are less likely to be seen as immoral or capable of transgressions (Heider, 1958). Future violations, therefore, may be less expected from those who are similar.

3. Individual Differences

Any of the above factors may affect the punishment reactions of some individuals more than others. Differences in demographic variables such as age, sex, or social class, as well as personality dimensions, may be important. Unfortunately, the existing data bearing on individual differences in the context of behavior-control motives are very sparse, though highly suggestive nevertheless.

It is important at the outset to recognize that these variables can affect the punishment process at a number of levels. First, some individuals may recommend more severe punishment because they react more negatively to the characteristics of the rule violator or because they hold him more responsible for his actions. Furthermore, individuals may differ in their perceptions of the effectiveness of punishment and, consequently, vary in their punishment reactions. The

mere fact that one person recommends more punishment than another is therefore often ambiguous.

We have already discussed the finding reported by Hogarth (1971) and by Wheeler and others (1968) that liberal judges may punish minor or juvenile offenses more severely than do conservatives because the former believe that "punishment corrects." Kipnis and Cosentino (1969) studied corrective actions taken by supervisors in industrial or military settings and found variation by supervisor, form of problem, and other factors. From the present perspective, the important point is that the choice of corrective action was directly related to supervisors' beliefs about the efficacy of the various sanctions.

Authoritarianism, a general personality syndrome incorporating beliefs about authority and punishment, ethnocentrism, and other factors (see Adorno et al., 1950), is also related to the motive of behavior control. Vidmar and Crinklaw (1973), for example, found that persons classified as highly authoritarian believed more strongly in general deterrence as a justification for punishment. These authors hypothesize that since other research has found strict punishment to be part of the childhood socialization of high authoritarians (Hart, 1957; Levinson and Hoffman, 1955), these individuals may develop the belief that punishment is effective in controlling behavior. Similar reasoning might help to explain other individual differences. Kohn (1969), for example, found that working-class mothers were more likely than middle-class mothers to use physical punishment and were especially likely to punish their sons for physical aggression against siblings. Kohn also found that though middle-class mothers treated sons and daughters alike, working-class mothers were more likely to punish daughters than sons for refusing to do as they were told. Differential socialization may be transformed into adult beliefs about the effectiveness of punishment and could explain class and sex differences in behavior-control orientations.

B. Retribution: Reasserting Individual Values and Beliefs

The term "retribution" refers to punishment reactions elicited by the moral rather than the behavioral implications of the offense. A number of authors (e.g., Scheler, 1961; Makela, 1966; Ranulf, 1964; Westermarck, 1932; Heider, 1958) have used the term "disinterested punishment" to explain the phenomenon by which individuals who appear to be totally removed from the victim or the offending act and its

consequences nevertheless frequently exhibit a strong punitive response. Although perhaps useful as a summary term, this concept does not help us to understand the underlying causes of moral reactions and how punishment serves to ameliorate them; reactions must be understood with respect to the individual as well as to the larger social group.

Aside from the negative physical or material consequences that may result from a criminal act, an offense also has symbolic consequences for the individual reactor or his perceived social group. The victim (or someone who identifies closely with him) may view the offense as an affront to his values or status. Heider (1958) noted that when one person intentionally harms another (i.e., violates a rule), far more is involved than the physical or material hurt itself. The offender is frequently perceived as demonstrating contempt for the person harmed, asserting power over the victim, or declaring the superiority of the offender's belief or value system. For the victim-reactor, therefore, punishment helps to reestablish the psychological equilibrium by redressing the sense of inferiority engendered by the offense. Indeed, failure to punish may increase the victim's sense of inferiority. As the Israeli court stated in sentencing Eichmann, "punishment is necessary to defend the honor or the authority of him who was hurt by the offense so that the failure to punish may not cause his degradation" (Arendt, 1976: 287). Punishment can also seek to extract an acknowledgment from the offender that his beliefs toward the victim-reactor are wrong (Heider, 1958: 265). In short, punishment of the offender serves to maintain the self-image, beliefs, and values of the reactor.

Next, let us consider retribution from the perspective of the social group. Laws and rules derive from social groups. In addition to providing behavioral proscriptions and prescriptions, they help to define the boundaries and social reality of the group, as many sociologists (e.g., Durkheim, 1964; Erikson, 1966; Gusfield, 1963) and social psychologists (e.g., Mead, 1918; Thibaut and Kelley, 1958) have noted. Violation of these laws or rules is a threat to the group itself. This phenomenon can be seen most clearly in so-called "victimless" crimes, in which no physical or material harm results but the reactor perceives a threat to the value system of the group.

As in the dyadic interpersonal context analyzed by Heider, punishment for violation of group rules asserts the group's power by lowering the status of the offender. This may also help to change the offender's beliefs. The main purpose of

Room 101 in George Orwell's *1984* (1971) was not to control behavior but rather to foster love of the rules themselves, as symbolized by Big Brother.

As was true for behavior-control motives, however, the offense may be perceived as involving others besides the participants, and the punishment reaction may therefore be directed at a wider audience. For instance, the offense may lead the victim-reactor to believe that his values and worth have been lowered in the eyes of others, especially if the offense is known or likely to become known to them. Punishment lowers the offender's status (relative to that of the victim) and suggests to others that the offense should be attributed to the offender's bad character rather than to the weakness of the victim.

A similar response may be evoked among persons who are not directly affected but who, through membership in the social group, view themselves as indirect victims. Since the offense is a challenge to the group's rules and values, the reactor may seek consensus and reassurance about the rule's essential correctness. Punishment disavows the offending act itself. Through the status degradation inflicted by punishment, the offender is defined as outside the group, or at least as of lowered worth. Thomas and Znaniecki (1902) draw attention to this form of reaction in their study of the Polish peasant in Europe. In the closely knit, tradition-bound community, the primary purpose of punishment was the renewal of group solidarity, revenge (i.e., punishment directed at the individual) being a secondary consideration. George Herbert Mead stresses the same point in an essay on punitive justice: the offense threatens the social structure; punishment serves to identify the offender as an enemy and "to awaken in law-abiding members of society the inhibitions which make rebellion impossible to them" (1918: 587). These authors are, of course, referring primarily to the latent functions of punishment; nevertheless, their discussions suggest that the subjective feelings and overt responses of reactors will be expressed in a way that addresses a broader audience than the offender alone.

Punishment reactions based upon retribution are more deeply and completely embedded in psychological structure than are behavior-control reactions. Although some of these retributive reactions may derive directly from perceiving a threat to group or individual values, they also arise from deeply held beliefs of "justice" or "oughtness": the reactor feels it

would not be "right" or "just" for the offender to escape with impunity. The offender has violated a moral rule that transcends the specific victim and even the social group. The response to a crime like murder involves far more than just the perception that the act has challenged group values; the offense confronts essential belief systems—an impersonal, objective order has been disturbed. The affective reaction in these instances is strong: a compelling need to see the moral order set right has been aroused. And, as Durkheim observed, punishment is viewed as "the mystical procedure that will effect this restitution" (1964: 212).

It is beyond the scope of this paper to speculate about how retributive motives develop in the individual. Trivers (1971) has argued that they have a biological origin. Kelsen (1943), drawing upon extensive ethnographic material, has attempted to trace the development and manifestations of such reactions in different societies. Heider (1958) and, more recently, Hogan (1980) have utilized Kelsen's work to draw attention to the universality of retributive emotions. Though not concerned primarily with retribution, Lerner, Miller, and Holmes (1976) have attempted to trace the development of the commitment to justice and oughtness and its perceptual and behavioral consequences. Of special relevance here is their discussion of the threat that people experience when the perceived orderliness or justness of human activities is challenged.

We take the position that such internalized beliefs are derived from the socialization process and are the psychological representations of more overt social and socialpsychological processes. Ranulf's (1964) theorizing about "disinterested" punishment reactions illustrates the interface between social structure and psychological reactions. Ranulf hypothesizes that the middle classes will be most morally punitive in their orientation toward crime. The middle class demands of its members a high degree of self-restraint and a strong commitment to rules as ends in themselves. The associated psychological frustration results in greater punitiveness toward law violators. Ranulf relies on historical data to support his hypothesis, but his reasoning clearly implies that differing personality and attitudinal manifestations should derive from structural variations within a given society.⁵

⁵ Indeed, Ranulf's description fits the syndrome of the authoritarian personality developed by Adorno and others (1950), in which a similar socialization process is posited, though it is not confined to the middle class.

The "disinterested" punishment response occurs because the individual has, through socialization, internalized group values. An offense against any person or thing perceived to be part of the group or falling within the domain of group rules will cause the reactor to respond in approximately the same way as if he or she had experienced the offense directly. Because internalized beliefs about the "oughtness" of the rules have been challenged, the reactor will frequently respond with some public expression. Much research has shown that a threat to important individual beliefs evokes a need to seek confirmation that the beliefs are correct (see, e.g., Festinger, 1950; Schneider, 1976: Ch. 6; Lerner and Miller, 1978).

The reaffirmation of threatened beliefs can be accomplished in a number of ways. Punishment may seek an acknowledgment from the offender that he or she was wrong (see Foucault, 1977; Gusfield, 1967; Heider, 1958). Or the offender may be subjected to a process of status degradation (see Heider, 1958; Mead, 1918). Garfinkel (1956) has elucidated how degradation ceremonies, including punishment, serve to differentiate the offender socially and psychologically, redefining him as less worthy than the conforming members of the group. The work of Kai Erikson (1966) on New England Puritan society also considers the status-degradation process. Public punishment, or at least public knowledge of the punishment, also allows reactors to exchange expressions of approval over the fate of the offender and the "rightness" of the violated rule, thereby reaffirming and solidifying social consensus.

Finally, before we turn to consider specific elements affecting retributive responses, note that those directed toward the offender and those directed toward a broader audience require different degrees of offender awareness. In the former, the offender must understand both that he is being punished and why if retribution is to occur. In the latter, the offender is merely an object through which group solidarity and consensus are achieved. The offender's reactions to the punishment, including acts showing remorse, are only relevant as they contribute to this end. More important is the reactor's belief that the punishment will be publicized to the broader group.

1. Rule and Offense Characteristics

The more important the rule is to the belief or value system of the individual reactor or of the society, the more likely the punishment reaction and the stronger it will be (see

Heider, 1958). Often the moral disapprobation associated with a rule violation parallels the physical or material harm caused by the act (as in murder), but this need not be the case. Violations of certain rules—those against homosexuality, for example—though posing no physical or material danger, may threaten important values held by the individual reactor or his group. Moreover, the cultural context may define certain rules as important or unimportant. For example, though stealing cattle may be considered *malum in se* in our culture, among the Sards the act is rather *malum prohibitum* (see Nader, 1975) and does not evoke strong punitive responses.

From writers in the psychoanalytic tradition we learn that violations of rules that the reactor himself is tempted to transgress are particularly likely to evoke a hostile and punitive response. Weihofen makes this point well when he states that punishment “is a weapon in our own struggle against trends and drives which we do not admit to consciousness. We should be continuously aware that overassertion of a prosecuting, punishing attitude toward law breakers reveals the intensity of our inner struggle and the instability of our own emotional equilibrium” (1957: 138). This same sentiment is captured in Nietzsche’s famous admonition to “distrust all in whom the urge to punish is strong” (as cited in Menninger, 1966: 196).

Even when the rhetorical justification for a rule emphasizes its behavior-control function, there may be an underlying threat to values or beliefs. Gusfield’s (1963) analysis of the temperance movement reveals how a law was supported by practical arguments that were actually motivated by status threats against the morals and value system of those advocating Prohibition. There is evidence that a similar process occurs in the case of capital punishment (see Harris, 1973; Vidmar, 1974; Vidmar and Ellsworth, 1974; Sarat and Vidmar, 1976). When questioned about the basis of their support, most people who favor the death penalty initially invoke deterrence and other utilitarian reasons, but ultimately many of them indicate that they would favor capital punishment even if they were convinced it did not deter. There is reason to believe that a similar process operates in noncapital crimes.

The greater the perceived degree of social consensus about a rule or law, the more likely the individual is to respond punitively. Consensus is an indication of the validity of the violated rule. In many instances consensual support will be

related to the moral significance of the rule, with more important rules (e.g., those against violence) receiving greater support. The importance of consensual support may be seen in the response to marijuana. As public attitudes changed from strong moral opposition to mild support mixed with attitudes favoring legalization, the magnitude of the actual sanctions imposed diminished. This is not to say that certain subgroups in society who identified marijuana with more dangerous drugs and a threatening life-style did not continue to exhibit strong punitive responses. In fact, diminishing consensus can increase the punitive response among those who still subscribe to the rule and therefore feel that their moral code, beliefs, and social status are even more acutely threatened. But the response to marijuana among persons in such subgroups had actually moderated as social consensus diminished (see Kaplan, 1971). In another context, Cook's (1973) study of the sentencing behavior of judges in draft-evasion cases indicates that those who perceived a public consensus against evasion were more likely to sentence severely.

A final factor that may influence a retributive response is the degree of harm caused by the offense. In general, the greater the harm, the greater the punishment reaction. In discussing behavior control we noted that this may be due in part to the fact that adults tend to ascribe greater intention and responsibility to the perpetrator when outcomes are more severe (see Shaw, 1967; Shaw and Reitan, 1969; Shaw and Sulzer, 1964; Shaver, 1970). We will deal with the relationship between perceived intentions and punishment reactions more fully in the next section; here we wish to note only that the seriousness of the outcome seems to mediate the punishment response in other ways as well. Kalven and Zeisel (1966: 407) note that the jury's reaction to a criminal defendant may be directly related to the degree of harm suffered by the victim. In a number of cases in which a defendant failed to display the requisite *mens rea*, guilty verdicts were returned, apparently because of the fact that the victims had suffered death or serious injury.

Shaw and Reitan (1969) have examined responsibility ascription and sanctioning responses among samples of lawyers, policemen, military personnel, and ministers. Although both dependent variables were directly affected by outcome intensity, sanctioning was influenced more strongly. Recently, Vidmar has attempted to separate experimentally the effects of outcome and intention on punitiveness (1977, 1978).

Subjects were presented with murder cases in which the offender's intent to kill the victim was clear and unequivocal but the severity of outcome varied. In one condition, for example, the bullet was deflected and caused only minor harm; in another it caused moderate harm to the victim; in the third death resulted. Subjects rated the offender's intention to kill equally in all conditions, but the magnitude of recommended punishment varied directly with the magnitude of harm. In one of the experiments (Vidmar, 1977), in which subjects were exposed to all three possible outcomes, their punishment reactions showed the same relationship to outcome severity. Interestingly, when asked later why their responses had varied, they did not articulate severity as the reason but continued to endorse the principle that offenders should be punished only according to intentions. Perhaps these reactions reflect cultural learning that is not customarily verbalized or even recognized (Nisbett and Wilson, 1977). The degree of harm may also increase punitiveness by affecting the perceived threat to the rule itself. Additional research will be required to answer this intriguing question.

2. Offender Characteristics

Three main classes of offender variables affect punishment reactions: ascriptions of intentionality and responsibility, the offender's own response to the crime, and the relationship of the violator to the reactor.

a. Responsibility ascription. Legal scholars and social philosophers have discussed at great length the role that ascription of responsibility plays in reactions to crimes or transgressions (e.g., Hart, 1968). Psychologists have also been intrigued by the question of responsibility, though, with the exception of a few studies by Shaw and his associates (e.g., Shaw and Reitan, 1969), not much effort has been devoted to the connection between responsibility and punishment. Building upon the conceptual work of Piaget (1948) and Heider (1958), Shaw and Sulzer (1964) distinguished five levels of responsibility: responsibility through association, simple commission, foreseeability, intent, and justification. Although adults in Western cultures generally do not attribute responsibility by association, the other levels correspond roughly to the legal concepts of strict liability, negligence, willfulness or premeditation, and the various forms of mitigating excuse. More recently Hamilton (1978a, 1978b) has

argued that the perpetrator's social role may affect the level of responsibility attributed to him. For instance, the higher the status of the offender, the more likely he is to be assigned responsibility on the basis of strict liability or negligence. In this paper we will limit our discussion to a consideration of the ways in which attribution of responsibility mediates punishment reactions.

The perceived intention of the offender is a prime mediator of punishment reactions. Generally, a person who is perceived to have done something accidentally is seen as less "responsible" and punished less severely. We speculated that when the reactor's motivation is behavior control, this relationship may exist because an intentional act is thought to reveal a higher probability of recidivism. But intentional wrongdoing also produces more anger and punitiveness because it is more threatening to the integrity of the rule (see Heider, 1958).

The perceived motivation of the actor is important in other ways. There are better or worse reasons for intentionally breaking a rule. If an offender did so for personal gain, for example, punitive reactions will most likely be harsher than if the actor was seeking to benefit others, such as his family, or to avoid some threatened loss (Savitsky and Babel, 1976). What is more, a transgression to avoid loss is less disturbing than a transgression for the purpose of gain (Kelley, 1971).

Moreover, it appears that if the reactor and others in the social group have themselves successfully resisted the temptation to break the rule, the punishment reaction will be more severe (Mills, 1968). The rule violator appears to evoke envy and to cast doubt upon the reasons that had dissuaded the reactor from transgressing (see Ranulf, 1964; Scheler, 1961; Westermarck, 1932).

Wanton violation of a rule tends to evoke the most punitive reaction because it is the most severe affront to the rule and its underlying values. An early empirical study by Sharp and Otto (1910a) illustrates this point nicely. The authors presented examples of criminal rule violations to college males. A substantial number of their subjects initially rejected retribution as a principle of punishment. As the crimes increased in severity and wantonness, however, more and more respondents abandoned their scruples about retributive punishment, even though the examples were contrived so that no deterrent or other utilitarian end would be served by the

punishment. Kalven and Zeisel (1966: Ch. 11 and Ch. 35) describe other examples drawn from jury decisions.

As noted earlier, the ascription of responsibility is not independent of outcome severity. In a number of socialpsychological studies it has been shown that outcome and assignment of responsibility are highly related: the more severe the harm experienced by a victim, the greater the responsibility attributed to the perpetrator (see Lerner and Miller, 1978; Vidmar and Crinklaw, 1974; Wortman, 1976). This relationship apparently stems from the fact that people want to believe there is order and stability in their environment and that very bad things do not happen without understandable reasons—someone or something must be responsible (see Lerner and Miller, 1978). Accordingly, the more severe the harm or the injustice, the more important it is to comprehend the outcome, and this entails assigning responsibility. In addition, the greater the magnitude of harm, the stronger the feeling that someone should be punished (Drabeck and Quarantelli, 1967); and since our sense of justice requires that punishment be proportionate to offender responsibility, the greater the harm, the more people will be motivated to perceive culpability in order to justify their feelings of punitiveness. As Lasswell and Donnelly observed, “When defendant X is declared to be responsible, a characteristic is imputed to X that makes him an eligible target for negative sanctioning measures” (1959: 872).

Attributed responsibility, therefore, is a two-way process; it is both a cause and an effect of reactions to injustice or harm. People react more punitively the more they feel the rule violator is responsible for his actions, and they are more likely to ascribe such responsibility the more they are distressed by the outcome.

Another interesting feature of responsibility ascription is revealed in contexts in which there is more than one potential offender. In such instances the target of blame may shift as the severity of outcome increases. This shift appears to be guided by a desire for equivalence between cause and effect: the larger the effect, the larger the presumed cause. Veltfort and Lee (1954) studied the assignment of responsibility and the desire for punishment following the Coconut Grove Nightclub fire, in which 488 people were killed. Because the sixteen-year-old boy who lit the match was not viewed as a cause sufficient to explain such a catastrophe, other “larger” causes had to be identified. Ultimately, a county grand jury indicted ten men,

including the principal owner of the nightclub, the Boston Building Commissioner, and a Fire Department Inspector. Similar reactions are evident in the plethora of conspiracy theories surrounding the Kennedy assassination; many people simply cannot accept the possibility that a figure as insignificant as Lee Harvey Oswald could have changed the course of history by himself.

b. Subsequent violator behavior. The subsequent behavior of the perpetrator is also important. A dispassionate or unrepentant rule breaker generally incurs greater hostility and more punishment. Contrition tempers the punishment response for two interrelated reasons. First, the more contrition displayed, the more confident the reactor may be that the offender will not violate the rule again, a phenomenon already discussed with respect to behavior-control motives. Second, and perhaps more important, contrition acknowledges the validity of the rule. It is the threat to the rule that is most serious for the social group and most responsible for the intensity of the reaction to the unrepentant rule violator. That contrition frequently appears to be of paramount importance to reactors is evidence that concern for the broader group can transcend concern for the individual offender. In *The Gulag Archipelago (1918-1956)* Solzhenitsyn demands public trials on the Gulags not so much to punish those responsible as to affirm publicly that great injustices were perpetrated:

That is the ultimate height a trial can attain: when evil is so utterly condemned that even the criminal is revolted by it. . . .

For the sake of our country and our children we have the duty to *seek them all out and bring them all to trial!* Not to put them on trial so much as their crimes. And to compel each one of them to announce loudly: "Yes, I was an executioner and a murderer."

We have to condemn publicly the very *idea* that some people have the right to repress others. In keeping silent about evil, in burying it so deep within us that no sign of it appears on the surface, we are *implanting* it, and it will rise up a thousandfold in the future. When we neither punish nor reproach evildoers, we are not simply protecting their trivial old age, we are thereby ripping the foundations of justice from beneath new generations. [1974: 176-78].

Sometimes the act of full contrition may serve to affirm the validity of the rule so completely that punitive reactions against the offender totally dissipate and may even be replaced by positive responses. As Alexander and Staub (1956) observe, people generally respond much more warmly to a "penitent sinner" than to a "righteous man."

c. Prior violator behavior. A history of previous violations by the offender will also affect punishment reactions. Viewed in the context of a present offense, prior offenses not only suggest an increased likelihood of recidivism but also indicate that the offender does not share the reactor's commitment to the rules. What is more, the new offense invalidates any earlier expressions of remorse.

The opposite of this last proposition also holds. Rule violations by individuals who have demonstrated their commitment to the group and its values may evoke relatively weak punishment reactions (Hollander, 1958). If the individual has accumulated social credits for his past adherence to the rules, he will not appear to threaten the structure of his group or society because he will seem unlikely to violate rules in the future and, were he to do so, his earlier compliance has demonstrated a commitment to the basic values of the group.

d. The relationship between violator and reactor. The relationship between the violator and the reactor is also an important mediator of punishment responses. As a general principle, the more attractive the rule violator is to the reactor, the weaker the punishment response. As mentioned earlier, one reason for this may be that attractive others are less likely to be seen as immoral or capable of transgressions (Heider, 1958), so responsibility ascriptions may be attenuated.

The similarity that the reactor sees between himself and the violator bears a complex relationship to his punishment reaction. On the one hand, because similar others are perceived as more attractive (Byrne, 1971), punishment reactions may be weaker, and there is evidence to support this proposition (see Mitchell and Byrne, 1973; Brooks et al., 1975). On the other hand, the violation of a rule by a similar other has a number of disturbing aspects. First, it can reflect on the reactor as well. If one risks being tarred with the same brush, one may be particularly concerned that rule violations by members of one's own group do not happen. This concern is another instance in which punishment is administered more for its effect on a broader audience than for its effect on the rule violator. Second, punishment reactions against a rule violator might also be more intense if the reactor assumes that similar others should know better or have a higher level of morality.

Finally, if the reactor takes the rule violation of a similar other to reflect a rejection of the rules that define or embody

the social group, then the punitive reaction may be harshest of all. Renegades, heretics, and apostates evoke particularly strong condemnation and punishment because they present the strongest possible challenge to the value system of the group; someone who once subscribed to the group's values now denies them (see Coser, 1957).

3. Individual Differences

Punishment reactions based on retributive motives, like those motivated by the goal of behavior control, are affected by individual differences. Some of these directly reflect the person's concern with retribution, but others are a result of more complex interactions with the type of rule or the offender. Such individual differences are not only interesting in their own right but also help to validate and illuminate some of the propositions already set forth.

a. General differences. Cross-cultural psychological studies of the socialization of aggression suggest some of the ways that individual differences in punishment reactions may arise within a culture (see DeVos and Hippler, 1969; Whiting and Whiting, 1960). Different socialization practices result in differences in the degree to which people internalize moral precepts and consider punishment appropriate for wrongdoing. For example, Barry, Child, and Bacon (1959) found cultural differences in the degree to which people internalize feelings of responsibility, conformity, and obedience. And Inkeles and Levinson (1969) have noted how differences in the internalization of norms and rules are directly tied to the application of negative sanctions for wrongdoing.

Shaw and his associates (e.g., Shaw, 1967; Shaw and Schneider, 1969; Schneider and Shaw, 1970) report differences in the sanctioning responses of Whites, Blacks, and Puerto Ricans, although their findings do not clarify the source of these differences. In a study of Swedes, Segerstedt (1949) documents differences in punishment reactions between urban and rural populations, among social classes, among religions, and between males and females. His data further suggest that some of these differences may be explicable in terms of the degree of commitment to moral values.

Other research has attempted to assess more directly the influence of differences in the intensity of retributive motives upon punishment reactions. As mentioned earlier, Sharp and

Otto (1910a, 1910b) found substantial differences in the extent to which people approve of retribution. More recently, research on attitudes toward capital punishment has also shown individual differences in the degree of retributiveness (e.g., Hamilton, 1976, 1978a; Harris, 1973; Sarat and Vidmar, 1976; Vidmar, 1974; Vidmar and Dittenhoffer, 1979). For example, a number of surveys indicate that approximately half of those who favor capital punishment state they would favor it even if they were convinced it had no deterrent or other instrumental effects. The studies by Sarat and Vidmar (1976) and Vidmar and Dittenhoffer (1979) refine this observation, indicating that though nonretributive people tend to change their positions on the death penalty after being exposed to evidence challenging its deterrent effect, retributive proponents remain firm supporters. Retribution as the basis for endorsing the death penalty is correlated with more punitive attitudes toward wrongdoers in noncapital offenses (see Hamilton, 1976, 1978; Vidmar, 1974; Vidmar and Ellsworth, 1974).

The most comprehensive research on the significance of individual differences is that examining the relationship between the personality variable of authoritarianism (cf. Adorno et al., 1950) and retributive punishment reactions. Many studies have shown a relationship between high authoritarianism and a more punitive response (e.g., Boehm, 1968; Dustin and Davis, 1967; Jurow, 1971; Mitchell and Byrne, 1973; Roberts and Jessor, 1958; Sherwood, 1966; Vidmar, 1974). Although Vidmar and Crinklaw (1973) have provided evidence that some of this response may arise from behavior-control motives (high authoritarians are more inclined to believe that punishment is effective in deterring crime), there is both conceptual and empirical evidence to suggest that much of this punitiveness stems from retributive motives. Moral punitiveness is part of the syndrome of authoritarianism: such people tend to adhere rigidly to conventional values, to view deviations from them in moral terms, and to favor severe punishment. Research focusing on sanctioning behavior, moreover, shows that they tend to endorse punishment as an end in itself (Sherwood, 1966; Vidmar, 1974; Vidmar and Crinklaw, 1973).⁶

⁶ Though Adorno and others (1950) conceived of authoritarianism as a pathological syndrome, subsequent research has suggested that this view may, at least in part, be wrong. Endorsement of the ideas contained in the various authoritarianism scales may reflect degree of social experience, socialized values, or a number of other factors (see e.g., Kirscht and Dillehay, 1967). Regardless of the underlying dynamics, however, the various scales show

b. Interaction of individual differences with the form of rule violation. The individual differences just discussed clearly interact with the type of rule violated and the seriousness of outcome. Recall that the Sharp and Otto studies (1910a, 1910b) indicate that persons who are relatively nonretributive toward criminal offenders respond retributively if the offense is heinous enough. More important, however, is research showing a reversal in the retributive responses of high and low authoritarians, depending on which kind of rule is violated. Vidmar (1977, 1978), for example, constructed accounts of criminal offenses in which the rule violated would be regarded differently depending on the subject's authoritarianism. An attempted killing was followed by three possible outcomes: the victim was killed, suffered major injury, or incurred minor injury. It was predicted that in a "conventional" murder attempt, high authoritarians would be more punitive than low authoritarians and that only among the former would the severity of the punishment reactions increase with seriousness of outcome. Both hypotheses were confirmed. Another involved a "crime of obedience" like My Lai (see Hamilton, 1976, 1978b; see also Kelman and Lawrence, 1972; Suedfeld and Epstein, 1973), in which a soldier attempted to kill an unarmed prisoner of war. It was predicted that because low authoritarians tend to evaluate such crimes more severely than do high authoritarians (Hamilton, 1978a; see also Kelman and Lawrence, 1973; Suedfeld and Epstein, 1973), they would impose harsher punishments and increase the sanctions as the seriousness of the harm increased. Again both predictions were confirmed. Thus, the study of individual personality differences supports the previously stated proposition that the more important the rule and the more serious the outcome of the offense, the more severe the retributive punishment reaction. Moreover, these findings argue against the belief that retributive responses are limited to those who fall at the "conservative" end of a personality continuum (cf. Garcia and Griffith, 1978). People with "liberal" social beliefs, who might ordinarily reject retribution as a justification for criminal punishment, may respond more retributively than those with "conservative" social beliefs when an offender, like Adolf Eichman or Dr. Joseph Mengele, has perpetrated an especially heinous crime.

consistent differences between high and low authoritarians with respect to punishment behavior.

c. Interaction of individual differences with characteristics of the offender. The authoritarianism of the reactor also interacts with qualities of the offender. At least in common criminal cases, highly authoritarian reactors tend to respond more strongly to personal characteristics of the offender, such as status, moral character, or similarity (Berg and Vidmar, 1975; Boehm, 1968; Centers et al., 1970; Jurow, 1971). The research of Centers and others (1970) suggests that this may be because high authoritarians tend to view offenders as personally responsible for their actions, whereas low authoritarians tend to stress environmental factors more. Other researchers have explained results in terms of differing susceptibility to affective feelings, or conditions of status and authority (Mitchell, 1973; Mitchell and Byrne, 1973; Berg and Vidmar, 1975). Probably all of these factors are operative and interactive. In addition, high authoritarians may be more likely to ascribe responsibility to an offender who is of low status or dissimilar.

Notwithstanding these generalizations, there are exceptions in which low authoritarians are more punitive. In addition to the findings of Vidmar (1977, 1978) described above, Mitchell (1973) devised a case of a tavern brawl and subsequent shooting in which an off-duty policeman and a draftsman were the participants. In one condition the draftsman shot the policeman; in the other the roles were reversed. Mitchell reasoned that high authoritarians would defer to the policeman because of his status, whereas low authoritarians would hold him to a higher standard of conduct for the same reason. It was found, as predicted, that though high authoritarians were more punitive when the draftsman was the defendant, the pattern was reversed when the policeman was the offender (see also Farina et al., 1972).

V. A CONCLUDING PERSPECTIVE

Our analysis has employed two main dimensions for understanding punishment reactions. We have also attempted to indicate how these interact with characteristics of the offense and how individual differences among reactors relate to each variable. The final product should be treated as a tentative theoretical framework rather than a finished theoretical statement. Despite the extensive reference list, our review is still selective. Many relevant empirical studies were omitted because of the necessity to reach closure and stay within space limitations. In particular we are conscious of having given scant attention to the role played in punishment

reactions by other motives related to the concept of justice. A number of theoretical statements (e.g., Austin et al., 1976; Brickman, 1977; Walker, 1966) and empirical findings (e.g., De Jong et al., 1976; Vidmar, 1972) point to the potential importance of equity considerations. On the other hand, as Hogan (1980) points out in a perceptive essay, socialpsychological researchers have placed too much emphasis on the role of equity motives at the expense of other important motives, especially retribution (see also Anderson, 1976; Brickman, 1977). Moreover, research by Miller suggests that equity motives may well be less potent than behavior-control and retributive motives in understanding responses to rule or law violations (1978; Miller and McCann, 1979). A full exploration of the relationship between equity and punishment motives must be left to a subsequent paper.

The present review has also avoided discussion of the basic conflict between treatment or rehabilitation of the offender and punishment motives (see, e.g., Erikson and Gibbs, 1979), though to a considerable extent treatment motives are implicit in the concept of behavior control. Finally, our analysis has centered on initial impulses or reactions without exploring how these may diminish over time or be modified when the reactor learns of the offender's actual fate. A variety of writers suggest the importance of this consideration (e.g., Foucault, 1977; Griffiths, 1970; Sarat and Vidmar, 1976: 175).

Regardless of these caveats, we believe the present framework will prove to be a fairly robust conceptualization of the phenomenological structure and internal dynamics of punishment reactions. It should also be said, however, that our exploration of these socialpsychological dynamics has led us to recognize that some of the most interesting empirical questions are shared by socialpsychological and sociological analyses. It is worth outlining some of these questions before concluding.

The central question is how changes in political, economic, and social structure influence the relative prevalence and strength of retributive versus behavior-control motives and of concern with the offender versus concern with the larger social audience. Earlier, referring to the difficult analytical problem of bridging the gap between social structure and the individual, we argued that changes in objective circumstances must also result in phenomenological changes in psychological functioning. This logic inevitably raises questions—some straightforward, others more complex—about the relative weights of the factors we have discussed.

One question is whether an increase in the rate of violent crime, perceived as a direct threat, shifts the reactor's motives from retribution toward behavior control. Moreover, research by Sales suggests that the threat produced by structural changes in society may have effects on the personality dispositions and attitudes of its members, which in turn affect punishment reactions. Using archival data bolstered by experimental research (Sales and Friend, 1973), Sales (1972, 1973) compared periods in United States history that were characterized as relatively high or low in social and economic threat. He found evidence that the level of threat, measured by many different indices, increases authoritarian tendencies, including punitiveness toward criminals. Although Sales's data do not allow us to separate behavior-control and retributive motives, they do suggest how macrosocial trends may be transformed into changes in individual attitudes.

Other questions concern the evolution from *gemeinschaft* to *gesellschaft*. In reading any description of punishment practices in closely knit communal societies—for example, Polish peasant communities in Europe (Thomas and Znaniecki, 1927), or American Puritan society (Erikson, 1966)—one is struck by the contrast between their processes of criminal punishment and the contemporary counterparts. Although there are important differences in behavior-control motives, even more striking are contrasts concerning retributive punishment directed at both the offender and the broader audience. In these earlier societies punishment was public and personal: members saw the offender being punished and exchanged reaffirmations of the “oughtness” of the violated rule. Compare modern urban society: except for the most spectacular and “newsworthy” crimes, offenders are apprehended in privacy, brought to trial and sentenced in courtrooms that few citizens ever visit and, finally, sent away to prison and anonymous exile (see Griffiths, 1970). Members of such a society—“reactors” in the terminology of this paper—neither see the offender get his deserts nor have the opportunity to contribute to, or draw upon, social consensus. Such contrasts are not only historical, however. Contemporary residents of small towns know the identity of the offender even before he is apprehended and discuss his fate as he proceeds toward punishment.

Such observations prompt us to ask whether increasing urbanization, with the consequent removal of reactors from the punishment process and from one another, weakens retributive

tendencies. Or have the mass media replaced public punishment as an outlet for the expression of retributive tendencies (see Cohen and Young, 1973)? If so, has this modified them? The media emphasize spectacular crimes—crimes of violence—and not the more mundane offenses. Does this mean that the latter evoke less retributive reactions from individuals as we move along the continuum from *gemeinschaft* to *gesellschaft*? Furthermore, might the trend to merge criminal and civil law reflect growing public concern with behavior control rather than retribution?

Obtaining the answers to such questions will be difficult. But we hope that our socialpsychological framework will provide some direction for their pursuit.

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