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RESEARCH ON SEXUAL ASSAULT VICTIMS AND OFFENDERS

Punishment and Rehabilitation Attitudes toward Sex Offenders Versus Nonsexual Offenders

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Punishment (PUN) and rehabilitation (REH) attitudes toward sex offenders/offenses (SO) and nonsexual offenders/offenses (NSO) were compared in a sample of 355 undergraduates, in response to brief vignettes depicting a sexual and nonsexual offense, conceptually matched for seriousness and severity. Participants assigned higher PUN scores to individuals who committed sexual offenses, whether the offenders were children, adolescents, or adults. REH attitudes showed the reverse pattern—sexual offenders were assigned lower REH scores than nonsexual offenders—with the exception of child offenders, for whom REH attitudes did not differ between sexual and nonsexual offenses. PUN attitudes increased monotonically with offender age, regardless of offender type. Offender age had the opposite effect on participants' REH

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attitudes for nonsexual offenders, and there was no effect of offender age on REH ratings for sex offenders. Results are discussed in the context of sexual abuse as a potential “moral panic” and recent populist trends in punitiveness toward criminals.

KEYWORDS *punishment, punitiveness, rehabilitation, sex offenders, sexual offense*

Within the context of several decades of apparently increasing punitivity toward criminals (Van Kesteren, 2009), sex offenders might be seen by the public as deserving greater punishment and less treatment or rehabilitation than other criminals. Registration and community notification requirements (Petrunik, 2003), civil commitment laws (Levenson, 2003), and depictions of sexual offenders in popular media suggest that attitudes toward sex offenders are more punitive than those directed at nonsexual offenders, and that acceptance of treatment of sex offenders as an alternative to long punitive incarcerations is low.

INCREASING PUNITIVENESS

In the last three decades, the study of public punitiveness has increased in volume and scope (Tonry, 2009; Van Kesteren, 2009). Investigators from multiple academic domains have worked to describe the political, sociological, criminological, and psychological landscape of the public's perceptions and treatment of crime and criminals (Costelloe, Chiricos, & Gertz, 2009; King & Maruna, 2009; Rossi, Simpson, & Miller, 1985; Shea, 2009; Stylianou, 2003; Tonry, 2009; Zimmerman, Vanalstyne, & Dunn, 1988). In large part, this attention has been a result of survey research suggesting that the public endorses responses to criminals that are harsher than actual legal penalties (de Keijser & Elffers, 2009; Gibbons, 1969; Ray, 1982). This phenomenon might be part of a feedback cycle in which public attitudes, political rhetoric (i.e., “getting tough on crime” and “one-upmanship”; Haney & Zimbardo, 1998), and media coverage of crimes (e.g., entertainment-driven biases in the extent, selectivity of details, and style of presentation of crime information; Estrada, 2001; Fortete & Cesano, 2009) contribute to increasingly punitive criminal justice systems in various parts of the world (Borg, 1998; Cullen, Fisher, & Applegate, 2000; Kury & Ferdinand, 1999; Schwartz, Guo, & Kerbs, 1993; Stack, 2000; Tyler & Boeckmann, 1997; Van Kesteren, 2009; but see Kury, Brandenstein, & Obergfell-Fuchs, 2009, for an alternative view).

Punitive public attitudes have been found to vary with demographics, although findings have not always been consistent. For example, older research participants are often found to have more punitive attitudes than younger participants (Leiber, Woodrick, & Roudebush, 1995; McCorkle,

1993); however, some studies have found complex, opposite, or null effects (Finley & Schindler, 1999; Grasmick & McGill, 1994; Kury & Ferdinand, 1999). Ethnic minorities are often found to endorse less punitive responses to social deviance than Caucasians (DeLisi, 2001), although this effect, too, has shown some reversals (Jackson & Ammen, 1996; Mears, 2001). The variability of punishment attitudes by respondent sex has been more regular, with men generally endorsing stronger punitive attitudes than women (Applegate, Cullen, & Fisher, 2002; Finley & Schindler, 1999; Kury & Ferdinand, 1999; Mears, 2001; Parkay & Conoley, 1982; Walsh, 1984b). Not surprisingly, helping professionals (e.g., nurses, social workers, etc.) consistently express less punitive attitudes than law enforcement or military personnel (Furnham & Alison, 1994; Ghetti & Redlich, 2001; Hubbart & Singg, 2001; Leiber et al., 1995; Sulzer & Burglass, 1968; Wilk & McCarthy, 1986). Although these and other aspects of punitive public attitudes have drawn scientific attention, punishment attitudes toward sexual offenders have attracted surprisingly little empirical research to date.

SEX-OFFENDER-SPECIFIC PUNITIVENESS

With legal changes such as community notification and public registries (Petrunik, 2003), civil commitment (Levenson, 2003), and chemical castration (Farkas & Stichman, 2002), sex offenders are often treated as a “special case” in the legal domain, deserving of punishment not allocated to other classes of offenders (Farkas & Stichman, 2002; Kury et al., 2009; Lieb, Quinsey, & Berliner, 1998; Oreskovich, 2001). The public appears to view sex offenders as a special category of offenders, as well. Levenson, Brannon, Fortney, and Baker (2007) replicated both others’ results (see Quinn, Forsyth, & Mullen-Quinn, 2004) and commonsense perception when they found that Florida residents largely believed that sex offenders had the highest rates of recidivism among criminals and elevated rates of mental illness. In entertainment media, the popularity of both fictional and nonfictional accounts of sex crimes and their punishment, exemplified by television shows such as *Law and Order: Special Victims Unit* (Baer, 2000), *Crime Scene Investigation* (Zuiker, 1999), and *To Catch a Predator* (Bartel, 2004) adds further weight to the argument of heightened public punitiveness toward sex offenders.

One theorist sums up many of these observations by arguing that sex offenders in Western nations fit Giorgio Agamben’s definition of *homo sacer*, originally an ancient Roman concept. *Homo sacer* exists in a space outside the law, where he can be treated in ways that would otherwise be illegal. This arrangement allows society to maintain a sense of order and preservation of moral values (Spencer, 2009).

Only a handful of empirical studies have assessed punitive attitudes toward sexual offenders. Dietz and Sissman (1984) found that potential jurors in a child molestation case tended to recommend sentences that

were harsher than those normally given for first-degree murder, with many participants expressing certainty of the defendant's guilt based solely on media reports of the case. Champion (1988) found that prosecutors and judges viewed sex offenders as a unique category of defendants, and that their attitudes and sentencing recommendations toward child molesters were harsher than toward violent felons, including murderers. Esses and Webster (1988) found that unattractive sex offenders were more likely than nonsexual offenders (or even attractive sex offenders) to be labeled "dangerous" under Canadian criminal policy.

Sex offenders or offenses have appeared in other punitiveness-related studies (Cheung & Boutte-Queen, 2000; Hogue & Peebles, 1997; Sahlstrom & Jeglic, 2009; Valliant, Furac, & Antonowicz, 1994; Walsh, 1984b; Wilk & McCarthy, 1986), but direct comparisons of punitiveness toward sexual and nonsexual offenders are still lacking. An approximation to these comparisons is sometimes found in research on perceived crime seriousness, in which the perceived severity of sexual and nonsexual crimes can sometimes be compared. Kury and Ferdinand's (1999) survey of German citizens is a notable recent example: Forcible rape and, to a lesser extent, sexual assault were consistently assigned the stiffest recommended sanctions, compared to other offenses, by German participants. The usefulness of this study for assessing any differential punitive response to sex versus nonsex offenders is limited, however, as the sexual offenses described are not clearly matched with nonsexual crimes. Further, phrases such as *forcible rape* and *sexual assault* are somewhat vague and seem likely to prime schemas of moral outrage and perhaps even directly prime a punitive cognitive reaction.

In another relevant study, Hilton, Harris, and Rice (2003) assessed Canadian adolescents' opinions of the seriousness of audiotaped vignettes of various interpersonal crimes, including both sexual and nonsexual offenses. Participants rated the sexual offenses as more serious than nonsexual crimes, on average; however, it is not clear whether the situations and behaviors depicted in the vignettes were a representative sample of the domain of such situations (e.g., no children were depicted as victims), or whether the sexual and nonsexual offenses portrayed—which differed from each other in a number of ways—were truly comparable to one another in fundamental aspects. Thus, although suggestive, this study seems to offer no way to extract conclusions about the participants' punitive attitudes toward sex offenders in general, relative to nonsexual offenders, nor about participants' views of the seriousness of sexual versus nonsexual crimes, in an abstract sense.

Church, Wakeman, Miller, Clements, and Sun (2008) contributed to progress in this area by developing the Community Attitudes Toward Sex Offenders Scale (CATSOS). Exploratory factor analysis of the large item pool that became the CATSOS yielded factors suggesting four general areas

of thought about sex offenders: Beliefs about their social isolation, their capacity to change, dangerousness and severity, and deviancy. Although this was not a comparative study of punitive attitudes toward sex offenders, and although the population (like the current study) was undergraduate students, this clustering of belief-related items might itself be indicative of the dimensions in which the general public's thinking about sex offenders is organized.

Church et al.'s (2008) research has (as of this writing) received no follow-up in peer-reviewed journals, but the CATSOS was used in a study from the Montana State University School of Social Work for the Montana Department of Corrections regarding the attitudes of community corrections professionals (mostly parole and probation officers). These participants showed very low levels of endorsement of CATSOS items implying extreme punishment of sex offenders or stereotyped content regarding their lifestyles or characteristics, and very high levels of agreement with items recommending rehabilitation (Balow & Conley, 2008).

REHABILITATION ATTITUDES TOWARD SEX OFFENDERS

Although attitudes toward the rehabilitation of criminals might intuitively seem to be the opposite of attitudes toward their punishment, empirical evidence suggests that these two constructs behave independently (McCorkle, 1993). Indeed, the limited extant research on treatment and rehabilitation attitudes toward sex offenders is more complex than a simple inverse relationship between these and the public's preference for sex offender punishment. For example, half of the participants in Brown's (1999) study thought rehabilitating sex offenders was a good idea, although nearly the same proportion believed this treatment should be delivered only in prison, and only 4% believed sex offenders should receive treatment without incarceration. Sahlstrom and Jeglic (2009) and Levenson et al. (2007) found that undergraduates and Florida residents, respectively, had negative views of the potential for juvenile sex offenders to be rehabilitated, with the latter study also finding a public belief in very high recidivism rates for sex offenders. Quinn et al. (2004) named these two related assumptions the "myth of the unredeemable sex offender."

THIS STUDY

The primary goal of this study was to test whether individuals' attitudes reflected stronger punishment and weaker rehabilitation toward sex offenders than toward conceptually matched nonsexual offenders. Additionally, recent research and theory in the behavioral sciences (Scott & Steinberg,

2008) and a ruling by the Supreme Court (Scott, 2005) have reflected growing national concern that juvenile offenders be treated differently from adult offenders. Therefore, it was considered desirable to assess the effect of offender age on punishment and treatment attitudes. In one of the few studies to investigate such effects, Ghetti and Redlich (2001) failed to find statistical significance for the association between criminals' ages and participants' punitive attitudes. However, they reported a clear positive association between criminal age and participants' attributions of the criminals' accountability for their crimes, even though the depicted criminals' ages were restricted within the years of adolescence.

In this study, participants were presented with depictions of sexual and nonsexual offenses committed by children, adolescents, or adults across a wide range of ages, then asked to respond to measures of punitive and rehabilitative responses to these scenarios, as well as to more general attitudinal instruments. The main hypotheses were that participants would react with (a) stronger punishment attitudes and (b) weaker rehabilitation attitudes to sex offenders, compared to nonsexual offenders. Additionally, (c) punishment attitudes were predicted to rise with increasing offender age, regardless of offense type, and (d) rehabilitation attitudes to correspondingly decline. The latter two hypotheses reflect the assumption that the public's increasingly punitive attitudes coexist with—and are tempered by—a shared understanding that children and adolescents possess less moral responsibility for their actions than do adults, a phenomenon sometimes called “child saving” (Moon, Sundt, Cullen, & Wright, 2000).

METHOD

A factorial survey method was used, in which participants were given two brief crime vignettes, one depicting a sex offense and the other a nonsexual offense. The order of presentation of the vignettes was randomized. This rendered offense type (sexual vs. nonsexual) a repeated-measures independent variable (IV). Participants were asked to respond to questionnaires specific to the vignettes. Participants gave informed consent and were assured of the anonymity of their responses; in this way, we hoped to reduce the expectation of any social evaluation or accountability for their responses and thus assess only their private attitudes (MacDonald & Nail, 2005), avoiding as much as possible the intrusion of public attitudes in their responses to survey items. The possibility that results might have been affected by participants' reactions to recent events in the community (e.g., high-profile sexual abuse or assault cases in the media) cannot be completely ruled out; this study was conducted at a large university in a major metropolitan center, where reports of crimes are regular. Nevertheless, the authors are not aware of any particularly publicly salient event occurring immediately before data collection.

Participants

Three hundred fifty-five undergraduates from an introductory psychology course at a large Midwestern U.S. public university participated in this study.¹ The average participant age was 19.54 years ($SD = 2.11$). Fifty-four percent of the sample was female, with the remainder male; 78% listed their ethnicity as White, 10% as Black, and 12% as another race or ethnicity. Their political leanings were fairly normally distributed: 9.3% identified as very liberal, 20.3% as liberal, 38.9% as neutral or centrist, 23.7% as conservative, and 5.6% as very conservative (skew = -1.12 ; negative values indicate liberal orientation).

Materials: Offense Vignettes and Independent Variables

All vignettes portrayed a criminal incident perpetrated against a 6-year-old female victim, who was described as a cousin of the offender. The offender was always male and his age varied between 7 and 27 years between vignettes. Concerns for perceived prototypicality and general ecological validity guided the specification of an older male offender and younger female victim (see Rogers & Davies, 2007), and a preexisting close relationship between them (McCoy & Gray, 2007).

The primary IV—sexual versus nonsexual offense type—required a pair of “typical” interpersonal crimes (one sexual and the other nonsexual) as equivalent as possible in perceived severity and amenable to implementation across a range of offender ages. Empirical studies of perceived crime seriousness are a logical choice to identify such matched offenses, but such projects only rarely include a level of detail in the offenses assessed that would allow the comparison this study required. Rossi, Waite, Bose, and Berk’s (1974) survey of perceived crime seriousness—distinguished for assessing, at least to some extent, public perceptions of both sexual offenses and crimes against children—found that the perceived severity of “beating up a child” ($M = 7.490$ on an 8-point scale) fell near the midpoint of, and nearly equal to, the severity of two items indicating sexually inappropriate contact with a child: “Seduction of a minor” ($M = 7.021$) and “making sexual advances to young children” ($M = 7.861$). To make both crimes “hands-on” offenses, and to specify each with as brief a prompt as possible, “hitting” was selected as the nonsexual crime for the vignettes and “fondling” as the sexual crime.

¹ These data are part of a larger study in which the opinions of psychologists and sex offender treatment professionals were also collected. These specialized populations’ opinions were not considered relevant to an investigation of the general public’s attitudes. An initial run of more than 100 participants was given questionnaire forms with printing errors. When the errors were discovered, the forms and data were discarded and the data collection was started anew, using new participants recruited from the same large pool of volunteers.

The order of presentation of the two vignettes was randomly varied. The vignettes were as follows (variables are indicated with italicized words in brackets):

[*John* or *Jack*] is a [7 to 27]-year-old cousin of Mary, who is 6 years old. [*John* or *Jack*] has been convicted of intimidating, threatening, and [*fondling* or *bitting*] Mary several times over the course of several months.

Clearly much has happened since 1974, raising questions about the current validity of Rossi et al.'s (1974) seriousness rankings. There does not seem to be any recent research assessing the perceived seriousness of sexual and nonsexual crimes in sufficient specificity to resolve this question directly. However, some indirect evidence suggests that Rossi et al.'s seriousness ratings might still be valid. Pontell, Granite, Keenan, and Geis (1985) found that police chiefs' rankings of crime seriousness, using Rossi et al.'s survey, were highly similar to both Rossi et al.'s original results and to similar studies conducted with other populations in the preceding decade. Francis, Soothill, and Dittrich (2001), using a paired-comparison method to study British judges' sentencing, found that the ordinal relationship between sexual and nonsexual offenses in the years 1963 to 1975 remained largely unchanged from 1976 to 1994.

Offender age was kept constant for each participant. That is, if a participant saw a sexual offense vignette with a 12-year-old offender, then the offender portrayed in the nonsexual offense vignette that he or she saw would also be 12 years old. Of the 21 offender ages represented in the surveys, none was unaccounted for in completed questionnaires, and each value accounted for 3.9% to 5.6% of the total surveys. Offender age was not distributed unevenly among completed surveys, $\chi^2(20df, N = 637) = 7.47$, $p > .20$. Unless otherwise noted, the 21 offender ages were collapsed into three developmental ranges for analyses: 7 to 11 years, 12 to 17 years, and 18 to 27 years old—age ranges deemed likely to match participants' cognitive prototypes for child, adolescent, and adult offenders.

The manipulations of the two IVs (offense type and offender age) consisted of a single word and a single number, respectively. This resulted in a well-controlled, precisely manipulated pair of variables, a situation dubbed an "inauspicious design" by Cortina and Landis (2009). Prentice and Miller (1992) described designs involving "minimal manipulations of the independent variable" in these terms: "The strength of these demonstrations derives not from the proportion of variance in allocations [the independent variable] can account for but instead from the fact that such a slight manipulation . . . can account for any variance in allocations at all" (p. 161). Thus, in this study a high standard was set for measurable differences in the effect of offender types and offender ages on the dependent variables (DVs), but any

differences that might later be observed would provide a reasonably strong level of confidence in the robustness of the underlying effects.

Materials: Other Variables

The first DV was the participants' punishment attitudes toward the offender depicted in the vignettes, as measured by McCorkle's (1993) four-item punishment attitudes scale (PUN). This scale presents statements advocating that the criminal be kept "locked up," "severely punished," and so forth, with Likert-type options for indicating agreement or disagreement. Participants responded to this scale twice, once per vignette. The PUN scale taps two traditional dimensions of punishment attitudes: Incapacitation and retribution. In McCorkle's original telephone-based factorial survey utilizing this scale, Cronbach's alpha was between .65 and .88 (McCorkle did not specify which of these values applies to the punishment attitudes scale and which to the rehabilitation attitudes scale, discussed later); in this study, alpha was .78 and .81 for sexual and nonsexual offense vignettes, respectively [McCorkle, 1993]).

The second DV was rehabilitation attitudes toward the offender, assessed via McCorkle's four-item treatment attitudes scale (REH). Items on this scale specifically tap concepts related to prison-based rehabilitation, such as "This offender would probably benefit from the psychological counseling programs offered in the prison," and "Trying to rehabilitate this person would probably be a waste of time." Cronbach's alpha in this study was marginal at .68 for responses to sex offense vignettes and .64 for violent offense vignettes. Like PUN, this scale was administered twice, once in response to each vignette the participant saw. Note that the potential range of scores on both the PUN and REH scales is from 4 to 16, with a score of 10 being a conceptual "middle point," as this score would be obtained by offering a neutral answer to each item in the scale.

RESULTS

Participant age was not significantly associated with PUN scores when the latter were combined (summed) within subjects for sexual offense and nonsexual offense vignettes ($r = .09$, $p > .10$; two outliers removed after visual scatterplot inspection), or with sexual and nonsexual offense REH scores combined the same way ($r = -.06$, $p > .10$). Combined PUN ratings did not differ between males and females (males: $M = 20.63$, $SD = 4.77$; females: $M = 20.96$, $SD = 4.43$), $t(349) = 0.66$, $p > .10$, nor did combined REH ratings (males: $M = 22.56$, $SD = 3.78$; females: $M = 23.07$, $SD = 3.48$), $t(349) = 1.31$, $p > .10$. Combined PUN scores did not differ between White and non-White participants (White: $M = 20.81$, $SD = 4.62$; non-White: $M = 20.72$,

$SD = 4.67$), $t(347) = 0.16$, $p > .10$, and neither did combined REH scores, (White: $M = 22.66$, $SD = 3.79$; non-White: $M = 23.31$, $SD = 3.12$), $t(347) = -1.40$, $p > .10$.

For tests of the main hypotheses and the effects of offender age on the DVs, an omnibus multivariate analysis of variance (MANOVA) was performed, with follow-up analyses guided largely by Tabachnick and Fidell's (2007) "profile analysis" procedures for doubly multivariate designs. This analysis included offense type and offender age as IVs, with PUN and REH as DVs. The results of greatest interest are the final pairwise contrasts between punishment attitudes (PUN) toward the perpetrators of sexual versus nonsexual offenses at each offender developmental level (age), and the corresponding contrasts for rehabilitation (REH) attitudes.

Initial Omnibus MANOVA

The effect of offense type on the combined DVs (PUN and REH) was statistically significant in the omnibus analysis, Wilks's $\lambda = .89$, $F(2, 258) = 16.69$, $p < .001$, as was the effect of offender age, Wilks's $\lambda = .77$, $F(4, 516) = 18.08$, $p < .001$. The interaction of these two factors, however, was not, Wilks's $\lambda = .97$, $F(4, 516) = 2.11$, $p > .05$.

Punishment Attitudes

The effect of offense type and offender age on PUN was assessed with a 2 (within) \times 3 (between) factorial analysis of variance (ANOVA). Offense type exerted a statistically significant effect on PUN ratings, across offender age ranges, $F(1, 259) = 36.62$, $p < .001$, as did offender age, $F(2, 259) = 33.67$, $p < .001$. The interaction effect was not tested, due to the results of the omnibus MANOVA.

The effects of offense type at each offender age level (Figure 1) were tested with a series of repeated-measures ANOVAs. Participants held, on average, more punitive attitudes toward those who committed sexual offenses than toward those who committed nonsexual violent offenses, whether the offenders were children (sexual offenses: $M = 9.02$, $SD = 2.14$; nonsexual offenses: $M = 8.53$, $SD = 2.12$), $F(1, 48) = 5.21$, $p < .05$; adolescents (sexual offenses: $M = 10.70$, $SD = 2.23$; nonsexual offenses: $M = 9.84$, $SD = 2.24$), $F(1, 75) = 22.98$, $p < .001$; or adults (sexual offenses: $M = 11.74$, $SD = 2.26$; nonsexual offenses: $M = 11.16$, $SD = 2.24$), $F(1, 136) = 14.66$, $p < .001$.

The simple effect of offender age on PUN for SO vignettes was statistically significant, $F(2, 313) = 37.39$, $p < .001$. Post hoc tests revealed that the mean PUN rating for adult sex offenders ($M = 11.69$, $SD = 2.27$) was significantly higher than for adolescents ($M = 10.63$, $SD = 2.22$; Tukey's

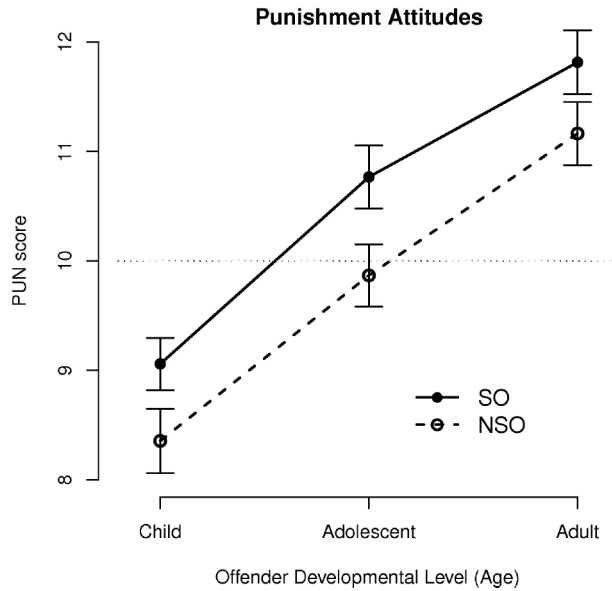


FIGURE 1 Punishment attitudes scale (PUN) scores with error bars (± 1 SE) for sexual (SO) and nonsexual offenders (NSO) across all offender ages. Potential range: 4–16. Dashed horizontal line indicates conceptual “middle” PUN response.

honestly significant difference [HSD] $p < .01$), and the latter was significantly higher than PUN for child sex offenders ($M = 8.92$, $SD = 1.92$; Tukey’s HSD $p < .001$).

The simple effect of offender age on PUN for nonsexual offense vignettes was statistically significant as well, $F(2, 298) = 187.56$, $p < .001$. The mean PUN rating for adult nonsexual offenders ($M = 11.15$, $SD = 2.06$) was significantly higher than for adolescents ($M = 9.80$, $SD = 2.21$; Tukey’s HSD $p < .001$), which was significantly higher than PUN for child nonsexual offenders ($M = 8.28$, $SD = 2.11$; Tukey’s HSD $p < .001$).

Rehabilitation Attitudes

The effects of the two IVs on REH were also assessed with the procedures just described. The effect of offense type was statistically significant across offender age ranges, $F(1, 259) = 5.68$, $p < .05$, as was offender age, $F(2, 259) = 4.88$, $p < .05$. The interaction effect was again not tested. There was no statistically significant difference between the REH ratings assigned to sexual versus nonsexual child-aged offenders (sexual offenders: $M = 11.57$, $SD = 1.80$; nonsexual offenders: $M = 11.41$, $SD = 1.62$), $F(1, 48) = 0.71$, $p > .05$. However, participants assigned higher REH ratings to older offenders who committed violent nonsexual offenses (Figure 2), both adolescents (sexual offenders: $M = 11.61$, $SD = 1.74$; nonsexual offenders: $M = 12.20$,

$SD = 1.66$), $F(1, 75) = 11.20$, $p < .01$, and adults (sexual offenders: $M = 10.99$, $SD = 2.20$; nonsexual offenders: $M = 11.27$, $SD = 1.84$), $F(1, 136) = 4.95$, $p < .05$.

The simple effect of offender age on REH for sexual offense vignettes was not significant, $F(2, 313) = 2.493$, $p > .05$ (Figure 2). The simple effect of offender age on REH for nonsexual offense vignettes, by contrast, was significant, $F(2, 298) = 4.64$, $p < .05$. Post hoc tests showed that the mean REH attitude rating for adult nonsexual offenders ($M = 11.26$, $SD = 1.84$) was significantly lower (Tukey's HSD, $p < .01$) than REH ratings for adolescents ($M = 12.00$, $SD = 1.82$). There was no statistically significant difference between the mean REH ratings for child nonsexual offenders ($M = 11.45$, $SD = 1.83$) and adolescents (Tukey's HSD, $p > .05$).

DISCUSSION

The first hypothesis, that punitive attitudes (PUN) toward sexual offenders are more extreme than those toward nonsexual offenders, was supported (Figure 1). The second hypothesis was partially supported: Rehabilitation attitudes (REH) were lower toward adolescent and adult sexual offenders compared to nonsexual violent offenders, but this effect was not present for child offenders (Figure 2).

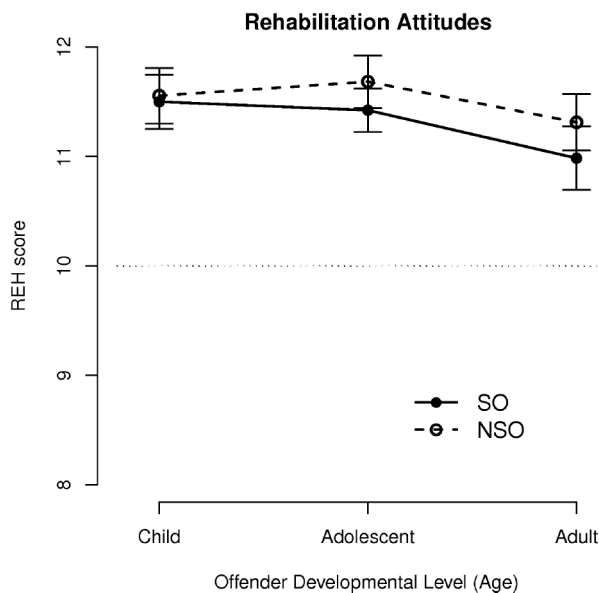


FIGURE 2 Treatment (rehabilitation) attitudes scale (REH) scores with error bars ($\pm 1 SE$) for sexual (SO) and nonsexual (NSO) offenders across all offender ages. Potential range: 4–16. Dashed horizontal line indicates conceptual “middle” PUN response.

The third hypothesis was fully supported: Offender age was a strong determinant of higher PUN across the offender age range, regardless of offense or offender type. Participants were clearly sensitive to developmental cues for the vignette offenders. The fourth hypothesis was only partially supported: Rehabilitation attitudes did vary with offender age, but this effect was not independent of offense type. Although there was no statistically significant effect of offender age on REH for sex offenders, treatment-positive attitudes toward nonsexual (violent) offenders dropped after offenders left adolescence. We note that the lack of any difference between REH toward child-aged sexual and nonsexual offenders was due to such attitudes being uniformly high (Figure 2). We, like others, have found that child saving is not “dead” (Moon et al., 2000), irrespective of trends in punitive attitudes or of increased punitiveness toward sex offenders. Rather, our results suggest that general punitiveness, sex-offender-specific punitiveness, and child-saving can all coexist in the public mind in an additive manner, with the latter factor tempering the effects of the former two when offenders are known to be adolescents or children. It is difficult to say whether punishment attitudes are “high” or “low” in an absolute sense. However, the “middle” response value of 10 on the PUN scale (the score that would be obtained if an individual responded to each question on the scale by selecting the Likert option in the center of the range; see horizontal dashed lines in Figures 1 and 2) might serve as a conceptual anchor point. Punishment attitudes toward child offenders are below this “middle”—although sex offenses still prompt more punishment—whereas attitudes toward adolescent sex offenders and all adult offenders are above it. Rehabilitation attitudes, on the other hand, were consistently higher than the conceptual “middle” score on the REH scale.

Participant age, sex, and ethnicity were unrelated to punishment attitudes, which is not totally surprising in light of past research showing inconsistent effects for these demographic factors (Applegate et al., 2002; Finley & Schindler, 1999; Mears, 2001; Parkay & Conoley, 1982; Walsh, 1984a).

One possible explanation for greater punishment attitudes toward sexual versus nonsexual offenders might be that the public’s schemas for sex crimes represent a “moral panic” (Zajdow, 2008). The mere thought of sexual offense might result in an emotional and cognitive response partially divorced from rational consideration of crime and its consequences, leading to punitive responses to the different offender groups being determined by participants’ levels of physiological arousal, rather than by careful analysis. That is, due to a moral panic, thoughts about sex offenders produce more negative excitement (fear, anger, etc.) than do thoughts about other criminals, causing a stronger punishment reaction to the former class of offenders.

An alternative explanation might be that participants truly perceived the sex offense as causing more harm to the victim than the violent offense, despite efforts to conceptually equate the two in the vignettes. The sexual (“fondling”) and nonsexual (“hitting”) crime descriptions were chosen to be maximally similar in terms of publicly perceived seriousness or severity. As previously mentioned, results from Pontell et al. (1985) and Francis et al. (2001) suggested that public judgments of the relative severity of sexual and nonsexual offenses could have remained essentially unchanged from the 1960s through the 1990s. However, updated crime-seriousness research with U.S. populations, assessing public responses to both sexual and nonsexual crimes for children and adults, will be required to more fully rule out this possibility.

Even if crime seriousness research in the 21st century were to show that hitting and fondling were considered equally serious, there are unanswered questions about the cognitive landscape of such judgments (Stylianou, 2003). For example, crime seriousness surveys might not represent all relevant dimensions of public perceptions of the harm or seriousness of crimes; these ratings could even be subject to something like a preference reversal, in which participants’ evaluations of a situation are not firmly tied to perception of an underlying reality, but rather depend to some extent on the method and context of presenting the information (Tversky, 1972). That is, the differences in the way Rossi et al.’s (1974) crime seriousness prompts and this study’s vignettes were framed might have caused disparate evaluations of the seriousness or severity of the crimes in each case. In other words, there might be no such thing as the public’s “true” perception of crime seriousness, independent of the context in which questions are asked. These concerns are not resolvable without further crime seriousness and psychological research.

A final concern is with the content of the items in the four-item PUN scale. Two of the items include prison-related statements, raising the possibility that some respondents’ PUN scores might partially represent a nonpunitive desire to contain criminals for public safety (Feather & Souter, 2002). To test this possibility, two post hoc analyses were performed. First, Cronbach’s alpha was calculated for the PUN scale with the two items in question removed, one at a time. This resulted in alpha dropping by only .05 to .07. Second, a one-factor exploratory factor analysis was performed. The unrotated factor loadings of these items were all between .82 and .88. The scale seems plausibly unidimensional and the prison-related items do not appear to have compromised its integrity.

In short, punishment attitudes seem stronger toward sex offenders than toward criminals who offend in nonsexual ways, and rehabilitation attitudes seem weaker, although the public is also responsive to the tempering effects of age, especially for young offenders. The offenders’ ages, in fact, formed a robust factor in determining participants’ punitive and rehabilitative

attitudes. Participants preferred monotonically increasing levels of punishment for both sexual and nonsexual offenders, as the offender's age increased. Nonsexual offenders were the subjects of a similar, but reversed, effect for rehabilitation attitudes: Rehabilitation was more strongly preferred for underage than for adult offenders. However, for sex offenders this effect disappeared, with all ages of sex offenders receiving the same lower level of rehabilitation attitudes from participants.

Limitations and Future Directions

Some research shows reduced punitiveness when participants make decisions in realistic situations instead of through responses to questionnaires (Kury & Ferdinand, 1999; Perry, 1976; Thomson & Ragona, 1987), or when they are made to feel more accountable for their judgments (Lerner, Goldberg, & Tetlock, 1998). Future studies should continue to employ multiple methods and settings, representing the varied situations in which the general public influences social and criminal policy. This study, in fact, will need replication with nonsurvey methods to build a more complete understanding of public punishment and rehabilitation attitudes toward sex offenders.

It might be that participants had idiosyncratic or culture-specific views of the seriousness of "fondling" or "hitting" a child, especially when the perpetrator was himself a child. The pattern of results obtained in this study shows that punitiveness toward both sexual and nonsexual offenders was tempered for adolescents and children, but "fondling" was perceived, on average, as meriting a more punitive response for perpetrators of all ages. The possibility that the acts of hitting and fondling (at least within the context of our vignettes) were considered by participants to be nonharmful seems unlikely, given the consistency of this pattern, although this possibility should be kept in mind in future research.

Research with college populations suffers problems with generalizability. These concerns are ameliorated somewhat—although not completely—by the fact that this sample was taken from a highly inclusive public institution drawing students from a wide range of socioeconomic statuses, from both rural and urban backgrounds, from a variety of race and ethnicity groups, and from a relatively wide level of previous educational achievement (although all, by definition, completed high school). Our sample was, however, also much younger than the general public, and all enrolled in a psychology course. This was one of the highest enrollment courses at the university, attended by students from nearly every major, but there is still the possibility of a selection bias toward the helping professions. We hope our results provide a good approximation of those to be found in the true "general public," but it will be important in future studies to obtain representative community samples.

The choice of a within-subjects IV (offense or offender type) might have produced responses based on a conscious comparison between the sexual and the nonsexual offense vignettes. There might have been different results if the variable had been manipulated between subjects, with no participant able to compare the alternative levels of the IV to each other. We deemed the possibility of this comparison to be benign or even positive, reasoning that it might increase the likelihood of an observable effect in this “inauspicious design” study; however, future research should explore any differential effects resulting from between-subject manipulations.

CONCLUSION

This study has found support for the hypothesis that punishment tendencies are stronger toward sex offenders than nonsex offenders, for crimes of similar publicly perceived severity. It has also found that rehabilitation attitudes are weaker for sexual versus nonsexual offenders when they are adolescents or adults. These results add to evidence from various sources suggesting that punishment attitudes are not completely rationally driven, and they bolster the hypothesis that sex offenders are a “special case” of criminals in the public eye, as they seem to be in the mass media and the American legal system. These findings are consistent with other observations that suggest that public responses to sex offenders represent a “moral panic” driven at least partially by emotional and heuristic forces.

The clear effects of offender age on punishment and rehabilitation ratings imply a general understanding that there are important developmental and situational considerations in culpability and justice, although this understanding might not influence the public’s reactions to criminal wrongdoing to the extent that helping professionals and social scientists might expect; this disconnect might be even more pronounced in the case of sex offenders. Messages emphasizing the dependence of moral judgment ability on development or the humanity of criminal defendants could bolster public support for rehabilitation and temper unwarranted punitiveness. In addition, when youthful offenders have the public’s attention, it might be beneficial to increase the salience of developmental cues to prime the public’s schemas of developmental factors and perhaps balance the biasing effects of a “criminal” or “sex offender” label. After all, the relatively high REH scores in this study suggest that the public might want to exercise rehabilitative options, if they are given a rationale for doing so.

This discussion should not be taken to imply that we should stop holding sex offenders or other criminals responsible for their actions; rather, it seeks to provide additional empirical evidence to illuminate efforts to build sustainable, fair, effective approaches to justice for all citizens as the processes of justice are carried out.

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