

# PERCEPTIONS OF JUSTICE: RACE AND GENDER DIFFERENCES IN JUDGMENTS OF APPROPRIATE PRISON SENTENCES

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This paper reports on research focused on measuring perceptions of justice vis-à-vis an examination of consensus in perceptions of appropriate punishments for convicted offenders. We used a factorial survey design to measure and analyze both the global judgments formed by individuals as well as the judgment-making principles that characterize the race by gender segments of the general population of one jurisdiction.

A proximity-to-crime perspective leads us to expect structured similarities and differences in judgments of appropriate prison sentences. A global judgment agreement indicator suggests consensus across the race by gender segments of the Boston metropolitan area over which crimes are serious and trivial. The same indicator, however, shows dissensus within the general population regarding perceptions of appropriate levels of punishment.

The research findings suggest that perceived or subjective proximity to crime has stronger implications than objective proximity for judgments of punishments for convicted offenders. The paper concludes that a sense of injustice in regard to punishments prevails for some segments of the general population.

## I. INTRODUCTION

A system for punishing felony offenders is more likely to be regarded as just if it is seen to be making fair judgments about culpability and imposing fair punishments on those convicted by trial courts. A just system might have additional desirable features, but an essential precondition is widespread popular approval of these critical kinds of decisions. If the general public and the criminal justice system cannot agree on how

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to make fair culpability judgments and on what is fair in meting out punishments to the culpable, then the criminal justice system will not be regarded as a just system.

In this paper we will show how this precondition can be examined empirically by assessing the extent to which survey respondents drawn from the Boston metropolitan area agree in their judgments of prison sentences given out to hypothetical convicted felons. To the extent that judgment consensus prevails, the relevant criminal justice system enjoys at least one of the necessary conditions for being regarded as just. Disagreements that are socially structured across critical segments of the general population would suggest the local criminal justice system is unlikely to be regarded as just, at least by some segments of the community.

Although the authors, along with many if not most citizens, have strong concerns for justice, we do not consider this study to be one that can provide guidelines for policy makers or criminal justice personnel. Our findings regarding perceptions of what constitutes fair prison sentences are not intended to provide any formula for sentencing officials to use in the determination of legal sanctions. Maximizing popular perceptions of a criminal justice system that is just or fair is but one of the appropriate aims of such a system.

#### *A. Structured Differences in Judgments*

Essentially, evaluations of what constitutes a just penal sanction are answers to the question, "Who deserves what, and why?" Judgments made by individuals about the appropriateness of prison sentences undoubtedly reflect a variety of influences. In part such judgments are influenced by the existing criminal codes and sentencing practices of the courts, perhaps as mirrored in the mass media. Informal norms for setting punishment levels for convicted offenders may also exist. Such evaluations may also have an idiosyncratic component reflecting personal experiences or concerns over crime.

On the one hand, some of these influences press in the same direction for all citizens in a jurisdiction. On the other hand, to the extent that such influences vary by social structural position, judgments may also vary by structural segmentation along such crucial dimensions as socioeconomic status or gender and race. Both sets of influences lead one to expect both agreement and disagreement in the general population, with disagreements being at least partially structured along the major lines of segmentation.

Although we cannot fully address all possible lines of segmentation in our society in this research, we can examine some of the major ones. In particular we attempt to examine gender and race segmentation. In plain terms, we raise the following questions: Do men agree with women when judging the appropriateness of prison terms? Do blacks agree with whites?<sup>1</sup>

### *B. Normative Systems Concerning Criminal Punishment*

A normative system is a “set of norms that deal with appropriate behavior in a given substantive area” (Rossi and Berk, 1985: 1). Considering the substantive arena of criminality, the normative system governing appropriate punishments contains both formal and informal norms. Legal codes governing the duration of incarceration can be viewed as codified formal norms; for example, the Michigan penal code mandates a two-year prison term for the individual convicted of carrying a firearm during the commission of a felony. Habitual criminal statutes typically protract the prison term beyond what would ordinarily be imposed for the conviction of any given felony. Other punishment norms remain implicit, such as the often observed yet unwritten sentencing rule that prescribes leniency for the youthful first-time offender who caused no substantial harm.

Regardless of the substantive area governed by a normative system, norms generally are both evaluative statements about a status, an act, or a deed and prescriptions for what a social actor should or ought to do. For example, norms concerned with occupational status reflect the judgment that the physician’s healing activities are valued and thus the doctor should receive respect and financial reward for such activities. Norms regarding the occupation of prostitute, on the other hand, reflect both the devaluing of the occupational activity as well as the judgment that such individuals ought to be punished.

Judgments regarding who should be sentenced to prison terms include judgments of wrongdoings as well as judgments of how the state should punish wrongdoers. Recent cross-national research on normative systems (Hamilton and Sanders, 1983) suggests uniformity in definitions of acts that constitute

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<sup>1</sup> We acknowledge that race and gender by no means exhaust the ascribed and achieved characteristics along which the general population can be segmented regarding perceptions of appropriate prison sentences for convicted offenders. For example, age, occupation, and socioeconomic status are also attributes associated with criminal involvement and treatment by the criminal justice system and are thus expected to influence punishment judgments.

wrongdoings, yet marked cultural differences in views regarding what should be done with those who do wrong. Analogously (for reasons discussed below), when examining the evaluations of prison sentences made by white men and women and by black men and women, we expect to find agreement over what constitutes a crime and on the relative seriousness of such crimes, along with some disagreement over the appropriate levels of punishment for the crimes in question.

*C. Race and Gender Differences in Proximity to Crime and the Criminal Justice System*

It is our view that social structural explanations, which are beyond the scope of this paper, are necessary for an understanding of the emergence and societal maintenance of normative systems. Our interests in this research are somewhat focused on the extent to which individuals from diverse segments of the collectivity subscribe to the same normative system determining the punishments given to convicted felons. Thus, an appropriate conceptual framework for organizing ideas and expectations about similarities and differences in punishment judgments is a microsocial one that addresses the nexus between relevant experiences and assessments of criminal justice practices.

Consider, for example, the simple premise that a person's experiences, both objective and subjective, influence views of the self that in turn can influence perceptions of the normative systems that distribute rewards and punishments (Mead, 1934; McCall and Simmons, 1978). Following this line of reasoning, we posit that proximity to crime and the criminal justice system (i.e., the probabilities of direct experience with both) varies among individuals, as does its influence on the individual's views of appropriate penal sanctions for convicted offenders. More importantly, both objective and subjective proximity to crime and criminal justice agencies are distributed unevenly across the gender and race segments of the general population, thereby possibly contributing to structured differences in judgments of prison sentences among these crucial segments of the citizenry.

By objective proximity to crime we mean the empirically determined probabilities of the occurrence of activities, events, or situations in which crime is implicated. These probabilities refer to such events as the commission of crimes, police arrests, victimization, and incarceration. By subjective proximity we mean the perceived probabilities of the same experiences as ex-

pressed by individuals. Fear of crime, for instance, or the perceived probability of arrest each represents different dimensions of a subjective proximity to crime.

When considering objective proximity to criminal justice agencies, the empirical picture shows clearly that blacks are closer to crime than whites, being more likely to be victimized, arrested, and incarcerated (United States Department of Justice, 1983a, 1983b, 1983c; Federal Bureau of Investigation, 1984). Moreover, there is some evidence to suggest that black men in the general population engage in more criminal activity than white men (Hindelang, 1978).

Similarly, men are closer to crime than women. Men are more likely to be victims of crimes, arrested on criminal charges, and incarcerated in jail or prison. Women, compared to men, are arrested for fewer forms of criminal behavior (Mann, 1984) and are underrepresented in the arrest statistics for all but a few forms of crime (Federal Bureau of Investigation, 1984; Steffensmeier, 1980). With the exception of sexual assault, women are also less likely to be victimized than men (United States Department of Justice, 1983a).

Although women may benefit from their lesser objective proximity to crime relative to men, women apparently have a greater subjective proximity to crime. Showing that fear of crime is a multiplicative function of perceived risk of victimization and perceived crime seriousness, Warr and Stafford (1983) find that women in the general population overestimate their likelihood of being victimized, and thus maintain a high fear of crime. Analyzing national data collected in 1972, Richards and Tittle (1981) find that women perceive a higher likelihood of arrest for moderately serious crimes such as tax cheating or a fifty dollar theft.

Overall, when considering both objective as well as subjective proximity to crime and the criminal justice system, the race and gender segments of the general population differ considerably and are thus likely to disagree at least somewhat in perceptions of what constitutes appropriate prison sentences for convicted felons. In our view, these differences warrant a search for structured differences in perceptions of normative systems for distributing punishments.

The direction of proximity's influence on judgments is unclear, unless we consider whether the closeness to crime is as a potential offender or as a potential victim. Potential offenders are likely to favor judgments that are more lenient, whereas potential victims are likely to ask for harsher punishments. Although this leads to relatively clear expectations for some

segments of the general population—for example, along gender lines—expectations for other segments, such as race groups, are less clear. Blacks are more likely to be victims, for example, but they are also more likely to be offenders.

For these reasons, a proximity perspective allows the formation of only general expectations about the magnitude and direction of structured differences in judgments of punishments that can be given out by the courts, as outlined below:

1. Due to their higher fear of crime, women are expected to be more harsh than men when judging the appropriateness of prison sentences.
2. Based on gender differences in objective proximity to crime and criminal justice agencies, men are expected to be less harsh than women when evaluating punishments for convicted felons.
3. Because blacks are disproportionately proximate to criminal justice agencies and in many instances to criminal behavior, they are expected to be less harsh in evaluating the appropriateness of penal sanctions.

What we will explore in this research—with no firm expectations—are three distinct yet related questions:

1. Do the gender-by-race segments of the population—white men, black men, white women, and black women—differ in their overall judgments of appropriate punishments for offenses ranging in crime seriousness?
2. Which dimensions of information regarding the criminal act and the criminal offender are more or less influential in the formation of judgments of punishment norms?
3. How closely do the judgments made by respondents representing segments of the general population reflect the current punishment philosophies of legal scholars and criminal justice policymakers?

## II. RESEARCH DESIGN AND METHODS

A factorial survey (sometimes referred to as a vignette study) was used in this research sponsored by the National Science Foundation designed to elicit from individuals their judgments of various prison sentences that can be meted out to convicted offenders. Rossi (see Rossi and Nock, 1982, for example) combining the benefits of controlled experiments with those of sample survey techniques, developed and refined a class of research designs (called factorial surveys) for studying the process of judgment making. Used in the present research, this measurement technique approximates a fully crossed experimental design to create vignettes, that is, multidimensional de-

scriptions of hypothetical criminal incidents that are rated by sample survey respondents.

The factorial survey design has been applied in previous researches to measure responses to problematic issues such as incidents of child abuse (Garrett and Rossi, 1978), sexual harassment on college campuses (Rossi and Weber-Burdin, 1983), and judgments of distributive justice (Jasso and Rossi, 1977). It has also been used to measure judgments of issues related to criminal behavior and criminal justice. Perceptions of crime seriousness (Rossi *et al.*, 1974), appropriate treatments for convicted offenders (Berk and Rossi, 1982), and subjective probabilities of committing economically motivated crimes (Anderson *et al.*, 1983) have all also been examined with factorial surveys.

In general, vignette studies have demonstrated how the structure of human judgments can be modeled. Moreover, empirical applications of the design have shown that individuals as well as certain segments of the population tend to agree on which dimensions of information among those rotated in the vignettes are the most relevant in the evaluation of social objects or events.

#### A. *General Population and High-Crime-Risk Samples*

We used a block-quota sampling design to select respondents from households in the Boston standard metropolitan statistical area (SMSA) to represent the noninstitutionalized adult population. Blocks (or groups of blocks) were selected with probabilities proportionate to population sizes, and interviewers from the Center for Survey Research at the University of Massachusetts, Boston, were instructed to enlist the cooperation of either four or six individuals age eighteen or older from each block, with equal gender quotas set within blocks.

The adverse design effects of block-quota sampling are well known (Sudman, 1984), as are their advantages. A total of 741 respondents agreed to be interviewed, the data collection took one month (October 1982), and the cost per interview was less than it would have been if specific households had been selected randomly, thereby requiring callbacks to complete interviews. Although an unknown number of potential respondents refused to be interviewed, no interviews were broken off by any respondent once the vignette rating task had begun.

After giving a brief description of the study, interviewers asked potential respondents to volunteer for participation. The vignette rating task (described below) was given as a self-ad-

ministered questionnaire accompanied by oral instructions and a face-to-face questionnaire of the traditional survey type.

In addition to the general population sample, we asked two special samples of high-crime-risk individuals to participate in the just punishment study. First, a convenience sample of 226 high school students from Roxbury, a predominantly black area of Boston, volunteered to be interviewed. The intention in selecting this interview site was to measure the judgments of respondents who have a high probability of being victimized and a high likelihood of being aware of both the community's crime problem and some of the activities of the criminal justice system. The particular high school selected for the study has a reputation for being a strictly disciplined school and for maintaining close ties with the local juvenile authorities.

The second special sample consisted of 135 Job Corps recruits from a residential program in western Massachusetts. Like the high school students, the recruits represent a subsample of the population that has special interests in crime and the criminal justice system. They tend to be high school dropouts, unable to find permanent employment, who experience a high risk of criminal victimization. Some have already had contact with the criminal justice system as alleged offenders.

### *B. Survey Instruments Generated for the Just Punishments Study*

In this factorial survey, we used two types of research instruments to obtain the data needed to model the process of judgment making. We obtained sociodemographic and conventional attitudinal information from respondents by using a traditional interview schedule. We also constructed vignettes, the individual factorial objects that were evaluated by samples of survey participants.

To the survey respondent, vignettes are hypothetical scenarios describing various crimes, criminal offenders, and prison sentences meted out by trial courts. To the researcher, vignettes are combinations of randomly selected values of vignette dimensions, generated by a computer program. The researcher designs a factorial survey by determining the dimensions of information to vary in the vignettes. That is, each dimension is a variable that has a determined number of values. "Loitering" and "selling heroin" are two of the fifty-seven values of the vignette dimension called "crime type." "Six months in jail" and "ten years in prison" are examples of the "sentence" dimension values appearing in vignettes. A computer



### Figure 1. Vignette of a Crime of Violence Committed by an Individual Offender

Victor J., a white sewing machine operator, was convicted of intentionally shooting his friend, Laura L., a housewife. The victim required two weeks hospitalization.

In the last five years, the offender has not been arrested or convicted. The offender claims to have been taking drugs at the time.

Victor J. was sentenced to 3 months in jail. The sentence was suspended with probation for the duration of the original sentence.

The sentence given was . . .

		about right		
I-----I-----I-----I-----I-----I-----I-----I-----I-----I-----I-----I				
much				much
too	low		high	too
low				high

program randomly selects a value for each vignette dimension, combining the selected values into a brief scenario. Figure 1 illustrates a possible vignette, describing a crime of violence committed by a white man with no prior criminal history.

Figure 2 shows the main components of the vignette descriptors for the factorial objects generated for this study. Note that for each of four crime types, the structure of the vignettes is dominated by the "crime type" dimension. Because types of crime often require different kinds of information, we have recognized four different types of crimes that can appear in any vignette; for convenience they have been named crimes of violence, theft crimes, public disorder crimes, and corporate crimes, with each type of crime having a different type of outcome.

The computer program generated individual vignettes that were assembled into booklets of fifty, concomitantly creating data records containing all the independent variables for the vignettes generated. Respondents were each given a booklet of vignettes and asked to indicate their evaluations of the appropriateness of the prison sentences shown in the vignettes by recording an "X" on the rating line. Numerical codes were assigned to the rating scale, ranging from 1 to 125 units. This scale was subsequently recoded, resulting in the harshness scale that is analyzed here as the dependent measure. (According to the recoded rating scale, the highest score represents the harshest judgment.)

The vignette ratings made by respondents were appended

**Figure 2. Structure of Factorial Objects***Crimes of Violence Committed by Individual Offenders*

Crime → Outcome<sup>a</sup> → Victim Characteristics<sup>b</sup> →  
 Offender Characteristics<sup>c</sup> → Mitigating Circumstances<sup>d</sup> →  
 Sentence → Suspended Sentence

*Theft Crimes, Public Disorder Crimes, and Corporate Crimes*

Crime → Outcome<sup>a</sup> → Offender Characteristics<sup>c</sup> →  
 Mitigating Circumstances<sup>d</sup> → Sentence →  
 Suspended Sentence

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- a The outcome for all crimes of violence committed by individual offenders is physical injury. The outcome for all theft crimes committed by either corporations or individuals is financial loss. For public disorder crimes, no crime outcome appears in the vignette.
- b This category includes victim-offender relationship and victim age, gender, occupational status, and occupational prestige.
- c For individual offender crimes, this includes offender age, gender, race, occupational status, occupational prestige, and prior criminal record. For corporate crimes, it includes size and prior criminal record of company.
- d Mitigating circumstances for individual offender crimes differ from those for corporate crimes.

to the data records that were generated along with the construction of vignettes, resulting in the data base used for analysis.

*C. OLS Model for Estimating Effects of Vignette Dimensions*

A primary objective of the analysis of factorial surveys is to estimate how judgments are affected by the components of the vignettes. Accordingly, ratings become the dependent variables and the dimensions of the vignettes become the independent variables. Since each vignette is virtually a distinct combination of components, the unit of analysis is the individual vignette. In this case,  $N$  consists of the 46,575 vignette judgments made by the block-quota sample of metropolitan Boston household respondents (each respondent judged fifty objects) and by the convenience samples of high school students and Job Corps recruits (each respondent judged twenty-five objects). Thus, the sample size is more than adequate for making stable estimates of each vignette dimension's contribution to harshness judgments.

The generalized analysis model (i.e., a judgment principle model) for estimating the effects of the vignette dimensions on judgments is a single equation multiple regression model:

$$J_i = b_0 + b_1C_1 + b_2C_2 + \dots b_3C_3 + e$$

where  $J_i$  is the rating for vignette  $i$ ;  $b_0$  is the intercept; and  $b_1$ ,  $b_2$ , and  $b_3$  are partial regression coefficients for the vignette dimensions  $C_1$ ,  $C_2$ ,  $\dots$   $C_3$ . The stochastic error term, with the

usual OLS assumptions (Hanushek and Jackson, 1977), is represented by  $e$ .

The assumptions underlying the use of the above OLS model is that survey judgments are only influenced by the dimensions that are placed by design in the vignettes. Individual respondents may be influenced differently by those dimensions, but this OLS equation can provide unbiased estimates of the main effects of the vignette dimensions.

#### *D. A Subsample Level of Analysis*

The judgments of any subsample of respondents may also be analyzed using the same OLS equation discussed above, defined over the judgments made by the subsample in question. Different subsamples may be compared using subsample analyses to determine whether the overall rating principles used by one subsample are similar to or different from those used by another subsample. As discussed above, our interest in this paper is to compare the judgments made by four segments of the general population defined by the cross-classification of race and gender: namely black females, black males, white females, and white males.

### III. FINDINGS

In a factorial survey, all of the values appearing in vignettes are selected and combined randomly, allowing the mean vignette ratings to be treated as global judgment tendencies. The mean rating given to the levels of any dimension are unbiased estimates of the harshness to be accorded to each of the levels. Hence the mean ratings given to vignettes portraying different crimes can be used to summarize these global level harshness judgments. There were fifty-seven different crimes in the set of vignettes, providing fifty-seven mean ratings for each of the four gender-race segments listed above.

We compared these mean ratings in two different ways across the four segments of the general population. First, to assess the extent of global agreement in harshness judgments, the overall mean vignette ratings (computed over the entire sample) are regressed on each of the four sets of mean ratings for the fifty-seven different crime descriptors, each set representing one of the gender-by-race segments of the general population. Second, race-by-gender mean vignette ratings for each of the crime stems are inspected separately in order to identify the types of offenses that are more or less likely to elicit agreement or disagreement in judgments of appropriate punishment.

**Table 1.** Judgment Agreement in the General Population:  
Mean Harshness Ratings of Average Prison Sentence  
for Fifty-seven Crimes<sup>a</sup>

Crime <sup>b</sup>	Overall Mean	White Males	White Females	Black Males	Black Females
<b>Violent Crimes</b>					
Intentional pushing	61	59	62	61	61
Attacking with fists	68	65	71	73	70
Robbery with gun	88	90	90	86	83
Accident from reckless driving	67	64	68	67	64
Intentional stabbing	83	83	88	74	82
Intentional injury	73	70	77	66	72
Intentional shooting	87	86	88	87	82
Forcible rape	94	97	93	92	83
Planting a bomb in a public building	96	98	96	96	93
Mean rating	(77)	(76)	(78)	(75)	(75)
<b>Theft Crimes</b>					
Trespassing, backyard	54	51	54	55	65
Trespassing, business	57	53	58	56	64
Forging checks	56	54	61	68	63
Passing bad checks	62	59	62	66	75
Stealing from employer	56	53	58	58	60
Embezzlement	59	54	60	62	70
Stealing and damaging car	58	58	59	52	62
Income tax evasion	43	36	46	42	59
Stealing from store	54	51	56	55	67
Snatching handbag	63	61	62	62	64
Breaking and entering neighborhood store	62	61	64	57	70
Breaking and entering department store	57	55	57	66	65
Stealing from car	58	58	57	54	67
Breaking and entering home	62	61	64	57	70
Breaking and entering armed, home	78	78	76	76	87
Breaking and entering government building	61	56	62	66	66
Robbery, person	70	70	69	65	81
Using stolen credit card	61	60	62	64	70
Bribery of official	59	60	58	67	71
Robbery, bank	78	78	78	73	82
Arson	73	74	73	73	82
Mean rating	(62)	(60)	(62)	(62)	(68)
<b>Public Disorder Crimes</b>					
Loitering	34	31	35	35	40
Unpaid parking fines	42	38	42	52	56

(continued)

Table 1 (continued)

Crime <sup>b</sup>	Overall Mean	White Males	White Females	Black Males	Black Females
Illegal demonstration	38	30	39	46	51
Public drunkenness	35	28	38	39	38
Smoking marijuana	37	32	39	33	50
Making obscene phone call	44	43	43	44	52
Using cocaine	52	48	53	57	54
Carrying illegal firearm	57	56	56	53	67
Resisting arrest	47	45	48	44	56
Selling marijuana	60	57	60	60	71
Threatening to injure	56	51	59	65	68
Stealing car	64	63	59	65	68
False arrest	57	54	59	67	60
Lying under oath	51	47	53	58	54
Drunken driving	58	55	61	67	64
Selling heroin	83	85	84	76	79
Mean rating	(51)	(47)	(51)	(52)	(56)
<b>Corporate Crimes</b>					
Mislabeling goods	66	64	66	69	78
No rental repairs	69	54	61	57	72
Firing workers over union	60	55	61	68	63
Overcharging for repairs	60	56	58	68	62
Income tax evasion	57	49	58	69	67
Overcharging for credit	64	60	64	72	68
Price Fixing	68	66	68	72	78
Selling defective cars	82	79	84	85	89
Selling stolen goods	76	77	77	74	78
Selling contaminated food	86	84	87	89	89
Selling harmful drugs	70	66	70	72	75
Mean rating	(70)	(66)	(70)	(72)	(75)
Overall mean	64	61	64	64	68
N	44,335	18,850	18,647	3,901	2,937

<sup>a</sup> The median prison sentence value for all vignettes is between two years and three years. The sentence was suspended in 25% of the cases. Therefore, the average prison sentence judged by respondents is 1.9 years of prison time served.

<sup>b</sup> Crimes are arranged in four categories, based on the dimensions of information rotated in vignettes. These are listed in ascending order of seriousness according to the seriousness scores derived from the National Survey of Crime Severity (Wolfgang and Figlio, 1980).

### A. *Race and Gender Differences in Mean Harshness Ratings*

Table 1 displays mean harshness ratings for each of the fifty-seven crimes used in the vignettes. The crimes are grouped into four crime types, according to the different dimensions of information rotated in the vignettes, and arrayed in ascending order of the crime seriousness dimension (Wolfgang and Figlio, 1980). The least serious violent crime rated by respondents was intentional pushing, whereas the most serious violent crime rated was planting a bomb in a public building.

Considering that the midpoint (63 units) on the harshness scale means respondents judged the prison sentence for the crime to be "about right," the global judgment tendencies suggest that white women and black men, with identical overall mean vignette ratings, generally perceive the average prison sentence of 1.9 years<sup>2</sup> as the appropriate or slightly insufficient punishment for many criminal incidents. White men, on the other hand, with an overall mean vignette rating of 61 units, appear to form judgments of punishments for criminal incidents that are somewhat less harsh than those made by other segments of the general population.

Black women appear to have formed the harshest judgments of criminal incident vignettes. The overall black female mean rating of 68 units is statistically (and arguably substantively) harsher than either the grand mean for all of the general population respondents or the mean ratings that depict the judgment tendencies of white men, white women, and black men.

### B. *Global Judgment Agreement*

The statistics presented in Table 2 summarize the extent to which the orderings of the mean harshness ratings for the fifty-seven crimes listed in Table 1 (ranging in crime seriousness) that are made by a certain race-by-gender segment correspond to the ordering of harshness scores representing the general population mean vignette rating (or the first column of Table 1).

The  $R^2$  values, all above .85 and two greater than .998, indicate that general population judgment tendencies are excellent predictors of the race-by-gender segments' judgment tendencies, or vice versa. This finding means that the four gender-race segments generally agree on the harshness ordering of crimes. Said differently, consensus prevails over which crimes

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<sup>2</sup> In this research, 1.9 years in prison is the average length of incarceration for all vignettes.

**Table 2.** Global Judgment Agreement in the General Population: Bivariate Regressions of Mean Harshness Ratings for Fifty-seven Crimes<sup>a</sup>

Grand Mean <sup>b</sup>	White Males	White Females	Black Males	Black Females
$R^2$	(.987)	(.984)	(.856)	(.851)
$b$	.889	.996	.998	1.127
Intercept	9.189	-.518	-1.247	-14.590

<sup>a</sup> Fifty-seven mean vignette ratings for each subsample of respondents.

<sup>b</sup> This is the dependent variable.

are serious and which are trivial. The intercepts presented in Table 2, however, tell a story of differences. If the race-by-gender harshness tendencies were to be used to estimate the general population scores, on average, the white male harshness scores would underestimate harshness tendencies by 9 units on a 125-unit harshness scale. In short, white males are less harsh than other segments in their judgments of appropriate punishments. In contrast, black female rating tendencies would overestimate the general population harshness rating tendency by nearly 15 units: Black women generally want criminals to be punished more heavily than the average respondent.

In summary, the global judgment agreement indicators suggest first that the four gender-by-race segments of the general population agree on which are the serious crimes and which are the trivial ones. At this global level, consensus prevails. Second, in contrast, there is some dissensus among the four about the level of harshness to be meted out to convicted criminals. White men and black women depart more from the general population—and, as segments of the general population, from each other—than white women and black men when forming judgments about the appropriateness of prison sentences that can be meted out to convicted felons. White men are more lenient in their judgments and black women are more harsh.

### C. Qualitative Gender-Race Segment Differences

A visual inspection of the crime-specific mean ratings in Table 1 indicates that for all corporate crimes, for many theft crimes, and for most public disorder crimes black female ratings are harsher than those of the total sample. When judging certain crimes, however, such as some of the most serious offenses, black women tend to be similarly or even less harsh than the other segments of the general population, an empirical

finding that departs somewhat from the general judgment tendencies of black women and hence deserves some comment.

Within the violent crime category, black women make statistically less harsh ratings than others for certain offenses such as intentional shooting, forcible rape, and deliberately setting a bomb. Within the theft and public disorder crime categories, black women form harsher judgments about the punishments given for certain offenses, such as passing bad checks, breaking and entering a department store, breaking and entering a home, loitering, carrying an illegal firearm, and selling marijuana.

We posit that, analogous to what some researchers have found in their work on the fear of crime (Warr and Stafford, 1983), black women's harshness judgments are influenced by the perceived occurrence of criminal incidents and the perceived probability of victimization. Although setting off a bomb, forcible rape, and intentional shooting are among the most serious offenses, crime and victimization data indicate they are among the less frequently occurring offenses (Federal Bureau of Investigation, 1984; United States Department of Justice, 1983a). On the other hand, among the crimes that occur most frequently are such offenses as burglary, carrying an illegal weapon, and selling marijuana. The pattern seemingly uncovered here is that black women are considerably harsher in judging punishments for crimes that are more likely to occur and more likely to victimize citizens, whereas they are less harsh than other segments of the general population when judging the punishments that can be meted out for some felonies that are indeed very serious yet less frequently committed.

Based on crime proximity considerations, that is, that blacks are overrepresented in crime statistics and women tend to express a greater concern over and fear of crime, we expected that women would make harsher judgments than men and that blacks would make more lenient judgments than whites. Overall, these data do bear out such expectations. However, when the cross-classification of gender and race is considered, the findings become more complex for two reasons: First, proximity to crime as a potential offender apparently has a different implication for harshness than proximity to crime as a victim. Secondly, perceived (i.e., subjective) proximity appears to be more important than objective proximity.

This more complex pattern of judgment formation is discerned most clearly in the mean ratings of black females, who reported that they worried about crime more than any other



segment of the sample and that they had made more changes in their everyday lives due to a concern over crime. Such a concern is apparently expressed in perceptions of appropriate punishments for convicted felons, for compared to other segments of the general population, black women think punishments for the offenses most likely to victimize citizens ought to be relatively severe.

#### *D. Gender-Race Differences in the Relative Importance of Vignette Dimensions*

To elucidate the differences across the gender-by-race segments discussed above, we shift focus here to an examination of the vignette characteristics that influence harshness judgments. Our intention is to identify any major differences in judgment-making principles that may reflect perceptions of an underlying justice philosophy, one that guides the formation of judgments regarding what constitutes appropriate prison sentences for convicted offenders.

The approach for identifying differential judgment making is to compute an indicator using the formula

$$R_i^2/R^2$$

where  $R_i^2$  is the explained variance in judgments attributable to a single vignette dimension or a set of dimensions,  $i$ , and  $R^2$  is the explained variance in harshness judgments from a single equation multiple regression model that contains terms for all the dimensions of information. (See Miller, 1984, for the specification of the judgment principle model and the analyses that produced the data analyzed in this paper. As an example of the data, the Appendix to this paper contains the four multiple regression analyses—one for each race-gender segment—of judgments made concerning crimes resulting in financial loss.)

The harshness ratings of the four different types of crimes that were made by each segment of the general population were regressed separately on the vignette dimensions of crime seriousness, sentence, suspended sentence, offender characteristics (including mitigating circumstances), crime outcome, i.e., financial loss or injury, and when relevant, on victim characteristics. The proportion of the  $R^2$  value from the full equation (those including all the vignette dimensions) that is attributable to a particular vignette dimension or to a set of vignette dimensions is computed. Table 3 summarizes the results of this analysis across the gender-by-race segments of the general population.

**Table 3.** Differences in Judgment-Making Principles (Strengths of Vignette Dimensions): Percent of Explained Variance Attributable to Vignette Dimensions ( $R_i^2/R^2$ )

Vignette Dimension by Crime Type	White Males	White Females	Black Males	Black Females
<u>Crime Seriousness</u>				
Violent	.275	.192	.273	.128
Theft	.105	.066	.073	.003
Public disorder	.361	.328	.237	.206
Corporate	.282	.297	.192	.175
<u>Sentence</u>				
Violent	.315	.298	.382	.417
Theft	.527	.515	.662	.632
Public disorder	.372	.382	.538	.637
Corporate	.476	.451	.596	.515
<u>Suspended Sentence<sup>a</sup></u>				
Violent	.061	.118	.003	.065
Theft	.120	.155	.037	.052
Public disorder	.176	.201	.078	.081
Corporate	.159	.162	.115	.242
<u>Crime Outcome<sup>b</sup></u>				
Violent	.279	.316	.193	.223
Theft	.121	.141	.151	.166
<u>Offender Characteristics<sup>c</sup></u>				
Violent	.062	.062	.144	.142
Theft	.076	.123	.077	.147
Public disorder	.091	.089	.147	.076
Corporate	.083	.090	.097	.068
<u>Victim Characteristics<sup>d</sup></u>				
Violent	.008	.014	.005	.025
<u>R<sup>2</sup> for Full Equations</u>				
Violent	.468	.456	.323	.458
N	3,298	3,182	685	527
Theft	.393	.401	.322	.261
N	6,998	7,001	1,472	1,089
Public disorder	.390	.395	.297	.296
N	5,082	4,983	1,045	793
Corporate	.347	.339	.216	.262
N	3,472	3,481	699	528

<sup>a</sup> Sum of suspended sentence and suspended sentence with probation effects.

<sup>b</sup> Sum of injury levels effects for crimes of violence; amount of dollar loss effect for crimes of theft.

<sup>c</sup> Sum of prior record effects, mitigating circumstances effects, and offender demographic characteristics effects.

<sup>d</sup> Sum of victim demographic characteristics effects and offender-victim relationship effects.

Because the independent variables generated by the factorial survey design are asymptotically orthogonal, this analysis permits subsample comparisons of the relative explanatory power of distinct vignette dimensions. We note that comparisons cannot be made across different vignette dimensions or for any given dimension across the four types of crimes, because the variance in any independent variable is a design effect.

Comparisons of relative strength can, however, be made across the subsamples for any given vignette dimension that is rotated in the subset of factorial objects describing one of the four types of criminal offenses. We use such comparisons of relative strength to uncover similarities and differences in judgment-making principles across the segments of the general population.

The analysis summarized in Table 3 suggests no clear pattern of difference between white men and white women in terms of how strongly the crucial vignette dimensions of crime seriousness, the duration of imprisonment, or the personal attributes of the offender influence harshness judgments. Overall, we conclude that while white women show a tendency to rate crime vignettes slightly more harshly than white men (see Table 1 and Table 2), there are no apparent differences in judgment-making principles to account for the observed gender differences. Moreover, we conclude that the similarities in judgment principles among whites imply a shared view of an underlying punishment philosophy.

The judgment principles of whites and blacks do differ somewhat. For example, blacks are more strongly influenced by the duration of the prison term when forming harshness judgments, regardless of the type of crime appearing in the vignette. Black respondents are also slightly more influenced by the social characteristics of the offenders depicted in the vignettes. Note that despite the findings of Table 1 and Table 2 that black women are harsher in their judgments than black men, the rating principles black women use appear to be quite similar to those used by black men. In short, although black women and black men weigh vignette characteristics in similar ways, the former assert that longer sentences are more appropriate.

#### IV. SUMMARY AND DISCUSSION

In this research on popular judgments of appropriate prison terms, a factorial survey permitted an examination of both global judgment tendencies and differences in judgment-making principles. The research shows how the race and gen-

der segments of the general population weigh and integrate dimensions of relevant information to form harshness ratings of prison sentences given out to convicted felons.

What do the indicators of judgment agreement used in this research imply about the relevance of perceptions of justice and normative systems for imposing legal sanctions? White men and women tend to use similar judgment principles when evaluating the appropriateness of prison sentences. Moreover, reflecting upon the relative strength of the crime seriousness effect along with the nearly negligible influence of offender attributes on vignette ratings, we posit that white men and white women subscribe to a justice philosophy focused on meting out deserved punishment, proportionate in severity to crime seriousness, for all offenders convicted of the same crime.

Blacks, and especially black women, appear to use judgment-making principles that differ somewhat from those used by whites. Compared to whites, in making their judgments blacks generally are less strongly influenced by crime seriousness, more strongly influenced by the duration of the prison term, and somewhat more influenced by offender characteristics and the mitigating circumstances surrounding the crime. The judgment-making principles summarizing black harshness ratings appear to reflect a justice philosophy that takes the individual offender into account.

In summary, this research has uncovered structurally based differences in judgments of a normative system for setting punishment levels for convicted offenders. This suggests that a single sense of justice does not prevail for all segments of the general population. These structured disagreements about what constitutes appropriate punishment for convicted felons appear to reflect the frequently debated question in this era of "just deserts" sentencing: "Punishment for what?"

#### APPENDIX

##### Crimes of Theft Ratings of Gender-by-Race Subsamples from Boston Household, High School, and Job Corps Samples

Vignette Dimension	White Males	White Females	Black Males	Black Females
	$\beta$ (SE)	$\beta$ (SE)	$\beta$ (SE)	$\beta$ (SE)
Crime seriousness	.074 <sup>a</sup> (.003)	.062 <sup>a</sup> (.003)	.055 <sup>a</sup> (.008)	.030 <sup>a</sup> (.010)
Log of prison sentence	-11.473 <sup>a</sup> (.239)	-11.175 <sup>a</sup> (.228)	-12.059 <sup>a</sup> (.572)	-10.867 <sup>a</sup> (.696)

(continued)

## APPENDIX (continued)

Vignette Dimension	White Males	White Females	Black Males	Black Females
Suspended sentence	16.119 <sup>a</sup> (.950)	20.484 <sup>a</sup> (.915)	7.743 <sup>a</sup> (2.391)	9.574 <sup>a</sup> (2.644)
Probation	17.532 <sup>a</sup> (.949)	18.089 <sup>a</sup> (.924)	9.664 <sup>a</sup> (2.222)	10.555 <sup>a</sup> (2.728)
Financial loss	.002 <sup>a</sup> (.0001)	.002 <sup>a</sup> (.0001)	.002 <sup>a</sup> (.0002)	.002 <sup>a</sup> (.0002)
<u>Offender attributes</u>				
Age	.046 (.023)	.030 (.026)	.135 <sup>b</sup> (.068)	.108 (.081)
Black	-.699 (.721)	-.314 (.681)	-4.913 <sup>c</sup> (1.721)	-1.382 (2.095)
Female	-3.878 <sup>a</sup> (1.196)	-6.547 <sup>a</sup> (1.141)	-5.144 (3.214)	-2.806 (3.233)
Housewife	5.789 <sup>b</sup> (2.407)	4.544 <sup>b</sup> (2.241)	5.699 (5.332)	7.828 (6.149)
Unemployed	.061 (.747)	.611 (.721)	2.253 (1.859)	-.599 (2.183)
Occupational status	.001 (.012)	-.031 <sup>b</sup> (.012)	.050 (.030)	.004 (.036)
<u>Prior criminal history</u>				
No arrests	-6.068 <sup>a</sup> (.908)	-7.395 <sup>a</sup> (.864)	-2.973 (2.218)	-5.946 <sup>b</sup> (2.661)
One arrest	-.719 (.953)	-.879 (.937)	-1.656 (2.291)	-1.995 (2.902)
Prior prison term	10.145 <sup>a</sup> (.955)	9.126 <sup>a</sup> (.919)	8.268 <sup>a</sup> (2.344)	5.594 <sup>b</sup> (2.758)
Recidivist	13.728 <sup>a</sup> (.968)	11.508 <sup>a</sup> (.908)	6.325 <sup>c</sup> (2.369)	9.185 <sup>a</sup> (2.791)
<u>Mitigating circumstances</u>				
Pay damages	-3.839 <sup>c</sup> (1.244)	-3.509 <sup>c</sup> (1.202)	-3.262 (2.945)	-9.496 <sup>c</sup> (3.614)
Financial	-2.854 <sup>b</sup> (1.238)	-2.440 <sup>b</sup> (1.206)	-.429 (3.026)	-7.262 <sup>b</sup> (3.655)
Sees counselor	-2.894 <sup>b</sup> (1.246)	-29.126 <sup>a</sup> (.919)	-2.951 (2.931)	-6.850 <sup>b</sup> (3.482)
Intoxicated	-.582 (1.231)	.066 (1.186)	-.315 (2.904)	-6.130 (3.474)
Using drugs	3.784 <sup>c</sup> (1.212)	1.723 (1.204)	3.281 (2.929)	2.962 (3.706)
Family's sake	-.007 (1.236)	-2.682 <sup>b</sup> (1.182)	2.303 (2.871)	-8.149 <sup>b</sup> (3.413)
Intercept	41.721 <sup>a</sup> (1.506)	49.416 <sup>a</sup> (1.459)	49.190 <sup>a</sup> (3.703)	67.358 <sup>a</sup> (4.608)
R <sup>2</sup>	.393 <sup>a</sup>	.401 <sup>a</sup>	.322 <sup>a</sup>	.261 <sup>a</sup>
Mean rating	59.628	61.927	61.677	68.278
Standard deviation	33.437	32.218	34.920	34.207
N	6,998	7,001	1,472	1,089

<sup>a</sup>  $p < .001$ <sup>b</sup>  $p < .05$ <sup>c</sup>  $p < .01$

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