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Running Head: JUSTICE-VENGEANCE MOTIVATIONS

Title: Investigating the Relationship between Justice-Vengeance Motivations and
Punitive Sentencing Recommendations

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Abstract

Purpose: The present research investigated the relationship between underlying justice and vengeance motivations and sentencing recommendations made by expert clinicians, semi-experts and lay-people. It was hypothesised that the semi-experts would recommend significantly different sentence lengths from those recommended by the expert and lay-person groups, in line with previous research findings. It was also hypothesised that justice and vengeance motivations would be related to punitive sentencing recommendations, and that these would not be the same across the three levels of expertise.

Method: An independent groups design was utilised in the main analysis, with participants belonging to three distinct levels of clinical experience (experts, semi-experts, and lay-people). A questionnaire was administered, with participants being measured on levels of justice and vengeance motivations, and asked to recommend appropriate sentence lengths based on nine separate crime-scenarios. These co-variables were correlated and the correlation coefficients were compared across the three levels of expertise.

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Results: The former hypothesis was not upheld. Findings do, however, support the latter hypothesis, with the key finding indicating that for both justice and vengeance motivations in punitive judgement, it is the lay-participants who appear distinct from the experts and semi-experts.

Conclusions: The current findings emphasise that while expert and lay-person judgements may often appear to be the same, different processes and motivations underlying clinical judgements are occurring at the different stages of expertise. With the differences in the relationships between justice and vengeance motivations and judgements found in the current research, it is argued that expert and lay judgements that appear to be the same are, in fact, distinguishable and are related to quite different underlying motivations and decision making processes.

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Investigating the Relationship between Justice-Vengeance Motivations and Punitive Sentencing Recommendations

Introduction

The identification and rectification of unconscious motivations in offender management and punishment decisions is critical to the provision of an impartial and ethically reliable legal system. Unconsciously biased judgements in this context are not only vital to avoid in experts such as forensic clinicians and judges who provide recommendations or sentencing decisions on a daily basis, but they are also crucial to rectify in individuals training to become legal professionals and in ordinary individuals who act as jurors. However, very little research to date has been conducted to detect the presence and the nature of judgemental bias in this context, and, unless such research is undertaken, steps cannot be taken to overcome any problems that do exist.

The present study aims to address this research gap by focusing on two concepts which have strong potential for unconsciously affecting motivations on offender sentencing decisions: justice and vengeance. When considering recommendations of offender treatment and management, one must take into account the possible unconscious motivations that may influence human judgement. In the context of violence risk assessment, investigations into the relationship between unconscious justice and vengeance motivations and offender management recommendations would appear to be

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extremely important. For example, while many westernized criminal justice systems are based on justice being served through effective blame allocation and a suitable punishment being given (Price, 1997), motivations driven by justice are often difficult to distinguish from those driven by vengeance. Indeed, Ho, ForsterLee, ForsterLee, and Crofts (2002) went as far as to suggest that punishments brought about by justice motivations and those influenced by motivations of vengeance may in fact be similar in nature, if not identical. Ho *et al.* (2002) suggested that this similarity may largely be due to both of these motivations aiming to achieve a retributive outcome through the allocation of blame and the assignment of a perceived suitable punishment.

However, while both of these motivations influencing punishment allocation may lead to a similar outcome, a fair and ethically sound legal process must be followed. As mentioned, it is the concept of justice, not vengeance that is adopted within the legal system. According to a review of the literature by Lerner (2003), justice is not distinct from self-interest and is not of great motivational importance, thus may not depend on emotions or act as a distinct motivational influence on decision making. Instead, justice is considered to be a personal and social device used by individuals to maximize their own self-interest and obtain desired resources (Lerner, 2003; Tyler, 1994). Vengeance, on the other hand, is “the intentional infliction of harm in response to a perceived wrong” (Forbes, Jobe, White, Bloesch, & Adams-Curtis, 2005, pg. 167) and is largely based on emotive roots. Lapsley (1998) further discussed vengeance as an evolutionary trait that

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often acts as the foundation to many behavioural responses, experienced by all individuals, which is replaced by feelings of retribution (a fair fitting punishment for an act of injustice) as an individual grows and develops in their social environment. In addition, when an individual is presented with an emotive account of a wrongdoing, they will be more likely to act upon emotional influences rather than base their judgements and actions on systematic and objective thought processes and considerations (Lapsley, 1998). Thus, an appropriate retributive response to the wrongdoing will be restrained, and less balanced responses may ensue.

Based on this evidence, justice may therefore be described as a social construct on which we base judgements, whereas vengeance, being emotive in origin, can be described as an intrinsic motivation affecting judgement. It is this distinction between emotional involvement which is of concern when investigating the relationship between justice and vengeance motivations and punishment recommendations from a criminal justice standpoint.

As discussed by Ho *et al.* (2002), as the justice and vengeance motivations behind punitive decisions are not defined and therefore not differentiated in the western criminal justice system, severe punishments (e.g., life imprisonment) may in fact be influenced by motivations of vengeance rather than true justice. Despite the apparent importance of this type of empirical exploration, little direct research exploring justice-vengeance

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motivations in relation to offender management recommendations has been conducted. Research of this nature would also appear to be important when investigating expert-lay comparisons in this context. With regard to the effects of extraneous emotive information presented in punitive judgements, it has been found that both psychiatrists' and psychologists' judgements in assessing dangerousness and potential for violence are affected in the same manner as lay-person judgements (Lynette & Rogers, 2000; Jackson, Rogers, & Shuman, 2004, respectively). This finding would therefore indicate that experts and lay-people may be subject to similar levels of bias in judgements influenced by emotion; and, when considering vengeance as an emotionally rooted influence, may be subject to similar vengeance-based alterations to judgements. This would have clear implications for violence risk assessment, where psychologists and psychiatrists make key recommendations and decisions relating to offender management.

In addition, while much of the research has traditionally found expert and lay-person judgements in a forensic/clinical context to demonstrate no specific differences (e.g., Garb, 1998; Quinsey & Cyr, 1986; Witteman & van den Bercken, 2007), Murray, Thomson, Cooke, and Charles (2011) found that by including a 'semi-expert' category, differences in judgements made relating to offender treatment and recommendations became apparent. Participants were asked to read crime based vignettes and record their judgements of offender dangerousness, responsibility for the crime and to recommend a suitable sentence length for the crime. These vignettes were designed to be

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attributionally biased to highlight either internal or external causality for the offender's actions. While expert and lay-person judgements of offender dangerousness and responsibility for the crime committed were indeed almost indiscernible, the semi-expert group performed in a very different way, with judgements appearing to be less affected by the experimental manipulation. The authors proposed that rather than expert and lay judgements in this context simply being 'the same', implying no specific skills on the part of the experts, as has been the general consensus within the literature, the three levels of expertise were instead making judgements at three specific and different levels. That is, while experts and lay-people in this context appeared to be making judgements that were 'the same', the cognitive processes behind these judgements are in fact very different, with clinicians using their intuitive knowledge base in selecting the information on which to base their judgements and lay-people instead producing judgements based on untrained biases.

In a similar way, Witteman and van den Bercken (2007) investigated 41 expert, intermediate, and novice psychodiagnosticians who were asked to classify ten vignettes correctly, using DSM IV criteria. Participants in this research were asked to write down their diagnostic classification as soon as it was known and were assessed on both time and accuracy. Witteman and van den Bercken (2007) found the intermediate group in their sample to be distinct from the experts and novices, performing both faster and poorer in the task context.

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Findings such as those discussed by Murray *et al.* (2011) and by Witteman and van den Bercken (2007) illustrate the distinctiveness of the semi-expert (or intermediate) level of expertise in the forensic/clinical context. This intermediate effect is not entirely a novel finding, however, as it has been demonstrated in other domains of skill acquisition (e.g., Patel, Arocha, & Zhang, 2005). It is known that with increasing experience in a task domain, the cognitive processes used in decision making and reasoning develop from being deliberate and logical in manner to intuitive (Dreyfus & Dreyfus, 1986). Thus, when an individual is at the semi-expert level of expertise, it is thought that neither of these systems will be relied upon to any great degree and thus the individual may in fact perform poorly (Witteman & van den Bercken, 2007).

However, the consistent similarities found between expert and lay-person judgement remain perplexing. In order to strengthen the hypothesis discussed above, and to illuminate and inform why these similarities between expert and lay-person judgements exist in the clinical/forensic context, the unconscious motivations behind these judgements must be explored.

Ho *et al.* (2002) developed a multi-dimensional scale which assesses both justice motivations and vengeance motivations in relation to punitive judgements. Four dimensions are measured by the scale, allowing justice to be measured in terms of

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fairness and legal proceedings, and vengeance to be measured across emotionality and intensity. Utilizing this scale, the present research investigated the effects of justice and vengeance motivations on offender sentencing recommendations, as made by a group of experts, semi-experts and lay-people, in the field of clinical/forensic psychology. In line with the findings of Murray *et al.* (2011) and Witteman and van den Bercken (2007), it was hypothesised that the semi-expert group would produce sentence length recommendations that were significantly different from those produced by the expert and lay-person participants. In addition, as vengeance is argued to be emotionally focused and therefore thought to relate to internalised causality, and as Quinsey and Cyr (1986) and Murray *et al.* (2011) indicated that incarceration and sentencing recommendations may be related to internalising, a positive correlation between the vengeance factors and sentence length recommendations is hypothesised, with these relationships being of significantly different strengths across the three levels of expertise. Finally, as justice is thought to be based on more externalised information, but with internal information taken into account, and as justice is considered to be a low motivation on a general sample (Lerner 2003) but is highly relevant to clinicians in this context, it is expected that the relationship between justice factors and sentencing recommendations will be different across the three levels of expertise, with the greatest difference being seen between experts and lay-people.

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Methodology

Design

A correlational design was adopted, with the participants being asked to read and make sentencing recommendations on nine crime-based vignettes (three armed robbery, three assault, three murder). A questionnaire was administered, with participants being measured on levels of justice and vengeance motivations. The co-variables were therefore the recommended sentence lengths and scoring on the justice-vengeance scale. An independent groups design was then adopted to address the main hypothesis, with participants being classified into three distinct levels of clinical experience (experts, semi-experts, and lay-people). The independent variable for this analysis was the participants' level of clinical experience. The dependant variable for this analysis was the correlational relationship between participants' sentencing recommendations and levels of justice/vengeance motivations. Sentencing recommendations were open ended and participants were able to specify the units of measurement (i.e., years, months, weeks) themselves. With regards to analysis, sentencing recommendations were then converted to years, if not already in that format. Post-hoc power analysis (using G*Power 3; Faul, Erdfelder, Lang, & Buchner, 2007) measuring for medium effect size (0.3, following Cohen's conventions), with α set at 0.05 (following the norm) indicated $1-\beta$ to be 0.74. It was therefore concluded that the study was adequately powered.

Participants

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Fifty-five participants were included in the sample, with 22 lay-people (7 males and 15 females; mean age 33.5years, SD 9.8), 21 semi-experts (3 males and 18 females; mean age 28.4years, SD 9.1) and 12 experts (5 males and 8 females; mean age 41.8 years, 15.3). The participants had all participated in previous research for the researcher (i.e., Murray *et al.*, 2011). This previous research asked for judgements based on the vignettes (e.g., how serious the crime was, how dangerous the offender was). As the previous research was purely a judgement task using questionnaire methodology, it is considered that the participation in this previous research would not have any adverse or detrimental effect on the outcomes of the current research. As in the previous research, participants in the lay-person group were not trained in psychiatry or psychology, nor were they involved in legal or correctional practice. On average, participants in this group had spent 15.3years in education.

Eleven of the participants in the semi-expert group were undertaking a Masters level degree in forensic psychology, eight were working as trainee psychologists and eight were working as assistant psychologists. Twenty of these participants were either currently involved in or had been previously involved in correctional or health related occupations. All of these participants had basic training in violence risk assessment. On average, participants in this group had spent 17.7years in education.

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Eight of the participants in the expert group were clinical/forensic psychologists, two were psychiatrists and two were forensic practitioners. Participants in this group had a minimum of five years of clinical experience and were highly familiar with the task of conducting violence risk assessments. On average, participants in this group had spent 20.2 years in education.

Materials

The present research utilized the nine one-page crime-based scenarios that were developed by Murray *et al.* (2011). These scenarios were developed using actual case notes and interviews, and were supplemented with additional information published in the literature relating to specific offender characteristics (supplementary information was extracted from: Grant, Won Kim, & Brown, 2001; Normandeau, 1972; and Quinsey & Cyr, 1986). Three crime types were selected based on Quinsey and Cyr's (1986) earlier paper. Three of these scenarios depicted cases of assault, three depicted murder, and three depicted armed robbery. The present paper shall not investigate crime type as a variable, due to the manner in which it was conducted (i.e., one measure of justice-vengeance taken after the nine sentence length recommendations); however, the inclusion of three violent crime types provided a range of sentence lengths, making the analyses relevant across general violence as opposed to a single crime type. All scenarios depicted white males (in order to reduce the complexity of the design in regard to gender and race), whose ages were consistent across the three crime types (i.e., for each of the three crime types one

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vignette depicted an 18 year old, one a 36 year old, and one a 52 year old). This range of ages was once again chosen to represent a range of offenders to increase general applicability of the findings instead of the findings only applying to one group of offenders, while still maintaining some control over the age of offender presented. All scenarios included previous offences, employment information, family history, economic background, relationship status (current and past), and a full description of the current offence. Participants received these nine scenarios in a pseudo-random order, determined using a random number generator program (Haahr, 2008). For each of the nine scenarios, participants were asked whether they believed that the offender should be incarcerated or not. If their response was yes, they were further asked to recommend what they believed to be a suitable sentence length.

Ho *et al.*'s (2002) Justice-Vengeance Scale was used to measure levels of justice and vengeance. This multi-dimensional scale comprises sixteen six-point scales across four factors: vengeance-emotion, vengeance-sentence, justice-fairness and justice-legal and was utilised in order to measure levels of vengeance/justice across the groups. The Justice-Vengeance Scale was developed using both exploratory and confirmatory factor analysis, yielding a reliable and multi-dimensional measure (Ho *et al.*, 2002) that allows not only the differentiation between justice and vengeance motivations, but also that differentiates between the underlying dimensions of these motives. A validation of the scale has been presented in an American sample (see Colwell, Guy, & Edens, 2004).

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Reliability was tested for each of the four sub-scales using Cronbach's Alpha. The reliability for these sub-scales was as follows: vengeance-emotion ($\alpha=0.33$); vengeance-sentence ($\alpha=0.74$); justice-fairness ($\alpha=0.72$); justice-legal ($\alpha=0.70$). These findings indicate that the sub-scales vengeance-sentence, justice-fairness, justice-legal were scored in a reliable manner; however, vengeance-emotion was scored in a non-reliable way and no further analysis will be reported for this sub-scale.

Procedure

Participants each received a pack that included: an information sheet, a consent form, task instructions, nine crime scenarios and the Justice-Vengeance Scale. Participants received these nine scenarios in a pseudo-random order, determined using a random number generator program (Haahr, 2008). For each of the nine scenarios, participants were asked whether they believed that the offender should be incarcerated or not. If their response was yes, they were further asked to recommend what they believed to be a suitable sentence length. Participants were instructed to treat scenarios as individual criminal cases, and make their incarceration judgements and sentencing recommendations before moving onto the next scenario. Ho *et al.*'s (2002) Justice-Vengeance Scale was given at the conclusion of testing, after recommendations for sentence lengths had been made for all nine scenarios.

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Results

The three reliable justice-vengeance factors derived from Ho *et al.*'s (2001) Justice-Vengeance Scale were correlated with the sentence lengths recommended by participants. Sentence length recommendations for each of the nine scenarios were treated as individual cases. In the current analysis, only data where an assertion of 'yes' to the question *should the offender be incarcerated* was given and where a sentence length provided based on this assertion was recommended were included. In line with this criteria, of the total number of respondents and for each of the nine scenarios provided (495 possible sentence length recommendations), 334 sentence lengths were recommended and are therefore included in this analysis (see Table 1 for full break down).

Table 1 about here

All of the three tested Justice-Vengeance factors were found to co-vary to the 0.001 level. A significant negative correlation was found between sentence length and the factor Justice-Legal ($r=-0.125$, $p=0.024$). Thus, where participants agreed it important that the correct legal proceedings be followed, a lower sentence length was recommended. However, the shared common variance between the recommended sentence lengths and the factor justice-legal was only 1.6%.

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The relationships between sentence length recommendations and the justice-vengeance factors were further explored by running separate correlations, with the co-variables as before, for each of the three levels of expertise.

Although levels of correlational significance are important, the key interest in the current analysis is the substantive differences between the correlation coefficients of the three levels of expertise. Fisher's r to z transformations were conducted on correlation coefficients for the relationships between sentence length and each of the justice-vengeance factors in order to allow comparison across the three groups. Of these, significant differences were found to exist between sentence length recommendations and the factor Justice-Legal and for sentence length recommendations and the factor Vengeance-Sentence across the three levels of expertise

A negative relationship between the sentence length recommended and the factor Justice-Legal was found to exist in the lay-person group ($r=-0.21$, $p=0.017$, shared variance of 4.4%), while a non-significant, but positive relationship between the variables was apparent in both the expert ($r=0.169$, $p>0.05$, shared variance of 2.9%) and semi-expert ($r=0.058$, $p>0.05$, shared variance of 0.3%) groups. Following the r to z transformations, comparisons of the z scores revealed significant differences between the expert ($z=0.171$) and lay-person ($z=-0.213$) groups, ($\chi^2=5.574$, $p=0.018$), and the semi-expert ($z=0.058$) and lay-person groups, ($\chi^2=4.868$, $p=0.027$). These relationships are illustrated in

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Figure 1. These results indicate that experts and semi-experts respond to sentencing recommendations in a significantly different way to lay-people when considerations of the importance of following the correct legal proceedings are high.

Figure 1 about here

A significant difference was also found to exist between the correlation coefficients for recommended sentence length and the factor Vengeance-Sentence in the semi-expert ($z = -0.078$) and lay-person ($z = 0.171$) group, ($\chi^2 = 4.529$, $p = 0.033$), with a converse relationship existing between lay-person and semi-expert recommendations of sentence length in relation to their vengeance motivations concerning sentencing. That is, where a negative (though non-significant) relationship between the two variables was found to exist in the semi-expert group ($r = -0.078$, $p > 0.05$, shared variance of 0.6%), a positive relationship was present in the lay-person group ($r = 0.169$, $p = 0.05$, shared variance of 2.8%). Thus while no strong, directive relationship was found between sentencing recommendations and levels of vengeance relating to sentencing for the semi-expert group, longer sentences were related to higher vengeance linked sentencing motivations in the lay person group (a positive relationship). Again, it should be noted that it is not the significance of the individual correlations that is of key interest in the current analysis, but instead the significance of the comparisons between the three correlation coefficients across the levels of expertise that is of interest, as presented in Figure 2.

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Figure 2 around here.

In relation to the hypothesis that the semi-expert group would produce distinct sentence length recommendations in comparison to the expert and lay-person participants, a one way unrelated analysis of variance was carried out, with the independent variable being the level of expertise (expert, semi-expert or lay-person) and the dependant variable being the length of sentence recommended. A power analysis measuring for large effect size (0.4, following Cohen's conventions), with α set at 0.05 (following the norm) indicated $1-\beta$ to be 0.83, indicating adequate power. Levene's test was found to be non-significant, indicating homogeneity of variance across the three groups. The findings were as follows: $F(2, 54)=1.148$, $p>0.05$, indicating that the recommendations for sentence lengths did not differ across the three levels of expertise. The hypothesis was therefore not supported.

In order to assess whether differences existed between the sentence lengths recommended across the three crime types a one-way ANOVA was carried out. The descriptive statistics for this analysis are displayed in Table 2.

Table 2 around here

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Levene's test for homogeneity was found to be significant. Homogeneity of variance was therefore not assumed. The adjusted ANOVA findings were as follows. Significant differences were found to exist between the sentence length recommendations for the murder and assault vignettes ($F=29.383$, $df=2$, 211.3 , $p<0.001$) and between the murder and armed robbery vignettes ($F=29.383$, 2 , 206.7 , $p<0.001$). As shown in Table 2, significantly longer sentence lengths were recommended for the murder vignettes than for the assault or armed robbery vignettes. Based on these findings, it was considered that exploratory partial correlations should be carried out, with the co-variables being the justice-vengeance factors and sentence length recommendations, as before, partialling out crime type.

Table 3 around here.

As shown in Table 3, none of the partial correlation findings presented substantively different findings from the non-partialled analyses presented earlier. It is therefore considered that the non partialled correlation analyses reported earlier are sufficient to draw conclusions from. Thus, while significantly different sentence lengths were recommended for the three crime types, crime type itself does not act to explain a substantive proportion of the shared variance in the relationship between the justice vengeance factors and the sentence length recommendations.

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Discussion

As the current findings only detected a single significant correlation between sentence length recommendations and underlying justice and vengeance motivations across the distinct factors of justice and vengeance measured, Ho *et al.*'s (2002) assertion that the punishments brought about by justice and those brought about by vengeance being similar if not identical would appear to be supported. However, on closer inspection of the findings, significant differences between the correlational relationships across the three levels of expertise exist only in the justice-vengeance domains that relate to objective legal proceedings (i.e., Justice-Legal and Vengeance-Sentence). No significant relationship was found to exist between the more subjective justice-vengeance factor measured (i.e., Justice-Fairness) and sentence length recommendations; nor were there differences across the relationships for this factor between the three levels of expertise.

The current findings would, therefore, appear to distinctly contrast with Lerner's (2003) assertion that justice is not of great motivational importance. The present findings instead indicate that justice, when in a specific context, may indeed be related to judgements and decision making. That is, the negative correlation between recommended sentence lengths and the Justice-Legal factor indicates that placing importance on the correct legal proceedings being followed is related to placing importance on shorter sentence lengths being recommended as punishments. This

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finding can be considered to be intuitive, in that those individuals who place high levels of importance on following correct legal procedures may be more likely to be less emotionally involved in the case, and are therefore more likely to objectively pass judgement irrespective of subjective feelings towards the defendant. However, it must be noted that this is not a causal relationship, and, as such, no strong inferences should be drawn. More directive research investigating the influence of both justice-vengeance factors and other related constructs on punitive judgements may therefore be warranted in order to build upon the current findings.

In addition, the current findings lend some support to the theory of justice being a personal and social device used to maximize self interest, as discussed by Turner (1994) and Lerner (2003). For example, when considering the differences between the correlations for recommendations for sentence lengths and the Justice-Legal factor across the three levels of expertise, significant differences were found between the correlations of the expert group and the lay-person group, and between the semi-expert and lay-people groups. Interestingly, a positive relationship (though non-significant) was found in both the expert and semi-expert groups' correlations (i.e., high importance being placed on following the correct legal procedures was related to longer sentence lengths being recommended), whereas a negative relationship between the co-variables was found in the lay-person group analysis (i.e., high importance being placed on following the correct legal procedures was related to shorter sentence lengths being recommended). This

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finding can be explained by two related routes. First, “people are primarily concerned with impression management” (Lerner, 2003, pg.396), and second, as a means of delivering defensible and accountable recommendations in the case of the expert and semi-expert groups.

While the research was correlational, a tentative explanation (which could be strengthened by additional, directive research findings) is now offered. The positive relationship between considerations of following the correct legal procedures and sentence lengths may suggest that the expert and semi-expert groups are engaging in risk aversive behaviour. By recommending longer sentence lengths where considerations of following the correct legal procedures are high, the expert and semi-expert groups can be said to be engaging in risk aversive behaviour. Through recommending longer sentence lengths, the risk of an individual recidivising is lower, purely as a product of being incarcerated, and thus the risk of the practitioner or trainee’s recommendations being shown to be ‘incorrect’ (via recording the rate of recidivistic behaviour post-release) becomes lower. In this manner, the practitioners and trainees maintain their authority and preserve their self-image of being in control (McKee & Feather, 2008).

McKee and Feather (2008) have further discussed the goals behind sentencing in relation to values. With regard to underlying values, the motivations behind the findings of the current research can be further informed. For example, McKee and Feather (2008)

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suggested that for some individuals, punishing offenders reflect concerns for altering the future behaviour of that offender via rehabilitation, personal deterrence, or incarceration. The weak, though positive relationship between sentence length recommendations and placing importance on following the correct legal procedures found in the expert and semi-expert groups provides some support for this assertion. As forensic and clinical practitioners are primarily concerned with risk management and therapeutic interventions, by recommending longer sentences where concerns with following the correct legal proceedings is also high, the experts and semi-experts of the sample may be basing their recommendations on a desire to alter future behaviour, and therefore reduce the risk of recidivism following eventual offender release. Once again, however, it must be noted that the findings can only support the positive relationship between these variables, not establish causality. In addition, based on the low levels of shared variance, it is not unreasonable to assume that there are other factors influencing the sentence length recommendations. As such, in order to determine and untangle the intricacies of the underlying reasoning behind the relationships between justice-based motivations and punitive sentencing recommendations found in the current research, further exploratory research would be beneficial.

As discussed by Lerner (2003), much of the justice research, present study included, involves survey methodologies. In such circumstances, it has been argued that participants aim to present themselves in a 'good light'. In the case of the semi-experts,

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this may be intensified by the very nature of their ‘in training’ role. That is, by being in a role in which they are regularly assessed, these individuals are more likely to want to follow the ‘correct’, taught procedures and be seen to be non-biased and generally ‘good’ at what they do. This assertion is further supported by Dreyfus and Dreyfus’ (1986) framework of expertise, in which those within the ‘intermediate’ stages of acquiring expertise (i.e., semi-experts) tend to follow deliberative, hierarchical processes when completing tasks. As the task used in the present research was of particular relevance to the semi-expert’s chosen future vocation (i.e., offender assessment), it is somewhat logical that this effect would be intensified in this group. In addition, this finding lends support to the theory that individuals involved in violence risk assessment may have responded in part to the questions asked in a manner that would act to preserve their self-image. In line with this, McKee and Feather (2008) have suggested that vengeance attitudes may reflect a concern with preserving public image. The negative, though weak and non-significant relationship between sentence length recommendations and levels of Vengeance-Sentence (i.e., shorter sentences being related to higher levels of Vengeance-Sentence) in the semi-expert group would appear to support this assertion. Tentatively, the semi-experts may therefore be attempting to promote an unbiased self-image.

As with Lynette and Rogers’ (2000) and Jackson *et al.*’s (2004) findings, the current research identified no significant differences between the expert and lay-person groups with regards to emotive influence (in this case, within the vengeance based motivations

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measured). As discussed, while no difference was found to exist between experts and semi-experts, and experts and lay-people, a significant difference was apparent between the semi-expert and lay-person feelings of vengeance in relation to offender sentencing recommendations. This provides some support, although limited, to the presence of intermediate effects (Witteman & van den Bercken, 2007) in the relationship between vengeance motivations and punitive judgements. That is, the possibility of semi-experts, or 'intermediates', basing their judgements on a deliberate, logical, thought-out and self-correcting procedure, rather than using an evolved heuristic strategy, as described by Lerner (2003). However, due to the limited nature of this finding (i.e., significant differences were found only between the correlations for semi-experts and lay-people, but not experts and semi-experts), and in relation to the limitations of the research (discussed below and previously), it is recommended that no strong conclusions concerning the intermediate effect in relation to vengeance motivations should be drawn until further research has been conducted.

The question still remains as to why the emotive justice-vengeance factors measured were not related to the sentence lengths recommended. Two possible explanations for this shall now be discussed. The first possibility is perhaps the most easily drawn from the findings; that in fact no relationship between the sentence length recommendations and these two factors exists. If this explanation is to be accepted, a number of assumptions would have to be acknowledged. Among these, that legal decisions and

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recommendations made by expert witnesses, trainee risk assessors and lay-people are equally not affected by subjective, emotive underlying motivations related to justice and vengeance. While this assertion may indeed be the truth of the matter, it would appear to be somewhat ‘face value’; in order to support this assumption, the strong body of evidence linking emotional arousal to vengeance and to punitive decision making (e.g., Lapsley, 1998; Baumer, Messner, & Felson, 2000; ForsterLee, Fox, ForsterLee, & Ho, 2004; McKee & Feather, 2008) would first have to be discounted. However, the current findings do provide evidence to suggest that the relationship between emotive underlying justice-vengeance motivations on punitive judgements (or as the case may be, lack thereof) on experts, semi-experts, and lay-people is the same.

However, when taking the content of the stimulus crime scenarios used within the current research into account, the above explanation for the findings becomes less likely. That is, when being developed, the scenarios used were written in such a way as to provide the participant with an account of the offender, his background, and his offence that was not emotionally driven. Instead, the scenarios were written in such a way as to mimic the factual tone of an assessment or unrelated observer. This lack of emotional information in the scenarios may have skewed the way in which participants responded to the scenarios. While aiming to avoid the aforementioned ceiling effect described by ForsterLee *et al.* (2004), brought about using an extremely emotive vignette, the present research may have fallen prey to a design error on the other end of that spectrum - not

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including enough emotionally arousing information in the vignettes used. Future research of this nature must therefore be careful to design vignettes and other experimental materials in such a way that they include some emotionally arousing material; enough that emotions may be evoked and therefore measured to a greater degree than was the case in the current research, but also remain objective enough to not incur the ceiling effect experienced in ForsterLee *et al.*'s (2004) research.

While the completion of questionnaires has been well demonstrated in earlier literature to be influenced by the order in which materials are given, we only administered the Justice-Vengeance Scale at one time point for all participants (i.e., at the end of all of the scenarios). It is therefore impossible in the current study to assess the possibility of order effects influencing the data. Future research of this nature should take this into consideration and should consider having half of the participants complete the target scale (in our case the Justice-Vengeance Scale) prior to reading any vignettes, and half afterwards. While this is recognised as a potential limitation to the current study, it is not thought to be of any major concern to the current findings. This is because the Justice-Vengeance Scale aims to measure underlying, unconscious motivations; it is therefore logical to assume that these unconscious motivations will be relatively constant over the course of reading nine relatively brief vignettes.

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At face value, the current findings may appear to be in contrast with the arguments proposed by Murray *et al.* (2011) and Witteman and van den Bercken (2007), in that the responses produced by the semi-expert group were not found to be particularly distinct from those produced by both experts and lay-people. Instead, it would appear that with regard to the relationship between justice and vengeance motivations and punitive judgements, it is the lay-participants who appear distinct from the experts and semi-experts. This finding does, however, serve to emphasise the argument presented in the previous research: that while expert and lay-person judgements may often appear to be the same, suggesting no specific skill on the part of the expert clinician, instead different underlying processes and motivations underlying the punitive judgements and clinical decisions made may be occurring at the different stages of expertise. With differing strengths of relationships between underlying justice and vengeance motivations and punitive judgements, one may argue that expert and lay judgements that appear to be the same are in fact distinguishable and are based on quite different underlying motivations and decision making processes. The present research has therefore served to strengthen the arguments presented by Murray *et al.* (2011), as discussed earlier, and has therefore aided in teasing out and identifying the differences between the judgements made by experts, semi-experts, and lay-people in a punitive judgement context.

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Table 1.

Table 1: Mean sentence length recommendations in years made by experts, semi-experts and lay-people and their standard deviations.

Level of Expertise	Mean Sentence	SD	N
<i>Expert</i>	5.92	5.55	57
<i>Semi-Expert</i>	6.26	5.02	148
<i>Lay-person</i>	6.54	10.15	129
<i>Total</i>	6.31	7.49	334

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Table 2.

Table 2: Mean sentence length recommendations in years made for each of the three crime types (murder, assault, armed robbery) and their standard deviations.

Crime Type	Mean Sentence	SD	N
<i>Murder</i>	10.28	8.27	115
<i>Assault</i>	4.70	6.27	106
<i>Armed Robbery</i>	3.77	5.92	113
<i>Total</i>	6.31	7.49	334

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Table 3.

Table 3: Correlation coefficients for the relationship between sentence length recommendations and the Justice-Vengeance factors; and for the partial correlation between sentence length recommendations and the Justice-Vengeance factors controlling for crime type.

	Justice Fairness	Justice Legal	Vengeance Sentence
Sentence Length	0.036 (N=55)	-0.13* (N=53)	0.076 (N=54)
Sentence Length Controlling for Crime Type	0.035 (N=55)	-0.13* (N=53)	0.079 (N=54)

* $p < 0.05$ (2-sided)

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Figure Captions:

Figure 1. Line of best fit illustrations for the correlations between the factor Legal-Justice and the sentence length recommendations in years, across three levels of expertise.

Figure 2. Line of best fit illustrations for the correlations between the factor Vengeance-sentence and the sentence length recommendations in years, across the three levels of expertise.

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Figure 1.

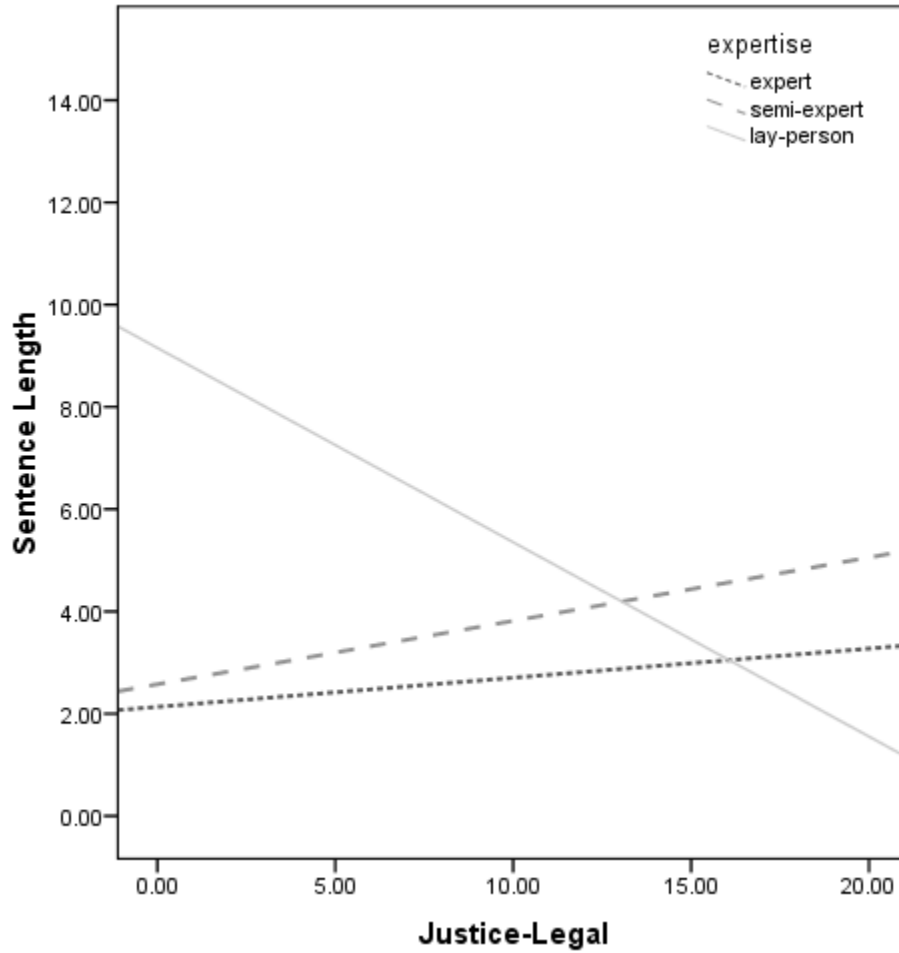


Figure 2.

