

Chapter 4

Public opinion and community penalties

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In this chapter we will address three main questions:

- What do we know about public opinion and non-custodial penalties?
- What accounts for differences in attitudes between individual members of the public?
- What implications does this research have for efforts to garner public support for non-custodial penalties?

Throughout we will draw on the empirical and theoretical literature on public attitudes toward punishment (especially Roberts and Hough 2002; Roberts *et al.* 2003; Tyler and Boeckmann 1997). Moreover, we will draw on the emerging findings from our own University of Cambridge study of punitive and non-punitive attitudes involving almost 1,000 British adults.

First, though, we will briefly address the issue of why this paper exists at all – that is, why an understanding of public opinion should even matter in the study of non-custodial penalties. A degree of public acceptance of and confidence in criminal justice practices is clearly necessary for a well-functioning system. Justice systems that are not seen as legitimate by the majority of a population presumably need to resort to brute force and intimidation to enforce the law of the land. Still, these are extreme cases; one can certainly imagine a well-functioning criminal justice system that operates with little or no attention to the minutiae of public concerns. Indeed, according to Ryan (2003) and other criminal justice historians, for much of the last century criminal justice policy in

England and Wales was almost entirely in the hands of a small, male metropolitan elite, and public opinion was taken as something to be managed and circumvented rather than acted upon.

Recent decades, however, have seen a substantial shift away from the expert-driven, bureaucratic model of penal policy to a system driven more explicitly by symbolic and expressive concerns (Garland 2001). There has been a distinct 'emotionalization of public discourse about crime and law' (Karstedt 2002: 301), and punishment – far from being hidden – has taken on a newly 'emotive and ostentatious' character (Pratt 2000a) with the return of boot camps, chain gangs, capital punishment and the like. In short, with the decline of bureaucratic rationalism in the criminal justice system, public emotions about crime and justice 'may now be translated into action, rather than simply left at the level of "talk"' in a way that would have been hard to imagine 35 years ago (Pratt 2000a). This is nowhere more clear than in the recent Carter Report (Carter 2003) and the Halliday Report (Home Office 2001) which both assign a central role to the improvement of public confidence in criminal justice sentencing.

Nonetheless, the relationship between recent policy developments and public wishes has been anything but direct. A considerable amount of 'populist punitiveness' (Bottoms 1995) – defined as 'allowing the electoral advantage of a policy to take precedence over its penal effectiveness' (Roberts *et al.* 2003: 5) – seems to take place with only a caricatured understanding of the public's real views regarding crime and justice (Roberts *et al.* 2003). Considerable research (see review in Roberts and Stalans 1997) suggests that the public is not nearly as punitive as sentencers, politicians and public officials assume they are. Yet, as Richard Korn (1971) once lamented, the public is one of the 'sacred cows' of criminal justice, often deferred to but never consulted. For instance, Morgan (2002) points out that when US President George W. Bush justified the treatment of prisoners held at Guantanamo Bay by saying they were being treated no better than the American public thought they should be treated, he was hardly basing his assessment on survey data from a representative sample.

As such, systematic reviews of public opinion regarding crime and justice are an important corrective to this 'failure to communicate' between criminal justice and the public (Flanagan and Longmire 1996). As Roberts (1992) eloquently demonstrates in his review, not only is it important to dispel the misperceptions the public holds towards crime, but it is equally urgent to dispel the misperceptions that criminal justice experts and policy-makers have towards the public's opinion on crime and punishment. Dispelling myths about public opinion might be most crucial in the area of non-custodial sentences, as Flanagan (1996) suggests that '*perceived* public opinion' (emphasis added) is the 'greatest obstacle' to the success of community-based penalties. Indeed, in a speech at the

annual HM Prison Service Conference in 2002, Lord Chief Justice Woolf lamented the 'regrettable' (but undocumented) 'fact' that 'neither the public nor sentencers have confidence in the community alternative' (cited in Roberts 2002: 34). Likewise, in her keynote address to members of the National Probation Service, Probation Minister Beverley Hughes said, 'Public credibility is crucial to our success. Only if, together, we can convince communities of your role and your reliability will you be able to do your important job effectively' (Teague 2001: 218). In short, sentencers are reluctant to utilise community penalties, regardless of their levels of effectiveness, if they assume that the public would disapprove of these options.

Public opinion and non-custodial penalties: what do we know?

Fortunately, there has been a flood of recent research and writing about public opinion and criminal justice (e.g. Cullen *et al.* 2000; Roberts and Stalans 1997). In fact – thanks in no small measure to the sponsorship of the Esmee Fairbairn Foundation and its Rethinking Crime and Punishment Initiative – much of this research focuses specifically on the British public and has a special focus on attitudes towards incarceration and its alternatives (see e.g. Allen 2002; MORI 2002; Roberts and Hough 2002; Wood and Viki 2004). The present review owes an enormous debt to these works, and was made simultaneously easier and more difficult to write because of their recent publication. Certainly, since there have been numerous state-of-the-art reviews of the research on public opinion (see especially those in Roberts and Hough 2002), there is little need to review this research study-by-study here. Instead, in the short space provided, we will try to make some broad generalisations regarding what the research to date seems to show conclusively on the topic. As will be obvious from the subject headings of these sections, the bottom line is that we do not know a great deal. It is important to recognise that, as (Stalans 2002: 20) and others have argued, researchers have 'barely scratched the surface' of public attitudes regarding punishment. Most often we describe what the public says it wants without providing information about what underlies the preference.

The public is ignorant about criminological research (but so what?)

One of the most frequently repeated findings is that members of the general public generally do not know much about the workings of the criminal justice system, crime rates or the basics of criminology (Roberts 1992; Vandiver and Giacopassi 1997). For instance, in 1998, 59 per cent of the UK public thought that crime rates had increased in the previous two years, and four out of five people continue to overestimate substantially

the proportion of crime that is violent (Mattinson and Mirrlees-Black 1998). Likewise, the majority of survey respondents very substantially underestimated the proportion of convicted adult male offenders sent to prison (Hough and Roberts 1998). Only a minority (16 per cent) of respondents correctly identified that most 'known' offenders are adults, not juveniles, and nearly a third thought crime was committed equally by females. Finally, over two-thirds thought that the young were becoming increasingly involved in crime between 1995 and 1997, yet according to official statistics, the number of known juvenile offenders has remained constant or fallen during this period (Mattinson and Mirrlees-Black 1998).

This 'widespread and systematic public ignorance about crime and justice' (Hough and Parks 2002) has been documented so many times in criminological research (Durham 1993; Morgan and Russell 2000; Tarling and Dowds 1997) that one has the impression it is a source of considerable frustration for those of us who devote our careers to providing a scientific understanding of crime. Yet why should we expect any different? As Indermaur and Hough (2002) point out, the justice system is far from the only aspect of government about which the public are largely misinformed. Surveys of public knowledge of welfare provision or the health service likely show equal confusion.

Moreover, there is no obvious reason why most people should have to be conversant with the details of sentencing procedures, welfare policy or any other public function. Still, as Morgan (2002: 220) argues, 'This is no reason for not consulting them about changes which, ultimately, are likely, in some degree, to affect every household'. Morgan goes on to say that 'To conclude that a degree of public ignorance provides judges and politicians with a free hand to make policies that they deem to be fair and efficient, policies that can then be sold to the public, is to misunderstand what counts as criminal justice' (*ibid.*).

Importantly, academics often decry the 'misunderstanding of the nature of crime and punishment' among the public (Indermaur and Hough 2002), but how settled is the criminologist's understanding of this essential nature? Crime is a social construction, of course, and while we in criminology do our best (considering the circumstances) to measure it with some accuracy, we are all aware of the impossibility of perfect accuracy in this endeavour. Under the circumstances, then, it seems arbitrary if not elitist to devalue the public's construction of crime (seeing as they are the ones who commit, suffer and otherwise experience it) in favour of the Home Office's official construction (Ryan 2003). *The Guardian's* crime journalist Nick Davies (2003) captured this well in a recent article entitled 'Exploding the myth of the falling crime rate':

In the last five years, just about all of [the criminal justice establishment] have thrown their hats and helmets in the air to celebrate a steady fall in crime. The Home Office said it was all down to its crime

prevention work. The police said it was their new intelligence-led approach. The academics said it was rising consumption, falling inequality, more alarms, fewer adolescent males, a rise in abortions . . . or a fall in unemployment. But what if it never happened? What if all that research is misleading? What if the truth is that crime didn't fall at all, that it was only the statistics that fell?

Research on public opinion suggests that the public is rather dubious about official crime statistics, whether they are collected by the police or through the British Crime Survey, and to some degree, of course, this scepticism is completely warranted. Still, there is no question that the public, in general, do not approach crime in a scientific manner (and they clearly don't read the journal articles we spend so much time writing). At the same time, there is considerable public interest in all aspects of crime and justice and a seemingly insatiable appetite for often highly distorted tales of 'true crime', 'reality' police dramas and the like. Furthermore, individuals hold very strong beliefs regarding issues of justice and punishment and have no great concern that these beliefs are not founded in criminological science. This seems to be a major annoyance to criminologists, but it is unlikely to change.

Public punitiveness is a myth (but then so is the whole notion of a public opinion)

The public is mad as hell about crime and are not going to take it any more. If the general public had their way, they would string up every paedophile, rapist, burglar, drug dealer and car thief lounging in the luxury holiday camps that claim to be prisons and hang them from the highest tree. At least, according to Cullen *et al.* (2002), that is the basic consensus among politicians and political commentators of both the political left and right. Indeed, this sense that the public harbours increasingly punitive attitudes also extends to numerous criminological theorists (e.g. Pratt 2000b).

Considerable research on public opinion and criminal justice has sought to complicate, if not contradict, this 'myth of the punitive public' (Cullen *et al.* 1997). Certainly, the characterisation of public attitudes as *indiscriminately* punitive is misleading (Spratt 1999; Irwin *et al.* 1998; Innes 1993). Turner *et al.* (1997) argue that the public is better characterised as 'reasonably moderate' rather than punitive. Stalans (2002) decides the public is 'selectively punitive and selectively merciful depending upon the specific conditions' (Stalans 2002: 19), whereas Cullen *et al.* (2000) interpret the public's general view toward the treatment of criminals as simply 'mushy'. Indeed, public opinion research shows rather conclusively that although the general public does largely support harsh punishment for serious offenders, we are also very much in favour of rehabilitation (Cullen *et al.* 1988; McCorkle 1993). Applegate *et al.* (2000) demonstrate

that when forgiving attitudes as well as punitive attitudes are measured, forgiving views outnumber punitive.

Importantly, this mushiness may simply be a research artefact. Stalans (2002: 25) writes, 'Public attitudes toward sentencing only appear "mushy" because much research has neglected the critical issue of how people form general attitudes, and how prior attitudes and beliefs about criminals affect sentencing preferences for detailed cases.' First of all, 'punitiveness' as a construct is poorly understood. There is little consensus on how to define this theoretical construct in the literature, making meaningful empirical approximations difficult (Walker *et al.* 1988).

Most often punitiveness seems to be measured by asking respondents what they think the goals of corrections should be. Individuals who favour retribution over rehabilitation are said to be punitive. Yet certainly there are retributivists who support minimal punishment (von Hirsch 1993). Likewise, there are numerous non-retributivist grounds (incapacitation, deterrence) for supporting harsh and severe punishments. Focusing on the public's 'goals' for punishment assumes that punitiveness is goal-driven in an instrumental sense. But research on death penalty attitudes (e.g. Ellsworth and Gross 1994) demonstrates that the rationalisations people give for punitive or non-punitive attitudes carry little actual weight. As psychologists report, 'More often than not . . . behavior is influenced by unconscious processes; that is we act and then, if questioned, make our excuses' (Jacoby *et al.* 1992).

Thus death penalty supporters say they would still support the death penalty even if it were proven that it does not deter crime, and death penalty opponents say they would cling to their opposition even if it were proven that capital punishment did deter crime. Scales asking about the 'goals of punishment' are very useful for teasing apart the various intellectual rationalisations which individuals provide for their beliefs, but they do not gauge levels of emotional intensity regarding preferences in punishment, whatever the supporting or opposing reason may be. As pre-eminent psychologists working on the death penalty Ellsworth and Gross (1994: 32) comment, 'Hardly anyone has asked respondents questions that give them the opportunity to express their emotions directly, and some have intentionally confined their response alternatives to those that are rational.'

Research by Doble (2002) suggests that, unlike criminologists, members of the general public do not see any contradiction in valuing both retribution and rehabilitation. Whereas traditional research designs ask survey respondents to rank in order the 'goals' of corrections (e.g. retribution, rehabilitation, deterrence, etc.) and read much into the findings, Doble's survey design allows respondents to list more than one goal as the most important. He found almost no variation in the designated importance of the goals thought to be in competition (with most respondents favouring punishment, reform and restitution at the same time). He concludes:

If people simultaneously deem more than one goal to be vital, asking them which goal is 'most important' can be likened to asking someone who is hungry, thirsty, cold and tired, what is most important: food, water, warmth or rest. The answer will be essentially meaningless if the person's real goal is not to have one, but all four of their needs met (Doble 2002: 151).

There are, of course, numerous other limitations to the standard efforts of measuring public beliefs. Flanagan (1996) points out that while the most popular method of researching public opinion is polling, this is limited because: (1) attitudes are dynamic while most surveys are cross-sectional; (2) surveys often ask about very specific attitudes from which it is impossible to generalise;¹ and (3) public opinion is rarely if ever monolithic even when surveys might make it appear so.

This last point is clearly true in the case of punitiveness. Research on death penalty attitudes, for instance, suggests that this issue, like abortion, provokes clear and stark attitudinal differences on surveys – with lots of 'strongly agree'-type responses and few 'undecideds' (Ellsworth and Gross 1994). Moreover, there are some clear and systematic demographic differences in views toward punishment. In the United Kingdom, men, older people, citizens with lower levels of educational attainment, and readers of tabloid newspapers seem to hold significantly more punitive views (Allen 2002; Hough and Roberts 1996). These patterns tend to hold true internationally (see Mayhew and Van Kesteren 2002) with stronger gender effects, but a less consistent pattern regarding age and punitive attitudes. Self-identified members of racial minorities in North American samples tend to be much less punitive than non-minorities (Applegate *et al.* 1997). Finally, there are substantial cross-cultural differences in punitive attitudes across place and time. Mayhew and Van Kesteren (2002) found in an international comparison that Western European countries rank last in support for imprisonment and first in support for community service. Western European countries also rank lowest in the average length of sentence they recommend for a young recidivist burglar. However, between 1989 and 2000 there was an increase in support for imprisonment in England and Wales of 13 per cent, with the sharpest increase occurring between 1992 and 1996 (6 per cent) (Roberts 2002).

So, is the public punitive? The question might not be worth asking. In his review of the public opinion literature, Warr (1995: 296) concludes, 'Public opinion on crime and punishment encompasses such a wide variety of issues and attitudes that it is pointless to attempt to describe it with any one adjective or phrase'. Simplistic summaries of 'where the public stands' that seek to capture 'the public's true opinion' as if there were such a thing as 'the' public and it had a single 'opinion' about anything, seem largely to be an exercise in futility. As Flanagan (1996) warns, public opinion itself is often created and reified in the process of

collecting and reporting the results of public opinion polls (see also Savelsberg 1994).

The public is probably ambivalent toward non-custodial penalties

Where does this leave community penalties in the public's mind? The most common finding in public opinion research regarding non-custodial penalties is that the public is largely unfamiliar with this aspect of the criminal justice system (Hough and Roberts 1998). This is unsurprising as probation officers and community service work are hardly ever featured in the media, at least compared to prisons, policing or the courts. The National Probation Service (2002) recently commissioned a study of the public perceptions of probation in England and Wales involving 1,000 telephone surveys and 665 street surveys with members of ethnic minorities. The findings suggest that 43 per cent of the respondents consider themselves to know only 'a little' about what probation service does; for the minority sample, that number is even less (31 per cent). Only 7 per cent of the public say they know 'a lot' about what the Probation Service does..

Further, from what little the public know, the public is anything but inspired and excited about the potential benefits of non-custodial alternatives. Roberts (2002: 34) writes: 'Most members of the public (and indeed, not a few judges) remain rather sceptical about the utility of [community penalties] for crimes of intermediate seriousness, on the basis that community penalties are not severe enough. This is true around the world.'

This seems to be particularly true of 'traditional' probation work, involving reporting to a probation office for monthly supervisions. Cullen *et al.* (2000) write: 'Citizens appear wary of "regular probation", a sanction that involves minimal contact with the offender.' When members of the public were asked what they thought could help to reduce crime in Britain, the National Probation Service (2002) research found that only 2 per cent spontaneously mention the Probation Service, compared to 77 per cent who cite the police and 13 per cent who mention schools. Moreover, recent polling data in the US suggest that public confidence in the concept and efficacy of probation has declined in recent years (Beto *et al.* 2000).²

Indeed, some have suggested that public support for probation in the United States is dangerously low. One of the invited participants at a US conference on 'Rethinking Probation' stated this matter quite bluntly: 'Public regard for probation is dangerously low . . . We have to realise that we don't have broad public legitimacy' (Dickey and Smith 1998: 6). Another participant described the public mood toward community corrections as a 'malaise' (*ibid.*: 5). In recent years, the British probation service has undergone its own period of feeling 'uncomfortable, threatened, unsure of its role, and not at all confident of its social or

political credibility' (Garland 1997: 3), although not to the same extent as described in the United States. This period of uncertainty, of course, was one of the factors leading to the 'repositioning' of probation and the formation of the unified National Probation Service with the explicit goal of restoring public acceptance.

However, the idea that the public is strongly opposed to non-custodial sentencing has little support in the research literature. For instance, when asked to rank the crime reduction potential of various parts of the criminal justice system on a scale of 1 to 10, respondents to the National Probation Service research rated probation no worse than the prison system. When asked in an abstract way, 47 per cent of an American sample responded that community sentences are 'evidence of leniency' in the criminal justice system. Yet when asked about individual community corrections programmes, support for each is in the 70 to 80 per cent range (Flanagan 1996). In fact, the majority of studies reviewed find that community penalties are largely supported by the public so long as they are used for non-violent rather than violent offenders (Oregon Crime Analysis Center 1991).

'But why?' What do we know about the origins of these opinions?

Although there has been considerable discussion in criminology about whether or not the 'punitive public' exists, very little research has sought to ask why punitive public attitudes exist.³ In fact, there is a tendency in some criminal justice research to take the existence of punitive attitudes for granted and assume that public hostility to offenders is natural⁴ or innate. In *Punishment and Democracy*, for instance, Zimring *et al.* (2001) argue that public punitiveness has probably been a constant in US history (what changed was the level of victimisation and opportunities for populist political decision-making). Like most other observers, the authors therefore seem to accept popular punitivism 'as a fact of nature' and therefore 'offer no real explanation for it' (Greenberg 2002: 246). Yet comparative and historical research contradicts this image of punitive attitudes as a constant. Sutherland and Cressey (1978) write:

There has been no constant desire to make all criminals suffer and the system used for inflicting suffering on [criminals] has changed from time to time. The punitive reaction to lawbreaking has not been present in all societies [in fact it] varies from time to time even within a given society. A theory which precisely explains or accounts for all of these variations has not been developed.

Additionally, there seem to be important, individual-level differences in punitive attitudes within a single cultural context. Apparently, the

execution of a Death Row inmate can evoke disgust and tears from one person while triggering celebration and cheers from another.⁵

But what accounts for these differences? In their important article "Three strikes and you're out", but why?", Tyler and Boeckmann (1997) argue that there are two basic theoretical frameworks within which public attitudes toward crime and punishment can be understood: instrumental theories and expressive or symbolic theories (Gabriel and Greve 2003; Girling *et al.* 2002; Tyler and Boeckmann 1997; Tyler and Weber 1982; Wood and Viki 2004). Theoretical discussions of the expressive purposes of punishment have dominated the sociological discussion of punishment from the works of Durkheim and Mead to contemporary work by Garland (1990, 2001) and others. Ironically, empirical public opinion research has been criticised for focusing too much attention on the instrumental, 'capturing only the rational or knowledge-based aspect of opinion and ignoring the emotional side' (Indermaur and Hough 2002: 201).

Instrumental explanations

Instrumental theories (Zimring *et al.* 2001) suggest that punitiveness is motivated largely out of self-interest. Punitive attitudes are likely to result when individuals feel a personal threat to themselves or their communities. People are 'fed up'. Like Charles Bronson in *Death Wish*, they are normal, good-natured individuals who are 'pushed too far' by the crime and disorder around them. Hence, punitive attitudes should be more prevalent in areas of high crime, among individuals who have been victims of crime and who fear repeat victimisation.

A sizeable and consistent body of research fails to support these instrumental hypotheses (Cullen *et al.* 1985; Baron and Hartnagel 1996; Hough and Moxon 1985). For instance, public opinion polling does show a relationship between punitiveness and the fear of crime (Taylor *et al.* 1979), but this seems to be a very modest correlation at best (see Roberts and Stalans 1997) and frequently not replicated (Cullen *et al.* 2000). Additionally, fear of crime does not seem to have a measurable relationship to views on capital punishment (Warr 1995) or support for other specific policies like the 'Three Strikes' legislation (Tyler and Boeckmann 1997). While there has been some support for a link between fear of crime and punitiveness (e.g. Sprott and Doob 1997), a major critique of the research on fear of crime has been its inability to account adequately for such complex relationships (Ditton *et al.* 1999; Hollway and Jefferson 1997).

Moreover, personal victimisation experiences and perceptions of crime salience in one's residential area do not relate consistently to punitive attitudes (Langworthy and Whitehead 1986; Quimet and Coyle 1991; Flanagan *et al.* 1985). In fact, only 9 per cent of the self-reported victims of violent crimes in the 1998 British Crime Survey favoured the incarcer-

ation of their offender (Roberts 2002). This research counters intuitive beliefs that victims are most likely to seek retributive or harsh consequences for offenders. Walker and Hough (1988) suggest that one reason for this is that individuals who lack personal experience of victimisation may exaggerate the negative consequences of crime while victims are more pragmatic. Alternatively, it might be that victims underplay the severity of harm done in order to better cope with the experience. Other research such as that of Tufts and Roberts (2002) finds that victimisation is not at all predictive of attitudes. Finally, at the aggregate level, recorded rates of crime do not relate to public demands for punishment in a consistent manner (Wilkins 1991; Mayhew and Van Kesteren 2002). Similar conclusions led Tyler and Boeckmann (1997: 252) to comment that 'crime-related concerns are the least important factor' in predicting punitive attitudes and suggest that 'the image of the citizen as supporting punitive public policies because of fear of crime . . . is inaccurate'.

Expressive- emotive explanations

An alternative explanation to the instrumental view is that punitive attitudes serve an *expressive* or symbolic function – which is of course to beg the question 'expressive of what?' (Garland 2001). There is a rich tradition of theoretical work in this area (e.g. Durkheim 1933; Mead 1918) which continues today with work such as Garland's (2001) *The Culture of Control*. The best-known explanations for contemporary punitiveness revolve around 'ontological insecurity' or a widespread sense of anxiety driven by the disembedding processes of modernity that have resulted from the erosion of former social certainties (Bottoms 1995; Ranulf 1938; Vaughan 2002; Young 2003). For instance, Bauman (2000) points to the profound anxiety and insecurity produced by the flexibility of the labour market under the deregulated capitalism favoured by neo-liberal states. Indeed, the relationship between economic insecurity and scapegoating behaviour is well known. For instance, in their now classic study, Hovland and Sears (1940) found that the frequency of lynching in the southern US states was negatively correlated with the price of cotton. When farmers suffered the most frustration, they were most likely to redirect their anger on black men accused of crimes (these findings were confirmed by Hepworth and West's (1988) recent re-examination of these data).

Tyler and Boeckman use the label of 'symbolic theories' to describe a wide variety of accounts that link punitiveness to concerns for moral cohesion and the assertion of community values (these theories are reviewed in considerable detail in Garland 1990). Durkheim (1933) famously argued that punishment served as a ritualistic reaffirmation of community values. Similarly, for Mead (1964: 227), punitiveness offers one of the few occasions when community members can unite around shared

interests and an 'emotional solidarity of aggression'. Garland summarises this position as follows: 'Taking part in the emotional defence of "society's interests" against criminal depredations, the individual's aggressions against the "outsider" are aroused and reinforced, as is his or her identification with the in-group' (1990: 64). In their own research, Tyler and Boeckmann find support for such symbolic theories, concluding that two aspects of the social environment are crucial to punitiveness: concerns about the breakdown of family values, and anxiety about population diversity and a lack of community cohesion. They suggest that future research on punitiveness incorporate the findings of research on social identity theory (e.g. Turner *et al.* 1979) regarding the framing of group boundaries.

The suggestion from this literature is that not only are people's attitudes towards crime and punishment emotional rather than rational and utilitarian, but that they are in fact driven by very deep and very personal psychodynamic histories (see Maruna *et al.* 2004). Indeed, Mead also pointed out that punitiveness offers a rare outlet for releasing long-restrained and sublimated hostilities. Finally, Garland (1990) argues that criminals may represent a threat because their behaviours often 'express desires which others have spent much time and energy and undergone much internal conflict in order to renounce' (1990: 239). For this reason, he argues that the public may harbour 'a resentful and hostile reaction out of proportion to the real danger it represents'.

Because of their roots in depth psychology, these symbolic theories are rarely explored 'outside of individual case histories based upon reliable clinical evidence' (Garland 1990: 65). One exception is Gaubatz's (1995) *Crime in the Public Mind*. In an inductive analysis of 24 qualitative interviews with Californians, Gaubatz concludes that punitiveness is a type of 'botheredness' which results from a macro-social displacement effect. Her grounded theory suggests that the pace of social change over the last four decades in the United States exceeded some people's capacity for change. As a result, people's rejection of certain social practices (i.e. interracial marriage, homosexuality) remained intact, but suddenly became unacceptable with changing social mores. She argues that the emotional rejection of certain social practices that could no longer be expressed directly was displaced onto attitudes regarding punishment and crime (criminals being among the last groups of individuals that it was still respectable to hate openly). This research has been widely criticised on methodological grounds. Warr (1995), for instance, questions the small sample size, sample selection procedures and the relation between Gaubatz's conclusions and her actual data. Nonetheless, Gaubatz provides a fascinating attempt at a personological or psychodynamic inquiry into punitive attitudes.

Core beliefs and values

One of the most promising lines of investigation into the psychological formation of attitudes towards criminal sanctioning to date is work in the area of attribution theory. Cullen *et al.* (1985), for instance, look directly to variation in people's attitudes towards punishment, rehabilitation, capital punishment and punishment of white-collar crime, and find that the way people *explain* crime helps explain some of the discrepancies. George Vold (1958: 258) writes: 'There is an obvious and logical interdependence between what is done about crime and what is assumed to be the reason for or explanation of criminality.' Cullen and his colleagues divide attributional beliefs into either 'classical' (dispositional) views that crime is a choice or else lay 'positivist' (situational) views that see crime as a product of circumstances. Numerous previous studies (e.g. Cullen *et al.* 1985; Grasmick and McGill 1994) have found support for the idea that punitive attitudes correlate with classical or dispositional attributions, whereas those who hold more situational attributions tend to be less punitive.⁶

Psychologists are also concerned with another dimension of attributions (stability versus instability) that is often neglected by criminologists, but might be equally important in determining punitive attitudes. That is, regardless of one's beliefs about the origins of criminality, do they believe that people can change? Such a belief in redeemability (or the instability of criminality) may take precedence over attributions in determining punitiveness. Garland (2001: 185) writes, 'Whether the offender's character is the result of bad genes or of being reared in an anti-social culture, the outcome is the same – a person who is beyond the pale, beyond reform, outside the civil community.' A belief in people who are permanently and fundamentally bad almost necessitates their segregation from mainstream society. A belief in redeemability and human malleability, therefore, might be a more robust predictor of punitiveness than the internality/externality (classical/positivist) dimension of attributions.

New research: University of Cambridge Public Opinion Project (UCPOP)

A project designed to build on the above work, incorporating both in-depth interviewing as well as survey methodology, is currently under way at the University of Cambridge. The first phase of this three-phase project is a postal survey designed to test a variety of theories regarding the correlates of public attitudes, but also to identify two samples: one of British citizens with 'highly punitive' belief scores and a contrasting sample of individuals with strongly non-punitive views. The second phase of the research (currently under way) involves in-depth, exploratory interviews with members of these two groups, in which interviewees talk about their lives: their experiences with being punished, their

experiences of punishing others, experiences witnessing punishment, and their general concerns and anxieties. The goal is to find five to ten themes that characterise the world-views or self-identities of each group. The third and final phase of the research will involve bringing large numbers of the initial survey respondents back for a series of experiments designed to see whether raising the salience of various anxieties does consistently lead to increases in punitive responses for randomly selected participants compared to a control group. It is hoped that this triangulation of data will provide more comprehensive information on the psychology of punitive and non-punitive attitudes than has previously been collected.

Below, we briefly discuss the methods of the postal survey below and take a look at some early outputs that relate to public attitudes about community penalties.

UCPOP: the postal survey

In June 2003, 3,600 surveys were sent to randomly chosen households in six wards selected for their diversity in income and demographics (as well as their proximity to the investigators). The sampled areas represent both rural and urban areas in the east of England and London, ranging from one of the highest-ranking wards on the 2,000 indices of deprivation (Great Yarmouth) to the lowest (Stapleford). The characteristics of the 941 respondents (see Table 4.1) largely reflected the communities from which they were drawn (see descriptives below).

As with other samples of the British population, the sample is rather neatly divided, with about a third of respondents supporting a greater use of community penalties, another third supporting the more widespread use of imprisonment, and the remaining third largely undecided in the middle.

What does the sample think of alternatives to prison?

Forty-seven per cent agree that if prison has to be used, it should be used sparingly and only as a last option; 31 per cent agree probation or a community sentence (rather than prison) is appropriate for a person

Table 4.1 Some sample characteristics (N = 941)

56% are female.
68% have not completed a university degree.
51% describe themselves as politically conservative.
58% consider themselves religious or spiritual persons.
41% describe the household they were raised in as working class.
72% report their household income as under £40,000.
7% report being convicted of offences more serious than a speeding violation.
47% report knowing someone who has been to prison or who has been on probation.

found guilty of burglary for the second time; 36 per cent would consider volunteering time or donating money to an organisation that supported alternatives to prison; and 36 per cent would consider volunteering for an organisation that supported toughening the sentencing laws in the UK.

Hypotheses and measures

For the purposes of this paper, we have run some preliminary analyses to see what items included in our survey seem to best predict support for community penalties among our sample. In our analysis, we include the demographic characteristics (age, gender, etc.) thought to be associated with punitive attitudes, and predict that instrumental factors (living in high-crime areas, victimisation experiences) will decrease the likelihood that one will support prison alternatives above and beyond these demographic characteristics. Likewise, we predict that expressive factors (e.g. anxiety about the economy or the state of Britain) will further decrease support for alternatives, controlling even for instrumental concerns.

Finally, we also include a test for the impact of core beliefs about crime⁷ on one's support for prison alternatives. In our analysis, we test the effects of these attributions on punitive attitudes while holding other potential correlates of punitiveness constant. In addition, we added our scale on 'belief in redeemability' into the equation. This tests a second, neglected dimension of attribution theory (stability–instability) beyond the internal–external dimension usually tested. The hypothesis here was that individuals who believed deeply in the notion that people can change and that 'even the worst young offenders have the ability to turn their lives around', will be the most likely to support alternatives to prison.

Analyses and findings

To investigate the unique contribution of each set of explanatory variables in predicting attitudes supportive of community sanctions, each model was analysed in four separate steps (see Table 4.2). This technique allows us to assess how each additional model might contribute to the overall variance explained. In the first model, we measure the possible socio-demographic effects on punitiveness. In the second model, measures of victimisation, perceptions of local crime, and fear of crime are added to the equation to test instrumental hypotheses. The third model includes measures which are designed to test expressive hypotheses revolving around social and economic anxieties. Our measures here include: a standard measure of collective efficacy; a measure of anxiety about youth (including items such as 'Young people do not seem to have respect for anything these days'); and an item, global crime salience, measuring whether the person believed crime was increasing or decreasing across the United Kingdom. Finally, in the fourth model we assess the impact of core beliefs on attitudes toward community penalties. Here we would hy-

Table 4.2 Regression models predicting pro-community sanction attitudes

Variable	Model 1	Model 2	Model 3	Model 4
<i>Controls</i>				
Class background	.125**	.123**	.106**	.082*
Gender (male)	-.083*	-.099**	-.097**	-.100**
University	.282***	.251***	.155***	.101**
Income	-.080	-.127**	-.160***	.112**
Race	.064	.080*	.091*	.073*
Age	.080*	.091*	.106**	.142***
Unemployment	.060	.060	.057	.054
<i>Instrumental</i>				
Direct victimisation		.062	.037	.029
Crime salience (local)		.011	.121	.090*
Fear of crime		-.229***	-.120*	-.066
<i>Expressive</i>				
Collective efficacy and trust			.165***	.140***
Anxiety about youth			-.254***	-.176***
Economic pressure			.054	.024
Crime salience (global)			-.176***	-.132**
<i>Core beliefs and values</i>				
Crime is a choice				-.207***
Belief in redeemability				.300***
Adjusted R ²	.102	.133	.290	.403
R ² change		.035***	.160***	.112***

*p < .05; **p < .01; ***p < .001.

pothesis, based on previous literature, that those who attribute criminality to the internal disposition of an offender (crime is ‘a choice’) would be more punitive and therefore less likely to support community penalties. Additionally, however, we hypothesise that those persons who see criminality as a largely unstable trait and believe in offenders’ abilities to change their behaviours (reflected in high ‘redeemability’ scores) will be more supportive of community penalties.

In model 1, university degree, class background, gender and age emerge as significant predictors, suggesting that highly educated, older women of higher social classes are the most likely to support community penalties for offenders. As in previous research, education seems to have the strongest impact. Those with a university education are far more likely to support community sanctions than the less educated, controlling for other demographic factors. Overall, however, these variables explain only about ten percent of the variation in our sample, a result consistent with the 10 per cent usually explained by socio-demographics in similar studies.

In model 2, the socio-demographics act as control variables to test the effects of three main instrumental theory predictors. When socio-demog-

raphics are controlled for, fear of crime is the only instrumental variable that is a significant predictor of pro-community sanctions attitudes (.229***). In addition, the effect of personal income was suppressed by the instrumental variables (from $-.080$ to $-.127^{**}$). The effects of race and gender are also strengthened when instrumental variables are controlled. Overall, though, the addition of instrumental predictors to the regression only gives the model 4 per cent more predictive power.

In model 3, when expressive variables are added, the R^2 increases 16 per cent.⁸ Almost half of the strength of the relationship between fear of crime and pro-community sanctions attitudes, as well as between education and pro-community sanctions attitudes, disappears when expressive variables are factored into the equation (from $-.229^{***}$ down to $-.120^*$ and from $.261^{***}$ to $.155^{***}$, respectively).

Finally, model 4 adds scores of dispositional attributions and belief in redeemability to the equation. The addition of these variables helps the model explain 11 per cent more of the variation found in individual differences in pro-community sanctions attitudes in this sample. Several variables decrease very slightly in strength or significance (class, education, income, local crime salience, collective efficacy, anxiety over youth and global crime salience), but overall there are no significant changes to the other variables. Attributions of internality and a belief in redeemability are shown to have significant and unique effects on pro-community sanctions attitudes ($-.207^{***}$ and $.300^{***}$ respectively).

In sum, expressive predictors and core beliefs and values have a strong effect on pro-community sanctions attitudes, over and above the effect of both socio-demographics and instrumental factors, as predicted. A belief in redeemability was the strongest predictor of support for pro-community sanctions attitudes. Neither victimisation nor fear of crime contributed significantly to the model once expressive predictors and core beliefs and values were accounted for. While these findings are only preliminary – our research project is not even half done – they do suggest some interesting possibilities for developing a better understanding of public support for community penalties. For instance, the research suggests that the public's lay criminological beliefs and understanding about why people commit crime may play a greater role than actual experiences with victimisation in determining support for community penalties. In other words, there may be a role for public education and working with public views.

Implications for working with public opinion

Academics often seem to wish that public opinion could largely be kept out of the policy-making world. Privately, many of us even long for a system more like the 'cosy, elite policy-making world' described by Ryan

(2003) in his history of criminal justice policy in Britain. Barring such a radical reversal of recent trends, though, numerous observers have suggested strategies for working with public opinion. Roberts *et al.* (2003) outline multiple strategies for mediating and moderating the impact of public opinion on criminal justice policy, including the establishment of institutional layers of protection as buffers between politicians and the judiciary.

Others argue that in order to win public support, community alternatives need an image overhaul. Beto *et al.* (2000: 1) argue, 'Although low ratings [in public opinion polls] obviously are related to poor performance, they also signal a failure on probation's part to convey an image to citizens of a model of practice that embodies widely held values and serves overriding public safety concerns.' Likewise, Maloney *et al.* (2001) argue that the US model of probation has 'gone the way of the Edsel' in terms of performance and reputation, and like the Ford company's infamous failure, probation needs to be retired. Importantly, they not only advocate the end of traditional US probation practice (which they say is based on the 'rather bizarre assumption that surveillance and some guidance can steer the offender straight'), but also dispensing with the 'brand name' of probation in the United States (which they rightly argue is a vague and uninspiring term). They suggest that a more fitting mission and name for probation should be 'community justice'. Indeed, community justice as an ideal has been the subject of considerable excitement and theoretical examination over the past two decades.

Drawing on Anthony Duff's communicative theory of justice, Sue Rex (2002) has argued persuasively that community penalties have the potential to communicate a message to both the public and the offender him or herself. Unfortunately, the potential message to both is often highly diluted and confused because of a lack of consensus regarding the rationale behind these penalties (Kalmthout 2002). Below, we review 'what works' and what probably does not work in terms of changing the public's perception of non-custodial penalties. Some of these conclusions are based on the experiences of campaigning groups (such as the organisation Payback⁹) that have made concerted and substantial efforts to change public opinion on issues of community alternatives (see Bowers 2002).

Appeals to cost-benefits and effectiveness will only go so far

Research conducted by the Centre for Social Marketing at the University of Strathclyde on behalf of the Rethinking Crime and Punishment Initiative found that statistical arguments about the effectiveness of non-custodial sentences ultimately had little impact on public views about community penalties (Stead *et al.* 2002): 'Respondents were sensitive to the highly politicised nature of the crime debate, and regarded any use of

statistics as spin' (2002: 4). Further, arguments in favour of community alternatives based on the high costs of imprisonment or the growing numbers of citizens incarcerated seemed largely unpersuasive to focus group members. In fact, focusing on the high costs of imprisonment 'simply reinforced the popular view that prisons were full of unnecessary luxuries, and provoked the retort that "they should take away the televisions"' (2002: 3).

If attitudes toward criminal punishment are driven largely by emotive rather than instrumental concerns, as our own research and the wider criminological literature suggest, then rational appeals to the benefits of various justice options will have only limited impact on public views.

Public education will help, but is no panacea

One of the most frequently mentioned strategies for increasing public confidence in community sentences is to provide more and better (i.e. research-driven) information about crime and justice to the public (Roberts and Stalans 1997; Stalans 2002; Gainey and Payne 2003). The research evidence in favour of this strategy, however, is somewhat mixed.

On some levels, it is irrefutable that 'information works'. That is, in almost every survey of the public where such comparisons are made, individuals who are provided with additional information about various sentencing alternatives are less likely to favour these sentences (e.g. by 'sentencing' hypothetical offenders to prison in 'you be the judge'-type exercises) than those who are given no such information (see Roberts 2002). In particular, explaining the variety of restitution and compensation alternatives to respondents who are unfamiliar with community-based penalties has the immediate effect of reducing punitive tendencies in survey respondents (Hough and Roberts 1998). Furthermore, respondents who express punitive views in the abstract often moderate those views when presented with more information about the offenders themselves (e.g. learning that they have suffered abuse in the past, grew up impoverished or are addicted to a drug) (Doob and Roberts 1988).

On the other hand, much of the research demonstrating the impact of education on attitudes shows only very short-term effect.¹⁰ For instance, Gainey and Payne (2003) found that a 35-minute presentation of information about crime and justice can increase support for alternative sanctions, but the duration of this effect is unknown as only an immediate post-test was done. Additionally, much of this research is plagued by what can be interpreted as a 'Hawthorne effect': participants may modify their views on follow-up surveys simply because it is obvious that this is what they are 'supposed to do'. Finally, the practicality of introducing these educational efforts on a large scale is doubtful. Much is made of the impact of 'deliberative polling', whereby attitudes seem to change in light of an educational encounter of sorts (ranging from a lecture to a two- or

three-day seminar on issues of crime and justice). Yet considerable research (and personal experience on the part of the authors!) suggest that even an entire academic term spent learning about the ins and outs of criminology and criminal justice has a negligible impact on students' attitudes toward crime (Giacopassi and Blankenship 1991; Jayewardene *et al.* 1977). How much education is really needed to change deep-seated attitudes and how possible would it be to educate the adult population of Britain in this way?

Bowers (2002) argues that attitudes serve four functional purposes: to organise vast amounts of knowledge, to express values, to help defend one's ego and to obtain rewards and avoid punishment. Typically, only the knowledge function is addressed when it comes to strategies for change. Many initiatives or campaigns talk about making messages 'easy to remember and recall', which ignores the possibility that attitudes exist not only to organise information, but also for other reasons. Many attitudes, such as prejudicial ones, are believed to serve purposes that have little if anything to do with knowledge organisation. As such, education may do little to change them: 'As anti-racist campaigners know only too well, overcoming these rigid stereotypical "schemas" is exceptionally difficult, and generally cannot be achieved with information based initiatives' (Bowers 2002: 25). When attitudes are based on other than informational discrepancies or deficits, they are not easily altered.

Perhaps the most promising findings regarding education, however, are that the active participation of citizens in the criminal justice process increases satisfaction with the service and decreases punitiveness (see Allen 2002). Research suggests that when citizens are actively engaged in criminal justice decision-making – whether it is through serving on a jury (Matthews *et al.* 2003), participating in restorative justice work (Greene and Doble 2000) or even sentencing hypothetical offenders through academic exercises (Roberts and Stalans 1997) – they are less punitive and more likely to support community alternatives. Apparently, easy slogans like 'hang 'em high' or 'lock 'em up' become less tenable when individuals are assigned the responsibility of actually trying to turn such general notions into practice. Yet the average citizen's interaction with the criminal justice system may involve little more than reporting a minor crime to the police. Further, as Morgan (2002: 225) argues, when he or she does report being the victim of crime, 'the likelihood . . . of the crime being cleared up or, even if cleared up, their learning about what happened to "their" offender is low'. Unfortunately, these realities are not likely to change in the foreseeable future.

Schemes to educate and inform the public about the nuances of sentencing, the 'facts' about crime, and so forth are noble, well-meaning efforts, but unlikely to have more than marginal impact on either public understanding of crime issues or punitive, prison-centric attitudes.

The public wants 'affective' as well as 'effective' justice

Indermaur and Hough (2002: 210) argue persuasively that 'Anyone who wants to improve public debate about crime needs to be attuned to [the] emotional dimension [of attitude formation]'. Freiberg (2000) aptly describes this as the difference between 'effective' and 'affective' justice. The punishment of criminal offenders is a deeply emotive issue. Yet saying attitudes are driven by emotion does not make them 'wrong'. Academics tend to favour the rational and logical over the emotive, and dismiss the latter as irrelevant and misguided (Tetlock 1994; Ryan 2003). The public, on the other hand, has little problem with 'gut reactions' and supporting what 'feels right' rather than what they are told is logically correct. If one seeks to sway public opinion, the legitimacy of these other bases for opinion needs to be understood and appreciated. That is, punitive policies and practices have won votes in recent years because they appeal to the emotional needs of late modern voters and tax-payers (Karstedt 2002). Rather than bemoaning this lack of sheer technocratic rationality on the part of citizens, research on punitive attitudes suggests that those in favour of community penalties would do well to make similarly emotive appeals on behalf of non-custodial penalties.

Unfortunately, we know very little about what emotive themes are likely to support community sentences because we know remarkably little about the social psychology of non-punitive attitudes. Whereas the 'authoritarian personality' has generated half a century of research across several academic disciplines, research on the development of liberal, permissive, forgiving or non-punitive outlooks toward punishment is badly lacking (Martin 2001).¹¹ Indeed, little is known about the existence *let alone* the origins of public compassion, forgiveness or empathy in regards to criminal offenders. Little in the sociology of punishment (from Durkheim to Garland) could easily account for this sort of empathetic understanding if it exists (and it surely does¹²) outside elite circles suffering from 'liberal guilt'. Reflecting the popular stereotype that 'a liberal is just a conservative who has never been mugged', for instance, Garland (2001: 78) writes: 'The posture of "understanding" the offender (is) more readily attained by liberal elites unaffected by crime or else by professional groups who make their living out of it.' As a result, we can imagine (indeed have seen clearly) how the public's punitive attitudes could be awakened and utilised in support of a repressive criminal justice agenda, but we have little idea how to promote a more tolerant society.

Our own research and that of others suggests that 'redeemability' is a powerful theme for those who support community penalties. Appealing to the public to support community alternatives because 'people can change', and demonstrating this with human interest stories of transformed offenders might have some value. Applegate *et al.* (2000: 742) write, 'Our study shows that the compassionate side of [public attitudes]

– the belief in forgiveness – can also shape how [citizens] “think about crime”.’

Some research suggests that the public’s hesitations about community corrections can be alleviated by assuring them that the sentence will be ‘intensive’ (i.e. involving more than just standard probation services). In particular, describing the potential use of electronic monitoring and the like seems to increase public support for non-custodial penalties somewhat (Brown and Elrod 1995; Dowds and Redfern 1994; Gainey and Payne 2003). However, these sorts of ‘see how tough we are’ arguments can backfire. Essentially, if the public thinks that offenders on community penalties are really so dangerous that they need constant supervision, then why bother with electronic monitoring when prison would do quite nicely? The public holds a ‘deeply entrenched view’ that ‘equates punishment and control with incarceration, and that accepts alternatives as suitable only in cases where neither punishment nor control is thought necessary’ (Smith 1984: 171). No matter how tough the restrictions, community penalties simply cannot compete with the iron bars, high walls and razor wire of the prison in the battle for being the ‘toughest’.¹³

Far more evidence suggests that the principles of restitution, community service or ‘giving something back’ appeal strongly to the public (see Gandy 1978; Mattinson and Mirrlees-Black 1998; Shaw 1982; Wright 1989). The University of Strathclyde research indicates that arguments about the values and principles underlying non-custodial penalties were far more meaningful to focus-group participants than information regarding the effectiveness or cost-benefits of these sentences (Stead *et al.* 2002). Notions such as ‘paying back’, ‘making good’ and ‘restorative justice’, for instance, were said to ‘resonate strongly’ with focus-group members (2002: 1). Canadian research by the Angus Reid Group (1997) similarly found the possibility of victim compensation to be a more persuasive argument in favour of community penalties than arguments revolving around the high price tag of imprisonment.

Emotive appeals to the unfortunate circumstances and disadvantaged origins of most criminal offenders seem to carry little weight with the public. Stead *et al.* (2002) report that any argument that appears to be sympathetic to the plight of offenders provoked hostile reactions from their focus groups with British citizens. Yet there was greater success when appeals were based on what Bazemore (1999) calls ‘earned redemption’, whereby offenders earn their way back into society through structured opportunities to make amends, through positive contributions to their communities. Such demonstrations send a message to the community that the offender is worthy of further support and investment in their reintegration (Bazemore 1999). As one participant in a Rethinking Probation focus group argued: ‘Let me put it this way, if the public knew that when you commit some wrongdoing, you’re held accountable in

constructive ways and you've got to earn your way back through these kinds of good works, . . . [the probation service] wouldn't be in the rut we're in right now with the public' (Dickey and Smith 1998: 6).

By symbolically transforming the probationer into a 'giver rather than a consumer of help', non-custodial penalties might be seen in a more positive light.

Conclusions

Academics are sometimes uncomfortable with the privileging of public opinion (Ryan 2003), and they are even more uncomfortable with the privileging of emotions and the non-rational. Yet supporters of community penalties ignore such things at their own peril. As Garland (1990: 62) argues, reformers' tendency to ignore public punitiveness or dismiss these views as a form of 'false consciousness' is counterproductive: 'If such sentiments do exist, and give support to current penal practices, then penal reformers will have to address themselves directly to popular feelings if they intend to produce real change.'

The public is not nearly as punitive as some politicians seem to think (Roberts 2002), but their public attitudes about justice and punishment are real, not just logical 'mistakes' based on faulty information that can be corrected once more information is provided. Research suggests that the presentation of new information, factual or statistical, and even the open discussion of that new information (as with deliberative polling) can change attitudes, but that change is limited.¹⁴ Hough (1996) discovered this in his focus-group research with members of the British public. Although his research found that educating members of the public about the 'facts' of crime and justice could improve overall levels of confidence in sentencing practices (including the use of non-custodial penalties), Hough concludes that 'It would be a large oversimplification to argue that once people's ignorance about practice has been corrected, opinion and practice fall into line. Our respondents were, in the main, very punitive toward offenders . . . Many of the groups . . . proposed castration – by no means frivolously – as a way of dealing with rapists.'

Understanding the emotive appeal of castration, hanging, and the 'mass imprisonment' of young, minority males (as in the US context, in particular) may require new research methodologies in public opinion research. Working with members of the public who harbour such emotive views will require a new approach to marketing non-custodial penalties. The uncharted territory in the search for knowledge on public opinion is that of emotions. While understanding the relationship of emotions to both punitiveness and forgiveness may be more challenging than mapping a purely cognitive schema, it does not follow that it is beyond our grasp.¹⁵ The exploration of this relationship

can only expand our knowledge of attitudes towards offenders. With a better, fuller understanding at hand it is more likely that more effective strategies will not be far behind.

- 1 For instance, while one might assume attitudes towards the death penalty might be generalisable to support for longer sentences, this is not the case (see Kury et al. 2002).
- 2 This change in perception may be due to actual changes in practice; where probation 20 years ago may have focused on change and rehabilitation, it may now function solely as an instrument of surveillance.
- 3 Some notable exceptions include the work of Gaubatz (1995) and Tyler and Boeckmann (1997).
- 4 Indeed, this argument is made explicit in theoretical work in evolutionary psychology (e.g. Fehr and Gächter 2002), in which support for the punishment of wrongdoers is considered an almost universal human trait, crucial to the evolution of civilisation.
- 5 Different crimes generally elicit different reactions (Stalans 2002; Altemeyer 1988), but there is very little research about the processes that underlie the ways in which they do. For instance, rehabilitation might be chosen as suitable punishment for a drug offence and 'hard time' for a violent offence. However, this is more easily explained at the surface – one consequence may seem to go 'logically' with the crime. However, why a person is sympathetic towards paedophiles, but then explodes at the mention of white-collar criminals (as in the case of one subject in our interview research), is not as easily explained.
- 6 Importantly, the way in which one explains crime may come after, not follow, one's preference for punitive policies. It is equally possible that one may believe crime is a choice as a way to justify their deeper needs to be punitive. As such, attributions about the causes of crime may act similarly to deterrent beliefs, 'To the extent that deterrence beliefs are a cognitive justification for an affective value position, those beliefs and the value position they protect will be only minimally responsive to cognitive persuasion.' (Tyler and Weber 1982: 242) Such beliefs are thought to be somewhat impenetrable by education because their source is located not in cognitive processes, but in the affective domains that involve social values 'developed during the childhood and adolescent socialisation process' (Tyler and Boeckmann 1997: 254).
- 7 As discussed briefly above, while individuals may differentiate by crime in their attitudes to punishment, little is known about the ways in which they do. Therefore, we ask about crime in general.
- 8 Adding variables to an equation will automatically increase variance explained, but there will be differences in that increase depending on how the model is specified.
- 9 www.payback.org.uk
- 10 Hough and Park (2002) are a rare exception. They found that long-term attitude change is possible but not very common, and the intervention in question was quite dramatic (a series of lectures from politicians and experts). Additionally, they found long-term attitude change was most likely among more educated individuals.
- 11 The sociological work of Norbert Elias might be a good starting point for such an analysis.

- 12 Anecdotal evidence abounds, of course. For instance, the opposition to the tough punishment involved in English detention centres in the 1950s came not from elite penal reformers but 'from the very prison officers expected to implement these regimes: they found it impossible to do so without suffering severe pangs of conscience', according to Pratt (2000a).
- 13 At least in the public's mind. Research by Petersilia *et al.* (1986) suggests that many prisoners surveyed would rather spend a short time in jail than very long periods of time on intensive probation.
- 14 There may be as yet unknown effects of ongoing factual re-education, but research suggests that while repetition may be useful for familiarisation, 'it is unlikely to be instrumental in changing attitudes' (Bowers 2002: 32).
- 15 While experiments on the willingness to punish have been conducted (i.e. Milgram), we would hope that lines of investigation suggested by this type of review might be undertaken more from a humanistic perspective than a behavioural one. Such research has tended to reduce human experience to stimulus-response sets and in doing so has given us a very clear picture, but of only half of what we need to know.

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