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Punishment Decisions:

Social Structure, Culture and Gender as Sources of Variation

by

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## **ABSTRACT**

Decisions about appropriate punishment for wrongdoing are an everyday reality for individuals and these judgments are a core aspect of legal culture. Comparative analysis of diverse legal cultures can draw attention to similarities and differences in punishment decision-making. It has been argued that while cultural differences in legal judgments exist, there are also similarities across cultures in terms of how such judgments are made. This thesis research is an empirical investigation of social structural, cultural, and gender variation in the punishment decisions of Canadian and Japanese young adults (N=324). Social structural variation is believed to stem from differences in social relationships between the wrongdoer and victim as well as from aspects of the social conduct. Cultural variation, on the other hand, may result from differences in orientation towards either individualism or collectivism. Finally, gender of the respondent is included, as it is an important social structure that has been neglected in wrongdoing research.

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## Chapter 1

### INTRODUCTION

#### 1.1 Introduction

Sociology is an area of study concerned with cultural values and beliefs, and with the informal and formal rules in which these values and beliefs are embodied. Some rules are codified in law (formal) while many are not (informal) but are nonetheless known to members of a society or group through socialization. These rules are of interest because they guide all social interactions by specifying context-appropriate behaviour and distinguishing it from inappropriate or wrongful behaviour. These rules, in other words, express our ideas about “right” vs. “wrong”. Individuals are continually making judgments about the acceptability of the behaviour of others, categorizing it as either “right” or “wrong”.

Following a judgment about whether the behaviour is good or bad is the consideration of possible responses. In cases of good behaviour, there may be no response or a person may choose to reward the individual (e.g., offering a thank-you in return for a favour, smiling at the person, or commending him/her). However, when behaviour is deemed wrongful, responses tend to be negative and are commonly referred to as punishments.

Negative responses to wrongful behaviour fall on a continuum of informal to formal punishment as well as on a continuum of seriousness<sup>1</sup> (Gomme, 1993). Formal punishments tend to involve the police, courts and corrections and are generally more serious than informal punishments, which are negative responses of people acting outside

of the legal system. Informal punishments are numerous and include such responses as physical avoidance, and verbal ridicule or reprimand. In the case of children, a popular informal punishment is the deprivation of a privilege such as watching television. Requiring a wrongdoer to apologize to the victim is also an example of an informal punishment (although this can be a formal punishment when the court orders it). Formal punishments are also numerous but are limited to those specified in law. This type includes monetary judgments against defendants in civil legal suits, as well as restitution, community service, fines, probation, and jail terms for criminal offences.

Because the decisions about the appropriateness of behaviour and the assignment of punishment take place in the contexts of social structure and culture<sup>ii</sup>, factors located in these contexts can lead to variation in these decisions (Hamilton and Sanders, 1992). For example, the nature of social relationships (roles) and social conduct (deeds), as well as gender, are aspects of social structure that can impinge on such decisions. Disparate cultural contexts can also be a source of variation. This raises the following general research question: **How do social structure (including gender) and culture impact punishment decisions?**

This research was undertaken in order to explore the impact of social structural and cultural factors on the seriousness of recommended punishment, using a nonrandom sample (N=324) of Canadian and Japanese young adults. The social structural variables included the nature of the social relationship between the wrongdoer and victim, aspects of the social conduct, and gender. The use of a Canada-Japan comparison served as the culture variable<sup>iii</sup>. This research was a quantitative analysis employing multivariate

statistical procedures in order to answer the main research questions, which will be presented later in this chapter. Details of the methodology used will be discussed thoroughly in Chapter 2.

The remainder of this chapter presents information about sociological concepts that are important for understanding the nature of this research, the research questions, and the hypotheses. First, this research is rooted in the general sociological context by briefly discussing social and moral norms, as well as the issue of moral development. This discussion is intended to provide an understanding of where punishment decisions originate from and how people reason about moral situations that may lead to the assignment of punishment. Following this is a discussion of *legal socialization* and *legal culture*, which are concepts upon which this research is predicated. Responsibility attribution is then addressed because it is, in a sense, part of the punishment decision-making process to the extent that it generally precedes the assignment of punishment. This is followed by a brief introduction to existing work in the area of punishment attitudes in order to situate this thesis research in what has already been done. In addition to this is a discussion of why punishment seriousness should be differentiated from crime seriousness in research. This is important in light of the argument that the seriousness of the punishment applied to a wrongdoer is simply a reflection of how serious the wrongdoing is thought to be. This chapter then addresses the conceptual framework that was used in this research on punishment decisions, drawing from the work of Hamilton and Sanders (1992). This includes defining and explaining key variables and presenting empirical findings regarding them. Following this is the statement of the specific

research questions and hypotheses that were tested in this investigation. The chapter ends with a conclusion that summarizes Chapter 1 and introductory information about the remaining chapters.

## **1.2 Social and Moral Norms: Right vs. Wrong**

Our cultural values and beliefs are embodied in social and moral norms, which are rules regarding appropriate and acceptable behaviour (Macionis and Gerber, 1999). These rules can be either formal (such as those codified in law) or informal (meaning that they are not law but are known to members of a group or society). Social norms are generally concerned with matters of etiquette and everyday behavioural regulations (Edwards, 1993<sup>iv</sup>; Bryant, 1990). These norms dictate which behaviours are proper and which ones are improper in various situational contexts. For example, in North America social norms dictate that we should remove our shoes upon entering someone's house but keep our shoes on when in a restaurant. The violation of this type of norm is not likely to result in a severe reaction in terms of punishment.

Moral norms, in contrast to social norms, are concerned with more serious and consequential matters of right vs. wrong. According to Lebra and Lebra (1986), a moral norm is a value standard distinguishing right (or good) behaviour from that which is wrong (or bad). More specifically, they are concerned with "issues of justice, harm, and welfare" (Edwards, 1993: 94), which is similar to Mann's (1983) definition of morality as a set of principles governing behaviour in situations that *hold consequences for others*. An example of a moral norm is that it is generally wrong to endanger the life of another

person. Unlike the violation of a social norm, the transgression of a moral norm can evoke serious punishment responses from others.

Both social and moral norms are acquired by individuals through ongoing socialization, the process by which we learn behaviour, values, and beliefs considered appropriate in the society (or culture) in which we live (Stark, 1994). Learning these rules, particularly moral ones, is important because they function as a guide for our behaviour and provide some degree of predictability in social interaction, allowing people to coexist in societies (Bryant, 1990; Mann, 1983). In other words, norms have a central regulatory function in society.

Emile Durkheim was particularly concerned with the issue of morality and its role in society. He argued that there is “a general morality common to all individuals belonging to a collectivity” (1953: 36). This common morality is essentially a set of rules governing the conduct of the members of the collectivity. Durkheim asserted that moral bonds are necessary in society because they keep the individual from acting on his/her base desires and impulses (Ritzer, 1992: 187-188).<sup>v</sup> Put another way, morality acts as a mechanism of social control by proscribing certain behaviours.

Of particular concern to this thesis is what occurs as a result of the violation of moral norms. Durkheim’s ideas about morality included the role of transgressions of these norms. He argued that when an individual acts against a moral norm, his/her behaviour is generally considered deviant,<sup>vi</sup> and this act of deviance offends the moral consciousness of the society (Durkheim, 1984). Those who are offended by the moral

transgression are then unified in their abhorrence and in the subsequent punishment of the wrongdoer, thereby strengthening group solidarity.

Durkheim's ideas made a significant contribution to the area of moral norms and punishment to the extent that he addressed these issues at the macro-level of the collectivity. Yet it is necessary to remember that decisions about morality and punishment are essentially individual judgments that are made in everyday social interaction. Lawrence Kohlberg's theory of moral development is located at the level of the individual in that it accounts for how people come to think and act morally, making judgments about right vs. wrong as well as when and how to punish moral transgressions.

### **1.3 Kohlberg on Moral Development**

Moral development is the process by which an individual progresses through a series of stages to become an ethical person who is capable of thinking and acting morally (Kohlberg, 1976). Individuals move through the stages of moral development at different rates, meaning that people vary with respect to how morally advanced they are. According to Kohlberg, a key researcher in this area, to reach full moral development means that one has acquired the ability to view and judge moral situations using a justice orientation (Kohlberg, 1976).

In Kohlberg's model there are four moral orientations, which direct decisional strategies in social situations (Kohlberg, 1976). The *normative order* orientation involves making decisions based on the rules. The orientation referred to as *utility consequences* involves decision-making based on the consequences for the welfare of one's self and/or

others involved. An *ideal-self* orientation is decision-making based on the image of what it is to be good and to have a conscience while a justice orientation focuses on the “relations of liberty, equality, reciprocity, and contract between persons” (p. 40). It is this last orientation that Kohlberg argues is the most important structure in the moral development of individuals, stating “...the full development and consolidation of moral judgment at each stage is defined by the categories and structures of justice.” (1976: 41). Furthermore, the most advanced level of moral development is centered solely on the justice orientation (Kohlberg, 1981), suggesting that to be moral ultimately means using this type of orientation.

This concept of justice is pertinent to a discussion of punishment decision-making because it involves resolving conflicts that occur in moral situations by “giving each his due” (Kohlberg, 1976: 40). Decision-making from a justice orientation means focusing on reciprocity in social exchanges and considering responses such as punishment in cases of a lack of reciprocity (e.g., immoral behaviour against another person) (Kohlberg, 1976).

Kohlberg’s contribution to the study of moral development has been substantial and his work is often cited. His theoretical ideas and empirical findings have shed light on how we develop into moral beings and how we think about moral situations. They have also contributed to the development of legal socialization, a process important for learning about appropriate responses to wrongdoing.

#### 1.4 Legal Socialization and Legal Culture

This thesis research on punishment decision-making is predicated on the concept of legal socialization. This is the term for the process by which individuals learn appropriate behaviours with respect to law, which behaviours are punishable and by what means, and how socio-legal judgments are made in one's society (Finckenauer, 1995; Tapp and Levine, 1974). This process does not require direct contact with the formal legal system; informal settings such as home, school, the workplace and one's social circles also serve as locations for legal socialization (Tapp and Levine, 1974). Beginning at birth, we are continuously learning about when and how it is appropriate to punish a person for an act of wrongdoing.

During legal socialization we develop legal reasoning, which is defined as "a conceptual framework for interpreting, defining, and making decisions about roles and rules, rights and responsibilities." (Tapp and Levine, 1974: 19). Kohlberg's idea of stages of moral reasoning is reflected in the different levels of legal reasoning through which individuals progress, and as with moral development, not all individuals reason legally at the same level (Finckenauer, 1995).

Legal socialization is also the process responsible for learning the legal culture of one's society. Hamilton and Sanders (drawing on Friedman's definition) explain legal culture as "the attitudes, values, and opinions held with regard to law" (1992: 3). They elaborate on his definition by stating "This includes values and attitudes about whether to take disputes to law, how to conceptualize a dispute, how disputes are settled, and even how to view the actor who is held responsible." (1992: 3). According to Friedman

(1969), such attitudes and values are a *network* informing individuals in a society how to appropriately think about matters regarding law as well as responsibility and punishment.

Just as larger cultural contexts vary, so do legal cultures (Hamilton and Sanders, 1992; Bierbrauer, 1994). For example, it is argued that some legal cultures differ from others in terms of preferred methods of dispute resolution, depending upon the nature of social relationships in a culture (Bierbrauer, 1994) and the culture's view of the social actor (Hamilton and Sanders, 1992). This topic will be revisited in more detail in section 1.8.2, which discusses culture as a source of variation in punishment decisions.

Responsibility attribution and punishment for wrongdoing are core aspects of legal culture. Hamilton and Sanders state "Together, the attribution of responsibility and the imposition of sanctions are at the heart of a society's legal culture." (1992: 12). It is through legal socialization into our legal culture that we learn when and how to assign responsibility to, and appropriately punish, a wrongdoer.

### **1.5 Responsibility**

Responsibility attribution is a pervasive occurrence in society (Hamilton and Sanders, 1992). Following an act of wrongdoing, we generally decide who is responsible for the wrongdoing and to what degree the wrongdoer is responsible before proceeding with punishment of him/her. Responsibility has been defined as "a decision about liability for sanctions based on some judgment rule." (Kelman and Hamilton, 1989: 195). In order for someone to be held responsible for a particular act and subsequently punished, a person must first be seen as having a causal link to the act of wrongdoing

(Hamilton and Sanders, 1992; Kelman and Hamilton, 1989). This does not imply that the person intended to commit the wrongdoing, however. It may be true that the person purposely caused the wrongdoing, but it is possible that a person caused it accidentally or negligently. For example, responsibility for running over a pedestrian with a car is different if the driver intended the act than if the driver wasn't paying attention (negligence) or if the driver was paying attention but was not able to see that the pedestrian was about to run in front of the moving vehicle (an accident). These distinctions have been found to be important in responsibility attribution, with wrongdoers who intended the wrongdoing being held more responsible than wrongdoers who negligently or accidentally caused it (Hamilton and Sanders, 1992).

Deciding responsibility involves a comparison between what the wrongdoer *did* and what the wrongdoer was *expected to do*, given the situation and circumstances (Kelman and Hamilton, 1989; Hamilton, 1978; Ross and DiTecco, 1975; Shaw and Iwawaki, 1972). This evokes Ross and DiTecco's concept of *oughts*, which are "impersonal standards that indicate what behaviours are appropriate in a particular situation" (1975: 92). When one's behaviour falls short of what was reasonably expected (what they *ought* to have done) that person may be held responsible for the behaviour and subsequently subjected to punishment.<sup>vii</sup> In terms of formal law, this idea of reasonable and expected behaviour is embodied in the concept of *The Reasonable Man*, which is "a fictional yardstick of comparison against which the behaviour of a particular defendant may be judged as acceptable or unacceptable." (Allen, 1988: 420; see also Rubinstein, 1983). While this is a formal legal concept, it is also at work in more informal settings in

which we judge other's behaviour. For example, a reasonable person is expected to stop at a red light when driving his/her car. Therefore, when we see someone fail to stop at a red light, we judge that behaviour to be wrong because a reasonable person would have stopped.

The work of Hamilton and Sanders in the area of responsibility decision-making is noteworthy in light of the variables employed in this thesis research. According to Hamilton and Sanders (1992), attributing responsibility for wrongdoing involves consideration of the social relationship between the wrongdoer and the victim as well as the characteristics of the act of wrongdoing. These factors will be discussed in more detail in section 1.8.1 but are briefly mentioned here in order to explain factors influencing responsibility decisions.

Hamilton and Sanders' (1992) findings indicated that the social relationship influenced responsibility attribution such that more responsibility was assigned to a wrongdoer who was in a position of authority over the victim rather than in a position of equality with the victim. This was expected in light of previous research that suggests authorities are more responsible to subordinates than equals are to each other (Hamilton and Sanders, 1992; Kelman and Hamilton, 1989). According to Hamilton and Sanders, an authority relationship is marked by an "asymmetrical web of obligations and responsibilities" (1992: 80), with the authority being more responsible to the subordinate. They also found that when the relationship was familial rather than work-based, the wrongdoer was held less responsible for the wrongdoing. It is argued that when a wrongdoer and a victim share a close relationship (such as that of spouses or family

members), responsibility is seen as being shared between the two, rather than being attributed solely to the wrongdoer (Hamilton and Sanders, 1992; Cowan, 2000).

Hamilton and Sanders' (1992) findings also indicate that characteristics of the act of wrongdoing influence the attribution of responsibility. More responsibility was attributed to a wrongdoer when the wrongdoing resulted in more severe, rather than less severe, victim harm. Thus, the consequences of the wrongdoing affect the amount of responsibility attributed to the wrongdoer. Also, as mentioned earlier in this section, a wrongdoer who intended the act was considered more responsible than one who committed the wrongdoing accidentally or negligently. Level of intention, then, is also a determinant in responsibility attribution. Other factors include the wrongdoer's history of similar bad acts and the influence of a third party on the wrongdoer's commission of the bad act. When there was a history of similar wrongful acts by the wrongdoer, more responsibility was assigned than when there was no such history. The absence of third-party influence also resulted in more responsibility being attributed to the wrongdoer.

In summary, responsibility attribution follows an act of wrongdoing and is influenced by a variety of factors stemming from the social relationship between the wrongdoer and victim as well as from the social conduct. Once responsibility has been attributed to the wrongdoer and the degree of responsibility has been assessed, punishment of the wrongdoer may be considered and decided upon. Punishment decision-making is the focus of this thesis research and the conceptual framework employed will be discussed in section 1.8. Prior to this, literature and research in the area

of punishment is addressed in order to locate this research on punishment decision-making in the context of existing work.

### **1.6 An Introduction to Punishment Literature and Research**

Before commencing with research on punishment decisions, it is useful to understand how it will fit with existing work in the area of punishment and punishment attitudes. Much has been written on the topic of punishment, with entire book volumes and many hundreds of journal articles dedicated to debates and issues in this subject area. For the purposes of this thesis, this section is simply a general introduction to literature and research on punishment so that this empirical investigation of punishment decisions can be situated in what has already been done.

There has been a great deal written about the philosophy of punishment such as why we punish and what we should hope to accomplish by punishing wrongdoers (e.g., Harding and Ireland, 1989; Sadurski, 1989; Davis, 1983). This subject generally involves discussion of rationales for punishment. For example, there appears to be considerable debate about whether punishment should have the purpose of retribution, rehabilitation, deterrence or some combination of these. There is also literature and research addressing different types of punishment such as reprimand (e.g., Richards and Noblin, 1999), shaming (e.g., Bamberger and Donahue, 1999; Kahan, 1998; Karp, 1998; Braithwaite, 1989), apology (e.g., Wagatsuma and Rosett, 1986), community service (e.g., Spaans, 1998; Lucken, 1996; Walgrave, 1995), and imprisonment (e.g., Blumstein, 1998; Fritsch, *et al.*, 1996; Petersilia, 1994).

Research in the area of punishment has often focused on attitudes towards, and support for, specific punishments. For example, corporal (physical) punishment and capital punishment are subjects of interest, particularly in North America. Some research has focused on the use of, and attitudes about, corporal punishment of children, a type of punishment that falls on the informal side of the continuum. Researchers in this area examine, for example, factors influencing the use of, and support for, corporal punishment (e.g., Xu *et al.*, 2000; Bartkowski and Wilcox, 2000; Roberts, 2000; Holden *et al.*, 1995).

At the formal end of the continuum of punishment is research examining the relationships between numerous variables and attitudes towards capital punishment (e.g., Stack, 2000; Singh, 2000; Borg, 1998; Borg, 1997). Another focus on attitudes regarding formal punishment is the area of sentencing convicted offenders (e.g., Hurwitz and Smithey, 1998; Jacoby and Cullen, 1998; Finkel *et al.*, 1996; Miller, 1994; Miller *et al.*, 1986). Here the point of interest is the public's attitudes regarding the appropriateness of particular sentence types (e.g., probation vs. jail term) and sentence length (e.g., years in prison).

Research on punishment attitudes has been criticized on three grounds, which are noteworthy to the extent that this research avoids these shortcomings. First, research (especially public opinion polls) tends to involve presenting the respondent with simple, broad questions that lack context (Jacoby and Cullen, 1998; Roberts, 1992). Jacoby and

Cullen state:

General questions about punishment tend to elicit very punitive responses characterizing the public's general fear of crime and dissatisfaction with the criminal justice system, rather than carefully thought-out punishment preferences appropriate for specific situations. (1998: 251)

This is an important criticism because several studies have shown that punitiveness (i.e., advocacy of more serious punishment) is inversely related to the amount of information provided about the wrongdoing (Roberts, 1992). Therefore, research may be over-estimating punitiveness by not providing respondents with the context of wrongdoing.

Another criticism is that even when information about context is provided, it generally only pertains to crime type and victim harm (Roberts, 1992). This is problematic because there are other important sources of variation in punishment decisions, which will be discussed later in this chapter.

The third criticism is that many studies fail to focus on specific punishment preferences in terms of type of punishment (Roberts, 1992). Asking someone to select the appropriate punishment for wrongdoing is not the same as asking him/her to rate on a scale how serious the punishment should be. People can vary in their ideas of what constitutes a serious punishment. For example, two individuals may agree that, on a scale of 1 (least serious) to 6 (most serious), an act of wrongdoing deserves a punishment seriousness rating of 5. However, if asked what type of punishment they associate with a seriousness rating of 5, one person might answer "Probation" while the other answers "Jail".

This thesis research on punishment decisions differs from much of the prior work on punishment attitudes in three major ways. First, this research was not focused on a

particular form of punishment but instead was concerned with a variety of punishments ranging in seriousness (this will be addressed in detail in Chapter 2). Furthermore, the range of punishment options was not limited to criminal punishments; less formal options, which will be discussed in Chapter 2, were also included. Second, this thesis research contextualized wrongdoing by using a variety of variables (not simply crime type and victim harm), thereby allowing for an examination of social structural variation in punishment decisions. In addition, this research explored cultural variation in decision-making regarding punishment. The third way in which this thesis research differs from much of the existing work on punishment attitudes is that it provided respondents with the opportunity to select particular punishments for the wrongdoer instead of requiring them to rate how serious the punishment should be. This last point is important when arguing that there is a distinction between punishment seriousness and crime seriousness such that the latter does not necessarily predict the former. This issue is the subject of the following section.

### **1.7 Punishment Seriousness vs. Crime Seriousness**

Past research has suggested that punishment seriousness can be predicted by crime seriousness, with more serious acts of wrongdoing eliciting harsher recommended punishment (Jacoby and Cullen, 1998). If this is the case, then why should we study the effect of social structure and culture on the seriousness of recommended punishment? The answer to this question lies in Rossi and Berk's concept of *threshold segmentation*, which is defined by Sanders and Hamilton as "a situation where different groups agree on

the wrongfulness of some behavior but disagree as to the degree of responsibility or the punishment appropriate for this type of wrongdoing.” (1987: 280).

This concept of threshold segmentation argues that people have different thresholds for appropriate punishments. For example, Rossi and Berk (1985) argue that while people tend to agree that murder is a very serious act of wrongdoing, there is less agreement about whether murderers should be sentenced to death or a less serious punishment. A similar argument can be made for an act of wrongdoing such as a husband hitting his wife. People may agree that it is a serious crime but differ in whether they think the wrongdoer should be subjected to a fine, probation, or a jail term.

Although people may agree with the principle of proportionality (see von Hirsch, 1992) – that the punishment should fit the crime (i.e., more serious wrongdoing warrants more serious punishment) – not all people agree on the type of punishment that is appropriate (Jacoby and Cullen, 1998).<sup>viii</sup> For example, it is possible that when two respondents are asked to rate wrongdoing seriousness and recommended punishment seriousness on scales of 1 (least serious) to 6 (most serious), they may both answer “4” on the two questions (thereby fitting the punishment to the crime). However, it is possible that if the question regarding punishment actually involves selecting a specific type of punishment, rather than a rating on a scale, the two respondents may differ in which punishment they recommend.

According to Roberts (1992), factors that can influence crime seriousness differ from those that influence the seriousness of the recommended punishment. He highlights, for example, how age does not affect the seriousness of the crime yet it acts as

a mitigating factor in punishment seriousness such that children and adolescents are often subjected to less serious punishment than adults are for the same crime. Roberts concludes, therefore, that "...it is important to separate on the empirical level the measurement of crime seriousness and severity of punishment." (1992: 146).

Because of this issue, this research on punishment decisions focused on the selection of appropriate punishments for acts of wrongdoing. By structuring the research in this way, the respondent was able to select a particular punishment, indicating his/her specific punishment choice. This was preferable because, as it was pointed out above, rating how serious a punishment should be on a scale does not necessarily indicate what type of punishment the respondent associates with a particular rating. Although respondents were not asked to rate how serious the punishment should be, an examination of the seriousness of the recommended punishment is possible by recoding the punishments into an increasing scale of seriousness, from informal to more formal sanctions (see Chapter 2).

### **1.8 Conceptual Framework**

In order to contextualize and extend our understanding of how people make decisions about punishment, this thesis research is based on Hamilton and Sanders' (1992) work on responsibility attribution and punishment decisions. There are two valid reasons for using their research as a starting point. First, Hamilton and Sanders' (1992) research is cross-cultural in nature, using the United States and Japan for comparative purposes. Their comparison of a North American nation with Japan is pertinent because

this thesis research focuses on a similar comparison, using Canada and Japan. The justification for using cultures such as these in this type of research will be addressed in section 1.8.3. The second reason is that their work includes an empirical study of structural and cultural variation in punishment decision-making, which is the focus of this thesis research. The independent variables used by Hamilton and Sanders (which will be addressed in detail later in sections 1.8.1 and 1.8.2) are very similar to those used here and therefore, their work is a relevant starting point for this empirical investigation. An understanding of the independent variables used in this research is made possible by reference to Hamilton and Sanders' (1992) theoretical and empirical work on legal judgments.

In section 1.5 it was explained that Hamilton and Sanders argue that various factors impact legal judgments such as those regarding responsibility for wrongdoing. They assert that this is also true of legal judgments regarding appropriate punishment responses. According to Hamilton and Sanders (1992), sources of variation in legal judgments can be found at both the micro-level and the macro-level. When speaking of the micro-level, we are referring to two things: social structure and human agency, separately as well as in interaction with one another.

Social structure is the nature of the social relationship between two people, specifically the social ties and obligations shared by them, and are referred to as *roles* in the work of Hamilton and Sanders. Human agency refers to the social conduct of a person and aspects of social conduct are called *deeds*. In addition to deeds, Hamilton and Sanders argue that *context* is a factor that influences legal judgments. By context, they

mean aspects of the wrongdoing that provide an indication of what the meaning of a particular behaviour is. Roles, deeds and contexts are called sources of *situational variation* in legal judgments (Hamilton and Sanders, 1992). At the macro-level is the “overall structure of relationships” (p. 5) in a culture, which is a source of *cultural variation* in legal judgments and will be addressed in section 1.8.2.

### **1.8.1 Sources of Situational Variation**

Punishment decisions are not made arbitrarily nor are they based on a single criterion. Rather, decisions about appropriate punishments are thought to be influenced by factors such as the nature of social relationships and social conduct (Hamilton and Sanders, 1992). This section addresses these factors by specifically defining what is meant by “social relationships” and “social conduct” and by reviewing empirical findings regarding the theoretical propositions about these factors.

**Roles** Hamilton and Sanders use the term *roles* to refer to the nature of the social relationship between two individuals. Recall from the discussion of responsibility attribution that the social relationship between the wrongdoer and the victim influences legal judgments. The two dimensions of social relationships in Hamilton and Sanders’ conceptual framework are *hierarchy* (the vertical dimension) and *solidarity* (the horizontal dimension).

**Hierarchy** refers to whether a person is in an authority, subordinate, or equal position relative to another individual. In the research of Hamilton and Sanders,

hierarchy refers to either authority (like the relationship between boss and employee or parent and child) or equality (such as the relationship between friends or spouses or strangers). All relationships have the element of hierarchy. In the section on responsibility attribution, it was argued that individuals in positions of authority over others tend to be viewed as more responsible for wrongdoing committed against subordinates than are those in positions of equality to the victim. In light of the greater responsibility for wrongdoing, we should expect authorities to be punished more seriously than someone who is in a position of equality with the victim.

**Solidarity** refers to the degree of closeness of the relationship shared by two people (for example, a wrongdoer and a victim). The relationship may be distant (low solidarity) as in the case of strangers or business acquaintances or it may be close (high solidarity) such as the relationship between friends or family members. Just as hierarchy is characteristic of all social relationships, so too is solidarity.

Solidarity is thought to influence punishment decisions such that wrongdoing in relationships of high solidarity should elicit punishment that will allow the relationship to remain intact rather than be severely damaged or destroyed.<sup>ix</sup> Relationships of low solidarity, on the other hand, do not have close ties to be maintained (Hamilton and Sanders, 1992). This can be interpreted to mean that the seriousness of the punishment should be lower when the relationship between the wrongdoer and the victim is one of high solidarity.

*Empirical Findings* Although Hamilton and Sanders (1992) used a dichotomous dependent variable (restorative punishment vs. isolative punishment), it is essentially a

measure of punishment seriousness. Restorative punishments are ones that allow the social ties between wrongdoer and victim to remain intact and be repaired if the relationship was damaged by the wrongdoing (Hamilton and Sanders, 1992). In Hamilton and Sanders' analysis, restorative punishments include apology, verbal reprimand, deprivation of a privilege, or a reduction in pay in the case of wrongdoing in the workplace. These are generally less serious responses in comparison to isolative punishments, which tend to isolate the wrongdoer and can disrupt and damage the relationship with the victim (Hamilton and Sanders, 1992). Under the heading of isolative punishments, Hamilton and Sanders (1992) include civil legal suits in the case of civil wrongdoing, being fired from one's job in response to workplace wrongdoing, and jail terms for car accidents. These responses to wrongdoing are comparatively more serious than Hamilton and Sanders' restorative punishment options.

Hamilton and Sanders (1992) found that when there was high solidarity between the wrongdoer and the victim, recommended punishment tended to be less serious (restorative) than when the relationship was one of low solidarity. In terms of hierarchy, Hamilton and Sanders did not explore its impact separately but instead examined it in combination with solidarity and then failed to indicate how authority versus equality impacted punishment decisions. However, research by DeSouza *et al.* (1998) indicates that the more authority a wrongdoer has over the victim, the more serious the recommended punishment is. In summary, hierarchy and solidarity of social relationships are called *roles* and they have been shown to impact punishment decisions.

***Deeds and Context*** In addition to roles, *deeds* and *context* are believed to be factors influencing punishment decisions. Deeds refer to aspects of the act of wrongdoing while context is concerned with “the purpose and meaning of behavior” (Hamilton and Sanders, 1992: 78). Specifically, by deeds we mean the severity of the consequences (called *victim harm*) and the wrongdoer’s intent to commit the wrongdoing (called *mental state*).

Victim harm resulting from the wrongdoing may be virtually non-existent, severe, or somewhere in between these two poles. For example, an act of fraud can result in the loss of only a few dollars, the loss of a person’s entire savings, or the loss of a dollar amount somewhere in between. An act of violence may result in a simple scratch or a bruise, a broken arm, or death. Hamilton and Sanders hypothesized that more severe victim harm would result in harsher punishment of the wrongdoer.

With respect to mental state, recall from the discussion of responsibility attribution that a wrongdoer may commit wrongdoing intentionally, accidentally, or negligently. Hamilton and Sanders hypothesized that, just as increased intention is associated with greater responsibility for wrongdoing, punishment would be more serious when wrongdoing was committed intentionally rather than by accident or negligence (1992).

Context, according to Hamilton and Sanders (1992), refers to the wrongdoer’s history of similar wrongful behaviour. More specifically, the wrongdoer may have committed the same act of wrongdoing (or ones similar to it) in the past or it may be the first time that he/she has committed such wrongdoing. Hamilton and Sanders (1992) argue that when a history of similar bad acts exists, we should expect punishment to be

more serious. They assert that such a history indicates that the wrongdoer consistently behaves in a wrongful way and is predisposed to commit wrongdoing. Vidmar and Miller (1980) propose an explanation similar to this: a past pattern of wrongdoing indicates an increased likelihood that the wrongdoer will commit similar wrongdoing in the future, leading to recommendations of more serious punishment in order to curtail wrongdoing.

*Empirical Findings* For this portion of Hamilton and Sanders' (1992) research, punishment involved varying degrees of harshness. The findings indicated that punishment was harsher for a wrongdoer who intended to commit the wrongdoing (high mental state), who had committed similar acts of wrongdoing in the past, and who acted without the influence of someone else. Previous research has also argued for the impact of mental state/intention (Vidmar and Miller, 1980; White, 1975) and a history of wrongful behaviour (Vidmar and Miller, 1980) on the seriousness of recommended punishment, in the directions hypothesized by Hamilton and Sanders.

Unexpectedly, victim harm was not a significant factor in punishment decisions. Despite Hamilton and Sanders' lack of evidence regarding the impact of victim harm, it should be included in research on roles and deeds because of other research findings that indicate victim harm does play a role in punishment decisions (e.g., Miller, 1994; Vidmar and Miller, 1980).

*Role-Deed Combinations* Recall that roles and deeds represent social structural variation in legal judgments such as punishment decisions. In addition to examining the

impact of roles and deeds separately, Hamilton and Sanders also explored the impact of role-deed combinations as sources of structural variation in legal judgments. Their assertion is that the effect of deed information is role-dependent (Hamilton and Sanders, 1992). For example, they argue that mental state information has a greater impact in authority relationships, as opposed to equality relationships, such that when mental state changes from low to high, there is a greater increase in responsibility attributed to authorities than to equals. According to Hamilton and Sanders, authorities are obligated to subordinates and are held responsible for failure to fulfill obligations. Mental state information is also said to have a greater impact in high solidarity relationships than in low solidarity ones. Hamilton and Sanders state:

The more diffuse and longstanding obligations characteristic of highly solidary ties may, as in the case of authority relationships, create an 'obligation of foresight.' When solidarity is high, mental state information is evaluated against a backdrop of the actor's obligations. (1992: 85)

Unfortunately, Hamilton and Sanders did not discuss victim harm/solidarity or victim harm/hierarchy in their research and did not provide an explanation for this omission. However, the relationship between victim harm and the role variables should be the same as the relationship between mental state and the role variables. In other words, it would be expected that victim harm would have a greater impact in authority relationships as well as in high solidarity relationships because of the wrongdoer's greater obligations to the victim in such relationships.

*Empirical Findings* Unfortunately, Hamilton and Sanders excluded role-deed combinations as variables in punishment decisions without offering a reason for doing so. However, they did examine such variables with respect to responsibility attribution, and

found that mental state had a greater impact in an authority relationship. As mental state changed from low to high, responsibility for authorities increased more than for equals. The same was true for solidarity such that when mental state changed from low to high, responsibility increased more for wrongdoers in high solidarity relationships than for wrongdoers in low solidarity ones (Hamilton and Sanders, 1992). Although these findings pertain to responsibility attribution, it could be hypothesized that role-deed combinations will similarly impact punishment decisions. In light of the impact of role-deed combinations on legal judgments such as responsibility attribution, it is worthwhile to examine whether or not they also influence the seriousness of recommended punishment.

This discussion of Hamilton and Sanders' research has highlighted the impact of micro-level social structures on legal judgments such as those surrounding punishment. Empirical investigations have suggested that the nature of the social relationship between the wrongdoer and victim and aspects of the social conduct are considerations in punishment decisions. This leads to the following research questions:

- (1) Do roles and deeds impact punishment decisions?
- (2) Do role-deed combinations impact punishment decisions?

### **1.8.2 Source of Cultural Variation**

Recall from section 1.8 that, in addition to situational variation in punishment decisions, there is cultural variation as well. According to Hamilton and Sanders (1992), cultural variation in punishment decisions stems from cultural differences in the "overall

structure of relationships” (p. 5). Bierbrauer (1994: 244) refers to this as a *general cultural orientation* towards a particular type of social relationship. The predominant type of social relationship in a society impacts the way in which the social actor is viewed, which in turn impacts punishment decisions (Hamilton and Sanders, 1992; Bierbrauer, 1994). Hamilton and Sanders highlight the hierarchical and tight-knit nature of Japanese social relationships in general and then contrast this with the typical social relationships in American society. They argue that American relationships generally lack the solidarity of relationships in Japan and are less intertwined.

This difference in the overall structure of relationships relates to the *individualism-collectivism* dichotomy, which is often used to characterize a culture in terms of the social connectedness typically experienced by its members (see Bierbrauer, 1994: 245). Individualism tends to involve greater concern for one’s own interests while collectivism is more of a focus on the interests of the larger collectivity, even at the expense of one’s own personal interests (Hui and Triandis, 1986). Individualism is often synonymous with independence and the focus is on the individual while collectivism, in contrast, is generally associated with *interdependence* (Triandis, 1993). Collectivism can be defined as “a cluster of attitudes, beliefs, and behaviors toward a wide variety of people” (Hui and Triandis, 1986: 240) such that the focus is on the relationships among the collective’s members and more attention is paid to norms rather than to individual attitudes (Triandis, 1993). According to Lebra (1976), collectivism is marked by a sense of solidarity and what the Japanese call *ittaikan*, meaning “feeling of oneness” (p. 25). North American society is generally characterized as individualistic (Hamilton and

Sanders, 1992; Baer *et al.*, 1990) while Japan is a culture typically referred to as collectivistic (Hayashi and Kuroda, 1997; Hamilton and Sanders, 1992; Castberg, 1990; Come, 1990; Smith, 1983; Lebra, 1976) because its members tend to focus on the collective and the social relationships that exist within it.<sup>x</sup>

As a result of the prevalence of complex, tight-knit social ties, the social actor in Japan is "...part of a context, a network of roles and group memberships." (Hamilton and Sanders, 1992: 303). In other words, the actor is viewed as being contextual rather than more or less isolated, as tends to be the case in American society (Obuchi, 1987; Hamaguchi, 1985<sup>xi</sup>). This view of the Japanese social actor as contextual is reflected in the reluctance of the Japanese to turn to formal methods of conflict resolution and punishment. For example, at the end of the 1970s, less than 3% of trial cases that resulted in a conviction ended with the offender being sentenced to a jail term (Haley, 1982: 270-271). Although Japanese are becoming more "law-oriented" (Obuchi, 1987: 74), there is still a preference for informal methods of conflict resolution and non-custodial punishment (Hendry, 1995; Come, 1990; Obuchi, 1987; Kim and Lawson, 1979). A popular means of resolving disputes in Japan is the apology, which allows the wrongdoer to repair the damaged relationship and restore the disrupted social order (Wagatsuma and Rosett, 1986). According to Obuchi, "...the Japanese understand the effect and the disruptive impact of the law and litigation..." on relationships (1987: 79). This underscores the importance of social ties and how the individual in Japan is embedded in a network of social relationships. Americans, in contrast to Japanese, are

more willing to engage formal legal mechanisms for dispute resolution in order to assert individual rights, even at the expense of social ties (Wagatsuma and Rosett, 1986).

The hypothesized relationship between the concept of the social actor and punishment decisions is that in cultures characterized as collectivistic, punishment should be less isolating (i.e., less serious) and more restorative in terms of the social relationships affected by the wrongdoing (Hamilton and Sanders, 1992). This is a result of a focus on maintaining the complex network of social relationships in which wrongdoers and victims are embedded. More serious punishments such as being fired from one's job, being sued in civil court or being sentenced to a jail term are likely to damage or destroy social relationships by either physically or symbolically isolating the wrongdoer. In a collectivistic culture, the disruptive nature of such punishments should make them less desirable than punishments that are less serious such as community service or apology. In contrast, cultures that are more individualistic have less of a concern for maintaining social relationships and therefore should prefer more serious punishments, meaning those that isolate the wrongdoer and damage social ties (Hamilton and Sanders, 1992).

Hamilton and Sanders (1992) examined cultural variation in punishment decisions with respect to individualism (independent and isolated social actor) versus collectivism (interdependent and contextual social actor). Recall that they compared the United States and Japan, with the former culture representing individualism and the latter as an example of collectivism.

*Empirical Findings* Hamilton and Sanders (1992) found evidence of cultural differences in punishment preferences between Americans and Japanese. They found that in Japan, respondents consistently preferred punishments that restored role relationships (i.e., punishments that were less serious) and allowed the wrongdoer to remain in the network of social relationships. In contrast, respondents in the United States were more partial to punishments that isolated the wrongdoer (i.e., were more serious) and damaged his/her relationship with the victim. Furthermore, the findings indicated that, consistent with the greater concern of Japanese (as opposed to Americans) with role relationships, Japanese tended to focus more on role information while Americans paid more attention to deed information when making punishment decisions. These research findings lead to the next research questions:

- (1) Does a culture's orientation towards individualism vs. collectivism impact punishment decisions?
- (2) Does a culture's orientation towards individualism vs. collectivism interact with roles and deeds to impact punishment decisions?

### **1.8.3 A Canada-Japan Comparison**

Recall that this research involves comparing Japan with Canada rather than with the United States, as was the case in Hamilton and Sanders' research. This requires a discussion of the validity of such a comparison. Before proceeding with cross-cultural or cross-national research, one must question whether a particular comparison is appropriate and acceptable. There must be a rationale for selecting cultures or nations for

comparative purposes. Van de Vijver and Leung (1997) argue that it is useful to select cultures that differ substantially on some theoretical dimension that is of interest. For example, in this research the dimension of interest in terms of culture is individualism-collectivism. There is some evidence that Canadians are similar to Americans with respect to being individualistic (Baer *et al.*, 1990) and, as we have already seen, Japanese tend to be more collectivistic in comparison.

Van de Vijver and Leung (1997) warn, however, that the selected cultures not be too different in other areas, which could present several alternative explanations for observed differences. Hamilton and Sanders (1992) argue that a comparison of the United States and Japan is appropriate and useful because although the two cultures differ in their view of the social actor, there are also important similarities that can exclude some alternative explanations for their observations. They point to similarities such as high economic development, industrialization and a capitalist economy, high urbanization, and literacy rate. Canada shares these same attributes, making it an appropriate culture to also compare with Japan. Furthermore, such a comparison is useful because of a lack of published research comparing Canada and Japan in the area of legal judgments. In the past, the United States has been considered indicative of North American culture. While evidence suggests there are similarities between the United States and Canada, it is important to undertake research that focuses on Canada and that can shed light on the extent of similarities between Canada and the United States compared with Japan in respect to legal judgments.

#### 1.8.4 Gender as a Source of Variation

The sections of this chapter have addressed the sources of situational and cultural variation in legal judgments that are central to the conceptual framework in the research of Hamilton and Sanders (1992) as well as in this thesis research. However, there is a potential source of variation that is noticeably absent from Hamilton and Sanders' work. This variable is *gender*, which is an important social structure organizing society at the macro-level as well as impacting social interaction at the micro-level (Macionis and Gerber, 1999: 296). According to Menkel-Meadow and Diamond, "...studying gender patterns often reveals how we must modify our theories or empirical propositions..." (1991: 228). This suggests that gender should be included as a variable in wrongdoing research in order to develop a better understanding of punishment decisions. Furthermore, by including gender as a variable in social research, we may find evidence that calls into question our gender stereotypes (Menkel-Meadow and Diamond, 1991).

Beyond the call for including gender as a variable in social research in general is evidence suggesting that men and women differ with respect to moral reasoning. Section 1.3 was a brief discussion of Kohlberg's theory of moral development and its relationship to an investigation of punishment decision-making. In response to Kohlberg's ideas, Carol Gilligan (1982) has examined gender differences in moral reasoning and developed a theory regarding women's morality in comparison with men's morality. Gilligan's theory is that women use a morality of care rather than a morality of justice, which is typical of men's moral reasoning (Gilligan, 1982). According to Gilligan, a morality of care centers on "the understanding of responsibility and relationships" while one of

justice, on the other hand, centers on “the understanding of rights and rules” (1982: 19). In other words, Gilligan argues that women’s moral reasoning tends to be more concerned with interpersonal relationships while men’s reasoning focuses on issues of rights and justice.

There have been mixed responses to Gilligan’s theory and research. For example, some researchers have found support for gender differences in the type of moral orientation used (see Garmon *et al.*, 1996; Gibbs *et al.*, 1984) while some have been unable to replicate these findings (see Wark and Krebs, 1989; Walker, 1989; Friedman *et al.*, 1987). Others (e.g., Clopton and Sorell, 1993; Pratt *et al.*, 1988; Ford and Lowery, 1986), however, have found gender differences in moral orientation but argue that the observed gender differences in moral orientation are not the result of inherent gender differences. They argue that observed gender variation might reflect differences in social situations typically experienced by men and women, with women experiencing, and thus expressing, more moral issues relating to care and relationships. Clopton and Sorell (1993), for example, found that when the domain of the moral issue was restricted, men and women were alike in their use of moral orientation (care vs. justice orientation).

Whatever the explanation might be, there is evidence of gender variation in moral reasoning. This is pertinent to research on punishment decisions to the extent that women might be more likely than men to have concern for relationships between wrongdoer and victim when making decisions about how seriousness the punishment should be for a wrongdoer. This indicates that women might be less punitive than men

because of a greater concern for relationships (similar to the Japanese concern for maintaining the network of relationships in which one is embedded).

Unfortunately, research in the area of gender differences in punishment attitudes is scant (as noted by Hurwitz and Smithey, 1998) and even contradictory at times. However, there is some work suggesting that there are gender differences in punitiveness. For example, the research of Miller *et al.* (1986) suggests that women tend to be more punitive than men are. DeSouza *et al.* (1998) also found women to be more punitive than men were but it should be noted that their study was of sexual harassment against a female victim, an act of wrongdoing that women may be more sensitive to than men are. The research of Hurwitz and Smithey (1998) indicates that male and female punitiveness may be context-specific rather than constant across a variety of crimes. In their study, women were only more punitive when the case involved wrongdoing against children.

Evidence from research on gender variation in punitiveness appears to conflict with what we would expect to find based on gender differences in use of moral reasoning and therefore, it is not clear which gender is the more punitive one. Nonetheless, it can be expected that there will be gender differences in punishment decisions. The issue of the direction of the relationship between gender and punitiveness is further complicated by the interaction of gender and cultural context. The next section will briefly discuss the matter of examining gender in cross-cultural research.

### **1.8.5 Gender in the Context of Culture**

It cannot be assumed that gender experiences are universal across different cultures. For example, the general social experience of women (or men) in one culture is not always the same as that for women (or men) living in a different culture (Ramazanoglu, 1989: 19). This is an important point when using gender as a variable in cross-cultural studies such as this research on punishment decisions. Grouping women from two cultures together in a research design may mask cultural differences with respect to gender. Of particular interest to this research is that the social status of women in North America is qualitatively different from women's social status in Japan.

Since the late 1970s, women in Japan have been enjoying increasing equality, which had been unavailable to them since before the Meiji era of 1868-1912 (Iwao, 1993). However, the notion of equality for women in Japan is not identical to the North American concept of gender equality (Morley, 1999; Iwao, 1993). Gender equality in North America, for example, tends to mean that women should strive for having the same privileges and access to opportunities that men do. It is believed that, ideally, women should be opposed to patriarchy and the hierarchy that places women in a subordinate position to men (Hamilton, 1996).

In Japan, however, "...the general view is that equality has to be considered within a broad framework that takes into account inherent sexual differences, personal preferences, and a balance of factors." (Iwao, 1993: 13). It has been argued that, rather than being bound by principles of absolute gender equality, Japanese women tend to be pragmatic about issues regarding gender roles and responsibilities. According to Iwao,

women in Japan are less concerned with being equal to men “in terms of disposal of time and energy or even in terms of income or status rewards for performance.” (1993: 5). For example, rather than subscribing to the idea that men and women should be equal in all domains of life, many Japanese women generally value the benefits that come from having their husband responsible for the economic well-being of the family.

Providing a primary income for a family in Japanese society often involves working long hours each week, which does not leave much time for other pursuits. For Japanese women who prefer to spend their time pursuing interests outside of the workforce, complete equality between men and women is not of paramount concern. Instead, they can spend time in other ways while maintaining an important role in the home that allows them to exercise control over such matters as the family finances (Iwao, 1993). Furthermore, surveys indicate that Japanese women still tend to adhere to the belief that it is the woman’s role to be the primary caregiver for small children, keeping them from full-time employment outside of the home (Kawashima, 1995). Essentially, for many Japanese women, equality is less about absolutes and more about beneficial “trade-offs.”

In summary, research on gender with respect to moral orientations and punishment decision-making indicates that gender differences do exist in these areas, although the direction of the relationship is not always consistent across studies. In addition, the topic of gender and punishment decision-making is made more complicated when conducting cross-cultural research. Section 1.8.5 discussed how gender can vary across cultures, as in the case of Canada versus Japan. For example, in the previous

section is was argued that the lives of women in Canada are qualitatively different from the lives of women in Japan, which requires that the impact of gender on punishment decisions be considered in interaction with culture. The literature and research on the relationship between gender and morality, gender and punishment decisions, and gender and culture lead to the following research question:

(1) Does gender, or the interaction of gender and culture, impact punishment decisions?

Overall, this chapter has provided a discussion of important theoretical concepts and empirical findings that are relevant to this research on punishment decisions. Main research questions, which are rooted in these concepts and findings, were also presented throughout the chapter. In the following sections, the main research questions are reiterated and the (informal) hypotheses that guided this research are explained.

### **1.9 Research Questions**

Up to this point, this thesis research on punishment decisions as a central feature of legal culture has been theoretically situated in the general sociological context of norms and moral development as well as in the more specific contexts of wrongdoing and punishment, culture and gender. In addition to theoretical discussions, empirical findings relating to punishment for wrongdoing have been identified.

As a result of the theory and empirical investigations referred to in this chapter, it has been argued that there is social structural, cultural and gender variation in legal judgments such as those concerning punishment. Recall that hierarchy and solidarity in the social relationship between the wrongdoer and victim are sources of social structural

variation, as are victim harm and the wrongdoer's intention. Hamilton and Sanders (1992) assert that this type of variation is present across legal cultures. However, there is also cultural variation, which stems from a society's tendency towards individualism or collectivism and its resultant view of the social actor as either isolated or contextual. The final potential source of variation in punishment decisions is gender, a variable largely ignored in the wrongdoing research. As discussed in section 1.8.4, there is reason to believe that men and women may differ in terms of recommended punishment seriousness.

Literature and research concerning these sources of variation in legal judgments lead to the formation of specific research questions to be explored in an empirical examination of punishment decisions. The specific research questions that directed this thesis research were as follows:

- (1) Do the nature of social relationships (roles) and the nature of the social conduct (deeds) impact punishment decisions? (see section 1.8.1)
- (2) Do role-deed combinations impact punishment decisions? (see section 1.8.1)
- (3) Does a culture's orientation towards individualism vs. collectivism impact punishment decisions? (see section 1.8.2)
- (4) Does a culture's orientation towards individualism vs. collectivism interact with roles and deeds to impact punishment decisions? (see section 1.8.2)
- (5) Does gender, or the interaction of gender and culture, impact punishment decisions? (see sections 1.8.4 and 1.8.5)

These questions were explored via the hypotheses that guided the data analysis in this research. These hypotheses are the subject of the following section and are organized according to the research questions stated above.

### **1.10 Hypotheses**

This chapter has been an introduction to the conceptual framework used to design and conduct this thesis research on punishment decisions. It has provided details about main concepts such as social structural variation in the form of roles and deeds, cultural variation resulting from individualism vs. collectivism, and gender variation. These concepts led to the development of specific research questions about punishment decisions. The next step in this research is an empirical investigation of the concepts referred to in this chapter in order to answer the research questions set forth and therefore to begin to unpack the relationships of social structure, culture and gender to punishment decisions.

Answering the research questions in this investigation of punishment decisions requires a bridging of the gap between the theoretical propositions presented and the data used in the analysis. Hypotheses are a connection between theory and data in that they are statements, derived from theory, about the expected relationship between specific variables that are located in the data. During data analysis, hypotheses are tested, resulting in findings that provide answers to the research questions. Sections 1.10.1 to 1.10.3 present the hypotheses for this thesis research, beginning with the hypotheses for roles and deeds.

### 1.10.1 Hypotheses for Roles and Deeds

Section 1.8.1 highlighted the impact of the social relationship between wrongdoer and victim (referred to as roles) on decisions regarding punishment for wrongdoing. Hierarchy and solidarity, two dimensions of social relationships, have been found to influence punishment decisions. More precisely, an authority is held to be more responsible than an equal for acts of wrongdoing, as is a person who commits wrongdoing against someone with whom they have a relationship of low solidarity. In addition, relationships of high solidarity (i.e., close ties) are more in need of protection and maintenance than are relationships of low solidarity. This leads to the following hypotheses about roles:

Hypothesis 1: When the wrongdoer is in a position of authority over the victim, the recommended punishment will be more serious than when the wrongdoer is in a position of equality with the victim.

Hypothesis 2: When the wrongdoer is in a relationship of low solidarity with the victim, the recommended punishment will be more serious than when the relationship is one of high solidarity.

In addition to roles, there is evidence suggesting that aspects of social conduct (called deeds), such as victim harm and mental state (referring to the wrongdoer's intention) impact legal judgments, including punishment decisions. High victim harm and high mental state lead to greater responsibility being attributed to the wrongdoer. Furthermore, Hamilton and Sanders (1992) found that higher victim harm and higher mental state result in the recommendation of more serious punishment. Therefore, relationships between deeds and punishment seriousness in this research can be

hypothesized as the following:

Hypothesis 3: When victim harm is high, the recommended punishment will be more serious than when victim harm is low.

Hypothesis 4: When mental state is high, the recommended punishment will be more serious than when mental state is low.

Earlier in this chapter, it was explained that the combination of role and deed information also impacts punishment decisions, with the impact of deed information varying by role. Recall that high mental state should have a greater impact in relationships of authority than it does in equality relationships. High mental state should also mean more in high solidarity relationships than in low solidarity ones. Although Hamilton and Sanders did not offer a similar proposition regarding the combination of victim harm and different roles, it should be expected that the pattern for victim harm and roles is similar to that for mental state and roles. This leads to the following hypotheses:

Hypothesis 5: When victim harm changes from low to high, the increase in the seriousness of the recommended punishment will be greater for wrongdoers who are in a position of authority over the victim rather than in a position of equality.

Hypothesis 6: When victim harm changes from low to high, the increase in the seriousness of the recommended punishment will be greater for relationships of high solidarity rather than low solidarity.

Hypothesis 7: When mental state changes from low to high, the increase in the seriousness of the recommended punishment will be greater for wrongdoers who are in a position of authority over the victim rather than in a position of equality.

Hypothesis 8: When mental state changes from low to high, the increase in the seriousness of the recommended punishment will be greater for relationships of high solidarity rather than of low solidarity.

Hypotheses 1 through 8 are aimed at examining structural variation regarding roles, deeds, and role-deed combinations on seriousness of recommended punishment in both Canada and Japan. The next set of hypotheses is concerned with exploring cultural variation between Canada and Japan.

### **1.10.2 Hypotheses for the Cultural Comparison**

Earlier in this chapter it was mentioned that Japanese, overall, are less apt to turn to formal legal remedies for conflict resolution than North Americans are. Recall that the reason given for this is the Japanese aversion to disrupting the important social ties that exist in their networks of social relationships. This is based on the view of the social actor as contextual in cultures that tend to be collectivistic, such as Japan. This leads to the following hypothesis regarding overall punitiveness of Canadians versus Japanese:

Hypothesis 9: In general, Canadian respondents will be more punitive (i.e., will recommend more serious punishment) than Japanese respondents will be across a variety of situations of wrongdoing.

Hypotheses about cultural differences with respect to roles and deeds can also be formulated. Evidence indicates that Japanese are more sensitive to role information when making legal judgments while Americans are more sensitive to deed information. Thus, we can hypothesize the following:

Hypothesis 10: When the relationship between the wrongdoer and the victim changes from one of authority to one of equality, the difference in the seriousness of the recommended punishment will be greater for Japanese respondents than for Canadian respondents.

Hypothesis 11: When the relationship between the wrongdoer and the victim changes from one of low solidarity to one of high solidarity, the difference in the seriousness of the recommended punishment will be greater for Japanese respondents than for Canadian respondents.

Hypothesis 12: When victim harm changes from low to high, the difference in the seriousness of the recommended punishment will be greater for Canadian respondents than for Japanese respondents.

Hypothesis 13: When mental state changes from low to high, the difference in the seriousness of the recommended punishment will be greater for Canadian respondents than for Japanese respondents.

With respect to role-deed combinations, Hamilton and Sanders (1992) point out that it is difficult to make predictions about cultural differences regarding the impact of mental state on hierarchy and solidarity. Therefore, in this research there were no specific hypotheses about the relationship between culture and the impact of deed information in different role relationships.

In addition to an examination of the impact of roles, deeds, and culture on punishment decisions, gender was included for several reasons discussed earlier in this chapter. The next set of hypotheses focuses on the impact of gender on punishment decisions.

### **1.10.3 Hypotheses for the Gender Comparison**

In light of research findings that conflict with theory regarding which gender is more punitive, this research did not have any specific expectations about the direction of the relationships between gender and seriousness of recommended punishment.

Therefore, the hypothesis is stated as follows:

Hypothesis 14: Men will differ from women in the seriousness of the recommended punishment across a variety of situations of wrongdoing.

This section has outlined the hypotheses regarding social structural, cultural, and gender sources of variation in decisions about punishment seriousness. Details of the procedures used to test these hypotheses will be discussed in Chapter 2.

### **1.11 Conclusion**

This chapter has situated this thesis research in existing work on punishment attitudes and outlined the key concepts and variables that form the basis of this research. Research on punishment decisions can be located in the general sociological context by reference to the transgression of social and moral norms and to Kohlberg's work on moral reasoning and a justice orientation. Legal judgments, such as punishment decisions, can then be studied from a legal socialization perspective, which argues that individuals become socialized into the legal culture of their society. Through the process of legal socialization, we learn how to think about and make decisions about responsibility and punishment.

In this chapter it was argued that contextual variation in punishment decision-making arises from social structural factors as well as from culture. The nature of social relationships (hierarchy and solidarity) and social conduct (victim harm and mental state) impact punishment decisions such as those about how serious punishment for wrongdoing should be. The cultural source of variation results from different views of

the social actor as either isolated or contextual, which in turn depends upon a culture's emphasis on individualism or collectivism, respectively. In addition to these factors, gender is also explored because of theory and empirical findings suggesting that men and women differ with respect to punitiveness. As a result of gender experiences varying by culture, gender is examined in interaction with culture. This chapter concluded with the reiteration of the specific research questions explored in this empirical investigation and the hypotheses that were tested.

Chapter 2 presents the specific methodology utilized in this research on punishment decisions. Information regarding the research sample and sites, as well the research design (secondary data analysis) begins the chapter and is followed by details about the research instrument (a self-administered survey questionnaire). Chapter 2 also addresses issues regarding vignette methodology, reliability and validity. Following this is a discussion of the independent variables (hierarchy, solidarity, victim harm, mental state, culture and gender) and the dependent variable (punishment seriousness). The chapter ends with details of the statistical procedures used to analyze the data. More specifically, the t-test procedure used to compare mean scores for the role and deed variables and the MANOVA procedure used to test the impact of the interaction of gender and culture are explained.

Chapter 3 focuses on the results of the statistical procedures used to analyze the data. Results from the t-test analyses, which address the questions and hypotheses regarding roles and deeds, are provided first. This is followed by the MANOVA results, beginning with the findings for the cultural comparison and then moving to those for

gender and the interaction of culture and gender. Each of these sections ends with a brief descriptive summary in order to facilitate understanding of the statistical results.

The concluding chapter provides a general summary of the results presented in Chapter 3 and discusses the overall findings in terms of the theory and empirical findings addressed in Chapter 1. This chapter is organized according to the research questions stated in this chapter.

## **Chapter 2**

### **METHODOLOGY**

#### **2.0 Introduction**

The preceding chapter had the purpose of outlining the conceptual framework, research questions, and hypotheses that guided this thesis research on punishment decisions. The purpose of this chapter is to explain the details of the method used to conduct the research. First, this chapter will briefly discuss the locations of the research sites, characteristics of the sample, and the issue of comparability of the culture subsamples. Second, the chapter addresses the benefits and limitations of secondary data analysis, as this was the type of data analysis used in this research. Third, details of the research instrument are provided, including a discussion of the vignette technique, which was used in the primary research. Following this is a discussion of issues such as reliability, validity, and cultural equivalency of the research instrument, as well as information about the operationalization and measurement of the independent and dependent variables. This chapter ends with a discussion of the statistical procedures used to analyze the data.

#### **2.1 Research Sample**

The data used in this research were gathered under the direction of Dr. Bruce Arnold, of the University of Calgary, as part of a project entitled "Legal Socialization of Young Adults in Disparate Structural and Cultural Contexts". Data collection took place in 1996 at two sites: the University of Calgary in Calgary, Canada and Kinki University

in Osaka, Japan. Calgary is a city in the western Canadian province of Alberta and, at the time of the primary research, had a population of approximately 760,000 people while Osaka, a city in Japan, had a population of around 2.6 million people.<sup>xii</sup>

The original sample consisted of students at each of the universities. Specifically, 227 students were sampled at the University of Calgary and 198 students were sampled at Kinki University. The secondary sample size used for this research was 324 respondents and was comprised of 171 Canadian respondents and 153 Japanese respondents. Of the Canadian respondents, 124 were male and 47 were female, with the average age of the group being 22.6 years. The Japanese group was made up of 111 males and 42 females and had an average age of 20.1 years.

The sampling method used in the data collection was nonrandom, as the questionnaire was administered to university students in class, and participation in the research was voluntary. Surveying university students is both time- and cost-effective because of their accessibility. While this group does not necessarily represent the general population, the primary researcher noted that these are individuals whose age and educational attributes make them appropriate respondents for research in the area of legal values/judgments.<sup>xiii</sup>

Given that this research was cross-national in nature, the comparability of the Canadian and Japanese samples is an issue that must be addressed. First, the data were collected from university students similar in age, at universities with similar enrollment sizes, and during the same time period (i.e., 1996). Furthermore, both research sites are

located in large urban centers. Put together, these considerations lend to the overall comparability of the Canadian and Japanese samples.

## **2.2 Research Design**

This thesis research was a secondary data analysis utilizing data collected from the survey questionnaire mentioned in section 2.1. The purpose of the following subsections is to discuss secondary data analysis as a method and to describe the survey instrument used to collect data and the use of vignettes in social research.

### **2.2.1 Secondary Data Analysis**

As mentioned above, this research was conducted using an existing data set and therefore is referred to as a secondary data analysis. This type of analysis has both advantages and disadvantages that should be addressed when preparing to undertake such an endeavor.

The cost- and time- effectiveness of secondary data analysis tends to provide an advantage over collecting one's own data (Kiebolt and Nathan, 1985). Not only is secondary data analysis generally less expensive than primary data collection, it is often possible to complete the project in a shorter period of time (Kiebolt and Nathan, 1985). The time necessary for proper data collection is sometimes not available to a researcher. In many cases, it can take a while to gain access to research sites and to actually collect the data. In addition, after the data collection phase is complete, the data need to be entered into some type of file that allows them to be available for use. For these reasons,

primary data collection is not feasible for many researchers and therefore, secondary data analysis is an attractive option.

Although secondary data analysis is a popular method of research, the drawbacks to this method must be addressed in order to ensure the quality of the research. Kiebolt and Nathan (1985) point out that locating and acquiring adequate data sets can be difficult and time-consuming, particularly for certain areas of study. Furthermore, once a data set is located and the researcher obtains access to it, there may be a lack of information regarding the survey procedures. This leaves the researcher without sufficient knowledge of possible errors in the data. This particular drawback, however, was not an issue in this research due to the adequate information about the survey procedures that accompanied the data set.

A second limitation of secondary data analysis is that the data are often not ideally suited to the secondary research (Kiebolt and Nathan, 1985). For example, the original survey may not have included all of the variables necessary for the secondary research (p. 14). However, this was not an issue in this thesis research as the survey used to collect the primary data was designed with this purpose in mind.

In summary, secondary data analysis is a method of research that saves the researcher both time and money. Although there can be problems in locating and acquiring suitable data sets, these were not issues in this research. Secondary data analysis was an appropriate method of data analysis for the purposes of this research.

### **2.2.2 Structure and Components of the Questionnaire**

The primary research involved a self-administered survey questionnaire, which respondents completed in the classroom where there was a research assistant present to explain the questionnaire and to answer questions from respondents. Participation in the survey was voluntary, with all respondents being promised anonymity and confidentiality. Signed consent forms were required of all respondents. Furthermore, respondents were reminded throughout the survey questionnaire of the confidentiality of their answers and of their freedom to not answer any questions that they were uncomfortable with. As all ethical guidelines were followed in the original research, this secondary research did not raise any ethical concerns.

There were three main sections in the questionnaire. First, there was a series of general demographic questions that asked about age, ethnicity, education, income, religion, marital status, and employment. The second section of the survey involved questions about the respondent's past deviant behaviour and attitudes about the wrongfulness of a variety of deviant activities. Following this was the main section, which contained vignettes. There were nine vignettes in total, each one addressing an act of wrongdoing and each one having two variations (see Appendix A for the wording of the vignettes and the variations). The original version described an act of wrongdoing committed by one person against another, with the relationship between the wrongdoer and the victim being specified as one of the following: father-son, husband-wife, businessman-client, or strangers. The original vignette also described the harm suffered

by the victim and indicated that this was the first time the wrongdoer had committed such an act.

The first variation referred back to the original version of the vignette but varied the harm suffered by the victim. Specifically, in this variation of the vignette, harm to the victim was increased while the other details (e.g., the wrongful act and the nature of the relationship) remained the same. The second variation of the vignette also referred to the original version but indicated that the wrongdoer had committed the wrongful act several times in the past (as opposed to this being the first time the wrongdoer had committed the wrongdoing).

After the original version, as well as after each of the variations, the respondent was asked to rate the seriousness of the wrongdoing described in the vignette. Wrongdoing seriousness was rated on a Likert-type scale with "1" being least serious and "6" being most serious. The next part required the respondent to select the punishment that should be applied to the wrongdoer. Respondents were allowed to select one or more punishments from the following: None, Public Embarrassment, Community Work, Civil Legal Suit, Fine, Probation, Jail, and Other.

Following the three versions of the hypothetical situation, the respondent was asked several questions about how he/she felt the wrongdoer should be viewed and treated by others. The survey ended with a section in which the respondent was asked to comment on any problems encountered in the completion of the survey.

### 2.2.3 Use of Vignettes

As mentioned above, the questionnaire that was the source of data for this research used vignette methodology. Vignettes are “stories about individuals and situations which make reference to important points in the study of perceptions, beliefs, and attitudes.” (Hughes, 1998: 381). The use of vignettes allows the researcher to vary the characteristics of the people and/or the situation in question. As an example, recall that in this research there were two variations for each original vignette. The first variation involved increasing the harm done to the victim while the second variation involved increasing the intention of the wrongdoer. These are factors believed to be important in a respondent’s punishment decision-making and the use of the vignette technique made it possible to vary these characteristics of the situation.

The vignette technique is often considered to be a better approach to studying beliefs and norms than are the methods of asking direct questions and using attitude statements. It is argued that direct questions and attitude statements lack context, resulting in the respondent “filling-in” details for him/herself (Finch, 1987; Alexander & Becker, 1978). By providing context (i.e., details) for the respondent, the researcher can better control the factors considered by the respondent when answering the questions. In other words, by using the vignette technique, researchers can include details about factors that are likely to influence the respondent’s answers. This then allows the research tool to be standardized across all respondents (Alexander & Becker, 1978). Furthermore, Finch argues that the vignette method “acknowledges that ... morality may well be situationally specific.” (1987: 106). If this is indeed the case, using direct questions and

attitude statements will not adequately address the nature of moral judgments, as they do not provide context regarding specific situations. Vignettes, on the other hand, provide the necessary context that is often lacking in other methods.

Related to the first point above, vignettes can be used to examine normative issues in the reality in which they tend to occur (Finch, 1987). Punishment decision-making, for example, is a process that does not occur in a vacuum but instead takes place in complex social situations. In other words, it is not enough to provide a respondent with a simple description of wrongdoing and then ask him/her to select an appropriate punishment. In reality, wrongdoing occurs under various circumstances, which can impact punishment decisions. When direct questions or attitude statements are used instead of vignettes, these realistic circumstances are omitted. By using the vignette technique, the researcher can situate the normative issues of interest in the complexities of daily life in which these issues are raised (Finch, 1987).

Another advantage to using vignettes in research about normative structures is that they can be used to ask concrete questions about hypothetical others, rather than about the respondent or his/her family and friends (Finch, 1987). In other words, vignettes allow the respondent to be distanced from the issue(s) being explored in the study and therefore less threatened by the questions. This is especially important when asking about sensitive issues (Finch, 1987) such as the issue of punishment for wrongdoing. Some of the vignettes in the questionnaire used in this research dealt with sensitive issues such as child and spousal abuse. By referring to hypothetical situations

and others instead of personal experiences, there is less worry that respondents would be negatively affected by participating in the survey.

Although the vignette technique has several advantages as compared to other methods for studying norms and beliefs, there are two caveats that are noteworthy. First, vignettes should generally refer to characters and situations that are realistic and therefore believable and relevant to the respondent (Finch, 1987; Hughes, 1998). Highly improbable circumstances and unusual characters will not likely be relevant to most respondents and this could affect answers to questions (Hughes, 1998). The vignettes included in the questionnaire used for this research referred to various forms of everyday wrongdoing and believable characters. Therefore, the design of these vignettes did not suffer from the problem of being unrealistic and irrelevant to respondents in general.

The second caveat that must be mentioned is that it cannot be assumed that the responses to questions about vignettes actually mirror how the respondent would act in a real-life situation. It is argued, therefore, that researchers should be cautious about concluding that answers to vignettes are indicative of how respondents would react if faced with the same situation in reality (Hughes, 1998). The purpose of the research in this thesis, however, is to explore punishment norms and not to predict how respondents would act in real-life situations.

Because each research method has weaknesses and limitations, it is important to select the technique best suited to the research at hand. The vignette technique is appropriate for collecting data about punishment decisions as it allows the researcher to control some of the factors that are believed to influence decision-making. However, the

technique is only appropriate to the extent that it is both reliable and valid. In the questionnaire used for this secondary data analysis, reliability was ensured by using three or more vignettes for each variable. According to Spector, “Reliability can be increased by the use of multiple measurements or multiple measures...” (1981: 14).

Validity, on the other hand, is more difficult to determine. On this point, Spector (1981) argues that we can be increasingly assured of the validity of a measure as, over time, hypothesized relationships using that measure are supported in research. For example, the measures (i.e., vignettes) in the questionnaire employed in this research are similar to those used successfully in the empirical investigation of Hamilton and Sanders (1992). In their research, the hypothesized relationships involving the measures (e.g., authority vs. equality) were supported by the empirical evidence, which suggests validity of the measures.

### **2.3 Cultural Equivalency**

Conducting cross-cultural research is an endeavor that requires considerable attention be paid to the survey instrument used to collect data across cultures. A major problem in this type of research is the use of a survey instrument that is not valid to the two or more cultures being compared (Pareek and Rao, 1980: 130). Although the questions in a survey make sense in the native language (e.g., English), they may not be understandable to the other culture when translated into that language (e.g., Japanese). When equivalence between the two versions of the survey is lacking, the data from the two cultures may not be comparable. In the primary research upon which this secondary

data analysis is based, equivalence of the survey instrument was determined using two steps. First, *back-translation* was conducted in order to evaluate the comparability of the two versions of the questionnaire. This is a procedure used when a survey instrument is translated from one language to another (see Brislin, 1970: 186). In the primary research, a person who was fluent in both Japanese (mother tongue) and English, and who was unfamiliar with the questionnaire, read each question on the Japanese version and then repeated it in English to the researcher. This process highlighted areas where the two versions were not equivalent, thereby allowing the researcher to make necessary changes to the questionnaire to enhance equivalency.

Once back-translation was completed, it was necessary to conduct a *pre-test*. According to Brislin (1970: 189), "Pretesting is necessary even after careful translation since nonsensical answers can occur in response to the most carefully constructed questions." This stage involved having a group of Japanese adults who were visiting Calgary answer the survey questionnaire. As a result of this pre-test, the primary researcher determined the two versions of the questionnaire to be equivalent.

## **2.4 Independent and Dependent Variables**

As mentioned in Chapter 1, this thesis research examined the impact of several independent variables on the seriousness of punishment recommended for wrongdoing (the dependent variable). The following two sections address the independent and dependent variables in detail. More specifically, information about the operationalization of the variables and recoding of the dependent variable is provided.

### **2.4.1 Independent Variables**

In the previous chapter, it was argued that roles and deeds are factors thought to be important in punishment decision-making. In addition, there is reason to suspect that culture and gender may also impact punishment decisions. Therefore, the independent variables in this research were roles and deeds (including role-deed combinations), culture, and gender.

Table 2.1 summarizes the operationalization, measurement, and coding of the independent variables. In Chapter 1, the concepts of roles and deeds were explained in detail. Recall that roles refer to the vertical and horizontal dimensions of social relationships. The former dimension involves the hierarchy (authority vs. equality) in the relationship between the wrongdoer and the victim. The latter dimension is one of solidarity (low vs. high), or the closeness of the relationship, between the wrongdoer and the victim. Deeds, as opposed to roles, are aspects of the wrongful act. Specifically, the severity of victim harm (low vs. high) and the wrongdoer's mental state/intention (low vs. high) were the deed variables in this research.

As mentioned in Chapter 1, this research examined punishment decisions within, and between, Canada and Japan. The Canadian group was comprised of the respondents at the University of Calgary and the Japanese group was made-up of the Kinki University respondents. As with the culture variable, gender was a relatively simple matter with respondents categorized as either male or female based on their answer to the gender question.

**Table 2.1 Operationalization, Measurement, and Coding of the Independent Variables**

<b>Variable Name</b>	<b>Definition</b>	<b>Type of Variable</b>	<b>Values</b>	<b>Coding</b>
<i>Social Structure</i>				
Role Variables				
Hierarchy	Hierarchical nature of the relationship between wrongdoer & victim	Dichotomous, nominal	Authority Equality	<b>Authority</b> = father/son <b>Equality</b> = husband/wife; stockbroker/client; strangers
Solidarity	Closeness of the relationship between wrongdoer & victim	Dichotomous, nominal	Low Solidarity High Solidarity	<b>Low Solidarity</b> = stockbroker/client; strangers <b>High Solidarity</b> = father/son; husband/wife
Deed Variables				
Victim Harm	Severity of harm to the victim	Dichotomous, ordinal	Low Victim Harm High Victim Harm	<b>Low Victim Harm</b> = severity of harm as described in original vignette <b>High Victim Harm</b> = degree of harm is more severe than described in original vignette
Mental State	Degree of wrongdoer's intention to commit the wrongful act	Dichotomous, ordinal	Low Mental State High Mental State	<b>Low Mental State</b> = wrongdoer had not committed the wrongful act in the past <b>High Mental State</b> = wrongdoer had committed the wrongful act several times in the past
<i>Culture</i>	Respondent's culture	Dichotomous, nominal	Canada Japan	—
<i>Gender</i>	Respondent's gender	Dichotomous, nominal	Male Female	—

#### **2.4.2 Dependent Variable: Punishment Seriousness**

The dependent variable in this research was the seriousness of the punishment recommended by the respondent for the wrongdoer. Recall from Chapter 1 (see section 1.7) the importance of distinguishing punishment seriousness from crime (or wrongdoing) seriousness. It is argued that the seriousness of an act of wrongdoing does not necessarily correspond to the seriousness of the punishment recommended for the wrongdoer (Jacoby and Cullen, 1998; Roberts, 1992; Rossi and Berk, 1985). This thesis research focused on the seriousness of the punishment recommended (in response to wrongdoing in various contexts) as an indicator of legal culture.

As mentioned earlier, the respondent was asked to select one or more punishments that he/she considered appropriate for each particular hypothetical scenario. The options included (in the order that they appeared): None, Public Embarrassment, Community Work, Civil Legal Suit, Fine, Probation, Jail, and Other. Although it was not indicated on the survey, the order of the punishment options (with the exception of the category "Other") forms a conceptual scale of increasing seriousness.

The use of this particular dependent variable was made somewhat difficult as a result of multiple responses to the punishment questions on the survey. As mentioned above, this research used the seriousness of the recommended punishment as a dependent variable. The decision was made to use only the most serious punishment recommended by respondents, a course also taken by Jacoby and Cullen (1998) in their research on punishment decisions. It is assumed that if the respondent had been asked to choose only one punishment, he/she would have selected the most serious of two or more

punishments, rather than the less serious one. While there is a loss of some detail as a result of such a decision, it was the best possible option for this research.

The type of analysis utilized in this research requires that the dependent variable be in the form of a scale. Initially, this was not the case with the punishment variable. It was necessary, therefore, to recode this variable into a scale of increasing seriousness. The last punishment option, "Other", had to be omitted from the scale, as the data did not specify what the respondent meant by this option. The remaining punishment options were recoded as shown in Table 2.2.

**Table 2.2 Recoding of the Dependent Variable: Punishment Seriousness**

<b>Punishment Choice</b>	<b>Numerical Code</b>
None	1
Public Embarrassment	2
Community Work	3
Civil Legal Suit	4
Fine	5
Probation	6
Jail	7

Each variable level (e.g., authority or equality for hierarchy) was comprised of three, six or nine vignettes/variations (see Appendix B for the groupings of the vignettes for each variable level). A respondent's punishment seriousness score for each variable grouping was calculated by adding up the scores and dividing by the number of vignettes used for the variable. For example, to calculate a respondent's punishment seriousness for authority, which is comprised of three vignettes, the three scores were added together and the sum was divided by three.

It is important to note that some respondents did not answer the punishment question for all the vignettes/variations. As a result, a decision had to be made about whether to include these respondents. It was decided that a respondent would be included if his/her punishment seriousness score was made-up of at least 2/3 of the vignettes in the grouping. For example, if a grouping was comprised of six vignettes/variations, only respondents who had answered the punishment question for four or more of these would be included. This was done to ensure that a respondent's punishment seriousness was not calculated using only a small fraction of the vignettes/variations in the grouping.

Following the above procedures, the data were statistically analyzed in order to answer the research questions that were outlined in Chapter 1. Details of the statistical analyses used are provided in the next section.

## **2.5 Statistical Analyses**

Statistical analysis of the data used in this thesis on punishment decisions involved three main steps, which will be discussed in the following subsections. First, reliability of the vignette groupings (see section 2.5.1) needed to be tested before commencing with the statistical procedures used to test for variation in punishment seriousness. T-test analyses were then conducted (see section 2.5.2) to compare mean scores on each of the role, deed, and role-deed combination variables. Following the t-test analyses, Multivariate Analysis of Variance was performed on the data (see section

2.5.3) in order to examine cultural and gender variation in the seriousness of recommended punishment.

### **2.5.1 Vignette Reliability**

Recall that the independent variables were comprised of three or more vignettes/variations. Whenever multiple items are used to form a scale (or grouping as in this research), internal consistency must be ensured. Spector (1992: 30) defines internal consistency as "...a measurable property of items that implies that they measure the same construct." The way in which this is measured is by calculating the coefficient alpha (also called the reliability coefficient or Cronbach's alpha) for the set of items. The general rule is that the alpha should be at least .70 in order to be assured of internal consistency (Spector, 1992).

In this research, Cronbach's alpha was calculated for the total group as well as for each of the subgroups (Canadian men, Canadian women, Japanese men, and Japanese women). Appendix C shows the Cronbach's alphas for each group. For almost all of the groupings comprised of six or nine vignettes/variations, the alphas were above the recommended .70. As an example, the alpha for the total group on high solidarity was .813 while for low victim harm it was .830 and for high victim harm it was .815. It should be noted that the groupings comprised of only three vignettes/variations had alphas lower than the preferred minimum. For example, the alpha for the total group for low solidarity was .593 and for Japanese women for high victim harm/low solidarity the alpha was .201. Despite these low alphas, the decision was made to use these groupings

because the low alphas may simply have been a function of the number of items (vignettes/variations) in the grouping. Generally, as the number of items increases, so too does Cronbach's alpha (Spector, 1992; Carmine and Zeller, 1979). This is apparent in the reliability coefficients for this data, as alphas are higher for variable groupings containing six or nine vignettes/variations than for groupings of three.

### **2.5.2 Paired T-tests**

The first part of the data analysis involved examining the impact of roles and deeds on the seriousness of recommended punishment for wrongdoers. This was done for the total groups as well as for the four subgroups: Canadian men, Canadian women, Japanese men, and Japanese women. The analysis deemed most appropriate for this task was the t-test. The t-test is used to compare two group means by testing the hypothesis that the two means are equal (Norusis, 1990a).

In this research, t-tests were used to compare the means for the two levels of each of the variables<sup>xiv</sup>. For example, the group means for the two levels of the solidarity variable – low solidarity and high solidarity – were tested to see if they were equal. First, mean scores for each variable level are calculated. For example, mean punishment seriousness scores for low solidarity and high solidarity were calculated. The t-test then compares these two means and determines whether the observed difference is statistically different and at what significance level. If the difference is statistically significant, it can be concluded that this independent variable impacts the dependent variable in a particular way. For example, assume that the mean punishment seriousness score for low solidarity

is higher than the mean score for high solidarity and it is a statistically significant difference. It can then be concluded that in situations of low solidarity, the recommended punishment for wrongdoing is more serious than in situations of high solidarity.

The t-tests were two-tailed, a procedure recommended when hypotheses are relatively informal and there is uncertainty about which group will be higher (Norusis, 1990). This is the case with some of the hypotheses in this research. For example, there was uncertainty in whether men or women would have higher punishment seriousness scores.

The t-test analysis was a paired design, owing to the fact that each score on one level of a variable had a corresponding score on the other level. As an example, each respondent had a score for low solidarity and a corresponding score for high solidarity. The advantage to using such a design is that the two groups (low solidarity and high solidarity) are as similar as possible, reducing the likelihood that differences are simply due to random variation (Norusis, 1990a).

Another reason that paired t-tests were considered appropriate for this research is that they are suitable for smaller samples (such as the Canadian women and Japanese women subgroups in this analysis) and they are robust (Elifson *et al.*, 1990). This latter point is important in light of the nonrandomness of the sample used here. T-tests are robust in cases such as this.

Recall that t-tests were done not only for the total group but also for the subgroups: Canadian men, Canadian women, Japanese men, and Japanese women. This makes it possible to compare subgroups in terms of the t-test results. For example,

Canadian men's and Canadian women's mean scores on a variable level could be compared to see which group may have been more punitive (i.e., had a higher mean punishment seriousness score). However, since the t-tests do not examine such differences for statistical significance, MANOVA was employed to examine both culture and gender differences in recommended punishment seriousness.

### **2.5.3 Multivariate Analysis of Variance (MANOVA)**

Although the t-test procedure was appropriate for testing the impact of role, deed, and role-deed combination variables in the first part of the analysis, it was not suitable for testing the full impact of culture and gender on punishment seriousness. For this portion of the analysis, Multivariate Analysis of Variance (MANOVA) was utilized to test for statistically significant culture and gender variation.

MANOVA was chosen for this part of the research analysis for three reasons. First, MANOVA is an extension of Analysis of Variance, which is a technique used to compare differences between means with respect to a single dependent variable. MANOVA differs from ANOVA in that the former analysis allows for a comparison of means on two or more dependent variables (Tabachnick and Fidell, 1996, Norusis 1990b). In this research, there were multiple dependent variables. Specifically, in terms of roles and deeds, the dependent variables were punishment seriousness for hierarchy (authority vs. equality), solidarity (low vs. high), victim harm (low vs. high), and mental state (low vs. high). In addition, recall that there were also role-deed combination variables. Therefore, a second group of dependent variables included high victim

harm/hierarchy (authority vs. equality), high victim harm/solidarity (low vs. high solidarity), high mental state/hierarchy (authority vs. equality), and high mental state/solidarity (low vs. high solidarity). Because of the multiple dependent variables, MANOVA was considered a suitable way to proceed.

The second reason to use MANOVA is that the procedure controls for the intercorrelations of the dependent variables while evaluating the mean differences (Tabachnick and Fidell, 1996). An examination of the zero-order correlations for the variable groupings in this research revealed that the two levels for each grouping were indeed correlated (see Appendix D). Conducting separate ANOVAs rather than MANOVA in this case could mask actual significant effects of the independent variables (Tabachnick and Fidell, 1996).

Finally, MANOVA allows for the testing of main effects as well as interaction effects (Tabachnick and Fidell, 1996). This is an important feature of MANOVA because in this research, the main effects of culture and gender were of interest as was the interaction of these two variables. In other words, MANOVA allowed for an examination of whether or not a culture effect differed by gender and whether or not a gender effect varied by culture.

For the above reasons, the MANOVA procedure in SPSS (Statistical Package for the Social Sciences) was utilized in this research. Following the finding of significant group differences from the omnibus MANOVA test, it is necessary to analyze these specific differences (Tabachnick and Fidell, 1996). This involves using follow-up analyses to identify "...which groups are responsible for the significant omnibus

test...[and]...to evaluate which variables are important for group separation.” (Bray & Maxwell, 1985: 39). To accomplish this, F tests were conducted followed by simple effects analysis (see Norusis, 1990b). The F tests produce findings that indicate the statistical significance of main effects (e.g., of culture and gender) and interaction effects (e.g., culture-gender) for the separate variable levels. While the MANOVA only indicates whether there are significant main and interaction effects for each variable *grouping* (e.g., hierarchy), the F test indicates these effects for each variable *level* (e.g., authority and equality).

The simple effects analysis follows the F test in order to determine whether an observed culture effect was present for one or both gender groups and whether an observed gender effect was found for one or both cultures. For example, the F test might indicate that there was a culture-gender interaction effect for authority. The simple effects analysis will indicate the details of this interaction effect, such as whether it is a culture effect dependent upon gender or a gender effect dependent upon culture. In other words, a culture effect may be different for men than it is for women. Similarly, a gender effect for Canadians may be different from a gender effect for Japanese. Or, it is possible that a significant culture effect may be present only for one gender. It is also possible that a significant gender effect exists only for one of the cultures. The simple effects analysis allows the researcher to explore this.

## **2.6 Conclusion**

This chapter has provided the relevant information regarding the methodology employed in this research. It began with a discussion of the research sample, design, and the research instrument (a survey questionnaire). This chapter also addressed the use of vignettes, including the advantages of conducting research using this type of methodology. In addition, issues of reliability and validity were discussed, with the latter being particularly important in cross-cultural research such as this. Following this, details of the independent variables (i.e., roles and deeds, culture, and gender) and the dependent variable (punishment seriousness) were provided. This chapter concluded with details of the statistical procedures (i.e., paired t-tests and MANOVA) used to analyze the data in order to answer the research questions set forth in Chapter 1. The next chapter presents the results of the paired t-tests and the MANOVA analyses.

## Chapter 3

### RESULTS

#### 3.0 Introduction

In Chapter 1, it was argued that social structure, culture and gender are believed to impact legal judgments such as those surrounding the assignment of punishment for wrongdoing. Theory and evidence from previous research in this area was presented to support this argument and was also used to develop research questions and hypotheses to be explored in this thesis research on punishment decisions. More specifically, it was hypothesized that social structure, culture, and gender would be sources of variation in the *seriousness* of the punishment recommended by respondents. The purpose of Chapter 2 was to provide details about the specific methodology, including statistical analyses, used to test the hypotheses and produce answers to the research questions. Chapter 3 now moves from the more general theoretical propositions about social structural, cultural, and gender variation in punishment decisions to the empirical results of the statistical procedures described in Chapter 2.

Recall from Chapter 2 that paired t-tests were used to compare mean scores for punishment seriousness between each level of the role and deed variables. As discussed in Chapter 1, *roles* refers to the nature of the social relationship shared between the wrongdoer and the victim and *deeds* is the term used for aspects of the social conduct. The role variables were *hierarchy* (authority vs. equality) and *solidarity* (low vs. high) while the deed variables were *victim harm* (low vs. high) and *mental state* (low vs. high). By using t-tests to analyze the data, we are able to determine whether observed

differences between mean punishment seriousness scores are statistically significant. For example, mean scores for authority and equality relationships may appear to be different from each other but this difference needs to be tested for significance. This is made possible by employing paired t-tests.

In addition to t-tests, Multivariate Analysis of Variance (MANOVA) was used to further analyze the data for statistically significant culture and gender differences. Although the results of the t-tests may indicate that there are differences between Canadians and Japanese as well as between men and women, these differences need to be tested for statistical significance using MANOVA. Recall from Chapter 2 that MANOVA was used, in part, because it tests not only for main effects (e.g., culture and gender separately) but also for interaction effects (e.g., culture-gender interaction). Therefore, not only is it possible to see if culture and gender each impact punishment decisions, it is also possible to see if culture effects vary by gender and vice-versa (i.e., if gender effects vary by culture).

As a result of the two statistical analyses used in this research, this chapter is organized into two main sections: (1) results of the paired t-tests and (2) MANOVA results. Section 3.1 contains the results of the paired t-tests and explains how that section is specifically organized. The MANOVA results are located in section 3.2, which provides details about the order in which those results are presented.

### **3.1 T-test Results for Comparing Mean Punishment Seriousness Scores**

In Chapter 2 it was explained that two-tailed, paired t-tests were used to compare mean punishment seriousness scores for the two levels of each of the role and deed variables. T-tests were conducted for the total group as well as separately for the subgroups: Canadian men, Canadian women, Japanese men, and Japanese women. Although the t-test results are mainly used to examine differences between the two levels of each role and deed variable (e.g., authority vs. equality for hierarchy), they also suggest whether or not culture or gender differences may exist. Recall that since the t-tests do not test these particular differences for statistical significance, it is necessary to conduct MANOVA in order to determine if they are statistically significant. These results are presented in section 3.2. This section is divided into two main sections: (1) results for roles and deeds and (2) results for role-deed combinations.

#### **3.1.1 Results of T-tests for Impact of Roles and Deeds**

Recall from Chapter 1 that the first research question and the accompanying hypotheses address the impact of roles and deeds on the seriousness of recommended punishment for wrongdoing (see section 1.10.1). In addition, hypotheses regarding cultural differences in punitiveness as well as in sensitivity to role and deed information were also stated (see section 1.10.2). Also included in the hypotheses was the expectation of gender differences (see section 1.10.3). The results of the t-test procedure used to explore these hypotheses are presented in Table 3.1, with findings for the total group as well as for the subgroups. All the differences presented in Table 3.1 were

statistically significant at the .001 level. In terms of descriptive presentation of the results for this section, roles are discussed first, followed by deeds. The next step is a comparison of Canadian men vs. Japanese men and Canadian women vs. Japanese women in order to address the expectations regarding cultural differences. Finally, the Canadian men and Canadian women subgroups are compared, as well as the Japanese men and Japanese women subgroups so that gender differences can be addressed.

**Total Group** Mean punishment seriousness scores for hierarchy, solidarity, victim harm and mental state are presented in Table 3.1. In Chapter 1 it was hypothesized that, in terms of roles, recommended punishment would be more serious for authority (vs. equality) relationships (see Hypothesis 1) and for low (vs. high) solidarity relationships (see Hypothesis 2). For deeds, it was expected that respondents would be more punitive in situations of high (vs. low) victim harm (see Hypothesis 3) and high (vs. low) mental state (see Hypothesis 4). In general, the hypotheses regarding these variables were supported by the results. For example, in terms of roles, the mean punishment seriousness score for relationships of low solidarity ( $X=3.995$ ) was greater than for high solidarity relationships ( $X=2.667$ ) (see Table 3.1). For deeds, as expected, high victim harm had a greater mean score than low victim harm ( $X=4.298$  vs.  $X=3.178$ , respectively) and the mean punishment seriousness score was higher for high mental state ( $X=5.484$ ) than for low mental state ( $X=3.161$ ). While these findings were consistent with the hypotheses, the results for hierarchy were contrary to expectations in that the

**Table 3.1 Results of Paired T-tests for Role and Deed Variables**

Independent Variables	Total Group			Canadian Men			Canadian Women			Japanese Men			Japanese Women		
	Mean Score	T-value for difference	n	Mean Score	T-value for difference	n	Mean Score	T-value for difference	n	Mean Score	T-value for difference	n	Mean Score	T-value for difference	n
<b>Roles</b>															
Hierarchy															
Authority	2.691			3.055			3.395			2.319			2.047		
Equality	3.364			3.563			4.283			3.081			2.704		
difference	-0.673	-11.64	285	-0.508	-5.44	103	-0.888	-5.94	38	-0.762	-7.65	105	-0.657	-4.35	39
Solidarity															
Low	3.995			4.075			4.681			3.930			3.329		
High	2.667			2.993			3.534			2.278			2.065		
difference	1.328	16.98	282	1.082	8.21	102	1.147	7.63	36	1.652	12.49	105	1.264	5.91	39
<b>Deeds</b>															
Victim Harm															
Low	3.178			3.423			3.991			2.872			2.550		
High	4.298			4.680			5.080			3.857			3.701		
difference	-1.120	-22.84	290	-1.257	-14.76	105	-1.089	-7.77	39	-0.985	-12.39	106	-1.151	-10.43	40
Mental State															
Low	3.161			3.392			3.991			2.860			2.550		
High	5.484			5.960			6.207			5.065			4.651		
difference	-2.323	-32.83	291	-2.568	-22.86	105	-2.216	-13.29	39	-2.205	-18.66	107	-2.101	-9.58	40

All t-values are significant at  $p \leq .001$ .

mean punishment seriousness score was higher for relationships of equality ( $X=3.364$ ) than of authority ( $X=2.691$ ).

***Subgroups*** The overall pattern of findings regarding roles and deeds for the total group was the same for the four subgroups (see Table 3.1). As expected, for all subgroups, low solidarity relationships were associated with higher mean punishment seriousness scores than were relationships of high solidarity. Each subgroup was also more punitive in situations of high victim harm and high mental state than in situations of low victim harm and low mental state, respectively. As was the case for the total group, each subgroup unexpectedly had a higher mean score for equality relationships than for authority relationships.

Recall from Chapter 1 that Hypothesis 9 was generated regarding cultural differences in punitiveness such that Canadians would generally recommend more serious punishment than their Japanese counterparts would. This hypothesis received strong support from the t-test results. Canadian men and Canadian women had higher mean punishment seriousness scores than Japanese men and Japanese women did on all levels of the role and deed variables (see Table 3.1). For example, Canadian men and Canadian women had mean scores of 3.055 and 3.395, respectively, for authority relationships while Japanese men had a mean score of 2.319 and Japanese women's mean score was 2.047.

In Chapter 1 it was also hypothesized that there would be cultural differences in terms of sensitivity to role and deed information, with Japanese being more sensitive to

role information about hierarchy and solidarity (see Hypotheses 10 and 11) and Canadians more focused on deed information about victim harm and mental state (see Hypotheses 12 and 13). Testing these hypotheses involved comparing the mean score differences between each level of the role and deed variables (see the 'Difference' rows in Table 3.1). The larger the mean score difference, the more sensitive the subgroup was to that particular variable. In general, the t-test results weakly supported these hypotheses, with only the results for the men providing any clear support. Results for the women were less clear-cut than the results for the men were. Furthermore, the mean score differences for Canadian men and Japanese men did not generally differ greatly.

Comparing mean score differences for Canadian men with those for Japanese men, we see that for both role variables Japanese men had higher mean score differences than Canadian men did (.762 vs. .508 for hierarchy and 1.652 vs. 1.082 for solidarity). These findings were as predicted in the hypotheses. Unexpectedly, Canadian women were more sensitive to role information than Japanese women were in terms of hierarchy, with the mean score difference for Canadian women being .888 versus the difference of .657 for Japanese women. For solidarity, Japanese women had a slightly higher mean score difference (1.264) than Canadian women did (1.147).

In terms of the deed variables, Canadian men had slightly greater mean score differences than Japanese men did for victim harm (1.257 vs. .985, respectively) and mental state (2.568 vs. 2.205). For the female subgroups, Canadian women unexpectedly had a lower mean score difference than Japanese women did for victim harm (1.089 vs. 1.151). However, for the mental state variable, Canadian women had a higher mean

score difference than the Japanese women did (2.216 vs. 2.101), although the difference was only slight.

In addition to hypotheses about culture, Chapter 1 addressed expectations about gender differences in punitiveness. More specifically, Hypothesis 14 stated that there would be gender differences in terms of recommended punishment seriousness, although it was uncertain which gender would be more punitive. The t-test results provided clear support for this hypothesis, with Canadian women recommending more serious punishment than Canadian men did on all of the role and deed variables. As an example, Canadian women had a mean punishment seriousness score of 4.681 for low solidarity while Canadian men had a corresponding mean score of 4.075 (see Table 3.1). Similarly, the Japanese displayed gender differences but in the opposite direction, with Japanese men, overall, recommending more serious punishment than Japanese women did on all of the role and deed variables. For instance, Japanese men had a mean score of 3.930 for low solidarity in comparison with Japanese women's mean score of 3.329.

In general, the t-test results for the role and deed variables suggested that there were cultural and gender differences in mean punishment seriousness scores for this sample. However, these differences needed to be tested for statistical significance in order to determine whether they are meaningful. Recall from section 3.0 that this was done using MANOVA and that these results are presented in section 3.2.

### 3.1.2 Results of T-tests for Impact of Role-Deed Combinations

In Chapter 1, a research question and hypotheses regarding the impact of role and deed variables *in combination* were generated. Recall that Hamilton and Sanders (1992) argue that the impact of deeds is essentially role-dependent such that the influence of mental state information is different in authority vs. equality relationships and in low solidarity vs. high solidarity relationships. The same argument was made for the impact of victim harm information. The results of the t-tests for role-deed combinations are presented in Tables 3.2 and 3.3. As with the separate role and deed variables, results are presented for the total group and the four subgroups.

**Total Group** Mean punishment seriousness scores for high victim harm/hierarchy, high victim harm/solidarity, high mental state/hierarchy, and high mental state/solidarity are shown in Table 3.2. For the total group, the mean score differences between each level of the role-deed combination variables were significant at  $p \leq .001$ . For high victim harm/hierarchy, the results indicate that mean scores were greater for equality ( $X=4.475$ ) than for authority relationships ( $X=3.975$ ). In terms of high victim harm in combination with solidarity, greater mean scores were found for relationships of low solidarity rather than high solidarity ( $X=4.994$  vs.  $X=3.927$ , respectively). This pattern of recommending more serious punishment for relationships of equality and low solidarity was also found for high mental state. When high mental state was combined with hierarchy, the mean score was higher for equality ( $X=5.611$ ) than for authority ( $X=5.308$ ). The high mental

**Table 3.2 Results of Paired T-tests for Role-Deed Combination Variables**

Independent Variables	Total Group			Canadian Men			Canadian Women			Japanese Men			Japanese Women		
	Mean Score	T-value for Difference	n	Mean Score	T-value for Difference	n	Mean Score	T-value for difference	n	Mean Score	T-value for difference	n	Mean Score	T-value for difference	n
High Victim Harm & Hierarchy Authority	3.975			4.431			4.724			3.432			3.443		
High Victim Harm & Hierarchy Equality	4.475			4.797			5.270			4.066			3.895		
High Victim Harm & Hierarchy difference	-0.500	****-8.90	293	-0.366	****-4.39	106	-0.546	****-4.55	41	-0.634	****-6.03	105	-0.452	*-2.76	41
High Victim Harm & Solidarity Low	4.994			5.160			5.525			4.860			4.398		
High Victim Harm & Solidarity High	3.927			4.382			4.818			3.340			3.412		
High Victim Harm & Solidarity difference	1.067	****14.84	292	0.778	****6.64	105	0.707	****4.69	40	1.520	****12.64	106	0.986	****5.31	41
High Mental State & Hierarchy Authority	5.308			5.798			6.007			4.766			4.529		
High Mental State & Hierarchy Equality	5.611			6.033			6.247			5.181			4.802		
High Mental State & Hierarchy difference	-0.303	****-6.16	310	-0.235	****-3.40	117	-0.240	*-2.22	46	-0.415	****-4.65	106	-0.273	-1.55	41
High Mental State & Solidarity Low	6.016			6.362			6.511			5.773			5.118		
High Mental State & Solidarity High	5.244			5.723			5.973			4.698			4.494		
High Mental State & Solidarity difference	0.772	****12.79	310	0.639	****6.82	116	0.538	****4.60	46	1.075	****9.90	107	0.624	***3.41	41

T-values are significant at \*p ≤ .05, \*\* p ≤ .01, \*\*\* p ≤ .005, and \*\*\*\* p ≤ .001.

state/solidarity combination resulted in a greater mean score for low solidarity relationships ( $X=6.016$ ) than for high solidarity ones ( $X=5.244$ ).

In Chapter 1 it was hypothesized that both victim harm and mental state information would have a greater impact in relationships of authority (vs. equality) and high solidarity (vs. low solidarity). Hypotheses 5 and 6 pertain to victim harm while Hypotheses 7 and 8 address mental state. The results of the t-tests for the role-deed combination variables supported the hypotheses regarding the impact of deed information in different types of social relationships. Table 3.3 presents the increase in mean punishment seriousness scores when victim harm and mental state were each changed from low to high in combination with hierarchy and solidarity. The findings indicate that when each of the two deed variables were increased, mean scores increased for both levels of the hierarchy and solidarity variables (significant at  $p \leq .001$ ). Consistent with expectations, the increase in mean score when victim harm changed from low to high was greater for authority (increase = 1.227) than for equality (increase = 1.054) relationships. In terms of solidarity, the increase was greater for high solidarity (1.222) than for low solidarity (= .972). This pattern was the same when mental state was increased, with the mean punishment seriousness score for authority increasing by 2.592 and for equality by 2.181. For solidarity, the increase in mean score for high solidarity relationships was 2.538 but only 1.980 for low solidarity ones.

**Table 3.3 Results of Paired T-tests: Changes in Mean Scores Following an Increase in Deed Variables**

Independent Variables	Total Group			Canadian Men			Canadian Women			Japanese Men			Japanese Women		
	Mean Score	T-value for difference	n	Mean Score	T-value for difference	n	Mean Score	T-value for difference	n	Mean Score	T-value for difference	n	Mean Score	T-value for difference	n
Increasing Victim Harm:															
Hierarchy															
Authority	1.227	18.48	286	1.337	11.35	104	1.312	8.48	39	1.056	9.97	105	1.312	7.13	39
Equality	1.054	21.27	302	1.186	15.02	112	0.993	6.76	42	0.937	11.01	107	1.061	8.97	41
Solidarity															
Low	0.972	18.24	314	1.088	13.26	120	0.830	6.79	45	0.903	8.99	108	0.972	6.78	41
High	1.222	20.38	279	1.376	12.28	100	1.319	8.12	36	1.030	11.35	104	1.248	9.33	39
Increasing Mental State:															
Hierarchy															
Authority	2.592	29.97	287	2.795	20.17	104	2.650	13.54	40	2.449	16.65	104	2.372	8.78	39
Equality	2.181	31.61	305	2.428	22.81	114	2.013	12.94	42	2.067	17.41	108	1.968	8.93	41
Solidarity															
Low	1.980	26.81	315	2.269	19.87	120	1.833	13.10	45	1.832	14.45	109	1.691	6.57	41
High	2.538	31.15	281	2.750	20.52	102	2.477	12.20	36	2.429	18.06	104	2.330	9.80	39

All t-values are significant at  $p \leq .001$ .

**Subgroups** The general pattern of results for the total group was similar for all four subgroups. For all the subgroups, mean punishment seriousness scores for role-deed combinations involving high victim harm were higher for authority (vs. equality) relationships and high solidarity (vs. low solidarity) relationships (significant at  $p \leq .05$ ). This was also true of the role-deed combinations for high mental state, except for Japanese women for whom the mean score difference was not significant on high mental state/hierarchy. For this group, the hierarchical nature of the relationship did not matter when mental state was high.

Recall from Chapter 1 that there were no expectations about cultural or gender differences specific to the role-deed combination variables due to the difficulty in predicting the impact of such complex variables (see Hamilton and Sanders, 1992: 88). However, there were general hypotheses regarding cultural and gender differences in punitiveness. Specifically, Hypothesis 9 stated that, overall, Canadians would be more punitive than Japanese and Hypothesis 14 stated that there would be gender differences in punitiveness.

Table 3.2 reveals that, as with the role and deed variables, Canadian respondents had higher mean punishment seriousness scores than their Japanese counterparts on all levels of the role-deed combination variables. This indicates that Canadians were again more punitive than Japanese, a finding consistent with the hypothesis addressing cultural differences.

Comparing men and women within each culture, Canadian women were more punitive than Canadian men were (see Table 3.2) on all levels of the role-deed

combination variables. For instance, the Canadian women's mean punishment seriousness score for high victim harm/low solidarity was 5.525 compared to the Canadian men's mean score of 5.160. Overall, Japanese men again had higher mean punishment seriousness scores than Japanese women, except for high victim harm/authority and high victim harm/high solidarity. However, for these two variable levels the differences were very slight. These findings support the hypothesis that there would be gender differences in punitiveness.

Although there were not any hypotheses about cultural and gender differences in terms of changing victim harm and mental state from low to high in combination with hierarchy and solidarity, some patterns were noticeable in the results. For example, increases in mean seriousness scores for the subgroups were similar to those for the total group (see Table 3.3). The increases were greater for high victim harm/authority and high mental state/authority (vs. equality) and high victim harm/high solidarity and high mental state/high solidarity (vs. low solidarity) for all four subgroups.

Comparing increases in mean punishment seriousness scores for the two cultures, we see that Canadian men consistently had greater increases than Japanese men did when victim harm and mental state changed from low to high in combination with hierarchy and solidarity. For the women's subgroups, however, a trend was less clear. Japanese women had the same mean score increase as Canadian women for high victim harm/authority but had a higher increase for high victim harm/equality and high victim harm/low solidarity. For high victim harm/high solidarity, the Japanese women's mean score increase was less than that for Canadian women. In terms of increasing mental

state, Canadian women had higher mean score increases than Japanese women for both hierarchy and solidarity.

Despite Canadian women having the highest mean seriousness scores of all four subgroups on the role-deed variables, Canadian men had the greatest mean score increases across the subgroups (see Table 3.3). In other words, when victim harm and mental state changed from low to high in combination with hierarchy and solidarity, the Canadian men subgroup showed the greatest increase in punitiveness. With respect to the Japanese subgroups, Japanese women had higher mean score increases than Japanese men did when victim harm was increased with both hierarchy and solidarity. However, in terms of increasing mental state, the Japanese men had greater mean score increases than Japanese women did for hierarchy and solidarity. As with the role and deed variables, culture and gender differences revealed by the t-tests were tested for statistical significance. These results are presented later in this chapter.

### **3.1.3 Summary: Results of the T-tests**

***Roles and Deeds*** Overall, Hypotheses 1 and 2 regarding the impact of roles were partially supported (see Table 3.1). As expected, all subgroups (Canadian men, Canadian women, Japanese men, and Japanese women) recommended more serious punishment in relationships of low solidarity rather than of high solidarity. Unexpectedly, however, the seriousness of recommended punishment was greater for relationships of equality, as opposed to authority relationships. This was true for all four subgroups. The impact of the deed variables on punishment seriousness was consistent with Hypotheses 3 and 4,

providing strong support for these hypotheses (see Table 3.1). Overall, recommended punishment seriousness was greater for wrongdoing involving high (vs. low) victim harm and high (vs. low) mental state.

In terms of cultural differences, Canadians were generally more punitive than their Japanese counterparts (see Table 3.1), as was expected (see Hypothesis 9). However, support for the hypotheses about cultural differences in sensitivity to role and deed information was less clear (see Table 3.1). Overall, Japanese men were more sensitive to role information than Canadian men were, which supports Hypotheses 10 and 11. Consistent with Hypotheses 12 and 13, Canadian men were more sensitive than Japanese men were to deed information. For the women, however, there were mixed results, making it difficult to generalize about differential sensitivity to role and deed information for the women's subgroups.

Gender differences were suggested by the t-test results for the role and deed variables. Canadian women were more punitive than Canadian men were on all role and deed variable levels while Japanese men tended to recommend more serious punishment than Japanese women did (see Table 3.1). This lends support to Hypothesis 14, which stated that there would be gender differences in the seriousness of recommended punishment across a variety of wrongdoing.

***Role-Deed Combinations*** For the role-deed combination variables, Hypotheses 5 through 6 were generally supported. Overall, as expected, victim harm and mental state each had a greater impact in relationships of authority (vs. equality) and high (vs. low)

solidarity such that mean scores increased more for authority and high solidarity than for equality and low solidarity, respectively (see Table 3.3). This pattern existed for all four subgroups.

Although hypotheses about cultural and gender differences for role-deed combination variables were not stated in Chapter 1, some differences were notable in the results of the t-tests (see Tables 3.2 and 3.3). For example, overall, Canadians were more punitive than their Japanese counterparts. In addition, Canadian women had greater scores than Canadian men did on all levels of the role-deed combination variables while Japanese men tended to be more punitive than Japanese women were. Also, in general, Canadian men had greater mean score increases than Japanese men did when victim harm and mental state were changed from low to high in combination with hierarchy and solidarity. Results for the women, however, were much less consistent. With respect to gender, Canadian men had, overall, greater increases in mean scores than Canadian women did. For the Japanese, however, the findings were less clear and as a result, a generalization about this aspect cannot be made for this group.

### **3.2 MANOVA Results for Comparing Culture and Gender**

In Section 3.0, it was explained that Multivariate Analysis of Variance (MANOVA) was employed to investigate cultural and gender variation in punishment decisions of the sample used in this research. The t-test results suggested cultural and gender differences in the seriousness of the recommended punishment. Recall, however,

that the t-test procedure does not test these differences for statistical significance and, therefore, MANOVA needed to be used to accomplish this.

The first step in an investigation of the preliminary cultural and gender differences found in the t-test results is to conduct MANOVAs for each grouping of variables (i.e., hierarchy, solidarity, victim harm, mental state, high victim harm/hierarchy, high victim harm/solidarity, high mental state/hierarchy, and high mental state/solidarity). This results in a Hotellings statistic<sup>xv</sup> for each of the groupings, as well as an F value and a significance level. These results require a follow-up analysis in order to examine each of the variable levels separately.

***Follow-Up Analyses*** F tests were conducted to investigate the impact of culture and gender (separately and in interaction) on the different levels of each of the role and deed variables. For example, while the MANOVA test indicates whether there are main and interaction effects for each *grouping* of variables, the follow-up F tests indicate whether these effects are found for one or more of the variable levels in each grouping. Simple effects analysis was also conducted in order to discern which respondent groups were responsible for the significant MANOVA findings.

This main section is divided into two subsections: (1) results for roles and deeds and (2) results for role-deed combinations. Within each of these subsections, results are presented separately for each grouping of the dependent variables (e.g., hierarchy: authority and equality). For each variable grouping, results from the multivariate analysis are presented first, followed by the findings from the F tests and then the results of the

simple effects analyses. The empirical findings presented in each of the variable grouping subsections address hypotheses that were stated in Chapter 1 and touched on earlier in the t-test results. The MANOVA results allow for a more thorough testing of these hypotheses. Recall that Hypothesis 9 stated that Canadians would generally be more punitive (i.e., have higher mean punishment seriousness scores) than Japanese and that Hypothesis 14 stated that there would be overall gender differences in punitiveness.

### **3.2.1 MANOVA Results for Roles and Deeds**

Multivariately, there was a significant ( $p \leq .05$ ) culture-gender interaction effect for each grouping of the role and deed variables (see Table 3.4). For example, there was a significant culture-gender interaction effect for hierarchy [ $F(2,280)=6.433, p=.002$ ]. This interaction effect means that the impact of culture was not the same for men as it was for women and that the impact of gender varied by culture. In addition to an interaction between culture and gender, main effects of these two variables were also tested for. The findings in Table 3.4 indicate that there was a significant ( $p \leq .001$ ) culture main effect for each of the variable groupings but no significant gender effect. Using hierarchy as an example, the culture main effect [ $F(2,280)=22.762$ ] was significant at  $p \leq .001$  while the gender effect was not significant ( $p=.409$ ). The following four subsections each refer to the same two tables: Table 3.5 (results of the F tests for role and deed variables) and Table 3.6 (results of the simple effects analyses for role and deed variables).

**Table 3.4 MANOVA Results for Role and Deed Variables**

Independent Variables	Interaction Effects	Main Effects	
	Culture x Gender	Culture	Gender
Hierarchy	Hotellings = .046 F(2,280) = 6.433 **p = .002	Hotellings = .163 F(2,280) = 22.762 ***p = .000	Hotellings = .006 F(2,280) = .896 p = .409
Solidarity	Hotellings = .041 F(2,277) = 5.613 **p = .004	Hotellings = .151 F(2,277) = 20.865 ***p = .000	Hotellings = .004 F(2,277) = .621 p = .538
Victim Harm	Hotellings = .032 F(2,275) = 4.362 *p = .014	Hotellings = .233 F(2,275) = 32.032 ***p = .000	Hotellings = .003 F(2,275) = .404 p = .668
Mental State	Hotellings = .040 F(2,275) = 5.485 **p = .005	Hotellings = .309 F(2,275) = 42.478 ***p = .000	Hotellings = .006 F(2,275) = .799 p = .451

Significant at \*p ≤ .05, \*\*p ≤ .005, and \*\*\*p ≤ .001.

**Table 3.5 Results of F Tests for Role and Deed Variables**

Hierarchy:	Authority					Equality				
Effect	Sum of Squares	df	Mean Squares	F	p	Sum of Squares	df	Mean Squares	F	p
Culture x Gender	5.26	1	5.26	3.02	0.084	16.90	1	16.90	11.94	****0.001
Culture	60.99	1	60.99	34.99	****0.001	59.63	1	59.63	42.12	****0.001
Gender	0.06	1	0.06	0.04	0.848	1.64	1	1.64	1.16	0.283
Residual	489.83	281	1.74			397.80	281	1.42		

Solidarity:	Low					High				
Effect	Sum of Squares	df	Mean Squares	F	p	Sum of Squares	df	Mean Squares	F	p
Culture x Gender	20.01	1	20.01	10.91	****0.001	7.81	1	7.81	4.88	****0.001
Culture	30.79	1	30.79	16.78	****0.001	65.58	1	65.58	40.98	****0.001
Gender	0.00	1	0.00	0.00	0.991	1.49	1	1.49	0.93	0.336
Residual	509.96	278	1.83			444.84	278	1.60		

Victim Harm:	Low					High				
Effect	Sum of Squares	df	Mean Squares	F	p	Sum of Squares	df	Mean Squares	F	p
Culture x Gender	11.34	1	11.34	8.72	***0.003	5.67	1	5.67	5.07	*0.025
Culture	53.95	1	53.95	41.47	****0.001	70.62	1	70.62	63.12	****0.001
Gender	0.48	1	0.48	0.37	0.544	0.90	1	0.90	0.81	0.369
Residual	359.09	276	1.30			308.77	276	1.12		

Mental State:	Low					High				
Effect	Sum of Squares	df	Mean Squares	F	p	Sum of Squares	df	Mean Squares	F	p
Culture x Gender	11.34	1	11.34	8.72	***0.003	7.51	1	7.51	6.77	**0.01
Culture	53.95	1	53.95	41.47	****0.001	83.81	1	83.81	75.53	****0.001
Gender	0.48	1	0.48	0.37	0.544	0.64	1	0.64	0.58	0.448
Residual	359.09	276	1.30			306.24	276	1.11		

Significant at \* $p \leq .05$ , \*\*  $p \leq .01$ , \*\*\*  $p \leq .005$ , and \*\*\*\*  $p \leq .001$ .

**Table 3.6 Results of Simple Effects Analysis for Role and Deed Variables**

**Hierarchy**

Mean Punishment Seriousness Scores: Authority				Mean Punishment Seriousness Scores: Equality				
	Male	Female	Row Statistics		Male	Female	Row Statistics	
Canada	3.055	3.395	F(1,281) = 1.838, p = .176	Canada	3.563	4.283	F(1,281) = 10.147, p = .002***	
Japan	2.319	2.047	F(1,281) = 1.207, p = .273	Japan	3.081	2.704	F(1,281) = 2.864, p = .092	
Column Statistics	F(1,281) = 16.156, p = .000****		F(1,281) = 20.005, p = .000****	Total Mean = 2.691 (n = 285); s.d. = 1.395	F(1,281) = 8.522, p = 0.004***		F(1,281) = 33.881, p = .000****	Total Mean = 3.364 (n = 285); s.d. = 1.272

**Solidarity**

Mean Punishment Seriousness Scores: Low Solidarity				Mean Punishment Seriousness Scores: High Solidarity				
	Male	Female	Row Statistics		Male	Female	Row Statistics	
Canada	4.075	4.681	F(1,278) = 5.316, p = .022*	Canada	2.993	3.534	F(1,278) = 4.872, p = .028*	
Japan	3.930	3.329	F(1,278) = 5.601, p = .019*	Japan	2.278	2.065	F(1,278) = .801, p = .372	
Column Statistics	F(1,278) = .593, p = .442		F(1,278) = 18.640, p = .000****	Total Mean = 3.995 (n = 282); s.d. = 1.393	F(1,278) = 16.546, p = .000****		F(1,278) = 25.241, p = .000****	Total Mean = 2.667 (n = 282); s.d. = 1.351

**Victim Harm**

Mean Punishment Seriousness Scores: Low Victim Harm				Mean Punishment Seriousness Scores: High Victim Harm				
	Male	Female	Row Statistics		Male	Female	Row Statistics	
Canada	3.423	3.991	F(1,286) = 6.900, p = .009**	Canada	4.680	5.080	F(1,286) = 4.047, p = .045*	
Japan	2.872	2.550	F(1,286) = 2.264, p = .133	Japan	3.857	3.701	F(1,286) = .631, p = .428	
Column Statistics	F(1,286) = 11.995, p = .001****		F(1,286) = 30.789, p = .000****	Total Mean = 3.178 (n = 290); s.d. = 1.231	F(1,286) = 31.807, p = .000****		F(1,286) = 33.433, p = .000****	Total Mean = 4.298 (n = 290); s.d. = 1.170

**Mental State**

Mean Punishment Seriousness Scores: Low Mental State				Mean Punishment Seriousness Scores: High Mental State				
	Male	Female	Row Statistics		Male	Female	Row Statistics	
Canada	3.392	3.991	F(1,287) = 7.706, p = .006**	Canada	5.960	6.207	F(1,287) = 1.594, p = .208	
Japan	2.860	2.550	F(1,287) = 2.108, p = .148	Japan	5.065	4.651	F(1,287) = 4.567, p = .033*	
Column Statistics	F(1,287) = 11.383, p = .001****		F(1,287) = 31.008, p = .000****	Total Mean = 3.161 (n = 291); s.d. = 1.227	F(1,287) = 38.864, p = .000****		F(1,287) = 43.792, p = .000****	Total Mean = 5.484 (n = 291); s.d. = 1.180

Significant at \*p ≤ .05, \*\*p ≤ .01, \*\*\*p ≤ .005 and \*\*\*\*p ≤ .001.

**(i) Authority and Equality**

According to the results of the F tests for hierarchy (see Table 3.5), there was no significant culture-gender interaction effect or gender main effect for authority but there was a significant culture main effect [ $F(1,281)=34.99, p=.001$ ]. In terms of equality, there was both a significant culture-gender interaction effect [ $F(1,281)=11.94, p=.001$ ] and culture main effect [ $F(1,281)=42.12, p=.001$ ] but no significant gender main effect. The finding that there was a significant culture-gender interaction effect for equality requires further elaboration by way of simple effects analysis.

The results of the simple effects analysis for the two levels of hierarchy (see Table 3.6) indicate that there was a significant culture effect for both men and women for authority relationships. Specifically, Canadian men had a higher mean punishment seriousness score than Japanese men had ( $X_{\text{Canada}}=3.055$  vs.  $X_{\text{Japan}}=2.319$ ; [ $F(1,281)=16.156, p=.000$ ]) while Canadian women had a greater mean score than Japanese women ( $X_{\text{Canada}}=3.395$  vs.  $X_{\text{Japan}}=2.047$ ; [ $F(1,281)=20.005, p=.000$ ]). In other words, both Canadian subgroups were more punitive than the Japanese subgroups were for authority relationships. For equality, the overall pattern of culture effects was similar to that for authority. Canadian men tended to be more punitive than Japanese men were ( $X_{\text{Canada}}=3.563$  vs.  $X_{\text{Japan}}=3.081$ ; [ $F(1,281)=8.522, p=.004$ ]) and Canadian women were generally more punitive than Japanese women ( $X_{\text{Canada}}=4.283$  vs.  $X_{\text{Japan}}=2.704$ ; [ $F(1,281)=33.881, p=.000$ ]). Overall, Canadian men and Canadian women tended to

advocate more serious punishment for equality relationships than Japanese men and Japanese women did. The finding that Canadians had higher mean scores than Japanese for both authority and equality relationships lends support to the hypothesis that Canadians would be more punitive than Japanese.

In terms of gender, Table 3.6 indicates that there were no significant effects for either Canadians or Japanese for authority. However, for equality, there was a significant effect for the Canadians, with Canadian women having a higher mean punishment seriousness score than Canadian men had ( $X_{\text{Women}}=4.283$  vs.  $X_{\text{Men}}=3.563$ ;  $[F(1,281)=10.147, p=.002]$ ). The observed difference between the mean punishment seriousness scores for Japanese men and Japanese women for equality was not found to be significant. Overall, the results of the simple effects analysis for gender provide only weak support for the hypothesis that there would be gender differences.

**(ii) Low Solidarity and High Solidarity**

In terms of low solidarity, there was a significant culture-gender interaction effect  $[F(1,278)=10.91, p=.001]$  and culture main effect  $[F(1,278)=16.78, p=.001]$  but no gender main effect (see Table 3.5). High solidarity also had a significant culture-gender interaction effect  $[F(1,278)=4.88, p=.001]$  and culture main effect  $[F(1,278)=40.98, p=.001]$  with no significant impact of gender.

Looking again at Table 3.6, the simple effects analysis indicates that, for low solidarity, the only significant culture effect occurred for women, with Canadian women having a higher mean punishment seriousness score than Japanese women ( $X_{\text{Canada}}=4.681$

vs.  $X_{\text{Japan}}=3.329$ ;  $[F(2,278)=18.640, p=.000]$ ). For men, the observed difference in mean scores between the Canadian and Japanese groups was not significant. Unlike for low solidarity, culture effects for high solidarity occurred for both men and women. Specifically, the mean score for Canadian men was higher than the mean score for Japanese men ( $X_{\text{Canada}}=2.993$  vs.  $X_{\text{Japan}}=2.278$ ;  $[F(1,278)=16.546, p=.000]$ ) and the Canadian women's mean score was greater than that of Japanese women ( $X_{\text{Canada}}=3.534$  vs.  $X_{\text{Japan}}=2.065$ ;  $[F(1,278)=25.241, p=.000]$ ). Generally, these results provide support for the hypothesis regarding Canadians being more punitive than Japanese.

With respect to gender, there were significant differences for both the Canadians and the Japanese for low solidarity (see Table 3.6). Canadian women had a higher mean punishment seriousness score for low solidarity than Canadian men ( $X_{\text{Women}}=4.681$  vs.  $X_{\text{Men}}=4.075$ ;  $[F(1,278)=5.316, p=.022]$ ). However, for the Japanese, the men's mean score was higher than the women's mean score ( $X=3.930$  vs.  $X=3.329$ , respectively), a statistically significant finding  $[F(1,278)=5.601, p=.019]$ . For high solidarity, the only gender effect was for the Canadians, with Canadian women again having a higher mean score than Canadian men ( $X_{\text{Women}}=3.534$  vs.  $X_{\text{Men}}=2.993$ ;  $[F(1,278)=4.872, p=.028]$ ). Overall, the hypothesis about gender differences in punitiveness is partially supported by these findings.

### (iii) **Low Victim Harm and High Victim Harm**

Going back to Table 3.5 we see that, there was a significant culture-gender interaction effect  $[F(1,276)=8.72, p=.003]$  and culture main effect  $[F(1,276)=41.47,$

$p=.001$ ] for low victim harm. However, there was no significant gender effect for this variable level. For high victim harm, the culture-gender interaction effect was significant [ $F(1,276)=5.07, p=.025$ ] as was the culture main effect [ $F(1,276)=63.12, p=.001$ ]. The gender effect was not statistically significant.

The results of the simple effects analysis (see Table 3.6) showed that there was a culture effect for both men and women for low victim harm. Canadian men had a significantly higher mean punishment seriousness score than Japanese men ( $X_{\text{Canada}}=3.423$  vs.  $X_{\text{Japan}}=2.872$ ; [ $F(1,286)=11.995, p=.001$ ]) while Canadian women's mean score was greater than the mean score for Japanese women ( $X_{\text{Canada}}=3.991$  vs.  $X_{\text{Japan}}=2.550$ ; [ $F(1,286)=30.789, p=.000$ ]). As was the case for low victim harm, a significant culture effect for high victim harm occurred for both gender subgroups. Canadian men were again more punitive than Japanese men were ( $X_{\text{Canada}}=4.680$  vs.  $X_{\text{Japan}}=3.857$ ; [ $F(1,286)=31.807, p=.000$ ]). Canadian women's mean score was greater than the mean score for Japanese women ( $X_{\text{Canada}}=5.080$  vs.  $X_{\text{Japan}}=3.701$ ; [ $F(1,286)=33.433, p=.000$ ]). The results regarding cultural differences strongly support the hypothesis that Canadians would be more punitive than their Japanese counterparts.

According to Table 3.6, in terms of gender, the only significant effects for low victim harm and high victim harm were for Canadians. More specifically, Canadian women had a higher mean punishment seriousness score than Canadian men did for low victim harm ( $X_{\text{Women}}=3.991$  vs.  $X_{\text{Men}}=3.423$ ; [ $F(1,286)=6.900, p=.009$ ]) as well as for high victim harm ( $X_{\text{Women}}=5.080$  vs.  $X_{\text{Men}}=4.680$ ; [ $F(1,286)=4.047, p=.045$ ]). The

finding that a gender difference occurred only for the Canadians lends only partial support to the hypothesis regarding gender differences.

**(iv) Low Mental State and High Mental State**

Looking again at Table 3.5, the F test results indicate that there was a significant culture-gender interaction effect [ $F(1,276)=8.72, p=.003$ ] and culture main effect [ $F(1,276)=41.47, p=.001$ ] for low victim harm. The same was true for high victim harm (culture-gender interaction effect: [ $F(1,276)=6.77, p=.01$ ]; culture main effect: [ $F(1,276)=75.53, p=.001$ ]). However, neither of the victim harm variable levels had a significant gender effect.

Referring back to Table 3.6, the simple effects analysis revealed that a significant culture effect existed for both men and women. As was the case with hierarchy, solidarity and victim harm, Canadian men had a higher mean punishment seriousness score than Japanese men had ( $X_{\text{Canada}}=3.392$  vs.  $X_{\text{Japan}}=2.860$ ; [ $F(1,287)=11.383, p=.001$ ]). In terms of the women's subgroups, Canadian women had a greater mean score than Japanese women did ( $X_{\text{Canada}}=3.991$  vs.  $X_{\text{Japan}}=2.550$ ; [ $F(1,287)=31.008, p=.000$ ]).

With respect to gender effects, the simple effects analysis indicates that the only significant effect for low mental state was for the Canadians (see Table 3.6).

Specifically, Canadian women generally recommended more serious punishment than Canadian men did ( $X_{\text{women}}=3.991$  vs.  $X_{\text{Men}}=3.392$ ; [ $F(1,287)=7.706, p=.006$ ]). For high mental state, on the other hand, the Japanese subgroup had a significant gender effect while the Canadians did not. The mean punishment seriousness score for Japanese men

was greater than the mean score for Japanese women ( $X_{Men}=5.065$  vs.  $X_{Women}=4.651$ ;  $[F(1,287)=4.567, p=.033]$ ). As with the other role and deed variable levels, the hypothesis about gender differences is only partly supported by the results of the simple effects analyses for the mental state variable levels.

### 3.2.2 MANOVA Results for Role-Deed Combinations

As was the case with the role and deed variables, MANOVA needed to be performed for the role-deed combination variables in order to examine whether cultural and gender differences found in the t-test results are significant.

Recall from section 3.2.1 that the MANOVA procedure was done for each variable grouping (i.e., high victim harm/hierarchy, high victim harm/solidarity, high mental state/hierarchy, and high mental state/solidarity), producing a Hotelling's statistic, F value, and significance level (see Table 3.7).

According to Table 3.7, multivariately, all variable groupings had a significant ( $p \leq .05$ ) culture-gender interaction effect. For example, high victim harm/solidarity had a culture-gender interaction effect  $[F(2,273)=5.192]$  significant at  $p \leq .01$ . In section 3.2.1 it was explained that this means the culture effect was different for men and women and vice-versa (i.e., the gender effect was different for Canadians than it was for Japanese). There were also significant ( $p \leq .001$ ) culture main effects for each of the variable groupings but no significant gender main effects. High victim harm/solidarity, for example, had a significant culture main effect  $[F(2,273)=30.541, p=.000]$  but the gender main effect was not significant ( $p=.174$ ).

Table 3.7 MANOVA Results for Role-Deed Combination Variables

Independent Variables	Interaction Effects	Main Effects	
	Culture x Gender	Culture	Gender
High Victim Harm & Hierarchy	Hotellings = .029 F(2,274) = 4.020 *p = .019	Hotellings = .228 F(2,274) = 31.274 ****p = .000	Hotellings = .003 F(2,274) = .407 p = .666
High Victim Harm & Solidarity	Hotellings = .038 F(2,273) = 5.192 **p = .006	Hotellings = .224 F(2,273) = 30.541 ****p = .000	Hotellings = .013 F(2,273) = 1.762 p = .174
High Mental State & Hierarchy	Hotellings = .028 F(2,270) = 3.731 *p = .025	Hotellings = .281 F(2,270) = 37.886 ****p = .000	Hotellings = .002 F(2,270) = .298 p = .743
High Mental State & Solidarity	Hotellings = .044 F(2,270) = 5.999 ***p = .003	Hotellings = .276 F(2,270) = 37.318 ****p = .000	Hotellings = .018 F(2,270) = 2.373 p = .095

Significant at \*p ≤ .05, \*\*p ≤ .01, \*\*\*p ≤ .005, and \*\*\*\*p ≤ .001.

As in section 3.2.1, each of the following four subsections refers to two tables: Table 3.8 (results of the F tests for the role-deed variables) and Table 3.9 (results of the simple effects analyses for the role-deed combination variables). Also, recall from section 3.2 that the findings in the subsections for the variable groupings are used to address Hypothesis 9 (Canadians will be more punitive than Japanese) and Hypothesis 14 (there will be gender differences in punitiveness).

**(i) High Victim Harm: Authority and Equality**

Table 3.8 indicates that for high victim harm/authority there was no significant culture-gender interaction effect but there was a significant culture main effect [ $F(1,275)=44.81, p=.001$ ]. For high victim harm/equality, however, there was a significant culture-gender interaction effect [ $F(1,275)=7.08, p=.008$ ] and culture main effect [ $F(1,275)=58.91, p=.001$ ]. Neither of the high victim harm/hierarchy variable levels had a significant gender main effect.

The simple effects analysis (see Table 3.9) indicates that for high victim harm/authority there was a significant culture effect for both the men and women subgroups. More specifically, the Canadian men's mean punishment seriousness score was higher than the Japanese men's score ( $X_{\text{Canada}}=4.431$  vs.  $X_{\text{Japan}}=3.432$ ; [ $F(1,289)=30.559, p=0.000$ ]) while the Canadian women's mean score was greater than the Japanese women's score ( $X_{\text{Canada}}=4.724$  vs.  $X_{\text{Japan}}=3.443$ ; [ $F(1,289)=19.509, p=.000$ ]). This overall pattern was similar for high victim harm/equality in that Canadian men were more punitive than Japanese men were ( $X_{\text{Canada}}=4.797$  vs.  $X_{\text{Japan}}=4.066$ ;

**Table 3.8 Results of F Tests for Role-Deed Combination Variables**

<b>High Victim Harm &amp; Hierarchy:</b>		<b>Authority</b>					<b>Equality</b>				
Effect	Sum of Squares	df	Mean Squares	F	p	Sum of Squares	df	Mean Squares	F	p	
Culture x Gender	2.09	1	2.09	1.21	0.272	8.09	1	8.09	7.08	*0.008	
Culture	77.13	1	77.13	44.81	**0.001	67.33	1	67.33	58.91	**0.001	
Gender	1.20	1	1.20	0.70	0.405	0.78	1	0.78	0.68	0.410	
Residual	473.37	275	1.72			314.29	275	1.14			
<b>High Victim Harm &amp; Solidarity:</b>		<b>Low</b>					<b>High</b>				
Effect	Sum of Squares	df	Mean Squares	F	p	Sum of Squares	df	Mean Squares	F	p	
Culture x Gender	12.66	1	12.66	10.40	**0.001	3.37	1	3.37	2.13	0.146	
Culture	35.29	1	35.29	29.00	**0.001	91.17	1	91.17	57.65	**0.001	
Gender	0.26	1	0.26	0.22	0.642	2.93	1	2.93	1.85	0.175	
Residual	333.37	274	1.22			433.27	274	1.58			
<b>High Mental State &amp; Hierarchy:</b>		<b>Authority</b>					<b>Equality</b>				
Effect	Sum of Squares	df	Mean Squares	F	p	Sum of Squares	df	Mean Squares	F	p	
Culture x Gender	5.10	1	5.10	2.99	0.085	7.97	1	7.97	7.32	*0.007	
Culture	93.16	1	93.16	54.65	**0.001	80.31	1	80.31	73.72	**0.001	
Gender	0.51	1	0.51	0.30	0.584	0.65	1	0.65	0.60	0.441	
Residual	461.93	271	1.70			295.22	271	1.09			
<b>High Mental State &amp; Solidarity:</b>		<b>Low</b>					<b>High</b>				
Effect	Sum of Squares	df	Mean Squares	F	p	Sum of Squares	df	Mean Squares	F	p	
Culture x Gender	13.86	1	13.86	11.96	**0.001	4.59	1	4.59	3.06	0.081	
Culture	62.10	1	62.10	53.60	**0.001	95.65	1	95.65	63.71	**0.001	
Gender	4.09	1	4.09	3.53	0.061	0.04	1	0.04	0.03	0.865	
Residual	313.97	271	1.16			406.86	271	1.50			

Significant at \* $p \leq .01$  and \*\* $p \leq .001$ .

**Table 3.9 Results of Simple Effects Analysis for Role-Deed Combination Variables**

**High Victim Harm /Hierarchy**

Mean Punishment Seriousness Scores: Authority				Mean Punishment Seriousness Scores: Equality			
	Male	Female	Row Statistics		Male	Female	Row Statistics
Canada	4.431	4.724	F(1,289) = 1.471, p = .226	Canada	4.797	5.270	F(1,289) = 5.684, p = .018*
Japan	3.432	3.443	F(1,289) = .002, p = .963	Japan	4.066	3.895	F(1,289) = .743, p = .390
Column Statistics	F(1,289) = 30.559, p = .000**	F(1,289) = 19.509, p = .000**	Total Mean = 3.976 (n = 293); s.d. = 1.416	Column Statistics	F(1,289) = 24.182, p = .000**	F(1,289) = 33.286, p = .000**	Total Mean = 4.475 (n = 293); s.d. = 1.177

**High Victim Harm/Solidarity**

Mean Punishment Seriousness Scores: Low Solidarity				Mean Punishment Seriousness Scores: High Solidarity			
	Male	Female	Row Statistics		Male	Female	Row Statistics
Canada	5.160	5.525	F(1,288) = 3.101, p = .079	Canada	4.382	4.818	F(1,288) = 3.434, p = .065
Japan	4.860	4.398	F(1,288) = 5.073, p = .025*	Japan	3.340	3.412	F(1,288) = .097, p = .756
Column Statistics	F(1,288) = 3.828, p = .051	F(1,288) = 20.689, p = .000**	Total Mean = 4.994 (n = 292); s.d. = 1.155	Column Statistics	F(1,288) = 35.894, p = .000**	F(1,288) = 25.038, p = .000**	Total Mean = 3.927 (n = 292); s.d. = 1.388

**High Mental State/Hierarchy**

Mean Punishment Seriousness Scores: Authority				Mean Punishment Seriousness Scores: Equality			
	Male	Female	Row Statistics		Male	Female	Row Statistics
Canada	5.798	6.007	F(1,306) = .863, p = .354	Canada	6.033	6.247	F(1,306) = 1.404, p = .237
Japan	4.766	4.528	F(1,306) = .991, p = .320	Japan	5.181	4.802	F(1,306) = 3.945, p = .048*
Column Statistics	F(1,306) = 35.256, p = .000**	F(1,306) = 28.218, p = .000**	Total Mean = 5.308 (n = 310); s.d. = 1.417	Column Statistics	F(1,306) = 37.519, p = .000**	F(1,306) = 42.058, p = .000**	Total Mean = 5.611 (n = 310); s.d. = 1.159

**High Mental State/Solidarity**

Mean Punishment Seriousness Scores: Low Solidarity				Mean Punishment Seriousness Scores: High Solidarity			
	Male	Female	Row Statistics		Male	Female	Row Statistics
Canada	6.362	6.511	F(1,306) = .636, p = .426	Canada	5.723	5.973	F(1,306) = 1.397, p = .238
Japan	5.773	5.118	F(1,306) = 11.088, p = .001**	Japan	4.698	4.494	F(1,306) = .837, p = .361
Column Statistics	F(1,306) = 3.485, p = .063	F(1,306) = 36.710, p = .000**	Total Mean = 6.016 (n = 310); s.d. = 1.159	Column Statistics	F(1,306) = .022, p = .881	F(1,306) = 32.236, p = .000**	Total Mean = 5.244 (n = 310); s.d. = 1.341

Significant at \*p ≤ .05 and \*\*p ≤ .001.

[F(1,289)=24.182, p=000]) and Canadian women generally recommended more serious punishment than Japanese women did ( $X_{\text{Canada}}=5.270$  vs.  $X_{\text{Japan}}=3.895$ ; [F(1,289)=33.286, p=000]). These findings lend strong support to the hypothesis regarding Canadians being more punitive than Japanese.

In terms of gender effects, the results of the simple effects analysis (see Table 3.9) revealed that there was no significant effect for either culture for high victim harm/authority. However, with respect to high victim harm/equality there was a significant gender effect for Canadians, with women having a higher mean score than men ( $X_{\text{Women}}=5.270$  vs.  $X_{\text{Men}}=4.797$ ; [F(1,287)=5.684, p=.018]). The Japanese did not have a significant gender effect for high victim harm/equality. These findings regarding gender variation for high victim harm/hierarchy only weakly support the hypothesis stating that there would be gender differences in punitiveness.

**(ii) High Victim Harm: Low Solidarity and High Solidarity**

Referring again to Table 3.8, the results of the F tests indicate that high victim harm/low solidarity had both a significant culture-gender interaction effect [F(1,274)=10.40, p=.001] and culture main effect [F(1,274)=29.00, p=.001] but no gender main effect. For high victim harm/high solidarity, however, the only significant effect was a culture main effect [F(1,274)=57.65, p=.001].

The results of the simple effects analysis, presented in Table 3.9, indicate that for high victim harm/low solidarity, a significant culture effect was found for the women but not for the men. Canadian women had a higher mean punishment seriousness score than

Japanese women had ( $X_{\text{Canada}}=5.525$  vs.  $X_{\text{Japan}}=4.398$ ;  $[F(1,288)=20.689, p=.000]$ ). High victim harm/high solidarity had a culture effect for both men and women. Canadian men tended to be more punitive than Japanese men were ( $X_{\text{Canada}}=4.382$  vs.  $X_{\text{Japan}}=3.340$ ;  $[F(1,288)=35.894, p=.000]$ ) while, overall, Canadian women were more punitive than Japanese women were ( $X_{\text{Canada}}=4.818$  vs.  $X_{\text{Japan}}=3.412$ ;  $[F(1,288)=25.038, p=.000]$ ). These results concerning cultural differences lend some support to the hypothesis regarding cultural variation in general levels of punitiveness.

The only significant gender effect for the high victim harm/solidarity variable levels (see Table 3.9) was for Japanese on high victim harm/low solidarity ( $X_{\text{Men}}=4.860$  vs.  $X_{\text{Women}}=4.398$ ;  $F(1,288)=5.073, p=.025$ ). All other gender effects for high victim harm/solidarity were not significant. These findings regarding gender provide only weak support for the hypothesis about gender differences in punitiveness.

### (iii) High Mental State: Authority and Equality

Looking back at Table 3.8, the F tests indicate that for high mental state/authority, the only significant effect was a culture main effect  $[F(1,271)=54.65, p=.001]$ . There was no significant culture-gender interaction or gender main effect. However, high mental state/equality had a significant culture-gender interaction effect  $[F(1,271)=7.32, p=.007]$  and culture main effect  $[F(1,271)=73.72, p=.001]$  but no gender main effect.

Table 3.9 shows the results of the simple effects analysis for the high mental state/solidarity variable levels. For high mental state/authority there was a significant culture effect for men and women. Overall, Canadian men recommended more serious

punishment than Japanese men did ( $X_{\text{Canada}}=5.798$  vs.  $X_{\text{Japan}}=4.766$ ; [ $F(1,306)=35.256$ ,  $p=.000$ ]) while Canadian women were more punitive than Japanese women were ( $X_{\text{Canada}}=6.007$  vs.  $X_{\text{Japan}}=4.528$ ; [ $F(1,306)=28.218$ ,  $p=.000$ ]). This culture effect was the same for high mental state/equality, with Canadian men and Canadian women having higher mean punishment seriousness scores than Japanese men and Japanese women, respectively (men:  $X_{\text{Canada}}=6.033$  vs.  $X_{\text{Japan}}=5.181$ ; [ $F(1,306)=37.519$ ,  $p=.000$ ] and women:  $X_{\text{Canada}}=6.247$  vs.  $X_{\text{Japan}}=4.802$ ; [ $F(1,306)=42.058$ ,  $p=.000$ ]). These findings strongly support the hypothesis regarding greater punitiveness of Canadians as opposed to Japanese.

Gender effects for the high mental state/hierarchy variable levels were nearly non-existent (see Table 3.9). The only significant effect was for the Japanese subgroup, with men being more punitive than women were ( $X_{\text{Men}}=5.181$  vs.  $X_{\text{Women}}=4.802$ ; [ $F(1,306)=3.945$ ,  $p=.048$ ]). As with the other variable groupings, these results regarding gender lend only limited support to the hypothesis about gender differences in punitiveness.

**(iv) High Mental State: Low Solidarity and High Solidarity**

Referring again to Table 3.8, the results of the F tests for high mental state/solidarity indicate that there was a significant culture-gender interaction effect [ $F(1,271)=11.96$ ,  $p=.001$ ] and culture main effect [ $F(1,271)=53.60$ ,  $p=.001$ ] for high mental state/low solidarity. For high mental state/high solidarity, however, the only

significant effect was a culture main effect [ $F(1,271)=63.71, p=.001$ ]. Neither of these variable levels had a significant gender main effect.

The simple effects analysis (see again Table 3.9) indicates that the only significant culture effect was for women on both levels of the high mental state/solidarity variable. More specifically, Canadian women had a higher mean punishment seriousness score than Japanese women had on both high mental state/low solidarity ( $X_{\text{Canada}}=6.511$  vs.  $X_{\text{Japan}}=5.118$ ; [ $F(1,306)=36.710, p=.000$ ]) and high mental state/high solidarity ( $X_{\text{Canada}}=5.973$  vs.  $X_{\text{Japan}}=4.494$ ; [ $F(1,306)=32.236, p=.000$ ]). These findings provide partial support for the hypothesis about cultural differences in overall punitiveness.

The only significant gender effect, according to the results of the simple effects analysis (see Table 3.9), was for the Japanese on high mental state/low solidarity. Japanese men, overall, were more punitive than Japanese women were ( $X_{\text{Men}}=5.773$  vs.  $X_{\text{Women}}=5.118$ ; [ $F(1,306)=11.088, p=.001$ ]). There were no significant gender effects for Canadians or Japanese on high mental state/high solidarity. In general, the hypothesis regarding gender differences in punitiveness is only weakly supported by the results for high mental state/low solidarity.

### **3.2.3 Summary: Results of MANOVA**

***Roles and Deeds*** Overall, there were culture main effects and culture-gender interaction effects but no gender main effects for the role and deed variables. In general, Canadian men and Canadian women were more punitive than their Japanese counterparts, providing strong support for Hypothesis 9 regarding culture differences in punitiveness.

In terms of gender, Canadian women tended to recommend more serious punishment than Canadian men did. This was consistent with the expectation that there would be gender differences in recommended punishment seriousness (see Hypothesis 14). For the Japanese, however, there was little evidence of gender differences. In general, there is only partial support for the hypothesis addressing gender differences.

***Role-Deed Combinations*** With respect to the role-deed combination variables, generally there were culture main effects and some culture-gender interaction effects, although there were fewer of these latter effects for the role-deed combinations than there were for the separate role and deed variables. There were no gender main effects for any of the role-deed combination variable levels. In general, Canadian men and Canadian women recommended more serious punishment than Japanese men and Japanese women, respectively. However, the results for the men were less prevalent than the results for the women. Nonetheless, these findings provide some support for Hypothesis 9 which states that, overall, Canadians would be more punitive than Japanese. Gender differences were few and existed mainly for the Japanese, with the men being more punitive than the women were. Therefore, the Hypothesis 14 regarding gender differences in punitiveness has little support in terms of the role-deed combination variables.

### **3.3 Conclusion**

This chapter has provided detailed results of the t-test and MANOVA procedures used to analyze the data for this thesis research on punishment decisions. T-tests were

employed in order to examine the impact of roles (hierarchy and solidarity) and deeds (victim harm and mental state), as well as the impact of role-deed combinations, on the seriousness of recommended punishment for the research sample. MANOVA was also conducted so that cultural and gender differences observed in the t-test results could be investigated for statistical significance.

Overall, the empirical findings presented in this chapter indicate that there was *social structural, cultural* and, to a lesser extent, *gender* variation in decisions about the seriousness of punishment recommended for wrongdoing. In terms of social structure, the statistical analysis revealed that the nature of the social relationship (roles) impacted punishment decisions. More specifically, respondents tended to recommend more serious punishment when in relationships of equality (vs. authority) and of low solidarity (vs. high solidarity). Deeds, or aspects of the social conduct, also had an impact on the seriousness of recommended punishment. On average, respondents were more punitive when victim harm was high (vs. low) and when mental state (as an indicator of intention) was high (vs. low). In addition, role-deed combinations were examined and it was noted that victim harm information and mental state information had greater impact in relationships of authority (vs. equality) and of high solidarity (vs. low solidarity).

With respect to culture, Canadian respondents were, overall, more punitive than Japanese respondents were across a variety of wrongdoing situations. Gender differences, on the other hand, were not as pervasive as the cultural differences were. Altogether, there was some evidence of differences between Canadian men and Canadian

women as well as between Japanese men and Japanese women. However, the evidence was not overwhelming.

The final step in this thesis is to discuss the results in a more general way with respect to the theoretical concepts and previous empirical investigations that were discussed in Chapter 1. This discussion and conclusion of the results is the focus of Chapter 4.

## **Chapter 4**

### **DISCUSSION AND CONCLUSION**

#### **4.0 Introduction**

Recall that Chapter 1 of this thesis had the purpose of explaining the sociological context of this research, including relevant theoretical concepts and empirical findings of previous research. Chapter 2 presented details of the methodology employed in this thesis research. As this was an empirical investigation, the statistical procedures used to analyze the data were also explained in Chapter 2 in order to prepare the reader for the presentation of the results in Chapter 3. In this chapter, the general empirical results that were described in Chapter 3 are discussed in relation to concepts presented in Chapter 1. This discussion begins with a brief summary of the purpose of this thesis research. Following this, the results of the empirical investigation are discussed. This discussion is organized according to the research questions stated in Chapter 1.

#### **4.1 Punishment Decision-Making**

People are continually making decisions about how to appropriately respond to wrongdoing committed by others. This can involve a negative reaction to the wrongdoer and is referred to as punishment. Decisions about punishment are an important feature of a society's legal culture, which informs its members (through ongoing legal socialization) how to think about the law and how to appropriately respond to situations of conflict and wrongdoing. Comparing legal cultures can help us to better understand ways in which such cultures are similar as well as different. The pervasiveness of punishment decisions

in everyday life makes this type of legal judgment an interesting and important research focus in comparative studies of legal cultures.

Research on punishment decision-making can highlight the relevance of particular factors at the micro-level of social interaction, thereby enhancing our understanding of how such decisions are made. Literature and previous empirical research suggests that there are several factors taken into consideration when we are choosing an appropriate punishment for a wrongdoer. For example, recall from Chapter 1 that the context of the wrongdoing may impact punishment recommended for wrongdoing. More specifically, it was argued that the social relationship shared by the wrongdoer and victim, the degree of victim harm, and the wrongdoer's intention to commit the act are all likely to be considerations in punishment decision-making.

In addition, at the macro-level culture has been shown to impact recommended punishment to the extent that cultures differ in their general orientation towards values of individualism vs. collectivism. The literature also points to the possibility of gender differences in punishment decisions, although this source of variation has not been widely studied.

The purpose of this thesis research was to examine social structure, culture, and gender as potential sources of variation in the seriousness of punishment recommended for everyday acts of wrongdoing. Previous research indicates that although cultural differences may exist, there are also similarities in how people across cultures make decisions about punishment. Therefore, this thesis research compared Canadian and Japanese young adults in order to demonstrate that there is both social structural and

cultural variation in punishment decisions. In addition, gender was included as an independent variable because, as mentioned in Chapter 1, it has been largely neglected in research on punishment decisions despite its importance as an aspect of social structure.

#### **4.1.1 Impact of Roles and Deeds**

The first research question asked: **Do the nature of social relationships (roles) and the nature of the social conduct (deeds) impact punishment decisions?** Recall from Chapter 1 that social relationships, such as the one shared by a wrongdoer and victim, are marked by the dimensions of hierarchy and solidarity. It was argued that these two elements can each impact punishment decisions (see section 1.8.1). For example, literature in this area led to the hypothesis stating that in relationships in which the wrongdoer is in a position of authority over the victim, recommended punishment should be more serious than when the relationship is one of equality. This reflects the greater obligation of an authority to attend to the well being of a subordinate (Hamilton and Sanders, 1992).

Unexpectedly, the findings did not support the hypothesis regarding authority vs. equality relationships. It was found that recommended punishment was more serious in relationships of equality. It might be that this evidence was the result of the vignettes that were combined to form the authority measure. The three vignettes that made-up the authority measure included only a parent-child relationship. It was initially assumed that this type of relationship adequately represented a situation of authority, with the parent being in a position of authority over the child. However, it is possible that there is

something unique about a parent-child relationship that makes it different from other authority relationships. For example, perhaps the fact that this type of hierarchical connection is simultaneously a high solidarity one affected the respondents' punishment recommendations. The results may have been different had the authority measure included other types of authority relationships, such as work-related (i.e., low solidarity) ones, which are often referred to in the literature on hierarchical relationships and issues of responsibility and punishment. Perhaps the hierarchy and the solidarity of the relationship are considered in combination when making punishment decisions. The unexpected finding of more serious punishment being recommended in relationships of equality might be further explored by comparing authority/low solidarity relationships with authority/high solidarity ones. Unfortunately, the primary research did not allow for such an analysis.

It was also hypothesized that the degree of solidarity (low vs. high) of the relationship between the wrongdoer and victim would be a source of variation in punishment decisions such that respondents would be more punitive when solidarity was low. As expected, respondents tended to recommend more serious punishment when the relationship between the wrongdoer and victim was described as being one of low solidarity (e.g., businessman/client or strangers). Although the data did not provide an explanation for why this would be, the evidence is consistent with the explanation that people view close relationships as needing protection so that the social ties can be maintained. Recall from Chapter 1 that more serious punishment (such as that involving the courts) may tend to jeopardize social ties more than less serious (i.e., less formal)

punishment will. However, in relationships of low solidarity, particularly in the case of strangers, the relationship is less in need of maintenance and protection. This allows for more serious punishment to be imposed on the wrongdoer.

The nature of the social relationship is not the only consideration in punishment decision-making. As explained in Chapter 1, aspects of the social conduct itself are believed to impact punishment decisions. For example, the degree of victim harm and the wrongdoer's intention to commit the act of wrongdoing are possible factors (see section 1.8.1). Drawing on previous research and literature, it was hypothesized that when the harm suffered by the victim was high, the recommended punishment would be more serious than when victim harm was low. The evidence supported this expectation, with respondents tending to react to descriptions of high victim harm by recommending more serious punishment than they recommended for situations of low victim harm. In Chapter 1, it was pointed out that Hamilton and Sanders (1992) did not find evidence that victim harm influenced punishment decisions in any way. However, the results of this thesis research were consistent with other research cited in Chapter 1 that investigated the impact of victim harm on punitiveness.

In addition to victim harm, the mental state (i.e., intention) of the wrongdoer to commit the act was hypothesized to impact recommended punishment seriousness such that respondents would be more punitive when mental state was high as opposed to low. Mental state was indicated by whether the wrongdoer had committed the act several times in the past (high mental state) or never before (low mental state). The results supported the expectation about mental state in the hypothesized direction. When the

wrongdoer had committed the same act several times in the past, recommended punishment tended to be more serious. In fact, the findings indicate that mental state was the most important factor of all the role and deed variables. In other words, information that the wrongdoer intended to commit the act tended to most affect decisions about punishment seriousness.

Overall, the findings for the role and deed variables indicate that social structural variation in punishment decisions existed for the research sample of Canadian and Japanese young adults. The pattern of results was similar for the two cultural groups, suggesting that even across diverse cultures such as Canada and Japan, there are similarities in how decisions about punishment are made. More specifically, information about the hierarchy and solidarity of the relationship between the wrongdoer and victim is taken into account. Furthermore, respondents also pay attention to the degree of harm suffered by the victim and the intention of the person committing the act of wrongdoing.

Following the first research question about the impact of roles and deeds, a second research question was posed: **Do role-deed combinations impact punishment decisions?** As mentioned in Chapter 1, the impact of deed information may not be the same for different types of relationships. For example, in authority (vs. equality) relationships and high (vs. low) solidarity relationships, information about high victim harm was expected to have a greater impact (see section 1.8.1). Recall that, according to Hamilton and Sanders (1992), there may be a greater “obligation of foresight” (p. 85) in relationships of authority (vs. equality) and of high (vs. low) solidarity. Thus, when victim harm or intention is high in these types of social relationships, the wrongdoer is

likely held more responsible and thus subjected to more serious punishment. This means that when victim harm is high as a result of wrongdoing in a relationship of authority (or high solidarity), the increase in the seriousness of the recommended punishment should be greater than when in a relationship of equality (or low solidarity). This same argument was made for high mental state.

The findings for both high victim harm and high mental state supported the hypotheses regarding the impact of role-deed combinations. When victim harm and mental state were each described as being high in relationships of authority and of high solidarity, respondents' punitiveness tended to increase more than when the relationships were of equality and low solidarity, respectively. In general, therefore, information about social conduct was used differently according to the context of the social relationship. These findings suggest that examining roles and deeds separately does not provide a complete picture of how these variables impact punishment decisions. The impact of role-deed combinations speaks to the complexity of punishment decision-making. Furthermore, the results for the role-deed combinations were similar for Canadians and Japanese. As was the case with the findings for the role and deed variables separately, this indicates that, to some extent, similarities in punishment decision-making are shared by Canadian and Japanese legal cultures.

#### **4.1.2 Impact of Culture**

In addition to similarities in punishment decision-making between disparate legal cultures, Chapter 1 also argued that there should be cultural variation stemming from

differences in orientation towards values of individualism vs. collectivism (and the resultant view of the social actor as either isolated or contextual). Therefore, the third research question asked: **Does a culture's orientation towards values of individualism vs. collectivism impact punishment decisions?**

Ideas about the social actor as either isolated or contextual reflect values of individualism and collectivism, respectively. Recall that Japan is considered to be generally collectivistic and thus tends to see the social actor as embedded in complex social networks. Canada, in contrast, tends to be regarded as individualistic. The social actor, as a result, is generally viewed as somewhat isolated rather than deeply embedded in a network of strong social ties. In Chapter 1, it was argued that an orientation towards values of collectivism (the social actor as contextual) is more consistent with recommendations of less serious punishment than is an orientation towards values of individualism (the social actor as isolated). In keeping with these concepts, it was hypothesized that, overall, Canadians would be more punitive (i.e., recommend more serious punishment) than Japanese would be across a variety of situations of wrongdoing (see section 1.8.2).

This empirical investigation revealed that, indeed, Canadians tended to be more punitive than their Japanese counterparts across various situations of wrongdoing, which is consistent with values of individualism vs. contextualism. Interestingly, although the women's subgroups showed significant cultural differences on all role, deed, and role-deed variable levels, the men's subgroups did not show a cultural difference for any of the levels involving low solidarity. In situations in which the wrongdoer and victim had a

relationship of low solidarity, Canadian men and Japanese men were similar in terms of punishment decisions. This suggests that, at least for men, Japanese are just as punitive as Canadians are when the wrongdoer and the victim do not share a close social relationship.

Another way in which to consider the cultural differences in punitiveness is to borrow from Gilligan's theory of a morality of care vs. a morality of justice. Recall from Chapter 1 that a morality of care is believed to be consistent with recommendations of less serious punishment than is a morality of justice. This is a reflection of a greater concern for interpersonal relationships. The finding that Japanese tend to be less punitive than Canadians may suggest that the former group is more apt to use a morality of care while the latter group leans more towards a morality of justice. A morality of care that focuses on relationships would appear to be consistent with an orientation towards collectivism. Perhaps future research on cultural differences in punitiveness will yield more insight into explanations for such differences.

The findings regarding cultural differences supported the hypothesis regarding values of individualism vs. collectivism. However, further comparison of punishment decisions between Canadians and Japanese indicate that there is not necessarily a clear-cut distinction between these two orientations of individualism and collectivism. Recall the fourth research question asked in Chapter 1: **Does a culture's orientation towards values of individualism vs. collectivism interact with roles and deeds to impact punishment decisions?** As explained in Chapter 1, it was expected that in a more collectivistic culture such as Japan (in which the social actor is viewed as being

contextual), respondents would focus more on information about social relationships (roles) than would respondents in a more individualistic culture such as Canada (in which the social actor is generally considered to be isolated). Likewise, respondents in Canada were expected to pay more attention to social conduct (deed) information than respondents in Japan were (see section 1.8.2).

The results of this thesis research did not strongly support these hypotheses. The findings for the men's subgroups were consistent with expectations while the results for the women's subgroups were mixed. Japanese men focused more on role information than Canadian men did while the latter group paid more attention to deed information, although the differences were not large. However, no such generalizations could be made about Canadian women and Japanese women. Overall, these findings may lend some support to the argument that the Japanese may be experiencing a slight shift towards an individualistic orientation (Hayashi and Kuroda, 1997: 70-71).

#### **4.1.3 Impact of Gender**

The inclusion of gender as a variable in this thesis research allowed for a deeper understanding of punishment decision-making variation. Recall from Chapter 1 that literature suggests the existence of gender differences in punitiveness. However, it was pointed out that the direction of the difference is not certain, as research about gender and punitiveness is contradictory. That is, some literature suggests women are more punitive than men while other literature indicates the opposite relationship (see section 1.8.4). Further complicating the matter is the possibility of interaction between culture and

gender (see section 1.8.5). In Chapter 1 it was argued that the general experience of women in North America is somewhat different from that of women in Japan. This led to the decision to examine culture-gender interaction effects in addition to gender main effects in the statistical analysis. Therefore, the final research question asked: **Does gender, or the interaction of gender and culture, impact punishment decisions?** It was hypothesized that, overall, men would differ from women in the seriousness of the recommended punishment across a variety of situations of wrongdoing. Recall that there were no specific expectations about the direction of the relationship for either culture.

In general, the results indicate that there were some gender differences in punitiveness, although they were not as pervasive as the cultural differences were. Interestingly, the impact of gender on punishment decisions was different for Canadians than it was for Japanese. Where gender differences existed for Canadians, women were consistently more punitive than men. However, for the few gender effects that occurred for Japanese, men were more punitive than women were.

Unfortunately, this research did not allow for an examination of factors that could be responsible for gender differences in punitiveness. However, Chapter 1 included a brief discussion of Carol Gilligan's ideas regarding differences in men's and women's moral reasoning (see section 1.8.4), which can be extended to encompass gender differences in punitiveness. Recall that Gilligan argues that women tend to use a morality of care while men's moral reasoning is generally justice-oriented. In Chapter 1 it was asserted that this could translate into women being less punitive than men, due to a greater concern for social relationships (similar to values of collectivism). This is

consistent with the finding of gender differences for Japanese respondents, with the women being less punitive than the men were. However, it is inconsistent with the finding that Canadian women tend to be more punitive than Canadian men were. Perhaps, contrary to Gilligan's theory, Canadian women use a morality of justice as much as, or more than, Canadian men. If this is the case, it would not be surprising to find that Canadian women are as punitive as men and sometimes even more so. Again, reasons for the gender differences found in this thesis research are only speculative. Further research on gender variation, and cross-cultural gender variation, in punishment decisions will be required in order to explain adequately the relationship between gender and punitiveness.

#### **4.2 Conclusion**

Overall, this thesis research revealed social structural, cultural, and gender variation in punishment decisions of Canadian and Japanese young adults. Social structure, in terms of social relationships (roles) and social conduct (deeds), was clearly a source of variation in the seriousness of punishment recommended for wrongdoing. The findings suggest that the hierarchical nature of the social relationship between the wrongdoer and victim affects punishment decision-making. In addition, knowledge of the closeness (or solidarity) of this social relationship also appears to impact punishment recommendations. These findings regarding hierarchy and solidarity suggest that punishment for an act of wrongdoing differs according to the wrongdoer-victim social relationship.

This thesis research also indicates that the social conduct itself, in terms of its consequences and the wrongdoer's intention to commit the act, impacts punishment decisions. It appears that information about the severity of victim harm is taken into account when considering punishment. In addition to details about victim harm, respondents also react to cues about the wrongdoer's intention to commit the wrongdoing. In fact, the results of this thesis research indicate that the wrongdoer's intention (i.e., mental state) is the most important consideration in deciding punishment.

In addition to the impact of social relationships and social conduct separately, combinations of these were also shown to affect punishment decisions. Overall, information about victim harm and intention affects punishment decisions differently depending upon the type of social relationship shared by the wrongdoer and victim. The impact of roles, deeds, and role-deed combinations was similar for Canadian and Japanese respondents, indicating that there are similarities shared by these two legal cultures.

Despite similarities in punishment decision-making across disparate legal cultures such as Canada and Japan, differences do exist along cultural lines. The results clearly suggest that Canadians are generally more punitive than Japanese, reflecting differences in orientations towards values of individualism vs. collectivism.

Finally, gender appears to have a slight impact on punishment decisions although this impact is different for Canadians than it is for Japanese. This underscores the importance of examining culture-gender interaction when looking at gender variation in cross-cultural research.

What may be concluded from these research findings? The context of wrongdoing (and behaviour, in general) influences our perceptions of such behaviour and affects how we make judgments about it. The results of this thesis research on punishment decisions suggest that the micro-level (or situational) context is important despite the macro-level (or cultural) context in which the wrongdoing occurs. In other words, members of different cultures such as Canada and Japan process and react to similar aspects of the situation. However, we cannot dismiss the indications of cultural differences. The wider legal culture in which people are interacting and making decisions also influences decision-making about appropriate responses to behaviour. While Canadians may be similar to Japanese in punishment decision-making, there is some divergence that reflects differences in the emphasis placed on social relationships and social connectedness. Further variation in punishment decisions is revealed by way of gender comparisons. However, this research clearly indicates that gender differences are much less pervasive than cultural differences are. Instead, culture appears to be a stronger source of variation than gender is, suggesting the more powerful nature of culture in shaping the way we think about wrongdoing and respond to it.

On a more general level, this thesis research speaks to the complex nature of punishment decision-making. It tells us that making decisions about punishment is not a simple matter in that it requires the processing of various details about the context in which the wrongdoing occurs. Furthermore, this research suggests the importance of hierarchy and solidarity of relationships between people. We view these aspects of social relationships as cues for how to respond to other's behaviour, such as in the case of

wrongdoing. We also take cues from the social conduct itself when responding to behaviour.

This thesis research also highlights the utility of comparing disparate legal cultures. Such a comparison can reveal not only differences between cultures but also ways in which people across various legal cultures are similar. Finally, this thesis research supports the argument that studies of punishment attitudes and support for policies regarding punishment should include more detailed context of wrongdoing (see section 1.6). Punishment decisions are complex judgments requiring careful investigation if we are to better understand how they are made.

## Endnotes

<sup>i</sup> Comparing seriousness of punishments assumes that the different punishments are imposed for the same length of time (Lovegrove, 2001). Otherwise, it could be argued that community service may be perceived as more serious than a jail term if the community service is eight hours per week for five years while the duration of the jail term is just one weekend.

<sup>ii</sup> Social structure is defined as “Any characteristic of a group, rather than of an individual.” (Stark, 1994: 688). This covers a wide variety of areas including gender, sex ratios, age, norms of conduct, institutions, and social class. Culture can be defined as “The values, beliefs, behaviour, and material objects that constitute a people’s way of life.” (Macdonis and Gerber, 1999: 60). This thesis research focuses on *nonmaterial* culture (such as values, attitudes, and behaviour regarding morality and rule breaking) rather than on *material* culture (i.e., objects).

<sup>iii</sup> It should be noted that equating culture with nation-state is not unproblematic. For example, given the multiculturalism evident in Canada, it could be argued that there is not a distinct “Canadian” culture. However, this thesis research uses Canada and Japan as examples of culture to the extent that these two nations can be contrasted in terms of individualism vs. collectivism. For a discussion of the issue of equating culture with nation-state, see Ulf Hannerz (1996), *Transnational Connections* (London: Routledge).

<sup>iv</sup> Edwards uses the term *social conventions* when referring to social norms.

<sup>v</sup> The idea of morality functioning as a check on one’s impulses is similar to Freud’s psychological theory of the super-ego, which has been defined as “the moral conscience of the personality” (Swingewood, 1991: 260).

<sup>vi</sup> Deviance can be defined as the violation of a social or moral norm, which results in a negative reaction from others (Gomme, 1993: 8-9; Bryant, 1990: 12-14). Deviance falls on a continuum of severity, with some types of deviance being minor (e.g., excessive body piercing or tattooing) and some forms being of a more serious nature (e.g., assaulting or killing a person). When deviance means violating a formal rule, such as a law against harming another person, it also becomes a crime (Gomme, 1993). Negative reactions to conduct that violates a norm can range from very informal and relatively non-serious (e.g., verbally reprimanding the wrongdoer) to formal and serious (e.g., imprisoning the wrongdoer). Between these two poles lies many various forms of punishment, some of which are context-specific (Hamilton and Sanders, 1992). For example, deviance in the workplace may result in being demoted or fired, drunk driving can lead to losing one’s driver’s license, and disobeying one’s parents could result in the child being spanked.

<sup>vii</sup> This also works in the opposite direction, with respect to rewards for actions or behaviour exceeding what is considered reasonable and expected.

<sup>viii</sup> Correlations between wrongdoing seriousness scores and punishment seriousness scores for all 27 vignettes in this data set were calculated to ensure that there was not a high correlation between these two variables. The results indicated low correlations (all below .50 and several below .40).

<sup>ix</sup> An alternative explanation regarding the impact of solidarity is one that is related to the issue of responsibility and its connection to the assignment of punishment. It is argued that because responsibility is seen as being shared by the wrongdoer and victim when they are in a relationship of high solidarity (Cowan, 2000; Hamilton and Sanders, 1992), punishment for a wrongdoer will be less serious than if it was a relationship of low solidarity.

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<sup>x</sup> There has been opposition to the use of the individualism-collectivism dichotomy. Wainryb (1997) argues that there is a combination of independence and interdependence in any culture and concluded from her findings that "...to pose the question in terms of whether there is more or less individualism or more or less interdependence in any one culture would be misleading." (p. 61). While acknowledging the coexistence of independence and interdependence in a culture, this research assumes that such a distinction is possible and acceptable. This assertion is based on the conclusions of others (e.g., Hayashi and Kuroda, 1997; Hamilton and Sanders, 1992; Castberg, 1990; Come, 1990; Smith, 1983; Lebra, 1975) that Japanese society is collectivistic in nature, in comparison to Western cultures such as North America.

<sup>xi</sup> Hamaguchi uses the term "relational actor" to refer to the Japanese view of the social actor.

<sup>xii</sup> Information about populations for Calgary and Osaka was found at:  
<http://www.citypopulation.de/Asia.html>

<sup>xiii</sup> From the Research Grant Application for the project "Legal Socialization of Young Adults in Disparate Structural and Cultural Contexts (Stage I)", written by Dr. Bruce Arnold.

<sup>xiv</sup> An alternative to paired t-tests would be Multivariate Analysis of Variance with a single independent variable. This would involve having weights attached to each of the measures used to form a dependent variable based on their pattern of intercorrelation. This is identical to the MANOVA conducted later in this thesis where the impact of culture and gender are examined. In contrast, in the t-tests the items are assumed to be equally weighted in forming the scales. MANOVA is analogous to discriminant function analysis (see Bray and Maxwell, 1985: 43) in that the weights allow for maximum group separation (between, for example, low solidarity and high solidarity).

<sup>xv</sup> The Hotellings statistic is used to evaluate multivariate differences using the eigenvalues of  $HE^{-1}$  (Norusis, 1990b). An eigenvalue is defined as "the ratio of the between-groups sum of squares to the within-groups sum of squares" (p. 87).  $HE^{-1}$  is defined as "a measure of the generalized variance, or dispersion, of a matrix" (p. 94).  $H$  = the hypothesized sums of squares and cross-products matrix;  $E^{-1}$  = the inverse of the error sums of squares and cross-products matrix.

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### Appendix A: Vignettes & Corresponding Codes in the Survey Questionnaire

Joe got into an argument with his son. He punched his son once in the face which bruised his son's cheek. He had never hit his son before. (sanct\_a)\*

Variation 1: Joe's son had required medical attention. (sanct\_a1)

Variation 2: Joe has hit his son a number of times in the past. (sanct\_a2)

Matt and Jill are married. They argued one day and Matt punched Jill in the face and bruised his wife's cheek. He had never hit her before. (sanct\_b)

Variation 1: Jill had required medical attention. (sanct\_b1)

Variation 2: Matt had hit his wife a number of times in the past. (sanct\_b2)

Paul was on a bus and got into an argument with a stranger sitting beside him. He punched the stranger and bruised his cheek. He had never done this before. (sanct\_c)

Variation 1: The stranger had required medical attention. (sanct\_c1)

Variation 2: Paul had hit other people a number of times in the past. (sanct\_c2)

Mike needed some money and knew that his son had \$100 saved. He went into his son's room and stole the money. Mike had never stolen before. (sanct\_d)

Variation 1: Mike had stolen \$1000 from his son. (sanct\_d1)

Variation 2: Mike had stolen from his son several times before. (sanct\_d2)

Cory needed some money and knew that his wife had \$100 saved. He went into his wife's wallet and stole the money. Cory had never stolen before. (sanct\_e)

Variation 1: Cory had stolen \$1000 from his wife. (sanct\_e1)

Variation 2: Cory had stolen from his wife several times before. (sanct\_e2)

**Appendix A - continued**

Dan, for the first time, stole a stranger's watch which he knew was worth \$100. (sanct\_f)

Variation 1: Dan stole a camera which he knew was worth \$1000. (sanct\_f1)

Variation 2: Dan had done this several times before. (sanct\_f2)

Alan is a stockbroker. He sold his son worthless stocks and told his son that they were valuable. He had never done this before. His son lost a small amount of money. (sanct\_g)

Variation 1: Alan's son lost a large amount of money which was his entire savings. (sanct\_g1)

Variation 2: Alan had done this several times before. (sanct\_g2)

Ted is a stockbroker. He sold his wife worthless stocks and told her that they were valuable. He had never done this before. His wife lost a small amount of money. (sanct\_h)

Variation 1: Ted's wife had lost a large amount of money which was her entire savings. (sanct\_h1)

Variation 2: Ted had done this several times before. (sanct\_h2)

Phil is a stockbroker. He sold his client worthless stocks and told him that they were valuable. He had never done this before. His client lost a small amount of money. (sanct\_i)

Variation 1: Phil's client had lost a large amount of money which was his entire savings. (sanct\_i1)

Variation 2: Phil had done this several times before. (sanct\_i2)

\*sanct\_ is short for "sanction" (another term for punishment) and was the prefix given to the labels for the Punishment Seriousness variable in the data analysis.

## Appendix B: Vignette Groupings

### Roles

#### Hierarchy

Authority     sanct\_a sanct\_d sanct\_g  
 Equality     sanct\_b sanct\_c sanct\_e sanct\_f sanct\_h sanct\_i

#### Solidarity

Low            sanct\_c sanct\_f sanct\_i  
 High          sanct\_a sanct\_b sanct\_d sanct\_e sanct\_g sanct\_h

### Deeds

#### Victim Harm

Low            sanct\_a sanct\_b sanct\_c sanct\_d sanct\_e sanct\_f sanct\_g  
                   sanct\_h sanct\_i  
 High          sanct\_a1 sanct\_b1 sanct\_c1 sanct\_d1 sanct\_e1 sanct\_f1  
                   sanct\_g1 sanct\_h1 sanct\_i1

#### Mental State

Low            sanct\_a sanct\_b sanct\_c sanct\_d sanct\_e sanct\_f sanct\_g  
                   sanct\_h sanct\_i  
 High          sanct\_a2 sanct\_b2 sanct\_c2 sanct\_d2 sanct\_e2 sanct\_f2  
                   sanct\_g2 sanct\_h2 sanct\_i2

### Role-Deed Combinations

#### High Victim Harm/Hierarchy

Authority     sanct\_a1 sanct\_d1 sanct\_g1  
 Equality     sanct\_b1 sanct\_c1 sanct\_e1 sanct\_f1 sanct\_h1 sanct\_i1

#### High Victim Harm/Solidarity

Low            sanct\_c1 sanct\_f1 sanct\_i1  
 High          sanct\_a1 sanct\_b1 sanct\_d1 sanct\_e1 sanct\_g1 sanct\_h1

#### High Mental State/Hierarchy

Authority     sanct\_a2 sanct\_d2 sanct\_g2  
 Equality     sanct\_b2 sanct\_c2 sanct\_e2 sanct\_f2 sanct\_h2 sanct\_i2

#### High Mental State/Solidarity

Low            sanct\_c2 sanct\_f2 sanct\_i2  
 High          sanct\_a2 sanct\_b2 sanct\_d2 sanct\_e2 sanct\_g2 sanct\_h2

### Appendix C: Reliability Coefficients (Cronbach's Alpha)

Vignette Grouping	Number of Items	Total Group	Canadian Men	Canadian Women	Japanese Men	Japanese Women
<b>Roles</b>						
Hierarchy						
Authority	3	.592	.691	.595	.479	.707
Equality	6	.739	.783	.741	.654	.756
Solidarity						
Low	3	.593	.623	.431	.603	.519
High	6	.813	.846	.804	.737	.867
<b>Deeds</b>						
Victim Harm						
Low	9	.830	.863	.841	.755	.850
High	9	.815	.852	.708	.741	.748
Mental State						
Low	9	.830	.863	.841	.755	.850
High	9	.849	.791	.764	.809	.824
<b>Role-Deed Combinations</b>						
High Victim Harm/ Hierarchy						
Authority	3	.518	.606	.249	.453	.489
Equality	6	.730	.769	.628	.631	.629
High Victim Harm/ Solidarity						
Low	3	.512	.540	.479	.442	.201
High	6	.791	.836	.632	.715	.744
High Mental State/ Hierarchy						
Authority	3	.595	.569	.544	.462	.519
Equality	6	.770	.639	.595	.732	.758
High Mental State/ Solidarity						
Low	3	.658	.487	.452	.610	.604
High	6	.813	.791	.736	.749	.788

**Appendix D: Zero-Order Correlations for Independent Variables**

<b>Independent Variable Pairs</b>	<b>Zero-Order</b>
<i>Roles and Deeds</i>	
Hierarchy: Authority vs. Equality	.779
Solidarity: Low vs. High	.559
Victim Harm: Low vs. High	.783
Mental State: Low vs. High	.534
<i>Role-Deed Combinations</i>	
High Victim Harm/Hierarchy: Authority vs.	.747
High Victim Harm/Solidarity: Low vs. High	.576
High Mental State/Hierarchy: Authority vs.	.815
High Mental State/Solidarity: Low vs. High	.646