

The Effects of Responses to Offending and Criminal History on Punishment and Suitability for Rehabilitation

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ABSTRACT

The effect of the expression of remorse, shame and regret by an offender on judgments about a man who committed an assault offence, and on recommended punishment and suitability for rehabilitation, was investigated. The effect of previous criminal history on judgments and recommendations was also examined. Participants were members of the community. The offender was generally judged more harshly when the regret was expressed, but remorse and shame were similar in their effects. The results are discussed in terms of the demonstration of shame and remorse, and the perceived significance of these emotions for the rehabilitation and punishment of offenders.

Keywords: Remorse, Shame, Regret, Rehabilitation, Punishment

DECLARATION

This thesis contains no material that has been accepted for award of any other degree or diploma, in any University, and to the best of my knowledge, this thesis contains no materials that have previously been published, except where due reference is made. I give permission for the digital version of this thesis to be made available on the web, via the University of Adelaide's digital thesis repository, the Library Search, and through web search engines, unless permission has been granted by the School to restrict access for a period of time.

Emily Kate Johnson

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Chapter 1: Introduction

Within political, social and legal settings, the presence or absence of remorse following a moral, social or criminal offence can be of critical influence. There is a relatively large literature concerning jury-decision making and the factors that influence character judgements and sentencing (Lieberman & Sales, 1997; Pipes & Alessi, 1999; Wiener, Pritchard & Weston, 1995). Remorse has the potential to alter judgements of character (Gold & Weiner, 2000; Jehle, Miller & Kemmelmer, 2009; Taylor & Kleinke, 1992), modify recommended sentencing (Robinson, Smith-Lovin & Tsoudis, 1994) and assess suitability for rehabilitation (Proeve & Howells, 2006). Remorse was a notable concern in the South African Truth and Reconciliation Commission, which was a political response to deal with the legacy of apartheid. The acknowledgment of past offences and enacting expressions of remorse were key elements of this process (Baron, 2015).

Although not recognised as a legal principle in the court of law, remorse is considered a mitigating factor in sentencing in various legal jurisdictions around the world (Proeve & Tudor, 2010). Despite this, it is often subject to inconsistent understanding and definition. A recent study by Rossmanith, Tudor and Proeve (2019) explored the definition of remorse through the understanding of the term by judges. They concluded that remorse is perceived as an enduring emotion of regret or shame. The mechanisms through which these emotional responses influence judicial judgement are poorly understood.

Remorse has been studied as an emotional display accompanying apologies and confessions, with findings that suggest that these accounts are considerably more effective when the expression of remorse is present (Darby & Schlenker, 1989; Kleinke, Wallis & Stalder, 1992; Robinson et al., 1994; Scher & Darley, 1997). The emotional state of remorse

is a key element of an apology that separates an automatic statement (e.g., “I apologise”) from a statement expressing true feeling (e.g., “I am sorry for my actions and what I have done to them”; Scher & Darley, 1997). Supported by verbal and nonverbal behaviours (e.g., trembling voice, emotional outburst, crying; Pfeifer, Brigham & Robinson, 1996), perceivers may believe that the displayed emotions by the offender are a better cue than the spoken words.

The aim of this study is to investigate the influence of offender responses on observers’ decisions concerning the offender’s character, their crime, appropriate punishment, and suitability for rehabilitation. Offender responses besides remorse, such as shame and regret, will also be explored, as these have received little focus in previous literature.

1.1 Shame, Remorse, Regret

In early literature, researchers used the terms remorse and regret interchangeably (Harrell, 1979). These emotions, as well as shame, share similarities, however multiple indicators including feelings, actions, thoughts, emotional goals, and action tendencies are required to differentiate them (Roseman, Wiest & Swartz, 1994; Proeve & Tudor, 2010). Shame can be contrasted with remorse, as it is a concern of the self, from the eyes of others, or self. Shame involves a tendency to withdraw from others, whereas remorse more commonly involves approaching others to make good. From this distinction, can be contrasted with shame as an emotional experience (Proeve & Tudor, 2010). However, as a legal concept, shame and remorse tend not to be distinguished. Regret for one’s own suffering is viewed by judges as different to remorse (Weisman, 2009).

From these distinctions, remorse should result in more positive offender judgments, regret should result in least favourable judgments, and shame will have an effect somewhere between the two (Proeve & Tudor, 2010). A previous study by Proeve & Howells (2006) utilised this form of external judgment situation and contrasted shame, remorse and no emotion. Proeve and Howells examined the differences between these emotions by presenting examples of shame and remorse based on personal descriptions to individuals, including mostly police officers, and to students studying criminal justice (2006). Participants were unable to recognize the differences between the two emotions. In addition, both remorse and shame had a positive effect on the perception of the perpetrator's likelihood to reoffend and likelihood of successful rehabilitation, compared to the condition in which the defendant expressed no emotional reaction (Proeve & Howells, 2006).

The experience of the egocentric emotion of shame occurs when an individual is negatively judged (Lewis, 1995), leading to expressions of avoidance (Fischer & Tangney, 1995) and increased hostility and external blame (Tangney, 1991; Tangney, Wagner, Fletcher & Gramzow, 1992). Shame may also be associated with increased reoffending, and guilt less so (Hosser, Windzio & Greve, 2008, Tangney et al., 2014).

As definitions of remorse make reference to experiencing regret for an individual's actions, it may seem redundant to distinguish these terms. The individual experiencing regret compares alternative outcomes with the actual events, envisioning egocentric possibilities that may have been (Kahneman & Miller, 1986; Landman, 1987; Gilovich & Medvac, 1995). However, there are a variety of internal motivations that differentiate these emotions. Remorse includes regret for the effects of one's actions on another person. However, regret may be focused on one's missed opportunities and loss, and the suffering one has experienced as a result of one's own actions. This form of remorse can be explained as

prudential regret (Proeve & Tudor, 2010). Supporting this explanation, the law does view regret as an expression of self-suffering, and different from remorse (Weisman, 2009).

1.2 Responses to Offending and Punishment

Two principles underlying offender sentencing are retribution and deterrence (Everett & Nienstedt, 1992; Savelsberg, 1992). In determining the strength of the retribution or justice motive behind sentencing, both the crime and the criminal are important, as society wants to punish both the criminal act, and the actor (Everett & Nienstedt, 1992). Punishment of criminal behaviours is also utilised to deter others from committing similar criminal acts (Robinson et al., 1994). Deterrence might link to remorse in that a remorseful offender may be said to require less deterrence, as he or she is already suffering in the form of remorse.

Previous research based on pre-sentencing recommendations suggests that responses to offending and perceptions of character are significant determinants of the severity of recommendations for sentencing (Jacobson & Berger, 1974; Rumsey, 1976; Dedrick, 1978; Drass & Spencer, 1987; Robinson et al., 1994; ten Brinke, MacDonald, Porter & O'Connor, 2011). Remorse is a justified sentencing consideration in many Australian jurisdictions (Tudor, 2008), and a considerable determinant of the death penalty in the United States (Bagaric & Amarasekara, 2001; Ward, 2003). Pipes and Alessi (1999) investigated the effects of remorse on recommended sentencing, finding that remorseful offenders charged with assault received shorter recommended sentences in comparison to a non-remorseful offender. Similar findings by Jacobson & Berger (1974) suggested the repentant or remorseful offender was recommended to receive a shorter sentence. Nonverbal, displayed behaviours and emotions, such as trembling voice and crying, are effective in displaying remorse (Pfeifer et al., 1996), and defendants who do so have received more lenient recommendations in contrast

to those with no expression (MacLin, Downs, MacLin & Caspers, 2009). Offenders are more likely to receive more lenient punishments if their character is enhanced by their emotional display of remorse (Gold & Weiner, 2000; Jacobson & Berger, 1974; Pipes & Alessi, 1999; Rumsey, 1976).

Building on the characteristic motives behind offender sentencing, retribution and deterrence, a common justification for punishment is the deterrence rationale. This rationale explains that punishing the offender reduces the likelihood and frequency of future offences (Carlsmith, et al., 2002; Everett & Nienstedt, 1992; Savelsberg, 1992). The other rationale for sentencing is rehabilitation. Remorse is closely linked to judgments about the appropriateness of rehabilitation.

1.3 Responses to Offending and Rehabilitation

Rehabilitation has been a highly debated topic and severely criticized as an unclear, difficult-to-apply concept in practice (Robinson et al., 2012; MacKenzie, 2006). In many cases, rehabilitation may take place before sentencing. However, judges are more likely to consider an offender's potential for rehabilitation and subsequently impose a lower degree of punishment in the cases where rehabilitation seems probable and effective (Robinson et al., 2012). Rehabilitation is commonly considered at parole hearings where the offender may be considered for early release (Robinson et al., 2012). As rehabilitation is commonly available to prisoners during incarceration and upon release, if positive responses are determined to be likely, judges may impose lighter punishment (Berenji et al., 2014; Robinson et al., 2012).

1.4 Equity Theory

Equity theory weighs the principles of cost and benefit within social relationships (Shaw & McMartin, 1975). A relationship is considered to be equitable when both parties give and receive equivalent benefits (Hatfield, Salmon & Rapson, 2011).

1.4.1 Equity Theory on Responses to Offending and Sentencing

Remorse may have significant influence surrounding judgments of the offender's character, and consequent punishment. A bad action increases inequity, while remorse somewhat decreases inequity by signifying suffering of the offender. Equity theory supports the findings of a number of previous studies (e.g., Taylor & Kleinke, 1992, Orleans & Gurtman, 1984; Kleinke et al., 1992), demonstrating that visible responses of remorse and suffering can lead to reduced sentence, restoring equity between parties.

The theoretical framework of equity theory can explain the relationship between remorse and sentencing. Through psychological mechanisms such as compensation of the victim and punishment of the offender, equity can be restored. Physical measures, such as punishment, demonstrations of remorse - suggesting psychological suffering – and apologies, all operate to restore the equity (Bornstein, Rung & Miller, 2002; Klass, 1978).

Research by Schlenker and Darby (1981) supports equity theory, by their research on unintentional harm. Findings concluded that the likelihood of remorse experienced, varied as a result of the harm caused, supporting equity theory (Schlenker & Darby, 1981).

Psychological suffering has also been investigated, with findings suggesting that remorse is

evidence of punishment, further assisting in the reinstating of interpersonal equity (Proeve & Tudor, 2010; Rumsey, 1976). Equity theory aids in the explanation of how an offender's emotional state can have influence on sentencing recommendations by managing the equity, through restoration or lack of, between victim and offender.

1.5 Affect Control Theory

Affect Control Theory offers an alternative explanation to how the effects of remorse can be understood, explaining that a relationship between emotions, actions and identity exist within every collective interaction (Robinson & Smith-Lovin, 1999; Tsoudis, 2000). It proposes that observers use critical information on emotion to help understand identities, predict future behaviours, and determine what behaviours should be directed towards them (Robinson et al., 1994).

Each individual has a primary identity, which remains relatively stable over one's lifetime (Robinson et al., 1994), however temporary identities are formed during particular social situations (Heise, 1987). These identities that emerge are determined by the social setting, other individuals involved, and the behaviours demonstrated (Tsoudis & Smith Lovin, 1998). 'Deflection' occurs when the transient identity and the primary identity contradict each other, and people are driven to behave in a way that realigns these identities (Robinson & Smith-Lovin, 1999; Tsoudis & Smith-Lovin, 1998).

An emotion, such as remorse, can reaffirm the character's fundamental identity, indicating that the crime committed is atypical of their character (Proeve & Tudor, 2010; Tsoudis & Smith-Lovin, 1998). This theory can influence impressions of the perpetrator's true identity, and the types of behaviours that they may engage in in the future (Robinson et

al., 1994). Remorse has an indirect relationship with punishment, through the influence of character judgement and identity.

When an individual gains knowledge of another committing an indiscretion or wrongdoing, they make an assessment, taking into account the harm inflicted, the incongruence between moral standards and the transgression, and notably, the reaction of the offender in the aftermath of the offence. Just as identities produce emotions, emotions can be utilised to infer identities, and individuals can enhance their own social assessments by exhibiting emotions that are affectively consistent with the evaluative outcomes of their actions (Heise, 1987; Robinson et al., 1994). By confessing to committing a transgression, an offender accepts responsibility for their actions. However, with the presence of the expression of remorse, negative attitudes and punishments inflicted on the offender can be significantly reduced to that of their non-remorseful counterpart (Gold & Weiner, 2000).

1.6 Previous Criminal History and the Influence on Judgements and Sentencing

The effect of previous criminal history on the influence of judgements and sentencing is a relatively unexplored area. Pipes and Alessi stated that judges, and often jurors, are frequently aware of an offender's previous offences and if an individual has expressed remorse when they are charged (1999).

A study conducted by Harrell (1981) investigated the connection between remorse and previous criminal history, and found that demonstrations of remorse result in lower sentencing, except when remorse is paired with previous criminal history. Equity theory cannot explain remorse in this case, as remorse should have the same effect whether or not there is previous criminal history (Harrell, 1979). Harrell also suggested that remorse paired

with a previous criminal history is an indicator of insincere remorse (1979). It's worth mentioning that this study was based on the analysis of real criminal cases and not simulated cases, which gives it ecological validity.

1.7 Responses to Offending and Perceptions about Behaviour Stability and Future

Behaviour

The perception about the offender's emotional stability and future behaviour is often paired with research on remorse and sentencing of an offender (Gold & Weiner, 2000). Judgments surrounding an offender's likelihood to commit further offences are taken into consideration in relation to remorse; with research indicating that perceivers believe remorseful offenders less likely to recidivate (Gold & Weiner, 2000; Pipes & Alessi, 1999; Proeve & Howells, 2006; Jehle et al., 2009). The cause of the behaviour is an indicator of the stability of the individual, and an unstable behaviour is perceived as less likely to be repeated. Spencer (1983) reported that probation officers view remorse as an indicator that perpetrators will be less likely to commit similar deeds in the future (Robinson et al., 1994).

According to Affect Control Theory, emotional responses of the perpetrator can influence impressions of identity and give insight into types of future behaviour that they are likely to engage (Robinson et al., 1994). An observer can perceive that the offending behaviour is atypical of the individual and unlikely to occur again, as distressed emotional responses indicates a misalignment with their moral standards and general character (Proeve & Tudor, 2010).

1.8 The Current Study

The current study manipulated responses to offending (shame, remorse and regret) and a past criminal history (past history or no history). The aim of this study was to support previous research regarding the main effects of these factors on attitudes towards, and judgements of, an offender. This study extends Proeve and Howells' (2006) study by having a visual enactment of an offender expressing the different emotions rather than just reading a statement. Previous literature has focused primarily on verbal (written) manipulations of remorse (e.g., Crosby, Britner, Jodl & Portwood, 1995; Meissner, Brigham & Pfeifer, 2003). This study aims to explore manipulations of shame, remorse and regret via video to provide more ecological validity, as facial expression can present an important basis of bias into the decision making process of participants (MacLin et al., 2009).

From the findings formerly discussed (Proeve & Howells, 2006), and the rationality of Affect Control Theory and Equity Theory, it was predicted that remorse and shame would positively influence attitudes towards the offender, crime related judgements, recommended sentencing and suitability for rehabilitation. A remorseful person might be said to have a better character than an ashamed person; however, the problem is that an outside observer seeing remorse or shame displayed might not distinguish them. In court, judges tend to explain that self-oriented regret is not remorse, as it's a harder test of the effect of remorse and shame to compare with regret than with no emotional reaction (Corwin, Cramer, Griffin & Brodsky, 2012). Prudential regret is used as a control condition in this study. It was predicted that previous criminal history would negatively influence judgements towards offenders surrounding insincerity, and crime related judgements.

The relationship between responses to offending and past criminal history has not previously been extensively explored, and as such, the current study extends previous research by examining the relationships between the variables and providing insight into how they influence observations of an offender and subsequent recommendations. Harrell explored the interaction between prior offences and remorse, finding that remorse results in more lenient treatment for offenders with minimal offences, in contrast to those with many convictions that lack credibility (1981). Expressions of regret were also explored, and perceived as insincere when paired with a history of previous offences, as they have had frequent opportunities to mend their ways and failed (Harrell, 1981).

The study also aimed to explore the influence of a previous criminal history on the perception of an offender, recommended sentencing, and suitability for rehabilitation, in order to provide replication of findings from previous research (Harrell, 1981; Pipes & Alessi, 1999). Suitability for rehabilitation is a variable lacking previous research in conjunction with responses to offending (shame, remorse, and regret) and judgements, and this study seeks to explore this area further.

Therefore, independent variables were offender responses to offending (shame, remorse, regret) and previous criminal history. Dependent variables were character judgements of the offender, crime related judgements, recommended sentencing, and suitability for rehabilitation.

1.9 Hypotheses

Hypothesis 1: Offenders with previous criminal history will be perceived as more deserving of punishment and less suitable for rehabilitation.

Hypothesis 2: Offenders demonstrating remorse or shame will be perceived as more suitable for rehabilitation and deserving of less punishment than offenders demonstrating regret for consequences to themselves.

Hypothesis 3: Offenders demonstrating remorse or shame and a previous criminal history will be perceived as more insincere, and less suitable for rehabilitation than offenders without criminal history or with criminal history and regret for consequences to themselves. [L]
[SEP]

Within this study, the following research questions and statements will be explored:

1. According to equity theory, we would expect remorse to attract less punishment. Therefore, remorse should be correlated with lower punishment recommendations.
2. Suffering in the case of prudential regret might be considered less, so lower correlation with lower punishment. For shame, probably a great deal of suffering, so strong correlation between shame and reduced punishment.
3. Remorse should be correlated with lower likelihood of reoffending, and prudential regret probably less strongly correlated. Remorse should be correlated with more emotional stability.
4. Shame should be positively correlated with reoffending – more shame, more likelihood of reoffending.
5. Experimentally remorse should be associated with increased likelihood of

rehabilitation. Shame should be associated with lower likelihood of rehabilitation than remorse.

Chapter 2: Method

2.1 Participants

A total of 181 participants commenced the study. Of these, 136 completed the survey to entirety, with 34 not progressing past viewing video recordings of the offender. Two participants withdrew during the Demographic questions, and 28 withdrew prior to viewing the video recordings. Another 11 participants proceeded to watch the video footage, but withdrew at the commencement of the Single Item Questions addressing the video. The final participant number was 134, of whom all were recruited from the general public. Of the total sample, 68.4% were female ($N = 93$), 30.1% were male ($N=41$) and 1.5% preferred not to say ($N = 2$). Participants were aged from 18 years to 60 years ($M = 29.63$, $SD = 11.43$). All were representative of the population eligible for jury selection. The sample was highly educated ($M = 16.1$, $SD = 2.4$) years of education, where 73.1% of ($N = 98$) participants had at least 15 years of formal education, including primary, secondary and tertiary. There were no formal exclusion criteria; however any individual who felt they might experience distress when faced with details of an assault crime was encouraged not to participate.

2.2 Materials

2.2.1 Crime Scenarios

Participants were presented with and read one of two crime scenarios for this experiment: assault / no history of previous assault offence, and assault / history of previous assault offence. The summaries of evidence detailed information about the event, the offender, and the victim. The scenarios were based on the case documented in *Le Roux and Others v Dey* (44/2009) [2010] ZASCA 41; 2010 (4) SA 210 (SCA ; [2010] 3 All SA 497 (SCA) (30 March 2010) accessed through the SAFLII (Southern African Legal Information Institute) online database. In the original case seven appellants were involved in a fight in a restaurant, with charges brought against them including attempted murder, assault with the intent to do grievous bodily harm, malicious damage to property and theft. The experimental case was altered to involve only one assailant, with a charge of assault with intent to do grievous bodily harm, and malicious damage to property. Previous criminal history and minor details were altered to establish two equal crimes with contrasting offender history.

A YouTube video was embedded within the survey showing a filmed statement from a male actor demonstrating the offender. This video directly followed the summary of evidence. There were three versions of this filmed interview with the offender, the first expressing shame, the second expressing remorse, and the third expressing regret. All three conditions were developed using established understandings of the emotions provided by Proeve and Tudor (2010). The offender stated either:

Shame: “I keep to myself a lot now...I don’t go out in public a lot, especially to busy places.

I don’t want to see people looking at me...I feel hot when people look at me...it’s like they’re thinking I’m scum...they certainly would if they knew what I did...

I guess they would be right...I don’t belong with the rest of society.

Remorse: “I wish I hadn’t done it... I think about it over and over... I keep thinking about what I did to her [him]... the effect it will have on them in future, I could have acted differently.

I am willing to do what I can to make things better for her [him].

Perhaps she [he] will forgive me in time...but anyway, I am going to live my life differently in future.

Regret: I wish I hadn’t done it... I think about it over and over...

I would like to turn back time if I could and undo what I did. I made a big mistake that night for sure...

I’ll probably go to court, maybe get prison...lose my job, lose friends...lose opportunities.

These three separate manipulations created six experimental conditions: 1) shame / no criminal history, 2) shame / criminal history, 3) remorse / no criminal history, 4) remorse / criminal history, 5) regret / no criminal history, 6) regret / criminal history. The full crime scenarios are presented in Appendix B.

2.2.2 Rehabilitation Orientation Scale

Attitudes towards the effectiveness of offender rehabilitation were measured on a 9-item questionnaire, established by Cullen, Lutze, Link & Wolfe (1989). Participants were asked to rate the extent to which they agreed or disagreed with the statements on a 7-point Likert scale, where 1 = very strongly agree and 7 = very strongly disagree. Each Likert Scale modeled 1 = (very) strongly agree, with the increasing number indicating increasing disagreement. For the results, the lower the score listed, the greater the participants agreed, and the higher the score, the fewer participants agreed with the statement. The full Rehabilitation Orientation Scale is presented in Appendix C.

2.2.3 Offence Response Survey

Crime related judgments of the offender, presented in the video, were assessed using a 5-item questionnaire, modeled on the survey previously used in research by Keech (2012), on a 5-point Likert scale. Single item survey items included judgments about the offender's emotional display, risk of reoffending, likelihood of rehabilitation, emotional stability, and sincerity. The full Offence Response Survey is presented in Appendix C.

2.2.4 Sentencing Recommendations

Following the single item survey about offence responses, participants were asked to indicate the degree of punishment deemed most appropriate for the crime on a sliding scale, where 0 = not severe and the minimum the law will allow, and 100 = extremely severe and the maximum the law will allow. The full survey is presented in Appendix C.

2.2.5 McCorkle Punishment and Rehabilitation Scale

The 8-item scale developed by McCorkle (1993) is broken into two parts, firstly addressing degree of punishment and secondly addressing suitability for rehabilitation on a 4-point Likert scale. The full scale is presented in Appendix C. The Rehabilitation Orientation Scale was moderately reliable and consisted of 9 items ($\alpha = .81$), and the McCorkle Rehabilitation Questionnaire had acceptable reliability and was divided into two components, each consisting of 4 items; McCorkle Rehabilitation subscale ($\alpha = .76$) and McCorkle Punishment subscale ($\alpha = .69$). 100% of participants ($N = 134$) determined their answers were valid in the single item question of the questionnaire.

2.3 Emotion Labeling

Checks on emotion labeling were included in the offence response survey. The items *The offender is ashamed*, *The offender is remorseful*, and *The offender is regretful for what he has suffered* were included in the Offence Response Survey to ensure that participants labeled shame, remorse and regret correctly and could distinguish between the items on a 5-point Likert scale.

2.4 Manipulation Checks

Manipulation checks were included in the Offence Response Survey. The items, *Tom keeps to himself now*, *Tom thinks he made a big mistake*, and *Tom says he is going to live differently in the future*, were included in the Offence Response Survey to ensure that the separate details in the video portrayals of shame, remorse and regret were attended to. Previous criminal history was also included in the Offence Response Survey, to check that the past criminal history manipulation was attended to on a 5-point Likert scale.

2.5 Procedure

Before the collection of data commenced, ethics approval for the study was obtained from The University of Adelaide Human Research Ethics Subcommittee. Participants were recruited through Facebook posts, shared amongst members of the community. A link was provided with the recruitment post, directing them to the online questionnaire located on SurveyMonkeyTM. Prior to the commencement of the survey, all participants were provided with a participant information sheet and required to consent. Participants provided basic demographic information, answered two questionnaires about their prior attitudes towards prisoners and rehabilitation, were randomly assigned by Survey Monkey to one of six conditions and read a statement of evidence specific to the allotted experimental condition. Participants were then directed to a video of an offender statement, and at the completion of the video, the participants continued to complete further survey items.

Chapter 3: Results

3.1 Condition Assignment

Table 1 shows the number of participants assigned to each experimental condition. Due to random allocation and drop out, each condition has a minimum of 18 participants. The effects of slightly uneven cell sizes may be present.

Table 1

Number and Percentage of Final Participants Assigned to Each Experimental Condition

Condition	<i>N</i>	%
Shame / Criminal History	23	17.2
Shame / No Criminal History	19	14.2
Remorse / Criminal History	23	17.2
Remorse / No Criminal History	21	15.7
Regret / Criminal History	18	13.4
Regret / No Criminal History	30	22.3
Total	134	100

3.2 Descriptive Statistics

Table 2

Means and Standard Deviations of Item Ratings as a Function of the Emotion Scenario

Item	Emotion Scenario											
	Criminal History						No Criminal History					
	Shame		Remorse		Regret		Shame		Remorse		Regret	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Shame	1.8	0.67	2.5	0.99	2.2	0.86	1.7	0.45	2.9	0.48	1.9	0.61
Remorse	2.6	0.84	2.4	0.9	1.9	1.0	2.1	0.81	1.9	0.7	2.0	0.91
Regret	2.3	0.76	2.4	0.78	1.8	0.62	2.3	0.95	2.4	0.93	1.91	0.61
Degree of Punishment	30.4	10.65	36.1	18.03	33.9	19.14	36.3	14.61	30.0	15.81	31.3	16.13
Sincerity	2.5	0.79	2.6	0.9	2.2	0.99	2.2	0.71	2.2	0.68	2.3	0.69
Reoffend	3.6	0.89	3.2	0.78	3.4	1.04	3.7	0.81	4.1	0.77	3.8	0.76
Emotional Stability	3.3	0.88	2.7	0.96	2.6	0.51	2.9	0.81	2.4	0.75	2.6	0.97
Tom keeps to himself	1.8	0.6	3.0	0.56	2.6	0.78	1.8	0.54	2.9	0.57	2.8	0.68
Tom made a big mistake	2.4	0.73	2.0	0.37	1.8	0.65	1.8	0.63	1.7	0.46	1.8	0.59
Tom will live differently in the future	3.2	0.83	2.1	0.73	2.6	0.92	2.5	0.77	1.7	0.48	2.4	0.68

3.3 Gender Analyses

Of the 134 participants included in the overall analysis, participants identified as Female ($N = 91$), Male ($N = 41$) or elected not to specify ($N = 2$). As those who preferred not to disclose their gender made up only 1.5% of the total sample, for the purpose of gender analyses of results, they were excluded. This left a remaining sample of 132 participants. An independent-samples t-test was conducted to compare likelihood of reoffending, emotional stability, degree of sincerity, degree of punishment on a continuous scale, degree of punishment (McCorkle scale), suitability for rehabilitation and judgment on the amount the offender keeps to himself, made a mistake, and will live differently in the future, in gender conditions.

From the independent-samples t-test conducted to explore the offender identifying they had made a mistake, there was a significant difference in the scores for female ($M = 2.05$, $SD = 0.64$) and male ($M = 1.68$, $SD = 0.52$) conditions; $t(93.39) = 3.53$, $p < .001$, indicating that males rated the offender higher in identifying they had made a mistake. There were no other significant gender differences on other variables. A near significant difference in scores was found on whether or not the offender will live differently in the future; $t(85.88) = 1.78$, $p = 0.08$, for Females ($M = 2.49$, $SD = 0.89$) and Males ($M = 2.22$, $SD = 0.79$), where males rated higher, differing from the other non-significant findings.

	Age	Education	Rehab	Shame	Remorse	Regret	Sincere	Emotionally Stable	Reoffend	Punishment	Punishment (McCorkle)	Rehab (McCorkle)	Keeps to Himself	Made Mistake	Live Differently
Emotionally Stable	-.23	-.07	0	.06	.19	.16	.23	1.00							
Reoffend	0	-.06	.05	-.39	-.34	-.16	-.49	-.24	1.00						
Punishment	.21	-.09	-.26	.15	.17	.15	.16	.12	-.27	1.00					
Punishment (McCorkle)	.18	-.09	-.32	.34	.37	.25	.38	-.02	-.39	.48	1.00				
Rehab (McCorkle)	-.08	.04	.05	-.43	-.37	-.15	-.38	-.14	.38	-.19	-.40	1.00			
Keeps to Himself	.13	.07	-.03	.34	.04	.08	.15	-.13	-.13	-.06	.05	-.17	1.00		
Made Mistake	-.02	.07	-.13	.34	.53	.33	.46	.25	-.32	.06	.20	-.32	.06	1.00	
Live Differently	-.08	.15	-.04	.24	.26	.04	.24	.19	-.17	.08	.19	-.30	-.13	.36	1.00

Correlation analyses were conducted to further explore the relationship between the variables and degree of punishment. Remorse scores had a significant positive correlation with degree of punishment on degree of punishment on a continuous scale, $r = .17, p = .05$, and a significant negative correlation with risk of reoffending, $r = -.34, p < .001$, where the identification of remorse is associated with decreased levels of recommended punishment and lower perceived risk of future reoffending. No significant correlation was found for regret scores with level of punishment, $r = .15, p = .07$, or shame scores with degree of punishment on the continuous scale, $r = .16, p = .07$. No significant correlation was found between emotional stability and degree of punishment, $r = .12, p = .17$, however a near-significant, medium positive correlation was found between punishment and perceived sincerity of the offender, $r = .16, p = .06$, suggesting lower measures of sincerity, indicated by higher scores, are associated with greater degrees of punishment.

Further correlation analysis was conducted to explore the relationship between the variables and degree of punishment (McCorkle). Remorse scores had a significant positive correlation with level of punishment, $r = .37, p < .001$, and significant negative correlation with risk of reoffending, $r = -.39, p < .001$, supporting the previous findings that remorse is associated with decreased levels of recommended punishment and perceptions of reoffending. Both shame scores, $r = .34, p < .001$ and regret scores, $r = .25, p = .004$ had significant positive correlations with level of punishment, differing from the previous findings of punishment on the continuous scale, and indicating the identification of shame is more effective than regret for decreased recommended punishment. Similar to the first measure, degree of recommended punishment was found to have no correlation with emotional stability, $r = -.02, p = .84$, however differing from the first measure, a strong correlation with perceived sincerity of the offender, $r = -.38, p < .001$.

Remorse scores had a significant negative correlation with suitability for rehabilitation, $r = -.37, p < .001$, as well as shame scores, $r = -.43, p < .001$, indicating that greater perceived remorse and shame are associated with increased levels of perceived suitability for rehabilitation. No significant correlation was found for the identification of regret and suitability for rehabilitation, $r = -.15, p = .08$. No significant correlation was found for regret scores with level of punishment on a continuous scale, $r = .15, p = .08$, however a significant positive correlation was found for regret scores on the McCorkle scale of punishment, $r = .25, p = .004$. Suitability for rehabilitation was found to no correlation with emotional stability, $r = -.14, p = .10$, however a significant negative correlation with perceived sincerity of the offender, $r = -.38, p < .001$, suggesting higher measures of sincerity, indicated by lower scores, are associated with higher degrees of suitability for rehabilitation. The Rehabilitation Orientation general attitudes scale was poorly correlated with other variables, and therefore wasn't included as a covariate.

3.5 Manipulation Checks

A one-way between groups multivariate analysis of variance (MANOVA) was performed to determine that the experimental manipulations were successful regarding identifying the correct condition. The perceived amount the offender keeps to himself, thinks he made a big mistake, and will live differently in the future, were the dependent variables, with the assigned condition (3) as the independent variables. The assumption for homogeneity of covariance was violated, thus the more robust multivariate statistic Pillai's trace was used. All other assumptions were met. Participants rated each question on a scale of 1 to 5, with high ratings demonstrated by lower numbers (e.g., 1 = strongly agree, 5 = strongly disagree).

A significant multivariate effect was found for assigned condition, Pillai's trace = .27, $F(1,132) = 15.99, p < .001$. Univariate analysis indicated that the offender was rated significantly more likely to keep to himself in the shame condition (1.79) than in the remorse (2.91) and regret (2.69) conditions, $F(2, 131) = 39.04, p < .001, \eta^2 = .37$. Post Hoc analyses found that offenders were significantly more likely to keep to themselves in the shame condition than both the remorse and regret conditions. There was no significant difference between the remorse and regret scores in the shame condition. A significant effect was found for the assigned regret condition on the offender realizing he had made a mistake, $F(2, 131) = 3.53, p = .03, \eta^2 = .05$. Post Hoc analyses found that offenders were rated significantly more likely to realize they had made a mistake in the regret condition (1.81) than the shame condition (2.14), however there was no significant difference in the scores between regret and remorse (1.89). For the remorse condition, the offender was rated as significantly more likely to behave differently in the future in the remorse (1.89) and regret (2.48) conditions than the

shame condition (2.88), $F(2, 131) = 18.43, p < .001, \eta^2 = .22$.

Table 5

Means and Standard Deviations of Amount Offender Keeps to Himself, Thinks He Has Made a Mistake, and Will Live Differently in the Future.

Manipulation Check	Shame		Remorse		Regret	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Keeps to Himself	1.79	0.56	2.91	0.56	2.69	0.72
Made a Mistake	2.14	0.75	1.89	0.44	1.81	0.61
Live Differently	2.88	0.86	1.89	0.65	2.48	0.77

For criminal history (2), each condition was identified correctly. Of the total sample ($N = 134$), 100% of participants assigned to each condition identified this correctly, demonstrating that the manipulation check had been successful. Assigned criminal history ($N = 52$) and no previous criminal history ($N = 82$), were fairly unbalanced groups, despite being randomly assigned.

3.6 Emotional Labeling

A one-way between groups multivariate analysis of variance (MANOVA) was performed to determine that the experimental manipulations were successful regarding emotional labeling. Perceived remorse, shame and regret, were the dependent variables, with the assigned condition (3) as the independent variable. The assumption for homogeneity of covariance was violated, thus the more robust multivariate statistic Pillai's trace was used.

All other assumptions were met. Participants rated shame, remorse and regret on a scale of 1 to 5, with high ratings demonstrated by lower numbers (e.g., 1 = strongly agree, 5 = strongly disagree).

A non-significant multivariate effect was found for assigned condition, Pillai's trace = .14, $F(1, 132) = 6.86$, $p < .001$. Univariate analysis indicated that the offender was rated as significantly more ashamed in the shame condition (1.78) than in the remorse (2.20) and regret (2.0) conditions $F(2, 131) = 4.01$, $p = .02$, $\eta^2 = .06$. Offenders were rated as non-significantly more remorseful in the regret condition (1.98) than the remorse condition (2.18), and the shame condition (2.39), $F(2, 131) = 2.34$, $p = 1.0$, $\eta^2 = .03$. Offenders were rated as significantly more regretful in the regret condition (1.88) than the shame (2.34) and remorse (2.39) conditions, $F(2, 131) = 6.02$, $p < .05$, $\eta^2 = .08$. The manipulation was successful, as it was expected that regret might be higher in all conditions, due the nature of its definition and the close link between remorse and shame. Assigned condition had a significant impact on likelihood to reoffend, Pillai's trace = .17, $F(1, 132) = 9.05$, $p < .001$, perceived sincerity, Pillai's trace = .45, $F(1, 132) = 34.82$, $p < .001$, and emotional stability, Pillai's trace = .06, $F(1, 132) = 2.66$, $p = .05$, however, no significant interactions recorded.

A Tukey Test was conducted on each of the variables for post hoc analyses, exploring the significance of differences between each of the conditions. In the remorse condition, there was no significant difference between each of the conditions, however regret ($M = 1.98$, $SD = 0.93$) was rated higher than shame ($M = 2.39$, $SD = 0.86$) at a near significant amount; $p = .08$. In the shame condition, shame ($M = 1.78$, $SD = 0.57$) was rated significantly higher than remorse ($M = 2.20$, $SD = 0.85$); $p = .01$, however there was no significant difference between regret ($M = 2.0$, $SD = 0.71$) and shame. In the regret condition, regret ($M = 1.88$, $SD = 0.61$) was rated significantly higher than both shame ($M = 2.34$, $SD = 0.82$); $p = .02$, and remorse ($M = 2.39$, $SD = 0.84$); $p < .01$.

Punishment	30.43	10.65	36.82	18.10	33.89	19.14	34.44	12.47	30.00	15.81	31.33	16.13
Punishment (McCorkle)	7.78	1.09	8.32	2.23	8.11	1.94	7.83	0.99	7.43	1.63	7.90	1.56
Rehabilitation (McCorkle)	12.78	1.44	12.55	1.84	13.33	2.06	13.50	1.82	13.71	1.85	13.33	1.70

There was a non-significant multivariate effect for the interaction between assigned condition and criminal history, Pillai's trace = 0.06, $F(1, 130) = 2.54$, $p = .06$. Because of the closeness of the result to statistical significance, a univariate analysis was conducted.

Univariate analysis demonstrated that there was no significant interaction between assigned condition and criminal history on degree of recommended punishment, $F(3, 130) = 1.08$, $p = .36$, $\eta^2 = .02$, degree of recommended punishment on the McCorkle scale, $F(3, 130) = 1.36$, $p = .26$, $\eta^2 = .03$, and suitability for rehabilitation, $F(3, 130) = 1.83$, $p = .15$, $\eta^2 = .04$.

A multivariate analysis of variance (MANOVA) was conducted to determine if the degree and degree of punishment were influenced by the assigned emotional condition; shame, remorse and regret, or previous criminal history. Two measures of punishment were collected, firstly the degree of punishment on a continuous rating scale, and secondly the degree of punishment ascertained from the McCorkle Questionnaire as categorical outcomes. There was no significant multivariate effect for assigned condition, Pillai's trace = .01, $F(1, 132) = 0.53$, $p = .66$, or previous criminal history, Pillai's trace = .05, $F(1, 132) = 2.12$, $p = .10$. Univariate analyses were not conducted for assigned condition as a significant effect was not found, however univariate analysis was conducted for criminal history because of closeness to statistical significance. There was no significant effect of criminal history on either measure of punishment, however a near significant effect was found on the McCorkle degree of punishment scale, $F(1, 132) = 3.58$, $p = .06$, $\eta^2 = .03$.

Univariate analyses demonstrated there was a significant effect of criminal history on suitability for rehabilitation, $F(1,132) = 5.26, p = .02, \eta^2 = .04$, indicating that offenders with no previous criminal history are more likely suited to rehabilitation.

3.8 Effects of Responses to Offending and Past History on Offender Character and Future Behaviour.

The effect of the interaction between assigned condition and criminal history was explored further, applied to the ratings of perceived offender sincerity, emotional stability and likelihood to reoffend. A significant multivariate effect was not found, Pillai's trace = .02, $F(1, 130) = .91, p = .94$, thus univariate analysis was not further explored.

A two-way between groups MANOVA was conducted to explore the effects of assigned condition (shame, regret and remorse) and previous criminal history on participant's judgments of the offender. Dependent variables were degree of sincerity, emotional stability, and likelihood to reoffend, and independent variables were emotion condition (3) and previous history (2) conditions. A list of the measures can be seen in table X (Refer back).

There was a significant multivariate effect for assigned condition, Pillai's trace = .07, $F(1, 132) = 3.31, p = .02$, and previous criminal history, Pillai's trace = .16, $F(1, 132) = 8.23, p < .001$. Univariate analyses were conducted for both measures. No significant effect was found for the effect of previous criminal history, $F(1, 132) = .55, p = .46, \eta^2 = .004$, or assigned condition, $F(2, 131) = .51, p = .60, \eta^2 = .008$, on degree of perceived sincerity.

There was a significant effect of assigned condition on emotional stability, $F(2, 131) = 5.88$, $p < .05$, $\eta^2 = .08$. A Tukey Test explored this effect and found that the offender demonstrating remorse, $p = .01$, and regret, $p < .01$ was significantly more likely to be perceived as emotionally stable than in the shame condition. There was no significant effect of previous criminal history on emotional stability, $F(1, 132) = .71$, $p = .40$, $\eta^2 = .005$.

Univariate analyses demonstrated there was a significant effect of criminal history on likelihood to reoffend, $F(1, 132) = 21.92$, $p < .001$, $\eta^2 = .14$, indicating that the offender with previous criminal history is judged more likely to reoffend than without such history. There was no significant effect of assigned condition on likelihood to reoffend, $F(2, 131) = .04$, $p = .96$, $\eta^2 = .0006$.

Chapter 4: Discussion

4.1 Overview of the Study and Main Findings

The current study aimed to explore existing research on the influence of remorse on attitudes towards an offender, crime related judgments, suitability for rehabilitation and recommended sentencing. It aimed to enhance current knowledge by exploring the specific circumstances in which emotional responses are most influential. The relationship between offender emotional responses and previous criminal history was explored, in order to support and strengthen existing knowledge and previous literature.

The manipulation checks implemented to ensure participants were differentiating between each of the emotions were generally successful. It was expected that if it was identified the offender was more likely to keep to himself, that he would be expressing greater shame than remorse and regret. It was expected that the offenders expressing regret would be more likely to realize they had made a mistake, and that an offender likely to behave differently in the future would express remorse. Each of these manipulations was successful, which indicates that participants could identify and differentiate these emotions. It was important to measure each of these emotions separately, as a previous study by Proeve & Howells (2006) found that participants were not able to differentiate between shame and remorse.

Previous studies have utilized a condition of 'no emotion' (Proeve & Howells, 2006; Jehle et al., 2008), however this condition was not implemented in this study, as it is unrealistic that people will never express emotion. Therefore, removing this condition, allows for a stronger test. The role of remorse in judicial decisions in the criminal justice system

remains controversial, especially when literature explains that people lack the ability to distinguish between emotions, with previous research finding judges unable to distinguish between expressions of remorse and no remorse (Zhong, Baronoxsi, Feigenson, Davidson, Buchanan, & Zonana, 2014). Judges often regard expressions of remorse and shame as both expressions of remorse, however regret not mistaken (Zhong et al., 2014). Shame is clearly being picked up differently to the other conditions. This could be explained by shame being a social emotion, an emotion that people think you should have and express following a misdeed or deviant act. Better character is perceived if the offender seems ashamed, and therefore, the perception is that the offender is less likely to reoffend. However, if an offender is feeling ashamed, they may be more inclined to reoffend due to the painful nature of the emotion, expressing anger and self-hate. This contradiction of how shame is viewed and how it is felt could explain the confusion surrounding shame.

Shame, remorse and regret were described separately in the current study. Participants were able to distinguish between some of the emotions, however not all. The offender was rated as feeling significantly more ashamed in the shame condition, non-significantly more remorseful in the regret condition than the remorse condition, and significantly more regretful in the regret condition. Despite the identification of more remorse in the regret condition, the manipulation was successful as it was expected that regret may indeed be present in all of the conditions, due to the nature of its definition and the close link between remorse and shame.

4.2 Main Findings

Hypothesis 1: Offenders with previous criminal history will be perceived as more deserving of punishment and less suitable for rehabilitation.

This statement is fairly uncontroversial. It was not found that offenders with a previous criminal history will be perceived as more deserving of punishment, but it was found that they would be less suitable for rehabilitation. Participants within this study were found to not be acting in the way that judges in court do, and identified that offenders have worse prospects of rehabilitation if they have a previous criminal history. The effect of this may have had an effect that overshadowed any effects of emotion. The effect of previous criminal history alone on punishment and rehabilitation is a relatively unexplored area of investigations, therefore future research is required to explain this relationship and its effect.

Hypothesis 2: Offenders demonstrating remorse or shame will be perceived as more suitable for rehabilitation and deserving of less punishment than offenders demonstrating regret for consequences to themselves.

Regarding shame, this statement is somewhat contrary to affect control theory but consistent with equity theory, and it has been demonstrated empirically that people do not distinguish clearly between remorse and shame. It was not found that offenders demonstrating remorse or shame would be more suitable rehabilitation, or that they will be deserving of less punishment. Hypothesis 2 was not supported. The findings from this study are misaligned with previous research (Gold & Weiner, 2000; Jacobsen & Berger, 1974; Pipes & Alessi, 1999; Rumesy, 1976) surrounding punishment, and do not support equity theory. Due to the overshadowing of the effect of past history on the effects of emotions, the demonstrations of remorse, shame and regret were not very influential on rehabilitation judgment, where past history was. It was demonstrated that participants were able to identify between the emotions, therefore confusion between them within this study can be excluded. The inconsistency with previous literature, and lack of research surrounding rehabilitation, suggests further research is required to understand the specific circumstances in which

emotional responses affect observer's judgments of an offender's suitability for rehabilitation and deserving degree of punishment.

Hypothesis 3: Offenders demonstrating remorse or shame and a previous criminal history will be perceived as more insincere, and less suitable for rehabilitation than offenders without criminal history or with criminal history and regret for consequences to themselves. [1]
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This statement was argued on the basis of Harrell (1981) findings, however it was not found that offenders demonstrating remorse or shame, in conjunction with a previous criminal history will be perceived as more insincere or less suitable of rehabilitation. Hypothesis 3 was not supported. The findings do not support previous research by Harrell (1981) that remorse, when paired with previous criminal history increases degree of perceived insincerity. Future research should focus on rehabilitation, as there is a gap in the literature.

According to the law, offenders are to be punished for what they do, rather than they act. From this study, it appears participants are making good judgments regarding the behaviour and actions of the offender, as opposed to how he reacted. However, from the correlations it was identified that expressions of remorse are significantly correlated with decreased levels of punishment, for both the continuous and McCorkle scale. This finding is in line with previous literature that remorse plays a significant role in sentencing decisions, reducing punishment outcomes (Pipes & Alessi, 1999; Jacobson & Berger, 1974; Gold & Weiner, 2000).

Suffering in the case of prudential regret might be considered to be less, as found in this study where regret had a lower correlation with reduced punishment than shame, as shame

is an indication that the offender is suffering. Both these correlations were found to be significant. Previous literature has had more of a focus on remorse than shame and regret. Future studies should be addressing the distinction between these emotions due to the present differences in the expressions, as opposed to just remorse and previous criminal history

Findings supported the expectation that remorse would be correlated with a lower likelihood of reoffending, with a significant negative correlation present. No significant findings were found for regret, although showed lower correlation with reoffending, or shame, showing a high correlation with lower likelihood of reoffending. No significant correlation was found between remorse and emotional stability, although expected it would from previous research (Robinson et al., 1994). As findings of regret and shame do not align with previous research (Hosser et al., 2014), more study is required to reconcile differences. Future research may utilize a different population, or conduct a qualitative study to reconcile the discrepant findings.

Experimentally, both remorse and shame had significant correlations with suitability for rehabilitation. As predicted, remorse had a strong significant correlation, however shame was correlated higher, an unexpected finding. These findings indicate that the more remorse and shame are present in an offender expression, the more likely their perceived suitability for rehabilitation. These findings suggest that future research is required, as this area is lacking previous research in conjunction with responses to offending and judgments.

4.3 Strengths and Limitations

This study utilises modern technology and is in line with modern literature (Jehle et al., 2009; Robinson et al., 1994) and addresses previous recommendations (McLin et al.,

2009) to utilise a visual display of emotion through a video for greater ecological validity. Following previous research (Pfeider et al., 1996; Jehle et al., 2009), the defendant in the remorseful condition demonstrated downcast eyes and a trembling voice for remorse, while expressing a distinct lack of interest about the direct harm caused by his actions in the regret condition. The shame condition demonstrated physical traits somewhere between the two.

Although minimal gender differences were identified within this study, it may be important to note that males rated the offender higher than females in identifying that he had made a mistake and would behave differently in the future. Males relating more personally to the scenario of a bar fight could explain this difference. Due to the considerable female number of participants, the experiment may have required a different scenario, possibly with a female offender in the same scenario or multiple offenders. Using a crime more commonly associated with female perpetrators for the scenario, such drug offences and fraud, may have allowed for greater ratings from females, or a reduced difference as it may be a more relatable scenario for both genders.

The number of participants assigned to each condition of previous criminal history or no previous criminal history was fairly unbalanced given it is supposed to be randomly assigned. This could be explained by the way Survey Monkey operates, and that it is in fact not truly random as the platform suggests. Unfortunately, for reasons unknown, these conditions remained unbalanced and may have affected the overall results.

Of the 11 participants who withdrew at the video stage, more withdrew at the regret/no criminal history condition. It can be assumed that this is random, due to the method Survey Monkey uses for random allocation. However, as the number for this condition is

considerable higher, it doesn't seem to be random. The reason for this differential dropout could be attributed to the personal feelings of anger towards the offender, potentially if the participant has experienced assault in the past, and not wishing to proceed.

Previous studies have included a condition of 'no feelings' to contrast expressions of remorse (Proeve & Howells, 2006; Jehle et al., 2009). This study did not include a condition of no emotion, attempting to ensure greater ecological validity. Without this condition, this study becomes a harder test, more fine grained. Another way of assessing emotional reactions to offending could be to include four conditions, adding no feelings to the conditions in this study.

Finally, the sample of this study was of the general public, with no understanding of their knowledge surrounding criminal justice. With no experience of criminal justice and understand the emotional reactions to offending, the sample was uninformed. Being in the form of an online survey, as opposed to a jury in a case, participants were also not making real, binding decisions that would have an effect on someone's life. The pressure of a real decision may change the findings.

4.4 Implications and Future Directions

The effects of emotional response from assigned condition on this study were minor. Further research exploring the influence of emotional responses on perceptions of attitudes towards offenders is necessary to understand what types of emotion are most influential on attitudes and judgments of observers.

As previously mentioned, four conditions could be implemented in future research, adding a 'no feelings/reaction' condition to the study. This would allow for identifying shame, regret and remorse more clearly in contrast to no emotion whatsoever.

Further research should be conducted surrounding the reactions to offences and what they actually affect. Literature is inconsistent surrounding the effects of emotional reactions on rehabilitation and punishment, although it has been identified that participants are able to distinguish between these emotions. Future research should focus on the effect of emotional responses on perceived suitability for rehabilitation, due to the unexplored nature of this area. Emotional reactions may be more important to victims, or people who have suffered as opposed to anyone else. Why and how emotional reactions are important should also be explored.

4.5 Conclusion

The expression of remorse and shame by an offender is associated with greater judgment of their general character, degree of suitable punishment, likely future behaviour and suitability for rehabilitation. Remorseful and shameful offenders are perceived as more sincere and willing to make reparations for the actions than their regretful counterparts. Previous criminal history influences perceptions of suitability for rehabilitation and degree of punishment required, compared to first time offenders. Results enhance the current understanding of emotional responses to offending and previous criminal history, while proposing significant areas of future research. Suitability for rehabilitation warrants considerably further exploration, in order to understand how responses to offending effect perceptions and decisions. Affect Control Theory and Equity Theory assist our understanding; however do not explain the full interaction.

This study aids in the current understanding of psychological mechanisms within legal proceedings, and could be utilised to develop a more comprehensive and fair legal system. In supplement to the existing body of literature, legal professions could profit from the conclusions of this study, drawing attention to the implications of the demonstrations of emotion from an offender. These findings provide valuable information of the real-world application of extralegal aspects within a trial, emphasizing the potential influence and how to make better-informed decisions.

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APPENDICES

Appendix A: Participant Information Sheet

HUMAN RESEARCH ETHICS SUB-COMMITTEE APPROVAL NUMBER: [REDACTED]

PRINCIPAL INVESTIGATOR: Dr Michael Proeve

STUDENT RESEARCHER: Emily Johnson

STUDENT'S DEGREE: Honours Degree in Bachelor of Psychological Science

Dear Participant,

You are invited to participate in the research project described below.

What is the project about?

The aims of this project are to examine perceptions about punishment and rehabilitation of a criminal offender, including the offender's attitudes to his offence.

Who is undertaking the project?

This project is being conducted by Dr Michael Proeve and Emily Johnson. This research will form the basis for the degree of Honours Degree of Bachelor of Psychological Science at the University of Adelaide under the supervision of Dr Michael Proeve.

Why am I being invited to participate?

You are being invited as you have voluntarily chosen to take part in this research and you are over the age of 18.

What am I being invited to do?

You are being invited to complete a study in the form of an online multi-media survey. This survey will include a list of demographic questions, followed by a scale concerning attitudes towards offenders. You will then be presented with information surrounding an assault case,

and watch a video clip of the 'offender's' statement about his offence. You will then complete further items regarding attitudes about characteristics of the offender and what you recommend in this case.

How much time will my involvement in the project take?

The survey will take approximately 20 minutes to complete. Those undertaking Psychology 1B will be granted 30 minutes course credit. There will be no follow up. If you wish to enter the draw for a \$50 Coles and Myer gift voucher for your time you may enter your email at the commencement of the survey. Those wishing to obtain credit for Psychology 1B are not eligible to enter the draw, as their reward is points for research participation.

Are there any risks associated with participating in this project?

There is the potential for you to feel discomfort after reading the case details and viewing the video where the offender (actor) discusses his actions. There are a number of counselling and support services available. Beyondblue is a national organisation that has a range of information and resources associated with depression and anxiety. Useful resources and further information about beyondblue programmes are available on its website at www.beyondblue.org.au or by contacting its Support Service on 1300 224 636 (toll free). The Support Service runs 24 hours a day, seven days a week. All calls are one-on-one with a trained mental health professional, and completely confidential.

The Student Life Counselling Support at the University of Adelaide offers a place to talk about and reflect on whatever is troubling you in a safe, supported and confidential environment.

Location: Ground Floor, Horace Lamb Building, North Terrace Campus, THE

UNIVERSITY OF ADELAIDE

Contact: +61 8 8313 5663

What are the potential benefits of the research project?

As a general benefit, this research may assist the researchers to gain greater insight regarding into the effect of offenders' responses their crimes on attitudes towards them.

Can I withdraw from the project?

Participation in this project is completely voluntary. If you agree to participate, you can withdraw from the study at any time.

What will happen to my information?

Information, which is anonymous, will be stored and uploaded to 'The Box', a university cloud system with access only to researcher and supervisor via password. The University will retain records for 5 years after the completion of the research (as per the Australian Code for the Responsible Conduct of Research).

No names or other identifying details will be retained as part of the data set, the participation will be anonymous.

Results will be published through Open Science Framework, available for online access. The data may also be used in published scientific articles. Summary data will be the only data published.

Any participant wishing to have a summary of results can email either Emily Johnson or Dr Michael Proeve and request. This will remain confidential, and no data from these email requests will be stored.

Who do I contact if I have questions about the project?

Applicant: Dr Michael Proeve

School or Department: School of Psychology, Faculty of Health and Medical Sciences

██

████████████████████

Role in the research: Supervisor

Student's name: Ms Emily Johnson

School or Department: School of Psychology, Faculty of Health and Medical Sciences

██

Role in the research: Researcher

Appendix B: Crime Scenarios**Scenario 1: No Criminal History**

The offender, a young man, Tom Burchard, in his early twenties, was involved in a bar fight after a disagreement over a close football game playing at the bar. The local bar was packed to the brim with patrons, including children, enjoying themselves and having a good time when the fight erupted. In the ensuing fight, which escalated into several others becoming involved, bar furniture and utensils were damaged. Both heavily intoxicated, the offender pushed the other man involved, a supporter of the winning team after the game, resulting in a fall on the edge of the bar and a subsequent head injury. The charges brought against the offender were assault with intent to do grievous bodily harm, and malicious damage to property.

Scenario 2: Criminal History

The offender, a young man, Tom Burchard, in his early twenties, was involved in a bar fight after a disagreement over a close football game playing at the bar. The local bar was packed to the brim with patrons, including children, enjoying themselves and having a good time when the fight erupted. In the ensuing fight, which escalated into several others becoming involved, bar furniture and utensils were damaged. Both heavily intoxicated, the offender pushed the other man involved, a supporter of the winning team after the game, resulting in a fall on the edge of the bar and a subsequent head injury. The charges brought against the offender were assault with intent to do grievous bodily harm, and malicious damage to property.

Tom Burchard has a previous criminal history.

Appendix C: Surveys and Questionnaires

Demographic Questions – Version 1 7/10/2018

Please answer the following questions by clicking a box or typing ext.

- What is your age in years? _____ years
- What is your gender? Female Male Other Prefer not to say
- How many years of formal education have you completed, including school and tertiary education? _____ years
- What is your first language? English Other
- If your first language is not English, what is it? _____
- What is your religious affiliation? (Drop down box)

‘Rehabilitation Orientation Scale’ - Cullen, Lutze, Link, & Wolfe (1989)

- All rehabilitation programs have done is to allow criminals who deserve to be punished to get off easily.
- Rehabilitating a criminal is just as important as making a criminal pay for his or her crime.
- The most effective and humane cure to the crime problem in America is to make a strong effort to rehabilitate offenders.
- The only way to reduce crime in our society is to punish criminals, not try to rehabilitate them.
- We should stop viewing criminals as victims of society who deserve to be rehabilitated and start paying more attention to the victims of these criminals.
- I would support expanding the rehabilitation programs with criminals that are now being undertaken in our prisons.
- One of the reasons why rehabilitation programs often fail with prisoners is because they are under-funded; if enough money were available, these programs would work.
- The rehabilitation of adult criminals just does not work.

- The rehabilitation of prisoners has proven to be a failure. [L][SEP]

Single Item Questions

Rating Scale [L][SEP] 1 – Strongly Disagree 2 – Disagree [L][SEP] 3 – Undecided [L][SEP] 4 – Agree [L][SEP] 5 – Strongly Agree

- The offender is ashamed. [L][SEP]
- The offender is remorseful. [L][SEP]
- The offender is regretful for what he has suffered. [L][SEP]
- The offender is sincere. [L][SEP]
- The offender is emotionally stable. [L][SEP]
- The offender is likely to reoffend. [L][SEP]
- How much should they be punished (0-100 scale) [L][SEP]

McCorkle Punishment and Rehabilitation Questionnaire

Rating Scale [L][SEP] 1 – Strongly Disagree 2 – Disagree [L][SEP] 4 – Agree [L][SEP] 5 – Strongly Agree

- The primary concern with this criminal should be to make sure he is severely punished for the crime. [L][SEP]
- If the only way this criminal and others can be locked up is to build more prisons, then so be it [L][SEP]
- The only way to prevent the criminal from committing future crimes is to keep him locked up. [L][SEP]
- The courts are generally too easy on people who commit this sort of crime. [L][SEP]
- Trying to rehabilitate the person would probably be a waste of time. [L][SEP]
- This offender would probably benefit from the psychological counseling programs offered in the prison. [L][SEP]
- If this offender received educational and vocational training in prison, he probably would not commit crimes in the future. [L][SEP]

- More effort needs to be made to expand and improve programs that would give this offender the chance to change his life. [L]
[SEP]