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**URL:**

**Author Address:**
gtyson@csu.edu.au

**CRO identification number:** 10519
To Punish or To Rehabilitate: Sentencing Goals as Mediators between Values, Axioms and Punitiveness towards Offenders

Grace Dzing Man Lau
The Chinese University of Hong Kong

Graham A. Tyson
Charles Sturt University

and

Michael Harris Bond
The Polytechnic University of Hong Kong

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Abstract

The present study explored the structure of sentencing goals in Hong Kong, relating the endorsement of these sentencing goals to punitiveness, values, and social axioms. Two dimensions of sentencing goals, Punishment and Rehabilitation, were identified. Both dimensions significantly explained punitiveness towards offenders. The psychological basis of sentencing goals was traced by testing a model that relates the two dimensions of sentencing goals and of their consequent punitiveness to values and social axioms. Results indicated that the two sentencing goals were associated with certain dimensions of values and axioms, enabling us to establish a model with sentencing goals as mediators between values, axioms and punitiveness. This model extended current research on sentencing goals and can be applied in the legal context to evaluate the court’s penal practice.
To Punish or To Rehabilitate: Sentencing Goals as Mediators between Values, Axioms and Punitiveness towards Offenders

“And earthly power doth then show likest God's,
when mercy seasons justice."

William Shakespeare, *The Merchant of Venice*.

After nearly ten years since the establishment of the Fundamental Law, Hong Kong’s current legal and penal system is still in its testing phase. This can be reflected by the unending debate about the interpretations of the Fundamental Law. Looking into the penal practices and goals of sentencing in Hong Kong, it is not hard to find ambiguous areas. For example, while there has been an increasing emphasis on the rehabilitative penal measures in Hong Kong (Chui, 2003), people are also concerned that retributive penal practices might have crept into Hong Kong after China’s takeover (Lo & Harris, 2004). These seemingly contradictory findings well illustrate a lack of understanding about the goals of sentencing in Hong Kong’s penal system.

The fact that public opinion can bring about changes in policy that are over and above more rational and research-based criminological knowledge (Hood & Joyce, 1999) implies that it is imperative to examine public’s attitudes towards sentencing goals and penal practices, as well as the psychological mechanisms behind the endorsement of these attitudes. Without further understanding of public opinions towards the goals and behaviors of penal practices, it remains doubtful whether the court’s sentencing decisions are actually supported by the general public; and the rationale by which the court’s sentencing goals and decisions could be grounded are still uncertain. In response to this ambiguity, the current study aims to investigate Hong Kong people’s sentencing goals and their relationship with sentencing
decisions. This study also attempts to uncover some of the factors that may influence people’s endorsement of sentencing goals and choice of penalty for offending.

*Sentencing Goals in previous Research*

There exists an old controversy concerning the proper aims of the court’s penal practices (Duff & Garland, 1994), and a number of sentencing goals can be identified in the literature. According to Feather and Souter (2002), these goals could be roughly categorized into Retribution (assignment of just desserts), Rehabilitation (reintegration of offenders into the society), Incapacitation (protection of society from offenders) and Deterrence (deterrence of potential offenders). These goals have themselves been categorized into two broader motives of sentencing -- Rehabilitation versus Punishment, the latter consisting of the retribution, deterrence and incapacitation goals (Vidmar, 2000; Vidmar & Miller, 1980). In several studies, the Punishment category has been further divided into two subcategories, namely Retribution and Utilitarian, the latter including the deterrence and incapacitation goals (Orth, 2003; Vidmar, 2000). Importantly, while these distinctions among the various goals may be familiar to those who are in the field of criminal justice, one should always bear in mind that the general public is much more likely to think of sentencing goals in terms of the two broad categories, i.e. Rehabilitation and Punishment.

On the whole, there seems to be a consensus acknowledging the distinction between the Rehabilitation and Punishment goals. However, most, if not all of the studies on sentencing goals were based on North American and European populations. There also appears to be cross-cultural variations in sentencing goals, which were often attributed to cultural differences in the dimension of individualism-collectivism (Sanders, Hamilton, & Yuasa, 1998; Sigal & Jacobsen, 1999). For these reasons, a replication of any proposed factor
structure for sentencing goals in the Chinese culture will be of particular interest.

*Sentencing Goals in Chinese Eyes*

The conceptual pair of “wen” (refinement, maintenance of harmonic peace) and “wu” (maintenance of social order through military violence) has been commonly used in anthropology to explain violence in Chinese culture (ter Haar, 2000). It is believed that society is sustained by a balance between “wen” and “wu”. This conceptual pair is apparently similar to the concept of Rehabilitation and Punishment. The centrality of this conceptual pair to the Chinese criminal justice system is reflected by the Chinese name of The Hong Kong Correctional Services Department, which is made up of two characters meaning “punish” and “educate”, respectively. Therefore, the pairing of “wen” and “wu” may provide a useful framework for conceptualizing sentencing goals among Hong Kong Chinese.

The concept of “wen” reveals that preservation of social harmony is highly valued in Chinese culture (Gabrenya & Hwang, 1996). It is possible that an integrative approach which could restore the harmony between criminals and society would be prominent among Chinese. As Rehabilitation would resolve the tension between criminals and the society by allowing offenders to re-integrate with the society, it is speculated to be one of the identifiable sentencing goals among Chinese.

Likewise, the “wu” concept may correspond to the Punishment goal. In Chinese culture, there has been a long history of using penal punishment as a means to discipline and control criminals’ and the general public’s behavior, so as to ensure that they will follow the norms of the society (ter Haar, 2000). In that sense, penal punishment may be used as a disciplinary tool to maintain social order. Thus, it is reasonable to speculate that Punishment would be another sentencing goal among Chinese.
In a word, the structure of sentencing goals in Chinese society is speculated to resemble the two-factor structure proposed in previous studies (Vidmar, 2000; Vidmar & Miller, 1980; Weiner, Graham, & Reyna, 1997).

**Sentencing Goals and Punitiveness**

Although not all sentencing goals are related to sentencing decisions (Carlsmith, Darly, & Robinson, 2002), the apparent linkage between the two has stimulated voluminous research on this linkage. Establishing a linkage between sentencing goals and decisions is important, not only because it partly reveals the cognitive reasoning behind sentencing decisions, but also because it allows people to relate national or institutional ideologies, which could be reflected in sentencing goals (Carroll, Perkowitz, Lurigio, & Weaver, 1987), to actual sentencing behaviors.

Specifically, the various sentencing goals were often conceptualized as categorical variables that lie along a dimension varying in the degree of punitiveness of sentencing decisions associated with these goals. Numerous studies have shown that goals of sentencing partly explained the variance in punishment severity (Orth, 2003; Weiner et al., 1997). For instance, the Punishment goal was commonly equated with imprisonment sentences (Roberts & Hough, 2005). The Retribution and Deterrence goals, both of which were under the broader goal of Punishment, were also shown to be associated with demands for harsh punishment (McFatter, 1978; Oswald, Hupfeld, Klug, & Gabriel, 2002; Tyler & Boeckmann, 1997). One of the suggested reasons for the prominent link between the Punishment goal and punitiveness is that criminal acts symbolically violate an observer’s values, which then call for the imposition of harsh punishment to restore the equilibrium of the observer (Vidmar & Miller, 1980). Accordingly, it is hypothesized that the endorsement of Punishment goal is
related to harsher penal sentencing.

A preference for Rehabilitation, however, has been related to more lenient punishment (McFatter, 1982), such as granting probation and shorter prison terms. Aiming at reintegrating offenders into society, people who endorse the Rehabilitation goal are unlikely to favor the imposition of lengthy prison terms that inevitably isolate criminals from the society. Instead, they may choose lenient forms of punishment, such as community work and probation, which could help the offenders to re-identify with societal values. Hence, the endorsement of the Rehabilitation goal is hypothesized to be associated with more lenient sentencing, i.e., lower in punitiveness.

*Psychological Precursors of Endorsing Sentencing Goals*

Given the critical influences of attitudes towards sentencing goals on penal policymaking and sentencing decisions, much research has attempted to pin down the factors underlying the endorsement of these goals. Personality variables, such as dogmatism and moral stage (Carroll et al., 1987), and ideological variables, such as right-wing authoritarianism and conservative political orientations (David, Severy, Karus, & Whitaker, 1993; Feather & Souter, 2002), have all been found to be related to the endorsement of various sentencing goals and the punitiveness of sentencing decisions.

*Values and Sentencing Goals*

Since some of the variables mentioned above, especially right-wing authoritarianism, are closely related to Schwartz’s (1992) pan-cultural value structure (Feather, 1998), it is indeed surprising that there appears to have been no systematic and theoretical investigation of the link between values and attitudes towards sentencing. According to the Feedback Hierarchy Model (Powers, 1973) and Rohan (2000), specific goals and decisions, such as
sentencing goals and punitiveness of sentencing decisions, should be influenced by higher level constructs such as values. Schwartz (1992) conceptually mapped out ten value domains and categorized them into four broader value dimensions: Universalism and Benevolence are categorized under the self-transcendence dimension; Security, Conformity and Tradition, under the conservation dimension; Power, Achievement and Hedonism, under the self-enhancement dimension; Self-direction and Stimulation, under the openness to change dimension. Based on Schwartz’s (1992) definitions of these value domains and the past literature on sentencing goals, some predictions about the relationships between specific values and sentencing goals may be made.

The Power value focuses on attaining and maintaining the individual’s dominant position in the social system, and by implication ensuring that others remain in a submissive position. It is hypothesized to be positively related to the Punishment goal because punishment-oriented sentencing allows people to exert control over criminals and thereby keep offenders in a submissive position. By the same token, it is also hypothesized to be negatively related to the Rehabilitation goal because rehabilitation could be seen as granting criminals an equal status as the general public, lessening the criminals’ submissive position.

The value of Security is believed to be associated with the Punishment goal, since an emphasis on safety and stability of the society would possibly lead to higher demands for deterrence and incapacitation, which were both elements underlying the Punishment goal (Orth, 2003).

The interrelated values of Conformity and Tradition are expected to be positively associated with Punishment. People who are high in these qualities stress the importance of acceptance, adherence and respect of existing norms. They would probably see penal
sentencing as a means to reaffirm societal values, and therefore support Punishment as the appropriate sentencing goal.

Conversely, the Universalism value, which focuses on the well-being of all human beings, is speculated to be connected with the Rehabilitation goal, since an intention to re-invite criminals into the society should be in line with an underlying desire to maximize the benefits of both criminals and the society as a whole.

Some values are speculated to be unrelated to sentencing goals and punitiveness. For instance, Benevolence, a value that focuses on promoting one’s relationships with friends and family, is believed to be less relevant to goals and decisions involved in broader social issues, such as penal practices. Also, the values of Achievement and Hedonism are very much self-oriented, and seem to have little relevance to the individual’s views towards sentencing. Hence, they are hypothesized to be unrelated to sentencing goals, too. Similarly, the elements underlying openness to change, i.e. Stimulation and Self-Direction, emphasize seeking personal excitement and novelty rather than societal concerns. Thus, they are also speculated to be unrelated to sentencing goals.

**Social Axioms and Sentencing Goals**

It should be noted that, while values may reveal the ideal to-be-achieved sentencing goals, social beliefs tap the subjective truths about the social context within which these goals may be achieved. According to expectancy-value theory (Feather, 1982), values and expectancies have separate impacts on behaviors. Since the attainment of sentencing goals is heavily dependent on actions and influences of others in the social world, such as offenders, potential offenders, and the government, a person’s beliefs about how the external social world functions should play an important role in determining his/her sentencing goals and
behaviors. So, it is justifiable to combine an individual’s beliefs about the world with personal values to explain people’s sentencing goals and punitiveness.

An individual’s general beliefs or expectancies about the social world have been labeled social axioms by Leung and Bond (2008) as,

“generalized beliefs about people, social groups, social institutions, the physical environment, or the spiritual world as well as about categories of events and phenomena in the social world. These generalized beliefs are encoded in the form of an assertion about the relationship between two entities or concepts.” (p. 198)

In other words, they are people’s assessment of the social context constraining their behavioral choices (Bond, Leung, Au, Tong, & Chemonges-Nielson, 2004). Putting these social axioms into the current study’s context, they might be seen as people’s assessment of the social context constraining their choices of sentencing goals and sentencing decisions.

Leung, et al. (2002) identified five pan-cultural dimensions of social axioms, namely, Religiosity, Reward for Application, Fate Control, Social Cynicism, and Social Complexity. People who are high in Reward for Application believe that investment of any form of human resource will lead to rewarding outcomes as a return to the investment made (Leung & Bond, 2004). They probably are more likely to support rehabilitation programs, which consume resources in an attempt to enable criminals to fit back into the society. However, with items such as, ‘good deeds will be rewarded, and bad deeds punished’ and ‘the just will defeat the wicked’, Reward for Application has a slight moral overtone which suggests that those who endorse this belief are also likely to support retributive sentencing. Thus, it is predicted to be positively correlated with both Rehabilitation and Punishment goals.

Religiosity refers to the view that religion and its institutional practices socially harmonize interpersonal relationships, and thereby support motivations orientated towards
concern for others (Leung & Bond, 2004). Hence, it is highly possible that people high in Religiosity would be concerned about offenders’ needs for rehabilitation and support the Rehabilitation goal.

Those who believe in Fate Control assume that impersonal, external forces are exerting control or influence over social events (Leung & Bond, 2004). They may think that rehabilitative interventions could hardly modify criminals’ behaviors, and that all one could do with criminals is to lock them up in jail. In addition, there is also evidence suggesting that Fate Control is associated with the coping strategy of distancing (Bond et al., 2004). Therefore, people who are high in Fate Control may prefer to distant themselves from criminals, both physically and psychologically, and endorse the Punishment goal.

Social Cynicism represents a negative assessment of human nature and social events (Leung & Bond, 2004). It is also related to low interpersonal trust (Singelis, Hubbard, Her, & An, 2003). Given their skeptical view towards others, people who are socially cynical may tend to focus on the incapacitation and deterrence utility of punishment which protects them from being harmed by offenders or potential offenders. Hence, Social Cynicism is speculated to have a positive relationship with the Punishment goal.

Social Complexity, on the other hand, is thought to be unrelated to sentencing goals. It refers to the beliefs that there are no rigid rules to solve problems or govern outcomes (Leung & Bond, 2004). Uncertain about the outcomes of penal sentences and rehabilitation programs, people who are high in Social Complexity may not have a clear-cut answer concerning their sentencing goals and decisions.

Figure 1 shows the hypothesized model relating values and social axioms to sentencing goals.
Overview of the Present Study

In sum, the three main aims of this study are: First, to replicate in Hong Kong the two-factor structure of sentencing goals proposed in previous literature; second, to investigate the connections between sentencing goals and punitiveness; and third, to examine whether there is any relationship stemming from values and social axioms to sentencing goals, which may ultimately have an impact on punitiveness. By examining the relationships between sentencing goals, punitiveness, values and social axioms, the current study attempts to unpack the mechanisms underlying people’s sentencing decisions.

Method

Participants

Two hundred and twenty university students in Hong Kong were invited to participate in this study. Before distributing the questionnaires, participants were asked to fill out a consent form to ensure the study was conducted with participants’ informed consent. Questionnaires completed by participants were then collected anonymously. Data that revealed apparent response set, which was defined as having the same response continuously for 10 or more items or having 10 or more missing items, were discarded. After discarding such data, an almost gender-balanced sample of 213 Chinese university students remained, with 97 males and 116 females. Mean age of the sample was 21.03, with a standard deviation of 3.84.

Measures

Sentencing Goals. A 20-item Justice Scale designed by McKee (n.d.), was utilized in the study with the authors’ permission. Participants were asked to rate the degree to which
they agree with the respective reasons or goals of sentencing implied in the items on a seven-point, Likert scale (1 = strongly disagree; 4 = no comment; 7 = strongly agree). Feather and Souter (2002) reported that the scale identified four sentencing goals. These were the goals of: Rehabilitation, Retribution, Incapacitation and Deterrence, with five items for each sentencing goal. The goal of Rehabilitation was measured by items such as, “With the right approach most offenders can be rehabilitated back into society”; Retribution by items such as, “Justice requires that the punishment should be as severe as the offence”; Incapacitation by items such as, “The purpose of court sentences should be to protect society from the offender”; and Deterrence by items such as, “Penalties should be severe enough so that criminals are unlikely to re-offend

**Punitiveness.** A single-item scale was devised for the purpose of measuring punitiveness. Participants were given the following scenario, which was extracted from the 2000 International Crime Victimization Survey (Alvazzi del Frate & Van Kesteren, 2004), and were asked about the penal sentence they would recommend for the recidivist burglar described in the scenario. Punitiveness was defined as how harsh a sentence an individual desired to inflict on the burglar.

Take for instance the case of a 21 year-old man who is found guilty of housebreaking the second time. He has taken a color TV this time.

The penal sentence options form a 12-point scale of punitiveness. The options range from the harshest punishment in Hong Kong, life imprisonment, through various lengths of prison term, amount of community service or fine penalty, to the most lenient punishment, issuing a caution. A housebreaking scenario was used because worldwide consensus about the seriousness of conventional crimes, such as housebreaking, suggests that differences in views
about punishing a housebreaker will more likely reflect real differences in punitiveness than diversified interpretations about the seriousness of the crime (Mayhew & Van Kesteren, 2002).

**Values.** A comprehensive 56-item values inventory developed and revised by Schwartz (1992) was used. For the purpose of this study, only the 45 items that were found to be pan-cultural were included in scoring the value domains (Schwartz, n.d.). Each item consists of a short phrase reflecting a certain value, such as “peace” and “power”. Participants were required to rate how important each value is as “a guiding principle in your life”. A nine-point Likert scale was used (1 = opposed to my values; 2 = not important; 5 = important; 9 = of supreme importance). Ten value dimensions were measured: Universalism, Benevolence, Security, Conformity, Tradition, Power, Achievement, Hedonism, Self-direction, and Stimulation.

The Cronbach alphas in the current study ranged from .56 to .84, with a mean of .70. In order to reflect the relative importance of each value in an individual’s value system, individual differences in the use of the values scale were controlled by using the centered scores (Schwartz, n.d.), in which scores of each item for an individual were centered on the individual’s mean of all items. It is important to note that, instead of absolute scores, these centered scores of Values were used in subsequent analyses.

**Social Axioms.** A 25-item short version of the Social Axioms Scale (Chen, Bond, & Cheung, 2006) was used. For each of the five pan-cultural social beliefs dimensions measured, five items having the highest loadings on each dimension from Leung and Bond’s (2004) study in Hong Kong were selected. Participants were asked to rate to what extent they believe or disbelieve the statement on each item on a five-point Likert scale (1 = strongly
disbelieve; 3 = no comment; 5 = strongly believe). Social Cynicism was measured by items such as, “Powerful people tend to exploit others”; Reward for Application by items such as, “One will succeed if he or she really tries”; Social Complexity by items such as, “Human behaviors changes with the social context”; Fate Control by items such as, “Fate determines one’s success and failure”; and Religiosity by items such as, “Belief in a religion makes people good citizens”. Three items from the Fate Control, Social Cynicism, and Reward for Application subscales that had an item-total correlation less than .20 were deleted. In the present study, the alpha coefficients of the subscales ranged from .53 to .81.

All scales had been translated from English to Chinese using the method of back-translation.

Results

*Factor Analysis of the Sentencing Goals*

Since the Justice Scale has not been used in Chinese societies, and as there has not been an established structure of sentencing goals in Hong Kong, an exploratory principal components analysis was utilized to establish the number of sentencing goals components in the data set. Parallel analysis (Zwick & Velicer, 1986) was performed in which eigenvalues of 1000 solutions with the 20 Gaussian variables were averaged. The analysis indicated that only the eigenvalues of the first two components exceed the random solution eigenvalues, indicating that a two-factor solution was the most appropriate.

The twenty items were then forced into a two-factor solution with a varimax rotation (Kaiser, 1958) which explained 39 percent of the total variance. The results of this analysis are shown in Table 1, Items relating to retribution, deterrence and incapacitation all loaded above .40 on the first component. Therefore, the first component was labeled Punishment.
The second factor was labeled Rehabilitation because items loading above .40 on this factor were all items relating to Rehabilitation. One item with positive loadings on both components was not used for the computation of scores. The Cronbach reliability of the Punishment goal was .86 and that of the Rehabilitation goal was .71.

**Correlations**

Partial correlations between the two sentencing goals, punitiveness, value domains and dimensions of axioms were computed to see whether there was preliminary support for the hypotheses. Influence of gender and age were controlled in this analysis. As shown in Table 2, punitiveness correlated significantly positively with Punishment and negatively with Rehabilitation, outcomes which were in line with the hypotheses. Result also supported the position that values and axioms are related to the endorsement of sentencing goals.

**Regression of Sentencing Goals on Punitiveness**

With initial support from correlation, the relationships between sentencing goals and punitiveness were further investigated by means of regression. Results indicated that, controlling for the influence of gender and age, both sentencing goals could significantly explain punitiveness ($R^2 = .11$, $F = 6.41$, $p < .01$). The beta value of the linkage from the Punishment goal to punitiveness was .20 ($p < .01$); and that from the Rehabilitation goal to punitiveness was -.24 ($p < .01$). These findings confirm the hypothesis that the Punishment goal positively and the Rehabilitation goal negatively combined to explain the assignment of harsher penal punishment to offenders.

**Path Analysis on the Hypothesized Model and the Purified Model**

In order to test the hypothesized model (Figure 1), Path Analysis was performed using Amos 5.0. Contrary to the hypotheses, this model does not fit the data. The chi-square test
was significant $\chi^2 (45, N = 213) = 114.59$, $p = .00$, and the goodness-of-fit indices also suggested that this model does not fit the data very well: the Bentler-Bonett Non-normed Fit Index (NNFI) was 0.51; the Comparative Fit Index was (CFI) was 0.66 and the Root Mean-Square Error of Approximation (RMSEA) was 0.10. Results nonetheless indicated that the paths linking sentencing goals to punitiveness and some of the paths relating values and axioms to sentencing goals were statistically significant. In consequence, the model was distilled by sequential deletion of insignificant paths, starting from the path with the smallest regression weight.

As a result, two values, i.e. Power and Security, and four social axioms, i.e. Religiosity, Reward for Application, Fate Control, and Social Cynicism, remained in a simplified model. This purified model was insignificant in the chi-square test, $\chi^2 (22, N = 213) = 29.43$, $p = .13$, indicating that this model fit the data. Furthermore, the model also revealed many acceptable goodness-of-fit indices: NNFI = 0.91; CFI = 0.94; RMSEA = 0.04, all of which justifies the model’s validity. This purified model and the standardized beta values of each path are presented in Figure 2.

Similar to the regression results, this model indicated that punitiveness could be positively explained by Punishment ($\beta = .19$, $p < .01$), and negatively explained by Rehabilitation ($\beta = -.23$, $p < .01$). Apart from those findings, the model relates values and social axioms to sentencing goals, which were in turn related to punitiveness. As shown in the model, the Power value ($\beta = .14$, $p < .05$), the Security value ($\beta = .1$, $p < .01$), the Reward for Application axiom ($\beta = .15$, $p < .05$), the Fate Control axiom ($\beta = .17$, $p < .05$), and the Social Cynicism axiom ($\beta = .16$, $p < .05$), all positively constituted the endorsement of Punishment goal. In contrast, the Rehabilitation goal could be explained positively by the Religiosity axiom ($\beta = .14$, $p < .05$) and the Reward for Application axiom ($\beta = .32$, $p < .01$), and
negatively by the Power value ($\beta = -.22, p < .01$). Overall, the model explained 11 percent of the variance in the Punishment goal, 19 percent in the Rehabilitation goal, and 9 percent of punitiveness.

In addition, direct linkages from values and axioms to punitiveness were tested one by one. All the direct linkages were found to be insignificant, indicating that there were no direct relationships between values and punitiveness or between axioms and punitiveness. The effects of values and axioms on punitiveness were completely mediated by the two sentencing goals.

Discussion

Results showed that two orthogonal dimensions of sentencing goals, Rehabilitation and Punishment, could be identified among Hong Kong people. Rehabilitation and Punishment, which correspond to the Chinese conceptual pair of “wen” and “wu” respectively, appear to aptly represent the framework of sentencing ideology for Hong Kong people, as with people elsewhere. While the Punishment goal encompasses intentions to restore justice through retribution and to secure societal stability through incapacitation and deterrence, Rehabilitation is a merciful goal to reintegrate offenders into the wider web of community. These two basic sentencing goals were, on one hand, linked to differences in degree of punitiveness, and on the other hand, associated with values and axioms.

The Punishment goal was associated with intentions to inflict harsher punishment. Given that the Punishment goal encompasses the goals to exact revenge, to incapacitate and to deter, harsh punishments will be called forth so as to make offenders suffer as much as the victims, isolate offenders from society, and make offenders an example to the general public. Such demands for harsh punishments originated from, and could be justified in terms of, the
values of Power and Security, as well as the beliefs of Reward for Application, Fate Control, and Social Cynicism. These relationships were shown in the significant beta weights of the linkages from these variables to Punishment.

As predicted, the Punishment goal was significantly explained by the Power value. People who value power may interpret punishment-oriented sentencing as an expression of their control over criminals. Since the ability to control criminals implies the criminals’ inferiority and the controllers’ superiority, those who are high in Power may thus favor Punishment.

The Security value best explained the Punishment goal. For people who value security, their ultimate end goal is to secure societal stability. Driven by this end goal, incapacitation of criminals by lengthy prison terms, as well as deterrence of potential criminals by harsh sentencing, will be desired. This may be the reason why Security was significantly associated with Punishment in both correlational and path analyses.

Also consistent with our predictions, the axiom of Reward for Application significantly explained the endorsement of Punishment. The belief in a just world implied in this axiom warranted the punishment of wrong-doers, who reap as they have sown. Holding such a belief, people who are high in Reward for Application supported the Punishment goal.

The axiom of Fate Control was one of the variables that best explained Punishment. It might work in two ways to induce the endorsement of Punishment goal. First, those who assume the world is controllable by non-human agency may consider incapacitation of offenders by imprisonment the only feasible response with criminals. Second, people who believe in Fate Control appreciate the vulnerability of the status quo to disruption (Bond et al., 2004). As potential offenders will certainly bring disturbances to society, people who are high
in Fate Control may strive to deter potential criminals by inflicting harsh punishments.

People who endorse the axiom of Social Cynicism hold a negative view towards the nature of human social life. In that sense, socially cynical people will also be skeptical towards criminals and potential criminals. Thus, these people are likely to demand incapacitation and deterrence, and therefore, support the Punishment goal. Such speculation is supported by the significant effect of Social Cynicism on Punishment.

Contrary to our hypothesis, the value domains of Conformity and Tradition were both found to explain a non-significant amount of variance in Punishment. More surprisingly, their correlations with the Punishment goal were not only non-significant, but also in a negative instead of a positive direction. Such findings were particularly intriguing due to the positive relation of Conformity and Tradition with Right Wing Authoritarianism (Feather, 1998), which was in turn positively correlated with Punishment (David et al, 1993; Feather & Souter, 2002). This apparent inconsistency between the present study’s results and those in previous literature from Western cultures may be a result of the traditions specific to the Chinese culture. As there is an old wisdom among Chinese that says, “Forgive others whenever possible”, those who are high in Conformity or Tradition, apart from placing high values on existing norms, are also likely to value the virtue of forgiving others and conform to the ideal norm of ‘forgiving others’. As a consequence, an emphasis on forgiveness may have balanced out the effect of wanting to reaffirm society’s integrity through punishment.

In short, the Punishment goal seems to have three purposes stemming from the values and beliefs held by those who endorse this goal. First, for those who value Power, this goal allows them to gain dominance by legitimizing their authority over the criminals. Second, with the incapacitation and deterrence components, this goal ensures societal stability, which
makes it appeal to those who want security, appreciate the vulnerability of status quo, and have a cynical view towards offenders and potential offenders. Third, for those who are high in Reward for Application, this goal sustains their belief in a just world in which bad deeds will get punished, just as good deeds will be rewarded.

With regard to the endorsement of the Rehabilitation goal, it was found to be associated with preferences for lenient sentences. An apparent reason is that people who endorse the Rehabilitation goal aim at reintegrating offenders into society through rehabilitation programs, rather than isolating offenders by inflicting harsher and more isolating punishments, such as imprisonment. The Rehabilitation goal found its root in the Power value, axiom of Religiosity and axiom of Reward for Application, as shown by the significant beta weights of the linkages from these variables to Rehabilitation. Universalism was also correlated with Rehabilitation goal, yet it could not significantly explain variance in Rehabilitation when these other variables were included in the analysis.

The Power value, which significantly explained Punishment, also significantly explained Rehabilitation, but this time it was in an opposite direction. As mentioned, people who are high in Power emphasize gaining and maintaining a dominant position. These people are less likely to support Rehabilitation possibly because this goal could be taken as lessening the offenders’ inferior position. Putting it another way, endorsement of Rehabilitation is a result of a desire to share an equal social position with others, which contradicts the yearning for social superiority and ranking.

The axiom of Religiosity contributed to the endorsement of Rehabilitation in two different ways. Firstly, Religiosity diverts people’s orientation towards concern for others (Bond et al., 2004). Hence, religious people will express their concerns for criminals through
their support for lenient and rehabilitative sentencing. Religiosity also modifies people’s views towards the malleability of relationship between criminals and society. Trusting in the socially harmonizing power of religion, believers high in religiosity will probably believe that the damaged relationship between criminals and society is restorable, especially in light of religion institutions’ active involvement in these rehabilitation programs (Allard & Northey, 2001).

Among all variables related to Rehabilitation, Reward for Application explained the most variance. It essentially reflects an individual’s perception of the potential effectiveness of rehabilitation programs. Emphasizing equity (Bond et al., 2004), those who score high in Reward for Application are likely to believe that effort paid in rehabilitation programs will lead to positive outcomes, such as a lower re-offend rate. It thus appears that endorsement of the Rehabilitation goal mainly originated from people’s anticipated likelihood of attaining this goal, i.e., successfully reintegrating criminals into society.

Although the value of Universalism was significantly correlated with Rehabilitation, it could not significantly explain the variance of Rehabilitation in combination with our other predictors. Since Universalism concerns the well-being of all mankind, people who adopt a universalistic perspective probably will care about criminals’ needs and support rehabilitation programs. However, these people may also consider victims’ feelings and think it is unjust not to avenge victims by punishing wrong-doers harshly. According to Orth (2003), people who put themselves into victims’ shoes will be reluctant to support Rehabilitation. This may be the reason why Universalism was only weakly associated with the Rehabilitation goal.

In brief, support for the Rehabilitation goal is a result of placing a low value on social superiority, emphasizing consideration, plus the expectancy of successfully achieving this
goal. Beside accentuation of equality and concern for others, perceived high malleability of the criminal-society relationship as well as expected reward for application of effort in rehabilitation programs all appear to play a critical role in determining the endorsement of Rehabilitation. Notably, such observation revealed that both valence and expectancy of attaining the Rehabilitation goal contributed to the endorsement of this goal, findings that echo the essence of expectancy-value theory (Feather, 1982).

In a nutshell the two sentencing goals, Punishment and Rehabilitation, were found to mediate the linkages from certain values and axioms to punitiveness. In this mediation model, values and axioms did not have a direct effect on punitiveness. Instead, they led to the endorsement of sentencing goals, which subsequently influenced punitiveness. Such observations fit the Feedback Hierarchy Model (Powers, 1973), in which higher-level general goals and beliefs, such as values and axioms, do not directly influence behaviors and behavior intentions, such as punitiveness, but set more specific goals, such as sentencing goals, that ultimately guide and direct behaviors towards attainment of the higher-level goals.

This mediation model contributes to the field of social and criminal justice in several ways. To begin with, the model not only portrays the public’s sentencing goals and their impact on punitiveness, but also uncovers the underlying psychological factors that feed these goals and decisions. With this unpackaged mediation mechanism in mind, courts’ decisions concerning goals and execution of penal practices will be able to ground their decisions in the general public’s fundamental values and beliefs. Likewise, this model also enables the public to systematically evaluate the appropriateness of current legal practices, by assessing whether these practices are in line with their values and beliefs.

Moreover, the model reveals the roles of values and beliefs in determining an
individual’s sentencing goals and decisions. The various values and axioms are related to different aspects of a sentencing goal. Taking the example of the Punishment goal, while Power concerns the legitimacy to punish, Security, Fate Control, and Social Cynicism are associated with the more utilitarian aspects of Punishment, i.e., incapacitation and deterrence. Furthermore, the values and axioms variables were found to tap into different aspects of sentencing goals. For instance, Power and Religiosity reflect an individual’s desire to rehabilitate and reintegrate offenders into society, whereas Reward for Application is a sign of the perceived feasibility of doing so. The observed specificities of values and axioms arise from the fact that values indicate one’s desire for a certain end goal, whereas axioms represent one’s assessment of his/her eco-social affordances involved in realizing those goals. So, when there are discrepancies between the court’s sentencing decisions and the public’s desired penal practices, it might not be that the public does not value what the court values, but rather has different beliefs about what is workable in a specific social context.

This discovery could be applied in situations when the court’s practices and the public’s attitudes are incongruent. For example, in a hypothetical case, where the government and the court are generally supportive of offenders’ rehabilitation, the public may think that the court was too lenient. A promotion campaign that emphasizes social harmony will work if it was the public’s lack of desire for social equality that reduced their support for rehabilitation. Alternatively, if it was the public’s doubts about the practicability of rehabilitation programs that constituted their negative attitudes, information about these programs’ potential success rates should be the focus of promotion.

Sample characteristics account for limitations of the current study. Since the study was conducted with college students instead of a public sample, the results may not be fully
representative. In view of this potential concern, caution has to be exercised when generalizing findings in the current study to the general public. Another limitation concerns the small sample size. Constrained by the limited number of participants, results might not be very stable and interpretations of results have to be made with caution. Research with larger sample sizes is needed in order to further validate the model.

Another issue which indicates that these results should be regarded as tentative and caution exercised in generalizing them, is the low reliability of some of the value domains and social axioms. While, the low reliabilities partially reflect the small number of items in the subscales, they do indicate that there is a lot of error variance associated with those scores and hence these findings need to be replicated.

Measuring punitiveness with a single item scenario also limits the generalizability of the results. In fact, we considered adding other crime scenarios used in previous studies, for example, the dangerous driving scenario and the illegal green protest scenario in Feather’s (1998) study. However, the perceived severity of these crimes seems to vary depending on other factors, such as judged responsibility of the criminal (Feather, 1998). In order to accurately measure punitiveness, a consensus about the severity of crimes was ensured by adapting the housebreaking scenario used in international surveys, at the expense of having a more varied set of scenarios. Apart from that issue, as real crime scenarios in the local community raise ecological validity (Orth, 2003), such locally based scenarios may as well be an alternative to the one used in the present study.

Admittedly, this study is only a first shot at mapping out the relationships between values, axioms, sentencing goals and punitiveness. For the first time, values and axioms have been discovered to be underlying sentencing goals, which are subsequently influential for
punitiveness. Yet, the full picture of mechanisms leading to specific sentencing decisions ought to be more complicated. Studies of attributional variables have found support for relations between perceived controllability of the offence by the offender, and stability of the offending behavior on the one hand and punishment severity and punishment goals on the other (e.g., Carroll et al., 1987; Graham et al., 1997; Weiner et al., 1997). These studies have established that criminal behaviors deemed controllable and stable tend to elicit retributive responses, whereas those attributed to unstable causes elicit less severe punishments. It is highly possible that the above mentioned, case-specific, cognitive variables are more immediate to, and thus explained more variance in, sentencing goals and decisions. That consideration should partly explain why the variance accounted for by values and axioms in this study was relatively small.

In his study Feather (1998) identified cognitive factors, such as deservingness and perceived seriousness of offense, and contextual factors, such as social status of offenders, that were predictive of the perceived harshness of a certain penalty. In his Social-Cognitive Process Model of Retributive Justice, values also indirectly explained perceived punishment severity. As the present study shows that some axioms perform better than values in explaining the variance in sentencing goals, factoring axioms into Feather’s (1998) model may build a more complete social-cognitive model of sentencing decisions.

Indeed, combining social axioms with values to explain attitudes towards socio-political issues seems to be a promising direction for future social justice research. Despite the fact that social axioms have never been incorporated into criminological psychology before, results of the present study indicated that the axioms of Fate Control and Reward for Application best explained Punishment and Rehabilitation, respectively. In
previous research, values and axioms were also capable of jointly predicting political attitudes (Keung & Bond, 2002), which are related to sentencing opinions (David et al., 1993). These results suggest that, in addition to values, people’s beliefs about the social world do account for their attitudes towards criminal justice. Since only values had received attention in previous criminological research, future research should be designed to shed light on the influences of both values and axioms on people’s attitudes and behaviors.

Results of the present study can also be extended to possible interaction of crime characteristics with values, axioms, sentencing goals and punitiveness. Such interaction may be a reason why sentencing goals usually explain a relative small percentage of variance in punitiveness, as shown in the results of this study and previous research (Orth, 2003; Weiner et al, 1997). It is very likely that different values, axioms, or sentencing goals prevail depending on the contextual characteristics of the crime in question. For instance, different results may be obtained if a violent crime instead of a property crime is involved. Since a violent crime taps more on the nature and temper of offenders than a property crime does, constructs that touch on the nature of people, such as the axiom of Social Cynicism, may become more prominent.

To conclude, the present study constituted the first step in exploring the sentencing goals of Hong Kong people. A mediation model involving values, axioms, sentencing goals and punitiveness was presented as a useful framework for understanding the psychological interplay that prompts sentencing goals and decisions. However, whether and how values, axioms and sentencing goals work together with other contextual or psychological factors to bring about sentencing decisions remains a crucial question, and should be the subject in future empirical research.
References


_Handbook of justice research in law_ (pp. 31-63). New York: Kluwer.


versus utilitarian philosophies of punishment. _Social Justice Research, 10_, 431-452.

of components to retain. _Psychological Bulletin, 99_, 432-442.
Footnote

1 Since the values of Hedonism and Achievement, which were hypothesized to have no relationship with sentencing goals, were significantly negatively correlated with Rehabilitation, the hypothesized model (Figure 1) has also been tested with additional paths linking Hedonism and Achievement to Rehabilitation. However, these additional paths were both insignificant, with the standardized beta value for Hedonism -.03 ($p > .05$) and that for Achievement -.09 ($p > .05$). The goodness-of-fit indices were not improved by adding these pathways.
Table 1

Factor structure of the Sentencing Goals scale

<table>
<thead>
<tr>
<th>Punishment</th>
<th>1</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offenders must be punished so they cannot cause further harm to the community</td>
<td>.71</td>
<td>-.12</td>
</tr>
<tr>
<td>Offenders should be locked away so that they can't re-offend</td>
<td>.69</td>
<td>-.09</td>
</tr>
<tr>
<td>Penalties should be severe enough that criminals are unlikely to re-offend</td>
<td>.68</td>
<td>-.19</td>
</tr>
<tr>
<td>It is obvious from the increase in crime rates that penalties aren’t severe enough.</td>
<td>.67</td>
<td>-.13</td>
</tr>
<tr>
<td>Offenders should be punished to make them suffer as others have suffered.</td>
<td>.64</td>
<td>-.01</td>
</tr>
<tr>
<td>If the courts fail to punish criminals adequately potential offenders are not discouraged from committing similar offences.</td>
<td>.61</td>
<td>.20</td>
</tr>
<tr>
<td>Crime rates would decrease if sentences were appropriately severe and publicised more widely.</td>
<td>.60</td>
<td>.04</td>
</tr>
<tr>
<td>Criminals should be punished for their crimes in order to make them repay their debt to society.</td>
<td>.57</td>
<td>.08</td>
</tr>
<tr>
<td>Justice requires that the punishment should be as severe as the offence.</td>
<td>.55</td>
<td>.18</td>
</tr>
<tr>
<td>Strict enforcement of the law (and its penalties) is necessary to prevent others from committing similar offences.</td>
<td>.54</td>
<td>.10</td>
</tr>
<tr>
<td>Prison sentences are useful because at least they don’t allow criminals to re-offend.</td>
<td>.54</td>
<td>.14</td>
</tr>
<tr>
<td>Justice is not done if the offender is not punished in some way.</td>
<td>.52</td>
<td>-.04</td>
</tr>
<tr>
<td>The purpose of punishment should be to make offenders pay for the wrongs that they have done.</td>
<td>.52</td>
<td>.12</td>
</tr>
<tr>
<td>The purpose of court sentences should be to protect society from the offender.</td>
<td>.40</td>
<td>.15</td>
</tr>
</tbody>
</table>

Rehabilitation

| If judges would divert more people from prisons into rehabilitation programs, there would be less crime. | -.07 | .69 |
| Repeat offenders should be given every opportunity to fit back into society | -.08 | .68 |
| The purpose of sentences should be to rehabilitate the criminal | -.07 | .67 |
| With the right approach, most offenders can be rehabilitated back into society. | -.08 | .62 |
If I were the victim of a crime I would be satisfied even if the only effect of the offender’s punishment was that the offender was eventually rehabilitated.  

Not included

It is necessary for society to protect itself from the possibility that an offender might commit further offences.
Table 2

Correlation Matrix

<table>
<thead>
<tr>
<th>Sentencing Goals</th>
<th>Punishment</th>
<th>Rehabilitation</th>
<th>Punitiveness</th>
</tr>
</thead>
<tbody>
<tr>
<td>Punishment</td>
<td>1</td>
<td>-.10</td>
<td>.22 **</td>
</tr>
<tr>
<td>Rehabilitation</td>
<td>-.10</td>
<td>1</td>
<td>-.26 **</td>
</tr>
<tr>
<td>Values</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Power</td>
<td>.15 *</td>
<td>-.26 **</td>
<td>.15 *</td>
</tr>
<tr>
<td>Security</td>
<td>.14 *</td>
<td>-.10</td>
<td>-.01</td>
</tr>
<tr>
<td>Conformity</td>
<td>-.06</td>
<td>.07</td>
<td>-.01</td>
</tr>
<tr>
<td>Traditional</td>
<td>-.09</td>
<td>.11</td>
<td>-.15 *</td>
</tr>
<tr>
<td>Universalism</td>
<td>-.09</td>
<td>.20 **</td>
<td>-.02</td>
</tr>
<tr>
<td>Benevolence</td>
<td>-.06</td>
<td>.10</td>
<td>-.01</td>
</tr>
<tr>
<td>Achievement</td>
<td>.10</td>
<td>-.15 *</td>
<td>.09</td>
</tr>
<tr>
<td>Self-Direction</td>
<td>-.08</td>
<td>-.03</td>
<td>-.08</td>
</tr>
<tr>
<td>Stimulation</td>
<td>-.00</td>
<td>.03</td>
<td>.03</td>
</tr>
<tr>
<td>Hedonism</td>
<td>.10</td>
<td>-.21 **</td>
<td>.02</td>
</tr>
<tr>
<td>Social Axioms</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religiosity</td>
<td>-.12</td>
<td>.24 **</td>
<td>-.07</td>
</tr>
<tr>
<td>Reward for Application</td>
<td>.09</td>
<td>.36 **</td>
<td>-.04</td>
</tr>
<tr>
<td>Fate Control</td>
<td>.19 **</td>
<td>-.05</td>
<td>.12</td>
</tr>
<tr>
<td>Social Cynicism</td>
<td>.20 **</td>
<td>-.09</td>
<td>.09</td>
</tr>
<tr>
<td>Social Complexity</td>
<td>.06</td>
<td>.09</td>
<td>-.07</td>
</tr>
</tbody>
</table>

Coefficients are partial correlations controlling for the influence of gender and age.

** Correlation is significant at the 0.01 level (2-tailed).

* Correlation is significant at the 0.05 level (2-tailed)
Figure Captions

*Figure 1.* Hypothesized model relating values and axioms to punitiveness through the mediation of Sentencing Goals.

*Figure 2.* Purified model relating values and axioms to punitiveness through the mediation of Sentencing Goals.
Values

- Power
- Security
- Religiosity

Axioms

- Reward for Application
- Fate Control
- Social Cynicism

Punishment

Rehabilitation

Punitiveness

** Positive relationship
--- Negative relationship

* Correlation is significant at the 0.05 level (2-tailed).
** Correlation is significant at the 0.01 level (2-tailed).