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## PERCEIVED CIRCUMSTANCES, INFERENCES OF INTENT AND JUDGMENTS OF OFFENSE SERIOUSNESS

MARC RIEDEL \*

### INTRODUCTION

The attempt by Sellin and Wolfgang<sup>1</sup> to provide a more objective and reliable measure of the amount and relative seriousness of offenses can be viewed as a response to the problems and issues in two areas in criminology. First, as a system of collecting, classifying and presenting data on crime, the Uniform Crime Reports have been criticized for their deficiencies as early as 1931. In that year Sam Bass Warner criticized the practice of substituting assaults and larceny for robbery in the reporting of crimes and concluded that it would be far better to have no statistics than the false and biased statistics represented by the Uniform Crime Reports.<sup>2</sup> More recent critiques,<sup>3</sup> and studies of hidden delinquency<sup>4</sup> and criminal victimization<sup>5</sup> have made it clear that improved methods of gathering data on crime are needed.

While the Sellin-Wolfgang index provided more useful criteria for gathering information on crime by focusing on the delinquent event rather than a legal label as the unit of data

collection, for example, the most innovative aspect of the index research was the development of an empirical measure of offense seriousness. In considering offense seriousness, a second important issue concerns the manner in which nonoffenders view the criminal act, what this means for the processing of the criminal in the legal system, and how the nonoffender's views of the criminal act may create and reinforce a deviant role. Whether we consider less well known theories about economic and social structural determinants of the social reactions to crime<sup>6</sup> or more contemporary versions of labelling theory,<sup>7</sup> a measure of seriousness is important in testing and refining these theories.

The point of departure for this paper turns on a problem which is relevant to the Sellin-Wolfgang index both as a potential social indicator and an empirical referent of theoretical terms. The original *Measurement of Delinquency*<sup>8</sup> and many of the subsequent replications emphasized the methodological problems involved in constructing and using such an index; there has been little attempt to understand what cognitive processes cause judgments of seriousness to be made. What is utilized in making seriousness judgments in addition to, or instead of, amounts of injury, theft, or damage? It is, of course, useful to know whether members of other cultures, social classes or statuses differ or agree in their judgments of seriousness. But once we have learned that individuals make certain judgments about the seriousness of a given crime, we still would like to know how they make these judgments.

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This article is a revised version of M. Riedel, *The Perception of Crime: A Study of the Sellin-Wolfgang Seriousness Index, 1972* (unpublished dissertation in University of Pennsylvania Library). Portions of this paper were reported in *IMAGES OF CRIME* (T. Thornberry and E. Sagarin eds. 1972).

<sup>1</sup> T. SELLIN & M. WOLFGANG, *THE MEASUREMENT OF DELINQUENCY* (1964) [hereinafter cited as SELLIN & WOLFGANG].

<sup>2</sup> Wolfgang, *Uniform Crime Reports: A Critical Appraisal*, 111 U. PA. L. REV. 708 (1963) [hereinafter cited as Wolfgang].

<sup>3</sup> Kamisar, *How to Use, Abuse—and Fight Backwith—Crime Statistics*, 25 OKLA. L. REV. 239 (1972); Robinson, *A Critical View of the Uniform Crime Reports*, 64 MICH. L. REV. 1031 (1966); Wolfgang, *supra* note 2.

<sup>4</sup> M. GOLD, *CRIME IN AN AMERICAN CITY* (1970).

<sup>5</sup> Ennis, *Crimes, Victims and the Police*, 4 TRANSACTION 36 (1967).

<sup>6</sup> S. RANULF, *MORAL INDIGNATION AND MIDDLE CLASS PSYCHOLOGY* (1964); G. RUSCHE & O. KIRCHHEIMER, *PUNISHMENT AND SOCIAL STRUCTURE* (1939).

<sup>7</sup> H. BECKER, *OUTSIDERS: STUDIES IN THE SOCIOLOGY OF DEVIANCE* (1963); E. LEMERT, *HUMAN DEVIANCE, SOCIAL PROBLEMS AND SOCIAL CONTROL* (1967); E. LEMERT, *SOCIAL PATHOLOGY* (1951).

<sup>8</sup> SELLIN & WOLFGANG, *supra* note 1.

Drawing a theoretical orientation from social psychological theory, the purpose of this paper is to explore what effect differing perceptions of circumstances of the crime have on seriousness judgements. The problem is prompted by the conclusions of the original research that judgments of seriousness reflect a broad value consensus about the nature of crime. If seriousness judgments reflect a reaction to the violative act and a response to the affront to agreed upon values, then the differing circumstances of the crime and inferences of intent would seem to be of secondary importance in making a judgment about the seriousness of a given crime. Where the latter is true, the results of the analysis should conform to the replication criteria given by Sellin and Wolfgang. Conversely, where differing circumstances lead to differences in judgments, the results of the analysis should not be expected to conform to replication criteria.

#### THE SERIOUSNESS INDEX AND REPLICATION CRITERIA

Because a description of the development of the seriousness index is given by other papers in this symposium, it will suffice to indicate that judgments of the seriousness of crimes do not seem to be influenced by the age of the offender. Sellin and Wolfgang asked raters to rate the same offenses according to whether the offender was aged thirteen, seventeen, twenty-seven, or an unspecified number of years. From the analysis of all ratings, the authors concluded:

The most strongly supported conclusion on the basis of the data at hand is that all the raters, although unconstrained in their use of the magnitude scale assignments, tended to so assign the magnitude estimations that the seriousness of the crimes is evaluated in a similar way, without significant differences, by all the groups. The age of the offender does not particularly color a person's judgment about the seriousness of the offense. A pervasive social agreement about what is serious and what is not appears to emerge, and this agreement transcends simple qualitative concordance; it extends to the estimated numerical degree of seriousness of these offenses.<sup>9</sup>

<sup>9</sup> *Id.* at 268.

In the present study we have interpreted the two replication criteria given by Sellin and Wolfgang in the following way. First, the regression coefficient or slope of any two groups under comparison should be close to 1.00, which indicates that the two groups under comparison agree in the judgments of seriousness. If one group perceives greater or lesser increases in seriousness, the coefficient will be larger or smaller than 1.00.

In addition to the criterion of *similarity of slopes*, there is a second, minimal criterion. When magnitude estimation scores are plotted against each other on log-log paper, the line joining the points should be straight. The strength of the relationship is measured by a product-moment correlation, and should be near 1.00. This latter criterion refers to the *similarity of shapes* in comparisons.

#### PERCEIVED CIRCUMSTANCES AND INFERENCES OF INTENT

For those crimes where there is some consensus about the undesirability of the act, circumstances are assumed to be important to perceivers because they provide the basis for inferring intent to the actor. Presumably, making a judgement about the seriousness of a violative act would include the element of whether the person intended to commit the act, or whether it happened because the actor could not prevent its occurrence.

Criminal law recognizes the importance of perceived circumstances in emphasizing the concept of *mens rea* or intent; it upholds the principle that there is no crime unless there is a concurrence of act and intent.<sup>10</sup>

Intent is, however, a subjective state; it is inferred from immediate and existing circumstances in terms of a belief about what the actor wanted to do. While the definition of intent used in this study was developed by Heider,<sup>11</sup> it is similar to a legal concept of intent. The legal concept of intent was not used because of the difficulties of specifying what

<sup>10</sup> Marshall & Clark, *The Legal Definitions of Crime and Criminals*, in *THE SOCIOLOGY OF CRIME AND DELINQUENCY* 15 (M. Wolfgang, L. Savitz & N. Johnston eds. 1970).

<sup>11</sup> F. HEIDER, *THE PSYCHOLOGY OF INTERPERSONAL RELATIONS* (1958) [hereinafter cited as HEIDER].

is meant by intent in cases of criminal negligence.<sup>12</sup> According to Heider,<sup>13</sup> when we infer from circumstances why a person acted as he did and why the act took a particular form, the explanation comes to a stop when the perceiver finds sufficient reason, i.e. when an intention or motive is given that has the quality of being reason enough. By contrast, an impersonal scientific analysis engages in a potentially infinite regress of cause and effect. The proximate cause of the effect before us is the effect of a more distant cause.

While persons are viewed by perceivers as self-activating, self-energizing systems, it must be recognized that actors may have identical intent while manifesting wide variations in responses. Conversely, actors may manifest similar responses while having different types of intent. Heider's theory attempted to explain how perceivers find invariances of intent and motive from the multiplicities of observed activity.

Drawing from Heiderian theory, Jones and Davis<sup>14</sup> proposed a theory of correspondent inferences. The concept of correspondence can be illustrated as follows. Suppose that we observe *A* and *B* working together on a task. We note that *A* gives orders to *B*, monitors his performance, and shows his displeasure with the quality and quantity of *B*'s work. What we can infer about *A*'s intentions and disposition depend upon the action alternatives we see as available to *A*. If the situation were one in which *A* and *B* were freely interacting, we would conclude that *A* was quite arrogant and domineering. On the other hand, if we were informed that *A* had been given instructions to assume a directive leadership role, we would be less likely to regard his dominating behavior as an indication of his personal qualities.

It is the former rather than the latter instance which is high in correspondence; the most correspondent inference is one that assumes that domineering behavior is a direct reflection of the person's intention to dominate.

Correspondence of inference declines as the action to be explained is constrained by the setting in which it occurs. To be able to infer intent from the circumstances of the action, the actor must be perceived as having choices other than the one chosen. As it becomes more difficult to infer other choices, it becomes more difficult to infer intent.

Using the concept of correspondent inferences, hypotheses were generated for eight factors in a 2x4 experimental design. While all the results will be reported, only the hypothesis using the factors of threat and reward will be developed in this article.

The condition of threat would seem to present fewer choices and greater constraints than the condition of reward. Threatening the offender with death or injury unless he commits an offense places the emphasis on preventing the individual from avoiding commission of the offense. The implied assumption is that the individual does not want to commit the offense, but threat closes off all reasonable choices which avoid committing the offense. By contrast, rewarding the offender with money or a job for committing the crime places an emphasis on reinforcement for the right choice. Other choices may not be reinforced by the person requesting the commission of the crime, but they remain choices reinforceable in other ways. Avoidance of the criminal act simply leads to a lack of one kind of reinforcement. If fewer constraints, and therefore greater intent, are perceived when the offender is rewarded, in contrast to when the offender is threatened, it is hypothesized that the same offenses will be rated more seriously under conditions of perceived reward in comparison to conditions of perceived threat.

#### RESEARCH DESIGN

Two classes of variables were used to determine how seriousness scores would be modified if the respondent were made aware of the circumstances of the offenses. The first set, environmental constraints, are categories which have in common some force or set of forces external to the offender which can induce him to commit the offense. The four categories are threat, victim precipitation, reward and alien control. A definition of each of these categories

<sup>12</sup> P. TAPPAN, *CRIME, JUSTICE AND CORRECTION* (1960).

<sup>13</sup> HEIDER, *supra* note 11.

<sup>14</sup> Jones & Davis, *From Acts to Disposition*, in *2 ADVANCES IN EXPERIMENTAL SOCIAL PSYCHOLOGY* 219 (L. Berkowitz ed. 1965) [hereinafter cited as Jones & Davis].

ries was presented to every respondent as part of the questionnaire.

#### *Threat*

Threat to the offender exists when other groups or individuals tell the offender they will physically injure or kill him unless he commits the offense.

#### *Victim Precipitation*

Victim precipitation refers to circumstances in which the victim created a set of opportunities for the offender to use in committing the offense. In offenses involving violence, the victim was the first to show a deadly weapon. In offenses involving property loss, the victim, for the first time, presented the offender with an opportunity to commit the offense. For example, the victim may, for the first time, leave his car un-locked in a neighborhood where it may be stolen.

#### *Reward*

Reward of the offender exists when other groups or individuals tell the offender they will pay him money or give him a better job if he commits the offense.

#### *Alien Control*

Alien control of the offender refers to behavior which is induced by a foreign or artificial substance which leads to a compulsion or a reduction of inhibitions to the point where the offender will commit the offense.

A second class of variables, personal dispositions, are categories which have in common some forces or set of forces internal to the offender which can induce him to commit the offense. The two categories are hostile attitudes and subcultural values. A definition of each of these categories was presented to every respondent as part of the questionnaire.

#### *Hostile Attitude*

Hostile attitude of the offender means that he possesses a very intense and persistent anger or aggression toward the victim. It is accompanied by a period of planning devoted to ways of venting his anger on the victim.

#### *Subcultural Values*

Subcultural values of the offender refer to beliefs, ways of life, etc., which conflict with those of the society at large. Because of his

membership in the subculture, these beliefs, ways of life, etc., are considered "right" and "good" by the offender and justify settling injustices by means which ignore or oppose the law.

The two classes of constraints, environmental constraints and personal dispositions, with their attendant factors, were presented to 173 subjects using the 2x4 experimental design diagrammed in Figure 1.

As Figure 1 indicates, the factors were arranged in such a manner so that each respondent was presented with one factor from the class of environmental constraints and one factor from the class of personal dispositions.

Six offenses were chosen from the 141 offenses used by Sellin and Wolfgang.<sup>15</sup> One set of two offenses was concerned only with injury to the victim, the second set had only a component of theft, while the third set of two offenses had differing amounts of damage. Not only were offenses chosen which had either injury, theft, or damage, but the amounts of each in the set of two varied from small to large. Thus, while the first offense resulted in death to the victim, the second resulted only in minor injury to the victim. Offenses were chosen in this manner so that comparisons could be made among ratings of injury, theft, and damage if experimental stimuli altered the seriousness scores. The offenses are given below and listed by a number which is used throughout the study.

1. The offender stabs a person to death.
2. The offender stabs a victim with a knife. The victim is treated by a physician but requires no further treatment.
3. The offender embezzles \$1,000 from his employer.
4. The offender embezzles \$5 from his employer.
5. The offender breaks into a locked car, steals, damages and abandons it.
6. The offender breaks into a locked car and later abandons it undamaged.

We used a control group for additional comparisons because it was extremely difficult to devise stimulus situations which were identical across all offenses. The study used volunteer subjects from four colleges in the Philadelphia

<sup>15</sup> SELLIN & WOLFGANG, *supra* note 1.

FIGURE 1  
EXPERIMENTAL CONDITIONS AND NUMBER OF SUBJECTS IN EACH CONDITION

|                         | Environmental Constraints |                      |                  |                  |
|-------------------------|---------------------------|----------------------|------------------|------------------|
|                         | Threat                    | Victim precipitation | Reward           | Alien control    |
| Personal dispositions   |                           |                      |                  |                  |
| Hostile attitude.....   | Cell 1<br>N = 21          | Cell 2<br>N = 20     | Cell 3<br>N = 20 | Cell 4<br>N = 20 |
| Subcultural values..... | Cell 5<br>N = 20          | Cell 6<br>N = 20     | Cell 7<br>N = 32 | Cell 8<br>N = 20 |

area. For the experimental group, sixty subjects came from the University of Pennsylvania, ninety-five subjects from Drexel University, thirty-five subjects from Villanova University and sixteen from LaSalle College. The thirty-three subjects in the control group were obtained from Drexel University and the University of Pennsylvania. No claims for representativeness of the sample are made since different strategies were used to obtain subjects ranging from asking for volunteers to using entire sociology classes in some schools.

We used two types of questionnaires in the study. One type, given to the control group of thirty-three subjects, consisted of six offenses presented to the respondent in two random orders. The instructions and format were identical to those used by Sellin and Wolfgang in the original study.

The second questionnaire, given to the experimental group, (N=173), consisted of the same six offenses presented in two random orders. For each of the six offenses rated by subjects in the experimental group, a "case history" was given which described the circumstances of the crime in a way which included one category of environmental constraints and one category of personal dispositions.

Subjects in the experimental group were each given a questionnaire and a list of the factor definitions. The subject was asked to complete the section asking for sex, race, age, year in college and major. The experimenter then read the directions aloud while the subjects followed on their copies. They were told how to rate the factors of importance and the

seriousness of the events and were shown a completed example.

After reading the event, and the circumstances surrounding the offense, the respondents were asked to rate each factor as to its importance in leading the offender to commit the crime. The subjects were encouraged to consult the list of definitions in deciding whether the factor was "not important," "of little importance," "somewhat important" or "very important." After completing the rating of factors, the respondents were asked to rate the seriousness of offenses using instructions provided by Sellin and Wolfgang. No subjects refused to complete the questionnaire. Contrary to instructions, two subjects used zero in rating the offenses; these scores were converted to the smallest value given by any other respondent for that offense. Eight other respondents gave a score of infinity in rating an offense. These scores were converted to the largest score plus one given by any other respondent for that offense.

Raw scores were converted to geometric means for each offense and the appropriate group, using the procedure followed by Akman and Normandeau<sup>16</sup> in their Canadian replication study.

#### INDUCING INFERENCES OF INTENT FROM THE PERCEIVED CIRCUMSTANCES

To determine to what extent subjects in the eight cells of the experimental group believed the factors were important in leading the of-

<sup>16</sup> Akman & Normandeau, *Towards the Measurement of Criminality in Canada: A Replication Study*, 1 ACTA CRIM. 135 (1968).

fenders to commit the offenses, the four-step rating scale was reduced to a dichotomy. A binomial test was computed for each of the dichotomized ratings.

If we had been successful in inducing the subject to believe, after reading a case history of the circumstances, that the factor had been important in leading the offenders to commit crimes, we would expect that the subject would read the case history utilizing, for example, "threat" and rate this factor as "very important" while other factors would be rated as "not important."

The stated circumstances of the offenses were generally successful in inducing respondents to rate factors as important or not important. Cells 1 through 4, where hostile attitude was combined with threat, victim precipitation, reward, and alien control, tended to be a more effective set of stimuli than subcultural values in combination with threat, victim precipitation, reward, and alien control. Hostile attitude was always rated in the direction indicated in Figure 1 for cell 1 through cell 4, but not cell 5 through cell 8. It seemed to be rated as an important factor in leading the offender to commit the crime whether it was present or not in the stated circumstances of the offense.

Subcultural values was one of the weakest factors. The respondents did not find it significantly "not important" in offense #4 in cell 1, offenses #1, #2, #5 and #6 in cell 2, offense #2 in cell 3, offenses #1, #2, #3, and #5 in cell 4. Conversely, in cells 5 through 8, where it was part of the circumstances of the offense, subcultural values was rated as "very important" in leading the offender to commit the offense, according to the binomial tests, in all cells except cell 6. However, except in cell 6, respondents rated hostile attitude as "very important" also. Cell 6 showed very few significant differences for either subcultural values or hostile attitude.

One possible interpretation of the results found with subcultural values is that the respondents required psychological variables as mediating between behavior and values. In other words, subcultural values would operate through hostile attitude, threat, etc. This analysis by cultural levels explains the findings with subcultural values and hostile attitude as well

as the frequent rating of it as "very important" in other cells. To explore these variations in ratings of intent, the effect of collapsing rows and columns and geometric means is reported in the next section.

Support for the Jones and Davis<sup>17</sup> theory of correspondent inferences was limited. Earlier in this paper it was suggested that intent, inferred from the circumstances of the crime, would be easier to infer in the case of reward in contrast to threat. While the difference is small, the opposite seems to be the case; threat was perceived to be "very important" 95 per cent of the time, while reward was perceived to be important 87 per cent of the time it was present. Indeed, "threat" was one of the most successful factors in the experiment. We did not find any consistent differences among any of the other factors.

The results indicate that within the limits of experimental conditions, respondents seem to be able to make inferences of intent utilizing the circumstances of the offense. However, we found little support for the Jones and Davis theory specifying relative difficulty in inferring different types of intent.

#### THE EFFECT OF INFERENCES OF INTENTION JUDGMENTS OF SERIOUSNESS

Geometric means were calculated for each of the six offenses of each cell in the experimental group and the control group. (Table I).

To determine whether any of the experimental conditions had an effect on the geometric means, we computed regression and correlation coefficients and plotted geometric means on log-log paper. Only the regression coefficients (Table II) and correlation coefficients (Table III) will be reported here.

If inferences of intent had an effect on judgements of seriousness then both the regression and correlation coefficients should differ from results posited by the scaling criteria. As Table II indicates, the regression coefficients are substantially different from the hypothesized criteria of 1.00. However, examination of Table III suggests that the seriousness index meets the minimal criteria of correlation coefficients near 1.00. With the exception of the correlations of cell 3 with the other cells and

<sup>17</sup> Jones & Davis, *supra* note 14.

TABLE I  
GEOMETRIC MEANS AND SAMPLE SIZE ON SIX OFFENSES FOR EIGHT  
EXPERIMENTAL CONDITIONS AND THE CONTROL GROUP

| Offense | Cell 1  | Cell 2   | Cell 3 | Cell 4 | Cell 5  | Cell 6 | Cell 7 | Cell 8  | Control |
|---------|---------|----------|--------|--------|---------|--------|--------|---------|---------|
| 1       | 1968.45 | 1027.620 | 895.16 | 705.16 | 1763.40 | 325.03 | 894.26 | 2869.81 | 8552.68 |
| 2       | 194.22  | 64.46    | 559.47 | 96.35  | 71.81   | 54.93  | 216.37 | 108.42  | 672.50  |
| 3       | 24.78   | 25.48    | 27.60  | 33.25  | 28.13   | 30.45  | 30.42  | 38.40   | 28.82   |
| 4       | 4.51    | 8.35     | 8.48   | 6.21   | 5.13    | 7.74   | 11.89  | 6.01    | 4.97    |
| 5       | 26.98   | 20.68    | 24.48  | 26.71  | 24.73   | 24.63  | 36.60  | 33.11   | 41.64   |
| 6       | 8.61    | 10.74    | 12.57  | 8.85   | 7.27    | 12.67  | 16.98  | 12.03   | 16.31   |
| N       | 21      | 20       | 20     | 20     | 20      | 20     | 32     | 20      | 33      |

TABLE II  
REGRESSION COEFFICIENTS ON SIX OFFENSES FOR EIGHT EXPERIMENTAL  
CONDITIONS AND THE CONTROL GROUP

|              | Cell 1 | Cell 2 | Cell 3 | Cell 4 | Cell 5 | Cell 6 | Cell 7 | Cell 8 | Control |
|--------------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
| Cell 1.....  |        | 1.92   | 1.79   | 2.84   | 1.11   | 5.47   | 2.24   | .68    | .23     |
| Cell 2.....  | .52    |        | .92    | 1.48   | .58    | 2.85   | 1.16   | .35    | .12     |
| Cell 3.....  | .42    | .79    |        | 1.22   | .45    | 2.33   | 1.02   | .28    | .10     |
| Cell 4.....  | .35    | .67    | .64    |        | .39    | 1.92   | .79    | .24    | .08     |
| Cell 5.....  | .90    | 1.73   | 1.56   | 2.56   |        | 4.93   | 1.20   | .61    | .21     |
| Cell 6.....  | .18    | .35    | .33    | .52    | .20    |        | .41    | .12    | .04     |
| Cell 7.....  | .44    | .84    | .85    | 1.25   | .48    | 2.41   |        | .30    | .10     |
| Cell 8.....  | 1.47   | 2.82   | 2.55   | 4.17   | 1.63   | 8.03   | 3.26   |        | .34     |
| Control..... | 4.38   | 8.40   | 7.79   | 12.44  | 4.84   | 23.94  | 9.76   | 2.97   |         |

the control group, the correlations range from .98 to 1.00.

In general, there is little evidence to support the hypothesis that inferences of intent alter judgements of seriousness. With the exception of offense #1 and offense #2 (injury offenses), Table I indicates similar values for the geometric means of the other four offenses. Variations in the values of the geometric means for the two injury offenses may reflect the chance fluctuations due to computing means on very small samples rather than the effect of experimental stimulus. Because we gathered information on the subjects' sex, age, year in college, area of concentration and college attended, we were able to calculate geometric means, regression and correlation coefficients for the possible categories of each variable. While comparisons between categories met the minimal scaling criteria, the geo-

metric means of the six offenses exhibited a pattern similar to that found in Table I. If the experimental conditions were responsible for the fluctuations in the geometric means of the injury offenses, but not in the other offenses, we should not expect the same pattern when the various background variables are examined.

Second, to determine the effect of sample size on fluctuations of the geometric means, we collapsed cell 1 through cell 4, and cell 5 through cell 8 and calculated geometric means for the first ( $N=81$ ) and second ( $N=92$ ) row. For offense #1, the geometric means were 1071.69 and 1105.44; for offense #2, the geometric means were 161.58 and 108.74. The regression coefficient for the two raw groups was  $b=1.03$  and the correlation coefficient was .99. The reduced fluctuation in the geometric means for the two injury offenses when the

TABLE III  
 PRODUCT MOMENT CORRELATIONS FOR EIGHT EXPERIMENTAL  
 CONDITIONS AND CONTROL GROUP

|              | Cell 1 | Cell 2 | Cell 3 | Cell 4 | Cell 5 | Cell 6 | Cell 7 | Cell 8 | Control |
|--------------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
| Cell 1.....  |        | 1.00   | .87    | 1.00   | 1.00   | 1.00   | .99    | 1.00   | 1.00    |
| Cell 2.....  |        |        | .85    | 1.00   | 1.00   | 1.00   | .98    | 1.00   | 1.00    |
| Cell 3.....  |        |        |        | .88    | .88    | .88    | .93    | .84    | .86     |
| Cell 4.....  |        |        |        |        | 1.00   | 1.00   | .99    | 1.00   | 1.00    |
| Cell 5.....  |        |        |        |        |        | 1.00   | .98    | 1.00   | 1.00    |
| Cell 6.....  |        |        |        |        |        |        | .99    | 1.00   | 1.00    |
| Cell 7.....  |        |        |        |        |        |        |        | .98    | .99     |
| Cell 8.....  |        |        |        |        |        |        |        |        | 1.00    |
| Control..... |        |        |        |        |        |        |        |        |         |

geometric means were computed on a larger group suggests that the size of the sample is the relevant factor.

To determine whether increased sample size may have an effect on the low correlations observed in Table III, cells were combined as follows: cells 3 and 7 (reward), 1 and 5 (threat), 2 and 6 (victim precipitation), and 4 and 8 (alien control). Geometric means, regression coefficients, and correlations were obtained for each new category as well as for the control group. For the reward condition, the regression coefficients remain generally unchanged while the range of correlations increased to .92 to .97. This suggests that the low correlations reported in Table III may have been due to small sample size.

#### CONCLUSIONS

In an effort to determine how cognitive processes entered into judgements of seriousness, the present study explored the effect of differing perceived circumstances on judgements of the seriousness of six offenses. According to Heider<sup>18</sup> and Jones and Davis,<sup>19</sup> perceived circumstances should lead to inferences of the offender's criminal intent. We hypothesized that the perceiver's willingness to attribute intent to the offenders would change across different experimental conditions and that this, in turn, would affect the geometric

means of the six offenses. Given these conditions, it would be difficult to meet the scaling criteria outlined by Sellin and Wolfgang.

The results indicate that while respondents had little difficulty inferring intent from the perceived circumstances, there was little support for the Jones and Davis theory that different circumstances would lead to a differential willingness to attribute intent.

Inferences of intent seem to have little effect on seriousness judgements because the minimal criteria of a similarity of shapes was met for the experimental group. Fluctuations in the geometric means and correlations seem to be due to small sample size. While the ratios of the score values rather than numerical similarity in values is the important element in replication, the theft and damage offense means show less fluctuation than the injury offense means. College students may have less consensus among themselves as to the seriousness of injury and death to a victim in comparison to theft or damage to property. The reason for this difference in consensus is unclear.

Perhaps the most important conclusion of this study is that perceivers assess the seriousness of criminal events in ways that make unimportant inferences of whether the offender intended the act. This suggests that external aspects of the event, such as the amount of injury, theft, or damage is all the respondent needs to make a reliable assessment of social injury.

<sup>18</sup> HEIDER, *supra* note 11.

<sup>19</sup> Jones & Davis, *supra* note 14.