

## Research article

# Retributive versus compensatory justice: Observers' preference for punishing in response to criminal offenses

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### Abstract

*In the current paper, the author examines whether independent observers of criminal offenses have a relative preference for either retributive justice (i.e., punishing the offender) or compensatory justice (i.e., compensating the victim for the harm done). In Study 1, results revealed that participants recommended higher sums of money if a financial transaction was framed as offender punishment (i.e., the offender would pay money to the victim) than if it was framed as victim compensation (i.e., the victim would receive money from the offender). In Study 2, participants were asked to gather information about court trials following three severe offenses to evaluate whether justice had been done in these cases. Results revealed that participants gathered more information about offender punishment than about victim compensation. In Study 3 these findings were extended by investigating whether observers' relative preference for punishing is moderated by emotional proximity to the victim. Results revealed that the relative preference for punishing only occurred among participants who did not experience emotional proximity to the victim. It is concluded that observers prefer retributive over compensatory justice, provided that they do not feel emotionally close to the victim. Copyright © 2009 John Wiley & Sons, Ltd.*

In our world, we constantly witness acts of injustice. In a time where the media are filled with news on terrorism, war, and hate crime, public opinion is strongly shaped by information about offenders and victims of criminal offenses (Darley & Pittman, 2003; Folger, 2001). In many cases, immediately after learning about a criminal offense in which an offender inflicts intentional harm on a victim, two justice-based concerns are salient to psychologically deal with the observed injustice: People generally desire that the offender receives appropriate punishment, and in addition, people often feel that the victim should receive some form of compensation for the harm done. Lay people's intuitions about what constitutes fair punishment is referred to as *retributive justice* (Hogan & Emler, 1981; Miller & Vidmar, 1981; Tyler, Boeckmann, Smith, & Huo, 1997; Vidmar, 2002). Lay people's intuitions about the extent to which victims should be compensated is referred to as *compensatory justice* (cf. Cohen, 2001; Darley & Pittman, 2003; Umbreit, 1998). These justice concerns reflect the idea that observers of transgressions focus on both the offender and the victim, with retributive justice aimed at having criminal offenders pay for what they did and compensatory justice aimed at restoring the harm done to the victim (Schroeder, Steel, Woodell, & Bembenek, 2003).<sup>1</sup>

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<sup>1</sup>Compensatory justice is an aspect of the broader construct restorative justice, which is in a more general way focused on undoing the harm that was done during the offense. Restorative justice not necessarily focuses exclusively on the victim, but also entails (for instance) victim-offender mediation, and rehabilitation of punished offenders into society (e.g., Cohen, 2001; Gromet & Darley, 2006). The present research focused exclusively on compensatory justice for two reasons. First, the present research sought to draw a comparison between punitive responses to offenders versus restorative responses to victims, making compensatory justice a theoretically more parsimonious point of departure. Second, the present research sought to examine observers' immediate responses when first learning about an offense, and restorative efforts aimed at reconciliation with the offender are more likely to develop over time and to depend on factors that are not under investigation here, such as apologies and remorse on part of the offender (McCullough, Worthington, & Rachal, 1997).

Whereas responses to either offenders or victims have been subject to substantial empirical research, social psychological research rarely investigated retributive and compensatory justice concerns simultaneously (Darley & Pittman, 2003; Schroeder et al., 2003; cf. Shnabel & Nadler, 2008). Yet, offenders and victims stimulate distinct types of justice-based reasoning that both are likely to be salient following an offense. As such, important questions are left unanswered about how people respond when confronted with criminal offenses. In particular, one may wonder whether observers are relatively more concerned about punishing the offender or about compensating the victim. Several authors have speculated that people's punishment concerns outweigh their concerns for victims. For example, Hogan and Emler (1981) noted that communities invariably tend to punish offenders rather than compensate victims. Furthermore, Darley (2002) argued that punishment can be regarded as a form of victim restoration, but that punishment not solely serves the purpose of making the victim feel better: Society often perceives punishment as appropriate even if the victim does not call for punishment. However, the literature has not been unequivocal on this issue. For example, Tyler et al. (1997) emphasized that observers' reactions to transgressions are not always purely punitive, and that people can seek both punishment and compensation. Furthermore, it has been noted that victims themselves are less vindictive than is commonly assumed, and that they attach more importance to compensatory than retributive justice (Umbreit, 1998).

The present research addresses the question whether independent observers have a relative preference for retributive or compensatory justice following criminal offenses. As such, the present research was designed to fill a void in the psychology of justice by establishing how people's punitive responses to offenders relate to their compensatory responses to victims. In the following, I provide a theoretical overview of scientific knowledge on retributive and compensatory justice. Based on this overview I propose that in many situations observers hold a preference for punishing the offender, which means that observers' concern for retributive justice tends to outweigh their concern for compensatory justice.

## PUNISHMENT VERSUS COMPENSATION IN RESPONSE TO CRIMINAL OFFENSES

A desire for punishment is generally assumed to be a relatively intuitive response to criminal offenses. This intuitive nature is reflected in research findings that a desire to punish is predominantly associated with an involuntary anger-based response towards the offender ("moral outrage") and a desire to have offenders receive their "just deserts" (e.g., Carlsmith, 2006; Carlsmith, Darley, & Robinson, 2002; Darley, Carlsmith, & Robinson, 2000; see also Folger, 2001; Goldberg, Lerner, & Tetlock, 1999; Tetlock et al., 2007). These affect-driven motivations have been found to be better predictors of punitive responses than utilitarian motivations aimed at future behavioral control, such as deterrence (i.e., to make committing an offense seem unattractive to potential future offenders; Carlsmith et al., 2002), or incapacitation (i.e., to restrain offenders such that they cannot commit more harm; Darley et al., 2000). It has even been noted that behavioral control often is a "happy byproduct" of punishment, and that people's motivations to punish primarily originate from the more intuitive just deserts considerations (Darley & Pittman, 2003). These findings suggest that a concern for punishment emerges from an affective sense of resentment and condemnation towards the offender. Furthermore, reconciliatory efforts with offenders have been argued to constitute a motivational change from these negative emotions and corresponding punishment desires, a change that most often has to develop gradually (cf. McCullough et al., 1997). As such, people's punishment desires can be regarded as a relatively straightforward response aimed at unilateral rejection of the offender.

Such emotional and unilateral rejection of offenders may originate from all the malevolent implications that criminal offenses entail. For instance, criminal offenses are generally considered as threatening to society as a whole. In correspondence with this assertion, research indicated that threats to the social order increased people's desire for punishment, and this desire was associated with just deserts considerations instead of utilitarian motivations (Rucker, Polifroni, Tetlock, & Scott, 2004; cf. Tetlock et al., 2007). Besides these societal concerns, offenses also have detrimental psychological consequences for observers. In particular, it has been noted that people have a need to believe that the world is a just place where people eventually get what they deserve (Lerner & Miller, 1978; for overviews, see Hafer & Bègue, 2005; Montada & Lerner, 1998). Observing an offense in which an offender harms an innocent victim is threatening to these just world beliefs, and one possible way for people to uphold their just world beliefs is to display punitive responses towards the offender. Empirical evidence indeed suggests that observers' just world beliefs are particularly threatened in situations where the offender escaped punishment (Hafer, 2000).

The aversive psychological, societal, and emotional consequences of criminal offenses are likely to be particularly associated with the offender, and much less so with the victim. In contrast to offenders, it is unlikely that victims are considered as particularly threatening to society, decreasing the necessity to pay direct attention to the victim's needs. In addition, although innocent victims may be psychologically threatening to observer's just world beliefs, it has been noted that observers have multiple methods at their disposal to uphold their just world beliefs when confronted with innocent victims (Lerner & Miller, 1978; for overviews, see Hafer & Bègue, 2005; Montada & Lerner, 1998): Next to attempts to compensate victims for the harm suffered, people often also have a tendency to blame, derogate, or avoid innocent victims, enabling people to believe that victims to some extent deserved their fate. In correspondence with this, Folger and Pugh (2002) speculated that people might experience an internal conflict about psychological and emotional proximity with victims, as they sometimes feel a need to show concern, empathy, and sensitivity, but at other times, they feel a need to derogate, blame, or avoid them.

These ambivalent responses regarding proximity to victims correspond to broader theoretical perspectives on sympathy for victims' suffering. Notably, Loewenstein and Small (2007) argued that responses to innocent victims depend on the interaction between two distinct mental processes, namely sympathy (a caring but impulsive process) and deliberation (a rational but uncaring process). The extent to which these two processes interact in an optimal or sub-optimal fashion is assumed to determine whether or not independent observers are likely to react with sympathy to victims. According to this perspective, one of the main determinants of sympathy is the subjective psychological proximity between the observer and the victim. Empirical research indeed confirmed that feeling socially or emotionally close to the victim increases sympathetic concern for victims. For instance, people are more ready to help ingroup rather than outgroup victims (Dovidio, Gaertner, Validzic, Matoka, Johnson, & Frazier, 1997), and relatedly, perceived similarity is associated with valuing the welfare of a person in need (Batson, Turk, Shaw, & Klein, 1995; cf. Batson, Eklund, Chermok, Hoyt, & Ortiz, 2007). However, when people do not experience such social or emotional proximity to the victim, less sympathetic reactions can be expected. It has been noted that people sometimes are relatively indifferent about victims who are experienced as remote from themselves (cf. Loewenstein & Small, 2007; Small & Loewenstein, 2003). Indeed, Opatow (1990) noted that people sometimes even consider victims from different groups as deserving of their fate, a process to which she referred to as 'moral exclusion'. These theoretical arguments and empirical findings are consistent with the more general notion that observers' compensatory responses to victims are likely to be relatively ambivalent, as they sometimes respond to victims with concern and sympathy, but at other times with indifference or even derogation.

In sum, people's punitive responses towards offenders constitute a rather straightforward mechanism to restore a sense of justice, and although social factors may influence the magnitude of punishment (e.g., Carlsmith, 2006; Goldberg et al., 1999; Small & Loewenstein, 2005; Van Prooijen, 2006a), people are rarely indifferent about offenders. People's compensatory responses towards victims are likely to be more ambivalent, as people are not necessarily always that concerned about the victim's fate (Loewenstein & Small, 2007). It therefore can be inferred that observers tend to be more focused on the offender than on the victim, and as a consequence, in many situations they are more concerned about punishment of the offender than about restoring the harm done to the victim. The present studies sought to examine the complex relations between people's desire for punishment and their desire for victim compensation in a series of three studies. In Studies 1 and 2, I tested the proposition that after observing an offense, people have a relative preference to punish the offender rather than to compensate the victim. Study 3 was designed to test the assertion that emotional proximity to the victim may be a prerequisite for people to be concerned about victim compensation. In particular, Study 3 tests whether the relative balance between psychological desires towards punishment and compensation can be moderated by the extent to which observers feel emotionally close to, or distant from, the victim.

## STUDY 1: FRAMING OF PUNISHMENT VERSUS COMPENSATION

The first study consists of two sub-studies (Studies 1a and 1b) that both were focused on offenses of moderate severity in which it is common that offenders have to repay victims financially (i.e., a pick pocketing in Study 1a and an assault and robbery in Study 1b). Such financial repayment can be interpreted as both a retributive and a compensatory act, and I assessed participants' responses to such a transaction in two novel framing conditions: In both studies, a financial transaction that would take place between the offender and the victim was framed either as a means to punish the offender

(“to punish the offender, the offender must pay money to the victim”) or as a means to compensate the victim (“to compensate the victim, the victim will receive money from the offender”). Thus, the very same financial transaction was framed as either a retributive or compensatory act. It was predicted that participants would recommend higher sums of money if the transaction was framed as a means to punish the offender than if it was framed as a means to compensate the victim (Hypothesis 1).

## Study 1a

### *Method*

**Participants and Design** A total of 27 participants (12 men, 15 women;  $M_{\text{age}} = 21.44$ ,  $SD = 4.62$ ) were assigned randomly to one of the two justice frame conditions (retributive versus compensatory justice). Participants were approached in the VU university cafeterias by a male investigator and were requested to conduct the study, which had the format of a brief paper-and-pencil task.

**Procedure** Participants read a short description of how a victim was robbed by a pickpocket (the full text of all offense descriptions in this paper can be found in Appendix A). To manipulate justice frame, participants read that a monetary transaction would take place between the offender and the victim, and this transaction was framed either as a means to punish the offender or as a means to compensate the victim. In the punishment frame condition, participants read that, to punish the offender, it was decided that the offender would pay money to the victim. In the compensation frame condition participants read that, to compensate the victim, it was decided that the victim would receive money from the offender. Participants were then asked what amount of money they would regard as appropriate, and were requested to fill in an amount that ranged between 0 and 1000 euros.

### *Results and Discussion*

Participants' recommended financial transaction from the offender to the victim in the two justice frame conditions were subjected to a one-way analysis of variance (ANOVA). In correspondence with Hypothesis 1, this analysis revealed that participants in the punishment frame condition recommended higher sums of money ( $M = 330.00$ ,  $SD = 243.03$ ) than participants in the compensation frame condition ( $M = 169.23$ ,  $SD = 131.56$ ),  $F(1, 25) = 4.47$ ,  $p < .05$ ;  $\omega^2 = 0.11$ . This result provided preliminary evidence for the assertion that, when offenders have to repay victims, observers recommend higher sums of money if the transaction is framed as a means to punish the offender than if it is framed as a means to compensate the victim.

## Study 1b

Study 1b was designed to complement and extend the findings obtained in Study 1a in two ways. First, it was assessed whether the findings of Study 1a would generalize to a slightly more severe offense: Like in Study 1a, in Study 1b a victim's wallet is stolen, but in Study 1b this was done by means of a violent robbery instead of a by a pickpocket. Second, besides measuring only the recommended financial transaction, Study 1b also assessed questions about participants' perceived fairness of the financial transaction to empirically establish a link between the transactions and participants' concern for justice.

### *Method*

**Participants and Design** A total of 31 VU University students (12 men, 19 women;  $M_{\text{age}} = 20.94$ ,  $SD = 3.21$ ) participated voluntarily in the experiment and were assigned randomly to one of the two justice information frame conditions (retributive versus compensatory justice). The experiment was preceded and followed by other, unrelated

experiments. The experiments lasted a total of 45 minutes and participants were paid 5 euros for participation in the experiments.

*Procedure* Upon entry in the laboratory, participants were led to one of 15 separate cubicles. In the cubicles, participants found computer equipment which was used to present the stimulus information and to register the results. Participants read a brief description of a man who was violently robbed (for the full text, see Appendix A). I then manipulated justice frame. This manipulation was the same as in Study 1a. To measure participant's transgression-based justice perceptions, they responded to the questions to what extent they believed that a high amount of money would be justified, appropriate, and deserved (1 = not at all, 7 = very much). These three items were averaged into a reliable justice scale ( $\alpha = .89$ ). Additionally, participants were asked what amount of money they considered appropriate, and were given nine options: 1 = 0–500 euros, 2 = 501–1000 euros, 3 = 1001–1500 euros, 4 = 1501–2000 euros, 5 = 2001–2500 euros, 6 = 2501–3000 euros, 7 = 3001–3500 euros, 8 = 3501–4000 euros, 9 = more than 4000 euros. After this, participants were thanked, debriefed, and paid for their participation.

### *Results and Discussion*

The results were analyzed with a multivariate analysis of variance (MANOVA) on the two dependent variables. This analysis showed a multivariate effect of justice information frame,  $F(2, 28) = 4.73$ ,  $p < .02$ ;  $\omega^2 = 0.19$ . The univariate effects were significant for both justice perceptions,  $F(1, 29) = 5.63$ ,  $p < .03$ ;  $\omega^2 = 0.13$ , and money allocations,  $F(1, 29) = 6.97$ ,  $p < .02$ ;  $\omega^2 = 0.16$ . In correspondence with Hypothesis 1, participants evaluated high monetary transactions from the offender to the victim as more just if framed as a means of offender punishment ( $M = 5.04$ ,  $SD = 1.40$ ) than if framed as a means of victim compensation ( $M = 3.78$ ,  $SD = 1.56$ ). Additionally, participants allocated higher sums of money if framed as offender punishment ( $M = 2.56$ ,  $SD = 1.59$ ) than if framed as victim compensation ( $M = 1.40$ ,  $SD = 0.63$ ). These results replicate and extend the findings of Study 1a, and further suggest that observers favor higher sums of money if a transaction between offender and victim is framed as a means to punish the offender than if the same transaction is framed as a means to compensate the victim.

### **Discussion of Studies 1a and 1b**

Studies 1a and 1b provided preliminary support for the proposition that observers place relatively more weight on punishing the offender than on compensating the victim. By focusing on moderate-severity offenses, both studies had a setting where justice could be restored by a means of a financial transaction between the offender and the victim, and results indicated that participants recommended higher sums of money if this transaction was framed as punishment than if it was framed as compensation. Although promising, it must be noted that the findings of Studies 1a and 1b are limited in two ways. A first limitation is that an alternative explanation for the Study 1 findings is possible, which is that observers might have different justice norms for punishment versus compensation in offenses that involve stolen property. In particular, it could be that reimbursing the lost property is regarded as sufficient compensation for the victim, but that such repayment is regarded as insufficient punishment for the offender. Thus, people could apply different justice norms to offenders and victims, without this necessarily meaning that people have a relative preference for punishment. As a second limitation, Study 1 focused exclusively on offenses of moderate severity, and hence, it cannot be confidently concluded that a preference for punishment will occur in situations where a victim is more seriously harmed. Study 2 was designed to address both these limitations.

## **STUDY 2: BEHAVIORAL PROCESS TRACING**

Study 2 adopted a methodology that was originally developed to investigate dynamic process perspectives in research on social judgments and decision making, a methodology referred to as behavioral process tracing (cf. Carlsmith, 2006; Jacoby, Jaccard, Kuss, Troutman, & Mazurski, 1987). The general idea of these behavioral process tracing methods is that participants are confronted with a social situation or problem, and then they are asked to actively select additional

information to evaluate the situation or solve the problem at hand. This procedure enables researchers to investigate the depth, content, and sequence of participants' information seeking. In Study 2, I modified these behavioral process tracing methods to serve the purposes of the present research.

Participants were confronted with three relatively severe offenses that were presented in random order (a violent robbery case, a kidnapping case, and a rape case). To enhance mundane realism, the cases were described in a more elaborate fashion than in Study 1. In all cases, the offenses led to court trials in which it was demanded that the offender would be punished and that the victim would be compensated. Participants were then told that, at the end of the study, for each case they would be responding to the following question: "How much faith do you have that, in this particular case, justice will prevail?" To be able to confidently answer this question, participants were instructed to collect additional information about various aspects of offender punishment and victim compensation. Based on the general idea that people are more concerned about offender punishment than about victim compensation, it was predicted that participants would select more information about offender punishment than about victim compensation to be able to confidently answer the question whether or not they believed that justice would prevail in each particular case (Hypothesis 2).

## Method

### *Participants and Design*

A total of 91 participants (36 men, 55 women;  $M_{\text{age}} = 21.22$ ,  $SD = 3.71$ ) were recruited in the VU University's student cafeterias, and participated voluntarily in the experiment. All participants responded to three offense descriptions that were presented in random order. The study was preceded and followed by other, unrelated studies. The series of studies lasted a total of 60 minutes and participants were paid 7 euros for participation.

### *Procedure*

Upon arrival in the laboratory, participants were seated in separate cubicles which contained computer equipment to present the stimulus information and to register the data. Participants were informed that they would read three different crime scenarios. The three crimes would constitute cases that were currently on trial, and the outcomes of the trials were yet to be determined. Each scenario contained both an offender and a victim, and in each case the prosecutor demanded that the offender would be punished and that the victim would be compensated for the harm suffered. Participants were told that, after each scenario, they would have the opportunity to collect additional information about the case. Participants were instructed to collect the information they needed to be able to, at the end of the study, confidently answer the question "How much faith do you have that, in this particular case, justice will prevail?"

For each scenario, participants would be able to collect additional information about six characteristics of the legal case. Three of these characteristics contained information about offender punishment (retribution information) and three of these characteristics contained information about victim compensation (compensation information). In particular, in each scenario participants could collect retribution information about (a) the likelihood that the offender would be punished, (b) the amount of punishment that was demanded for the offender, and (c) the likely amount of punishment the offender would receive if convicted. Furthermore, participants could collect compensation information about (a) the likelihood that the victim would receive compensation, (b) the amount of compensation that was demanded for the victim, and (c) the likely amount of compensation the victim would receive if he/she would be granted any. The retribution and compensation items were listed in random order on the computer screen. Participants were requested to choose at least one item, and at most all six items.

Participants then evaluated the crime scenarios, which were presented in random order. The crime scenarios were a violent robbery case, a kidnapping case, and a rape case (see Appendix A for the exact case descriptions). After each crime scenario, participants were requested to collect the additional information they needed. Furthermore, participants were informed that they would receive the information they collected at the end of the study (after having completed all three cases), and that then they would answer the question of how much faith they had that justice would prevail for each scenario. After participants had collected retribution and compensation information, they also answered the following

questions for each scenario: “Compared to other crimes, how serious is the crime you have just read?” (1 = not at all serious, 7 = very serious), “To what extent do you consider this a severe crime?” (1 = not at all, 7 = very much), “How much harm do you believe the victim has suffered?” (1 = very little, 7 = a lot), “What punishment for the offender would you consider to be appropriate?” (1 = very mild punishment, 7 = very severe punishment) and “What compensation for the victim would you consider to be appropriate? (1 = very low compensation, 7 = very high compensation). For each scenario, these five items were collapsed into a composite scale of the extent to which participants regarded the offense as severe, a scale that was reliable for all three cases (for the violent robbery case,  $\alpha = .87$ ; for the kidnapping case,  $\alpha = .87$ ; for the rape case,  $\alpha = .86$ ). After participants had completed the third scenario, they were informed that the study had ended, and they were fully debriefed, thanked, and paid for their participation.

## Results

### *Severity of the Offenses*

Participants' answers on the scales assessing to what extent they regarded each offense as severe were subjected to an ANOVA with scenario as within-subjects variable. Results revealed a significant scenario effect,  $F(2, 89) = 42.64$ ,  $p < .001$ ;  $\omega^2 = 0.48$ . Participants regarded the violent robbery case ( $M = 5.50$ ,  $SD = 0.91$ ) as less severe than both the kidnapping case ( $M = 6.01$ ,  $SD = 0.82$ ),  $t(90) = -5.53$ ,  $p < .001$ , and the rape case ( $M = 6.33$ ,  $SD = 0.67$ ),  $t(90) = -9.21$ ,  $p < .001$ . Furthermore, the kidnapping case was regarded as less severe than the rape case,  $t(90) = -4.45$ ,  $p < .001$ . Thus, the violent robbery case was considered as least severe, followed by the kidnapping case, and the rape case was considered as most severe. Importantly, participants considered even the least severe offense (i.e., the violent robbery case) as quite severe (a mean of 5.50 on a 7-point scale), suggesting that all three offenses were sufficiently severe to elicit retributive and compensatory responses among participants.

### *Retributive Versus Compensatory Choices*

The frequencies of information chosen on the six trials for the three cases are displayed in Table 1. To test between retributive versus compensatory choices, for each participant I calculated the total number of choices for retributive and compensatory justice information in each scenario, producing values that ranged from 0 to 3 retributive choices and from 0 to 3 compensatory choices. I then tested Hypothesis 2, which stated that participant would select more information about retributive justice than about compensatory justice to have faith that justice would prevail in each particular case. In correspondence with this hypothesis, participants made more retributive than compensatory choices in each scenario: For the violent robbery case,  $F(1, 90) = 29.96$ ,  $p < .001$ ;  $\omega^2 = 0.24$  ( $M_{\text{retribution}} = 1.76$ ,  $SD = 0.90$ ;  $M_{\text{compensation}} = 1.21$ ,  $SD = 0.95$ ); for the kidnapping case,  $F(1, 90) = 46.53$ ,  $p < .001$ ;  $\omega^2 = 0.33$  ( $M_{\text{retribution}} = 1.79$ ,  $SD = 0.91$ ;  $M_{\text{compensation}} = 1.02$ ,  $SD = 0.93$ ); and for the rape case,  $F(1, 90) = 50.64$ ,  $p < .001$ ;  $\omega^2 = 0.35$  ( $M_{\text{retribution}} = 1.81$ ,  $SD = 0.86$ ;  $M_{\text{compensation}} = 1.08$ ,  $SD = 0.99$ ). These findings reveal that people predominantly seek information about retributive justice to be assured that justice will prevail when evaluating an offense involving an offender and a victim. Moreover, it is noteworthy that the frequencies that are displayed in Table 1 suggest that this difference in selecting retribution versus compensation information is particularly pronounced on the first two trials, suggesting that observers' first concern when seeking information to decide whether justice has prevailed in these cases tends to be retributive justice.

## Discussion

Taken together, Studies 1 and 2 provide solid support for the idea that observers have a relative preference to punish offenders rather than compensate victims to restore a sense of justice following a criminal offense. This idea was corroborated for offenses of moderate severity in Studies 1a and 1b by means of a framing manipulation. Furthermore, in Study 2 a similar conclusion could be drawn for more severe offenses based on a behavioral process tracing methodology. These findings suggest that observers' preference for retributive over compensatory justice is a relatively robust

Table 1. Type of information chosen—Study 2

	Type of information chosen					
	Robbery case		Kidnapping case		Rape case	
	Retribution	Compensation	Retribution	Compensation	Retribution	Compensation
Trial 1	66 (72.5%)	25 (27.5%)	63 (69.2%)	28 (30.8%)	68 (74.7%)	23 (25.3%)
Trial 2	41 (45.1%)	26 (28.6%)	50 (54.9%)	18 (19.8%)	46 (50.5%)	22 (24.2%)
Trial 3	30 (33.0%)	27 (29.7%)	34 (37.4%)	19 (20.9%)	27 (29.7%)	25 (27.5%)
Trial 4	11 (12.1%)	20 (22.0%)	9 (9.9%)	16 (17.6%)	13 (14.3%)	15 (16.5%)
Trial 5	9 (9.9%)	7 (7.7%)	4 (4.4%)	7 (7.7%)	8 (8.8%)	9 (9.9%)
Trial 6	3 (3.3%)	5 (5.5%)	3 (3.3%)	5 (5.5%)	3 (3.3%)	4 (4.4%)

*Note:* Numbers represent frequencies of retribution or compensation information chosen on a particular trial. In brackets are the percentages of the total sample ( $N = 91$ ).

phenomenon that may generalize to various research methods and to a variety of criminal offenses involving both an offender and a victim. Study 3 sought to extend these findings by testing whether this effect can be moderated by a factor that is directly suggested by the theoretical framework laid out in the introduction, namely the emotional proximity that people experience in relation to the victim.

### STUDY 3: EMOTIONAL PROXIMITY AS MODERATOR

Theoretically, one of the main reasons why observers are more concerned about offender punishment as opposed to victim compensation is that they frequently respond to victims with indifference (Loewenstein & Small, 2007) or even blame (Hafer & Bègue, 2005; Lerner & Miller, 1978). Such uncaring responses to victims are assumed to be associated with feeling socially or emotionally remote from the victim (cf. Batson et al., 1995; Dovidio et al., 1997). In Studies 1 and 2, participants may have indeed felt some emotional distance from the victim: After all, they had no direct relation with the victim in the various offense descriptions, nor were they made aware of potential similarities between themselves and the victim. Such an uninvolved perspective on the victim's suffering may be representative for how people are confronted with criminal offenses in everyday life, where people often learn about offenders and victims through written media (e.g., newspapers, the internet). In Study 3, I test the assumption that observers' preference for punishment instead of victim compensation can—at least in part—be explained by the assertion that people often experience some emotional distance in their relation to the victim. In particular, the preference that observers display for offender punishment is expected to be mitigated, or even disappear, in situations where they feel emotionally close to the victim.

In Study 3, participants read a description of a moderate-severity offense (assault and robbery). In this description, emotional proximity to the victim was manipulated by varying whether participants imagined the victim to be someone they felt a strong personal connection with (emotionally close condition) or someone they felt a weak personal connection with (emotionally distant condition). Following the offense description, the same framing manipulation as in Studies 1a and 1b was induced, in which the same financial transaction from offender to victim was framed as a means to punish the offender or as a means to compensate the victim. It was predicted that participants would perceive higher sums of money as fair if the transaction was framed as punishment instead of as compensation, but only when participants felt emotionally distant from the victim (Hypothesis 3).

## Method

### *Participants and Design*

Hypothesis 3 was tested in a 2 (emotional proximity: Close versus distant)  $\times$  2 (justice frame: Retributive versus compensatory justice) factorial design. A total of 106 VU University students (38 men, 68 women;  $M_{\text{age}} = 21.08$ ,

SD = 5.33) voluntarily participated in the experiment. The experiment was preceded and followed by other, unrelated studies. The studies lasted a total of 45 minutes and participants were paid 5 euros for participation.

### *Procedure*

The study was conducted using computer equipment in the same laboratory as Studies 1b and 2. Next to the computer, participants found a piece of paper and a pen. Participants in the emotionally close condition were asked to write down the name of a specific person with whom they felt a strong personal connection. Participants in the emotionally distant condition were asked to write down the name of a specific person with whom they felt a weak personal connection. After this, participants were asked to read a scenario in which they imagined that the person whose name they had written down was violently robbed of his/her wallet. This scenario was similar as Study 1b (see Appendix A). The manipulation of justice frame was the same as in Studies 1a and 1b. The main dependent measure constituted of participants' transgression-based justice perceptions. Participants were asked to what extent a high amount of money would be fair, justified, appropriate, and deserved (1 = not at all, 7 = very much). These four items were averaged into a reliable justice scale ( $\alpha = .92$ ). To check the manipulation of emotional proximity, participants were asked how strong they experienced their personal connection with the person whose name they had written down (1 = very weak, 7 = very strong). Finally, participants were asked whether they had written down the name of a man or a woman. After this, participants were debriefed, thanked, and paid for their participation.

## **Results and Discussion**

### *Manipulation Check*

A  $2 \times 2$  ANOVA on the check of the emotional proximity manipulation revealed a significant main effect of emotional proximity only,  $F(1, 102) = 250.64$ ,  $p < .001$ ;  $\omega^2 = 0.70$ . Participants in the emotionally close condition reported a stronger personal connection with the person whose name they had written down ( $M = 6.40$ ,  $SD = 0.97$ ) than participants in the emotionally distant condition ( $M = 3.06$ ,  $SD = 1.18$ ). These results indicate that the manipulation of emotional distance worked as intended.

### *Victim's Sex*

Results indicated that 47 participants wrote down the name of a man and 59 participants wrote down the name of a woman. Inclusion of victim's sex as an independent variable in the main analysis did not influence the results.

### *Justice Scale*

The main dependent variables were analyzed with a  $2 \times 2$  ANOVA. This analysis revealed the predicted interaction,  $F(1, 102) = 4.61$ ,  $p < .04$ ;  $\omega^2 = 0.03$ . The means and standard deviations are displayed in Table 2. In correspondence with Hypothesis 3, simple main effect analyses indicated that only when participants felt emotionally distant from the victim, they evaluated a high financial transaction as fairer if framed as offender punishment than if framed as victim compensation,  $F(1, 102) = 6.87$ ,  $p < .02$ ;  $\omega^2 = 0.05$ . This effect did not emerge when participants felt emotionally close to the victim,  $F < 1$ . In addition, it can be noted that the effect of emotional distance was significant in the compensation frame condition,  $F(1, 102) = 7.53$ ,  $p < .01$ ;  $\omega^2 = 0.06$ , but not in the retribution frame condition,  $F < 1$ . As can be observed in Table 2, emotional closeness increased the value that participants attributed to a transaction that is framed as victim compensation. This latter finding supports the idea that feeling emotionally close to the victim increases observers' concern for compensatory justice.

Table 2. Means and SD of Justice perceptions as a function of emotional proximity to the victim and justice frame—Study 3

Justice frame	Emotional proximity			
	Close		Distant	
	<i>M</i>	SD	<i>M</i>	SD
Retribution	5.19	1.32	5.31	1.08
Compensation	5.35	1.31	4.36	1.54

*Note:* Higher means indicate that a high monetary transaction from offender to victim is perceived as fairer.

## GENERAL DISCUSSION

The present research sought to provide evidence for the proposition that observers are more concerned about retributive instead of compensatory justice when confronted with criminal offenses. This proposition was supported for moderate severity offenses in Studies 1a and 1b, in which results revealed that people recommend higher financial transactions from the offender to the victim if this transaction is framed as punishment than if it is framed as compensation. Further support for the general proposition was obtained in Study 2, which focused on relatively more severe offenses by means of a behavioral process tracing method. Results indicated that people select more information about punishment than about victim compensation to have faith that justice will prevail in legal cases. To explain these findings, Study 3 was designed to test whether people's preference for retributive justice can be moderated by the emotional proximity that people experience in their relation to the victim. Results indicated that emotional proximity increased the value that observers assign to compensatory justice. Taken together, the present research suggests that observers tend to be more concerned about retributive than compensatory justice, but only when they do not feel emotionally close to the victim.

Whereas previous research on reactions to offenses focused either on people's punitive responses to offenders (e.g., Carlsmith, 2006; Carlsmith et al., 2002; Darley et al., 2000; Fehr & Gächter, 2002; Rucker et al., 2004; Tetlock et al., 2007; Van Prooijen, 2006a; Van Prooijen & Lam, 2007), or on a variety of possible responses to victims (e.g., Cohen, 2001; Correia, Vala, & Aguiar, 2007; Hafer, 2000; Hafer & Bègue, 2005; Lerner & Miller, 1978; Montada & Lerner, 1998), research rarely investigated responses to offenders and victims simultaneously. Given that both offenders and victims stimulate justice concerns that people are concerned about (Darley & Pittman, 2003; Schroeder et al., 2003; cf. Shnabel & Nadler, 2008), the current research may provide a starting point for future research to scrutinize how people psychologically deal with injustices that they perceive. Although the present research identified one moderator of the described effects (Study 3), many unresolved questions are remaining. For instance, the present studies did not provide evidence for the underlying mediating processes that explain the present findings. Furthermore, it is likely that there are more moderators that yield additional insights in the psychological dynamics of retributive versus compensatory justice judgments. For instance, Darley and Pittman (2003) speculated that when the victim's harm is not caused by the offender's malevolent intentions, but instead by the offender's negligence, people might primarily seek victim compensation. In addition, preliminary studies suggested that when people take the perspective of the victim, they are relatively more concerned about compensatory than retributive justice (Umbreit, 1998; Van Prooijen, 2006b). These ideas suggest that further research is necessary for a more complete understanding of the psychological mechanisms that operate when people are confronted with offenders and victims of injustice.

The idea that there may be circumstances where people are primarily concerned about restoring the harm done to the victim received preliminary empirical support in a study by Gromet and Darley (2006), who investigated people's preferences for either purely restorative justice procedures (in which the offender apologizes to the victim, and the victim and offender work out a mutual agreement of what the offender needs to do to restore the harm done), mixed retributive and restorative procedures (which are procedures where there is restoration combined with possible prison sentence for the offender) and retributive procedures that are focused solely on punishment. In their study, participants showed a preference for restorative procedures for crimes of low severity, and they preferred the mixed procedures (focusing on both punishment and restoration) for crimes of high severity. These findings suggest that, for crimes of low severity, an offender who apologizes and is displaying a willingness to help the victim lead observers to prefer restoration of the harm done to

the victim. It might be the case that for low severity offenses, expressions of apology and remorse lead people to be relatively less concerned about punishment of the offender, and to shift focus towards addressing the victim's needs. These considerations further suggest that numerous social factors may influence the balance between people's motivations to punish and their motivations to restore the harm done to the victim.

In the introduction, the theoretical rationale that led to the propositions of the present studies assumed that punishment is a very straightforward mechanism to restore a sense of justice, and that people's immediate responses to victims are relatively more ambivalent. It is noteworthy that, sometimes, responses to offenders can be ambivalent too, as punishment not necessarily is an observer's only possible response to offenders. Under certain circumstances observers may be inclined to seek reconciliation, and to ultimately forgive the offender (e.g., Exline, Worthington, Hill, & McCullough, 2003; McCullough, Worthington, & Rachal, 1997). It is important to note, though, that these inclinations to forgive generally develop over time, and that people's immediate responses to offenders when first learning about a transgression tend to be punitive rather than forgiving. To illustrate, McCullough et al. (1997) noted that "... When people forgive, they inhibit their normal destructive responses that would increase the probability of further relational disintegration..." (p. 333/334). As such, future longitudinal studies may provide evidence for such a decrease in a desire for punishment as time passes by, and for factors that influence possible shifts from a desire to punish towards an inclination to forgive the offender.

The present research explicitly focused on *observers* who evaluated offenses in which an offender inflicts intentional harm on a victim. As such, the present studies sought to complement and extend related social justice research that focused on situations where participants themselves are the victim or perpetrator of injustice (Shnabel & Nadler, 2008), or where participants display active punishment behaviors, as in mock jury simulations (Kerr, Hymes, Anderson, & Weathers, 1995; Sommers & Ellsworth, 2000) or social dilemmas (Fehr & Gächter, 2002). The present focus on independent observers reflects a recent trend in justice research that emphasized the importance of studying people's justice judgments when they observe social transgressions (e.g., Darley & Pittman, 2003; Feather, 1998; Finkel & Sales, 1997; Skitka & Crosby, 2003; Van Prooijen, 2006a). Examining observer's responses to social transgressions may provide insights into numerous theoretical and societal questions, such as how does public opinion develop following a transgression that captures excessive media attention? What factors would influence people's preference to punish the offender or to compensate the victim? And, at this point perhaps more speculatively, to what extent is observing transgressions likely to have behavioral implications, like engaging in collective action or supporting politicians that endorse more severe punishment regulations? These and other questions suggest that a focus on observers has a unique place in social justice research, and that examining observers' retributive and compensatory justice responses following criminal offenses is very relevant to understand the causes and consequences of people's desire to seek justice.

To conclude, the present studies provided evidence for the proposition that, in many situations, observers have the tendency to be more concerned about punishment of the offender instead of compensation of the victim in response to criminal offenses. Furthermore, findings revealed that the emotional proximity that people experience with the victim is a factor that helps to explain such a preference for punishment in the studies reported here. It might be speculated that additional offense-specific factors that were not under investigation in the present studies (e.g., apologies, mitigating circumstances) also might possibly influence the psychological balance of people's preferences for either retributive or compensatory justice. Be that as it may, the present studies provided a first step towards understanding differential justice preferences that observers have in order to cope with the injustices that they perceive being committed by, and happening to, other people. It can be concluded that a desire that observers tend to prefer punishing the offender over compensating the victim, unless people feel emotionally close to the victim. Apparently, people do not ascribe equal value to retribution and compensation as means to restore a sense of justice following a criminal offense.

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## APPENDIX A: OFFENSE DESCRIPTIONS OF THE STUDIES

### Study 1a

Several weeks ago a man's wallet was stolen by a pickpocket in the tram. The victim did not notice that his wallet was gone until he got home. Despite the fact that he suffered only material damage, he decided to go to the police. After a while, with the help of video surveillance cameras in the tram, the offender was caught. The victim's wallet was gone, though.

### Studies 1b and 3

On a warm summer day, a young man named Camiel (in Study 3: The person whose name you just have written down) is violently robbed from his (in Study 3: His/her) wallet on the street. He (in Study 3: He or she) has lost some money and some bank passes, but more importantly, ever since the robbery Camiel (in Study 3: The person whose name you just have written down) felt afraid to walk the street alone. After a while, the offender is caught by the police.

### Study 2

#### *Violent Robbery Scenario*

A 28 year old man is walking home with his bicycle in his hand. Even though it is broad daylight, the young man (the victim) is violently robbed by a strong and bold man (the offender). The offender steals the victim's wallet, which contained about 100 euros, several bank passes, a credit card, and a driver's licence. Also, the offender steals the victim's bicycle. During the robbery, the offender threatens the victim with a knife and uses a lot of physical violence. After the robbery, the victim has to spend a couple of days in a hospital. Even though the physical damage is not permanent, ever since the robbery the victim is afraid to walk the streets alone. The offender is caught by the police and has to appear in court. The victim claims compensation for the harm suffered.

*Kidnapping Scenario*

A young girl, 10 years of age (the victim) is being kidnapped by a man (the offender). The victim has very rich parents, and the offender demands a high amount of money for ransom. The little girl is held hostage for 2 weeks by the kidnapper. During these 2 weeks, the victim is locked up in a small room. After 2 weeks, the police finds a clue towards the kidnapper, and conducts a raid in the house where the victim is held hostage. The victim is found without any physical damage, but the victim is severely traumatized by the kidnapping. The offender is caught and has to appear in court. The victim's parents demand compensation for the harm done to their daughter.

*Rape Scenario*

A young woman (the victim), 21 years old, walks home alone on a Saturday night after going out. On the street, she meets a tall man (the offender). The offender pulls the victim into a silent park while threatening her with a knife. In the park, he rapes her. After that, the offender runs away. However, a passer-by had accidentally seen how the victim was pulled into the park while being threatened, and called the police. The police arrives at the exit of the park right at the moment the offender tries to leave the park. The offender is arrested and will have to appear in court. The victim demands compensation for the harm done.