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THE DECISION-MAKING PROCESS IN PUNISHMENT IMPOSITION: FOUR FACTORS OF PUBLIC PERCEPTION IN RUSSIA

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THE DECISION-MAKING PROCESS IN PUNISHMENT IMPOSITION: FOUR FACTORS OF PUBLIC PERCEPTION IN RUSSIA[4]

The "ignorance of law" defense is often used as an argument to decrease the degree of punishment assigned to a convicted criminal. Previous research has identified that the degree of punishment is, inter alia, impacted by the perceived morality of the action and the convicted criminal's knowledge of the law. Compared to previous findings, the current paper contributes to the field of study in three principal ways. First, it analyzes Russian respondents and their perceptions of morality of action (previous studies have dealt with American respondents). Second, the present paper traces the distinction between lawyers' perceptions and those of laypeople. Third, the quantitative impact of the ignorance of law defense on a trial group is traced by considering the interrelationship of factors determining the ultimate degree of punishment a hypothetical criminal would be sentenced to.

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Introduction

The fundamental goal of criminal law is to protect society and prevent future misconduct by punishing and sentencing offenders. The state's power of enforcement is distinguished from voluntary intimidation by legitimized prosecution. The authorization of this enforcement has its roots in the need for public approval, and the necessity of making legal rules both predictable and applicable to all citizens. Public validation of laws reflects and illustrates perceptions of contemporary laypeople, the level of legal awareness of individual laypeople, and evolving trends in the conception of prohibited and permitted behavior.

Policy makers transform social values and attitudes into polices that are based on public opinion. The role that public perceptions play in sentencing policymaking is widely discussed in literature. The prevailing point of view emphasizes the fundamental role of public opinion in the validation of penal policy (Ryberg, Roberts et all, 2014). Community justification for criminal policy positively influences compliance with the laws and enhances condemnation of illegal or (perceived) immoral behavior while encouraging social engagement (Tonry et all. 2011). The validation provided by public opinion enriches and stabilizes policymaking through consultations based on normal reasoning, agreement of opinion, and open dialogue (Habermas, 1984, 1989; Hindelang, 1974; Green, 2008).

The punishment motives of laypeople have been examined from a philosophical, legal, psychological, and sociological perspective (e.g., Carlsmith, 2006; Darley, Robinson, 2002; Vidmar, Miller, 1980; Nisbett, Wilson, 1977). Public views about sentencing are conventionally explained in the light of penal theory, while justifications for punishment fall along the dichotomy of either retribution or utilitarianism (Kant, 1791/1998, Bentham, 1830/2008).

In this work, we consider the formation of laypeople's attitudes towards punishment imposition by examining the responses of several test groups to situations involving hypothetical criminal offenders. We attempt to determine how the morality of a defendant's act, awareness of the law, the importance of the law, and record of prior convictions affect a punishment that is imposed by the subjects of the surveys. Specifically, we investigate the interrelation of factors which influence laypeople's decision-making process and that lead to the imposition of punishment. We also attempt to determine which of these factors should be considered subjective and which should be considered objective.

This research employs a psychological approach to sentencing that is relevant to legal policy changes and jurisprudence in general (Lovegrove, 1986). This study tested claims about punishment justifications, and whether laypeople's high sensitivity to a "just deserts" perspective is dependent on a particular environment, or if popular attitudes towards punishment and censure

are shaped by regional legal doctrines and criminal systems. The second part of the analysis lists the results of sentencing decisions in Russia and the USA. Section Three describes the Russian survey data collected for this study; Section Four explains the econometric methodology used in this study; Section Five gives the results of regression analysis; and Section 6 discusses the results obtained and concludes the paper.

In general we agree with Carlsmith, Darley, and Robinson (2002), who suggest that "an individual is more likely to voluntarily comply with legal codes … according to his or her intuitions about what is just." The question we are exploring in this paper is whether the nature of moral institutions impacts either one of two specific, and opposing, motivations for punishing criminals – namely, just deserts and deterrence.

1. Literature review

Our literature review covers five areas: ignorance of law, morality, importance of law, and record of prior convictions as determinants of severity of punishment; and statistical analysis of ignorance of law.

Ignorance of law

As Keedy (1908) wrote, "*Ignorantia juris non excusat, ignorantia facti excusat* is a maxim familiar to the layman as well as to the lawyer." That maxim originated in ancient Roman times and has been handed down to the present unchanged. However, some theorists claim that this maxim ought to be discarded as something appropriate to Roman law in the era of the Twelve Tables, but not to the modern environment with its innumerable laws (Cass, 1975; Yochum, 1998; Ivanov, 2006). These theorists argue in favor of adapting the Roman standard to current conditions, which include large legislative bodies, constant changes in legislation, and "soft law." There have been some interesting attempts to examine the nature of this maxim with a view to adapting it to modern conditions, including by calculating the "cost of ignorance" (Assaf, 2006; Calon, 2006; Hamdani, 2007). As Assaf noted, when the cost of ignorance increases, potential offenders become more likely to invest in information, thereby decreasing the social cost associated with *mens rea*. Though Assaf's conclusion is relevant to a defendants' decision-making process, it has no practical application to our research.

We assume that it is more useful to examine the layperson's attitude towards ignorance of the law to determine the necessity of adopting the old Roman maxim to contemporary conditions. In the USA, for example, a "deliberate-ignorance doctrine" has been developed, and featured prominently in in a series of narcotics prosecutions in the 1990s. *United States v. Jewell* is the most influential and comprehensive discussion of deliberate ignorance to date. The Ninth

Circuit affirmed Jewell's conviction and formulated a three-pronged rationale for linking deliberate ignorance with knowledge: one "knows" a particular fact when he "is aware of a high probability of its existence, unless he actually believes that it does not exist" (Robbins, 1990).

By way of comparison, defendants in Russia make recourse to ignorance of law for the purpose of proving their innocence. They might claim, for example, that they did not know about the illegality of a certain narcotic substance or about the ban on storing and transporting drugs. However, in all analyzed prosecutions under article 228 of Russian Criminal Code from 2010 to 2013, judges found those arguments groundless.[5] The duty to know and observe the laws of the land is a constitutional obligation of every citizen. According to this general legal principle, ignorance of the law in the case of a violation does not relieve an offender from criminal liability. Thereby Russian judges vigorously observe the Roman ignorance maxim (at least in this area).

Princip o neznanii zakona – adapt to modern times, and see if the American concept could be applied in Russia. In this paper we will attempt to analyze attitudes of contemporary laypeople to determine whether it is desirable to modify the Roman maxim about ignorance of the law to current conditions, as for example the American system has with the doctrine of "deliberate ignorance."

Morality

The morality factor reflects laypeople's attitude towards an offense and the conduct of defendants with a view to morality or immorality. We treat this factor as purely subjective, because only laypeople can decide for themselves if a defendant's act was moral, immoral or moral-neutral.

Analysis of the morality factor raises the question of the relationship between morality and criminal law. There have been various discussions regarding this relationship: the law in general may or may not be based on morality (Morris, 1940; Garlicov, 1995), while some laws may be moral while others may be immoral (Bazelon, 1976; Feinberg, 1984). The "declaratory argument," on the other hand, posits that a crime should be deterred and punished only because of its inherent moral wrongness (Walker, 1964).

Another aspect the morality factor is the connection between morality and criminal law, which can be investigated through applied behavioral analysis ("ABA"). The main question in ABA is what it means for an act to be moral. Gardner (1999) determined that it would be impossible to commit an offense without criminal intent. Erickson and Felthous (2009) concluded that intent may or may not include moral decision making, as one might develop and

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[5] Court decisions were collected from the legal data base "Consultant Plus".

carry though an intention without much thought. Liao (2012) examined whether it is possible to act in morally permissible manner with bad intent. Using the "Doctrine of Double Effect" ("DDE"), which draws a distinction between intending harm and merely foreseeing harm, he concluded that intent may be relevant for the moral permissibility of an act.

ABA is concerned with investigating morality from the defendant's point of view. However, it is necessary to examine laypeople's attitudes towards the criminal intent of the offender and his morally-wrong act. Robinson (2001) argued that laypeople traditionally view the criminal justice system as professionally deputized to dispense justice dispassionately. Because legal professionals are expected to restrain their emotions, this view confirms that emotions are viewed as a natural feature of the legal and moral decision-making process.

Legal scholars have long debated the role of moral emotions and capacities, such as moral indignation, outrage, disgust, compassion, and empathy, in norm creation and decision-making (Kahan, 2000; Nussbaum, 2006; Sunstein, 2009). Laypeople are affected by emotions. Emotion influences not only "the content of cognition," but also "how people think" (Forgas, 2001; Goodwin, 2001). Moreover, Feigenson and Pack (2010) identified "four ways in which emotions can influence legal decision-making process: a) by affecting people's strategies for processing information; b) by biasing the perception, recall, or evaluation of facts in a particular direction; c) by providing informational cues to proper attribution of blame; and d) by anticipating future emotions that might follow from a judgment." We also assume that the influence of emotions on laypeople is unquestionable and significant.

It is a well-known fact that lawyers are supposed to be impartial. That is why we examine not only laypeople's view, but also the lawyers' attitude towards the decision-making process of imposing punishment. In doing this we have two goals: the first is discern whether there are patterns of behavior connected with legal professionals; the second is to investigate the decision-making process in a broader range of people.

Importance of law

This factor is more objective, because initially the government determines the areas which are regulated by certain laws. The hierarchy of laws corresponds to their legal force (Popovych, Ivanova, 2005; Hisamov, 2010; Rudacov, 2011). In Russia, the Constitution creates a hierarchy among, in descending order of importance, federal constitutional laws, federal statutes, laws of the subjects of the Russian Federation, and by-laws and departmental regulations (Lipatov, 2009). We assume that such a hierarchy reflects the importance of a given law.

Another doctrine has been advanced for determining the relative importance of laws, the so-called "social significance of law" (Melton, 1987; Traunmuller, Wimmer, 2008; Benda-

Beckmann, 2008). Social significance is a complicated social-philosophical category, and there is no universal method to measure it. In this paper, we assume that it can be determined through laypeople's attitudes to laws. In other words, the importance of law corresponds to laypeople's perception of the laws.

In Russia, various surveys are conducted with the aim of identifying the public opinion of legislative proposals and enacted laws. The non-commercial fund "Public Opinion" ("Obshestvennoe mnenie"), for example, carries out sociological surveys (Chygynov, 2007; Klimov, 2010). The fund runs surveys commissioned by the Presidential Administration, the Government, the Central Bank and other structures. The majority of the fund's surveys deal with legal questions (Osmanov, 2014). The question: "Which of the following recent laws do you like or not?" featured in a recent study. According to this survey, Russian citizens' favorite law is the law against smoking. We assume that the degree to which a law is favored by the public can be used to measure its importance.[6]

In May 2014 the fund released the results of a survey of legal awareness. The results indicated that 46 percent of Russians find national laws of high quality, while only 27 percent claim that the laws are of poor quality. It is worth noting that a survey in 2001 found opposite results: 28 percent of respondents found national laws of high-quality, 49 percent found national laws of poor quality.[7] Such changes may reflect laypeople's attitude towards legal compliance – compared to 2001, in 2014 more respondents believed it is important to observe the laws.

Prior convictions

We presume that a record of prior convictions will influence laypeople's decision-making process only if they consider this factor important. In light of the results of our research, we conclude that the importance people attach to this factor is subjective. Analysis of existing literature shows that this factor is connected with informal institutions such as ostracism and stigmatization. An example of the latter institution would be the system of "collateral consequences" in USA. The defining trait of these consequences is that they impact not only defendants but also their families and communities (Petersilia, 2003; Smyth, 2009). Stigmatization is a complex institution and is the subject of numerous social psychological analyses (Wissler, Saks, 1985; Ginger, 2007; Hatzenbuehler, Bellatorre et al., 2013; Katz, 2014; Rüsch, Corrigan et al., 2014).

Stigmatization is an informal institution which depends on prior convictions and consists of numerous collateral consequences. There is a rather long list of these collateral consequences in the USA, including barriers to owning a firearm, barriers to holding public office and

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[6] Public Opinion Foundation // http://fom.ru/Bezopasnost-i-pravo/11507 (last access: June 2014).
[7] Public Opinion Foundation // http://fom.ru/Bezopasnost-i-pravo/11495 (last access: June 2014).

employment, and the obligation to register with local law enforcement[8] (Lafollete, 2005). "Special offenders" have an additional list of collateral consequences; for example, drug-related offenders, as well as other felons, can be denied access to federal housing (Peenard, 2010).

In Russia a record of prior convictions affects the employment process, the licensure of certain types of activity (Beketov, Syrgytska, 2012) and other aspects of life (e.g., elective franchise, see Kyznetsova [2007], Krasinskiy [2014]). There is no official list of collateral consequences in Russia and we believe that it is necessary to adopt such listing.

In November 2012 a special survey aimed at understanding people's attitude towards previous convictions was carried out.[9] The survey's first question was whether the respondent become suspicious if encountering a person with a prior conviction. 52 percent of respondents answered that they would probably become cautious and suspicious.

Since 2010, work applicants in Russia have had to state whether they have been previously convicted or not (Belitskaya, 2012). A survey documented that 37% of respondents said that, if they were employers, they would not accept people who had a prior conviction for employment, 32% of respondents said they would accept such people, and the rest were unable to choose an answer. According to the survey 46% of respondents believe that people who had a prior conviction should not be engaged in certain activities, even after their record is expunged. In particular, they should not work with children (19%), in politics (9%), or take managerial positions (9%)[10].

The results of the above-mentioned survey indicate that in Russia, a record of prior convictions is a significant factor. One of the aims of our research is to examine how a factor such as a record of prior convictions influences laypeople and lawyers' decision-making process when defining the severity of punishment.

Statistical Analysis of Ignorance of Law

Alter, Kernochan, and Darley (2007) performed the first statistical research of the use of the ignorance of law defense that we are aware of. Their study used an ANOVA (analysis of variance) approach, i.e., only the mean and standard deviation of response values were investigated. Thus the effect of interlinkages between attributes was ignored. Our paper contributes to the research on use of the ignorance of law defense by econometric analysis. We

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[8] State constraints are listed at U.S. Department of Justice 1996; federal constraints are listed at U.S. Department of Justice 2000; a helpful catalogue of both is available from Olivares et al., 1996.
[9] Public Opinion Foundation // http://fom.ru/TSennosti/10724 (last access: June 2014).
[10] Belitskaya A.V. The place and role of the investment law in the Russian law // "Business Law". № 2.

run a regression (or multi-factor analysis) in order to capture these links and to arrive at unbiased conclusions about the quantitative relationship of our variables of interest.

2. Data Used

To build our models we used data from surveys conducted among Russian respondents. There were four surveys, each of them containing 3 cases. Then all answers were summarized in the set of variables that are described in Annex 1.[11] Generally the 'PUNISHMENT' variable indicated the degree of punishment severity assigned by the respondent.

674 people participated in our surveys, from ages 17 to 30. However, it is worth noting that most of the respondents belonged to the age cohort of 17-20 years old.

Table 1. Descriptive statistics on the respondents: lawyers' representation

Survey No.	Number of respondents		
	lawyers	Laypeople	Total
1	17	17	34
2	75	75	150
3	75	75	150
4	172	172	344

It is necessary to acknowledge limitations on our research. In our dataset, only 36% of respondents are male, while Russia's population is 46% male overall. Our respondents are also younger than the average age of the Russian population. Thus we do not purport to have a fully representative dataset, but ours is the first research to date performed on Russian data.

In this article we use data from American research described by Alter, Kernochan, Darley (2007), and compare the American and Russian responses.

Table 2. Comparison of descriptive statistics concerning perception of morality in the United States and Russia.

Case	Expectation	Russia		USA	
		MEAN	SD	MEAN	SD
Case1.1.	Moral-neutral	3.90	1.74	4.03	0.72

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[11] In this article we use the questionnaires from the American research, described by Alter, Kernochan, Darley (2007). See Alter, A., Kernochan, J., Darley, J. (2007). "Morality Influences How People Apply The Ignorance of the Law Defense", Law and Society Review, 41(4), pp. 819 – 863.

Case 1.2	Moral	5.52	0.47	5.37	1.32
Case 1.3	Immoral	3.88	2.08	3.17	0.94
Case2.1.	Moral-neutral (ignorant)	4.33	1.35	4.03	0.72
Case 2.2	Immoral	1.65	1.60	3.17	0.94
Case 2.3	Moral (ignorant)	3.86	1.74	-	-
Case 2.4	Moral (knowledgeable)	2.95	1.54	5.37	1.22
Case 3.1	Moral-neutral	4.93	1.65	4.60	0.83
Case 3.2	Moral	5.41	1.49	6.00	1.06
Case 3.3	Immoral	3.32	2.10	2.60	1.06

The answers for Americans and Russians are much the same in matters where responses hinge on distinguishing between moral and immoral acts. Deviations can be observed, but the cause lies not so much in the residents' nationality, as in selection differences among respondents. Interestingly, the most significant differences in answers occur in moral-neutral questions, which is directly due to cultural differences.

Table 3. The comparison of descriptive statistics concerning the percentage of respondents who found defendants guilty in the USA and Russia.

Case	Expectation	Russia	USA
Case1.1.	Moral-neutral	47%	41%
Case 1.2	Moral	70%	24%
Case 1.3	Immoral	100%	94%
Case 2.1.	Immoral	87%	88%
Case 2.2	Moral-neutral	49%	45%
Case 2.3	Moral (ignorant)	70%	46%
Case 2.4	Moral (knowledgeable)	88%	69%
Case 3.1	Moral-neutral	73%	52%
Case 3.2	Moral	76%	52%
Case 3.3	Immoral	91%	76%

Russian respondents tend to convict defendants more often than Americans. In other words, American society is more tolerant towards defendants than Russians.

Table 4. Comparison evaluations of punishments for the respondents in the United States and Russia.

Case	Expectation	Russia		USA	
		MEAN	SD	MEAN	SD
Case 1.1	Moral-neutral	2.70	1.05	0.82	1.19
Case 1.2	Moral	2.33	1.39	0.47	1
Case 1.3	Immoral	4.35	1.72	4.24	1.52
Case 2.1	Immoral	4.89	1.43	3.29	1.12
Case 2.2	Moral-neutral	3.27	1.28	1.03	0.71
Case 2.3	Moral (ignorant)	3.56	1.45	0.95	0.93
Case 2.4	Moral (knowledgeable)	4.39	1.54	1.83	1.02
Case 3.1	Moral-neutral	2.47	1.38	0.92	1.32
Case 3.2	Moral	2.24	1.33	0.88	0.88
Case 3.3	Immoral	4.08	1.91	2.56	1.94

Comparing the punishment which Russian and American respondents imposed for the same act, it is interesting to note that there are the similar trends in answers; however, Russians impose more serious sentences than do Americans.

3. Methodology

Since our research uses data from surveys where each answer is rated from 1 to 7, ordered logit and probit models were chosen as tools for econometric analysis.

The variable 'PUNISHMENT' was awarded one of seven values (see Annex 1). To obtain interpretable results, the value 0 was added for the cases when the responded did not consider the hypothetical criminal to be guilty. Thus the variable 'PUNISHMENT,' for the purposes of our analysis, ranged from 0 to 7.

It is necessary to explain our rationale for using logit or probit models, i.e. models with the dependent variable (i.e. 'PUNISHMENT') having binary or ordered values. All other conventional econometric techniques (e.g. OLS – ordinary least squares) enable one to arrive at the mean forecast as well as probit models, but in cases where independent variables get too large or too small, the dependent model may result in positive or negative infinite values that cannot be interpreted. To solve this problem, probit models were introduced, enabling us to

smooth (delinearize) the dependence, so that the dependent variable is always limited to the original range of values. Because of the use of a non-linear dependence function, model coefficients are difficult to interpret directly. That is why one needs to compute marginal effects, i.e. estimate the change in the dependent variable (i.e. the probability of the occurrence of a particular value, in the given case a non-guilty verdict) given an incremental change in the independent variable.

The choice of logit and probit models was based on information criteria and log-likelihood values. We calculated the marginal effects at mean values (not mean marginal effects, though if this were used we would expect no changes in our key findings) and used it to estimate the quantitative dependence of factors on the variable of interest.

4. Econometric Output

Table 5 below summarizes the results of regression analysis. For the sake of space, coefficient estimates are omitted. Coefficients and p-values are available from the authors upon request.

Table 5. Marginal Effects Estimation for Cases Reviewed.

Variable	study1	study2		study3		study4		Pooled	
SEX	0.101	0.023	*	0.048	*	-0.017	*	-0.005	*
AGE	-0.014	0.046		-0.043	*	0.034		0.041	
JUR	0.003	-0.002	*	-0.007	*	-0.061		-0.036	
GuiltBEFORE	-0.060			-0.063		-0.012			
MORALITY	0.043	0.034		0.036		0.021		0.029	
IMPORT		-0.027	*			-0.011		-0.014	
BAD_ GOOD	-0.037			0.033		0.034		-0.020	
KNOWLEDGE	0.000	0.010		-0.047		-0.027		n/a	
dummy1	0.127	0.088		-0.035	*	0.247		0.174	
dummy2	0.167			-0.042	*			0.024	*

Note: * - not statistically significant at 10% confidence level; explained (dependent) variable – punishment; marginal effects, i.e. coefficients in the table, indicate the degree of change in probability of being considered non-guilty when the explanatory (independent) variable change per one unit of measure (e.g. coefficient of 0.101 for 'study1' column and 'sex' row means that when 'sex' variable gets extra score – i.e. when a male answers the question, the sex variable is assigned 1 against 0 that stood for female answer – the probability of being considered non-guilty rises by 10%, i.e. male respondents in Russia tended to be more mild in the degree of punishment assigned in hypothetical cases).

Our first step was to consider how the morality of the act effects punishment for the act. So, we investigate this effect, assuming defendants were not aware of the violated law. The data show that by increasing the morality factor by one point, the likelihood that an individual will be

relieved from punishment increased by 4.3% in the study1 model, and in the study3 model by 3.6%.

Our approach also allows us to model the influence of such factors as previous convictions. It is interesting to note that this factor has an even greater influence than morality. We found that a record of a previous conviction reduces the probability of being released from criminal responsibility by 6%.

Besides the morality factor and the record of previous convictions, it would be interesting to investigate the significance of the importance of law factor.

The marginal effect of morality is similar to the values previously obtained by our research team. Changing the perception of the importance of law by 1 point leads to a reduction of the likelihood of being relieved from the punishment by 3%.

We have also modeled the ignorance factor in our study. This is a significant factor which had an impact on punishment of 1%. However, it is worth recalling that, as previously discussed, case 3.1 and case 3.2 from study 2 were presented as moral acts. In case of an immoral act it might be assumed that there would be a greater influence generated by this factor. To test this idea, we constructed a model based on case 1 and case 2 from study 3, previously identified as immoral.

To run the robustness check we amalgamated all responses to the unified dataset to check dependencies in the pooled dataset. The coefficients confirmed general findings, except the "good/bad person perception" (study 1 responses result in a decrease in the likelihood of being found not-guilty).

We can therefore conclude that we have found some regularities in the influence of the morality factor, a record of prior convictions, importance of the law, and ignorance of the law. The quantitative impact for these factors is provided below:

- Changing the perception of morality by one point towards immorality reduces the likelihood of being released from punishment by 3-4%.
- Increasing the estimate of a record of prior convictions by one point reduces the probability of being released from punishment by 6%.
- Increasing the value of the law's importance by one point reduces the probability of being released from punishment by 1-1.5%.
- Changing the perception of the defendant from good to bad reduces the likelihood of being released from the punishment by 3%.
- Knowledge of law decreases likelihood of a not-guilty verdict by 3-5%.

- An increase of 1 year in the age of the respondent results in a higher likelihood of producing a not-guilty verdict, i.e. increase by 4% (identified only in case 3).
- Lawyers (or people with a legal background) are 3.6% more likely to assign harsher punishment than laypeople
- Sex is not a determinant in the delivering a verdict (severity of punishment), except for study 1, in which male respondents were 10% more likely to deliver a not-guilty verdict
- The perception of a defendant as good or bad has different impacts depending on the particular case.

5. Discussion

In summing up the research presented above, it is possible to draw some conclusions. First, the perception of morality by Russian respondents and US respondents is similar, which makes it possible to conclude there are certain aspects of morality which are objective, or at least held in common by the Russian and US populations.

Second, despite the fact that in both countries the percentage of people who found the defendants guilty in the cases is comparable, Russian respondents are prone to punish defendants more severely than American respondents.

Third, we have identified the impact on punishment of the following factors: morality; aggravating circumstances, such as the presence of criminal responsibility; importance of the law; perception of the defendant as good or bad; knowledge or ignorance of the law.

To conclude, our research arrives at similar results to those announced by Alter, Kernochan, Darley (2007), and is in conformity with our prior expectations, e.g. that morality of the defendant conduct leads to a less severe punishment; knowledge of law and its importance lead to a more severe punishment. Nevertheless, the key contribution of our paper is that we found the impact of these factors could be calculated using evidence from Russian data and econometric analysis that considered factor interlinkages and was not limited to mean response values.

Annex 1. Variables Used in the Survey.

#	Variable	Question	Min	Interpretation	Max	Interpretation
1.	GUILT	Do you think this person should be convicted for committing the offense with which he or she was charged?	0	No	1	Yes
2.	PUNISHMENT	If you answered 'Yes' to 'GUILT' question, please indicate on the following scale what you think would be appropriate degree of punishment	1	The most lenient sentence for the crime	7	The maximum sentence for the crime
3.	GuiltBEFORE	How likely is it that this person has previously been convicted of a crime	1	Very unlikely	7	Very likely
4.	MORALITY	Do you think this person's behavior was moral?	1	Very immoral	7	Very moral
5.	BAD_GOOD	Would you say that this person is a good person or a bad person?	1	Very bad person	7	Very good person
6.	KNOWLEDGE	Do you think this person should have known that this law existed? In case the knowledge of law was stipulated the value was taken for 7 automatically.	1	Definitely not	7	Definitely
7.	IMPORTANCE	How important is the law this person has been accused of breaking?	1	Very unimportant	7	Very important
8.	AGE	The age of the respondent	17	17 years	30	30 years
9.	SEX	The sex of the respondent	0	Female	1	Male
10.	JUR	The occupation/background of the respondent	0	Not a lawyer	1	Is a lawyer

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