European Journal of Economics, Law and Politics, ELP

June 2022

European Scientific Institute, ESI

The content is peer-reviewed

June 2022 Edition Vol. 9, No. 2

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If the Punishment Should Fit the Crime, How Serious Are 75 Crimes? An Empirical Study

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Abstract:

This paper reports on the results of a survey of more than 500 young and middle-aged college-educated adults regarding their views on the seriousness of 75 crimes. If the goal is to apply the legal principle that the punishment should fit the crime, one must first know how serious the crime is. This study ranks 75 crimes in terms of seriousness, using a Likert Scale where 1 is not at all serious and 100 is extremely serious. Some comparisons of mean scores were made, and p-values were computed, to determine whether certain crimes are significantly more serious than other crimes. Is the life of a prostitute more or less valuable than the life of a drug dealer, politician or lawyer? Are some kinds of discrimination more serious than others? In the case of statutory rape, should the criminal be punished more severely if it is a man rather than a woman, or should their punishments be equal? These and other questions are answered in this study. The authors grant permission to replicate this study using their survey instrument.

Keywords: (3-5 words): ranking, survey, tax evasion, bribery

Introduction

It is a basic principle of many legal systems that the punishment should fit the crime (Gupta, 2007).[1] Serious crimes should be punished more severely than petty crimes

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[1] The question about whether there should be any punishment for a crime is another issue, since rehabilitation is also an option. Justification of punishment for a crime is discussed in Chau (2017). When

(Dean, 1983; Dionne, 2008). It is a matter of proportionality (Pitz, 1991). However, there is some debate about the specifics in the literature (McPhail, 2018), and whether it might be appropriate to ignore this general rule at times. Sometimes, it has been said that the punishment does not fit the crime (Orey, 2015; Tongue, 2015). In some cases, the punishment is far more severe than the crime. For example, some individuals are imprisoned for marijuana use or possession, even though studies have shown that marijuana use is less harmful than consuming tobacco or alcohol, and injesting marijuana can have medical benefits. In other cases, the punishment that was imposed was not severe enough to deter future crimes. In some jurisdictions in the United States, for example, certain crimes are not punished at all. Shoplifting is not punished in some California cities, with the result that shoplifting has increased dramatically. The courts have shown flexibility in applying this rule, and there has been some debate about the role the courts should play (Kohli, 2011). Attempts have been made to address the problem mathematically (Nash, 1991).

Amendment VIII of the United States Constitution (1791) addresses this issue in the Excessive Fines clause. The theory behind this clause is that severe punishments should not be imposed where the crime does not warrant severe punishment. The clause was inserted into the Constitution by America's Founding Fathers to restrain overzealous prosecutors. The problem is trying to determine what is excessive and what is not. The Legal Information Institute (2022) provides some literature and guidance on the interpretation of this Amendment.

The methodology used in the present study has been used in a few other studies. The first time this methodology was used, to our knowledge, was by Karlinsky, Burton & Blanthorne (2004). They sampled 346 university students from California and North Carolina (USA), asking them to grade the seriousness of 21 offenses from 1 to 5, where 1 = not serious and 5 = extremely serious. They then ranked the crimes by mean score. Murder, rape and child molestation were the three most serious offenses. Insider trading ranked 9th. Tax evasion ranked 11th. Jaywalking ranked 21st.

They followed up with another study of California and North Carolina (USA) MBA students, graduate tax students and tax professors the following year (Burton, Karlinsky & Blanthorne, 2005). The rankings in that study were very similar to the ranking in their 2004 study. Several other scholars used their methodology, sometimes adding or deleting a few offenses, sampling different groups in different countries.

Mamuti, Ikonomi & McGee (2019) distributed a 50-offense survey to 275 university students, business people and various employed and unemployed people in Bosnia and Herzegovina. The sample was 48 percent Muslim and 46 percent Christian. The Likert-Scale ranged from 1 (not serious) to 100 (extremely serious). Killing a person who had a family and who was a productive member of the community was ranked as the

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people are punished for their crime, it can reduce the possibility that they will commit crimes in the future. If they are not punished, the probability that they will commit future crimes is enhanced. The present situation in some large American cities provides an example. It is the present policy in New York City and some other large cities to release individuals who have been accused of a crime with no bail, meaning they do not have to post bond, which is forfeit in the event that they do not appear for trial. The result of this policy is that a wide range of crimes have increased in frequency. In other cases, the accused individual has been accused or convicted of a misdemeanor when charging with a felony (a more serious offense) would have been appropriate.

worst offense. Killing someone who asked to be killed because they had a painful, terminal disease (euthanasia) was ranked as the second most serious offense, followed by killing a politician. Insider trading (#43) was not considered a serious offense. Offering to pay a bribe (#28), paying a bribe when pressured to do so (#31), soliciting a bribe (#33) and accepting an unsolicited bribe (#35) were all ranked in the lower half of the rankings, indicating they were ranked less serious than the average offense. The various tax evasion scenarios were ranked toward the very bottom of the list, at #29, 34, 46, 47, 48 and 49. The least serious offense was ticket scalping (#50).

Mamuti & McGee (2019) distributed a similar 50-offense survey to 269 students, business people and others in Kosovo. The results of that survey were similar to the results found in the Bosnia & Herzegovina survey. Killing a nice family person was deemed to be the most serious offense, followed by participating in euthanasia (#2), and killing a politician (#3). Soliciting a prostitute (#8) was somewhat more serious than actually engaging in prostitution (#10). Smoking marijuana (#11) and selling marijuana (#12) were considered almost equally as serious. All the tax and bribery offenses were ranked in the lower half of the survey: offering to pay a bribe (#28), helping a client cheat on taxes (#29), paying a bribe when pressured to do so (#31), soliciting a bribe (#33), paying cash to avoid paying a sales tax or VAT (#34), accepting an unsolicited bribe (#35), cheating on your tax return (#46), failing to report rental income (#47), overstatement of tax deduction (#48), understatement of taxable income (#49). Insider trading (#44) and insurance fraud (#45) were among the least serious offenses.

Mamuti, Xhaferi & McGee (2009) distributed a similar 50-offense survey to 319 students in Macedonia. That sample was 57 percent male, 63 percent married, 60 percent Muslim and 32 percent Orthodox Christian. The Likert Scale was from 1 (not serious) to 100 (extremely serious). In this survey, the most serious offense was assisting in the killing of a person who was suffering from a terminal disease, followed by killing a nice family person (#2), followed by killing a politician (#3). Rape was ranked #4. Soliciting a prostitute (#8) was considered to be more serious than engaging in prostitution (#12). Discrimination on the basis of age (#19) and gender (#20) were determined to be about as serious as paying less than the minimum wage (#18) and bicycle theft (#21). All the bribery and tax offenses were listed in the lower half of the rankings – offering to pay a bribe (#28), soliciting a bribe (#33), accepting an unsolicited bribe (#35), paying a bribe when pressured to do so (#36); helping a client cheat on taxes (#29), paying cash to avoid paying sales tax or VAT (#42), cheating on your tax return (#46), understatement of taxable income (#49), and overstatement of tax deductions (#50).

McGee, Benk, Ross & Kılıçaslan (2009) surveyed 252 business students and faculty at Hamburg University in Germany using the six moral offenses that were included in the World Values Survey. Those offenses ranked as follows:

1 Accepting a bribe in the course of duties
2 Buying stolen goods
3 Claiming government benefits to which you are not entitled
4 Cheating on taxes if you have a chance
5 Paying cash for services to avoid taxes
6 Avoiding a fare on public transport

A few other studies have been conducted using similar survey instruments. Surveys have been conducted in Mexico (McGee, Petrides & Ross, 2012; McGee &

Petrides, 2020), New Zealand (Gupta, 2009; Gupta & McGee, 2010), Saudi Arabia (Alwitheri, 2021), Turkey (Benk, McGee & Ross, 2009; Benk, Budak, Püren & Erdem, 2015), United Arab Emirates (Mamuti, Masha & McGee, 2019), USA (McGee, Gelman & Tarangelo, 2014), and Yemen (Aljaaidi, Manaf & Karlinsky, 2011). The results are similar in some ways but different in others, probably because opinions in different countries are different. In the Yemen study, which ranked 30 offenses, the most serious offense was Islamic abuse, followed by murder (#2), drug trafficking/dealing (#3), adultery (#4), prostitution (#5), kidnapping (#6), and rape (#7). The three least serious offenses involved some form of tax evasion (#28, 29 & 30).

The goal of all those studies was to establish some benchmarks for how serious certain crimes should be compared to various other crimes. Comparing the results shows that different crimes have varying degrees of severity in the minds of the people in different cultures and countries. It is not a one size fits all kind of computation, where results in one country can be implemented in the legal system of other countries. Views on the severity of various crimes are country specific, and also can be affected by culture, religion, and historical period. For example, in *Les Misérables*, the Victor Hugo novel first published in 1862, a man in France could be sent to prison for stealing a loaf of bread. According to French culture at the time, such punishment might have been considered appropriate, but such is not the case today. In some modern cultures, the punishment might range from nothing (shoplifting is currently not being prosecuted in some California cities), to having one's hand chopped off (in some Muslim cultures).

The present study does not attempt to tackle this bottomless philosophical issue. The more modest goal of this study is to merely rank 75 crimes in terms of severity, based on a survey of individuals currently living in one of the southeastern states in the United States who are younger and more highly educated than the general population in a particular geographic location and historical period. If crime X_1 is more severe than crime X_{18}, the penalty should be more severe, which can be reflected in the ranking. There is no attempt to measure degrees of severity, since such a task is impossible. Some economics textbooks provide examples of how such a thing might be done using utils as the measure, but utils, like unicorns, do not actually exist. Rather than attempt to do the ranking ourselves, we allowed a group of more than 500 young and middle-aged college educated adults to do the job for us. If two heads are better than one, then perhaps 500+ heads are better than three.

Methods

The study asked seventy-five questions to more than 500 individuals of varying backgrounds, genders, religions, ethnicities and political persuasions. Nearly half of them were not born in the United States. The questions asked the respondents to grade, on a scale of 1 to 100, how serious the respondent considered various types of criminal behavior to be. Responses were tallied using a scale where 1-20 was considered "not serious," 21-40 was considered "somewhat serious," 41-60 was considered "serious," 61-80 was considered "very serious," and 81-100 was considered "extremely serious."

Respondents consisted of students attending a large, urban, public university located in the southeastern United States. The students were earning undergraduate or graduate degrees in the university's business school and were enrolled in more than 10

separate classes each focusing on aspects of business law. These classes were taught in either face-to-face, hybrid or online teaching modalities.

Respondents were directed not to place their names or any other identifying information on the survey. Responses were completely anonymous, and participation was voluntary.   However, the survey requested that the respondents provide some general background information by placing an "X" next to various inquiries regarding employment status, undergraduate or graduate status, academic major, gender, ethnicity, age range, marital status, religion, attendance at organized religious service, place of birth, political party affiliation and, finally, ranking respondent's status on a ten-point political spectrum, with "1" being to the "left" and "10 being to the "right."

The survey was created using the Qualtrics survey tool. Respondents were given a web link to the survey by their respective class instructors. The demographics of the study are summarized below in Table 1.

Table 1 Demographics		
	n	%
GENDER		
Female	288	52.3
Male	263	47.7
Total	551	
AGE		
Under 21	140	25.3
21-30	346	62.5
31-40	55	9.9
41-50	9	1.6
50+	4	0.7
Total	554	
EMPLOYMENT		
Self-employed	39	7.1
Full-time	176	31.8
Part-time	205	37.1
Unemployed	133	24.1
Total	553	
MARITAL STATUS		
Married	54	9.8
Divorced	16	2.9
Single (never married)	470	85.0
Other	13	2.4
Total	553	

ACADEMIC MAJOR		
Accounting	108	19.5
Other Business	381	68.9
Law	1	0.2
Other	63	11.4
Total	553	
ETHNICITY		
African American	50	9.0
Asian	21	3.8
Hispanic	392	70.9
Non-Hispanic White	55	9.9
Other	35	6.3
Total	553	
STUDENT STATUS		
Undergraduate	451	81.6
Graduate	102	18.4
Total	553	
RELIGIOUS SERVICE ATTENDANCE (once a month)		
No	395	71.3
Yes	159	28.7
Total	554	
RELIGION		
Agnostic/Atheist	70	12.7
Catholic	221	40.0
Jewish	12	2.2
Muslim	11	2.0
Other Christian	160	28.9
Other	79	14.3
Total	553	
BORN IN USA		
Yes	294	53.6
No	255	46.4
Total	549	
POLITICAL AFFILIATION		
Democrat	173	31.3
Republican	107	19.4
Independent	97	17.6
Other/None	175	31.7

Total	552	
POSITION ON POLITICAL SPECTRUM		
1 Far Left	21	4.0
2	19	3.6
3	43	8.1
4	46	8.7
5	186	35.2
6	78	14.8
7	57	10.8
8	41	7.8
9	19	3.6
10 Far Right	18	3.4
Total	528	
Left (1-3)	83	15.7
Centrist (4-7)	367	69.5
Right (8-10)	78	14.8
Total	528	

Results

Table 2 lists the overall rankings. Buying a pirated CD/DVD was considered the least serious offense, while rape was considered the most serious. Space does not permit a full analysis of every permutation and combination that could be made, but the authors have listed the means, standard deviations, and sample sizes (n) of each offense so that other scholars could make the comparisons they deemed to be of interest.

Table 2 Seriousness of Various Crimes Ranked - Overall (1 = Not serious; 100 = Extremely serious)				
Rank	Description of Offense	Mean	Std. Dev.	n
1	Buying a pirated CD/DVD	26.490	28.691	549
2	Jaywalking (crossing the street in the middle of the block)	26.535	28.774	548
3	Sneaking into a movie without paying	31.670	30.102	546
4	Speeding – driving 10 mph over the limit on an interstate highway	32.345	31.155	548
5	Ticket scalping (purchasing a ticket to an event and reselling it at a higher price)	34.283	31.194	547
6	Illegal parking	34.516	29.616	548
7	Paying cash to avoid paying sales tax	34.520	32.698	546
8	Smoking marijuana	34.849	34.005	549

9	Avoiding an entrance fee to a park owned by the government	36.777	29.527	543
10	Avoiding a fare on a bus (that is owned by the local government)	37.480	29.527	550
11	Avoiding a fare on a bus (that is owned by a private company)	38.909	29.831	547
12	Avoiding an entrance fee to a park owned by a private company	38.913	29.470	549
13	Copying software illegally	39.597	32.626	548
14	Bicycle theft	40.536	27.578	550
15	Hiring illegal immigrants	44.338	33.609	542
16	Driving without a seatbelt	46.282	34.388	546
17	Driving without a license	49.335	32.176	547
18	Using a hand-held cell phone while driving	49.872	32.032	546
19	Running a red light	50.980	33.364	548
20	Cheating on an exam	51.283	33.066	548
21	Paying a bribe when pressured to do so	52.155	32.572	548
22	Selling marijuana	52.399	35.347	549
23	Stealing $50 from a store (that undercharged you on a purchase)	54.471	31.552	548
24	Shoplifting	56.405	28.823	551
25	Offering to pay a bribe	57.432	30.650	546
26	Speeding – driving 10 mph over the limit in a residential area where children are present	58.218	32.020	546
27	Purchasing a term paper and submitting it as your own	58.504	32.329	550
28	Accepting an unsolicited bribe	59.169	31.144	543
29	Slashing the car tires of someone you don't like	60.852	28.434	549
30	Failing to report $10,000 in rental income if the tax liability is $2,000	61.517	29.280	547
31	Soliciting a bribe	61.557	30.092	548
32	Failing to report $10,000 in rental income if the tax liability is $5,000	61.976	29.282	546
33	Not hiring someone because of age	63.111	31.582	548
34	Stealing $50 from a stranger	65.505	28.277	550
35	Taking hard drugs	66.047	31.870	548
36	Prostitution	66.280	33.135	546
37	Soliciting a prostitute	66.675	32.934	547
38	Stealing $50 from a friend	66.812	29.567	547
39	Stealing $50 from your employer	68.022	28.318	547
40	Cheating on your tax return	68.212	28.906	548
41	Claiming government benefits to which you are not entitled	69.777	27.782	548
42	Not hiring someone because they are fat	69.947	30.913	546

43	Insider stock trading	70.470	28.159	541
44	Not hiring someone because they are ugly	70.995	30.908	548
45	Helping a client cheat on taxes	71.088	28.334	548
46	Statutory rape (consensual sex between a 24-year-old woman and a 17-year-old boy)	71.922	32.387	548
47	Paying less than the minimum wage	72.521	27.773	545
48	Insurance fraud (hurricane damage)	72.625	26.811	547
49	Murdering someone who asked you to kill them because they have a terminal disease and are in a lot of pain	73.648	33.058	545
50	Statutory rape (consensual sex between a 24-year-old man and a 17-year-old girl)	74.219	30.987	543
51	Not hiring someone because of gender	74.431	28.632	543
52	Insurance fraud (medical claim)	74.703	26.359	549
53	Selling hard drugs	74.925	28.855	549
54	Robbery	75.060	23.860	550
55	Not hiring someone because of sexual preference	75.106	28.479	548
56	Insurance fraud (auto accident)	75.656	25.847	546
57	Medicare fraud	76.811	25.363	546
58	Not hiring someone because of ethnicity	77.216	27.328	547
59	Stealing a car that is parked	78.100	22.123	549
60	Violating child labor laws	79.007	26.207	544
61	Accounting fraud	79.492	24.110	549
62	Social Security fraud	81.364	23.955	546
63	Driving while intoxicated	84.000	23.481	547
64	Carjacking (stealing a car while the owner is in the car)	85.547	20.125	550
65	Murdering a drug dealer	91.412	20.185	549
66	Child molestation	93.577	18.087	548
67	Raping a prostitute	94.358	15.903	547
68	Murdering a local politician	94.679	17.717	548
69	Murdering a lawyer who specializes in suing people	94.905	16.529	548
70	Murdering a member of Congress	94.998	17.077	549
71	Murdering a homeless person	95.486	15.232	547
72	Murdering a lawyer who specializes in defending people who are being sued	95.493	15.240	548
73	Murdering a nice person who has a family and who is a productive member of the community	95.568	15.693	549
74	Murdering a prostitute	95.745	14.372	550
75	Rape	95.987	13.576	547

There is a feeling within some segments of the community that some lives are

more expendable than others (McGee & Petrides, 2022). For example, some people might believe that killing a drug dealer is not as serious as killing a productive member of society, or killing a politician is not as serious a crime as killing someone who is perceived as being hard-working and honest. It is possible to test this belief by calculating the p-values of some of these comparisons. The survey instrument included nine kinds of killing, which are listed in Table 3.

	Table 3 Categories of Killing			
Rank	Offense	Mean	Std. Dev.	n
49	Murdering someone who asked you to kill them because they have a terminal disease and are in a lot of pain	73.648	33.058	545
65	Murdering a drug dealer	91.412	20.185	549
68	Murdering a local politician	94.679	17.717	548
69	Murdering a lawyer who specializes in suing people	94.905	16.529	548
70	Murdering a member of Congress	94.998	17.077	549
71	Murdering a homeless person	95.486	15.232	547
72	Murdering a lawyer who specializes in defending people who are being sued	95.493	15.240	548
73	Murdering a nice person who has a family and who is a productive member of the community	95.568	15.693	549
74	Murdering a prostitute	95.745	14.372	550

The item ranked #49, murdering someone who has a terminal disease and who asked you to kill them, is called euthanasia, or mercy killing, or assisted suicide (McGee, 1997), and is not a crime in some jurisdictions, but is a crime in others. It's mean score is 73.648, which indicates the respondents considered it to be a serious offense, but not as serious as any of the other eight kinds of killing. Is euthanasia considered to be significantly less serious than the other categories of killing?

Comparing the mean scores of euthanasia and murdering a drug dealer using a two-tailed unpaired t-test yields a p-value of < 0.0001. When $p < 0.05$, the difference in mean scores is considered significant. Thus, we may conclude that euthanasia is significantly less serious a crime (if it is a crime at all) than killing a drug dealer. If we apply the legal principle that the punishment should fit the crime, then a person who kills someone who asked to be killed should receive a lesser punishment than someone who kills a drug dealer.

Murdering a prostitute was considered to be the most serious killing offense, even more serious than murdering a local politician, a member of Congress, or various kinds of lawyer. May we conclude that the life of a prostitute is more valuable to society than the life of a politician or lawyer? A comparison of mean scores will give us the answer.

Table 4 shows the p-values for some of the permutations and combinations. Since

$p < 0.05$ only in the drug dealer comparison, we can conclude that the life of a prostitute is worth more than the life of a drug dealer, and that a prostitute has the same value to society as that of a politician or lawyer. If we apply the principle that the punishment should fit the crime, then someone who kills a drug dealer should be punished less severely than someone who kills a nice person, a prostitute, a lawyer or politician.

	65 Drug dealer	68 Local politician	69 Plaintiff attorney	70 Member of Congress	71 Homeless person	72 Defense attorney	73 Nice person
Table 4 **The Relative Value of a Prostitute's Life**							
74 Prostitute	<0.0001	0.2737	0.3690	0.4329	0.7721	0.7781	0.8454

From time to time, one hears in the news that a female high school teacher has had a consensual sexual relationship with one of her male students. This offense is called statutory rape. Although it is consensual, one of the parties is under the legal age (18 in some states). Some men, upon hearing of such a case, recall the fantasies they had as a teenager about one or more of their high school teachers, and believe that such conduct either should not be punished at all, or should be punished only lightly. However, not all men hold this view, and women may hold a different view entirely.

What if the situation were reversed – a male high school teacher having a consensual sexual relationship with one of his female students? Should that teacher be punished more severely than the female teacher, or should they be punished equally? Calculating the p-values will provide us with an answer to that question.

Table 5 shows the mean scores, standard deviations and sample sizes for the two questions in the survey that addressed this question. The mean score for the male teacher is higher than the mean score for the female teacher, indicating that statutory rape that includes an adult male is more serious a crime than statutory rape that includes an adult female. But is the male adult case significantly more serious than the female adult case? The p-value is 0.2317, which indicates that the difference in mean scores is not significant. Thus, adult males and adult females should receive equal punishment for statutory rape.

Rank	Offense	Mean	Std. Dev.	n
Table 5 **Statutory Rape Statistics**				
46	Statutory rape (consensual sex between a 24-year-old woman and a 17-year-old boy)	71.922	32.387	548
50	Statutory rape (consensual sex between a 24-year-old man and a 17-year-old girl)	74.219	30.987	543

In addition to the two statutory rape questions, there were two other questions involving rape – raping a prostitute, which ranked 67th, and rape, which ranked 75th. Both crimes were considered to be extremely serious, but raping a prostitute was not quite as serious as rape in general. Is raping a prostitute significantly less serious than raping someone else? The statistics are listed in Table 6. A comparison of mean scores finds that $p = 0.0687$, which means that the difference in mean scores is not significant at the 5 percent level, but is significant at the 10 percent level. In other words, raping a prostitute was found to be somewhat less serious than raping someone who is not a prostitute. Does that mean that the punishment for raping a prostitute should be slightly less severe than the punishment for raping someone who is not a prostitute? The evidence would suggest that there are some people who think so. That does not mean that a judge or jury should impose a less severe punishment in cases where the victim is a prostitute, but the evidence indicates that some individuals believe the punishment should be less for people who rape prostitutes.

Table 6 Rape Statistics				
Rank	Offense	Mean	Std. Dev.	n
67	Raping a prostitute	94.358	15.903	547
75	Rape	95.987	13.576	547

There is another related issue that could be mentioned here. What if a prostitute agrees to perform sexual services, but does not get paid after the services are performed? Does that make the sex nonconsensual, or would the nonpayment for services be treated like a breach of contract? The punishment for breach of contract would be much less severe than the punishment for rape.

Employment discrimination is another legal issue. Some types of employment discrimination are legal while others are not. It varies from jurisdiction to jurisdiction. The prevailing view is that discrimination on the basis of anything other than ability should not be permitted. However, not all scholars take this view. Walter Block (1982, 2010, 2018) and some other scholars have taken the position that all forms of discrimination should be legal, at least in the private sector, and they provide some arguments to support this position (Block & Walker, 1982). One of the main arguments is based on property and other rights, such as the right of association (McGee, 1992; Portillo & Block, 2012). Business owners have the right to run their business any way they see fit, and any law that prevents them from doing so violates their property and other rights. Another argument is based on the theory of unintended consequences. Antidiscrimination laws can sometimes hurt the very people the laws are intended to protect (Rothbard, 2006; Sowell, 2004, 2011). However, space does not permit an analysis of these arguments.

Some arguments for legal discrimination are stronger than others. For example, the owner of a Chinese restaurant may prefer to hire Chinese people rather than people of other nationalities, since doing so would give the restaurant more authenticity than if a

more diverse workforce were hired. Some people in the United States believe that blacks should be given preference in hiring, university acceptance, scholarships, etc., in order to remedy past discrimination, while others call this practice reverse discrimination, arguing that two wrongs do not make a right.

The survey instrument included six types of employment discrimination. They are listed in Table 7, along with their rank, mean scores, standard deviations and sample sizes. The least serious kind of employment discrimination was discrimination on the basis of age. The most serious form of employment discrimination was ethnicity. Although the ranks and mean scores are different, are they *significantly* different?

Rank	Offense	Mean	Std. Dev.	n
	Table 7 **Types of Employment Discrimination**			
33	Not hiring someone because of age	63.111	31.582	548
42	Not hiring someone because they are fat	69.947	30.913	546
44	Not hiring someone because they are ugly	70.995	30.908	548
51	Not hiring someone because of gender	74.431	28.632	543
55	Not hiring someone because of sexual preference	75.106	28.479	548
58	Not hiring someone because of ethnicity	77.216	27.328	547

A comparison of mean scores for age and ethnicity found the difference in mean scores to be significant ($p < 0.0001$). Thus, some forms of employment discrimination are viewed as being more serious than others. However, it does not necessarily follow that the punishment should vary based on the type of employment discrimination, since not all discrimination is based on prejudice, and the argument to punish individuals because they are prejudiced does not always hold up to close philosophical analysis. Preferring to hire Chinese people to work in a Chinese restaurant makes economic sense, and there is no such thing as the right to a job, according to some philosophers (Block, 2018), so it is often the case that no one's rights are violated by being discriminated against.[2]

But the discrimination argument is even more complicated than that. Harvard University currently discriminates against Asians (Jacobson & Markind, 2022; Olivesh, 2022; Xu, 2021), as do some universities in California (Samson, 2018) because solely merit-based admissions policies would result in some of the "better" universities being overrun by smart, hard-working Asians. Also, discrimination by private universities might be more acceptable than discrimination by government universities, since governments (just ones, at least) should treat all citizens equally under the law, and that includes university admission policies. Private universities, on the other hand, may assert their property rights, and religious rights, in cases where the university has a religious focus.

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[2] The argument that there is no such thing as the right to a job goes something like this. If there were a right to a job, someone would be required to employ the designated individual, even if the employer did not need an additional employee. Which employer would be obligated? Presumably, all of them, even though only one employer could actually employ the individual in question.

Bribery is another type of crime included in the survey. There are basically four types of bribery. Those who receive a bribe do so either because they have solicited the bribe or because someone has offered to pay the bribe. Those who pay the bribe either offered to pay the bribe, or were coerced into paying the bribe (McGee, 2022a). One might think that all bribery is unethical and should be punished (McGee, 2023; McGee & Benk, 2023a, b). However, when one applies utilitarian ethics or views bribery from a deontological perspective, it appears that some forms of bribery might be acceptable (McGee & Block, 2023). Some examples might be where no one's rights are violated, or when the winners exceed the losers. Is one kind of bribe more serious than another? The statistics are listed in Table 8.

The four kinds of bribe ranked between 21 and 31, which indicates that respondents did not think that bribery was a serious crime, compared to most of the other crimes listed. Bribery was viewed as about as serious as cheating on an exam (#20), selling marijuana (#22), or slashing someone's tires (#29).

Are some kinds of bribe considered to be significantly more serious than other kinds of bribe? Should those who pay bribes be punished less severely than those who receive the bribe? Or should they be punished more severely? If someone is coerced into paying a bribe, should they be treated less severely than if they offered to pay voluntarily? These issues are to be decided by a judge or jury in the real world, but in the world of legal or economic theory, we can look to the statistics in Table 9 for answers. That table shows the p-values for each combination.

Table 8 Bribery			
Rank	Offense	Mean	Std. Dev.	n
21	Paying a bribe when pressured to do so	52.155	32.572	548
25	Offering to pay a bribe	57.432	30.650	546
28	Accepting an unsolicited bribe	59.169	31.144	543
31	Soliciting a bribe	61.557	30.092	548

Paying a bribe when pressured to do so was found to be significantly less serious than any of the other three types of bribe, perhaps because of the perception that individuals in that case are victims (and should not be punished at all?). Punishing a victim would seem to be unfair, since the victim has already been punished by being coerced into paying the bribe. Offering to pay a bribe was found to be significantly less serious than soliciting a bribe. All other comparisons found that the differences in mean score were not significant. In other words, offering to pay a bribe was equally as serious as accepting an unsolicited bribe ($p = 0.3538$), and accepted an unsolicited bribe was equally as serious as soliciting a bribe ($p = 0.1980$).

Table 9 P-value comparisons Bribery			
	25	28 Accepting	31 Soliciting

	Offering to pay a bribe	an unsolicited bribe	a bribe
21 Paying a bribe when pressured to do so	0.0059	0.0003	<0.0001
25 Offering to pay a bribe		0.3538	0.0249
28 Accepting an unsolicited bribe			0.1980

Tax evasion is another type of crime included in the survey. Crimes in this category are listed in Table 10. One might think, a priori, that all kinds of tax evasion are equally serious, since evading taxes in any way deprives the government of funds it is legally (although perhaps not morally) entitled to receive (McGee, 2004; van Brederode, 2020, 2022). However, the public perception of different kinds of tax evasion might not agree with this view (Crowe, 1944; McGee, 2022b; McGee & Shopovski, 2023a, b). To test this view, we computed the p-values of the various comparisons to determine whether the differences in mean scores were significant. The p-values are listed in Table 11.

Table 10 Tax Evasion				
Rank	Offense	Mean	Std. Dev.	n
7	Paying cash to avoid paying sales tax	34.520	32.698	546
30	Failing to report $10,000 in rental income if the tax liability is $2,000	61.517	29.280	547
32	Failing to report $10,000 in rental income if the tax liability is $5,000	61.976	29.282	546
40	Cheating on your tax return	68.212	28.906	548
45	Helping a client cheat on taxes	71.088	28.334	548

Paying cash to avoid paying sale tax was considered to be significantly less serious than any of the other forms of tax evasion. Failing to pay the tax on $10,000 of rental income was considered to be equally as serious, regardless of whether the tax rate was 20 percent or 50 percent (p = 0.7956). Helping a client cheat on taxes was considered to be slightly more serious than cheating on your own tax return (p = 0.0965).

Table 11 Tax Evasion P-values				
	30 Failing to report $10,000 in rental income if the tax	32 Failing to report $10,000 in rental income if	40 Cheating on your tax return	45 Helping a client cheat on taxes

	liability is $2,000	the tax liability is $5,000		
7 Paying cash to avoid paying sales tax	<0.0001	<0.0001	<0.0001	<0.0001
30 Failing to report $10,000 in rental income if the tax liability is $2,000		0.7956	0.0001	<0.0001
32 Failing to report $10,000 in rental income if the tax liability is $5,000			0.0004	<0.0001
40 Cheating on your tax return				0.0965

Several other crimes in the survey in addition to tax evasion and bribery might be considered white-collar crimes. Crimes in this category are listed in Table 12. They ranked from 43 to 62, with mean scores ranging between 70.470 and 81.364. Insider stock trading was considered the least serious offense, while Social Security fraud was considered the most serious.

Table 12 White-Collar Crime Statistics				
Rank	Offense	Mean	Std. Dev.	n
43	Insider stock trading	70.470	28.159	541
48	Insurance fraud (hurricane damage)	72.625	26.811	547
52	Insurance fraud (medical claim)	74.703	26.359	549
56	Insurance fraud (auto accident)	75.656	25.847	546
57	Medicare fraud	76.811	25.363	546
61	Accounting fraud	79.492	24.110	549
62	Social Security fraud	81.364	23.955	546

Determining whether some of these white-collar crimes are more serious than others can be done by comparing their mean scores and calculating the p-values. Those comparisons are shown in Table 13. The difference in mean score is significant if $p < 0.05$. The difference is slightly significant if $p < 0.10$. Thus, in most cases, the crime with the higher mean score is significantly more serious than the crime with the lower mean score. There are a few cases where the crimes are equally serious. Insurance fraud involving hurricane damage is equally as serious as insurance fraud involving a medical claim ($p = 0.1960$). Insurance fraud involving a medical claim is as serious as insurance

fraud involving an auto accident ($p = 0.5460$). Insurance fraud from a medical claim is equally as serious as Medicare fraud ($p = 0.1778$). Insurance fraud involving an auto accident is equally as serious as Medicare fraud ($p = 0.4563$). If the punishment should fit the crime, then some kinds of fraud will be punished more severely than other kinds of fraud.

	48 Insurance fraud (hurricane damage)	52 Insurance fraud (medical claim)	56 Insurance fraud (auto accident)	57 Medicare fraud	61 Accounting fraud	62 Social Security fraud
Table 13 **P-values** **White-collar Crimes**						
43 Insider stock trading	0.1963	0.0105	0.0016	0.0001	<0.0001	<0.0001
48 Insurance fraud (hurricane damage)		0.1960	0.0574	0.0081	<0.0001	<0.0001
52 Insurance fraud (medical claim)			0.5460	0.1778	0.0017	<0.0001
56 Insurance fraud (auto accident)				0.4563	0.0112	0.0002
57 Medicare fraud					0.0733	0.0023
61 Accounting fraud						0.1977

Insider trading is a topic that is more complicated than it seems on the surface. It is sometimes legal and sometimes illegal. It depends on the jurisdiction and on the relationship of the inside trader to the company whose stock is being traded. There is a widespread perception that there is something inherently unethical about insider trading because some insiders are profiting by trading on information that is not available to the general public.

Some scholars have applied the principles of utilitarian ethics and deontology to

insider trading and have come to the conclusion that insider trading might not be unethical in many cases, and might actually be beneficial to society at large in some cases (McGee, 1988, 2008, 2009; McGee & Block, 1990; McGee & Yoon, 2012). Of course, it is unethical in cases where a fiduciary duty has been breached, but what about the cases where there is no breach of fiduciary duty? Henry Manne (1966a, b, c; 1967, 1970, 1985) is credited with pointing out the positive aspects of insider trading. One of the main benefits is that it causes markets to work more efficiently, which benefits society in general. When insider trading is present, overpriced stocks fall to their "real" market value sooner than would be the case in the absence of insider trading, and stocks that are underpriced rise to their "real" market value faster than would be the case in the absence of insider trading. Manne points out that there are identifiable winners and no identifiable losers, and that no one's property rights are violated by those who engage in insider trading, unless they breach a fiduciary duty.

Discussion

The results in the present paper replicate and expand upon prior research. Some other studies covered only six offenses. Others covered 21 or 30 offenses. This study included 75 offenses. A template is included, and permission is given for other scholars to replicate the present study with different datasets. The results provide some guidance for jurists, policy makers and legislators who are attempting to determine what punishment is appropriate for various offenses. Views will vary based on local and national culture, and perhaps also on several demographic variables, as has been shown.

This study has several limitations. The sample was selected from South Florida, which has a large Hispanic population. A non-Hispanic sample might have yielded different results. However, there are several hundred million Hispanics in the western hemisphere, and the South Florida sample includes members from several Latin American countries. More than 46 percent of the sample participants were not born in the USA, and most of the foreign born participants came from Latin American countries, since that is by far the most prevalent category of non-US participants. Although the template used in the present study may be used to conduct further studies, the results of those additional studies may reach different results than those of the present study because different cultures have a different set of values and beliefs. That may be both a good and bad thing.

Another limitation is that the sample population was more educated and younger than the average population. Being more educated than the average population may be a good thing, if one assumes that the quality of the feedback and information would be higher than that which could be had with a less educated sample.

Younger people may have different opinions about the relationship between crime and punishment than would an older population. Other studies have found that older people have a stronger respect for the law than do younger people, as a general rule. Additional research, using an older sample population, might yield different results, and could shed more light on the relationship between age and the appropriateness of various punishments for various offenses.

Conclusions

The goal of this paper was not to arrive at a final set of recommendations regarding appropriate punishments for various crimes. That would be too large a task for a single paper, or perhaps even a single book. The goal was more modest, to merely point out what a subset of public opinion is on the relative severity of 75 crimes. It will be up to other scholars, lawyers, judges and legislators to draw up a set of rules that they can apply to their particular culture and jurisdiction. The present study is just an attempt to point these groups in the right direction by providing a starting point for future discussion.

Appendix – The Survey Instrument

NOTE to Scholars: You are hereby granted permission to use this survey instrument in your own research. You may add items; you may delete items; you may edit items to better reflect the local culture. In exchange for granting permission, we ask that you cite the original source and send us a copy of your published research so that we will be able to cite it in our own future research.

QUESTIONNAIRE Attitudes toward Various Crimes
Please place a number from 1 to 100 in the appropriate space to indicate how serious you think the listed crimes are. Do not place your name or other identifying information on this survey. Your responses are completely anonymous. Participation is voluntary.

SCALE
1-20 Not serious
21-40 Somewhat serious
41-60 Serious
61-80 Very serious
81-100 Extremely serious

	Description of Offense	
1	Bicycle theft	
2	Robbery	
3	Shoplifting	
4	Carjacking (stealing a car while the owner is in the car)	
5	Stealing a car that is parked	
6	Slashing the car tires of someone you don't like	
7	Stealing $50 from your employer	
8	Stealing $50 from a friend	
9	Stealing $50 from a stranger	
10	Stealing $50 from a store (that undercharged you on a purchase)	
11	Avoiding a fare on a bus (that is owned by the local government)	
12	Avoiding a fare on a bus (that is owned by a private company)	
13	Avoiding an entrance fee to a park owned by the government	
14	Avoiding an entrance fee to a park owned by a private company	
15	Cheating on an exam	
16	Purchasing a term paper and submitting it as your own	
17	Accounting fraud	
18	Insurance fraud (auto accident)	
19	Insurance fraud (hurricane damage)	
20	Insurance fraud (medical claim)	
21	Insider stock trading	
22	Ticket scalping (purchasing a ticket to an event and reselling it at a higher price)	

23	Social Security fraud	
24	Medicare fraud	
25	Claiming government benefits to which you are not entitled	
26	Sneaking into a movie without paying	
27	Buying a pirated CD/DVD	
28	Copying software illegally	
29	Cheating on your tax return	
30	Paying cash to avoid paying sales tax	
31	Failing to report $10,000 in rental income if the tax liability is $5,000	
32	Failing to report $10,000 in rental income if the tax liability is $2,000	
33	Helping a client cheat on taxes	
34	Running a red light	
35	Driving without a license	
36	Driving without a seatbelt	
37	Using a hand-held cell phone while driving	
38	Speeding – driving 10 mph over the limit in a residential area where children are present	
39	Speeding – driving 10 mph over the limit on an interstate highway	
40	Driving while intoxicated	
41	Illegal parking	
42	Jaywalking (crossing the street in the middle of the block)	
43	Offering to pay a bribe	
44	Paying a bribe when pressured to do so	
45	Soliciting a bribe	
46	Accepting an unsolicited bribe	
47	Violating child labor laws	
48	Paying less than the minimum wage	
49	Hiring illegal immigrants	
50	Not hiring someone because of gender	
51	Not hiring someone because of ethnicity	
52	Not hiring someone because of sexual preference	
53	Not hiring someone because of age	
54	Not hiring someone because they are fat	
55	Not hiring someone because they are ugly	
56	Smoking marijuana	
57	Taking hard drugs	
58	Selling marijuana	
59	Selling hard drugs	
60	Child molestation	
61	Prostitution	
62	Soliciting a prostitute	
63	Rape	
64	Raping a prostitute	
65	Statutory rape (consensual sex between a 24-year-old man and a 17-year-	

	old girl)	
66	Statutory rape (consensual sex between a 24-year-old woman and a 17-year-old boy)	
67	Murdering a nice person who has a family and who is a productive member of the community	
68	Murdering a prostitute	
69	Murdering a drug dealer	
70	Murdering a homeless person	
71	Murdering a member of Congress	
72	Murdering a local politician	
73	Murdering a lawyer who specializes in suing people	
74	Murdering a lawyer who specializes in defending people who are being sued	
75	Murdering someone who asked you to kill them because they have a terminal disease and are in a lot of pain	

Background Information: Place an X in the appropriate space.

My employment status is: ___self-employed ___full-time employee

___part-time employee ___unemployed

I am a(n) ___undergraduate student ___graduate student

My major is ___accounting ___other business ___law ___other

I am ___female ___male

I am ___Non-Hispanic white ___Hispanic ___African-American ___Asian ___Other

My age is ___< 21 ___21-30 ___31-40 ___41-50 ___> 50

I am ___married ___divorced ___single (never married) ___other
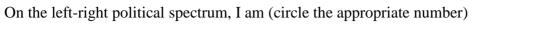
Do you attend religious services at least once a month? ___yes ___no

I am ___Catholic ___Other Christian ___Jewish ___Muslim ___Agnostic/Atheist

___Other

Were you born in the USA? ___yes ___no

My political affiliation is ___Democrat ___Republican ___Independent

___Other/None

On the left-right political spectrum, I am (circle the appropriate number)

Left									Right
1	2	3	4	5	6	7	8	9	10

All procedures performed in studies involving human participants were in accordance with the ethical standards of the institutional and/or national research committee and with the 1964 Helsinki declaration and its later amendments or comparable ethical standards.

This article does not contain any studies with animals performed by any of the authors.

Conflicts of interest.

The authors of this paper certify that they have NO affiliations with or involvement in any organization or entity with any financial or non-financial interest (such as honoraria; educational grants; membership, employment; affiliations, knowledge or beliefs) in the subject matter or materials discussed in this manuscript.

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