Sympathy for the applicant: investigating its role in decisions about state compensation for violent crime victimization

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In the Netherlands, as in many other Western countries, state compensation for violent crime victimization is only to be granted if the applicant provides a plausible victimization story and did not contribute to the crime. However, due to the discretion left to those who decide upon requests for state compensation, decisions about state compensation may be subject to the influence of legally irrelevant factors. This study investigated the potential influence of one such legally irrelevant factor: feelings of sympathy for the applicant. Forty-seven lawyers who work for the Dutch Violent Offences Compensation Fund (VOCF) were presented five vignettes about a fictitious act of violent crime and asked to rate their feelings of sympathy for the victims and to indicate how they would decide about the victims’ requests for state compensation. Results indicate that feelings of sympathy may indeed play a role in the decision-making process.

Key words: compensation; crime; decisions; sympathy; victimization; violence.

1. Introduction

Victims of violent crime may suffer from severe physical and emotional harm. For example, the prevalence of genital injury following rape and sexual assault ranges between 50% and 90% (Sommers, 2007), while roughly 15% of all violent crime victims develop a posttraumatic stress disorder (PTSD; Kunst & Koster, 2017). Such intensely adverse consequences are often associated with huge economic costs, such as payments for mental health services and income loss due to sick leave (Snijders, Gommer, Haagsma, Panneman, Polinder, & Van Beeck, 2016). In the long run, they may even interfere with victims’ career prospects and income level (Macmillan, 2001).

To deal with the consequences of crime, criminal justice systems have traditionally focused on the punishment of offenders. However, since the 1960s many Western criminal justice systems have become more victim oriented. This shift in focus from the offender to the victim is largely due to the victim rights’ movement and has been accelerated by international and supranational legislation that has inspired national states to improve crime victims’ legal position in and outside the criminal justice system (Groenhuijsen, 2014).

An important development for victims of violent crime has been the introduction of state compensation funds. Inspired by pleas from Margery Fry, a British magistrate who argued that national states should feel responsible for the compensation of victims who...
cannot get compensation from their offender, New Zealand, Great Britain and the United States set up state compensation schemes in the early 1960s (see Goldscheid, 2004; Villmow, 1991; Wolfgang, 1965), while many other countries followed during the following decades (see Brienen & Hoegen, 2000; Buck, 2005; Chappell, 1970; Davies, 1991; Freckelton, 2001; Greer, 1994; Matrix Insight, 2008, 2009; Miers, 2014a, 2014b; Mikaelsson & Wergens, 2001; Ramker & Meagher, 1982; Smith & Hillenbrand, 1997; Willis, 1984; Young, 1999). In line with Fry’s pleas, all these funds serve as a last resort for victims of intentionally committed violent crimes who cannot get compensation from the offender or through any other means (Groenhuijsen, 2001).

Previous research suggests that victims whose requests for state compensation are awarded consider that as a token of acknowledgement, which may help them to recover emotionally from the crime (Mulder, 2013). On the other hand, those whose requests for state compensation are denied often feel very dissatisfied (Kunst, 2012; Kunst & Koster, 2017; Kunst, Koster, & Van Heugten, 2015; Mulder, 2013). Obviously, that is a very unwelcome outcome in view of state compensation funds’ last resort function. It is therefore important that lawyers who work for state compensation funds decide as carefully as possible upon requests for state compensation and do not let legally irrelevant factors influence their decision making. Unfortunately, this is not as easy as it may appear, since they have a lot of discretion in the interpretation of compensation eligibility criteria.

Using unique data from lawyers who work for the Dutch Violent Offences Compensation Fund (VOCF), this study examines whether the discretionary power of these lawyers makes them vulnerable to emotional decision making. Many studies suggest that emotions may influence legal decision making (for a review, see Bandes & Blumenthal, 2012), but decisions by state compensation funds have never been subjected to empirical examination. We focus on lawyers’ feelings of sympathy for the applicant, since such emotions appear to play a key role in decisions about compensation for misfortune (Kahneman & Miller, 1986; Loewenstein & Small, 2007; Loewenstein & O’Donoghue, 2004; Miller & McFarland, 1986). Before we explain this in more detail, we first briefly elaborate on the Dutch VOCF and the criteria that qualify an applicant for state compensation.

### 1.1. State compensation in the Netherlands

The Dutch VOCF was founded in 1976 (Brienen & Hoegen, 2000; Groenhuijsen, 2001). It was among the first state compensation funds for violent crime victims established in Europe. A major problem from the outset has been how to reach all victims eligible for state compensation. This group has been estimated to comprise approximately 30,000 victims per year (Hoogeveen & Van Burik, 2008), but initially only a few hundred of them managed to find their way to the fund. Through intensive media campaigns and better information provision to partners and stakeholders, such as Victim Support Netherlands, the Dutch police and legal advisers, this number has enormously increased; while fewer than 1000 victims applied for state compensation in the late 1980s, more than 8000 did in 2017. At the same time the total amount of awarded compensation has increased from less than 900,000 to around 20 million euros per year. This becomes apparent from the annual reports of VOCF’s annual reports.¹

The legal criteria that the VOCF takes into account when evaluating requests for state compensation are laid down in the VOCF Act and are elaborated in the VOCF policy bundle (Schadefonds Geweldsmisdrijven, 2019a; Wet Schadefonds Geweldsmisdrijven 1975). The first criterion requires that the applicant is the victim of an intentionally committed violent crime and has suffered severe injuries.
Fulfilment of this criterion does not need to follow ‘beyond reasonable doubt’ from criminal evidence against the offender of the crime – as is typically required in criminal proceedings – but needs to become ‘plausible’ (VOCF policy bundle, chapter 1.1.2). To determine the plausibility of an applicant’s request for state compensation, four aspects of his or her victimization story need to be assessed: the type of violence used against the applicant, the facts surrounding the act of violence, the motive for the act of violence, and the circumstances under which the act of violence has been committed. How these aspects of plausibility are established is largely left to the discretion of the lawyers who work for the VOCF, although the VOCF policy bundle provides some broad guidelines to accomplish this task. For example, crimes that have not been reported to the police cannot result in compensation allowance, unless other sources of objective information that support the applicant’s allegations are available (VOCF policy bundle, chapter 1.1.4.6). However, whether applicants actually receive payment from the VOCF not only follows from their eligibility for state compensation. An important ground for refusal of compensation involves the applicant’s ‘own contribution’ to the act of violence. If the damages resulting from the act of violence are (partially) caused by circumstances that can be imputed to the applicant, compensation should be (partially) refused (VOCF Act, Article 5). To determine the applicant’s own contribution to the crime, two aspects of the act of violence need to be assessed: (a) its foreseeability and (b) its preventability. Whether the act of violence was foreseeable and preventable is also left to discretion of the lawyer who decides upon the request for compensation (VOCF policy bundle, Appendix C). Again the VOCF policy bundle provides some broad guidelines to accomplish this task. For example, if the act of violence was a disproportional reaction in response to the violence used by the applicant, then the request for state compensation should be entirely rejected.3

1.2. Sympathy for the applicant: a theoretical framework

As mentioned above, we expect that evaluations of plausibility, own contribution and, eventually, decisions about compensation allowance are largely shaped by VOCF lawyers’ feelings of sympathy for the applicant (cf. Loewenstein & Small, 2007; see also Loewenstein & O’Donoghue, 2004). This can be understood if we consider the nature and functions of sympathy. Both have been widely discussed in the philosophical and psychological literature. Based on this body of literature, Feigenson (1997, p. 4) has defined sympathy as ‘heightened awareness of the suffering of another and the urge to alleviate that suffering’ (cf. Lazarus, 1991; Wispè, 1991). This urge is caused by the aversive emotional arousal we typically experience as a consequence of the exposure to another person’s suffering (Hoffman, 1981). Due to this exposure, we put ourselves in the shoes of the sufferer, thereby conceiving what he or she feels or even actually feeling his or her feelings ourselves (Bennett, 2017). By helping that person, we are able to regulate this unpleasant emotional state (Gross, 2002). In addition, it enables us to maintain a social and moral order with the sufferer, because helping is an expression of our concern for his or her well-being (Cooley, 1902; Hume, 1739). Thus, in short, sympathy and responding to our feelings of sympathy by aiding the victim serve both selfish and social functions.

Despite its constructive character, it seems not wise to base our responding to another’s sorrow exclusively on our sympathy for that person. If we would do that, we would run the risk of allocating aid to people who do not need help or withholding aid from those who do. After all, sympathy is an emotion and emotions make us susceptible to irrational decisions (Feigenson, 1997; Loewenstein &
To avoid such decisions, we need to channel our feelings of sympathy by deliberately thinking about the sufferer’s needs. However, when we make decisions, we rarely rely on both sympathy and deliberate thinking in such a complementary way, but rather use our feelings of sympathy to rationalize our aid decisions after we have made them (Loewenstein & Small, 2007, cf. Haidt, 2001). This is particularly the case when the person who is suffering is identifiable, because we are better able to sympathize with identifiable than with unidentifiable or statistical individuals and therefore more likely to help them and inclined to rationalize the aid we provided (Loewenstein & Small, 2007, cf. Schelling, 1968).

Inspired by the literature on sympathy and its relation to helping behaviour, we aim to investigate whether sympathy plays a role in decisions about state compensation for violent crime victims. Although such decisions should primarily be based on VOCF lawyers’ evaluations of plausibility and own contribution, it seems reasonable to assume that feelings of sympathy for the applicant play a role in the decision-making process because of the probability that such feelings are evoked by the applicant’s victimization story. For two reasons, this probability may be quite high. First, the applicant has experienced an act of violent crime victimization. This type of victimization is generally considered as one of the most severe and extreme forms of misfortune people can experience due to the intentional nature of the harm inflicted upon the victim and is assumed to result in higher levels of suffering than other types of victimization (Janoff-Bulman, 1985). Previous research suggests that these characteristics are important determinants of sympathetic responses in third parties (e.g. Lens, Van Doorn, Pemberton, & Bogaerts, 2014). Second, the applicant is an identifiable individual because the application includes a lot of information about the applicant, the act of violence he or she has experienced and the injuries he or she suffers from. As we have indicated above, identifiability is important to evoke others’ feelings of sympathy (see also Lee & Feeley, 2016).

Since VOCF’s lawyers’ discretionary power is confined to determining the plausibility of the applicant’s victimization story and his or her own contribution to the crime, feelings of sympathy for the applicant may particularly play a role in the evaluation of plausibility and own contribution. A decision about compensation allowance or denial should logically follow from the (non-) fulfillment of these criteria and – in the case of an awarding decision – adhere to the tariffs laid down in the VOCF’s injury list (Schadefonds Geweldsmisdrijven 2019b). Nevertheless, it cannot be ruled out that sympathy for the applicant even influences the decision-making process on top of evaluations of plausibility and own contribution.

1.3. Sympathy for the applicant: previous research

Two lines of research are of particular importance for our study: studies that have investigated the role of sympathy in decisions about victim credibility and those that examined the role of sympathy in relation to attributions of responsibility to crime victims. Both credibility and responsibility are important outcomes for the study of decisions about state compensation in the Netherlands, because they resemble the criteria of ‘plausibility’ and ‘own contribution’.

1.3.1. Sympathy and victim credibility

The association between indices of sympathy and victim credibility ratings has been investigated in two earlier studies. The first was conducted by Ask and Landström (2010). They showed a sample of Swedish police trainees a clip from a videotaped police interview with a female rape victim and asked them to rate the victim’s credibility and their compassion with the victim. The victim spoke in either a neutral
or an emotional manner about the rape. It was found that participants’ feelings of compassion correlated strongly with judgments of victim credibility and that they mediated the association between displayed victim demeanour (i.e. type of emotion expression) and judgments of victim credibility. The second study was conducted by Sperry and Siegel (2013; see also Sperry, 2009). In an experimental vignette study conducted among American college students, they investigated the association between participants’ feelings of sympathy for a fictitious female rape victim and their ratings of victim credibility. Just like Ask and Landström (2010), the authors found a strong positive correlation between both factors.

1.3.2. Sympathy and victim responsibility
Research examining the association between indices of sympathy and evaluations of victim responsibility in criminal cases is rather abundant, but flawed. A number of studies have found positive associations between participants’ feelings of sympathy for the victim in accident cases and attributions of blame to the victim or the defendant (for reviews, see Feigenson, 1997, 2016; Feigenson & Park, 2006). In addition, several studies have found positive associations between participants’ empathy with crime victims in general and victim blaming in a particular case (for a review, see Ferrão & Gonçalves, 2015). However, to date, the aforementioned publication by Sperry and Siegel (2013) appears to be the only study to have investigated participants’ feelings about a particular victim in relation to their ratings of victim responsibility. In addition to the already discussed positive association between participants’ feelings of sympathy for a fictitious rape victim and their evaluations of victim credibility, this study also found that feelings of sympathy for the victim were negatively associated with participants’ victim responsibility ratings.

1.4. The current study
Given the aforementioned, the purpose of the current study was to investigate the impact of VOCF’s lawyers’ feelings of sympathy on their decisions about state compensation. In accordance with our legal and theoretical framework and in line with previous research, we formulated the following hypotheses:

H1: Feelings of sympathy for the applicant are positively associated with evaluations of plausibility when adjusting for background variables.

H2: Feelings of sympathy for the applicant are negatively associated with evaluations of own contribution when adjusting for background variables.

H3: Feelings of sympathy for the applicant are positively or not associated with award of compensation when adjusting for evaluations of plausibility and own contribution and background variables.

To date, these hypotheses have never been addressed in previous research. The current study aims to fill this gap in the literature.

2. Method
2.1. Participants
The participants were 47 lawyers who work for the Dutch VOCF and agreed to participate in our study (70.1% of all lawyers working for this fund). The majority of them were female \( (n = 32, 68.1\%) \), were born in the Netherlands \( (n = 42, 89.4\%) \), were married, involved in a registered partnership or cohabiting \( (n = 33, 70.2\%) \), were childless \( (n = 26, 55.3\%) \), and had a university degree in law \( (n = 40, 85.1\%) \). On average, they were 35.2 years old \( (SD = 9.9) \) and had been employed by the VOCF for 4.7 years \( (SD = 4.0) \).

2.2. Procedure
All participants were assigned five vignettes. The content of these vignettes was based on five real cases, which were randomly drawn
from the VO CF’s electronic files. The vignettes described cases of sexual assault by a stranger, violent house robbery, female rape, non-sexual physical assault and child sexual abuse. Each vignette provided information about the victim (age and sex), the crime, the circumstances under which the crime had been committed, time elapse between the crime and the application, the emotional state of the victim at the time of the application, and the offender (whether he had been caught by the police and sentenced for the crime).

After each vignette was presented, participants were asked to rate their feelings of sympathy for the victim described in the vignette, the plausibility of the victim’s victimization story and his or her own contribution to the crime. Finally, we asked them to indicate whether they would award compensation to the victim described in the vignette. To ensure that the order of vignettes would not affect our results, we completely counterbalanced the order in which they were presented to participants.

2.3. Vignette descriptions

Vignette 1
The first vignette described a case of sexual assault by a stranger. In this case, a 22-year-old female was sexually assaulted by a man who had followed her to her apartment after a birthday party. The man had managed to enter her apartment building and follow her into the elevator. He tried to kiss her and touched her genitals when she wanted to get off the elevator. The woman got loose after he had removed her tampon from her vagina. The attacker left after her dog had started barking. The application for state compensation was submitted one month after the crime report. At that time, the applicant was afraid to be at home and to go out alone during the night. She was under treatment by a psychologist for her anxiety. The attacker was still unknown at the time of the application.

Vignette 2
The second vignette described a case of violent house robbery. In this case a middle-age couple were robbed by three unknown men. The male partner had to lie flat on the ground with his face down and was threatened with a gun. The female partner had to show the robbers where they could find their cash money. When the robbers left, both partners were tied with wraps. The robbers told them that they would come back if they reported the robbery to the police. The application for state compensation was submitted 12 days after the crime report by the female partner. At that time she was suffering from symptoms of anxiety, anger and irritability and had nightmares. For these problems she was going to receive treatment. The robbers were still unknown at the time of the application.

Vignette 3
The third vignette described a case of female rape. In this case a 21-year-old female was raped by a male acquaintance. The male acquaintance had pulled her into his car when she was catching some fresh air while visiting a bar with some friends. After the rape she was brought back to the bar. A friend who had accompanied her to the bar took her to the police station. The police officer who had recorded her statement later declared that she had looked bewildered. She had small lesions on her right cheek and a loose foretooth. The zipper of her jeans was broken and her breath smelled after alcohol. The application for state compensation was submitted 30 years after the rape. At that time, the applicant was suffering from chronic depression and PTSD, for which she was under treatment by a psychologist. The rapist was caught by the police and sentenced for rape to 8 months imprisonment, of which 4 months were conditional.

Vignette 4
The fourth vignette described a case of child sexual abuse. In this case a 24-year-old male
reported to have been sexually abused by a neighbour between his ninth and 21st birthday. Approximately four times a week, he and his younger brother had to perform sexual acts (hand jobs and fellatio) in return for money, presents and even a vacation. At the age of 17, the applicant volunteered to enter the army. During his service he had made many debts. To pay off his debts, he decided to go back to the neighbour. In return for having unprotected anal sex with the neighbour and several other men, he received large amounts of money, a cell phone and illicit drugs. The application for state compensation was submitted a couple of days after the crime report. At that time, the applicant was suffering from anxiety and nightmares, socially withdrawn, and under treatment for PTSD by a psychologist. There had not yet been a criminal trial against the offender.

Vignette 5

The fifth vignette described a case of non-sexual physical assault. In this case a 29-year-old male was attacked by a former acquaintance whom he had met in a bar. According to the victim, the acquaintance had threatened him with a gun and had pulled the trigger when they had left the bar. This had frightened him very much. Since the gun apparently did not contain any bullets, he had tried to grab the gun. However, before he could grab the gun, the acquaintance beat him with the gun on his head, inflicting severe head injuries. According to a forensic physician, the sustained injuries could not possibly have been caused by a blow with a gun and were more likely to have resulted from a fall against a wall or a severe hand beating. The physician’s opinion corroborated the statements of several witness statements who had declared that the offender had not carried a gun. The application for state compensation was submitted three months after the fight. At that time, the applicant was under treatment for PTSD by a psychologist. The offender was caught by the police and sentenced for physical assault, but not for threatening the victim with a gun.

2.4. Measures

Sympathy

Feelings of sympathy were measured with five items, which were based on those developed by Sperry and Siegel (2013): ‘I feel sympathy for the applicant’, ‘I feel pity for the applicant’, ‘I feel compassion for the applicant’, ‘I feel kindness for the applicant’ and ‘I feel understanding for the applicant’. Each item had to be rated on a 10-point Likert scale (1 = ‘totally disagree’, 10 = ‘totally agree’). Internal consistency reliability for these items ranged between Cronbach’s alpha = .86 and .93.

Plausibility

Evaluations of plausibility were measured with five items, which were based on the VOCF’s internal guidelines to determine plausibility: ‘How plausible do you consider the type of violence used against the applicant?’, ‘How plausible do you consider the facts surrounding the act of violence?’, ‘How plausible do you consider the motive of the crime?’, ‘How plausible do you consider the circumstances under which the act of violence was committed?’ and ‘How plausible do you consider the applicant’s case in general?’. Each item had to be rated on a 10-point Likert scale (1 = ‘totally implausible’, 10 = ‘totally plausible’). Internal consistency reliability for these items ranged between Cronbach’s alpha = .86 and .97.

Own contribution

Evaluations of own contribution to the crime were measured with five items, which were based on the VOCF’s internal guidelines to determine own contribution: ‘I think the applicant could have prevented the crime’, ‘I think the applicant should have prevented the crime’, ‘I think the applicant could have
foreseen what was going to happen’, ‘I think the applicant should have foreseen what was going to happen’ and ‘In general I think the applicant has contributed to the act of violence’. Each item had to be rated on a 10-point Likert scale (1 = ‘totally disagree’, 10 = ‘totally agree’). Internal consistency reliability for these items ranged between Cronbach’s alpha = .90 and .93.

Compensation

Whether participants would award compensation to the applicant was measured with two questions: ‘Would you eventually award compensation to the applicant in this case?’ This item had to be answered with either ‘yes’ or ‘no’. If this question was answered with ‘yes’, then participants were also asked to indicate the level of compensation they would award. In line with the VOCF’s tariff-based compensation guidelines, they could choose between six categories (Category 1 = €1000, Category 2 = €2500, Category 3 = €5000, Category 4 = €10,000, Category 5 = €20,000 and Category 6 = €35,000). On the basis of participants’ answers to these two questions, a new variable was created representing levels of compensation. Values for this variable ranged between 0 (no compensation) and 6 (award of €35,000).

2.5. Statistical analyses

We first performed a series of one-way repeated measures analysis of variance (O-RM-ANOVA) tests to detect between-vignette differences on any of the dependent variables (sympathy, plausibility, own contribution and compensation) and post hoc tests with Bonferroni correction for multiple comparisons to locate these differences. These analyses gave us an idea of the variety in responses to vignette content. Then, to test our hypotheses, we collapsed our data across the five vignettes. This enabled us to perform our statistical analyses on 235 instead of 47 observations. Next, three hierarchical linear regression models were estimated. The first two regressions tested models with plausibility or own contribution as the criterion variable and feelings of sympathy as the main predictor variable. In both analyses we adjusted for the potential bias of participant sex, since previous research suggests that this characteristic is consistently associated with observers’ perceptions of victim credibility and responsibility (see Van der Bruggen & Grubb, 2014; Voogt & Klettke, 2017). As mentioned above, these outcomes resemble plausibility and own contribution, respectively. We therefore expected that participant sex would also be associated with participants’ ratings of plausibility and own contribution. We additionally controlled for vignette. To this end, we created four dummy variables: ‘sexual assault by stranger’ versus ‘other’, ‘violent house robbery’ versus ‘other’, ‘female rape’ versus ‘other’, and ‘child sexual abuse’ versus ‘other’. Non-sexual physical assault served as reference category. In both models, participant sex and vignette were entered on Step 1 and feelings of sympathy on Step 2. The third regression analysis tested a model with compensation as the criterion variable and feelings of sympathy as the main predictor variable. In addition to participant sex and vignette, we controlled for plausibility and own contribution in this analysis. Participant sex, vignette, plausibility and own contribution were entered on Step 1 and feelings of sympathy on Step 2. Due to the extremely low proportion of missing data (1.6%), these were dealt with mean imputation. All statistical analyses were performed with IBM SPSS Statistics 25.

3. Results

3.1. Between-vignette differences in sympathy, plausibility, own contribution and compensation

O-RM-ANOVAs suggested that the five vignettes differed on all dependent variables: sympathy, $F(4, 43) = 18.30, p = .000$, Wilk’s lambda = .37, multivariate $\eta^2 = .63$;
plausibility, $F(4, 43) = 40.79, \ p = .000$, Wilk’s lambda = .21, multivariate $\eta^2 = .79$; own contribution, $F(4, 43) = 58.39, \ p = .000$, Wilk’s lambda = .16, multivariate $\eta^2 = .85$; and compensation, $F(4, 43) = 45.51, \ p = .000$, Wilk’s lambda = .19, multivariate $\eta^2 = .81$. Post hoc tests with Bonferroni adjustment for multiple comparisons yielded 28 between-vignette differences.

As can be seen in the first line of Table 1, five differences were observed for sympathy. Sympathy levels were higher for the victims (and applicants of state compensation) of sexual assault by a stranger, violent house robbery, female rape and child sexual abuse than for the victim of non-sexual physical assault. Furthermore, sympathy levels for the female rape victim were higher than those for the child sexual abuse victim.

As can be seen in the second line of Table 1, seven differences were observed for plausibility. Plausibility levels were higher for the victims (and applicants of state compensation) of sexual assault by a stranger, violent house robbery, female rape and child sexual abuse than for the victim of non-sexual physical assault. In addition, plausibility levels for the female rape victim were higher than those for the victims of sexual assault by a stranger, violent house robbery and child sexual abuse.

As can be seen in the third line of Table 1, seven differences were also observed for own contribution. Own contribution levels were lower for the victims (and applicants of state compensation) of sexual assault by a stranger, violent house robbery, female rape and child sexual abuse than for the victim of non-sexual physical assault. Furthermore, own contribution levels for the female rape victim were lower than those for the victims of sexual assault by a stranger and child sexual abuse. Another difference for own contribution was found between the vignette about violent house robbery and the vignette about child sexual abuse. Own contribution levels for the victim in the former vignette were lower than those for the victim in the latter vignette.

Finally, as can be seen in the fourth line of Table 1, nine differences were observed for compensation. Compensation levels were higher for the victims (and applicants of state compensation) of sexual assault by a stranger, violent house robbery, female rape and child sexual abuse than for the victim of non-sexual physical assault. In addition, compensation levels for the victims of sexual assault by a stranger, female rape and child sexual abuse were higher than those for the victim of violent house robbery. The two last differences for compensation were found between the first
vignette on the one hand and the third and fourth vignette on the other hand. Compensation levels for the victim in the former vignette were lower than those for the victims in the latter two vignettes.

3.2. Predicting plausibility, own contribution and compensation

3.2.1. Plausibility
The model predicting plausibility yielded significant results for all independent variables except one; as can be seen in the first column of Table 2, participant sex was significantly associated with plausibility, but only in the first step of the hierarchical regression model. In addition, and in line with descriptive statistics, significant estimates were found for the four vignette dummies, both in the first and in the second step of the model; compared to reading the vignette about non-sexual physical assault, reading the vignettes about sexual assault by a stranger, violent house robbery, female rape and child sexual abuse was associated with higher levels of plausibility. Finally, and in line with our first hypothesis, adding sympathy to the model significantly and substantially increased the explained variance.

3.2.2. Own contribution
The model predicting own contribution also yielded significant results for all independent variables except participant sex; as can be seen in the second column of Table 2, participant sex was not associated with own contribution — neither in the first nor in the second step. Again, significant estimates were found for the four vignette dummies in both steps; compared to reading the vignette about non-sexual physical assault, reading the vignettes about sexual assault by a stranger, violent house robbery, female rape and child sexual abuse was associated with lower levels of own contribution. Finally, and in line with our second hypothesis, adding sympathy to the model significantly increased the explained variance, although this increase was rather small.

3.2.3. Compensation
The model predicting compensation yielded significant results for all but two of the eight independent variables; as can be seen in the second column of Table 2, participant sex and the dummy representing the vignette about violent house robbery were not associated with compensation, neither in the first nor in the second step. Again, significant estimates were found for the three other dummies in both steps; compared to reading the vignette about non-sexual physical assault, reading the vignettes about sexual assault by a stranger, female rape and child sexual abuse was associated with higher levels of compensation. Furthermore, and in accordance with the criteria of the VOCF Act and policy bundle, plausibility was associated with higher levels of compensation, while own contribution was associated with lower levels of compensation, both in the first and in the second step of the model. Finally, and in line with our third hypothesis, adding sympathy to the model significantly increased the explained variance, but again this increase was rather small.

4. Discussion
Our findings suggest that feelings of sympathy for the applicant may play a role in decisions about state compensation, particularly in the determination of plausibility and own contribution. If this is also true in practice, this would be alarming, as it should not make a difference for the outcome of the application process whether the applicant is liked by the lawyer who evaluates the application or not. After all, feelings of sympathy should be irrelevant for the decisions to be made (cf. Feigenson, 1997). Indeed, if such feelings do guide the decision-making process, the equality of rights between applicants with similar victimization experiences is at stake. For a fund that has been established to serve as a last resort for victims who are in need of financial support this is problematic.
Table 2. Regression analyses predicting plausibility, own contribution and compensation.

| Variable                     | Plausibility | Own contribution | Compensation |
|------------------------------|--------------|------------------|--------------|
|                              | Step 1 | Step 2 |      | Step 1 | Step 2 |      | Step 1 | Step 2 |      | Step 1 | Step 2 |      |
| Sex (female)                 | .117   | .023    | .060 | .216 |       |       |       |       |       |       |       |       |
| Sexual assault by stranger   | .575   | .000    | .390 | .000 | -.685 | .000  | -594 | .000  | .189 | .006  | .160 | .020  |
| Violent house robbery        | .516   | .000    | .360 | .000 | -.736 | .000  | -660 | .000  | -.001 | .988  | -.022 | .752  |
| Female rape                  | .740   | .000    | .540 | .000 | -.802 | .000  | -705 | .000  | .259 | .001  | .234 | .002  |
| Child sexual abuse           | .516   | .000    | .361 | .000 | -.558 | .000  | -483 | .000  | .557 | .000  | .534 | .000  |
| Plausibility                 | —      | —       | —    | —    | —      | —     | —    | —     | —    | —     | —    | —     |
| Own contribution             | —      | —       | —    | —    | —      | —     | —    | —     | —    | —     | —    | —     |
| Feelings of sympathy         | —      | —       | .343 | .000 | —      | —     | -.168 | .002  | —    | —     | .114 | .029  |
| \(\Delta R^2\)              | .400   | .000    | .082 | .000 | .524   | .000  | .020 | .002  | .628 | .000  | .007 | .029  |

Note. \(N = 235\). Please note that we may have failed to detect all significant associations between the independent and dependent variables because of the rather small size of our study sample; based on the rules of thumb provided by Green (1991), we were able to detect medium (but not small) effect sizes.
Our results build upon a large number of scenario studies that have investigated associations between legally irrelevant victim factors and evaluations of rape or sexual assault victim credibility and victim responsibility. Regarding victim credibility, two factors deserve special attention: emotion expression by the victim and consistency in reporting. Both factors are associated with higher ratings of victim credibility (for examples of studies about the association between emotion expression and credibility ratings, see Bothwell & Jalil, 1992; Dahl et al., 2007; Kaufmann, Drevland, Wessel, Overskeid, & Magnussen, 2003; Regan & Baker, 1998; Wessel et al., 2012; Wessel, Drevland, Eilertsen, & Magnussen, 2006; Wessel, Magnussen, & Melinder, 2013; Winkel & Koppelaar, 1991; for examples of studies about the association between consistency in reporting and credibility ratings, see Alderden & Ullman, 2012; Campbell, Menaker, & King, 2015; Frohmann, 1991; Spohn & Tellis, 2014; Venema, 2016), although some studies have found that the occurrence or strength of the association between emotion expression and credibility ratings depends on the type of emotion displayed (e.g. Wessel, Eilertsen, Langnes, Magnussen, & Melinder, 2016) or observers’ prior expectations of emotional expression (Hackett, Day, & Mohr, 2008; Lens, Van Doorn, Lahlah, Pemberton, & Bogaerts, 2016). Regarding victim responsibility ratings, three factors deserve mentioning: victim respectability, victim alcohol intoxication and acquaintance between the victim and the perpetrator. Each of these factors has been found to correlate positively with victim responsibility ratings (for reviews, see Sleath & Bull, 2017; Van der Bruggen & Grubb, 2014; Whatley, 1996). Finally, physical attractiveness of the victim appears to be positively associated with both victim credibility and victim responsibility (for examples of studies about the association between physical attractiveness and credibility ratings, see Clarke & Stermac, 2011; Vrij & Firmin, 2001; Yamawaki, Riley, Rasmussen, & Cook, 2015; for a review of studies about the association between psychical attractiveness and responsibility ratings, see Whatley, 1996). For all these factors it seems worthwhile to investigate whether they relate to decision makers’ feelings of sympathy for the victim and, if so, whether these feelings explain their associations with victim credibility and responsibility. To date, this has only been investigated for the factor of emotion expression. As discussed in the introduction, Ask and Landström (2010) found that emotion expression by the victim evoked feelings of compassion in Swedish police trainees and that the association between emotion expression and victim credibility judgments was mediated by respondents’ feelings of compassion.

However, when considering directions for future research, an alternative explanation for our results needs to be considered as well. Due to the cross-sectional nature of our study, it cannot be ruled out that participants’ feelings of sympathy followed, rather than preceded, their ratings of plausibility and own contribution. Weiner’s (1980a, 1980b, 1985) attribution model provides a theoretical basis for this alternative explanation. On the basis of this model, it can be argued that attributions of responsibility and credibility evoke an emotional response that triggers decision makers’ willingness to help the victim (see Sperry, 2009; Sperry & Siegel, 2013). In line with this argument, it would also be worthwhile to investigate whether evaluations of plausibility and own contribution evoke decision makers’ feelings of sympathy for the victim and, if so, whether these feelings explain their associations with decisions about compensation. In particular, it seems interesting to examine whether feelings of sympathy modulate the associations of plausibility and own contribution with amount of compensation allowance. For example, do lower levels of victim plausibility combined with higher levels of sympathy for the victim result in higher amounts of compensation allowance than those
combined with lower levels of sympathy? To date, this question has not been addressed in previous research.

4.1. Study limitations and strengths

In addition to its cross-sectional design, several other limitations need to be taken into account as well when interpreting our study’s results. First, our results may lack ecological validity. Because we used vignettes about fictitious cases, participants may have responded differently to the victims described in these cases than they would have done in a real case. For example, on the basis of a recently finished interview study, some VOCF lawyers appear to anticipate the possibility of a review of their decision when making the decision (Huibers, Kunst, & Van Wingerden, 2019). Those who use this strategy may be less prone to the influence of sympathy for the applicant. However, it is questionable whether this strategy is also used when decisions about fictitious cases are being made. Second, although vignette descriptions were based on real cases, results may not be representative for all types of cases evaluated by the VOCF. Third, due to our focus on lawyers who work for the Dutch VOCF, it is unknown whether findings generalize to other state compensation funds. On the other hand, given the substantial overlap in eligibility criteria between different funds, this is not deemed a large limitation (for further reading on this issue, see Miers, 2018). Fourth, we know very little about the psychometric properties of our measures of sympathy, plausibility and own contribution. Cronbach’s alpha scores suggested that they were internally reliable, but further research is needed to get an idea of their qualities in terms of validity. Fifth, since we did not vary the order in which questions about sympathy, plausibility, own contribution and compensation were administered, we may have systematically enhanced the strength of the associations between these variables. Sixth, we were not able to detect which aspects of the vignettes were responsible for differences in sympathy levels and their (non-)significant associations with plausibility, own contribution and compensation. Finally, our sample size was rather small. We therefore may have failed to detect all significant associations between the independent and dependent variables we included in our regression analyses.

Despite these limitations, our study also had several important strengths that merit attention. For example, it was the first to investigate the role of feelings of sympathy in decision making about state compensation for violent crime victimization. Moreover, and contrary to many other studies about victim credibility and responsibility, we used real decision makers rather than college students or trainees to test our hypotheses and managed to include the large majority of all lawyers working for the Dutch VOCF as participants in our study. Because of these strengths, our study provides a huge contribution to the literature and important starting-points for future research. Future research might build upon our work by conducting a replication study among a large sample of university students, which allows for experimental manipulation of vignette aspects between conditions and which is better able to counterbalance for order effects. In this way a more accurate test of the validity of our theoretical framework can be obtained.

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Disclosure statement

M. J. J. Kunst has declared no conflicts of interest

S. Schiltkamp has declared no conflicts of interest
Ethical approval
All procedures performed in studies involving human participants were in accordance with the ethical standards of the ethical committee of the authors’ university and with the 1964 Helsinki declaration and its later amendments or comparable ethical standards.

Informed consent
Informed consent was obtained from all individual participants included in the study.

Notes
1. These reports can be downloaded from www.schadefonds.nl
2. In the majority of cases fulfillment of this criterion is presupposed (VOCF policy bundle, chapter 1.2.3).
3. Eligibility criteria are roughly the same for all European state compensation funds (see Matrix Insight, 2008, 2009).
4. Compassion is related but not similar to sympathy (see Feigenson, 1997). However, given the wording of the items used to assess compassion in this study, we considered it as an index of sympathy.
5. According to Article 7 of the Dutch Violent Offences Compensation Fund (VOCF) Act and the VOCF policy bundle, applications should be submitted within 10 years after the crime, but exceeding this period of time is usually excusable for sexual offences.
6. Since responses to the five vignettes were nested within participants, we first used mixed-effects modelling to estimate effect sizes and significance levels. Since this did not yield results other than ordinary least squares procedures, we decided to report the results of the latter analysis. This allowed us to test for the fit of the estimated models.
7. Given the ordinal scale of the compensation variable, we first estimated this model using ordinal regression analysis (with and without adding random effects). However, since this did not produce results other than the ordinary least square procedure, we decided to treat compensation as a continuous variable and present the results of the ordinary least square analysis (cf. Tabachnick & Fidell, 2007).

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