

The Psychology of Compensatory and Retributive Justice

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How do observers respond when the actions of one individual inflict harm on another? The primary reaction to carelessly inflicted harm is to seek restitution; the offender is judged to owe compensation to the harmed individual. The primary reaction to harm inflicted intentionally is moral outrage producing a desire for retribution; the harm-doer must be punished. Reckless conduct, an intermediate case, provokes reactions that involve elements of both careless and intentional harm. The moral outrage felt by those who witness transgressions is a product of both cognitive interpretations of the event and emotional reactions to it. Theory about the exact nature of the emotional reactions is considered, along with suggestions for directions for future research.

Where, in the varieties of justice, does the justice that calls for compensation and punishment arise? In distributive justice, a group has received a benefit and the task is to determine a just way to distribute shares of the benefit among the group members. Distributive justice has received a great deal of research attention, but psychologists have done less with the set of fundamentally important questions about what cognitions and emotions are brought about when one person does harm to another, and what actions toward the victim and against the harm-doer are necessary to remove or otherwise deal with this injustice. The problem here, as Shaver (1985) aptly named it, is “the attribution of blame” (p. vii).

In this review we make a set of critical theoretical distinctions. We suggest connections between the constructs we propose and when possible cite evidence that confirms the postulated theoretical linkages. We then turn to the psychological purposes people have in mind when they punish offenders and make the case that people are motivated to punish by a just deserts perspective, and that this is so because of the moral outrage that is generated when a person intentionally wrongs an innocent other. Finally, we argue that moral outrage has an emotional as well as a reasoning component, draw on some recent literature to suggest what the moral emotions might be, and cite some Functional Magnetic Resonance Imaging (fMRI) research which

supports the notion that emotions are engaged when moral reasoning is carried out.

Let us mention a few unusual aspects of our plan, and some of its limitations. We primarily draw on psychological theory and research in this review, but occasionally enlist help from an unusual source, the civil and criminal justice systems of our society. In any society, the jurisprudential system must face questions of blame, accountability, and punishment, and the principles developed to do so are a possible source of psychological insights (Darley, 2001). This is so because for some hundreds of years the legal system of our culture has faced the necessity to hear real cases of harm and to decide what punishments the perpetrators may deserve and what compensations are required of them for the damages they caused. One of the major influences on these decisions was the morality of the community members as they functioned as actors in the court system. So, the rules that courts developed are at least a starting point for clues to the decision rules that ordinary people use to determine their judgments about compensatory and punitive justice.

The jurisprudential system is not, however, an ending point for our task, which is to articulate the moral intuitions of the ordinary run of people; for a number of reasons, laws and courts make decisions that are not in accord with those that citizens would make. Therefore, we cannot assume that the legal codes are always consistent with community intuitions about justice. Thus, when possible, we cite psychological research which demonstrates that the general principles we present do describe how people think about the morality of punishment.

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American social psychologists have learned to be cautious about claiming that their discoveries transcend their culture, and we need to be cautious about that also. In this review, we claim only to be articulating how harm-doing events are thought about in our culture. Once the basic principles are articulated, it will be possible to test for their trans-cultural generality. Eventually, it should also be possible to use the legal codes of other cultures as a window into their unique moral intuitions.

Although we are cautious about generalizing across cultures, we are bold elsewhere. We do think the broad moral principles that we articulate are characteristic of citizens in our culture; moral reasoning is a product of socialization and the culture needs to have broad agreement on morality to bring about the internalization of these understandings that normatively shape the conduct of its citizens.

The Nature of Compensatory and Retributive Reactions

Our first task is to suggest some concepts that are necessary to model this area. There are several distinctive interpretations of interpersonal behavior which trigger the reaction that “justice needs to be done,” and there are two distinctive blame-resolving actions that psychologically “do justice.” In this section, we first address the two different forms of justice-resolving actions.

Justice-providing reactions fall into two general classes, one directed toward the victim, the other toward the perpetrator of the harm. The first class of justice-providing transactions is focused on compensation for the victim. Here the desire is to come as close as is possible to restoring victims to the state in which they were before the harm was inflicted. The second class of justice-providing transactions is more concerned with punishment, with inflicting the appropriate punishment on the perpetrators for the wrongness of their actions in inflicting the original harm.

The Impulse to Compensate

Consider a substantial harm that is inflicted unintentionally by the actions of one person on another. A’s car rolls down the hill and crashes into B’s garage or C’s prize horse. Certainly, we will want to know more about the circumstances that led the car to break away from whatever restraints the owner placed on it. Was the owner’s actions in securing the car so inadequate as to constitute reckless conduct, or was he or she negligent? Or did the owner take many precautions that nonetheless failed due to some horrible set of accidental coincidences? In the latter case, observers are unlikely to see this as a case requiring anything of the owner, but attributions of negligent or reckless conduct in the former case will invoke a compensatory justice reaction

(Pittman & Darley, 2003). Because someone’s breach of required conduct caused damages to another, people believe that the person causing the damages must redress this breach. As the landmark hornbook¹ on torts comments, “a tort is not crime,” (Keeton, Dobbs, Keeton, & Owen, 1984, p. 2) but it does involve the creation of damages to others by conduct that is socially unreasonable:

The civil action for a tort ... is commenced and maintained by the injured person, and its primary purpose is to compensate for the damage suffered, at the expense of the wrongdoers. If successful, the plaintiff (the damaged person) receives a judgment for a sum of money, enforceable against the defendant. (Keeton et al., 1984, p. 7)

The goal, it seems, is to restore the victim’s life as closely as possible to its pre-harm level. So, the task is for A to repair the damage to B’s garage, if A has the skills to do so, and the repair job needs to be of a quality equal to the quality of B’s original garage. If by some wonderful coincidence, A owns a prize horse that is the equivalent of C’s prize horse, an intuitively perfect act of compensation would be for A to give C his horse to replace the horse slaughtered by A’s runaway car. Now a further issue arises, which is that C may have loved the horse that was killed. A justice-doer may feel that C is owed some compensation for the loss of the loved object, but it is puzzling as to what form that compensation should take. Here we have discovered something that is often referred to as pain and suffering, and sometimes persons deciding on what compensation is due are asked to divide their awards into amounts awarded for damages and for pain and suffering.

In some cultures that do not have a pronounced specialization of labor, it may be possible that the compensation A gives to the victim is the restoration, with A’s own labor, of the victim’s dwelling, or personal belongings; or by a fairly direct extension, A may replace C’s destroyed crops or livestock with some that A had cultivated or bred. In cultures in which labor is specialized, and monetary economies have developed, the compensation may be more indirect, involving an assessment of the monetary value of the damages, and a transfer of an equivalent monetary sum from the accident-causer to the injured party. As members of a monetized culture become familiar with the principles of valuation that currency allows, it becomes increasingly sensible for members of that culture to converge on what sorts of monetary compensations are just. The notion of replacement costs is the one generally used.

The translation of damages into monetary amounts becomes particularly psychologically puzzling when

¹A *hornbook* is a text written by legal scholars that attempts to summarize the broad underlying principles that determine the disposition of the cases that various courts have reached, in any number of specific areas of law. Thus, there will be a hornbook on torts, in which negligence rules are summarized, one on the criminal law, and so on.

the goal is to assign a dollar value to, for instance, the pain inflicted on the victim by the accident the perpetrator caused, or the related concept of the suffering caused during the time it takes the victim to heal physically or psychologically from the accident. Often it is difficult to translate harm into a specific monetary equivalent. And there are a number of other cases in which the conceptual and psychological inadequacies of the monetized compensation system are quite striking, for instance, when a dollar value is assigned to the lost life of a young husband and father to compensate the family for all they will suffer from his death. We can expect some cases to generate a good deal of argument about what amount and kind of compensation is adequate. Nonetheless, the concept of compensation, at least in its most prototypical form of restoring the concrete condition of the victim to what it was prior to the accident, is clear. "The function of tort law is to compensate someone who is injured for the harm he has suffered" (LaFave, 2000, p. 13). We next turn to the second prong of the justice-restoring impulse.

The Impulse to Punish

There are many cases in which the dominant impulse is not simply to compensate. For example, crimes against a person or a person's property, such as when a thief steals the property of another, or a mugger violently robs another person, or a bookkeeper embezzles money from an employer, lead to a visceral reaction that the criminal must be punished. Intuitively, the following example will clarify the difference between punishment and compensation. If a thief, eventually caught, were to compensate the victim immediately for the full monetary costs of the theft, people would not consider that this was a sufficient infliction on the perpetrator to close the matter.² Instead people feel that suitable punishment must be inflicted on the perpetrator by the judicial system, a punishment in proportion to the moral gravity of the offense committed. This is not accomplished simply by requiring the perpetrator to compensate the victim for damages. As the leading text on criminal law noted (LaFave, 2000)

it has been argued with some force that the only real basis for distinction between crimes and civil wrongs lies in the moral condemnation which the community visits upon the criminal but not (at least not so powerfully) upon his civil wrongdoer counterpart. (p. 12)

The expression of this moral condemnation in our culture is done via the assignment of punishment.

²People do tend to give some punishment mitigation if they read the paying back of the theft as an expression of remorse or renunciation on the part of the thief. For an examination of the complexities of this issue, see Pittman, Darley, and Robinson (2003).

When inflicted wrongs call for punishment, the naïve perceiver also thinks the victim should be compensated by the perpetrator for the damages suffered. (See LaFave, 2000, p. 13, Footnote 5, for a discussion of the complicated ways this can be achieved in criminal courts.) Compensation, however, is a desired but not a sufficient condition for justice.

The Concept of State of Mind

What distinguishes between those violations of justice that provoke a desire for compensation and those that evoke a desire to punish? Research suggests that the primary determinant lies in judgments about the perpetrator's state of mind. If perpetrators are judged to have committed the harm unintentionally, naïve psychological thinking focuses on compensating the victim for the damage done to his or her property or person, presuming that restoration is judged to be appropriate. However, when harm is thought to have been committed intentionally, people see punishment as necessary.

Foreseeable and Unforeseeable Accidents

Legal distinctions provide some guidance to how people think about foreseeable and unforeseeable harm. Adapting Piaget's (1932/1965b) famous case, consider the person who broke 15 glasses, but did so under two different circumstances. In both cases, the glasses were on a tray on a table temporarily placed within reach of a swinging door. In the first case, the person pushes open the swinging door as she has done many times in the past, but this time knocks over the tray, and all of the glasses fall to the floor and shatter. Should the person "have known" the tray was there? If the circumstances were such that she could have had no inkling of this, then she is not to blame. Therefore, she has not acted negligently and is not obligated to compensate the owner of the glasses for their destruction. (Whomever was foolish enough to leave them in the precarious position behind the door might be, but not the person who came through the door in the normal way.) On the other hand, if the person had been told that today, perhaps in preparation for a party, in the room behind the door breakable things were likely to be within reach of the door's swing, the person becomes responsible for the damages and must compensate the person who owns the glasses for their replacement.³ In other words, the person in the second scenario would be perceived as negligent (in ordinary

³It is worth noting that certain other compensatory moves are required; for instance, the person better find a broom and dustpan and sweep up the broken glass, find other glasses that can be used, and so on. These are all encompassed by the requirement of putting the situation back, as closely as possible, to the way it was before the damage was inflicted.

speech, careless). The standard legal test for negligence (LaFave, 2000, pp. 248–249) requires that an ordinarily prudent or reasonable person would have been aware of the risk and would not have run it.

There is evidence that perceptions of negligence affect moral judgments about offenders. Enzle and Hawkins (1992) demonstrated that if “a prior negligence could either be inferred implicitly from contemporaneous information ... or was explicitly provided,” then the actor was judged to have more moral responsibility for the outcome (p. 184). Robinson and Darley (1995, pp. 83–96, Study 8) presented descriptions of six different instances of harmful actions that could be committed either without fault or negligently, and found increases in punishment assigned as the offense moved from faultless to negligent commission (see also Pittman & Darley, 2003).⁴

Intentional Harm-Doing

In contrast to harm that is the result of negligence, intentional harms trigger the motive to assign a punishment and secondarily require compensation. As LaFave (2000, p. 229) commented, “the meaning of the word ‘intent’ in the criminal law has always been rather obscure” But it is not obscure in naïve psychology if a person believes that certain actions on his or her part will bring about an outcome, and freely takes those actions, then he or she can be said to intend to bring about the outcome. If the person also knew that the outcome was morally wrong, then he or she intended to bring about an unjustifiable wrong outcome and deserves punishment. A number of studies already reviewed contained conditions that described intentional wrongdoing, and demonstrated that more severe punishments were assigned to the perpetrators of those actions.

As many have noticed, a harm done intentionally does not always demand the punishment that is ordinarily given for that harm (Alicke, 2000; Schlenker, Britt, Pennington, & Murphy, 1994; Shaver, 1985; Snyder, Higgins, & Stuckey, 1983; Weiner, 1995). There is a vast literature on the effects of justifications, excuses, and mitigations for harm-doing on the punishments assigned for that harm. A *justification* serves to render a harmful act as not only not wrong but as morally right, as for instance is the case when a school teacher shoots dead the madman holding her and her children hostage and threatening to kill them. The bank

manager who opens the bank vault to robbers because they threaten to kill the bank tellers unless he does so is excused for his normally wrong action and receives no punishment. *Mitigations* for the wrong done, such as when the wrong was done under provocation, reduce the punishments assigned. In developmental studies (Darley, Klosson, & Zanna, 1978), even very young children recognized standard claims of mitigations and justifications, and accordingly reduced the punishment assignments they gave.

Unintentional and Intentional Harms, Compensation, and Punishment Reactions: A Summary

It will be useful if we organize what we said earlier into a set of more concise statements tracing the thought processes of a person who perceives a harm-doing incident.

The first question is whether the harm is perceived as intentional or unintentional. If the harm is perceived as unintentionally caused, then the next question the perceiver must solve is whether the harm-doer has some responsibility to compensate the victim of the harm. If a harm-doer could not foresee that his actions would have caused harm, and if he exercised the normal standards of care expected of people in our society, then he or she will be judged not responsible for the harm and will not owe compensation for it. However, if the harm-doer could have foreseen the harm of his or her actions, or alternately, if his or her actions fell below the standards of care we expect people to take to avoid harming others, then he or she owes compensation to the victim. The cost of the physical damages primarily determines the amount of compensation required, but compensation for pain, suffering, and psychic disruption suffered by the victim sometimes also influences how much compensation is perceived as necessary.

On the other hand, when harm is perceived as intentionally caused, the observer first considers what punishment is due to the harm-doer. We suggest that the first reaction the observer has is to punish as if the harm was inflicted in a completely unwarranted way. Next, the observer must determine whether there was any justification or excuse for the harm being done (e.g., consider any possible mitigating causes). If any of these conditions exist, then the punishment is eliminated or adjusted downward. (The distinctions among justifications, excuses, and mitigations, and their psychological mechanisms, are discussed in more detail in Darley et al., 1978.) In comparison to unintentional harm, we may note an asymmetry here: the observer to intentional harms will, in addition to determining punishment, also assess compensation against the harm-doer using the same considerations as are used to determine compensation for unintended harms. However, in general, the observer to negligent harm will assign compensation

⁴We should acknowledge a complication here. In our current thinking, punishments are not generally assigned to negligent causation. That assumes that the respondents could assign compensation, but in the Robinson and Darley (1995) study, a compensation option was not provided. Thus, we suggest that the assignment of mild punishment was the only way that these respondents could signal the desire for the assignment of a duty to compensate. In the Pittman, Darley and Robinson (2002) study in which it was possible to assign compensation as well as punishment, compensation was assigned and punishment was generally not assigned, as expected.

but not punishment to the negligent action, although we next discuss a specific complex case in which an unintentional action is sometimes punished.

The Hybrid State of Reckless Causation

The previous section summarizes how perceivers analyze prototypical cases of harms done intentionally and unintentionally. It is tempting to quit the analysis with those clear prototypes, but there is an important intermediate case to analyze. That is, there is one other state of mind customarily distinguished in which a person can cause a bad outcome in a way that psychologically seems intermediate between intentional and negligent causation: A person can act and perhaps cause an accident because his or her action was reckless, which is worse than simply being negligent.

Legal definitions about recklessness differ in different jurisdictions, and psychological reasoning about it also seems confused. Nonetheless, the difference between negligent and reckless conduct does matter to observers. In the Robinson and Darley (1995) study mentioned earlier, actions committed recklessly received considerably more punishment than those committed negligently but less than punishments given to the same actions committed intentionally. In fact, the data patterns suggested that the biggest increment in punishment occurred between negligent and reckless commission. Clearly, naïve observers sometimes react much more extremely to reckless commissions than to careless ones.

The differentiation between negligent and reckless causation has been suggested to rest on two issues. If an actor negligently causes an action, the actor did not consider the risks of the harmful outcome but should have done so. The reckless person, by contrast, is either (a) conscious of the risks he is running but chooses to run them, or (b) runs the risk of causing greater harms than are risked in cases of ordinary negligence, or both. At the moment, we know of no research that disambiguates how ordinary people think about these two factors and combines their effects. The psychological question is what circumstances provoke in ordinary people the desire to punish reckless individuals. This is a topic that calls for further research.

The civil legal system's treatment of recklessness is revealing, involving the concept of punitive damages, and foreshadows our discussion of the reasons underlying the impulse to punish. Punitive damages can be assessed from the perpetrator of a harm expressly to punish him for his poor conduct. As Keeton et al. commented, the concept of gross negligence

far from a proper state of mind that it is *treated in many respects as if it were so intended*. Thus it is held to justify an award of punitive damages." (italics added, 1984, p. 213)

As Keeton et al. (1984, p. 9) also remarked, the harm in instances in which punitive damages are at issue "has the character of outrage frequently associated with crime." The notion of outrage, with its connotations of a moral and emotional reaction, is one to which we will return.

The punitive impulse is a seemingly alien intrusion into the civil justice system that occurs just when we would expect moral outrage reactions to be aroused. Within the civil justice system, these punitive damages are conceived of as serving deterrent purposes (Keeton et al., 1984, p. 9). However, this is not why ordinary people assign punitive damages. As the word "outrage" suggests, people punish for reasons of just deserts.

Of course, punitive damages are extracted as a monetary fine, and not as a prison sentence. However, we suggest that ordinary people think some reckless actions morally require the imposition of society's major sanction of a prison term. We further suggest that this will occur when harm is the result of reckless rather than simply negligent acts, and the dangers courted were severe.

In support of this hypothesis, one study (Karlovac & Darley, 1988, Experiment 4), found that about 50% of perceivers assigned some prison time as well as compensation to the victim when the harm-doer parked a truck on a hill above a children's playground, and took what perceivers saw as too few precautions against the truck rolling downhill. (The truck was described as getting loose, rolling down the hill, but harming only a piece of property.) When only property damage was risked by parking the truck, the few precautions condition triggered only an assignment of compensation and a fine. In another scenario (Pittman & Darley, 2003), in which a person drove recklessly through a school zone at a time of day when children were traveling to school, as the consequences of this reckless act became more severe, so did the desire to impose a jail sentence in addition to punitive damages.

The Spectrum of Events That Trigger the Compensatory or Punitive Blaming Response

So far, we have written as if it were only serious harms that cause observers to engage in blaming analyses. But perhaps the infliction of more ordinary interpersonal harms triggers at least some of the same negative reactions. If we pause to think, we realize that we do not consciously engage in the elaborate blaming analyses we have outlined here in all of the

applies to conduct which is still, at essence, negligent rather than actually intended to do harm, but which is so

instances in which a person commits some untoward act; instead, many reactions are the result of automatic thinking that only sometimes leads to checks on the validity of these more automatic conclusions. Generally, we engage in these analyses only when some reasonably grave damage has been inflicted. Less grave offenses, like harsh words delivered intentionally or failing to pick up your spouse on a cold winter day, are left to more informal, conceptual processes, perhaps followed by interpersonal processes in which blame, compensation, and punishment are negotiated. Two interesting psychological questions arise here. First is the question of what other ordinary events between people also trigger questions of compensation and blame. In an article that is remarkable in its psychological interest (and in the degree to which it has not been noticed within the psychological justice community), Lempert (1972) suggested that the judicial analysis of contract violations is a useful model for ordinary persons thinking about informal commitment violations and the sense of outrage and betrayal they provoke. The second question is about procedural justice. To what degree do the informal sanctioning inquiries between ordinary disputants take on the form of the more elaborate inquiries characteristic of the criminal justice system that lead to justice system-sanctioned punishments and justice system-enforced compensatory actions? This is a question about how the forms and processes of formal inquiry shape more informal processes. Or alternatively, it is an inquiry about to what degree our naïve sense of fair procedures have shaped the practices of the criminal justice system.

The Psychological Nature of the Reaction to Intentional Injustice

It is instructive to ask why people seek to punish wrongdoers. In our research and in writing this review, we may have stumbled toward the answer. The reaction is one of moral outrage leading to a desire to inflict a just deserts punishment on the offender. To explicate our point of view, we first review the evidence suggesting that people assign punishments for intentional transgressions to inflict a just deserts punishment on the offender. Next, we conceptualize the notion of moral outrage that we think motivates the desire for a just deserts punishment.

The Naïve Psychological Motive for Punishment

The literature on the moral philosophical underpinnings of criminal justice offers several reasons why people might seek to punish wrongdoers. First, there is a set of utilitarian or consequentialist reasons

for punishment; for example, that punishment is given to modify future behavior, specifically, to make the commissions of crimes less likely. The most prominent of these, called to our attention by Bentham (1970), is the deterrence of future crimes, both by the punished criminal (specific deterrence) who learns that the pleasure gained from the crime is insufficient to outweigh the pain inflicted by the punishment; and by the general populace who is made aware of the punishments they risk by observing the punishment inflicted on the person convicted of the crime. Lately, the incapacitative perspective has captured our national attention. This pessimistic stance is that we prevent future crime by sending people to prison who are likely to commit future crimes—that is, those who have committed one or more crimes in the past.

The rehabilitationist justification is also a utilitarian perspective, but one that is most socially optimistic and tenuously connected to the ordinary concept of punishment. It attempts to subject criminals to a set of training and attitudinal adjustment procedures that will reeducate them so that they have the resources and motivations to become productive members of society. This was a stance that actually was used to determine sentences in the United States some years ago, and various educational and vocational training programs were put in place in prisons to implement it. The programs were underfunded, and the philosophy of punishment shifted to more harsh treatments, so rehabilitation has largely disappeared from the set of possibilities that can now be considered.

The one non-utilitarian motive for punishment is generated by the desire to give culprits their just deserts for committing crimes. The purpose of punishment is not to alter behavior in the future, but to punish perpetrators for their past behavior. Assigning a just deserts punishment to a crime may produce a sentence that deters many individuals from committing the crime, but this effect is merely a happy byproduct of a just deserts orientation rather than a purpose of it.

This perspective, often called a retributionist stance, is often thought of as a vindictive and retrograde motive for punishment, stemming from the old and barbaric *lex talionis* rule of “an eye for an eye.” However, there are also a number of philosophical justifications of it, many of which are covered in Peter French’s recent book, *The Virtues of Vengeance* (2001). Nozick (1981, pp. 366–370) is particularly effective in differentiating between the possibly morally justifiable infliction of retribution from the less-justifiable infliction of revenge. Elster (1990) examined the set of norms that will govern retaliatory justice in any society.⁵ The psychological underpin-

⁵Actually, Elster (1990) examined the norms governing acts of revenge, but his conditions apply to retribution.

nings of this stance have been articulated by Darley (2002), Hogan and Emler (1981), Vidmar (2001, 2002), and Vidmar and Miller (1980).

If we broaden the scope of our analysis, we realize that the intentional infliction of a wrong injures not just the victim but what might be called the "fabric of society." As Tyler and Boeckmann (1997) pointed out, "when considering the problem of criminal deviance from a societal perspective, people may wish to punish severely in order to symbolically reassert the status of the violated rules." One sees the force of this argument. Many have emphasized the importance of a stable worldview in rendering one's environment predictable and potentially controllable (e.g., Jones & Davis, 1965; Kelley, 1967). Threats to such worldviews are not accepted happily, and indeed the research on control motivation (e.g., Pittman, 1993; Pittman & Pittman, 1980), learned helplessness (e.g., Seligman, 1975), cognitive dissonance (e.g., Festinger, 1957), terror management (e.g., Solomon, Greenberg, & Pyszczynski, 1991), the just world hypothesis (Lerner, 1980), and the Piagetian notion of disequilibrium (Piaget, 1932/1965b) all point to the investment individuals have in their personal stable interpretations of their world and to the costs of shaking the foundations of those interpretations (see Pittman, 1998, for a more comprehensive review).

Societal norms and worldviews are typically absorbed early in development, tend to be subjectively accepted as reality rather than simply one of many cultural worldviews, and are likely to be fundamental aspects of a person's way of comprehending reality. They are thus likely to be defended with real vigor when threatened, and this reaction must be a large part of the underpinnings of the motivation to give an offender his or her just deserts. Furthermore, criminal violations of social norms constitute a rather direct threat to an individual's well-being, to the extent that the possibility of being the victim of such transgressions seems more possible and arouses personal fear and anxiety. An illustration of the important role of culturally accepted values and attitudes under duress is provided in a study on the effects of mortality salience on reactions to deviations from accepted cultural norms. Rosenblatt, Greenberg, Solomon, Pyszczynski, et al. (1989) showed that following a reminder of mortality, their participants reacted more negatively to a transgression of societal norms and conversely more positively to behavior reinforcing such norms. In other words, when under threat, people revert to the norms of their culture and enforce them more strongly. A recent study by Oswald, Hupfeld, Klug, and Gabriel (2002) found additional support for the role of societal threat in affecting punishments. In a multidimensional scaling of a large-scale survey, perceived societal threat grouped

closely with the desire to punish and the desire to socially exclude the offender.⁶

There are several other converging lines of evidence which suggest that it is the just deserts impulse that motivates the assignment of punishment, at least by citizens of our culture. The first line of evidence comes from many studies (e.g., Klein, Newman, Weis, & Bobner, 1982) that demonstrate a high correlation between the ratings people give of the comparative "seriousness" of various categories of crimes, such as murder or theft, and the length of prison sentences that the raters later assign to persons who commit instances of those crimes. In addition, there is a good deal of consensus among citizens about the comparative seriousness of crimes. Pontell, Granite, Keenan, and Geis (1985) demonstrated that police chiefs' ratings of crime seriousness show considerable consensus among chiefs, and with ratings taken from citizens. Velez Diaz and Megargee (1970) showed that young criminal offenders rate the comparative seriousness of categories of crimes in ways very similar to the ratings of ordinary citizens.

Seriousness, we suggest, measures the moral weight of the transgression named in the crime, and the generally high correlation found between the moral offensiveness of the crime and the sentence it receives suggests that a just deserts perspective drives sentencing. For instance, Blum West (1985) found that the determinants of the perceived seriousness of an offense are not solely a function of the severity of the harms done or of the economic losses that the harm caused, but also of the judgments concerning the wrongfulness of the motive for the crime and the criminal's intent. Rossi, Simpson, and Miller (1985) reported a similar finding, in that the relation between perceived crime seriousness and the desired sanctions was modified by, among other things, characteristics of the offender. A number of other studies have similar findings (Darley, Carlsmith, & Robinson, 2000; Finkel, Hurabiell, Hughes, Crystal, & Watanabe, 1993; Harlow, Darley, & Robinson, 1995; Pontell, Granite, Keenan, & Geis, 1985; Robinson & Darley, 1995; Rossi, Berk, & Campbell, 1997; Rossi, Waite, Bose, & Berk, 1974; Sanderson, Zanna, & Darley, 2000). Warr, Meier, and Erickson (1983, p. 75) suggested that it is the seriousness of offenses rather than their frequency that is the criterion used to determine preferred punishments, and commented that their re-

⁶When the impulse to punish an offender of social norms is thwarted in some fashion, the impulse to return to an orderly worldview may be satisfied by turning on the victim. As the victim is derogated, the world is again seen as an orderly place in which people get what they deserve (Lerner, 1980). It can be seen, then, that derogation of the victim also stems from the desire to mete out "just deserts."

sults “cast doubts on recent claims that publicly preferred punishments are based on utilitarian motives.”

Using some recently developed experimental methods, we sought to provide further support for the conclusion that just deserts concerns motivated sentence assignments (Jacoby, Jaccard, Kuss, Troutman, & Mazursky, 1987). The first set of experiments used a “policy capturing” approach, in which the researchers created variations in vignettes about crimes, and asked people to assign the appropriate length of sentence to each offender about whom they read. Variations in the story that were relevant to a just deserts or incapacitative perspective could therefore be examined for their effect on sentencing. In one study (Darley et al., 2000), just deserts motives were pitted against incapacitative motives and in a second (Carlsmith, Darley, & Robinson, 2002), against deterrence motives. In both studies, the results supported the just deserts motive for sentencing goals.

A third study (Carlsmith, 2001) used the process tracing methods of Jacoby et al. (1987). Participants serially acquired information that they wished to see to determine what they thought was the appropriate punishment for a criminal incident. For instance, if they chose to acquire information about the embezzler’s motive, they learned that the embezzlement was done to get funds to continue to lead a dissolute life. After they acquired each item of new information, participants rated their tentative sentence and their confidence in the correctness of that sentence. Carlsmith found that people tended to first seek out information about just deserts and then to later seek out incapacitative information. Information about deterrence, however, was rarely examined. Sequential judgments of confidence were also affected more by the just deserts information, and less so by the incapacitation information, even correcting for order effects.

These results, although they require confirmation on other respondent populations, suggest that people, at least in our culture, are motivated by just deserts concerns when they assign penalties for crimes. Other cultures may place different emphases on other motives. According to Hamilton and Sanders (1988, p. 183), “Americans were more favorably disposed than Japanese to retribution, incapacitation and general deterrence, while Japanese were more favorably disposed to specific deterrence, rehabilitation, and restitution.” Lueng and Morris (2001) pointed out that this may be a general difference found between collectivistic and individualistic cultures, which may in turn be a difference in social-attribitional tendencies. Individualistic cultures image an autonomous, agentic individual, and if an individual offends, see his internal traits and intentions as the cause of the offense. As Na and Loftus (1998) demonstrated, Korean law experts and college

students attributed criminal behaviors more to situational pressures or social forces than did Americans. Not surprisingly, therefore, they would put more reliance on sanctions that had some promise for reintegrating the individual into the group. However, Carroll, Perkowitz, Lurigio, and Weaver (1987) pointed out that within our culture, different individuals may take different stances toward the causes of crime. Those that hold a more conservative stance feel that crime is largely a product of forces within the criminal individual, whereas liberals see crime as the result of social and institutional forces. As this suggests, within-culture variation in responses to harm and crime are likely to be as important to consider as cross-cultural variation in these reactions.

Moral Outrage as the Producer of Just Deserts Sentiments

In previous research, we originally used a question on the degree of “moral outrage” that the witness to an injustice was feeling as a check on the intensity of the witness’s reaction to various transgressions. We found first that this measure correlated quite well with the severity of the punishment the respondent assigned to the transgressor, and second, that partial correlation techniques demonstrated that moral outrage was a major mediator between, for instance, perceptions of the specifics of the crime (such as the motive for which it was done or the intensity of the harm the harm-doer intended to do), and the eventual sentence. This caused us to think further about the concept of moral outrage, its connections to just deserts reactions to transgressions, and its psychological basis. We first summarize what we have said about compensatory and punitive justice reactions. Then, and rather tentatively, we advance some further thoughts about the centrality of the moral outrage reaction.

Summary—A Model of Compensatory and Punitive Justice Reactions

Figure 1 depicts our argument thus far. Depending on the perceiver’s judgment about a perpetrator’s state of mind, different moral reactions are generated (high moral outrage in the case of intentional harm, low moral outrage in the case of negligence, and no moral outrage in the case of a pure accident). As we have argued, reckless conduct falls somewhere in between intentional and negligent states of mind, but we have not represented that path in the model for the sake of clarity and simplicity. High moral outrage, coupled with a focus on the perpetrator, leads to retributive impulses and to a desire to punish. Low moral outrage, with a focus on the victim, leads to restorative impulses and to the imposition of compensation in the case of negligence.

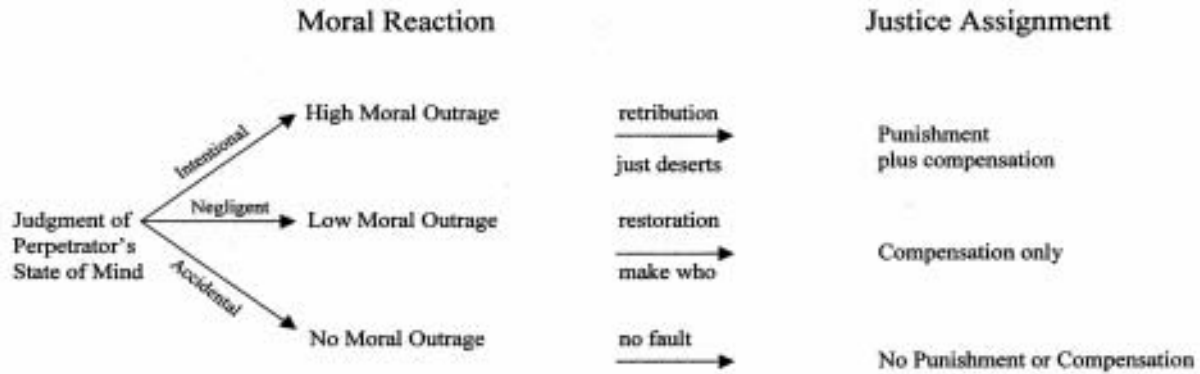


Figure 1. Justice assignment following a case of harm-doing as a function of perpetrator’s judged state of mind, perceiver’s moral reactions, and perceiver’s retributive or restorative impulses.

An Extension—Compensation and Retribution in Social Dilemmas

In this issue, Schroeder and his colleagues (Schroeder, Steel, Woodell, & Bembenek, this issue) make a convincing case for the analytic utility of justice conceptualizations in understanding behavior in social dilemmas. Interestingly, they find they need the concepts of compensation for harms and punishment for intentional rule-violating harms to complete their justice-based analysis. We would conceptualize the situation as follows. If the participants in a social dilemma have not come to explicit understandings about the rules of the game, then a defecting action by one player may trigger only rule-setting behavior for future trials. (This might well take the form of an “educational discussion,” about what all stand to lose if defections become common.) On our terms, the other players are accepting the claim that the defector did not understand or perhaps did not intend to inflict disproportionate loss on the other players. But once the trial results are in and the defector sees that (we assume) the majority sought cooperation, the defector should be able to realize the undue advantage he has gained. At that point, a spontaneous offer of compensation made by the defector can be a very wise move, in that it signals that he made an inadvertent mistake and now recognizes it. This should avoid the negative attributions that the others would make about a deliberate defection. The reason that defectors would want to avoid those attributions is that the “psycho logic” of justice is such that deliberate defections require retributive punishment, and the other group members, if the structure of the dilemma permits them to do so, are eager to administer that punishment because they are very angry.

Anger aside, there are rational reasons for retribution. As Schroeder’s group (this issue) comments, “retribution serves as a vital group maintenance function, reasserting the integrity of the group and the values that it holds” (p. 383). Non-incidentally, it also reminds all that the rule set, particularly if it was previously made

explicit and agreed on, must not be violated. However, they also remind us that there is “a retribution-driven escalatory danger” in situations such as social dilemmas, in which there is often not an agreed-on sanctioning system at least initially in place. This is so because the anger of those transgressed against, and the certainty with which they hold the perception that the offender did it deliberately, may cause them to retaliate so severely that the transgressor then feels the punishment was excessive, causing him or her to retaliate in turn when he or she has the next opportunity to do so. Those of us who run classroom exercises involving the prisoner’s dilemma know we can count on this dynamic occurring in a good many of the teams.

Next, we turn to a consideration of the nature of moral outrage. What specific emotions might be implicated in the moral outrage reaction?

Moral Emotions

As the word “outrage” suggests, we think that there is an emotional component to the reaction to wrongdoing. Some have suggested the same idea and developed theories that enable us to be more precise about what emotions are at issue. For instance, Rozin, Lowery, Imada, and Haidt (1999) have advanced the “CAD hypothesis” suggesting that across cultures, three emotions—contempt, anger, and disgust—become “moralized” during development and become the emotions that form the emotional components of moral reactions. Rozin et al. further adopted Shweder’s suggestion that each of these emotions is uniquely tied to violations in a particular sphere of human actions that are regarded as moral transgressions if one observes moral discourse cross-culturally (Shweder, Mahapatra, & Miller, 1987; Shweder, Much, Mahapatra, & Park, 1997). Specifically, the moral emotions are contempt, anger, and disgust (thus CAD). Anger, they suggest, is associated with violations of a person’s autonomy. These autonomy violations, in which another individual’s person or

property is harmed, trigger an angry emotional reaction that is specifically moral in tone. This moral anger reaction is probably closest to the one we indexed when we asked respondents about the degree of moral outrage that they felt in response to reports of transgressions.

A second moral emotion in their system is disgust, which has an interesting role in our culture. "Sociomoral disgust is triggered by a variety of situations in which people behave without dignity or strip others of their dignity" (Rozin et al., 1999, p. 576). Racist actions and child abuse frequently provoke disgust reactions among Americans, although a wider range of violations of purity and divinity provoke disgust in other cultures.

The third moral emotion is contempt, generated toward those we regard as lower in the social hierarchy. This is the sort of emotion that racists feel for the targets of their prejudice. It might be termed a moral reaction of one who is high on the social dominance scale, and feels that an assertion of social dominance is appropriate (Sidani & Pratto, 1999).

Anthropologists, particularly the psychologically minded anthropologist Rick Shweder (Shweder et al., 1987), have suggested that our culture's equation of moral wrong solely with the act of harm-doing to another individual is a product of a culture that has the image of the individual as an autonomous, independently functioning, agentic individual, whose actions should not be limited unless they damage the well-being of others. Certainly this is the image that, for instance, arises from Mill's (1993) discussions on liberty and morality. We are, in other words, a culture in which we would expect anger to be the most frequent response to things we regard as moral violations because those violations are ones in which other people's autonomy of action has been violated by harms to their person or property.⁷

Research Implications of the Moral Emotion Analysis

Researchers may be right or wrong in their specifications of the emotions that are the ones that become part of the moral judgmental system, or even about whether emotions are part of the moral judgmental process. Still, a number of interesting hypotheses arise from combining the work on moral emotions with work on retributive justice.

⁷Briefly, two other clusters of emotions have morally relevant properties in the Rozin et al. (1999) system. Shame, embarrassment, and guilt "involve ongoing assessments of the moral worth and fit of the individual self within the community. They are internalizations of the social order within the individual" (p. 574-575). Thus, these would be the emotions a person might feel when he or she has transgressed against others in the social system. Other emotions seem to pick up on the suffering of others, are labeled other-suffering emotions, and may motivate acts of positive justice toward those individuals.

First, in all cultures, it is those violations arousing moral emotions that trigger the retributive reaction, rather than violations that produce nonmoral emotions or no emotions at all. Violations that trigger moral emotions are those that threaten or undermine the person's fundamental worldview in ways that require a strong retributive response. The arousal of nonmoral emotions may be triggered by other sorts of violations and may produce negative reactions to the person arousing the emotion, but not retributive ones. What those reactions are, and what sorts of violations produce them, remain to be specified (and it would be an interesting task to do so), but they do not provide the license to inflict punishment on or require compensation from the other.

Second, different cultures may weight the three moral emotions differently. For instance, we would predict that our culture generates retributive reactions largely to autonomy violations and there is evidence that this is so. "The divinity code is so foreign to the moral system used by educated Americans that most of these participants assigned what we took to be such violations (ones generating disgust) to the non-moral category" (Haidt, Koller, & Dias, 1993).

Recently, Tetlock has been elaborating a related notion of sacred values, values that create categories and events that should not be traded off for more secular commodities and benefits. Adding certain specific concepts from his general thinking (Tetlock, Kristel, Elson, Green, & Lerner, 2000) about people's reactions to what he calls *taboo trade-offs* and *forbidden base rates* to the present discussion generates some further questions for research. Is it the case that a person who seriously proposes a taboo trade-off is seen to have violated a fundamental social truth in a way that provokes one of the moral emotions and generates a retributive response? If a rich person offers to buy a kidney from your daughter to implant in her daughter, is she transgressing sacred values in ways that trigger the moral emotional reactions that arise when right-thinking people feel it appropriate to mete out punishment? Accessing a forbidden base rate may also generate moral-emotional reactions and punitive desires. If the use of racial statistics for profiling to determine whom to stop and frisk for drugs or weapons offends many of us, is it because it violates some fundamental value in a way that arouses emotional reactions of anger, or contempt, or disgust in us directed toward the profiling individual?

One theoretically "clean" pattern would arise if it were the intentional wrongdoing actions that generated strong moral-emotional reactions of all three sorts, because we have demonstrated that it is those actions that bring forth in respondents the assignment of retributive punishment in response. This hypothesis holds that the hostility triad (anger, contempt and disgust) is uniquely associated with the retributive reaction to intentional wrongs. The unintentional case of negligently not foreseeing a harm that one's actions caused

does not generate the moral emotions, and the in-between case of reckless action generates moral emotions of a lower intensity than the intentional ones, along with the occasional assignment of a retributive punishment over and above the compensatory one that is usually invoked. Alternately, a differential moral-emotional cueing system is possible; in it, intentional wrongdoing might invoke anger, strongly connected with the retributive impulse resulting from violation of the norm of personal autonomy. Negligently causing accidents may cause the negligent individual to be regarded with contempt, an emotion "often felt by members of one group for the members of other groups regarded as inferior" (Rozin et al., 1999, p. 575). It would then be the emotion of contempt that is associated with the judgment that the harm-doer must compensate those who were negligently harmed. Cultural variants are possible; for instance, in a culture that recognizes violations of purity and divinity as moral offenses, these offenses might generate retribution and the purity-violation-marking emotion of disgust.

The previous discussion suggests that a strong concomitant of the desire to retributively punish an intentional transgressor is the moral emotion(s) that the transgression provokes. The suggestion that emotion is involved in moral reactions is not novel, but it is in detail certainly rather new. The contrast suggestion, of course, is that moral reactions are cognitive in nature, a stance that is characteristic of much of Piaget's (1965a, 1932/1965b) work and certainly of Kohlberg's (1969) thinking. Lately, however, scholars are asserting the basic role of emotions in moral judgmental processes (Kagan & Lamb, 1987, Shweder & Haidt, 1993). As Rozin et al. pointed out "cross-cultural work has begun to demonstrate the cognitive-developmental theories work less well outside of Western middle-class populations and that emotional reactions are often the best predictors of moral judgments" (1999, p. 574; they cited Haidt, Kollar, & Dias, 1993, and Shweder et al., 1987, to support this conclusion.)

The exact nature of the causal connections among motivational, cognitive, and emotional reactions to harm-doing remains to be explored. For example, emotional reactions may be a by-product of moral violations, or they may play a central causal role in the determination of retributive responses. There are some initial indications that the retributive impulse gets some of its energy from emotional reactions. First, Goldberg, Lerner, and Tetlock (2000) have conducted several studies which demonstrate that there may be a carryover of anger that is not resolved (because one harm-doer escapes punishment) to a second offender in a second story who then draws a more severe sentence. This is reminiscent of the "excitation transfer effect" studies of Zillman, Katcher, and Milavsky (1972) who demonstrated that emotional arousal could persist and "leak" into the intensity of emotions felt in later situa-

tions, or of studies of the misattribution of arousal, in which reactions such as attitude change following dissonance induction were magnified or short-circuited by the interpretations placed on accompanying arousal states (e.g., Pittman, 1975; Zanna & Cooper, 1974). There may also, of course, be more complex and primarily cognitive explanations for the Tetlock et al. result, but it does fit well with a hypothesis that holds that the magnitude of the retributive response is to some extent tied to the level of moral-emotional arousal provoked by the transgression.

Finally, some recent neural imaging research supports the broad claim that emotional reactions, as well as cognitive ones, are involved in moral judgments. In one study (Greene, Somerville, Nystrom, Darley, & Cohen, 2001), respondents chose between two alternate responses to various dichotomous decision tasks they were given. Some of the decisions were of the sort the authors called "personal moral" decisions: whether for instance to push a specifically imagined other person off a bridge to block the path of a runaway trolley car that would otherwise strike and kill five people, or to smother a crying baby whose cries might give away the location of a whole group hiding from those who sought to find and kill them. During the contemplation of this set of problems, many brain areas were subject to functional magnetic resonance imaging to determine which of them were differentially active. The results clearly indicated that the areas found to be differentially active in the moral-personal condition were first, reasoning areas, and second, ones that recent functional imaging studies have found to be associated with emotion.⁸

There are a number of ways of describing the interaction of cognition and emotion that we are suggesting is involved in moral judgments of the sort described here. One accords generally with a number of statements of the emotional appraisal perspective. Various complex stimuli require quite elaborate cognitive appraisal. For instance, what counts as a threatening gesture differs considerably among cultures, as does what counts as a demeaning or a provoking remark. Obviously to "decode" the meaning of these remarks is a complex task which involves considerable cognitive work. (This is not to deny that this work, on the part of the normally socialized individual in a culture, proceeds in ways that are well practiced and mostly automatic.) However, such gestures or remarks are also experienced as instantly generating various emotions and the generally auto-

⁸To complete the story, nonmoral scenarios were ones involving the solution of problems rather like arithmetic ones. The "moral-nonpersonal" problems were ones that people would tend to say involved moral issues (in fact, they are ones that philosophers have tended to regard as revealing people's moral thinking), but did not seem to the researchers to have the "involvement" of problems we would say were prototypic moral ones. In the research they tended to have the brain signature of the nonmoral scenarios.

matic recruitment of a ready set of responses. The neuroscientist Damasio (1994) talked about the arousal of certain emotions as ones that carry motivational signal value about states of affairs to seek out, or avoid, or perhaps to condemn, and this seems to be a perspective that is compatible with what we are suggesting about the role of emotions in moral judgments. Obviously, a great deal of research is needed to sort all of this out, and it may be prudent to consider whole patterns of reactions rather than to single out one particular aspect of the complex reactions to moral violations. In the end, it may be a bad idea to make too definite a separation between “cognition” and “motivation and emotion.”

References

- Alicke, M. D. (2000). Culpable control and the psychology of blame. *Psychological Bulletin*, *126*, 556–574.
- Bentham, J. (1970). *An introduction to the principles of morals and legislation*. London: The Athone Press. (Original work published 1789)
- Blum West, S. R. (1985). The seriousness of crime: A study of popular morality. *Deviant Behavior*, *6*, 83–98.
- Carlsmith, K. M. (2001). Why do we punish? Retribution, deterrence, and incapacitation as motives for punishment. *Dissertation Abstracts International*, *62*, 3B. (University Microfilms No. 1640)
- Carlsmith, K. M., Darley, J. M., & Robinson, P. H. (2002). Why do we punish? Deterrence and just deserts as motives for punishment. *Journal of Personality and Social Psychology*, *83*, 1–16.
- Carroll, J. S., Perrowitz, W. T., Lurigo, A. J., & Weaver, F. M. (1987). Sentencing goals, causal attributions, ideology, and personality. *Journal of Personality and Social Psychology*, *52*, 107–118.
- Damasio, A. R. (1994). *Descartes' error: Emotion, reason, and the human brain*. New York: Putnam.
- Darley, J. (2002). Just punishments: Research on retributive justice. In M. Ross & D. T. Miller (Eds.), *The justice motive in everyday life* (pp. 314–333). New York: Cambridge University Press.
- Darley, J. M. (2001). Citizens' sense of justice and the legal system. *Current Directions in Psychological Science*, *10*, 10–13.
- Darley, J. M., Carlsmith, K. M., & Robinson, P. H. (2000). Incapacitation and just deserts as motives for punishment. *Law and Human Behavior*, *24*, 659–683.
- Darley, J. M., Klosson, E. C., & Zanna, M. P. (1978). Intentions and their contexts in the moral judgements of children and adults. *Child Development*, *49*, 66–74.
- Elster, J. (1990). Norms of revenge. *Ethics*, *100*, 862–885.
- Enzle, M. E., & Hawkins, W. L. (1992). A priori actor negligence mediates a posteriori outcome effects on moral judgment. *Journal of Experimental Social Psychology*, *28*, 169–185.
- Festinger, L. (1957). *A theory of cognitive dissonance*. Evanston, IL: Row, Peterson.
- Finkel, N. J., Hurabiell, M. L., Hughes, K. C., Crystal, D. S., & Watanabe, H. (1993). Commonsense justice: Jurors' notions of the law. *Law and Human Behavior*, *17*, 487–506.
- French, P. (2001). *The virtues of vengeance*. Lawrence: University of Kansas Press.
- Goldberg, J. H., Lerner, J. S., & Tetlock, P. E. (1999). Rage and reason: The psychology of the intuitive prosecutor. *European Journal of Social Psychology*, *29*, 781–795.
- Greene, J. D., Somerville, R. B., Nystrom, L. E., Darley, J. M., & Cohen, J. D. (2001). An fMRI investigation of emotional engagement in moral judgment. *Science*, *293*, 2105–2108.
- Haidt, J., Koller, S. H., & Dias, M. G. (1993). Affect, culture and morality, or is it wrong to eat your dog? *Journal of Personality and Social Psychology*, *65*, 613–628.
- Hamilton, V. L., & Sanders, J. (1988). Punishment and the individual in the United States and Japan. *Law and Society Review*, *22*, 301–328.
- Harlow, R. E., Darley, J. M., & Robinson, P. H. (1995). The severity of intermediate penal sanctions: A psychophysical scaling approach for obtaining community perceptions. *Journal of Quantitative Criminology*, *11*, 71–95.
- Hogan, R., & Emler, N. P. (1981). Retributive justice. In S. C. Lerner (Ed.), *The justice motive in social behavior: Adapting to times of scarcity and change* (pp. 125–143). New York: Plenum.
- Jacoby, J., Jaccard, J., Kuss, A., Troutman, T., & Mazursky, D. (1987). New directions in behavioral process research: Implications for social psychology. *Journal of Experimental Social Psychology*, *23*, 146–175.
- Jones, E. E., & Davis, K. E. (1965). From acts to dispositions: The attribution process in person perception. In L. Berkowitz (Ed.), *Advances in experimental social psychology* (Vol. 2, pp. 220–266). New York: Academic.
- Kagan, J., & Lamb, S. (1987). *The emergence of morality in young children*. Chicago: University of Chicago Press.
- Karlovac, M., & Darley, J. M. (1988). Attribution of responsibility for accidents: A negligence law analogy. *Social Cognition*, *4*, 287–318.
- Keeton, W., Dobbs, D., Keeton, R., & Owen, D. (1984). *Prosser and Keeton on the Law of Torts* (5th ed.). St. Paul, MN: West.
- Kelley, H. H. (1967). Attribution theory in social psychology. In D. Levine (Ed.), *Nebraska symposium on motivation* (Vol. 15, pp. 192–238). Lincoln: University of Nebraska Press.
- Klein, R. J., Newman, I., Weis, D. M., & Bobner, R. F. (1982). The Continuum of Criminal Offenses instrument: Further development and modification of Sellin and Wolfgang's original criminal index. *Journal of Offender Counseling, Services and Rehabilitation*, *7*, 33–53.
- LaFave, W. (2000). *Criminal law* (3rd ed.). St. Paul, MN: West.
- Lempert, R. (1972). Norm-making: A contract law model. *Law and Society Review*, *7*, 1–32.
- Lerner, M. J. (1980). *The belief in a just world: A fundamental delusion*. New York: Plenum.
- Lueng, K., & Morris, M. (2001). Justice through the lens of culture and ethnicity. In J. Sanders & V. Hamilton (Eds.), *Handbook of justice research in law* (pp. 343–378). New York: Kluwer.
- Mill, J. S. (1993). *On liberty and utilitarianism*. New York: Bantam.
- Na, E. Y., & Loftus, E. F. (1998). Attitudes toward law and prisoner, conservative authoritarianisms, attribution, and internal-external locus of control: Korean and American law students and undergraduates. *Journal of Cross-Cultural Psychology*, *29*, 595–615.
- Nozick, R. (1981). *Philosophical explanations*. Cambridge, MA: Harvard University Press.
- Oswald, M. E., Hupfeld, J., Klug, S. C., & Gabriel, U. (2002). Lay perspective on criminal deviance, goals of punishment, and punitivity. *Social Justice Research*, *15*, 85–98.
- Piaget, J. (1965a). *The child's conception of the world*. Paterson, NJ: Littlefield, Adams.
- Piaget, J. (1965b). *The moral judgment of the child* (M. Gabain, Trans.). New York: Free Press. (Original work published 1932)
- Pittman, T. S. (1975). Attribution of arousal as a mediator in dissonance reduction. *Journal of Experimental Social Psychology*, *11*, 53–63.
- Pittman, T. S. (1993). Control motivation and attitude change. In G. Weary, F. Gleicher, & K. Marsh (Eds.), *Control motivation and social cognition* (pp. 157–175). New York: Springer-Verlag.
- Pittman, T. S. (1998). Motivation. In D. Gilbert, S. Fiske, & G. Lindsay (Eds.), *Handbook of social psychology* (4th ed., pp. 549–590). Boston: McGraw-Hill.

- Pittman, T. S., & Darley, J. M. (2003). *Intent, recklessness, negligence, and punishment: The role of state of mind in the assessment of restorative and retributive justice*. Unpublished manuscript, Princeton University, New Jersey.
- Pittman, T. S., Darley, J. M., & Robinson, P. H. (2003). *The effect of the timing and nature of expressions of remorse on sentencing judgments: Timing and sincerity matter, victim forgiveness does not*. Unpublished manuscript, Princeton University, New Jersey.
- Pittman, T. S., & Pittman, N. L. (1980). Deprivation of control and the attribution process. *Journal of Personality and Social Psychology, 39*, 377–389.
- Pontell, H. N., Granite, D., Keenan, C., & Geis, G. (1985). Seriousness of crimes: A survey of the nation's chiefs of police. *Journal of Criminal Justice, 13*, 1–13.
- Robinson, P. H., & Darley, J. M. (1995). *Justice, liability, and blame: Community views and the criminal law*. Boulder, CO: Westview.
- Rosenblatt, A., Greenberg, J., Solomon, S., Pyszynski, T., et al. (1989). Evidence for terror management theory: I. The effects of morality salience on reactions to those who violate or uphold cultural values. *Journal of Personality and Social Psychology, 57*, 681–690.
- Rossi, P. H., Berk, R. A., & Campbell, A. (1997). Just punishments: Guideline sentences and normative consensus. *Journal of Quantitative Criminology, 13*, 267–290.
- Rossi, P. H., Simpson, J. E., & Miller, J. L. (1985). Beyond crime seriousness: Fitting the punishment to the crime. *Journal of Quantitative Criminology, 1*, 59–90.
- Rossi, P. H., Waite, E., Bose, C. E., & Berk, R. E. (1974). The seriousness of crimes: Normative structure and individual differences. *American Sociological Review, 39*, 224–237.
- Rozin, P., Lowery, L., Imada, S., & Haidt, J. (1999). The CAD Triad Hypothesis: A mapping between three moral emotions (contempt, anger, disgust) and three moral codes (community, autonomy, divinity). *Journal of Personality and Social Psychology, 76*, 574–586.
- Sanderson, C. A., Zanna, A. S., & Darley, J. M. (2000). Making the punishment fit the crime and the criminal: Attributions of dangerousness as a mediator of liability. *Journal of Applied Social Psychology, 30*, 1137–1159.
- Schlenker, B. R., Britt, T. W., Pennington, J., & Murphy, R. (1994). The triangle model of responsibility. *Psychological Review, 101*, 632–652.
- Schroeder, D. A., Steel, J. E., Woodell, A. J., & Bembenek, A. F. (2003). Justice within social dilemmas. *Personality and Social Psychology Review, 7*, 374–387.
- Seligman, M. E. P. (1975). *Helplessness: On depression, development, and death*. San Francisco: Freeman.
- Shaver, K. (1985). *The attribution of blame: Causality, responsibility, and blameworthiness*. New York: Springer-Verlag.
- Shweder, R., & Haidt, J. (1993). The future of moral psychology. Truth, intuition, and the pluralist way. *Psychological Science, 4*, 360–365.
- Shweder, R. A., Mahapatra, M., & Miller, J. (1987). Culture and moral development. In J. Kagan & S. Lamb (Eds.), *The emergence of morality in young children* (pp. 1–83). Chicago: University of Chicago Press.
- Shweder, R. A., Much, N. C., Mahapatra, M., & Park, L. (1997). The “big three” of morality (autonomy, community, divinity) and the “big three” explanations of suffering. In A. Brandt & P. Rozin (Eds.), *Morality and health* (pp. 119–169). New York: Routledge.
- Sidani, J., & Pratto, F. (1999). *Social dominance*. New York: Cambridge University Press.
- Snyder, C. R., Higgins, R. L., & Stuckey, R. J. (1983). *Excuses: Masquerades in search of grace*. New York: Wiley.
- Soloman, S., Greenberg, J., & Pyszczynski, T. (1991). A terror management theory of social behavior: The psychological functions of self-esteem and cultural worldviews. In M. Zanna (Ed.), *Advances in experimental social psychology* (Vol. 24, pp. 93–159). New York: Academic.
- Tetlock, P. E., Kristel, O. V., Elson, S. B., Green, M. C., & Lerner, J. S. (2000). The psychology of the unthinkable: Taboo trade-offs, forbidden base rates, and heretical counterfactuals. *Journal of Personality and Social Psychology, 78*, 853–870.
- Tyler, T. R., & Boeckmann, R. (1997). Three strikes and you are out, but why? *Law and Society Review, 3*, 237–265.
- Velez Diaz, A., & Megargee, E. I. (1970). An investigation of differences in value judgments between youthful offenders and nonoffenders in Puerto Rico. *Journal of Criminal Law, Criminology and Police Science, 61*, 549–553.
- Vidmar, N. (2001). Retribution and revenge. In V. L. Hamilton (Ed.), *Handbook of justice research in law* (pp. 31–63). New Haven, CT: Yale University Press.
- Vidmar, N. (2002). Retributive justice: Its social context. In M. Ross & D. T. Miller (Eds.), *The justice motive in everyday life* (pp. 291–313). New York: Cambridge University Press.
- Vidmar, N., & Miller, D. T. (1980). Social-psychological processes underlying attitudes toward legal punishment. *Law & Society Review, 14*, 565–602.
- Warr, M., Meier, R. F., & Erickson, M. L. (1983). Norms, theories of punishment, and publicly preferred penalties for crimes. *Sociological Quarterly, 24*, 75–91.
- Weiner, B. (1995). *Judgements of responsibility: A foundation for a theory of social conduct*. New York: Guilford.
- Zanna, M., & Cooper, J. (1974). Dissonance and the pill: An attribution approach to studying the arousal properties of dissonance. *Journal of Personality and Social Psychology, 29*, 703–709.
- Zillman, D., Katcher, A. H., & Milavsky, B. (1972). Excitation transfer from physical exercise to subsequent aggressive behavior. *Journal of Experimental Social Psychology, 8*, 247–259.