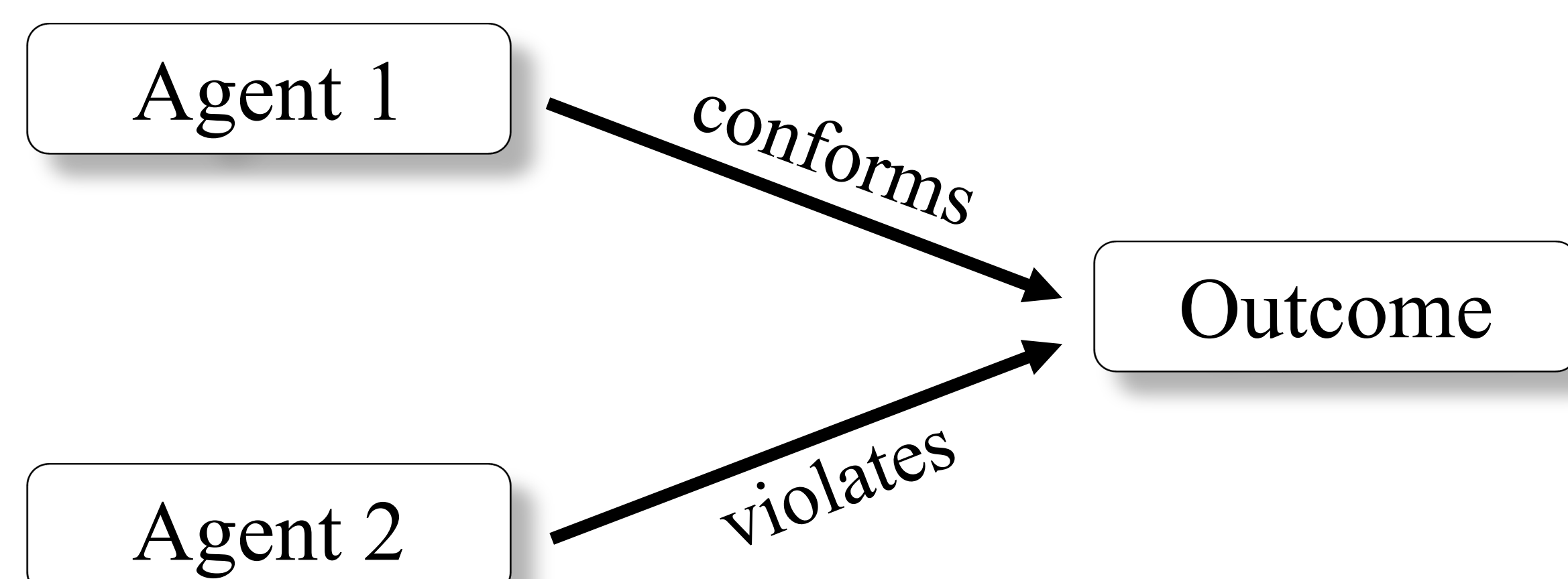




CENTRAL QUESTIONS

What does it mean to “cause” something? What are the mechanisms of our causal cognition? Why does it matter?

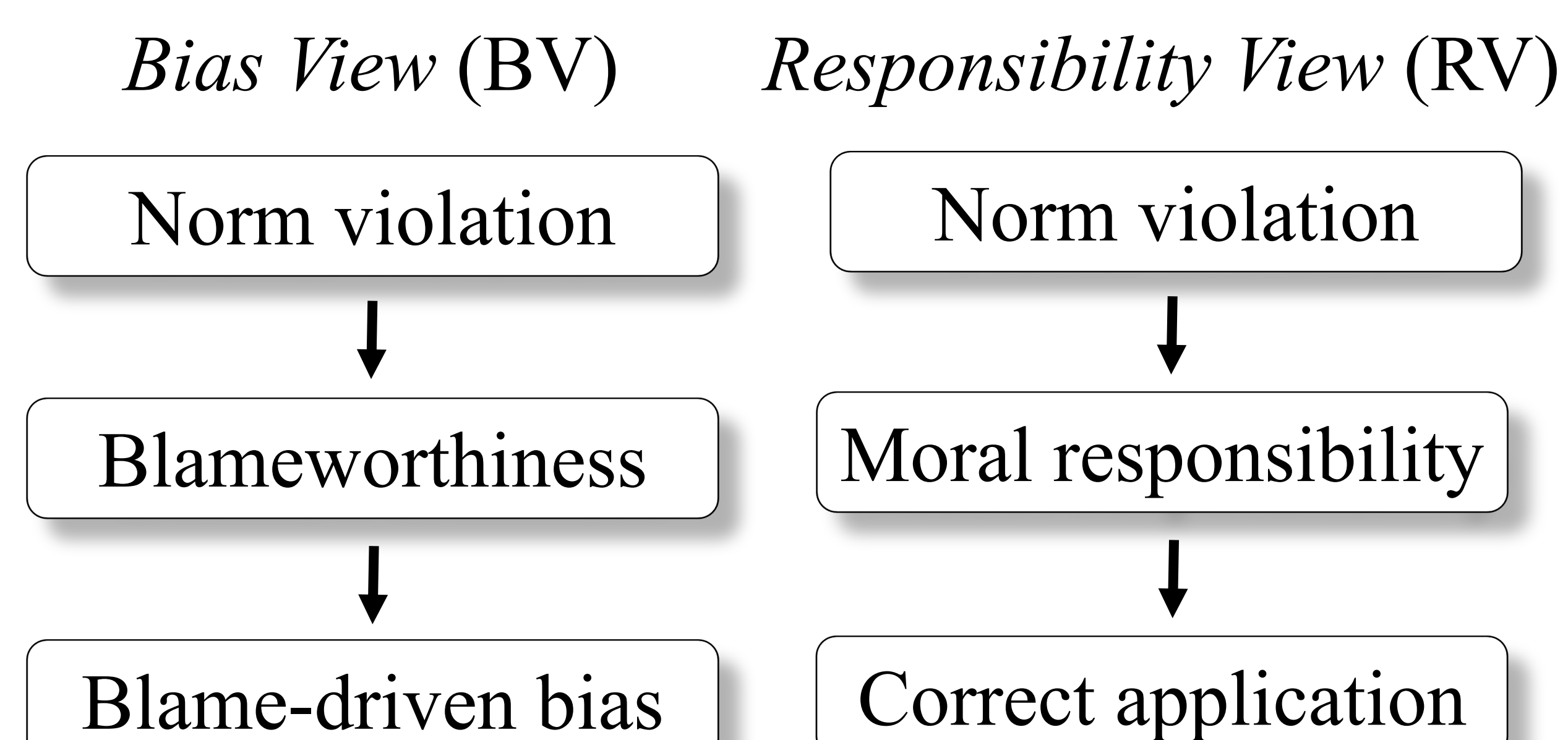
THE NORM EFFECT



The norm-violating agent is deemed *the* cause of the outcome.

But: Is causation not a descriptive notion? How come injunctive (i.e., prescriptive or evaluative) norms play a role?

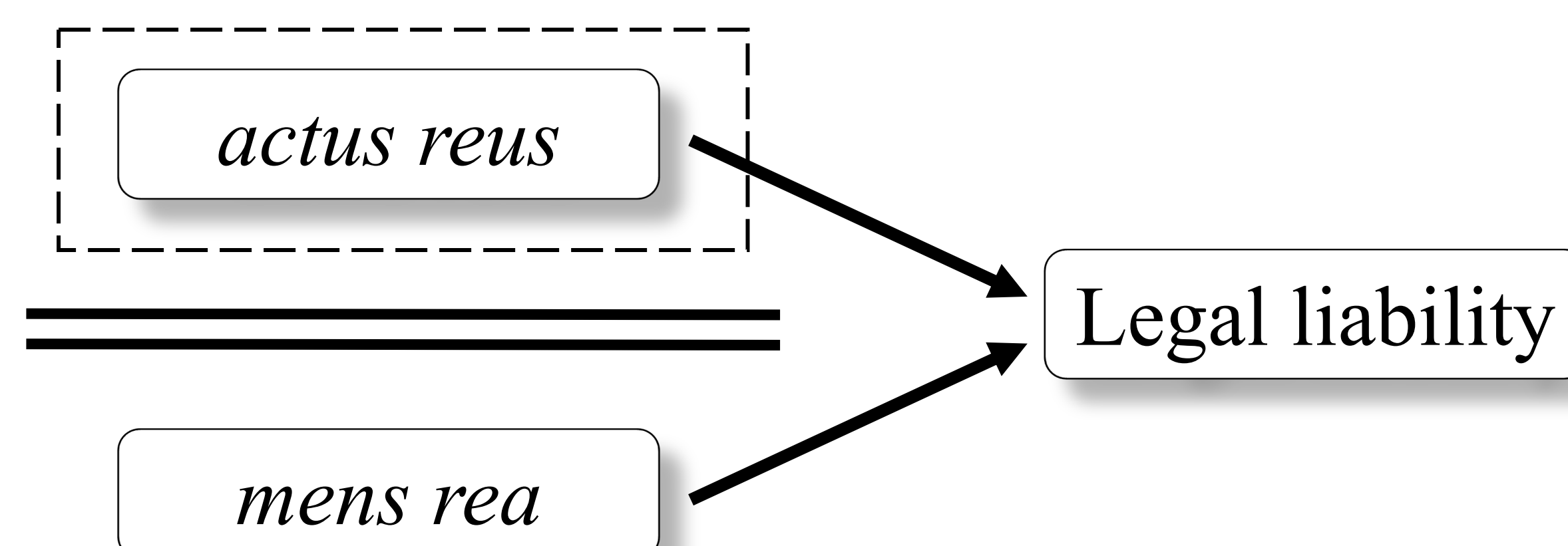
TWO EXPLANATIONS



Do the folk misapply a descriptive concept or do they correctly apply an alternate, normative one?

CAUSATION IN THE LAW

Causation lies at the heart of both criminal and tortious liability.



It is assessed in two steps:

- Factual causation
 - Counterfactual test
 - Descriptive
- Legal causation
 - Direct v. foreseeable
 - Descriptive v. normative

Scholars disagree both as to how legal causation *is* assessed (practice) and how it *ought to be* assessed (nature).

		Practice	
		Descriptive	Normative
Nature	Descriptive	Formalism	Weak realism
	Normative	—	Strong realism

THE IDEA

To distinguish the BV from the RV, we must elicit blame sans moral responsibility.

Thus: We test violations of *nonpertinent* and *silly* norms.

THE STUDY

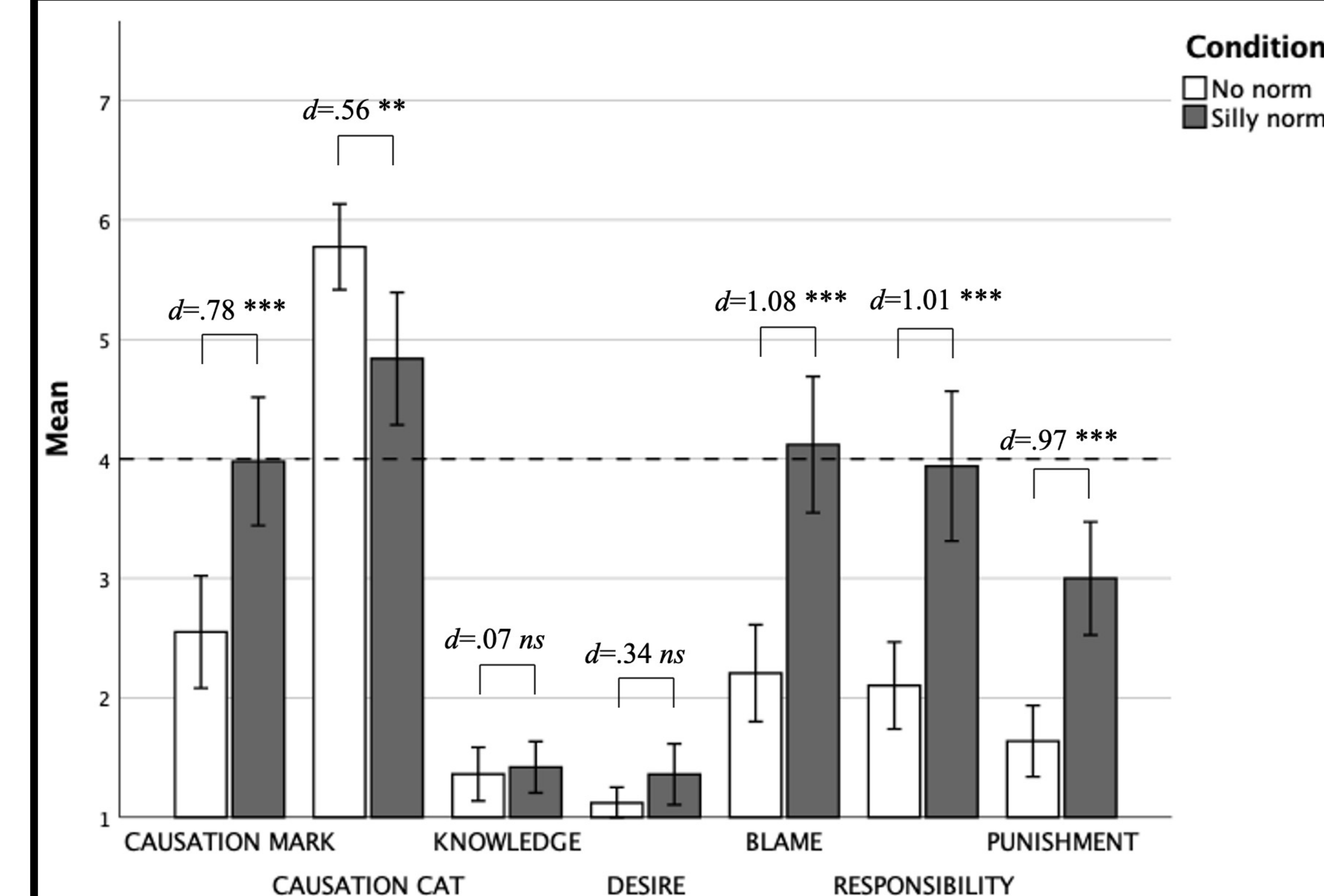
Mark is rollerblading on a path, Lauren walks ahead. Suddenly, a cat appears. Lauren jumps into Mark’s lane, colliding and sustaining injuries.

- No norm v. norm v. nonpertinent v. silly

“It is forbidden to be on the path as a cyclist or rollerblader unless one wears a gray t-shirt. Mark is not wearing a gray t-shirt. He is wearing a blue t-shirt. He is thus not allowed to be on the path.”

- Each participant (N=593) saw *one* condition

RESULTS



CONCLUSION

Peripheral factors play a considerable role, thus strengthening the BV. This bias has downstream consequences for the law.