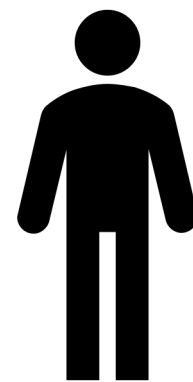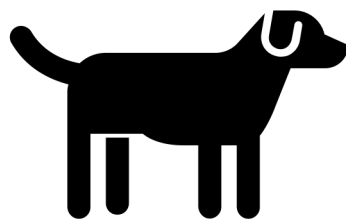# Misascription of Action-Descriptions

Levin Güver   Jan Garcia Olier   Markus Kneer

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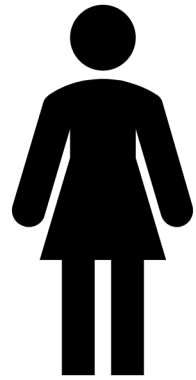www.guiltymindslab.com

Jane

David
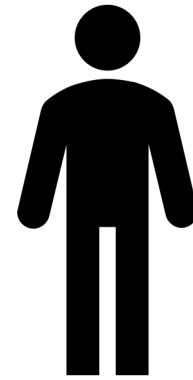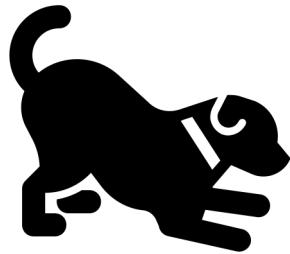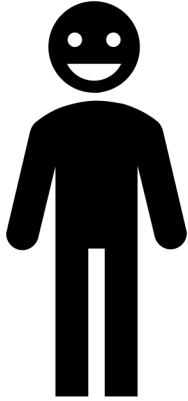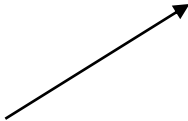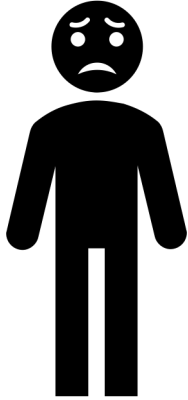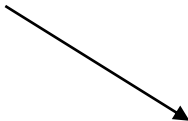
Threat or warning?

Structure

1. Legal framework on action
2. Conduct and result crimes
3. Telicity
4. Description-pairs
5. Experiments
6. Discussion

Legal framework

Actus reus

Mens rea

what was done

how it was done

X killed Y

negligently
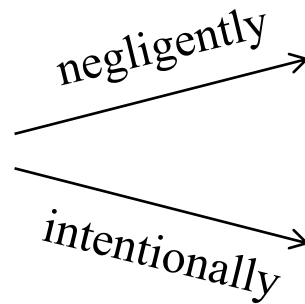
involuntary
manslaughter

intentionally

murder

Legal framework

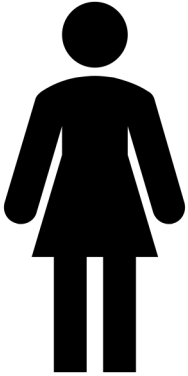– Actus reus fixes the action-description whereas mens rea supplies the normative appraisal

But: How to distinguish threat from warning?

Thus: Sometimes, what it is an agent *did* can only be determined through the joint lens of actus reus and mens rea

–> Mentes reae have description-fixing properties

Conduct and result crimes

Conduct crimes: The beginning and ending of the action coincide. The criminal offense is considered complete upon its inception (e.g. making false statements, forging documents)

Result crimes: Result crimes count as completed only after a spatiotemporally distinct, subsequent event has taken place (e.g. murder, property damage)

Telicity

Atelic action verbs "do not involve any goal nor endpoint in their semantic structure, but denote actions that are realized as soon as they begin" (Garey 1957)

– X swam in the pool

– X walked around the room

– X played a game

– […]

Telic action verbs have a success condition built into their semantics

– Y finished the book

– Y burned the house down

– Y killed the fly

– […]

Telicity

Weakly telic action verbs are telic in the simple past, but turn atelic in the progressive

"Z crossed the road"   –>   "Z is crossing the road"
(telic)   (atelic)

Denial of result test

– Contrast the verb phrase with a contradictory outcome (Beavers & Koontz-Garboden 2012)

(1) #Shane just broke the vase, but it is not broken

(2) #Shane just shattered the bottle, but it is not shattered

(3) #Shane just destroyed his house, but it is not destroyed

Threat — Φ — Warning

Bribe — Φ — Gift

Insult — Φ — Point out

Harass — Φ — Compliment

Denial of result test – Threat

(Threat$_{sp}$) Jane threatened Dave, but Dave was not filled with dread and terror.

(Threat$_{pp}$) Jane is threatening Dave, but Dave is not being filled with dread and terror.

=> Atelic

Denial of result test – Bribe

(Bribe$_{sp}$) [#]X bribed his boss, but his boss was not influenced in his judgement.

(Bribe$_{pp}$) X is bribing his boss, but his boss is not being influenced in his judgement.

=> Atelic/weakly telic

Denial of result test – Insult

(Insult$_{sp}$) [#]X insulted his wife, but his wife did not feel disrespected.

(Insult$_{pp}$) X is insulting his wife, but his wife is not feeling disrespected.
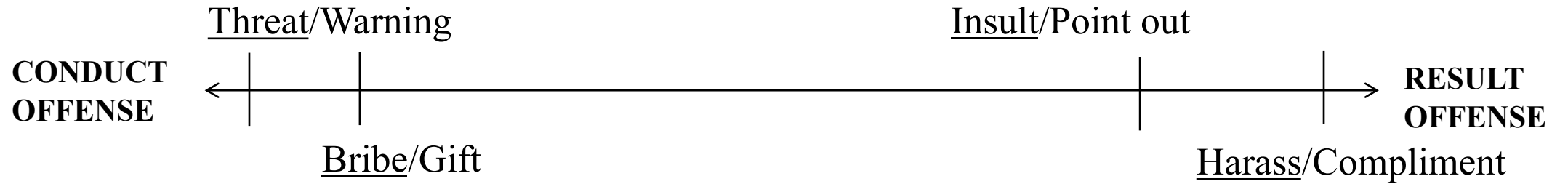
=> Atelic/weakly telic

Denial of result test – Harass

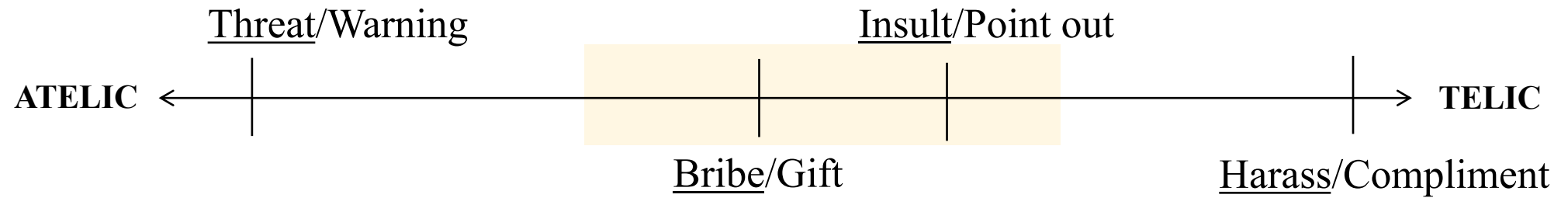(Harass$_{sp}$) X harassed his coworker, but his coworker did not feel humiliated or embarrassed.

(Harass$_{pp}$) X is harassing his coworker, but his coworker is not feeling humiliated or embarrassed.
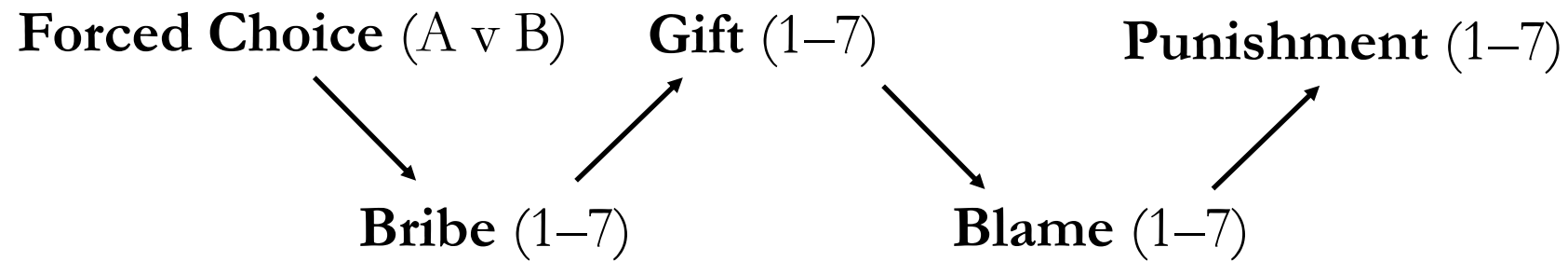

=> Telic

Legal appraisal

Threat/Warning · Insult/Point out

CONDUCT OFFENSE ← | | ────────────────────────── | | → RESULT OFFENSE

Bribe/Gift · Harass/Compliment

Linguistic appraisal

ATELIC ← Threat/Warning ... Insult/Point out ... Bribe/Gift ... Harass/Compliment → TELIC

– Between-subjects design
– Good v. bad outcome conditions

Forced Choice (A v B)   **Gift** (1–7)   **Punishment** (1–7)

Bribe (1–7)   **Blame** (1–7)

Simplified example

John is the CEO of a construction company and in regular contact with Peter, the Head of the city's Public Works Department. Right before Christmas, John requests a building permit, which usually take three months for approval. One week later, he sends Peter a Christmas basket with expensive delicacies.
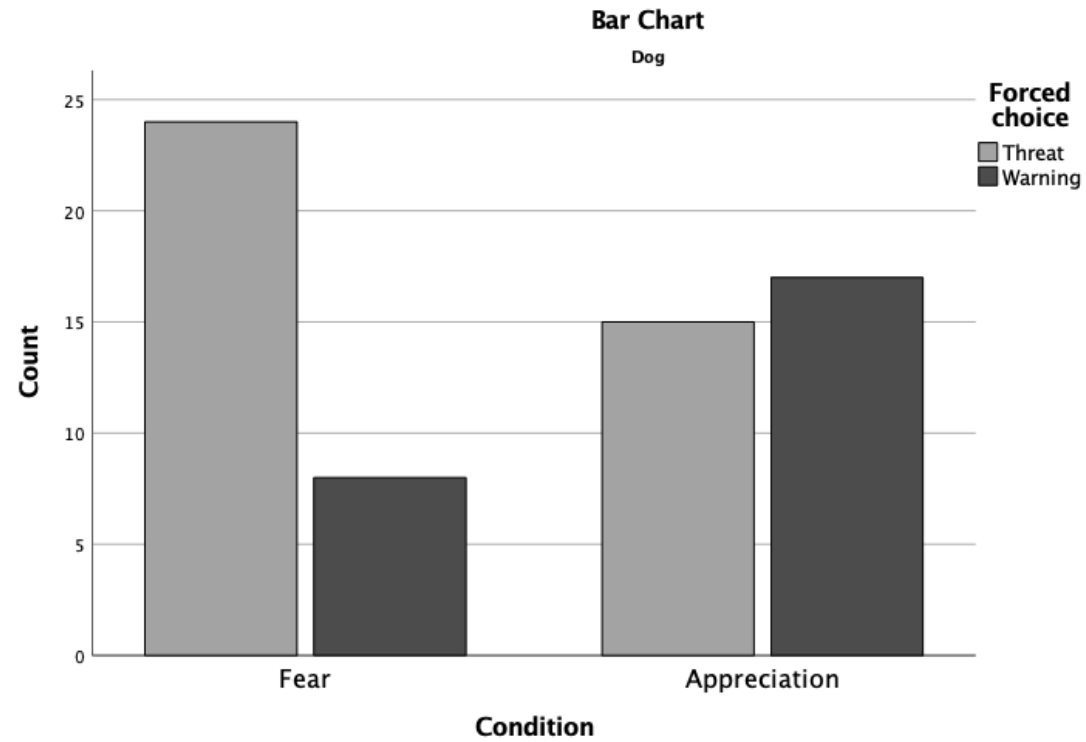[His request is approved a week after submission.]/[His request is approved three months after submission.]

Example

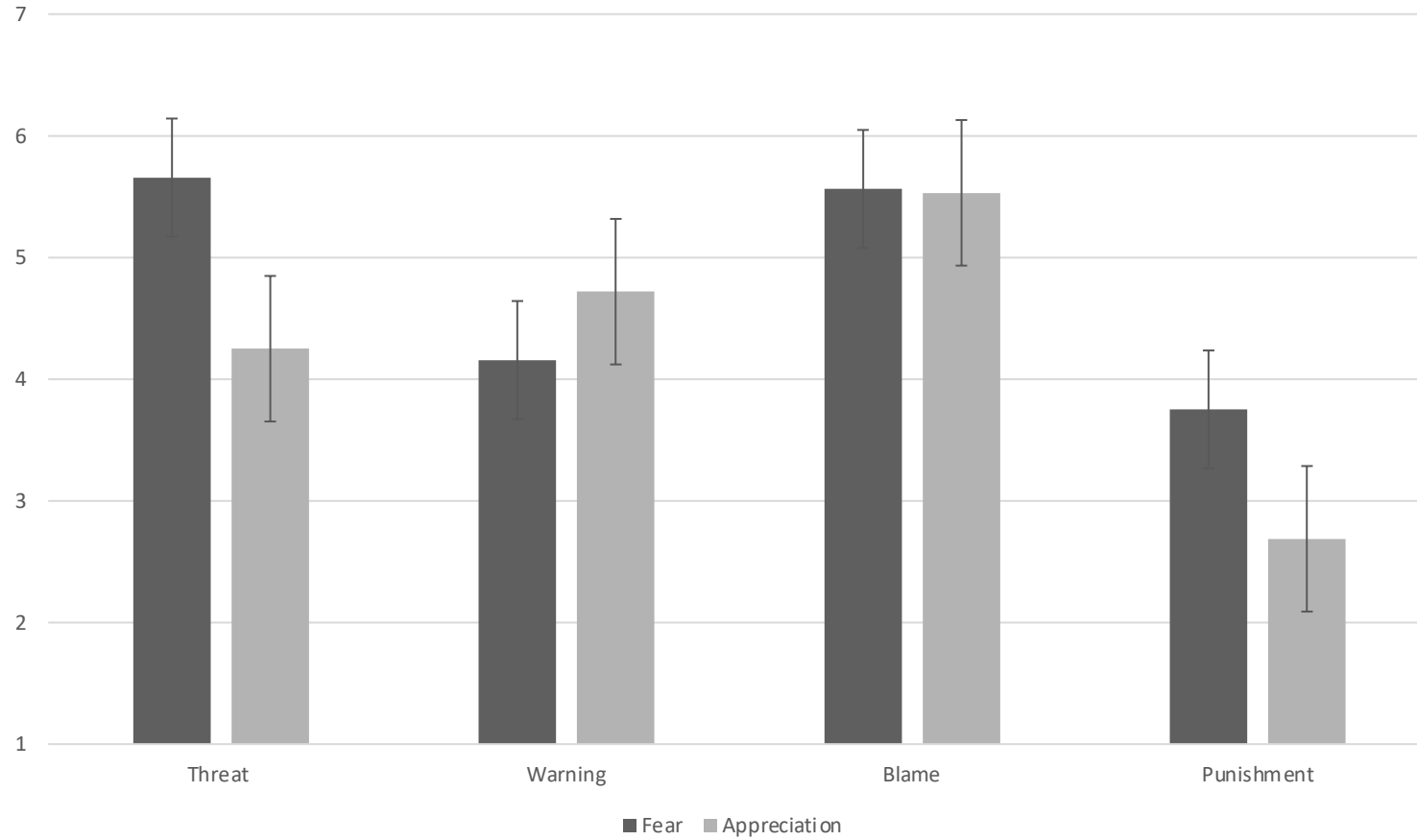Please chose the statement you think best describes John's action:

(1) "John bribed Peter."
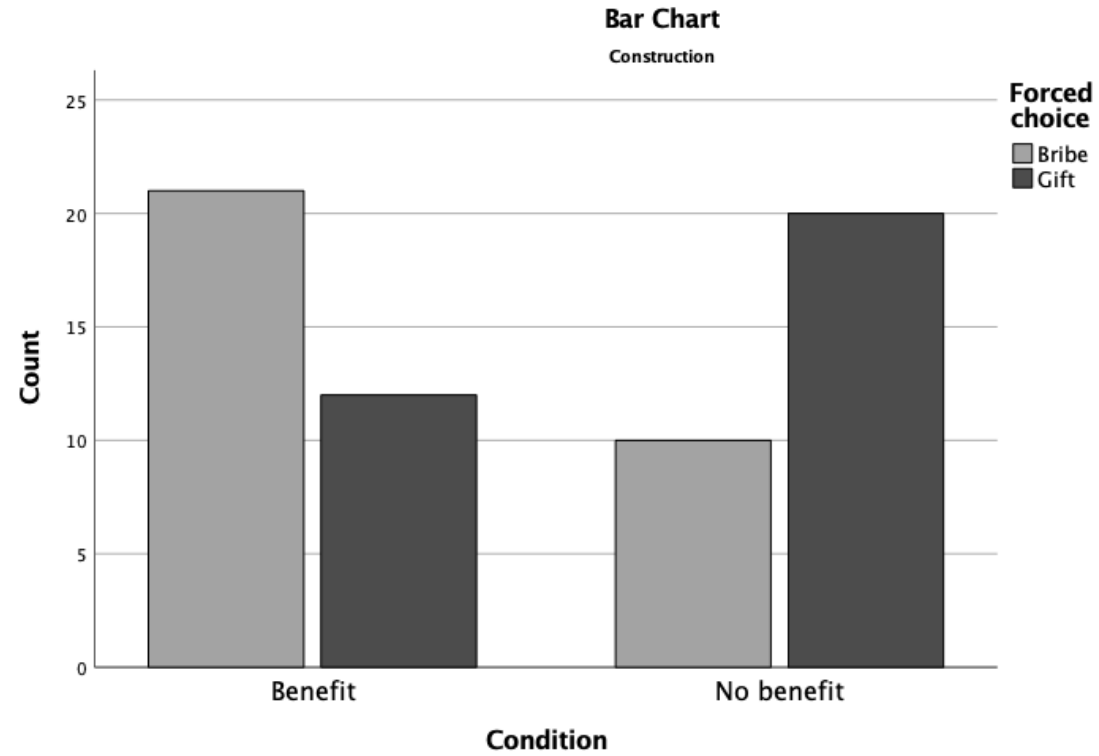(2) "John gave a gift to Peter."

Threat/Warning

p = .021
Cramer's *V* = .288 (small effect)
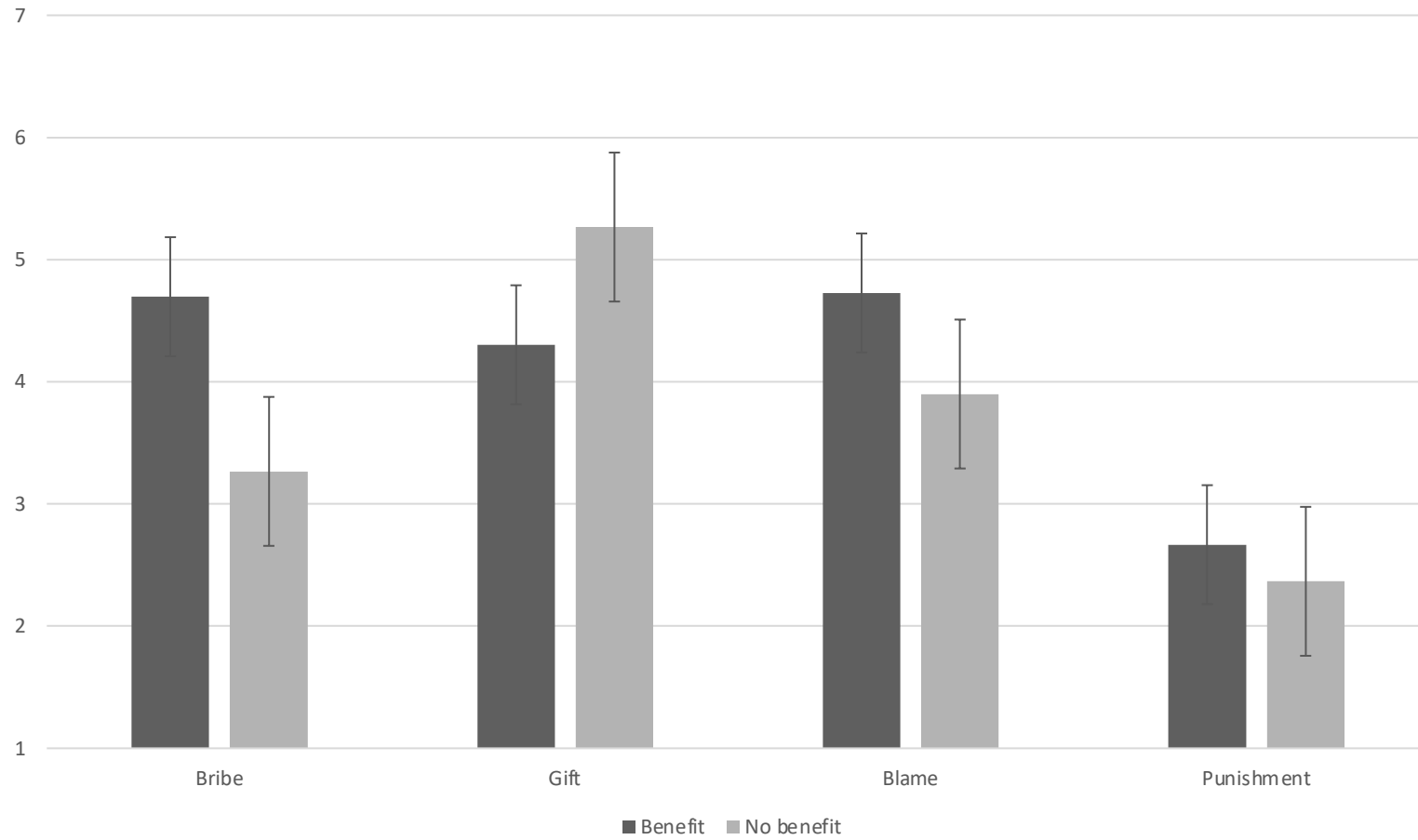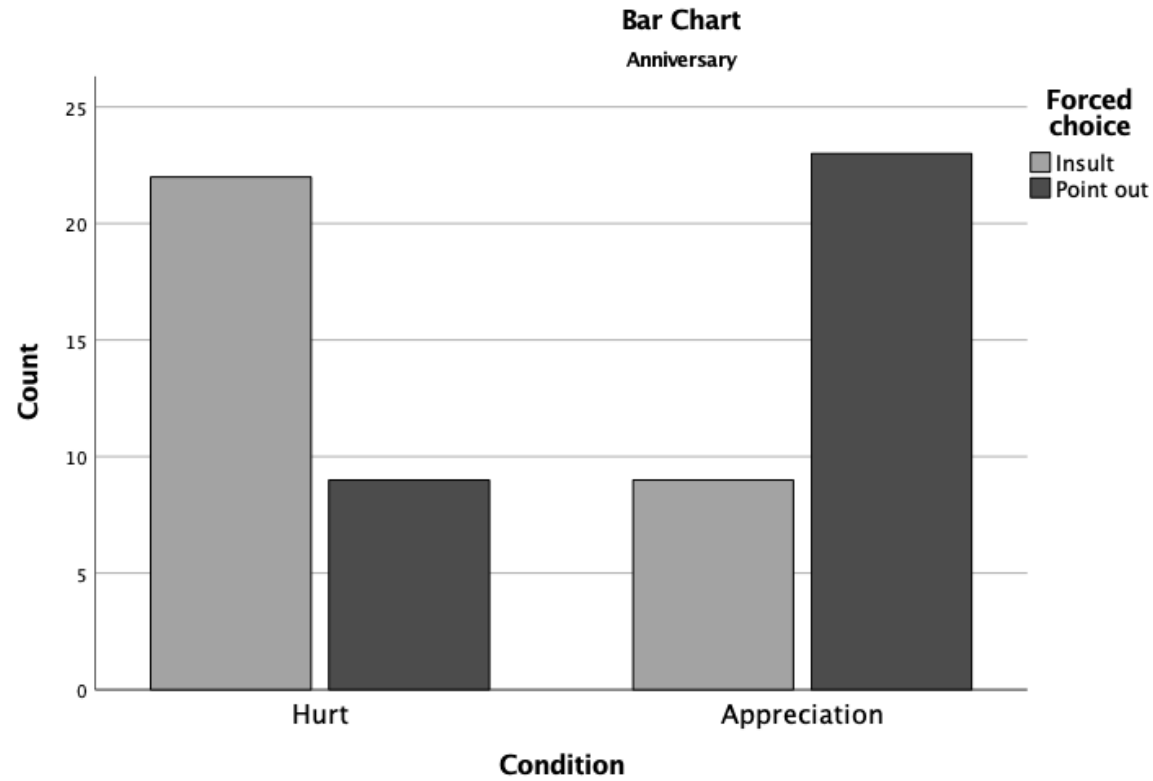
Threat/Warning

Bribe/Gift

$p = .016$
Cramer's $V = .303$ (moderate effect)

Bribe/Gift

Insult/Point out

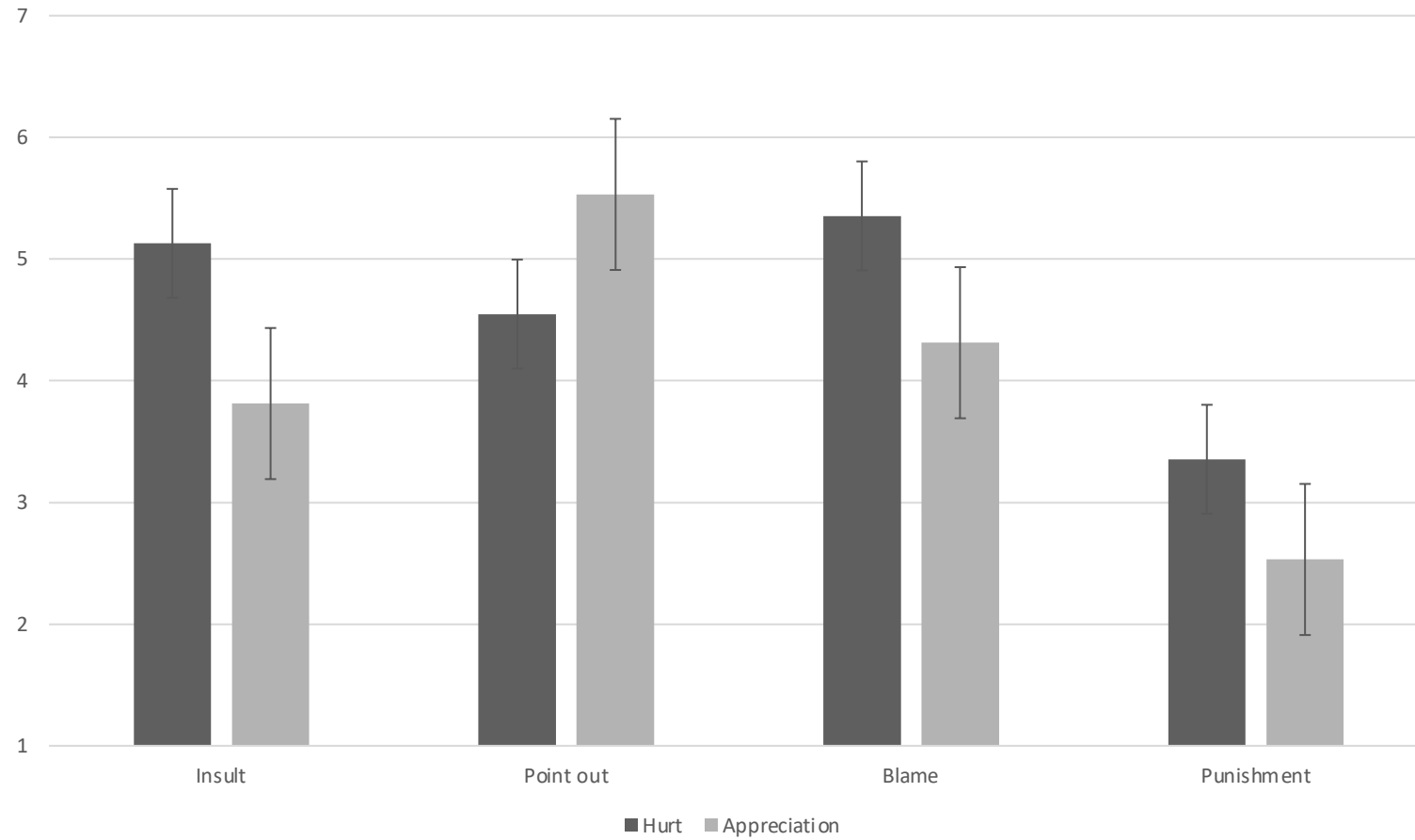*p* < .001
Cramer's *V* = .428 (moderate effect)
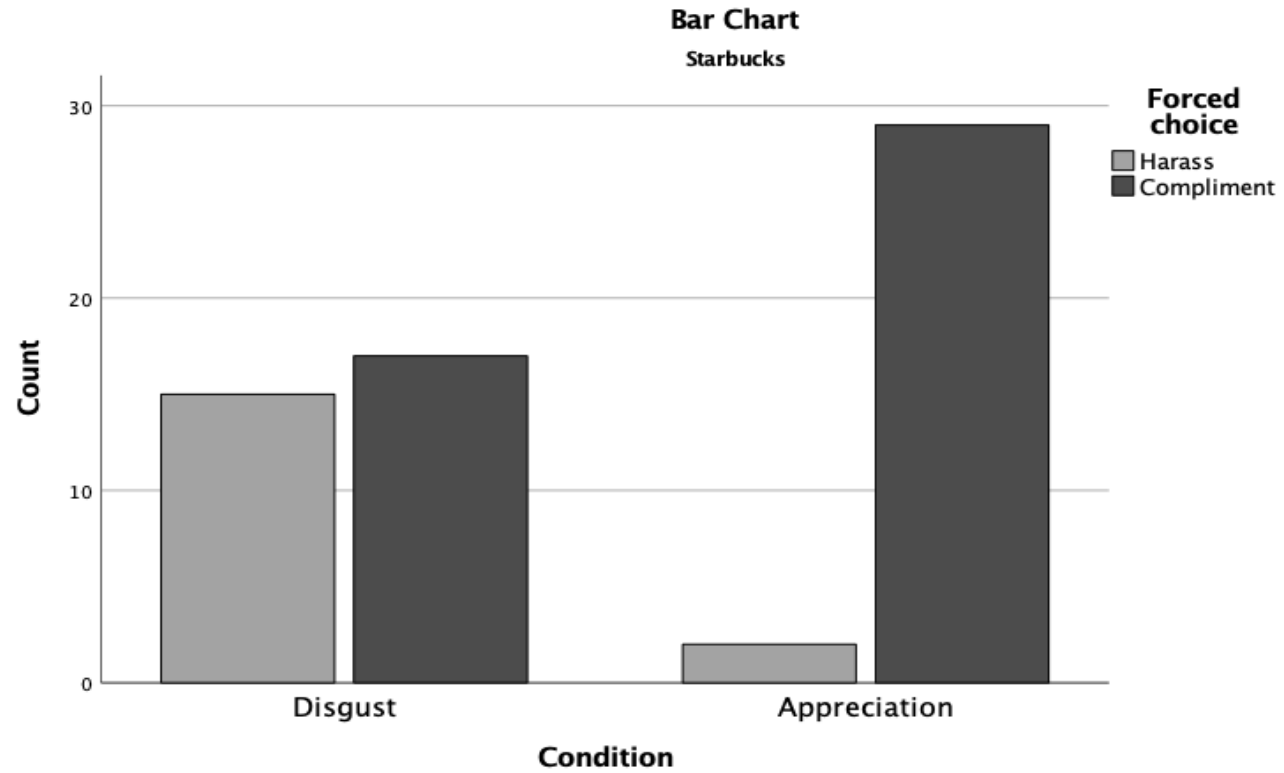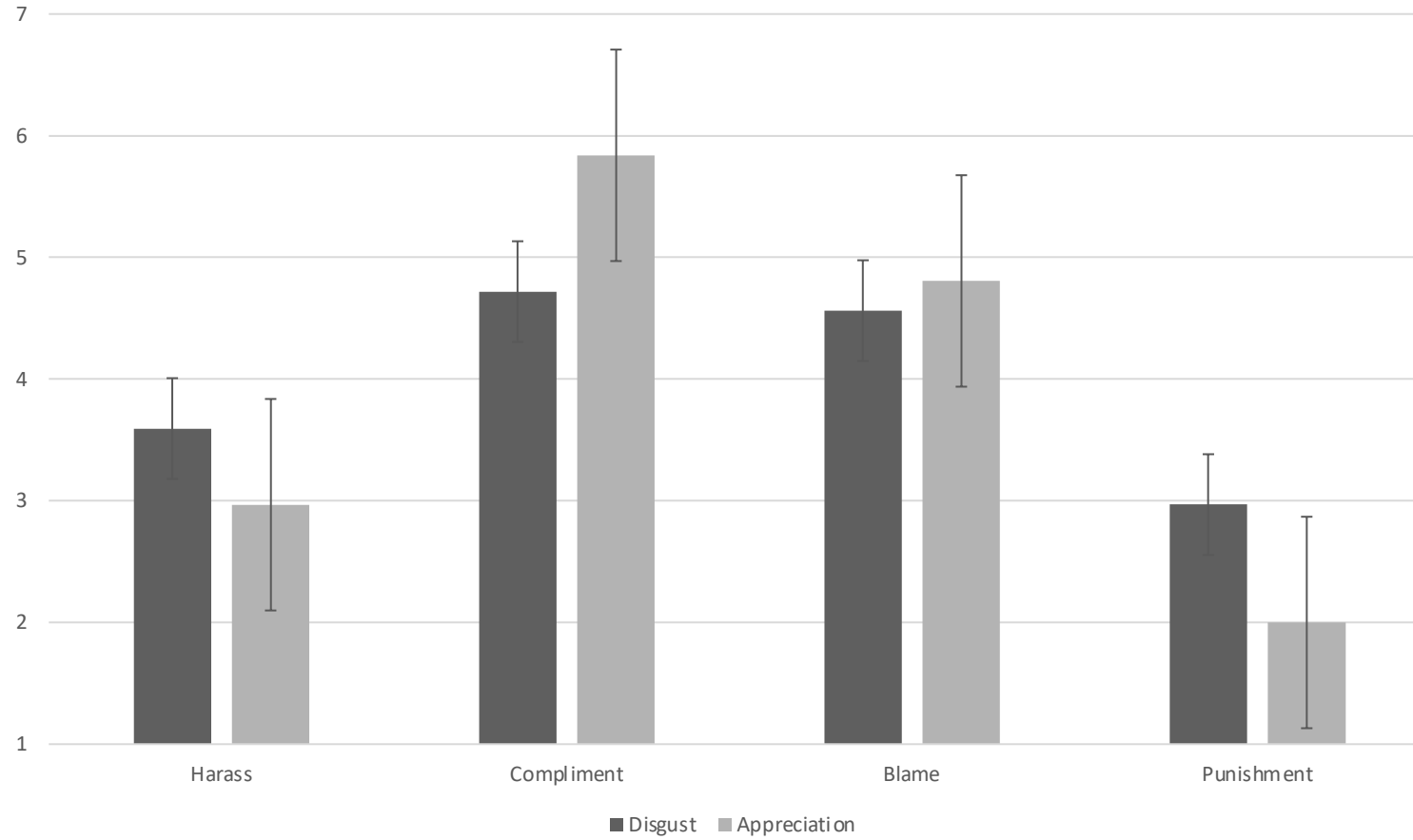
Insult/Point out

Harass/Compliment

p < .001
Cramer's *V* = .455 (moderate effect)

Harass/Compliment

Results

	Linguistically problematic	Legally problematic
Threat/Warning	Yes	Yes
Bribe/Gift	Maybe	Yes
Insult/Point out	Maybe	No
Harass/Compliment	No	No

Conclusion

1.   People systematically take X to have done a different action than what he took himself to do based on the outcome

2.   The outcome (or how the action is perceived by a second party) seems to have an influence on how we, as a third party, judge which action came to be

3.   Legal inquiry begins with the action, which carries subsequent value predicates

4.   This issue need not set in at the level of the courts but is present throughout the whole process of investigation (starting with the police and prosecution)

5.   Since the legal apparatus comes into motion only once a bad outcome occurs, the deck is always stacked against the acting agent

Thank you for your attention.

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