Rape and Accident Counterfactuals: Who Might Have Done Otherwise and Would It Have Changed the Outcome?[1]

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Four experiments assessed the blame assigned to the two persons involved in a rape or an auto accident. After reading a description of one of the events, participants were asked to generate different types of counterfactuals in 2 of the studies, and in the other 2 they viewed a videotape of an attorney who suggested to them a specific counterfactual. In the rape context, when changes to the victim's behavior produced a new outcome, blame to the victim was highest and rapist blame was lowest. Counterfactuals where changes in the victim's behaviors did not undo the event resulted in the highest assailant blame and the least victim blame. When the event was an auto accident, blame increased for whichever driver's actions were mentally undone. How attorneys can increase or decrease the blame assigned to their clients depending on the type of counterfactual that they present is discussed.

No event is judged in isolation; human judgment is dependent on what alternative is used as a comparison. Two interesting psychological questions about this issue can be raised: (a) What determines the specific alternative that will be used as a comparison, and (b) what are the consequences of different comparisons for social judgments. Kahneman and Miller (1986) focused on the former question in their presentation of norm theory, arguing that actions or antecedents that are unusual or exceptional in some way are relatively more mutable than are frequent or expected actions. Thus, counterfactual alternatives are more likely to be generated and used as a comparison for events that contain an abnormal element.

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Impact of Abnormality on Social Judgments

Prior studies have created abnormality primarily by providing low consistency information about an actor (e.g., taking an unusual route home), although a few have created abnormality by presenting low consensus information (e.g., stereotype-inconsistent actions). Regardless of how abnormality is created, numerous studies have demonstrated that more extreme emotional and judgmental responses occur when some aspect of the event description itself is manipulated so that it is easy to imagine a more positive outcome compared to when a better outcome does not so easily come to mind (Branscombe & Weir, 1992; Johnson, 1986; Kahneman & Tversky, 1982; Landman, 1987; Macrae, 1992; Miller & Gunasegaram, 1990; Miller & McFarland, 1986; Wells, Taylor, & Turtle, 1987).

Wells and Gavanski (1989) argued that imagining a better outcome can elevate the responsibility assigned to a person whose behaviors are undone. In their research, subjects read about a woman who was allergic to alcohol and who died as a result of eating a meal that contained wine. When her companion chose between two dishes that both contained wine, he was not perceived as causally responsible for her death. Imagining him choosing another dish, in this case, would not undo the outcome. On the other hand, when he selected the deadly fare after considering a dish without wine, he was assigned greater responsibility for her death. In this latter condition, it is easy to imagine him making another selection; specifically, one that would have prevented the unintended tragic outcome.

Branscombe and Weir (1992) extended this line of reasoning by asking whether victims are perceived as causally contributing to their own victimization when it is easy to imagine different victim actions generating a better outcome. In two studies involving both stranger and acquaintance rape cases, they found that victims who responded to an assailant in a stereotype-inconsistent fashion were perceived as more causally responsible for the outcome than when they responded in ways that were more stereotype-consistent. Stereotype-inconsistent behavior encourages the perceiver to imagine how more "normal" behavior might have precluded the outcome that did occur.

Norm theory is aimed at predicting extremity of the reactions to events. Both increased sympathy and decreased sympathy for targets have been observed as a function of mentally undoing an event (Miller, Turnbull, & McFarland, 1990). The direction of judgment, or which target's blame is intensified, may depend on whose actions are focused on and whether the imagined changes to that target's behavior do or do not result in a better outcome. The current research was designed to examine the consequences of

considering counterfactual alternatives that focus on different participants in an event for the assignment of blame. Previous research on counterfactual thinking has either employed scenarios that involve a single target (e.g., Kahneman & Tversky, 1982; Landman, 1987); scenarios that make a feature or target abnormal and thereby encourage undoing of the outcome by mentally changing that element—either the perpetrator of a negative outcome (Wells & Gavanski, 1989) or the victim (Branscombe & Weir, 1992); or scenarios that have measured the causality attributed to only one of the potential causal agents in the scenario (Macrae, 1992; N'gbala & Branscombe, 1995).

Target Focused on in the Counterfactual

Salience or focusing attention on a specific individual typically increases his or her perceived causality (Fiske & Taylor, 1991; McArthur, 1981; Storms, 1973). Accordingly, it was expected that judgments of blame for a negative outcome would depend on which target was the focus of an "if only that person had done otherwise, a better outcome would have occurred" type of counterfactual. Blame to an individual might be reduced if the counterfactual implied that the actual outcome that did occur was inevitable because "even if the target had done otherwise, the same outcome would have resulted." Such counterfactuals are likely to imply to the perceiver that another causal agent besides the one focused on must have been responsible (cf. Mackie, 1974). Thus, when an "even if" counterfactual serves as the comparison, then the degree of blame assignable to the person focused on should be reduced. However, this reduction in blame effect can only be expected for targets who clearly lack an intention to cause the original negative outcome. When an individual is perceived as having an intention to bring about the original outcome, then changing that person's behavior without also changing the outcome may simply convince the perceiver that the target could have produced the outcome in a variety of different ways.

As considerable counterfactual research has shown, building abnormality into an event description itself can encourage a particular target's actions (Hilton & Slugoski, 1986; Kahneman & Miller, 1986; Kahneman & Tversky, 1982). However, people may also be encouraged to focus on one person rather than another as a means of undoing an event as a result of social discourse processes (Fiedler & Semin, 1988; Hewstone, 1983; Hilton, 1991; Stratton et al., 1986). Especially in legal decision-making contexts, people may be exposed to others who directly communicate how an event might have been different if only one person or another had done otherwise. Attorneys frequently employ counterfactual alternatives as a means of influencing juror judgments (Conley & O'Barr, 1990; Kassin, Williams, & Saunders,

1990). In the current research, we sought to determine whether such exposure influences the assignment of blame in the same way as self-generated counterfactuals.

Macrae and Milne (1992) provide data that are suggestive of the potential consequences of verbally directing differential target focus. In their research, before subjects encoded the details of a food-poisoning event, they were given instructions to empathize with either the restaurant owner or the victim. Those who encoded the event from the victim's point of view were more sympathetic toward her, especially when her actions were unusual, compared to subjects who encoded the event with the perpetrator's perspective in mind. Because the focus manipulation preceded encoding of the event itself, the possibility exists that these results are due to differential encoding of the event information, rather than mentally undoing one target's actions rather than the other's. More direct and powerful evidence for the counterfactual perspective would be obtained if all participants were to encode the *identical* event, with only the counterfactual considered after the fact varying. Such an approach would allow assessment of the effects of focusing on different possible causal agents when entertaining different types of counterfactuals.

Several issues were investigated in the present set of studies. The first goal was to vary which target, following an identically presented scenario, was imagined doing otherwise and whether or not those behavioral changes resulted in a more positive outcome. That is, the consequences of two types of counterfactuals for assignment of blame were examined—"if only" alternatives where a better outcome is envisioned, and "even if" alternatives where the outcome is not undone. In the first two studies, the degree of blame assigned to a rape victim and perpetrator were investigated as a function of the type of counterfactual considered and which target was the focus. In the second two studies, degree of fault assigned to two drivers involved in an automobile accident was examined. Unlike rape, in the accident case, there is no assumption that either target intended to cause the original outcome. Thus, mentally undoing the behaviors of the rape victim as well as both drivers—all of whom lack an intention to produce the outcome—should elevate the blame assigned to them and decrease the blame assigned to the other participant in the event. When the counterfactual alternative fails to undo the outcome, it should be particularly convincing that the person focused on is not to blame. Only when an intention to produce the outcome is present, as there is in the case of a rapist, should failure to undo the outcome by focusing on that target not reduce his blame. However, counterfactuals that eliminate the rape outcome by focusing on the behavior of the assailant should increase the blame assigned to him and decrease the blame assigned to the victim.

Study 1

Method

Subjects and Design

Undergraduates (43 males, 57 females), participating in exchange for credit in their introductory psychology course, were randomly assigned to one of two focus conditions—victim or assailant. Each participant's mutation was then coded in terms of whether or not the outcome was undone. Approximately half of the participants in both of the focus-of-attention conditions constructed an alternative that successfully altered the outcome of the event ($n = 52$), while the other half did not change the outcome from rape to nonrape ($n = 48$). Thus, the design employed was a $2 \times 2 \times 2 \times 2$ (Target Focus, Victim or Assailant × Outcome Changed or Not × Subject Gender × Target Blamed, Victim or Assailant) mixed design, with repeated measures on the latter variable only.

Materials and Procedure

All subjects first read a two-paragraph description of an encounter between two college acquaintances. The incident began with Jeff walking Mary home. Because of the late hour and the long distance that Jeff would have to travel, Mary invited him to stay overnight on her sofa. They enjoyed mutual kissing and touching, but when their intimacy progressed more rapidly than she would like, she became uncomfortable. Eventually, Mary stated that she was only willing to continue if he had and would use a condom. They continued kissing with Jeff stating that "I don't have one but we won't go that far." After a few minutes, Jeff ignored her request to stop and forced intercourse occurred, with Mary yelling and hitting him.

On the following page, subjects were instructed that the goal of the study was to learn how people work creatively, yet operate within specific environmental constraints. They were informed that this issue is important because employers often require employees to contribute to large projects by working on smaller pieces of it. Subjects were then instructed to revise the initial scenario and to write down their changes. Half of the subjects were instructed to change Jeff's behaviors and to avoid changing Mary's. The other half were given the opposite instructions—to change Mary's behaviors and to not change Jeff's.

After writing out their counterfactuals, participants turned to the next page in the booklet where they were asked to assign the percentage of the blame for the *original* outcome that Mary and Jeff deserved, on two separate scales that ranged from 0% to 100%, with 5-point increments. A number of 8-point

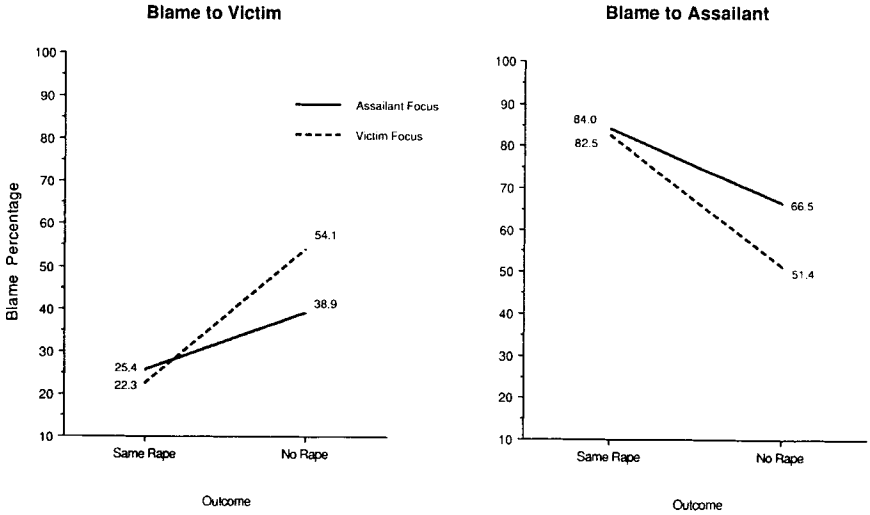

Figure 1. Percentage of blame assigned to the victim and the assailant in Study 1 by instructions to change either her or his behaviors in the mutation and whether the change altered the outcome of the event or not.

Likert-scale items concerning their opinions about the original event were also completed. These statements assessed the causality and responsibility of the two protagonists for the event outcome, and degree of assailant guilt.[3] It was then explained to participants that we were examining whether imagining something different than what did occur affected judgments of events. For example, it was noted that although the assailant actually causes rape to occur, if people can imagine that the victim could have avoided the outcome, then they might perceive her as more responsible than if they could not imagine things turning out differently than they did.

Results

Coding the Mutations

All of the mutations were read by two coders working independently. They were coded according to whether or not the ending of the event was altered

[3]Analyses of these Likert-scale attributional indexes produced the same pattern of significant effects as did the main blame measures. For this reason, these analyses are not reported here, although they are available from the first author.

from rape to nonrape. Interrater reliability was high; the few coding discrepancies that did occur (8%) were resolved by discussion.

Blame Assigned to the Victim and to the Assailant

Two items assessed the percentage of blame assigned to both the victim and the assailant. A 2 × 2 × 2 × 2 (Subject Gender × Target Focus, Victim or Assailant × Outcome Changed or Not × Target Blamed, Victim or Assailant) mixed ANOVA was performed, with the target blamed as a within-subjects factor. Subject gender did not interact with the experimental variables and was dropped from the analysis. As predicted, the analysis revealed a significant three-way interaction between target person, focus of attention, and type of counterfactual, $F(1, 92) = 3.99$, $p < .05$. The interaction depicted in Figure 1 makes clear that the pattern of effects obtained for the victim is the mirror image of that obtained for the assailant. Consequently, only the simple effects for the blame assigned to the victim will be detailed here; the same effects are significant for the assailant blame ratings.[4]

Blame assigned to the victim. Victim blame was highest when changes in her actions altered the outcome ($M = 54.1\%$); her blame was reduced comparatively when participants focused on how changes to the assailant's behaviors would have changed the outcome ($M = 38.9\%$), $F(1, 50) = 5.32$, $p < .03$. For example, imagining Mary not letting Jeff into the apartment as a means of eliminating the rape increased the blame assigned to her. In contrast, focusing on Jeff not going into her apartment that evening as a way of undoing the rape reduced the blame assigned to her.

Those who mutated the victim's behaviors in a way that altered the outcome blamed her significantly more ($M = 54.1\%$) than did subjects who changed her behaviors but not the outcome ($M = 22.3\%$), $F(1, 49) = 27.29$, $p < .001$. Thus, if the newly constructed victim behaviors had no effect on the outcome, the victim's blame was at its lowest, especially in comparison to imagining her behaving differently so that the rape would have been prevented. The blame

[4]There were no instructions requiring subjects to make the total amount of blame assigned to the two targets sum to 100%. Nevertheless, these two measures are not independent. The correlations between them ranged from -.37 to -.76 across the four studies. Consequently, we chose to analyze the two blame ratings using repeated measures because our hypotheses concerned the relative blame trade-off between the two targets as a function of condition. However, analyses using a single difference score of blame assigned to the assailant minus the blame assigned to the victim produced the same pattern of significant effects as those reported here using repeated measures. In addition, the predicted two-way interaction between target focus and type of counterfactual was significant for both the blame assigned to the victim and the blame assigned to the assailant when they are analyzed separately.

assigned to the victim by perceivers who focused on what the assailant could have done differently to prevent the outcome was higher (M = 38.9%) than when changing his behaviors did not generate a new outcome (M = 25.4%), $F(1, 47) = 3.96$, $p < .05$. Counterfactual focus did not influence the blame assigned to the victim when the mutation did not alter the outcome. Her blame was uniformly low when no other conclusion to the evening besides rape was contemplated.

Blame to the two targets within each condition. Among the participants who undid the rape, focusing on how the assailant could have behaved differently increased the blame assigned to him (M = 66.5%) relative to the victim (M = 38.9%), $F(1, 22) = 12.00$, $p < .002$. Undoing the outcome by focusing on the victim resulted in equal amounts of blame being assigned to the victim (M = 54.1%) as the assailant (M = 51.4%), $F < 1$. In the conditions where the behavioral changes did not undo the outcome, much more blame was assigned to the perpetrator than to the victim both when the focus of attention was on his behavior, $F(1, 25) = 87.77$, $p < .001$, and when the focus of attention was on her actions, $F(1, 21) = 79.15$, $p < .001$. Thus, when the outcome was undone, blame to the individual focused on was increased but counterfactual focus did not have this effect when a better outcome was not imagined.

Discussion

The counterfactual reality that is imagined after an event has been encoded was related to the judgments that were made about both individuals in the original event. Undoing the behaviors of a rape victim so that rape could have been avoided was associated with higher victim blame and lower assailant blame. This is consistent with prior research where manipulations contained in the original scenario make a particular target's actions highly mutable and, as a consequence, influence subsequent judgments of that individual (Kahneman & Tversky, 1982; Wells & Gavanski, 1989). When a rape victim's prior actions can be easily mutated because they are stereotype-inconsistent and a new outcome can be generated, her perceived causality and blame are elevated (Branscombe & Weir, 1992). As the current research suggests, this is particularly likely when her behaviors, as opposed to those of the assailant, are altered in order to undo the outcome.

Because the nature of the outcome generated was a coded variable rather than a randomly assigned one, we cannot rule out the possibility that an individual difference factor determined the nature of the outcome participants chose to generate. To rule out this possibility, we conducted a second study to again test our hypotheses with both variables—focus of attention and type of

counterfactual—randomly assigned to participants. In addition, to assess whether exposure to a particular counterfactual alternative is sufficient to influence the blame assigned to the two targets, subjects were exposed to a videotape of an attorney who was ostensibly involved in the case. Social discourse processes (where another person suggests the relevant counterfactual) may be common, powerful influences on social judgment, and prior research has not explored this possibility.

Study 2

Method

Subjects and Design

Undergraduates (74 males, 70 females) participated in exchange for credit in their introductory psychology course. Subjects were blocked on subject gender and then randomly assigned in a 2 × 2 × 2 (Target Focus, Victim or Assailant × Outcome Changed or Not × Target Blamed, Victim or Assailant) mixed design, with repeated measures on the latter variable only. Data from 6 subjects, evenly distributed across conditions, were discarded because of their failure to follow instructions or to complete the questionnaires.

Materials and Procedure

All participants read a description of a rape that occurred following a going-away party for Beth, the victim. Brad, a fellow employee, invited her for dinner that evening. While Beth really wanted to drive herself to the restaurant, Brad insisted that he drive, ostensibly because he did not want her driving alone at night. After enjoying a meal and conversation, they returned to Brad's truck in the parking lot where he began to kiss Beth and unbuttoned her blouse—all actions that she responded to positively. After a while, because she did not want to become too involved in a relationship with Brad, she suggested they leave. Brad was said to be disappointed by this, and continued kissing her. Beth told him to stop, "but he seemed oblivious of everything but his passion for her." At that point, "Beth thought of making a scene, but realized no one else was in the parking lot." The scenario ended with Beth struggling and Brad "overpowering her and having sexual intercourse with her."

After reading the scenario, participants were told that law students study how cases like this one are handled in the courtroom. Because of time constraints, it was explained to the participants that they would be viewing a

videotape of only one of the attorneys involved in the case but that this would at least give them a feel for the courtroom proceedings. The attorney in the videotape was a senior White male who was a professional actor. He was formally dressed, and the background area where he walked as he spoke appeared to be a courtroom. One of four versions of the attorney's closing arguments was then shown in small (2-4 participants) mixed-gender groups. The same features from the original event were discussed in each version of the closing arguments. In the "if only the victim had done otherwise, different outcome" case, the attorney argued that this tragedy could have been avoided if only she had driven her own car to the restaurant. In the "if only the assailant had done otherwise, different outcome" condition, the attorney argued that this tragedy could have been avoided if only he had not insisted on driving her to the restaurant. In the "even if, same outcome" conditions, the attorney argued that the outcome would still have happened even if she had driven herself (victim focus condition) or even if he had not insisted on driving her (assailant focus condition).

After exposure to the attorney counterfactual tape, subjects were instructed that we were interested in learning about their opinions concerning the *original* event that they read. Subjects were asked to assign the percentage of blame for the outcome, on two separate items, that the victim and the assailant deserved. The scale ranged from 0% (*no blame at all*) to 100% (*total blame*), with 5-point increments. Attributional items assessing each target's causality, responsibility, foreseeability, and controllability followed.[5] The experimenter debriefed the participants by explaining how exposure to particular types of counterfactuals might influence juror judgments. It was suggested that trial attorneys might present different types of alternatives to what did occur, depending on whether they were working for the prosecution or the defense.

Results

Blame Assigned to the Victim and the Assailant

The two blame measures were subjected to a 2 × 2 × 2 × 2 (Subject Gender × Target Focus, Victim or Assailant × Outcome Changed or Not × Target Blamed, Victim or Assailant) mixed ANOVA, with target of blame as a within-subjects variable. The four-way interaction including subject

[5]Analyses of these attributional items assessing fault revealed the same pattern of significant effects as was observed for the main blame measures. These results are therefore not reported here but are available from the first author.

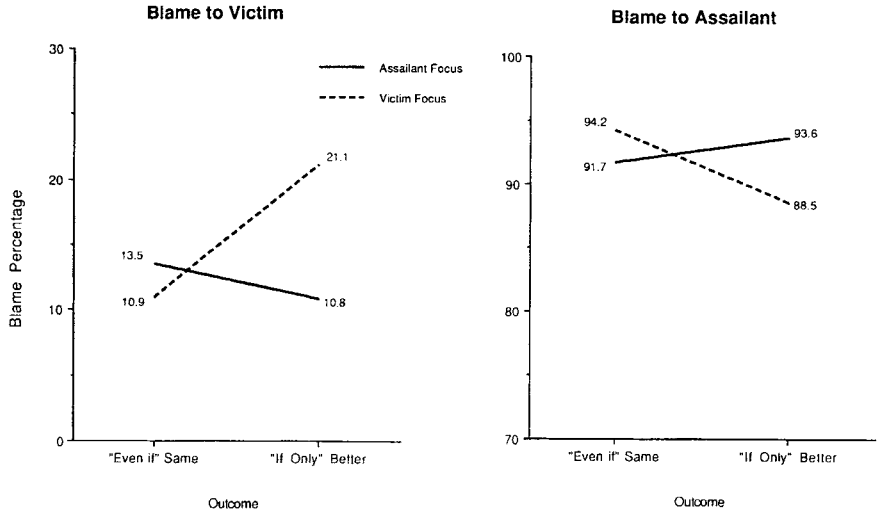

Figure 2. Percentage of blame assigned to the victim and the assailant in Study 2 by target focus and the type of counterfactual given by the attorney.

gender was not significant so this variable was dropped from the analysis. As expected, however, the three-way interaction between focus of attention, type of counterfactual, and target was significant, $F(1, 134) = 5.76$, $p < .02$. The means from this interaction are shown in Figure 2. Again, the effects obtained for the victim are the mirror image of those obtained for the assailant. Hence, only the simple effects for the blame assigned to the victim are detailed here.[6]

Blame Assigned to the Victim

When the outcome was undone by changing the victim's actions, then the blame assigned to the victim ($M = 21.1\%$) was significantly greater than when the assailant's behaviors were focused on as a means of undoing the outcome ($M = 10.8\%$), $F(1, 67) = 5.41$, $p < .02$. Undoing of the victim's behavior increases her blame ($M = 21.1\%$) compared to when the counterfactual alternative does not alter the outcome ($M = 10.9\%$), $F(1, 62) = 4.09$, $p < .05$. Focusing

[6]Again, an analysis using a single difference score resulted in the same significant effects as those reported here using repeated measures. In addition, the expected two-way interaction between target focus and type of counterfactual was significant for both of the blame measures when they were analyzed separately.

on how the assailant might have changed the outcome tends to reduce victim blame relative to when changing his behavior would not undo the outcome, but this effect was not significant. Consistent with the prior study, counterfactual focus did not influence victim blame when the rape outcome was not undone, $F < 1$.

Discussion

The basic findings obtained in Study 1 were replicated. When a counterfactual was presented that undid the rape, which target was the focus was critical for blame assignment. Victim blame was increased and assailant blame was decreased when the victim was imagined behaving otherwise so that the outcome could be avoided. Counterfactual focus influenced the relative blame assigned to the two targets only when a better outcome was considered. If, however, the outcome was not undone, perceivers were convinced that the assailant is most blameworthy and that the victim was not blameworthy, regardless of which target was the focus.

Unlike Study 1, the assailant's blame was always much higher than that assigned to the victim in the second study. This implies that individual differences that might have led perceivers to generate an if-only or an even-if counterfactual were operating in Study 1, in addition to the effects of the type of counterfactual itself. Rape is a domain where perceivers exhibit strong preexisting differences in preference for target blame (Deitz, Blackwell, Daley, & Bentley, 1982). Nevertheless, because both variables were randomly assigned in the second study, the effects of exposure to different types of counterfactuals appear able to exert some influence on blame assignment independent of any preexisting tendencies to undo the victim's or the assailant's behaviors. Specifically, counterfactuals that change the victim's behavior so that rape is eliminated increased the blame assigned to her and decreased the blame assigned to the assailant. This appears to be the case even though the rape scenarios used in the two studies differed considerably, with the description employed in Study 2 potentially implying greater assailant guilt overall compared to the scenario used in the first study.

In order to test our hypothesis concerning the effects of attorney-provided counterfactuals in a domain where tendencies to blame one target over another are not strong and the intentions of neither target are in question, a third study involving an auto accident was undertaken. All participants were exposed to the identical description of the event, followed by exposure to one of four attorney-presented counterfactuals. One driver or the other was the focus of a counterfactual that either does or does not undo the outcome.

Study 3

Method

Subjects and Design

Undergraduates (60 males, 64 females) participated in exchange for credit in their introductory psychology course. Equal numbers of both genders were randomly assigned in a 2 × 2 × 2 (Target Focus, Driver A or Driver B × Outcome Changed or Not × Target Blamed, Driver A or Driver B) mixed design, with repeated measures on the latter variable only. Data from two subjects were discarded because they failed to follow instructions.

Materials and Procedure

Participants were told that we were studying what people think about auto accidents because jurors are increasingly having to make decisions about such cases. In terms of background information, it was stated that police reports revealed that drug and alcohol tests performed on both drivers were negative, and that both drivers were wearing their seat belts at the time of the accident. Order of information presentation about the two drivers was counterbalanced across the four videotape conditions.

Driver A (Samantha) was said to be driving west, with sun glare making it difficult for her to see. Eyewitnesses reported that her traffic light was either green or yellow when she entered the intersection and that she may have been driving too fast for the weather conditions, although the police estimated her speed as 35 mph (53 km) which was the posted speed limit. Driver B (Jacqueline) was said to be traveling south, at approximately 25 to 30 mph (38-53 km) which, also according to eyewitnesses, was too fast for the weather conditions. Driver B said that she did not apply her brakes because of the ice on the downhill slope. Witnesses confirmed that her vehicle did "fishtail" as it traveled over the ice. Both drivers were said to be mentally preoccupied—Samantha with news that her grandmother had been hospitalized and Jacqueline with news that her daughter was ill at the day care center.

As a result of the accident, the two drivers sustained fairly severe injuries and were said to be suing each other's auto insurance companies for compensation. Samantha suffered neurological damage, with little hope that her vision would ever be normal again. Jacqueline's pelvis and leg were broken; according to her physician, she will have difficulty walking during the remainder of her life.

After reading the description of the accident and its aftermath, participants were told that law students must learn how to handle such cases in the courtroom.

However, because of time constraints, we would only be able to show them a videotape of just one of the attorneys involved in the case. One of the four versions of the attorney's closing arguments was then shown in small mixed-gender groups. In the "if only Driver A (Samantha) had done otherwise, different outcome" version, the attorney argued that the accident could have been avoided if she had been paying more attention to her driving and had not been driving too fast for the weather conditions. Likewise, in the "if only Driver B (Jacqueline) had done otherwise, different outcome" version, the attorney argued that the accident could have been avoided if she had been paying more attention to her driving and had not been driving too fast for the weather conditions. In the two "even if, same outcome" conditions, the attorney argued that the accident still would have happened, even if Driver A had not been blinded by the sun or Driver B had not encountered a patch of ice, because of the other driver's carelessness.

Once the attorney video presentation was completed, subjects were told that they would be asked to answer several questions about the *original* accident that they read. Subjects indicated the extent to which each target caused the accident, was responsible for the accident, had behaved carelessly, was guilty of negligence, and should be punished for the accident. Ratings on each of these items were made sequentially for each target on scales ranging from 0% to 100%, with 5-point increments. A debriefing that explained prior research on counterfactual thinking followed, and our hypotheses concerning how trial attorneys might sway jurors with ideas about how things might have turned out differently was discussed.

Results

Creating the Fault Indexes

As expected, the measures assessing Driver A's fault were strongly intercorrelated. The alpha coefficient for the five items was .90. Similarly, for the five items assessing Driver B's fault, the alpha coefficient was .91. Consequently, the items tapping the fault for each driver were averaged to create two indexes.

Fault Assigned to Driver A and Driver B

The two indexes of fault were subjected to a 2 × 2 × 2 × 2 (Subject Gender × Target Focus, Driver A or Driver B × Outcome Changed or Not × Target of Fault) mixed ANOVA, with target the only within-subjects factor. The four-way interaction was not significant, and subject gender was dropped from the

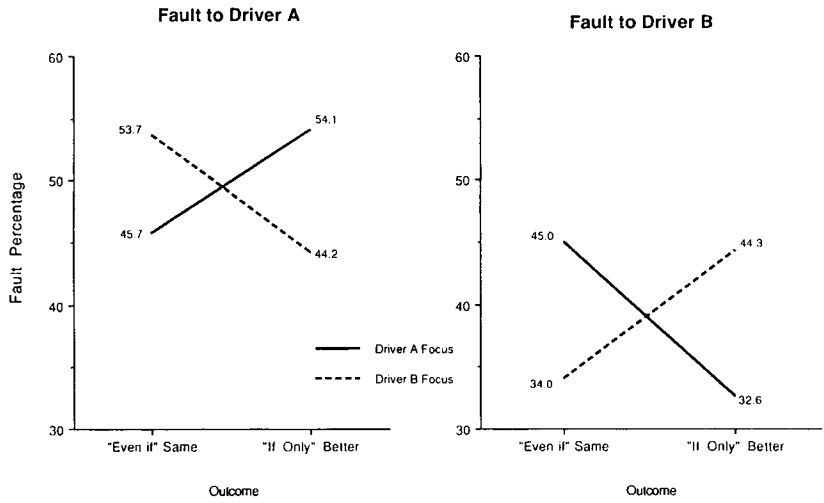

Figure 3. Percentage of fault assigned to Driver A and Driver B in Study 3 by target focus and the type of counterfactual given by the attorney.

analysis. As predicted, the three-way interaction between focus of attention, type of counterfactual, and fault target was significant, $F(1, 118) = 12.55$, $p < .001$. The means from this interaction are displayed in Figure 3. Again, the effects obtained for the two drivers are the mirror image of each other; hence, only the simple effects for Driver A are detailed here.[7]

Fault assigned to Driver A. Driver A's fault ratings were greater when the counterfactual focused on her and the outcome was undone ($M = 54.1$), compared to when the focus was on Driver B ($M = 44.2$), $F(1, 60) = 4.97$, $p < .03$, or when a change in Driver A's behaviors failed to undo the outcome ($M = 45.7$), $F(1, 59) = 2.94$, $p < .09$. Driver A's fault was elevated when changes in Driver B's behaviors did not undo the outcome ($M = 53.7$) relative to when changes in Driver B's behaviors did undo the accident ($M = 44.2$), $F(1, 59) = 3.89$, $p < .05$. While focusing on Driver A but not undoing the outcome tended to reduce the fault assigned to Driver A ($M = 45.7$), relative to when the focus was on Driver B and the outcome was not changed ($M = 53.7$), this effect was not significant, $F(1, 58) = 2.32$, $p = .13$.

[7]Analysis of the difference in the fault assigned to the two drivers resulted in the same significant effects as those reported here using repeated measures. The two-way interaction between target focus and type of counterfactual was significant for the fault assigned to both drivers when they were examined separately.

Fault to the two drivers within each condition. Overall, Driver A ($M = 49.4$) was perceived as more at fault than Driver B ($M = 38.9$), $F(1, 118) = 13.36$, $p < 0001$, although degree of fault assigned to the two drivers varied substantially depending on the counterfactual to which participants were exposed to.[8] When the counterfactual implied that the accident could have been avoided if only Driver A had done otherwise, fault to Driver A ($M = 54.1$) was significantly greater than the fault assigned to Driver B ($M = 32.6$), $F(1, 30) = 14.06$, $p < .001$. When, however, changes in Driver A's behaviors did not undo the outcome, then Driver A's fault ($M = 45.7$) was reduced so that it was not different than that assigned to Driver B ($M = 45.0$), $F < 1$.

Discussion

As predicted, the nature of the counterfactual considered and which target was the focus influenced fault ratings for an auto accident described identically to all perceivers. Unlike the first two rape studies, when neither target could be construed as having an intention to produce the outcome and when strong preexisting differences in the tendency to blame one party over another were absent, the relative blame assigned to the two targets could be increased or decreased, depending on whether or not the outcome was undone. When a counterfactual that focused on one driver undid the outcome, blame to that driver was greater than when the counterfactual considered involved the other driver's actions. Conversely, when the counterfactual did not undo the outcome, then blame to the driver focused on was reduced compared to when the other driver was the focus.

Thus, trial attorneys who present jurors with a counterfactual that either reduces the role of their own clients as agents of misfortune (the same outcome would have occurred even if one's client did otherwise) or implicates the other party as the causal agent (the outcome would have been different if the other person had done otherwise) can successfully reduce the fault assigned to their own clients. Such effects were demonstrated when someone provided the perceiver with the counterfactual alternative. It might be argued, however, that because an attorney provided the counterfactual, subjects were merely conforming to this expert's view rather than being influenced by the counterfactual alternative presented per se. In our final study, we again tested the

[8]Ironically, Driver B actually should be held legally responsible. If the scenario is carefully examined, the reader will note that Driver B had to have had a red light if Driver A's light was either green or yellow and the two vehicles approached the intersection on perpendicular courses. We can only speculate that Driver B was viewed more sympathetically overall because she was a mother and because her injuries might ultimately have an impact on another's life, while Driver A's would not.

counterfactual hypothesis and eliminated this conformity to an expert alternative explanation by having subjects generate the counterfactual alternative themselves.

Study 4

Method

Subjects and Design

Undergraduates (94 males, 90 females) participated in exchange for credit in their introductory psychology course. Equal numbers of both genders were randomly assigned in a 2 × 2 × 2 (Target Focus, Driver A or Driver B × Outcome Changed or Not × Target Blamed, Driver A or Driver B) mixed design, with repeated measures on the latter variable only. Data from two subjects were discarded because they failed to follow instructions; otherwise, all subjects performed the counterfactual task correctly.

Materials and Procedure

Participants were instructed that we were interested in learning what people think about how traffic accidents occur. All subjects read the identical auto accident description used in Study 3, with order of presentation of driver information counterbalanced across conditions as before. They then received one of four counterfactual writing task instructions. In the two "if only, different outcome" conditions, participants were told that it is sometimes easy to imagine how an event could have turned out differently. With this in mind, they were told to imagine and write down how the accident described could have been avoided if only Driver A (Samantha) or Driver B (Jacqueline) had performed a different action. In the "even if, same outcome" conditions, participants were told that it is sometimes difficult to imagine how an event could have turned out differently. With this in mind, they were told to imagine and write down how the accident described still would have happened even if Driver A (Samantha) or Driver B (Jacqueline) had performed a different action.

After completing the writing task, subjects read instructions on the next page telling them that we are interested in learning about their opinions concerning the accident description that they *originally* read. Subjects indicated the extent to which they believed that each target caused the accident, was responsible for the accident, had behaved carelessly, was guilty of negligence, and should be punished for the accident on 0% to 100% scales. Finally, participants were asked to write down their thoughts about the study; in

particular, what results they believed we might expect. Our expectations about the consequences of comparing what did occur to other imagined alternatives was then explained. No one came close to guessing the counterfactual hypothesis. The majority believed that the study concerned perceptions of women or men as drivers.

Results

Creating the Fault Indexes

As expected, the measures assessing the fault of each driver were strongly intercorrelated; they were therefore averaged to create two separate indexes. The alpha coefficient for the five items tapping Driver A's fault was .90. The alpha coefficient was .89 for the five items assessing Driver B's fault.

Fault Assigned to Driver A and Driver B

The two indexes of fault were subjected to a 2 × 2 × 2 × 2 (Subject Gender × Target Focus, Driver A or Driver B × Outcome Changed or Not × Target of Fault) mixed ANOVA, with target as a within-subjects variable. Subject gender did not interact with the experimental variables and was dropped from the analysis. The anticipated interaction between focus of attention, type of counterfactual, and fault target was significant, $F(1, 180) = 10.68$, $p < .001$. The means from this interaction are shown in Figure 4. Again, the effects obtained for the two drivers were the mirror image of each other; therefore, only the simple effects for Driver A are detailed here.[9]

Fault assigned to Driver A. When the counterfactual focused on Driver A and the outcome was undone, fault to Driver A ($M = 62.3$) was significantly higher than when the focus was on Driver B ($M = 51.1$), $F(1, 91) = 6.99$, $p < .01$, or when changes in Driver A's actions did not undo the outcome ($M = 47.0$), $F(1, 91) = 15.25$, $p < .0001$. Changing Driver B's actions but not altering the outcome did not significantly elevate the fault assigned to Driver A compared to when the outcome was undone, although the means are in the expected direction. Changing Driver B's actions but not undoing the outcome similarly only tended to increase the fault assigned to Driver A compared to when Driver A was the focus and the outcome was not undone, $F(1, 89) = 2.86$, $p < .09$.

[9]Analysis of the difference in the fault assigned to the two drivers resulted in the same significant effects as those reported here using repeated measures. The expected two-way interaction between target focus and counterfactual condition was significant for the fault assigned to both drivers when they were analyzed separately.

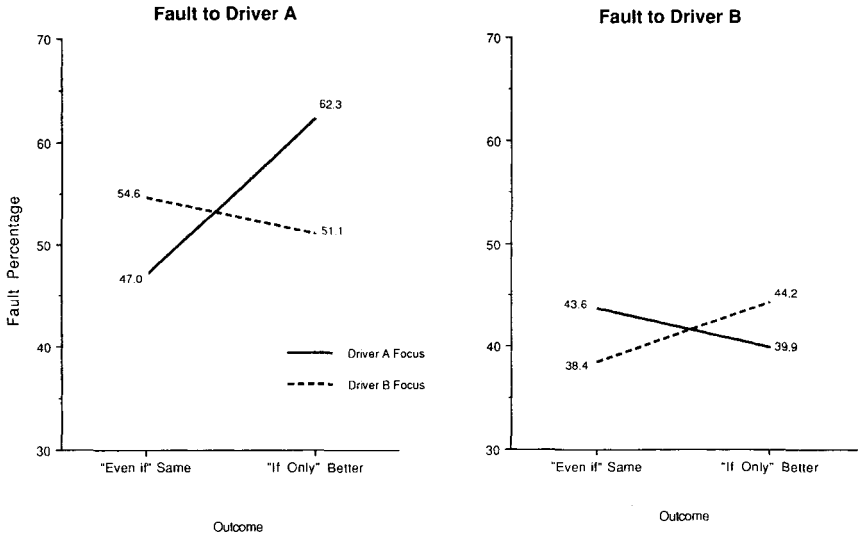

Figure 4. Percentage of fault assigned to Driver A and Driver B in Study 4 by target focus and whether or not the outcome of the event was changed.

Fault to the two drivers within each condition. The overall pattern of effects obtained in the previous study were replicated again in this study. When Driver A might have behaved differently so that the accident was avoided, Driver A's fault (M = 62.3) was considerably greater than Driver B's (M = 39.9), $F(1, 46) = 30.37$, $p < .0001$. When, however, the accident might have been avoided if Driver B had behaved differently, then Driver A's fault (M = 51.1) was reduced to the point where it was not significantly different than Driver B's (M = 44.2). These effects were reversed when the outcome was not undone. When changes in Driver B's behaviors did not undo the outcome, then Driver A (M = 54.6) was deemed more at fault than Driver B (M = 38.4), $F(1, 44) = 13.64$, $p < .001$. When changes in Driver A's actions did not undo the accident, then Driver A's fault (M = 47.0) was reduced so that it was not different from Driver B's fault (M = 43.6), $F < 1$.

Discussion

What counterfactual alternative was generated after an event has been encoded influenced the relative fault assigned to two potential causal agents in a negative event. Depending on which person was focused on and whether or not the outcome was changed fault could be raised or lowered. Fault to Driver

A was elevated either by imagining that Driver A could have behaved differently so that the accident was avoided, or by imagining that changes in Driver B's behaviors would not have changed the outcome so that, by implication, Driver A was most responsible. While the effects on the individual driver's fault ratings were slightly weaker than in Study 3, the overall pattern of effects observed was the same. Some counterfactuals may be more difficult to construct than others or they may be perceived as less plausible than others. Yet, regardless of whether constructed by oneself or provided by an external agent such as an attorney, imagining who might have done otherwise and whether it would or would not have changed the outcome appears to be critical for fault assignment.

General Discussion

The current research extends earlier work on counterfactual thinking in several important respects. First, by using identical event materials in all conditions, it was possible to demonstrate that it is the cognitive processes engaged in after the event has been encoded—specifically, the type and focus of the counterfactual considered—that determines the degree of blame assigned. The individual whose actions were mutated was critical in forming judgments about both individuals involved in the event. Second, counterfactual comparisons that imply the outcome would have been the same even if one party had done otherwise can reduce the blame assigned to the individual who is the focus. When strong preferences for blaming one target over another are not present, as was the case in the auto accident context, both decreases and increases in the blame assigned to the person focused on can be detected. When, however, culpability and intentions are not equivalent for the two targets, only counterfactuals that undo the outcome can raise the blame assigned to the focal individual. Thus, the effects of "even-if" counterfactuals appear to depend on whether the person focused on might have intended to produce the original outcome (cf. Hart & Honore, 1959). Finally, we have shown that the effects on judgment are the same whether the counterfactual is self-generated or is externally supplied via social discourse in the form of an attorney's arguments.

When blame for a rape is assessed, focusing on a rape victim's behaviors and undoing the outcome elevates the blame assigned to her and decreases the blame assigned to the assailant. Focusing on how changes in the assailant's behaviors could undo the outcome increases the relative blame assigned to him. When, however, the behavioral changes made do not also eliminate the rape, then high amounts of blame are attributed to the assailant and very low amounts to the victim, regardless of whose behaviors are altered. This lack of an effect

for counterfactual focus in the outcome-unchanged conditions in the two rape studies is what differentiates that context from the auto accident studies. Counterfactual focus in the outcome-unchanged conditions did alter the relative fault assigned to the two drivers. In this latter context, no a priori assumptions about whether one target may have intended to produce the outcome is present, as there are in rape cases. Hence, considering how changes in a target's behaviors would *not* alter the outcome can convincingly suggest to perceivers that this person was not responsible for the original outcome. Such effects would be expected whenever the original negative event is assumed to be unintended by the target focused on as it was for both drivers and the rape victim, but not the assailant.

Thus, counterfactuals following potential mistakes or errors of all sorts that result in a negative outcome can be expected to produce similar effects as those observed in the auto accident studies. Consider the predicament of a physician whose patient dies during surgery. When perceivers are lead to consider how the death could have been prevented if only the physician had not operated, then the blame assigned to the physician for the patient's death will be elevated. If, however, observers consider a counterfactual alternative where even if the physician had not attempted to operate, the patient would have still died, then the blame assigned to the physician for the outcome should be lowered.

Now, add an intention to commit murder to this example. The if-only counterfactual should still elevate the blame assigned to the target focused on, as it did for the rapist in our studies. Again, however, the even-if alternative for a target assumed to have the intention to kill should be less effective at lowering his or her blame because there is no other causal agent that could have produced the death. When an intention to produce a negative outcome is present, as it is for either a rapist or a murderer, then changing that person's behaviors cannot result in the same outcome unless another person can be implicated. Of course, attorneys attempt to do this—portray another (sometimes even the murder or rape victim) as the causal agent who was responsible for bringing about the outcome. We suggest that an even if counterfactual of this sort should be effective at lowering blame to that target primarily in cases where the identity of the perpetrator is in question—the same outcome of either death or rape would have happened because somebody else (besides the victim) caused it to happen.

Our results concerning the importance of intentions for judgments of the individuals involved in an event are consistent with Kahneman and Miller's (1986) discussion of people's responses to victims of a synagogue bombing in Paris. In that case, because Jews were the intended victims of the bomb, their deaths were perceived as less poignant or innocent than the non-Jews who were

killed while walking by the building at the time of the blast. Intended victims are said to be less mutable than unintended victims. Similarly, we are suggesting that when judging various potential causal agents of a negative outcome, those who lack an intention to cause the outcome are more mutable than are those who intend to bring about the outcome (e.g., the assailant vs. the rape victim or drivers in the auto accident).

The results of this research have important implications for legal judgments and the role that attorneys play in the process of swaying jury members in both criminal and civil cases. In cases where the outcome cannot be assumed to be intended by either party, presentation of an if-only counterfactual focusing on the opposing counsel's client can lower blame to one's own client. Likewise, presenting a counterfactual of the "even if my client had done otherwise" sort can lower blame to one's own client by implicating the other party. The former counterfactual is effective by implying that the other person had control over the outcome, while the latter influences blame by implying that one's own client did not control the outcome. Use of these two counterfactuals in combination may be especially influential in swaying perceivers' judgments, although a direct test of this possibility awaits further research.

In rape cases, a prosecuting attorney attempting to construct a believable counterfactual that undoes the sexual intercourse by changing the assailant's behaviors may have a fairly difficult task. Such actions are dictated by cultural scripts where males are expected to take the initiating role in sexual matters and women are expected to act as effective gatekeepers (Burt, 1980; Malamuth, 1981; Muehlenhard & Hollabaugh, 1988). Thus, his behaviors aimed at initiating sexual intercourse are stereotype-consistent and expected, whereas her actions are less likely to be perceived as consistent with expectancies for women. Furthermore, his actions are likely to be perceived as relatively less controllable than the victim's, resulting in less mutability for the assailant than the victim (N'gbala & Branscombe, 1995; Roese & Olson, 1995; Wrightsman, 1987).

The current research demonstrated that focus of attention is critical for blame assignment when a better outcome is imagined. In the majority of rape cases, the focus of attention is on the victim and her state of mind at the time of the assault—her consent or nonconsent is the primary legal issue (Borgida & Brekke, 1985; Estrich, 1987). Focus of attention on the victim, coupled with presentation of any type of information that suggests the victim could have behaved differently so that the outcome might have been avoided, outcomes that Amir (1971) referred to as "victim-precipitated," drastically reduces people's willingness to convict the assailant. The current research points out the counterfactual processes that could be responsible for this well-documented effect. Yet, as we showed in Study 2, suggesting to perceivers that "even if the

victim had behaved other than she did the same outcome would have occurred" can be an effective means of lowering victim blame. Nonetheless, there may be more counterfactual-based ways of raising victim blame than lowering it. Nario-Redmond and Branscombe (in press), for example, showed that perceivers who consider worse counterfactual alternatives for the victim, by focusing on how the assailant might have inflicted additional injuries or death, reduced the perceived seriousness of what did occur and lessened assailant culpability for the rape.

Judgments about rape victims have been hypothesized to result from motivational or defensive processes (Lerner, 1980). In the current research, subject gender did not, however, interact with the focus and counterfactual outcome variables. Because subject gender did not modify the impact of exposure to the various types of counterfactuals on judgments of rape victims and assailants, it argues against the possibility that our results are due to motivational factors. The fact that we obtained similar results of counterfactual thinking in the auto accident context as in the rape context also suggests that our effects are due to after-the-fact cognitive processes. This does not mean, however, that motivational variables cannot influence the type of counterfactual that might spontaneously come to mind or moderate the relationship between mutation and judgment (Burris & Branscombe, 1993).

The purpose of the current research was to examine the consequences of exposure to particular types of counterfactuals, and our results imply that the cognitive processes underlying victim blame may operate independently of motivational factors, with the type and focus of a counterfactual primarily influencing the cognitive component. Janoff-Bulman, Timko, and Carli (1985) have also argued that hindsight effects can elevate rape-victim blame, independent of motivational processes. We have contributed to this line of thought by showing what types of counterfactuals elevate victim blame and what types reduce such blame.

What remain to be explored are the effects of exposure to multiple counterfactuals sequentially. In actual trials, jurors may be exposed to several types of counterfactuals with diametrically opposite judgment implications. Motivational factors could potentially play a role in understanding how such judgment dilemmas are resolved. It is also possible that order of exposure to different types of conflicting counterfactual alternatives could be important. Our research has illustrated the role of post-encoding counterfactual exposure on judgments of the multiple participants in two quite different types of negative events. Simply being exposed to a counterfactual can have the same judgment consequences as generating the counterfactual oneself. Blame to the individual involved can be raised or lowered, depending on who might have done otherwise and whether it is imagined as changing the outcome.

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