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PARADOXES IN RESPONSIBILITY ATTRIBUTION:

INSIGHTS FROM LAW AND SOCIAL SCIENCE

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What does it mean to be responsible for an action or its consequences? Social psychologists since Heider (1958) have primarily concentrated on two areas of experimentation related to responsibility: exploration of Heider's developmental stages in responsibility attribution (e.g., Shaw and Sulzer, 1964; Sulzer, 1971); and assessment of responsibility attributed for an accidental occurrence (e.g. Walster, 1966; Shaver, 1970). Yet certain recent historical occurrences suggest that our theoretical framework may be inadequate: that we may not fully appreciate what responsibility itself means, how the presence of authority can alter perceived responsibility, or how the self and society interact to produce actions motivated by obligation rather than personal desire. The present paper examines the legal and social psychological literatures on these three topics -- each of which presents potential paradoxes in responsibility attribution -- to show where more careful theoretical formulation may be needed.

#### Attribution of responsibility in psychology and law

What does responsibility mean? Recent events have helped to indicate that the meaning is not entirely clear. For example, one of the ironies discovered by the American people during the Watergate era was that, as one wit put it, our President was trying to take the "responsibility, but not the blame" for the scandal. This remark raises the first possible paradox for our theories: Is saying that someone has responsibility but not blame like saying that someone is a married bachelor? Or does it make linguistic and theoretical sense to talk about the separation of responsibility from blame? Thus Watergate raises sharply the basic question of the meaning of responsibility itself.

In our usual understanding of the term responsibility, a judgment of

responsibility requires an actor, a misdeed, and an observer. Such a judgment is an assessment, after an action, of who is to be blamed or punished for it. The judgment can be made by the actor himself, acting as a self-observer; more often, it is made by others, acting as his judges. The action for which one is responsible is generally thought to have two components: intent on the part of the actor and negative consequences to another. Social psychological discussions of this responsibility attribution have focused on the issues of perceived locus of causality and consequences of action. Locus of causality refers to a dichotomy between internal and external causes: an intended action is perceived as internally caused; actions whose cause is external to the person, in contrast, do not render him responsible. The law, however, offers some interesting modifications to this approach, both in terms of the interplay between intent and consequence and in terms of the definition of responsibility itself. We shall thus begin by discussing notions of responsibility held in criminal law and legal theory, relating the social psychological approaches to the legal ones.

In modern criminal law, a crime has two elements: actus reus and mens rea--"guilty act" and "guilty mind." As a recent writer on the subject has defined it, mens rea is

A term meaning a guilty intent and commonly used only in connection with the maxim "actus non facit reum nisi mens sit rea."...The maxim may be translated as: "An act does not make a man guilty unless his intentions are bad." (Biggs, 1955, p. 208)

Thus bad consequences are not the sole criterion for legal guilt; theoretically, intention is central to full criminal responsibility. Yet just what this intention means is a thorny issue for both psychology and law.

Most modern controversy over mens rea has arisen over the insanity

defense. Modern Anglo-American law clearly requires both "guilty act" and "guilty mind" for conviction in serious crimes; yet the law's criteria for guilty mind fall short of reflecting modern psychology's views of mental disorders. In most American jurisdictions, the "M'Naghten rule" is still followed. Named after a celebrated case from Victorian England (1843), the rule specifies that a defendant must, first, not know the nature and quality of what he is doing; or, second, if he does know, not know that what he is doing is wrong. By wrong, the original formulators of these rules clearly meant morally wrong. Thus secular "legal" and "illegal" are directly linked to moral-religious "right" and "wrong."

The crucial element in our modern legal definition of mens rea, then, is knowledge of right and wrong. Children and the obviously retarded or insane are presumed to lack the capacity for mens rea, or to lack understanding of the distinction between right and wrong. Otherwise, normal individuals are presumed to know right from wrong; they are presumed to know the law; and they are presumed to intend to do what they do.

In contrast to this morally-toned rule in theory, inference of intention in law is operationalized with very little of a flavor of malice, evil, or wrong intention. As Hart (1968) has noted, in criminal law intention is operationally defined in law as foreseeing the consequences of one's actions. In other words, a person's goal -- what he wants to do, or what we would usually say he intends to do -- may be one thing, "X." Another event, "Y," may be but a foreseen side effect, perhaps an unwanted one. Nevertheless, a person may be held accountable if an illegal "Y" was a foreseen outcome of his actions. For example, an unwanted (but foreseen)

death can justify conviction for premeditated murder. Further, foreseeability is implicitly defined in terms of what a "reasonable man" would assume or expect to be the consequences of an action. Thus mens rea, often conceptualized in terms of malice, evil, or intent to do wrong, is operationalized in less moralistic and more probabilistic terms. Further, presumed intention and consequence are not independent of one another. A person who has committed an action is presumed to have been able to foresee its consequences; and he has acted with "guilty mind" if among these consequences is illegal harm to others. To some extent, it is up to the individual who has done the deed to demonstrate that he did not want the effect, did not intend the effect, and did not foresee the effect of his actions--and that he acted as would any reasonable man under the circumstances. Thus outcomes dominate intentions: what we do, we are presumed to do knowingly.

There are obvious similarities between the actual operationalization of mens rea in law and attribution theory approaches to responsibility by social psychologists. Heider's (1958) discussion of responsibility attribution has provided the basic framework for current conceptualizations of responsibility in this literature.

First, Heider (1958) provides a general attribution framework: the "naive analysis of action" by individuals. According to Heider, people want to make the world a stable and predictable place. Consequently, they try to understand both what is stable in the environment ("dispositional qualities" of objects) and what causes changes in that environment. According to Heider, people analyze causes of actions into two categories: forces from the environment and forces from people acting in the environment. Personal force is a combination of ability and trying--

what a person is able to do, plus both what he tries to do and how hard he tries. Heider's concept of "can" includes what a person is able to do, taking the difficulty of the environment into consideration. Thus, when we say that an action was personally or intentionally caused, we mean that the action was both something a person could do under the circumstances and something he tried to do. Such personal causality, in Heider's view, is a necessary condition for responsibility to be attributed to a person by an adult.

Heider does not actually specify what he means by responsibility. Instead, he essentially defines it by exclusion:

It has already been stressed that intention is the central factor in personal causality...People are held responsible for their intentions and exertions but not as strictly for their abilities... Personal responsibility...varies with the relative contribution of environmental factors to the action outcome; in general, the more they are felt to influence the action, the less the person is held responsible (1958, pp. 112-113).

Heider seems to be referring to general liability to be blamed or punished when he discusses responsibility. Two factors appear to be central in determining when a person is responsible: the extent to which he intended, or personally caused, the effect; and the extent to which the action was caused by environmental forces or pressures.

Heider also briefly discusses five levels or stages in the development of responsibility attribution in the child, following a Piagetian general framework (Piaget, 1965). We shall summarize these stages using labels applied by Sulzer (1971):

Stage One: Association. A person is "held responsible for each effect that is in any way connected with him or that seems in any way to belong to him" (Heider, 1958, p. 113).

Stage Two: Causality. Anything "caused by [a person] p is ascribed

to him. Causation is understood in the sense that p was a necessary condition for the happening, even though he could not have foreseen the outcome however cautiously he proceeded...The person is judged not according to his intention but according to the actual results of what he does" (p. 113). Heider indicates that this stage is what Piaget (1965) calls objective responsibility.

Stage Three: Foreseeability. Here "...p is considered responsible, directly or indirectly, for any aftereffect he may have foreseen even though it was not a part of his own goal and therefore still not a part of the framework of personal causality" (p. 113).

Stage Four: Intention. At this stage "only what p intended is perceived as having its source in him" (p. 113). This stage, according to Heider, is what Piaget (1965) calls subjective responsibility.

Stage Five: Justification. In this final stage "...even the p's own motives are not entirely ascribed to him but are seen as having their source in the environment." The "responsibility for the act is at least shared by the environment" (p. 114).

As we have seen, the law operationalizes intentionality partly in terms of "foreseeability": people are held responsible to some extent for effects they foresee, without necessarily directly intending them or wanting them. Severity of punishment, however, may well depend on directness of intention (cf. Hart, 1968). In addition, criminal charges vary in severity on the basis of intent: negligence can be conceptualized as lack of foresight; unpremeditated crime as lack of sustained intention; and premeditated crime as fully sustained intention to act with foresight of the action's consequences. Thus legally and psychologically, individuals are held most fully responsible for effects they directly

intend to produce.

Jones and Davis's (1965) hypotheses concerning how people attribute causality are perhaps still closer to law than Heider's views, although their scheme derives from Heider's. According to their attribution model, people assume that others know what effects their (the others') actions will produce. Thus Jones and Davis build into their model a sort of reasonable man's foresight in people's attributions about others. The parallel with legal presumption of foresight is clear. People are presumed to intend their actions--and, further, to foresee their actions' effects. Thus attribution theorists also stress the importance of outcomes in attribution of responsibility. In attribution theory, as in law, does implies can, and--unusual circumstances aside--does implies tried to do.

Yet legal theorists also provide insight into possible differences in kinds of responsibility as well as degrees or stages of responsibility attribution. Thus they provide a sophistication lacking in current social psychological theorizing about responsibility. To ask about meanings or kinds of responsibility can bring us closer to an understanding of the links between responsibility and blame.

There are several other uses of the concept of responsibility, in addition to the primary meaning involving liability. It is here that we must search for the elusive "responsibility without blame." H.L.A. Hart (1968) distinguished three other senses of the term: capacity responsibility, causal responsibility, and role responsibility. These refer to what a person is able to do, what he has done, and what he is obligated to do.

When we say of a person that he is or was "responsible for his



(own) actions," responsibility connotes capacity. We may still mean that the person is not "answerable" to others for the actions, but we also imply certain specific reasons why he is not. A person is not responsible for his actions in this sense if he is a young child, a mental defective, or a psychotic--or, in general, if he does not attain certain minimal levels of reasoning and self-control. Such capacity is also the basic element in the broader liability responsibility already discussed. People are not liable for blame or punishment unless they are able to control what they do. Legally and morally, "ought" implies "can": we do not say that a person ought to follow rules unless he can do so, and we assess blame for rule-breaking accordingly.

The term responsibility can also be used in a purely causal sense, where we can replace the words "was responsible for" with the words "caused" or "produced" (Hart, 1968, p. 214). Here the past tense is crucial: to say that someone is responsible for something may imply either causation or blame; in contrast, to say that someone was responsible for an occurrence often implies causation instead of blame.

Finally, in speaking of a person's responsibilities, we may simply mean his role obligations. As Hart says:

...whenever a person occupies a distinctive place or office in a social organization, to which specific duties are attached to provide for the welfare of others or to advance in some way the aims or purposes of the organization, he is properly said to be responsible for the performance of these duties, or for doing what is necessary to fulfill them (1968, p. 212)

Thus it appears that we could translate President Nixon's "responsibility without blame" into "role responsibility without liability responsibility." However, even a person's role responsibility generally implies accountability for wrongdoing or negative outcomes. When a person, by virtue of his rôle, is "responsible" for performing certain tasks or for overseeing

other performances, he must answer to others for any failures. Reciprocally, these others may blame him for those failures. Thus even this use of the concept of responsibility does not fully escape the potential link to blame.

To be responsible, then, means to be answerable, and this "answerability" implies potential blame except in the case of purely causal responsibility. To be legally responsible (i.e. liable for punishment) generally entails Heiderian personal causality. Yet Hart's discussion of meanings of responsibility gives us a more refined language with which to discuss potential variations in responsibility. In particular, it is unclear what the relationship between role responsibility and perceived personal causality is. Insofar as a superior in a role hierarchy is removed in time and place from the commission of an action he ordered, his perceived personal causality should be reduced. Yet insofar as his order caused his subordinate's performance of the action, the superior seems to represent an external environmental force compelling (and, in Heider's terms, justifying) the subordinate's action. Thus can a superior be both less responsible and more responsible than his subordinate for an action he orders? Both Watergate and military crimes such as the My Lai massacre offer examples of subordinates claiming that "orders" eliminate responsibility. If the responsibility of a subordinate is indeed eliminated by superior orders, this has serious implications for behavior in the ever-present authority hierarchies of a modern society. Thus we shall explore the legal and social scientific literatures to clarify this second possible paradox in responsibility attribution: Is a superior less responsible than his subordinate for an action he orders, more responsible, or in some sense both more and less responsible?

Respondeat superior: Authority and responsibility in law.

Because law codifies the norms and expectations of a social group, legal rules provide an indication of what a society considers permissible and what it considers wrong. For obvious reasons, the area of law in which the greatest attention has been focused on authorities and subordinates, on orders and their obedience, is military law. Military organizations have long demanded and received unquestioning obedience from subordinates to superiors. However, sanctioned massacres and other excesses occurring over the centuries have also demonstrated that absolute obedience to all commands can have tragic results. Humanity has gradually moved to make these results illegal as well as tragic.

Glueck (1944) has provided a useful history of the development of military law concerning superior orders. In addition, Dinstein (1965) has produced a theoretical interpretation and critique of the defense of superior orders in international law. The discussion here draws on these two sources for information concerning the legally most clear-cut and well-documented examples of illegal actions by subordinates under orders.

Legal theory on the subject of military superior orders has been balanced between two possible extremes: the doctrine that a subordinate is never responsible for actions he commits under orders and the doctrine that he always is. The former position is the defense of respondeat superior--the view that a superior officer giving an order, not the subordinate obeying it, is responsible for its legality and its consequences. Many military systems have at some time fully accepted the principle of respondeat superior. The opposite view that a subordinate is always responsible for his actions, whether or not he is under superior orders, is the position the French have labeled les baionnettes intelligentes

(the intelligent bayonets). Such absolute liability has never been asserted in military law, although modern military law in Israel and West Germany comes closest to this position. Today, superior orders as an absolute defense is discredited in the international community. Most nations, and international law as well, follow a compromise stance instead.

This compromise position is an attempt to acknowledge both that superior orders ordinarily must (and ought to) be obeyed, and that illegal orders should be resisted instead. Under ordinary circumstances, a soldier is expected to obey all orders and is punished for disobedience. Even if an order is illegal, a soldier may still be excused for having obeyed it. The soldier is only held criminally responsible under most codes if an order is "manifestly" illegal or if a "reasonable man" would know it to be illegal. Further, even when he is held guilty under these criteria, a soldier's obedience to orders may be allowed as a mitigating circumstance. Thus the "compromise" still resembles the respondeat superior doctrine far more closely than an absolute liability doctrine. The obedient soldier is still protected under law, even for the commission of illegal acts.

One issue arises about this position taken in military law: How congruent is it with the civilian law we have already discussed? How does the defense of superior orders relate to the concept of mens rea? In fact, the military defense of superior orders appears to be the only complete defense in which a person both claims to be fully normal and claims not to be responsible for his actions. A plea of self-defense is also a full justification for an otherwise criminal act, but such a plea does not imply non-responsibility for one's actions in the same way. A plea of duress or coercion, which may seem to resemble the superior

orders defense more closely, is not a justification releasing a defendant from responsibility, but a mitigation reducing that responsibility. There is no real civilian analog to the superior orders defense.

Dinstein (1965) suggests that the superior orders defense--even the new weaker defense--can be eliminated altogether from international law. It is his view that we can conceptualize the superior orders defense as a combination of two ingredients: first, duress; and second, ignorance of law or fact. Thus the subordinate is acting under pressure from his superior, and acting in ignorance that his orders are illegal. In this view the defense of superior orders *per se* is unnecessary and even confusing.

Yet the superior orders defense is more than duress plus ignorance. First, neither duress nor ignorance of law taken separately is a legal justification for murder; at most, they can be mitigating circumstances. More importantly, superior orders as a distinct defense reflects the normal legal and moral obligations of the subordinate's role. Military organizations are certainly power hierarchies: superiors can coerce subordinates. But they are also authority hierarchies, where superiors have the right to give orders to subordinates. It is the subordinate's duty--one might even say his "role responsibility"--to obey orders. There is a moral imperative as well as a coercive force involved. Reciprocally, it is normally a superior's obligation--his role responsibility--to be answerable for orders he gives. The superior orders defense, hybrid that it is, can be said to reflect two facts: that the superior normally has both greater power and more information than the subordinate (Dinstein's duress and ignorance); and that the subordinate normally has a moral and legal duty to obey his superior.

Thus the defense of superior orders, despite all the abuses of

authority recorded in history, has proved surprisingly durable. It is suggested here that its durability reflects its important functions-- first, protecting the ordinary soldier from an intolerable burden of weighing and interpreting all his orders; and second, reflecting the moral and legal obligations held by the superior and subordinate toward one another. Thus legally, it is clear that--at least in military settings-- orders do drastically reduce the subordinate's responsibility for his actions, even today.

If orders largely relieve the subordinate of responsibility, what does the giving of those orders do to the superior's responsibility? To acquit the subordinate does not necessarily imply convicting the superior. Indeed, the diminution in perceived personal causality as one moves away from the "smoking gun" might well make it possible for both to be acquitted: the subordinate, because of orders, and the superior, because of physical distance from the scene.

Despite the diminution in Humean causality--i.e., proximity in space and time--military law has at times held superiors quite strictly accountable for subordinates' actions. In fact, under the broadest interpretations of respondeat superior, the authority is held responsible for subordinates' actions whether or not he actually ordered them. The best-known example of this "vicarious liability" doctrine in recent history was probably the American conviction of Japanese General Yamashita at the end of World War II for war crimes committed by his men. Evidence indicated that Yamashita neither ordered nor knew about at least most of his men's actions, since he had lost communication with many troops near the war's end. Nevertheless, he was declared guilty of his men's war crimes, based on what could be termed an adapted "reasonable man" doctrine: a "reasonable superior"

has not only the minimal duty to refrain from giving illegal orders, but the positive responsibility to oversee his subordinates and restrain any unordered lawbreaking. If he knew about his men's actions, and in any way condoned them, Yamashita was violating the first norm; if he did not know, he was violating the second. In the case of General Yamashita, ignorance proved to be a hanging offense.

Although cynics have since argued that Yamashita suffered chiefly because he was the losing side's general rather than because of his real responsibility for the crimes, recent events within the U.S. have indicated that this expanded respondeat superior doctrine is not entirely dead-- nor is it reserved for the "other side" in military conflicts. Late in the Watergate scandal, as impeachment began to be a topic of discussion, many arguments in the popular press concerning President Nixon began to resemble the old respondeat superior doctrine. Thus it was said that if President Nixon knew about what his subordinates were doing during the burglary and cover-up period, then he was guilty of criminal offenses that would constitute grounds for removal from office. If he did not know, then he had failed to exercise a superior's responsibility for knowledge of and control over potential illegal acts by subordinates, and hence still deserved to be removed. More simply, as some accounts put it, if the first was true he was a liar; if the second, he was a fool. A full-blown respondeat superior doctrine does not allow an authority to be either.

In terms of theory concerning responsibility attribution, the superior's responsibility for subordinates' actions seems to fall at least partly outside the Heiderian framework. In some cases, certainly, the argument could be made that the superior represents an environmental

coercive force actually producing the subordinate's actions. In many cases, however, several factors operate in combination to reduce this clear-cut Heiderian causality. First, as already noted, the superior often is not physically a local cause: he may leave the scene before the action is performed, or may communicate his orders entirely from a distance. Second, particularly as one moves up a hierarchy, a superior's orders may be of a much more general nature than the actions carried out. For example, what is the causal relationship between a "search and destroy" policy and a My Lai massacre? In the civilian realm, how might a general directive to keep an eye on the opposing party be causally related to a burglary of their headquarters? Thus as the "social distance" in the hierarchy between superior and subordinate increases, the logical connection between order and its execution weakens. One must make an increasingly difficult inductive inference that an action "y" was a carrying out of a broad directive "Y." As this logical connection weakens, the inference that the superior intended the effects obtained by the subordinate's action should weaken correspondingly. Thus the superior may cease to be a Heiderian personal cause both because he is not a local cause and because he does not clearly intend the effects.

To this writer's knowledge, there has been no systematic exploration of these aspects of a superior's responsibility. Milgram (1963, 1965, 1967, 1973) did find more behavioral resistance to an authority's illegitimate orders when the authority was physically removed from the scene of action. However, Milgram was focusing on the subordinate rather than the superior in his obedience studies. Furthermore, he was focusing on actions rather than on perceived responsibility for those actions. His results do suggest that the removal of the authority reduces a coercive force



leading to obedience, providing at least indirect evidence that the superior as local cause may be placed into a Heiderian framework as an environmental coercive force.

The second issue of logical inference in a chain of command raises broader questions concerning what happens in causal chains. Regardless of the issue of level of generality, what happens when X causes Y and Y causes Z? Is X seen as the "true" cause of Z? One study (Brickman, Ryan, and Wortman, 1975) has initiated the investigation of causal chains. Brickman et al. were concerned with responsibility attributed for an accident, and hence their findings may or may not be generalizable to intended acts. Nevertheless, their results are of at least potential relevance to responsibility in the authority hierarchy. Using causes designated as internal to the person being evaluated or external (i.e., situational), they found that prior causes opposite in type to the immediate cause generally reversed the effects of the immediate cause. Thus irrespective of what the immediate cause was, an external prior cause elicited lower attributions of responsibility. However, an internal immediate cause still elicited more responsibility attribution overall (i.e., there was still a main effect as well as the interaction effect). The tendency of perceivers to focus on persons as causes-- a basic tenet of attribution approaches since Heider--was supported by their further finding that internal causes were seen as more important and of greater value in diagnosing why the accident occurred. A final result not anticipated by the authors was their finding that immediate causes are emphasized in consistently internal causal chains while prior causes are emphasized in consistently external chains. They speculate that:

It does make some intuitive sense that for an actor to be seen as an effective cause, his or her actions should be in close proximity to the outcome, while an external force is more likely to be seen as an effective cause if it has influenced many intermediate events. (Brickman et al., 1975, p. 1066)

The Brickman et al. approach should be expanded to include non-accidental events before we can generalize with assurance to such cases as the military chain of command. Nevertheless, one can speculate that, even if a subordinate's action is seen as intended (i.e., internal), it can also be seen as motivated by orders (i.e., externally)--and thus responsibility can be reduced. If one perceives the chain of command as a chain of external causes, then the Brickman et al. findings also support placing more responsibility further up in the chain. Still, it is clear that much research remains to be done to explore causal chains involving intended effects. Furthermore, the authority hierarchy presents the investigator with the dual problem of intended effects and inductive inference from "y" to "Y."

Despite the potential relevance of these social psychological notions about responsibility, it also appears that, at least legally, the superior's responsibility simply is not fully linked to causality per se. Using Hart's (1968) terminology, the superior is to some extent "role responsible" for what happens regardless of his causal involvement. Thus, with no causal chains in evidence, Yamashita was convicted for what his men had done. We may speculate that this extreme role responsibility in the absence of causal connection is generally reserved for very high authorities. Otherwise, because our attributions and our laws have a Humean bias, we would expect role responsibility to be countered by weakened causal responsibility. Thus Lt. Calley, the only man convicted for the My Lai massacre, held to some extent both role and causal responsibility for what occurred. None

of his superiors -- whose role responsibility was certainly greater -- received criminal penalties. Thus it does appear that a superior can be both less responsible, in a strict causal sense, and more responsible, in a role sense, than his subordinate for that subordinate's actions. Much research remains to be done to clarify the potential interaction and trade-offs between types of responsibility in the chain of command.

A final problem remains: Given that a subordinate may be judged to be in some Humean sense more responsible than his superior for following that superior's illegitimate orders, why should he obey? Can we better understand such an action by conceiving of it as a "crime of obedience" -- an action that, although blameworthy, was done because the actor felt obligated to do it? Is this in any way paradoxical? We shall examine the subordinate's obedience in such a situation from the standpoint of both actor and observer, focusing on the interplay between intent and consequence that occurs in this "wrong" action done for the "right" reasons. We shall argue that, for many observers as well as for the actor, such a crime is a rare case in which intent dominates consequence. Further, it presents Heiderian attribution theory with difficult issues concerning how to handle motives other than hedonistic ones and how to deal with differing perceptions of the action itself.

#### The "Crime of Obedience": Intent versus Consequence

One difficulty for both law and social psychology, discussed above, is the meaning of mens rea: does "guilty mind" mean evil, malicious intent or does it mean foreseeing the illegal consequences of one's action? We have noted that in actual usage intent and

consequence are non-independent: intent is operationalized as foreseeing the consequences of one's actions. In law as in psychology, we assume foresight of consequences under normal circumstances for normal individuals. However, what we have termed the "crime of obedience" presents several interesting problems for the relationship between mens rea and responsibility. First, what psychological concomitants of obedience can help to elucidate the tremendous power of authorities to order their subordinates? What makes a normal individual "not responsible" for his own actions? Second, how do individuals weigh the "good" motives of the individual actor in such a situation against negative consequences produced? Third, how are those consequences and motives perceived? Do all observers share and judge the same social reality?

A number of writers agree that, for the actor, a demand from an authority is psychologically compelling. Why? Milgram (1967) suggests that the obedient subject relinquishes responsibility for the consequences of his action to the authority:

The most common adjustment of thought in the obedient subject is merely to see himself as not responsible for his own actions. He divests himself of responsibility by attributing all initiative to the experimenter, a legitimate authority. He sees himself not as a full person acting in a morally accountable way but as the agent of an external authority...Persons under authority perform actions that seem to violate standards of conscience, but it would not be true to say that a moral sense has really disappeared. Instead, it acquires a radically different focus. Once a person has entered an authority system, he does not respond with a moral sentiment to the actions he performs. Rather, his moral concern now shifts to a consideration of how well or how poorly he is living up to the expectations that the authority has of him. (1967, p.6)

Milgram's description confounds two possible sources of this obedience, however: coercion and obligation. As noted in our discussion of respondeat superior, an authority is more than an external coercive force; authority connotes both power to command and right to command.

Given that both the authority's coercive power and his moral legitimacy are in operation when he orders a subordinate, can we simply define both of these as Heiderian external forces? If so, both the actor's external attribution of causality and an observer's similar one are relatively trivial cases of attribution to environmental force. In fact, the most detailed discussion of the psychological concomitants of coercion and legitimacy is Heider's (1958) treatment of command and ought. We shall argue that his analysis contains weaknesses highlighted by the crime of obedience, and that these weaknesses reflect a fundamental flaw in the Heiderian approach to internal attributions.

As discussed above, Heider's "naive analysis of action" paradigm divides effects into those caused by the person and those caused by the environment, including other persons. Acts caused by the person can be intended or unintended; to an adult, a person is normally responsible only for acts he both intended and committed. According to Heider, command generally removes the responsibility for an action from the person carrying out the command to the person giving it. It is interesting to note, however, that Heider never speaks of authority in discussing command. He refers instead to subordinates who receive commands from more powerful others. He also cites the dictionary definition of duress as an example of how command affects responsibility. Heider indicates that we apply what the law would call a "reasonable man" rule in assessing responsibility for actions under duress: if most people would succumb to the duress, we attribute responsibility to the source of the duress; if most people would resist, we attribute responsibility to the person who succumbs. This discussion of command is clearly focused on coercion. It does not take account of commands from an authority, who may have a perceived

right to issue commands as well as the power to enforce them.

Heider also fails to examine authority in discussing ought, but this discussion provides clues about what is missing in his "duress" interpretation of commands. Heider clearly defines what a moral ought entails:

As a first approach, the content of "I (or o) ought to do x" may be said to be fashioned after the idea "somebody wants or commands that I (or o) do x." In the case of ought, however, it is not a particular somebody that is felt to want or command people to do x; but some suprapersonal objective order. It may also be experienced as a supernatural being who personifies this objective order. (p. 219)

Heider also indicates that the ought force can be so strong that it is reacted to as a command:

..."duty commands." The duty of a person is what he "ought to do"; if he does not do his duty then he does not act according to the wish or command of the impersonal order. (p. 223)

Thus the ought of duty is an impersonal, moral, and powerful influence on the individual.

There are two interesting features of ought. First, the ought of duty is a minimum, not a maximum, requirement. We gain full praise from others by doing more than it requires, by going "beyond the call of duty." Second, we are praised most highly for doing acts that are clearly not motivated other than by ought (e.g., by desire for pleasure or for avoidance of pain.) The most praiseworthy act is one performed purely because one "ought" to do it. Further, in the really virtuous person, "...the ought force is so internalized that its strength and direction may be said to be generated from within..." (p. 232).

As Heider has actually defined it, then, a moral ought should be viewed as a truly transitional or boundary-crossing force: the internal manifestation of an external impersonal order. Heider hints at this by reference to Mead's (1962) "generalized other," the attitude of the

community as a whole. In Mead's developmental psychology, as in Freud's (1966), the child internalizes the demands of the generalized other. Conscience represents the moral commands of the community carried within the self. To praise a person for acting against his own self interest in doing what he ought to do is to praise the control that part of him (e.g., Freud's superego) has over another part (e.g., Freud's id.) Yet because Heider's own scheme involves a dichotomous attribution, to self or environment, it does not make adequate provision for what Heider himself seems to acknowledge in the concept of ought; attribution to the environment-in-self.

Thus what is missing from the Heiderian attribution paradigm is what makes us fully human: society acting in us as well as on us. An extremely important category of human acts--those with moral or social obligation as their motives--can be said to be the products of society within the self, at least from the standpoint of Mead or Freud. Indeed, Heider gives us examples from "naive psychology" suggesting that we can and do judge that a person has acted intentionally--i.e., internally--in response to an internalized external imperative.

Looking at the crime of obedience in more detail can provide us with further understanding of the role of ought, precisely because such a crime is a product of both coercion and obligation. Despite its weaknesses, Heider's discussion of ought and command helps to clarify the interplay among motives, consequences, and blame. (For the present, we shall ignore intention per se, accepting its operationalization as foresight of consequences.) The discussion suggests that we should trichotomize motives or sources of action: choice, coercion, and obligation should be distinguished. The relationship between consequences and praise or

blame is ordinarily straightforward: positive consequences merit praise, negative ones blame. The interesting issue is who deserves the praise or blame when, for example, P has been ordered by O to do X. From an observer's point of view, (liability) responsibility might be attributed for an intended action as follows:

|   |                    | Response Merited by the Intended Action |                  |
|---|--------------------|---|------------------|
|   |                    | Good Consequences                       | Bad Consequences |
| Perceived Source of Action (Motivation) | Choice (want)      | Praise to P                             | Blame to P       |
|   | Coercion (must)    | O                                       | primarily O      |
|   | Obligation (ought) | primarily P                             | ?                |

In the cells we indicate whether the person performing an action (P) or another person commanding him to act (O) is perceived as responsible for the action's consequences. Attribution of responsibility for an action is simple when a person is perceived to do what he wants to do: he is responsible for the action, whether it is praiseworthy or blameworthy. When P acts in response to coercion, responsibility belongs primarily to O, the source of the coercion. Thus praiseworthy action performed in response to coercion, which Heider does not discuss, is presumably attributed primarily to O. Perhaps the most common example of such an action would be a child's response to orders from an adult. Commonly, in such situations, the child is praised more for obedience itself than for the action performed. Blameworthy action, in contrast, falls under both moral and legal constraints. As Heider and the legal system agree, the extent of coercion and the ability of the average person to resist it determine the extent to which a blameworthy action is



attributed to O or P. Yet a person is still legally responsible for actions performed under duress; coercion is a mitigation, not a justification. Thus the actor shares the blame for a blameworthy act even though primary responsibility rests with O.

Action in response to ought is still more complex. In an action worthy of praise, we are likely to focus primarily on the person performing the act -- and the more so, to the extent that his actions clearly exceed duty and are seen to flow from a true internalization of ought. On the other hand, an action worthy of blame done because one ought to do it is seemingly a paradox, a contradiction in terms. Yet it is also our crime of obedience. It should be pointed out that generally, to be consistent, we would not expect the same person to hold both the "blame" view and the "ought" view (cf. Abelson et al., 1968, on cognitive consistency). An observer could potentially have one of three reactions: to perceive the action as blameworthy and deny the motivation of ought; to perceive the action as obligatory and, because it is obligatory, deny that it is blameworthy; or to perceive both that the action is blameworthy and that the actor saw it as obligatory. Because the third view should be both more difficult to hold and difficult to resolve, we would expect observers to gravitate toward one of the other two positions. The lessons of history and law also suggest that a sizeable proportion of observers would tend to focus on the obligation, the motive for action, rather than on the blameworthy act itself. If so, this is an exception to the general view in psychology and law that effects dominate intentions.

A crime originating in an authority's order involves both obligation and potential coercion. Thus, primary responsibility for a blameworthy

action should certainly rest with the authority in the view of most observers. Historically, in military law, we have seen that the authority was first assigned all blame for such an action. Even in military law today, safeguards clearly restrict the subordinate's liability. We can expect, then, that primary responsibility will still be attributed by most observers to the superior in a crime of obedience. Focusing on either the coercion or the obligation involved would dictate such an outcome. We can see that the responsibility attributed to the subordinate, the person acting, will be a function of the extent to which the attributor focuses on (a) the actor's intended causation of a blameworthy act or (b) the coercion and obligation which motivated him.

This analysis has focused on attribution by an observer of an action; but a person may also evaluate his own acts. To understand the actual commission of crimes of obedience, we should also ask how an actor's attribution of responsibility might differ from the disinterested observer's attribution. Two lines of thinking on this point converge. Piaget (1965) has argued that children develop a sense of subjective responsibility, a sensitivity to intentions and motives, earlier toward themselves than toward others. In addition, Jones and Nisbett (1971) assert that, generally, actors tend to attribute causes of their actions more often to the environment, while observers tend to attribute causality more often to the actor. In the case of coercion and obligation, which are interpersonal forces, these analyses converge. The actor would be more sensitive both to his motives for acting (Piaget) and to their source in the environment or social order (Jones and Nisbett). Particularly in the case of a blameworthy action, we can see how a discrepancy could appear between attributions by an actor (such as a military subordinate)

and a disinterested observer (such as a judge or jury). When a blame-worthy action was motivated by coercion or obligation, an actor could find it easy to avoid self-blame by focusing on the impetus for the act. An observer could more easily blame the actor, since actions and their effects generally dominate intentions in perceiving others. However, we have seen that the observer could plausibly focus on either the actions or the motivations of the subordinate, and there are strong reasons to believe that many observers would also relieve the actor of blame.

This potential divergence between observers was demonstrated in a survey investigation of public reactions to the trial of Lt. Calley for the My Lai massacre (Kelman and Lawrence [Hamilton], 1972a, b; Kelman and Hamilton, 1974; Lawrence and Kelman, 1973). The authors identified two major groups in the national population on the basis of their attributions: one group who approved of the trial on the basis of individual responsibility (AR group); and a second group who disapproved of the trial because they viewed authorities as responsible for subordinates' acts (DR group). It appeared that, indeed, the question mark in our diagram was being filled as we suggested above. The AR group, focusing on the blameworthy consequences of Calley's actions, denied that they were obligatory. The DR group, focusing on the subordinate's duty (and compulsion) to obey, did not all fully condone the actions--but nevertheless agreed that Calley should not have been brought to trial for them. Thus it appears that observers may resolve the "paradox" by retaining the normal attribution framework on the one hand (i.e., focusing on the consequences and attributing personal causality to the proximate cause) or by shifting to an "authority" framework on the other (focusing on the coercion and

obligation that led to the action.)

Yet the Kelman and Hamilton discussion of AR and DR patterns of response suggests a further complication and further weakness in Heiderian attribution interpretations of such situations. As they describe the patterns of response:

The data...reveal some striking differences between the AR and DR groups in their definitions of the situation in which Calley found himself. The DR respondents tend to feel that Calley should have carried out orders to shoot civilians, that most people would follow such orders in a similar situation, that they themselves would do so, and that Calley's action was right--that he was doing what any good soldier would do under the circumstances. They are prepared to accept various justifications for his action, and they see it as no different from bombing raids, which also kill civilians. They see Calley as a soldier doing his duty. The AR respondents, on the other hand, tend to feel that Calley should have refused to carry out orders to shoot civilians, that most people would refuse to shoot in a similar situation, that they themselves would refuse to do so, and that Calley's action was wrong--that it violated principles of morality. They are not prepared to accept various justifications for his action, and they see it as quite different from bombing raids in which the killing of civilians is quite unintentional. They see Calley's action as personally caused and insist on his individual responsibility in terms of the usual moral standards...They hold a person responsible for the direct and intended consequences of actions in which he seems able to exercise personal choice...(Kelman & Lawrence, 1972b, p. 198)

These data suggest a fundamental question for attribution theory: How is it that people initially decide what happened and what the consequences of the event were? Attribution theorists have generally focused on an event or an action and asked what its perceived causes were. They have not adequately addressed the prior question, which has for decades been a central issue in sociology: what happened? Ranging from W.I. Thomas' (1928) concept of the definition of the situation through modern symbolic interactionism, the sociological argument has been clear: within certain broad limits, reality is socially defined. What this implies for attribution processes is that people should often differ, not simply in what they say caused an event, but also in what they say the event was.

Although their data on this point are indirect, the Kelman-Hamilton study suggests that there may be two ways of describing "what happened" in the My Lai events and their consequences. One could say that unarmed human beings were shot and killed; this statement we could call the "physical facts." One could also say that orders to kill suspected enemy were followed; this, at least for some observers, we could call the "social facts." Thus the AR and DR respondents were potentially judging two different situations, the physical and the social. It would be consistent with the AR pattern to argue that they were focusing on the "physical fact" situation and using the normal Heiderian attribution processes to judge it. In contrast, DR respondents appeared to focus on the "social fact" situation and judge it in the light of the motives that authoritative orders elicit. In the AR version, one would describe the action and its consequence as "killing people"; in the DR, "following orders to kill enemy." Going back one step, following the Jones and Davis model, the groups would also infer intentions differently. An AR respondent could say that Calley intended to kill people when he shot; a DR respondent could say that he intended to follow orders. Neither statement is necessarily false. "Reality"--including intentions, actions, and consequences--exists on several levels and in several competing versions.

Returning to our diagram of how an observer allocates responsibility, then, we see that the "paradox" may well be resolved before the normal attribution process is even entered: observers may simply decide that different "things" happened. If they decide that one thing happened in our crime of obedience, they attribute responsibility in the "normal" way, inferring intent from consequences and assessing blame accordingly.

If they decide that another thing happened, they respond instead to societal pressures perceived both internal and external to the actor, pressures that release him from responsibility because he lacked mens rea.

A final reason why the crime of obedience is interesting and troublesome for both the attribution theorist and the lawyer is that, in calling up the conflict between consequences and motive--or, more dramatically, between different definitions of the situation--it reminds us of the ambiguity of mens rea itself. Arendt (1964) has addressed this issue most persuasively in Eichmann in Jerusalem: A Report on the Banality of Evil. Her subtitle is the central issue here: she argues that bureaucratic evil-doing is essentially banal, in that it lacks evil intent. Thus Eichmann did not intend to "do wrong," or to violate international law; he intended to "follow orders." She ultimately makes what for the attributionist is a familiar argument: when the consequences are severe enough, we infer malice aforethought despite absence of evidence that it was truly malicious. Thus she lays out a challenge to modern legal systems:

Foremost among the larger issues at stake in the Eichmann trial was the assumption current in all modern legal systems that intent to do wrong is necessary for the commission of a crime...We refuse, and consider as barbaric, the proposition that "a great crime offends nature, so that the very earth cries out for vengeance...". And yet I think it is undeniable that it was precisely on the ground of these long-forgotten propositions that Eichmann was brought to justice to begin with, and that they were, in fact, the supreme justification for the death penalty...(p. 277)

Although we may agree with her argument that mens rea in the theoretical sense is missing in such cases, we can still assert that mens rea as it is normally used in practice remains. Yet Arendt forcefully reminds us that intent to follow orders is not normally a blameworthy thing.

In summary, the crime of obedience presents attribution theory and

law with several problems: divergence between the ought motive and the blameworthy consequence; the interplay among intention, action, and consequence such that different definitions of the situation may lead to radically different attributions; and the possible presence of mens rea without malice. We suggest that it is vital to incorporate such sociological concepts as Mead's generalized other and Thomas' definition of the situation in order to adequately handle the presence of moral reasons for doing wrong.

### Conclusions

We have explored gaps in current social psychological theories concerning responsibility attribution by discussing three possible paradoxes: First, can we have responsibility without blame? Second, can an authority be both more and less responsible than a subordinate for actions that authority orders? Finally, can we sensibly discuss wrongdoing performed because of obligation--"crimes of obedience?" Each of these questions, although not proving to be truly paradoxical, highlights weaknesses in our current approaches.

First, our research has focused on levels of responsibility attribution and neglected the question of kinds of responsibility. Responsibility, except in the purely causal sense, does entail potential blame; yet nuances in the meaning of responsibility can have important personal and social consequences. Given that societies are hierarchical, a particularly interesting issue is the relationship between role responsibility and causal responsibility: how responsible authorities and actors are for deeds performed in a hierarchical setting.

We argued that a superior was indeed potentially both less and more responsible than a subordinate for actions ordered by the superior--but

that two senses of the term "responsibility" are involved. The superior is clearly more role responsible. In contrast, the subordinate may be perceived as more causally responsible because of his Humean proximity to the act; in addition, to make causal inferences up a hierarchical causal chain may involve logical as well as physical "distance" from the act. For a number of reasons, such causal chains present both theoretical problems and fascinating research possibilities.

Finally, we turned to the issue of how actor and observer perceive wrongdoing performed in an authority setting: a crime of obedience. We argued that the subordinate generally perceives responsibility as resting with the authority because the authority possesses both the power and the right to command. Heider's discussion of command, it was noted, does not deal with the most common of commands: those from someone with a perceived right to issue them. It was also argued that ought is not adequately handled in a Heiderian framework: that it should be treated as a transitional motive, neither fully external nor fully internal. Observers of a crime of obedience might reasonably focus on either the powerful motives for obedience or (as is typical in "normal" attributions) on the consequences of the obedience. Results from one study of such observers suggests that individuals may differ in how they define the situation itself as well as in how they make attributions within it. One can describe the same situation quite differently by emphasizing what were labeled here as "physical facts" and "social facts." Such a crime thus highlights weaknesses in social psychologists' understanding of "ought"; in our handling of the interplay between intent and consequence; and in our conception of the definition of the situation. An adequate grasp of these problems would enable us to explain as well as to assert



that the "banality of evil" is no paradox.

Fundamentally, social psychological attribution theories have not incorporated a number of potential lessons from sociology and law. Milgram (1967) has argued that "perhaps the most far-reaching consequence of submission to a system of authority is the diminution of the sense of responsibility . . ." (p. ). Because social structure is hierarchical -- because we live in a world of authorities, norms, and obligations as well as powerful others and situational forces -- it is vital to examine responsibility in a social context. What responsibility itself means, when we are responsible for our actions, and how we even define social situations are all questions raised by consideration of responsibility in the authority-actor relationship. A final, paradoxical lesson may emerge from such study: to the extent that we better understand authoritative constraints on our responsibility for what we do, we may be able to enlarge that responsibility.

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