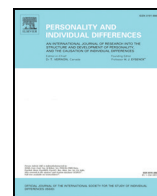




Contents lists available at ScienceDirect

## Personality and Individual Differences

journal homepage: [www.elsevier.com/locate/paid](http://www.elsevier.com/locate/paid)

## To what reference point do people calibrate cost-free, third-party punishment?☆

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## ARTICLE INFO

## Article history:

Received 31 December 2015

Received in revised form 15 March 2016

Accepted 4 May 2016

Available online xxxxx

## Keywords:

Punishment

Compensation

Individual differences

Fairness

Outcome differential

## ABSTRACT

To what reference point(s) do third parties calibrate punishments to be inflicted upon unknown wrongdoers? We introduce a novel method that allows direct comparison of preferred punishments (and compensations) to victim loss and perpetrator gain. In two experiments, minimalist scenarios indicated various monetary gains for a thief and costs for a victim. Participants indicated a fine for the thief (the victim was uncompensated). We found that victim loss and perpetrator gain had about equal influence on punishment preferences. However, analysis of individual differences indicated a substantial number of participants (about 25% to 40%) preferred relatively large punishments (i.e., greater than the *outcome differential*—the sum of perpetrator gain and victim loss), and in both experiments the mean of preferred punishments was greater than the outcome differential. A third experiment used identical scenarios but instead had participants indicate a compensation for the victim. In contrast to punishment preferences, only about 2% of participants preferred victim compensation greater than the outcome differential and the mean compensation was less than the outcome differential.

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## 1. Introduction

Given the possibility that punishment has played a central role in the evolution of human morality (DeScioli & Kurzban, 2009), it is perhaps unsurprising that across societies—including hunter-gatherers, horticulturalists, pastoralists, and city-dwellers—people punish cheaters (Heinrich et al., 2006). Punishment is not only ubiquitous, it is also effective in enabling and maintaining cooperation. This occurs even in experimental contexts in which punishers cannot benefit, or explicitly believe they cannot benefit, from changes in other people's behavior that result from their punishment (Fehr & Gächter, 2002).

Our goal was to evaluate, in uncluttered circumstances, how third-parties calibrate their punishment preferences with regards to victim loss and perpetrator gain. To do so, we measured victim loss, perpetrator gain, and punishment in the same units (US dollars). That is, we intentionally provided two relevant—even central—reference points: victim loss and perpetrator gain, to see if either or both would be reflected in dollar-amount punishment preferences. We evaluated punishment preferences of third-parties, who anonymously punish an unknown wrongdoer. Our intention was to conduct simple experiments that (a) activated punitive sentiment towards a moral wrongdoer,

(b) manipulated victim loss and perpetrator gain in comparable units, and (c) measured punitive preferences in those units.

## 1.1. Third-party punishment

When one person, a *perpetrator*, harms another person, a *victim*, sometimes the perpetrator is punished by someone other than the victim, a *third party* (e.g., DeScioli & Kurzban, 2009). Third parties will pay costs to punish perpetrators who unfairly distribute resources (Bernhard, Fischbacher, & Fehr, 2006). Explanations for why third-parties punish include wanting to benefit from the perpetrator's cooperation in the future (Petersen, Sell, Tooby, & Cosmides, 2010), being related to the victim (Lieberman & Linke, 2007), building a reputation as someone who is not to be crossed (Kurzban, DeScioli, & O'Brien, 2007), and having an alliance with the victim (Bernhard et al., 2006). When such factors are irrelevant, however, third-parties still prefer that perpetrators be punished (Buckholtz et al., 2008; Fehr & Fischbacher, 2004). For example, Carpenter and Matthews (2002) found that 96% of participants on one team indicated that an anonymous free-rider on another non-competing team should be punished. Our research follows up on third-party punishment of strangers in a context that excludes the factors identified above that influence punishment.

## 1.2. Matching punishments to crimes

Retribution theories view punishments as just deserts in that punishment severity should be proportional to the crime seriousness (Kant, 1790/1952). Sellin and Wolfgang (1964) laid a foundation for

☆ The authors declare that there are no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

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later related sociological work by showing that people agreed in the relative seriousness of various crimes when using psychophysics scaling measures (e.g., given a line of standard length assigned to a reference crime, participants drew lines of longer or shorter length for other crimes to indicate their relative seriousness). Such measures of global crime seriousness are stable across time and subgroups (Rossi & Henry, 1982). Hamilton and Rytina (1980) measured both crime seriousness and severity of preferred punishments. They had participants use psychophysics scaling measures to rate detailed vignettes of crimes and abstractly-labeled crimes on crime seriousness, and to rate various punishments on severity. Within participants, crime seriousness and punishment severity had a linear, proportional relationship. Participants also tended to agree with one another about crime seriousness and punishment severity. Rossi, Simpson, and Miller (1985) found that a global measure of crime seriousness (i.e., for abstractly-described crimes) was insufficient to predict preferred punishment. Instead, punishment preferences were also influenced across scenarios by specific details, including offender characteristics, victim losses/injuries, offender-victim relationship, victim characteristics, and mitigating circumstances. Whether such additional details were incorporated into a crime-specific perception of crime seriousness is unclear. Regardless, sociological research has established a strong relationship between punishment preferences and perceived crime seriousness.

The current research can be seen as extending this prior research by using an alternative, albeit related, method of comparing crimes and punishment. Our research and the sociological research use ratio scales of measurement, but instead of using psychophysical scales that depict subjective representations, we use a ratio scale that has a meaningful unit (US dollars). Given that prior research comparing punishments with crimes found a linear relationship between crime seriousness and punishment severity when subjectively scaled, we wondered how indicators of crime seriousness and punishment severity would relate when scaled in a known and meaningful unit of measure. Also, despite the observed linear relationship between crime seriousness and punishment severity, victim loss is a standard input into crime seriousness but it is unclear how perpetrator gain feeds into crime seriousness. The current approach allows a direct comparison of punishment severity with both victim loss and perpetrator gain. That is, unlike prior research, we directly contrast suggested punishments with point estimates provided by perpetrator gain, victim loss, and their sum. The current research can be seen as an initial examination with a new methodological paradigm in punishment research that uses ratio-scale values of a meaningful unit of measure for key crime- and punishment-related variables and therefore allows direct comparison across them.

We note that some prior research has measured people's punitive preferences in US dollars. Kahneman, Schkade, and Sunstein (1998) did so for various vignettes depicting crimes by companies. They found that punishments were related to measures of punitive intent but were highly variable across people. Unlike the current research, they did not directly compare those measures with dollar amounts for victim loss and perpetrator gain. Another study that measured punishments in dollar amounts was conducted by O'Gorman, Wilson, and Miller (2005). They presented participants with a scenario in which participants were ostensibly investors in a group fund, from which a cheater took more than his share. Unfortunately, method issues undermine direct comparison of punishment preferences with perpetrator gain or victim. For example, their punishment measure was ambiguous regarding whether the punishment would be provided to the victims as compensation. (See the online supplement for additional comparisons.)

### 1.3. Costly versus cost-free measures of punishment preferences

The sociological research summarized above in Section 1.2. evaluated people's perceptions of how well punishments fit crimes without those people having to pay any costs for such punishments to be imposed. In contrast, researchers in the fields of behavioral economics

and evolutionary biology are concerned with the costs of punishing a wrongdoer. A key cost is that the punished person might physically defend themselves, or perhaps retaliate targeting either the punisher or the punisher's associates (Janssen & Bushman, 2008). Also, punishing wrongdoers expends energy, and it results in opportunity costs by spending time punishing rather than doing other productive pursuits. Even though people can (potentially) reduce costs by using coordinated punishment (Boyd, Gintis, & Bowles, 2010), punishment nevertheless entails costs.

Given such costs, is there value in measuring mere preferences for punishments? We think so. This is because people's punishment preferences can have important consequences. First and foremost, a person's punishment preferences likely influence the likelihood and severity of punishment by that person. Thus punishment preferences and behavior are likely correlated. Notably, given the reduction in punishment with increasing costs (Anderson & Putterman, 2006), if researchers only measure acts of costly punishments, when participants do not punish it is unclear whether they were unwilling to pay the costs or they thought the person did nothing wrong and so deserved no punishment (e.g., in the small societies used in cross-cultural evaluation of third-party punishment, Henrich et al., 2010).

Measuring punishment preferences is important even excluding when such preferences are acted on. A person's punishment preferences might influence whether another person punishes and, if so, how severely. For example, in complex hunter-gatherer groups and sedentary cultures (that arose with horticulture and agriculture), decisions are often made by high status elders or dominant individuals (Knauff, 1991). Indeed, in simple societies the "aggressively self-interested persons may be killed with the consent or active collaboration of the community at large" (p. 400). In societies with accumulated wealth, affluent individuals sometimes pay agents to exact punishment; and in large, complex societies people specialize in third party punishment, such as judges and police (Marlowe, 2009). In all of these cases group members who do not themselves punish the wrongdoer might influence that punishment by communicating their preferences with those who do the punishing. How punishment preferences—expressed cost-free—relate to costly punishment enacted by the self or others is an interesting problem left to future research.

### 1.4. Individual differences in punishment preferences

Prior research in which punishment preferences were measured in dollar amounts found that preferences varied substantially across participants (Kahneman et al., 1998; O'Gorman et al., 2005). That punishment preferences diverge substantially across people is anticipated by research in evolutionary biology and behavioral economics. An evolutionary process referred to as *frequency-dependent selection* can result in multiple, distinct types of strategic agents co-existing in a population (Maynard Smith, 1982). Such multi-type population structures become stable when payouts (sums of costs and benefits) are equal across all types of agents, and relative proportions of each type are held in check because each type faces reduced payouts when it becomes more common in the population. Various lines of research support the plausibility that frequency-dependent selection has resulted in various types of people regarding social strategies. Notably, this approach argues that strategy types need not be genetically determined but instead might be activated conditionally within individuals given their traits and environments. A review of empirical studies on social value orientation found that samples on average had about 50% cooperators, 24% individualists, and 13% competitors (Au & Kwong, 2004). In an experiment using a one-shot public goods game, half of participants were conditional cooperators (they contributed more when they knew others contributed more) and a third were free-riders (they did not contribute; Fischbacher, Gächter, & Fehr, 2001). In another experiment that used a multi-round public goods game, 13% of participants were cooperators (indiscriminate contributors), 20% were free-riders, and 63% were

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