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AN ATTRIBUTIONAL APPROACH TO ACCOUNTS AND
SANCTIONS FOR CRIMINAL VIOLENCE*

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ACQUISITIONS

Richard B. Felson

State University of New York at Albany

and

Stephen A. Ribner

New York State Department of Mental Hygiene

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ABSTRACT

Accounts for criminal homicide and assault are examined from the standpoint of attribution theory. An excuse is conceptualized as a claim by an offender of low personal causation while a justification is conceptualized as giving reasons for intentional action. While an excuse is an attempt by an offender to align himself with the social order by divorcing himself from his actions, a justification is an attempt by an offender to align himself with some other norm than the one he violated. Justifications are the most frequent account given by offenders for these offenses. Both the nature of the offense and strategic considerations appear to affect the type of account given. Sanctions are most severe when offenders deny their guilt and least severe when they admit guilt without providing an account, suggesting that the more blame an offender accepts the less severe the sanction. Unlike accounts for minor infractions, accounts for criminal homicide and assault appear to suggest a lack of penitence and thereby increase the severity of sanctioning. However, accounts have less impact on sanctioning for these serious offenses than they do for minor infractions.

An Attributional Approach to Accounts and Sanctions for Criminal Violence

When a person is observed engaging in a deviant act, whether it is a minor infraction of a conversational rule or a serious violation of law, he is called upon to give an account or explanation of his behavior (Scott and Lyman, 1968). This gives the offender the opportunity to engage in remedial work (Goffman, 1971) if he wishes in order to alter the meaning or interpretation of his actions before the audience passes judgement. An account may involve an excuse, in which the offender admits the act is wrong but denies full responsibility, or a justification, in which the offender accepts responsibility for the act but denies it is wrong (Scott and Lyman, 1968).

Excuses and justifications can also be described in attributional terms. Specifically, an excuse is a denial of personal causation, i.e., a denial by the offender that he caused or intended the act. For example, an offender might claim that a homicide was an accident, or that he did not have full control of his bodily actions because he was intoxicated. When offenders provide justifications, on the other hand, they admit personal causation for their behavior. Here, an offender provides reasons for his action rather than causes (Buss, 1978). The actor attempts to make rational or intelligible his action vis-a-vis some norm of proper conduct. The justification implies that the act is not wrong in the present context, or at least is not as reprehensible as it appears, because of some over-riding norm, value or authority. For example, an offender may attempt to justify a homicide by citing the norm of self-defense. The reference to norms may also be indirect, e.g., when the offender claims "he insulted me", implying the norm of reciprocity.

This conceptualization of accounts has three advantages over the slightly different conceptualization suggested by Scott and Lyman. First, it makes explicit the relationship between social perceptions and interactional strategies designed to manipulate social perceptions. The content of accounts is then theoretically predictable given the way persons and actions are judged. Second, it resolves certain ambiguities in Scott and Lyman's classificatory scheme by showing why some of the accounts they classify as justifications are better classified as excuses. Thus, "sad tales" (e.g., "I had an unhappy childhood") are excuses not justifications because they deny personal causation by citing external forces to account for behavior. Furthermore, to claim that "everyone does it" ("condemnation of the condemners") is an excuse, not a justification, since it suggests low personal causation. On the other hand, claiming that the victim deserved it, that the act was designed to help another, or that the act was for self-fulfillment, are justifications because they imply the act is not wrong because of some overriding norm or value. Finally, this conceptualization may help explain why certain accounts are used in some situations and not others. For example, an action may not be excusable when there is evidence of high personal causation.

Accounts are a type of aligning action (Stokes and Hewitt, 1976) in that they indicate to the audience that the actor is aligned with the social order even though he has violated it. In the case of excuses, the offender divorces himself from the action itself by denying personal causation. In the case of justifications, the offender aligns himself with some norm, value, or authority other than the one he violated. There is evidence that when actors fail to provide accounts for their deviant behavior they are likely to be sanctioned more severely by the audience, since they have not aligned themselves with the social order. Thus, Dedrick (1978) found that sanctions were less severe for a boy who behaved in an arrogant, unfriendly manner if he offered an account afterwards. And Blumstein et al. (1974)

found that the type of account given for a minor infraction was more important than the nature of the violation in predicting subjects' judgements about an offender.

When actors deny their guilt, they are claiming that they have nothing to excuse or justify. If the audience accepts their claim of innocence, then no sanction is expected. However, if the audience is not convinced, the reaction may be even more severe, since the offender has not provided an account and thus has not aligned himself with the social order. In other words, the offender has failed to show penitence for his actions. Blumstein et al. (1974) found that subjects were more likely to honor an offender's account for a minor infraction when they thought the offender was penitent.

This paper examines the accounts given and the sanction received for two types of extremely deviant acts; criminal homicide and felonious assault. First, we describe the types of accounts given by the offender, (i.e., the extent to which offenders attempt to excuse, justify or deny their guilt). Second, in an exploratory analysis, we examine whether these accounts are related to the characteristics of the event. This section examines whether certain actions are more excusable or justifiable than others given their context. We expect that the more serious the offense, the more likely an offender is to deny his guilt, since these actions are more difficult to excuse or justify. Third, we examine whether the account given by the offender affects the severity of the sentence he receives. We expect that denial of guilt will result in a more severe sentence, since the offender fails to align himself with the social order by showing penitence.

There are a number of differences between accounts given in the legal system and accounts given in everyday interaction. Obviously, offenses are much more serious in criminal proceedings. In contrast to everyday interaction where blame is not important, guilt and innocence are crucial issues. Since the possibility of re-defining the event is much more limited, an account is probably less important

than the "facts" of the case in its effect on sanctioning. In addition, accounts are given to third parties rather than to the offended party. Offenders may also be coached by third parties (i.e., lawyers) about what account to give. Thus, account giving in this context is often a team performance (Goffman, 1959). However, the characteristics of these performances may still be the same. Finally, account giving is institutionalized. Offenders are routinely asked to give an account for the offense for which they have been convicted and this account is recorded on a commitment blotter. Offenders use what Scott and Lyman refer to as a formal style, i.e., a style in which the account is given without interruption according to a pre-established code or procedure.

METHODS

The sample includes 226 males who were incarcerated in New York State Correctional facilities in 1977 for felonious assault, manslaughter or murder where these offenses were not committed in conjunction with any other offense (e.g., as in rape or robbery). We also omitted cases for which no description of the offense was available. Thus, the results are most generalizable to instances where deviant action has been witnessed. The sample includes only first and second degree assaults, since persons convicted of less serious offenses were more likely to go to the county jail rather than a state facility.

Accounts are obtained from the commitment blotter under the heading "act attributed to by offender." The offender provides this account prior to entering prison and after sentencing. In the analysis where we examine the effect of accounts on sentencing it is assumed that offenders have not changed their account before and after sentencing. If any changes have occurred, it would tend to weaken the relationship between accounts and sanctioning and thus result in a more stringent test of this relationship.

The seriousness of the offense is measured first, in terms of its consequences, i.e., whether the victim dies. The second measure of seriousness is the sex of the victim. There is evidence that offenses against females are considered more serious (Swigert and Farrell, 1976). A third set of measures concerns evidence of high personal causality in past actions and present behaviors. These are indicated by a prior arrest record, the statement of an intent to harm during the incident, and the commission of multiple physical attacks by the offender during the incident.

The number of prior arrests, the sex of the victim, and the offense for which the offender was convicted were obtained from pre-sentence reports. Detailed in these reports was an official version of the event, based on the reports of witnesses and victims and other evidence. This was examined in order to obtain a count of the number of physical attacks during the incident, the number of blows delivered during these attacks, and the number of threats made by the offender.¹

Finally, the maximum and minimum sentences imposed by the judge were obtained. Since the criminal statutes specify limits to sentences depending on the type of crime committed, these sentences are not completely open to the discretion of judges. In order to focus solely on discretionary judgement we treat maximum sentence as a proportion of the maximum possible sentence allowed by law for the offense for which the offender has been convicted. Similarly, minimum sentence is treated as a proportion of the most severe minimum sentence allowed by law for the offense. This method also has the advantage of handling the effect of plea-bargaining. Plea-bargaining for homicide and assault involves a reduction of the offense charges (Newman, 1956). It may be that offenders who deny guilt receive a more serious sentence because they are less likely to accept a guilty plea for a crime carrying a less severe sentence. If those who deny their guilt are convicted of charges that allow more serious sentences, then the proportional sentences they receive will tend to be lower (since the denominator is higher). This would make it

more difficult to confirm the hypothesis that denial of guilt results in a higher proportion of the sentence mandated by law. However, according to the New York State Department of Criminal Justice Reports (1975, 1976, 1977) 92% of felony convictions in the state involve plea-bargaining. The minimal variation in this "variable" suggests that it would not have much effect on the relationships observed.

RESULTS

Types of Accounts

A frequency distribution of the accounts provided by the offender is presented in Table 1. Excuses are relatively infrequent, making up only 19% of the cases. The most frequent type of excuse involves the claim that the act was accidental (12%). Justifications are much more frequent, accounting for over 50% of the cases. Half of these involve claims of self-defense (a legal justification) while in the other half the offender either mentions some conflict he had with the victim or else claims that the victim had done something wrong. In almost all cases in which an offender cites a conflict, the offender simply attributes the event to an "argument". In citing victim wrong-doing, the offender either explicitly stated what the victim did (e.g., "he threatened me") or states that his intention was to correct some wrong-doing (e.g., "revenge", "trying to recover money.") Finally, in 31% of the cases the offender does not provide an account. Rather, he either denies his guilt (17%) or admits it without further explanation (14%).

TABLE 1 about here

Predicting the Offender's Account

Data on the relationship between accounts and characteristics of the incidents are presented in Table 2. In general, the hypothesis that offenders would be more likely to deny their guilt when an offense was more serious was not

supported. Actually, offenders are more likely to deny their guilt ($p < .05$) and are less likely to admit it without further explanation ($p < .05$) when the victim survives the attack than when the victim dies.² Also, offenders are no more likely to deny their guilt when the victim is female. On the other hand, offenders are more likely to deny guilt when there is evidence that they have struck more blows ($p < .01$), engaged in more physical attacks ($p < .10$), delivered more threats ($p < .10$), and when they have more prior arrests ($p < .01$). These results suggest that high personal causation, as evidenced by present actions and past behavior, is more likely to result in the denial of guilt.

TABLE 2 about here

Excuses are more likely to be given if the victim dies ($p < .01$) and if the victim is female ($p < .01$). Excuses are less likely, on the other hand, if numerous blows are delivered ($p < .01$). Finally, self-defense is less likely to be claimed when the victim is female ($p < .01$) and when the offender has engaged in more physical attacks ($p < .10$).³

The Effect of Accounts on Sanctions

The proportion of the minimum and maximum sentences given by the type of account is presented in Table 3. As hypothesized, offenders who deny their guilt are given the largest proportion of both types of sentences ($p < .05$; $p < .001$). On the other hand, the least severe sentences are given when offenders admit the offenses without attempting to excuse or justify them ($p < .12$; $p < .02$). In fact, it appears that sentences become increasingly lenient as offenders accept a greater amount of blame. That is, there was a similar rank order of increasing acceptance of blame and decreasing penalties: denial of guilt, legal justification (self-defense), other justification, excuses, admission without excuse or justification.⁴

TABLE 3 about here

By converting the account information into five dummy variables (omitting one to prevent linear dependency) one can estimate the strength of the accounts-sentencing relationship. The variance explained (R^2) is .05 for minimum sentence ($p < .05$) and .08 for maximum sentence ($p < .001$).⁵

The possibility exists that the relationship between accounts and sanctions is spurious due to certain aspects of the crime. For example, perhaps evidence of personal causality affects both sanctioning and the type of account given (see above). In order to test for this possibility, we examined the net variance explained by the accounts variables after the type of crime (homicide versus assault), the number of prior arrests, and the number of blows delivered by the offender are controlled. The total variance (R^2) explained with all variables in the equation was .20 for the minimum sentence and .13 for the maximum sentence. When the accounts variables are omitted, .17 of the minimum sentence and .08 of the maximum sentence are explained. Thus the accounts variables explain an additional 2.7% (n.s.) of the variance in minimum sentence and 5.3% ($p < .05$) of the variance in maximum sentence. The results suggest that, for the most part, the accounts sentencing relationship is not spurious. On the other hand, it does not appear to be very strong.

DISCUSSION

Following attribution theory, an excuse is conceptualized as a denial of personal causality while a justification is conceptualized as an admission of personal causality, but a claim that an over-riding norm, value or authority makes the act proper in the present context. This conceptualization borrows Buss's (1978) distinction between causes and reasons for actions, applies them to deviance, and stresses their interactional importance. While an excuse denies personal causality, a justification gives reasons to an audience for a deviant action. This research supports Buss's criticism that attribution theory places too much emphasis on causes

and ignores the fact that actions are also explained in terms of reasons. It appears that offenders are more likely to account for homicides and assaults in terms of reasons (i.e., justifications) than in terms of causes (i.e., excuses). One suspects that this is due to the nature of these offenses. Homicides and assaults result from interactions that usually involve aggressive actions by the victim. The norms of self-defense and (negative) reciprocity readily apply in these circumstances.

Under the vocabulary of motives used in the criminal justice system, the only accounts that mitigate guilt for these types of acts are self-defense and accident. The other excuses and justifications, even if believed, would not lessen legal culpability. They would perhaps make the act intelligible, but not justifiable or excusable. It is probably for these reasons that self-defense is the most frequent justification, and accident is the most frequent excuse.

In about 30% of the cases offenders either denied their guilt or admitted it without giving an account. In the former case, an excuse or justification is unnecessary since the offender claims he did not commit the act to begin with. In the latter case, the offender does not even attempt to explain his actions.

In general, the hypothesis that offenders would be more likely to deny their guilt when the offense was more serious was not supported. In fact, the offender was more likely to deny his guilt and less likely to admit it without explanation when the victim survived. It may be that offenders actually felt remorse when the victim died and therefore were less likely to claim innocence. It could also be that offenders who have committed assaults and who admit their guilt are more likely to have their charges reduced and therefore avoid state penal institutions. This would be consistent with the notion that offenders are sanctioned more severely when they fail to show remorse.

Offenders were more likely to deny guilt when there was evidence of high exertion (more blows and attacks), when they had allegedly stated an intent to harm

(threats) and when they have more serious prior records. This may be a practical strategy on the part of offenders when they know there is evidence that their personal causation was high, and that sanctions are likely to be more severe. A denial may be their only hope of getting a lower sentence.

Excuses were more likely to be used when the victim died. The offender is able to claim that one aspect of the event, the death of the victim, was accidental (the most frequent excuse). Although the offender might not have intended the death of the victim, he says nothing about whether he intended less harm. This would suggest that an offender can select some action out of an event to account for or explain, and leave other actions unexplained.

Excuses were more likely and justifications were less likely to be used when the victim was a female. It appears that harming females is more difficult to justify, perhaps because of beliefs about the lack of aggressiveness of females.⁶ As a result, offenders provide excuses instead. Finally, if the actor has delivered more blows, he is unlikely to give an excuse. It is very difficult to claim an action is accidental when the action has been repeated.

These results suggest that the type of account given may be related to the characteristics of an action. Repeated actions (e.g., delivering many blows) may be inexcusable, i.e., difficult to claim low personal causation, because they suggest high intent. Other actions are more easily excused, (e.g., death of a victim) because one can account for an aspect of the event that is attributable to chance and ignore other aspects. An account may also reflect strategic considerations on the part of the offender. Thus the offender may be more likely to deny guilt when he knows there is evidence of high personal causality and he may use more excuses when he has harmed females.

In contrast to previous literature on accounts for small infractions, accounts had only a small effect on the judges' discretionary sentencing for homicide and

assault. Specifically, increasing acceptance of blame on the part of the offender was associated with decreasing sanctions. As offenders show increasing amount of penitence they come into greater alignment with the social order and reduce the sanctions applied to them. Thus, a denial of guilt results in the most serious sanctions. And, in contrast to the previous literature on much more minor offenses, sanctions are more severe when an offender gives an account than when he simply admits guilt without explanation. This literature suggests that sanctions should be less when an account is given. The present research suggests that for extremely deviant acts like homicide or assaults this is not the case. Once an offender's guilt has been determined, accounts only serve to show a lack of remorse, i.e., misalignment with the social order. As a result, the more innocence claimed by the offender the more severe the sanctions. In future research, it would be useful to compare the effect of accounts on sanctioning for serious and minor infractions within the same design.

This study is limited in that it only examines cases where guilt has been determined. We recognize that a denial of guilt may decrease the probability of conviction if this decision has not been made. The study is also limited in that it only examines instances where a description of the incident is available. The evidence is probably more conclusive in these incidents, for the most part due to the testimony of witnesses. It may be that when the evidence is more ambiguous a denial of guilt or an account is more likely to induce doubt in the mind of court and thereby decrease sentencing.

In sum, offenders account for criminal homicide and assaults with excuses and, more often, with justifications. Both the nature of the offense and strategic considerations affect the type of account given. That is, the type of account given may be a reflection of certain circumstances that make an action more or less excusable or justifiable as well as an attempt to reduce sanctioning. In contrast to

minor infractions, the type of account given appears to have only a small effect on the severity of sanctioning. Also, in contrast to minor offenses, alignment after these severe offenses is best achieved by admitting guilt without providing an account. Sanctions are most severe when offenders fail to align themselves with the social order by not accepting blame.

Footnotes

1. If two attacks are separated by some other action they are counted as two attacks. An offender may deliver multiple blows during a single attack. Unfortunately, there was sufficient information (i.e., at least 4 actions recorded in the descriptions of the incident) on physical attacks and threats for only 56% of the sample.
2. Differences in proportions in this paper were tested by a t-test.
3. The race and socioeconomic status (income) of the offender had no effect on the type of account given.
4. Justifications involve less blame than excuses because they claim the act was not wrong under the circumstances.
5. There was no interaction observed between accounts and type of crime in their effect on sentencing.
6. Female victims were actually no less aggressive in these incidents in that they participated in as many physical and verbal attacks as male victims.

Table 1. Frequency Distribution of Offender Accounts for Homicide and Felonious Assault (N=208)

<u>Account</u>		<u>Percentages</u>
JUSTIFICATIONS		50.5
Self Defense	25.5	
Victim wrong-doing*	7.7	
Conflict with Victim	14.4	
Helping another	2.4	
Other justifications**	0.5	
EXCUSES		18.7
Accident	11.5	
Drinking or Drugs	4.3	
State of mind***	1.9	
Intended something else****	1.0	
NO ACCOUNT		30.8
Denial	16.8	
Admission	13.9	
		100%

*Includes mention of wrong doing and reference to attempts to correct it.

**Includes "it was my house".

***Includes "emotional disturbance", "mental problems"; "I was mad"; "Spur of the moment".

****Includes "wanted to scare him"; "wanted to scare".

Table 2. Percent Who Use Different Types of Accounts By Characteristics of the Incident

Characteristics of the Incident	Accounts					N
	Denies	Admission	Excuses	Legal Justification (Self defense)	Other Justification	
Death of Victim	12.7	17.2	23.9	23.9	22.4	134
Victim Survives	24.3**	8.1**	9.5*	28.4	29.7	74
Male Victim	16.9	13.3	13.2	30.7	25.9	166
Female Victim	15.0	17.5	42.5*	5.0	20.0	40
Three or more blows	21.1	14.5	11.8	19.7	32.9	76
Less than three blows	12.9**	12.9	23.3*	28.4***	22.4***	116
Four or more prior arrests	21.3	11.1	19.4	25.9	22.2	108
Three or less prior arrests	12.0*	17.0	18.0	25.0	28.0	100
Offenders threatened	30.0	6.7	16.6	30.0	16.6	30
No threats	17.2***	17.2	19.5	25.3	20.7	87
More than one physical attack by offender	24.6	15.9	21.7	21.7	15.9	69
One physical attack by offender	14.6***	12.5	16.6	33.3***	22.9	48

* $P < .01$

** $P < .05$

*** $P < .10$

Table 3. Proportion of Minimum and Maximum Sentence by Type of Account

Proportion of	<u>Account</u>				
	Denies	Admission	Excuses	Legal Justification (Self Defense)	Other Justification
Maximum Sentence	.65	.40	.47	.51	.48
Minimum Sentence	.73	.31	.39	.56	.45

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