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THE EFFECTS OF MORALITY AND FACIAL ATTRACTIVENESS ON ALLOCATIONS OF RESPONSIBILITY FOR CONSUMER PRODUCT SAFETY

by

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A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE MASTERS OF ARTS

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ABSTRACT

The Effects of Morality and Facial Attractiveness on Allocations of Responsibility for Consumer Product Safety

by

Meredith L. McQuilkin

This study investigates the effects of perceived morality and facial attractiveness on jurors’ allocations of responsibility in a civil litigation context. Confronted with uncertainty, jurors may focus less on the factual evidence presented and more on peripheral cues. It was hypothesized that jurors will attribute more responsibility to a bad individual compared to a good person, and unattractive consumers will be allocated more responsibility for an accident than their attractive counterparts. Results indicate perceived morality significantly influences responsibility allocations. Bad people were given more responsibility than good people. Although unattractive consumers were given more responsibility than attractive consumers the difference was not statistically significant. Finally, allocations to the consumer and manufacturer differed depending upon the products used in each scenario, indicating that responsibility
allocations to consumers are related to the type of product. Implications for civil litigation include the awareness that jurors decisions are influenced by the type of product and subjective information about the consumer.
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INTRODUCTION AND OVERVIEW

The purpose of this study is to further explore attributional processes in a litigation context. Building upon pervious attributional theories, are bad people attributed more responsibility for an accident resulting in severe injury than a good person? According to the just world hypothesis the bad person will receive more responsibility for the accident because, in the words of Lerner (1971) and Lerner and Miller (1978), 'people get what they deserve'. Likewise, as prescribed by Thorndike's (1920) halo effect, the bad consumer will receive more responsibility because of a tendency to generalize across attributes. If the consumer is perceived in a disapproving light, this feeling of negativity will be generalized to all his/her attributes despite their relevance to the accident situation. If the jurors dislike the consumer, they may be more willing to hold him/her responsible for the accident.

Why People Make Attributions

After the occurrence of an event, particularly one with a negative outcome, people generally try to determine why the incident transpired. For example, if someone suffers an injury while using a ladder, the injured party would attempt to figure out why the mishap occurred. It can be argued that the process of understanding is rooted in our perceptions of the
event. According to Shaver (1985), we assess the situation across three criteria levels and make a judgment of blame based on our observations of the relative importance of these three elements. Shaver (1985) defines these three factors as causality, responsibility, and blameworthiness. Respectively, these concepts answer the questions of 'why did this happen?', 'is anyone responsible?', and 'is anyone to blame for this?'. Unfortunately, the answers to these inquiries are much more complex than they appear.

The process of attributing blame for a phenomenon varies depending on one's perceptions of the circumstances surrounding the episode in question. For example, when assigning fault for a minor traffic accident between an Italian sports car and an American four-door sedan, the degree of malfeasance is due in part to one's conception of the causality, responsibility, and culpability of the event. In turn, one's interpretations of these factors are influenced in part by cultural values (Shaver, 1985). People may associate the driver of a sports car with certain characteristics while assigning different qualities to the owner of the sedan, thereby invoking value-based judgments about the people involved to determine responsibility and/or culpability for the accident. In a litigation context, these subjective judgments could sway the jury's decision regardless of the evidence presented.
In addition to value-based influences, Shaver (1985) argues that personal motivations play a role in determinations of fault assignment. If both individuals involved in the accident perceive themselves to be excellent drivers, it is likely each will believe the other is at fault. This notion of personal blamelessness reinforces the conviction that one is an excellent driver, thereby absolving oneself of responsibility for causing the accident.

To further explore the question of why people make determinations of fault, we need to understand how they make these decisions. This evaluation of causality, responsibility, and blame can be accomplished in part through a process of attribution. Shaver (1985) asserts that attribution processes are “cognitive processes directed toward identification of the invariant properties of people and features of the social environment” (p.6). People isolate these ‘invariant properties’ to understand what it is about an individual which compels that person to act in a certain way. Once identified, these dispositional properties can be used to assess blame for an event. Reconsider the previous example involving the auto accident: The owner of the sports car is known to be an offensive driver who frequently exceeds the speed limit when driving around town. Someone who knows the behavioral characteristics of the sports car owner might use
that information to attribute blame for the accident to that driver. That person attempts to infer a reason for the accident by using the dispositional qualities of the driver to allocate responsibility and blame.

Of course, this method of attribution has several limitations. First, personal biases of individuals may lead to errors in their judgments of causality, responsibility and blameworthiness. These inaccuracies could be due to prior experience, or lack thereof; selective attention of the antecedents involved in the event; a desire to resolve a discrepancy between what the individual believes ought to have happened and what actually occurs; or a combination of these and other factors. Second, there may be multiple antecedents to the event, all of which could potentially have caused the outcome. What is it about the situation which allows for one attribution over all the other preceding factors as possible sources of causality and responsibility? Several theories on the attribution of causality and the attribution of responsibility have been postulated in an attempt to address this question.

Making Attributions of Causality

Shaver (1985) developed a model of causality which attempts to answer two fundamental questions: 'what is our conception of causality?' and 'how is it attributed?'. Basically, he argues that human beings
represent the fundamental principle behind causation, and our understanding of causality is a result of personal experience. This experience of events and their outcomes is what allows us to view ourselves as "efficient causes of changes of state" (p.31). Knowledge of causality can be gained through personal actions, the observed actions of others, or from events in the environment.

Once people understand the relationship between themselves and causation, the next step involves attributing causality to outcomes. People must weed through a host of potential causal elements, some relevant and some irrelevant. For example, suppose a teenager was suspended from school for smoking cigarettes. What caused that student to begin smoking? Possible arguments include a failure to understand the risks associated with smoking; a belief that smoking will make him appear more mature; peer pressure; a means of adolescent rebellion; or a decision to emulate his parents, whom also smoke. Even seemingly simple incidents can have multiple potential antecedents and any one may be the reason for a specific occurrence. The question then becomes 'how do we pick out the relevant information when making judgments about causality'? The answer is dependent on the person making the determination. Past experience and different interpretations of an event lead to alternate selections of relevant
causal antecedents. Moreover, the choice of a different causal factor would lead to the adoption of a different causal attribution. The student might identify peer pressure as the reason behind his smoking while the parent may select adolescent rebellion as the cause.

Even if the same causal factor was selected, disparate contextual references adopted could create alternate causal designations. Studies by McGill (1989, 1991) investigating the effects of contextual background on causal attributions lends support for this claim. McGill (1989) used a pregnancy example to support her argument and found that depending on the contextual reference, a teenager’s pregnancy can be attributed to one of many causes. Accordingly, the parent might attribute the cause of the pregnancy to the teenager having sexual intercourse with her new boyfriend whereas an educator might attribute the pregnancy to a lack of knowledge about birth control. In this example, either cause may be correct, but depending upon the contextual background adopted, only one explanation will be chosen (McGill, 1989).

Ultimately, McGill’s work supports the notion that no one correct attribution exists; instead, causality depends in part on the background choice adopted. In a litigation context, McGill (1989) argues that the goal is to convince the jury that your selection and interpretation of the
antecedents and background context which led to the cause of the event is correct and your opponent's view is incorrect. In the present study, a consumer will be injured while performing a given task. When arguing the case in front of a jury, the consumer's lawyer will attempt to identify the contextual background associated with the injury as the interaction between himself and the product. On the other hand, the manufacturer of the product will adopt a different causal explanation for the accident, thus drawing attention away from the product as the cause of the injury. In the face of this uncertainty, the jury must decide which background is more plausible.

**Differences between Causality and Responsibility**

Until now, this paper has focused on causality; yet it represents only one component of fault assignment. Another key factor involves our perceptions of responsibility for an event. Responsibility depends in large part on the notion of causality, but the two concepts are not identical. Causality involves the cognitive assessment of various antecedents which potentially play a role in the occurrence of some event; responsibility entails a more subjective judgment based on a predefined moral code. An individual may have *caused* an outcome, but should that person be held
responsible for it? The answer to this question and others depends on one’s definition of responsibility.

Shaver (1985) divides responsibility into 5 components:

a) some connection (usually a causal one) between an actor and an occurrence, b) a generally accepted set of moral principles by which that occurrence is judged harmful, c) the view that a set of causes of events includes elements produced by human action, d) the assertion that the actor whose behavior is being judged voluntarily produced (or voluntarily chose not to prevent) the harmful outcome, and e) an examination of the extenuating circumstances that might release the actor from answerability for producing the outcome (p. 70).

According to the above definition, it is possible to find situations where an individual or an entity could have caused an outcome, but is not responsible for the result. In a legal setting, a verdict of not guilty by reason of insanity represents an instance where the defendant is assumed to be guilty of causing some event, but is not responsible for the outcome due to a failure to live within our pre-determined concept of reality. The same argument applies in settings where a young child produces a negative outcome. For example, a four year old child causes the death of her sister by smothering her with a pillow. Obviously, the child caused her sibling’s
death, but she is not responsible for her actions. In our society, young children are deemed not to have a full understanding of their actions and therefore can not be held responsible for all of their behaviors. Due to a failure to understand and abide by the rules of society neither the defendant nor the child is held responsible for their respective actions.

However, when individuals are held accountable for their actions or the actions of others, it becomes much more difficult to argue causality without responsibility. In fact, responsibility implies causality, through either direct or indirect action. This accountability stems from Shaver’s (1985) five components of responsibility. Consider the following: John, a 17 year old student, steals a car and is arrested. Even though he caused and remains directly responsible for his actions, it can be argued that his parents share indirect responsibility, and therefore causality, for his actions as well. Although they did not cause John’s behavior unaffectedly, they shaped his conduct circuitously through their influence or failure to influence him as parents. The same argument applies in a case involving the manufacturer of a consumer product. Even though the designer of the product did not directly cause an accident with an item, the company may be viewed as having indirectly caused the outcome through a failure to apply appropriate safeguards or warnings on the product. In this light, the
company would be responsible for injuries suffered during its use. Support for this argument can be found in the numerous civil litigation claims filed on behalf of consumers against manufacturers when the product hazards are not obviously apparent, such as pesticides and fertilizers.

**Making Attributions of Responsibility**

The assessment of responsibility represents a moral judgment by the individual, and this notion is best ascertained through the attribution process. Yet, courts of law are designed to answer this question of responsibility from a legal point of view, eradicating judgments of accountability based on moral codes. Despite this attempt to remove subjective judgments, legal responsibility remains an encoding of moral responsibility in that the legal system was established in part to uphold the moral standards of society. Additionally, human beings are making these legal decisions and Boyll (1991) has shown that jurors tend to make decisions primarily with emotion then attempt to validate them with logic. Ultimately, moral responsibility drives legal responsibility and the two can not be completely disassociated.

**Differences Between Moral Responsibility vs. Legal Responsibility**
People generally have an extremely difficult time separating moral and legal accountability. Moral responsibility is based on attributions that are largely subjective in nature and may or may not be logical extensions of the evidence. Therefore, it is possible to attain different judgments of moral responsibility for the same outcome. On the other hand, as an attempt to remove subjective judgments from the decision making process, legal accountability has a specific definition which consists of two necessary components: actus reus and mens rea (Shaver, 1985).

Actus reus is an overt action that is willfully performed, occurs in specific circumstances, and results in certain harmful consequences. Mens rea represents the criminal state of mind with which that act was performed (Fincham and Jaspars, 1980). In most instances, both criteria must be present to hold someone legally responsible for an occurrence. One notable exception involves murders committed in self defense. An act of self defense qualifies for actus reus, but in most instances is not considered a crime since it is performed out of a desire for self preservation, not criminal intent. In this instance, moral responsibility influences legal responsibility such that a person who clearly violated society’s laws against murder is not held legally accountable.
Another distinction between moral and legal responsibility involves a sense of justice. Shaver (1985) argues that unlike legal responsibility, moral responsibility does not require a sense of justice. Nevertheless, it is conceivable that an individual exonerated from legal punishment will be castigated by a society which follows strong ethical codes. Consider the example of the physically and emotionally abused woman killing her husband out of self defense. A humane faction of society may view murder under any circumstances a violation of their code of conduct and choose to shun her for her actions. These individuals are making a moral decision to hold the woman justly accountable and are invoking their own sense of retribution. Anyone has the ability to make moral judgments against another person for a perceived wrong, but a legal decision of responsibility must include some sort of officially sanctioned censure. Unfortunately people tend to have a difficult time separating the two while allowing their moral beliefs of right and wrong to influence their legal decisions.

Factors Affecting Attributions of Responsibility

Ambiguity of the Causal Antecedents

According to attribution theorists (Weiner, 1985; McGill, 1989, 1990, 1991), people will most likely make attributional judgments when an outcome is unexpected or the circumstances leading to the event in question
remain unclear or ambiguous. In 1985, Weiner assessed prior studies regarding ‘spontaneous’ causal thinking: the use of unprompted or unsolicited attributional reasoning. After reviewing the majority of evidence presented in the studies, Weiner (1985) arrived at the conclusion that people make attributional judgments on a regular basis and these attributions are exaggerated under negative or unexpected outcomes. Furthermore, he argues that people’s attributional behaviors can be considered part of their cognitive functioning in that people possess a basic desire to understand and explain the world in which they live. When faced with uncertainty, people tend to engage in exploratory behavior in order to clarify and better understand their environment; one such investigative response involves the spontaneous use of attributions for unforeseen events.

Research by Hastie (1984) also lends support to this notion of causal reasoning in the face of uncertainty and further postulates that attributions made in those situations will be better remembered compared to when no causal designations were made. He argues that before an attribution can be made, there must be a recognition of the need to make attributions. Such a need could arise from the occurrence of an unexpected or unclear event, the performance of an incongruent act, or a coupling of the two. Once the decision to form an attribution is made, Hastie (1984) asserts that people
attempt to retrieve a previous attribution schema which fits the profile of the current situation. If no schemas exist, new ones based on the evidence are created and stored for future use. After storage of the inferences related to an event, those outcomes are much more likely to be remembered compared to when no attributional judgments were made.

To test his logic, Hastie (1984) generated three hypotheses: 1) attributional processing will be more likely to occur with unexpected or incongruent actions of an actor; 2) socially unacceptable or evaluatively negative actions will elicit more attributional judgments than socially acceptable behavior; and 3) subjects will better remember events to which attributions were applied. Subjects were presented with descriptions of behavioral acts performed by various people. Each narration included a list of positive or negative personality traits and these traits were either congruent or incongruent with the previous behavioral descriptions. The subjects were then asked to complete an additional description of the person in their own words. Finally, subjects were instructed to recall as many narratives as possible. Results indicate that subjects were indeed more likely to make explanatory attributions of causality for incongruent acts compared to congruent ones. This finding seems to indicate that when unexpected events occur, people are more likely to engage in attributional
behaviors to understand why the person acted in such a manner. Additionally, the incongruous events were more likely to be remembered than the congruous ones, offering support for the mental storage of attributional judgments. Finally, the relative goodness or badness of the character descriptions did not influence recall ability. In fact, Hastie (1984) found no reliable differences in recall between the attributions toward a good character versus a bad character even when they were described as performing an discordant act.

Implications for these findings include the possibility that people’s past experiences influence when and how they make attributions based on an event. When searching for possible reasons for an outcome, jurors might base a decision on a pre-existing attributional schema instead of seeking more context-dependent information. This could potentially have a great impact on jury decision making in civil trials involving an accident with a consumer product. If a member of the jury has had a previous experience with the product in question, that experience may influence how they allocate responsibility for the accident.

Interestingly, no effect on recall was found for the character descriptions of the people described in Hastie’s (1984) study. A potential explanation for this finding could be dependent on the context in which he
placed the behaviors. Hastie (1984) just listed the trait characteristics within a sentence to be completed by the subjects. It is possible that the subjects were able to disassociate the character descriptions from the attributional task, or the subjects were not given enough character information on which to base a decision.

However, in a jury situation attributions based on the character descriptions of a person might be highly influential in the decision making process. In a legal context, the jury is looking for a reason to establish responsibility for an outcome. They can either decide in favor of the plaintiff, the defendant, or assess responsibility to both parties; either way, jurors must make a decision. If the cause of the accident in unclear or ambiguous, the jury may not be able to make a decision based solely on the evidence, and may invoke attributional judgments of the respective litigant's character to determine responsibility. Under these circumstances, previous attributional schemas involving a good character or a bad character may be applied by the jury.

In her study on contextual backgrounds McGill (1989) offers further support for the notion that when causal antecedents are unclear, people rely on attributional judgments to determine responsibility. She argues that when the precursors are clear, people will rely on the attendant conditions
to determine causality. However, when the causal questions remain ambiguous, people tend to use subjective judgments about people when inferring responsibility for an event (McGill, 1989).

**Attributional Biases**

Unfortunately, the introspective nature of the attribution process induces errors in our ability to logically interpret the numerous causal antecedents of an event. Research by Schustack and Sternberg (1981), and Cheng and Novick (1990) discovered several biases people invoke when making allocations. These include a predisposition against using consensus information, a bias toward attributing consequences to a person, and a tendency to use other information in addition to what is evident.

Schustack & Sternberg (1981) discovered several biases made by a group of subjects when trying to determine causality in complex and uncertain circumstances. Subjects were given a body of evidence and asked to make judgments about the likelihood of a hypothesized event producing a given outcome. The scenarios consisted of descriptions of a variety of situations in which the outcome had either occurred or failed to occur. The authors found the subjects invoked a myriad of predilections when rating the likelihood of the given outcome. Specifically, the subjects favored confirming information over disconfirming information, they
tended to place less emphasis on evidence presented in a negative, compared to a positive manner, and they indicated a desire to consider information not relevant to the event. In sum, the results of the study indicate humans tend to not make causal decisions and inferences in a logical manner. This finding supports other research in the cognitive psychology field which states humans are not rational decision-makers (Slovic, Fischhoff, and Lichtenstein, 1980a, 1980b; Evans, 1989).

The study performed by Schustack & Sternberg (1981) also has implications for jury decision making. Juries are constantly asked to make decisions under varying degrees of uncertainty and complexity, even when presented with factual evidence. Lawyers for each side attempt to cloud the information presented to the jury in order to make their case appear stronger while simultaneously trying to weaken their opponent’s case. Once all the details have been supplied, the jury must wade through the testimony in an attempt to reach a fair verdict. Given the magnitude and complexity of the information, it is easy to understand why juries tend to fall back on biases and pre-existing cognitive schemas when making complex decisions.

Attributions Based on Personal Characteristics: Goodness vs. Badness
Other researchers have discovered that in ambiguous or unexpected situations, people tend to use personal characteristics of the individual when making attributional judgments (Thorndike, 1920; Lerner and Miller, 1978). Thorndike's (1920) 'Halo Effect' and Lerner's (1971) 'Just-World Hypothesis' describe two such attribution theories which lend support to the notion that people rely, in part, on personal qualities of individuals when making judgments about responsibility.

Thorndike (1920) introduced the idea of the halo effect which states that a global evaluation of a person can influence individual evaluations of that person's attributes, even when there is evidence to the contrary. Placed in a jury context, the halo effect asserts that if a juror likes/dislikes one quality of the defendant/plaintiff, that juror will tend to like/dislike all the defendant's/plaintiff's features, regardless of the evidence. Consider the following example.

Two people, a convicted felon and a businessman with no criminal record are charged in a bank robbery. Attribution theory should dictate that jurors will assign greater responsibility for the robbery to the criminal than to the previously law-abiding businessman. Recall that the attribution process involves the cognitive assessment and isolation of unvarying characteristics of people. These dispositional properties are then used to
determine why an individual acted in a given way. Someone who repeatedly shows a lack of respect for authority and a failure to abide by the rules of society (the felon) will more likely be held accountable for a bank robbery than someone who lives within societal boundaries (the businessman). As a result, a relationship exists between a juror’s perception of the relative goodness or badness of an individual and the resultant attribution of responsibility. A perceived ‘bad’ person may be viewed as more likely to commit a criminal act when compared to a ‘good’ person. Support for this claim comes from Boyll (1991) who notes that jurors tend to be consistently harsh toward plaintiffs/defendants they perceive as having negative qualities.

Although the majority of work on attributions in a legal context has focused on criminal trials, the same arguments may also apply in civil litigation. Consider a situation where an individual is involved in an accident regarding a common consumer product. If a jury perceives the manufacturer to be a large corporation that places financial gain over customer satisfaction, jurors may extend this negative attribution to other features of the company such as quality control and product safety. Similarly, if the jury attributes a negative characteristic to the consumer, regardless of whether it is relevant or not to the accident, they might be
more inclined to perceive all the person’s qualities as bad. As a concrete example, suppose Roger was injured while using a chain saw to trim his hedges and sued the manufacturer for damages because the safety shield did not protect him from flying debris. During the course of the trial, jurors discover that Roger is not well-liked by his neighbors. He literally kicks neighborhood pets out of his yard and he rudely yells at children when they accidentally throw balls into his yard while playing next door. Jurors may generalize these negative characteristics to other behaviors and attributes of the consumer and issue a verdict against him.

Regarding the perceived goodness or badness of the individual, these unrelated behavioral characteristics should be irrelevant to the trial outcome and the jury’s decision should be based on the issues and facts surrounding the accident. Nonetheless, a common perception exists among civil litigation lawyers that the best plaintiff/defendant is a ‘good’ plaintiff/defendant. As a result, lawyers attempt to present their clients in the best manner possible. One purpose of this study is to determine whether or not these irrelevant characteristics influence jury decision making in a civil litigation context. Specifically, does the relative goodness or badness of an individual influence attributions of responsibility for an accident?
Research by Nisbett and Wilson (1977) attempted to investigate the strength of the halo effect in attributions. They asked subjects to watch a videotape of a professor describing his teaching style and rate him across several individual dimensions. One tape portrayed the professor as a likable person and interested in his students needs, whereas the other presented the professor in an unfriendly manner. Results indicated that subjects’ global assessment of the professor greatly influenced their ratings of the professor across the individual dimensions. If the subjects liked the professor, they tended to like his appearance, mannerisms, and accent. On the other hand, if the subjects disliked the professor, they tended to view the same attributes as annoying. Furthermore, subjects were unaware of the influence of their global evaluations on their specific ratings of the professor.

The above findings by Nisbett and Wilson (1977) have implications for civil litigation. If members of a jury view the defendant (a large, corporate manufacturer in a product liability case) in a generally negative manner, they may be more likely to attribute undesirable qualities to them. For example, jurors may be more inclined to ascribe attitudes of greed and an interest in profitability over concern for the consumer, regardless of evidence indicting the corporation’s efforts at public awareness.
Consequently, juries may rule unfairly against the manufacturer based on these subjective attributions instead of the facts presented in the case. The same logic applies to companies jurors’ hold in regard. If they generally have favorable impressions of a corporation juries might be more willing to give them the benefit of the doubt even when the evidence indicates the contrary.

Lerner and Miller’s (1978) just world hypothesis further expands on the notion of a person’s or entity’s perceived goodness or badness in determining attributions of responsibility. The just world hypothesis states that people have a tendency to believe that if an individual behaves badly, bad things will happen; conversely, if a person performs good acts, good things will occur to that person. Also, Lerner and Miller (1978) assert that good people can suffer bad things if they act foolishly or carelessly. Simply, “individuals have a need to believe they live in a world where people generally get what they deserve” (Lerner and Miller, 1978). By affirming this, people feel they have some sort of control over their environment and can create a sense of order in their lives. However, this hypothesis only holds if the behavioral consequences have direct implications for the person making the attribution. Consider the following: two businessmen are hired at the same position and have equivalent
credentials. After four years of employment and identical achievements, one of them is released by the company. The businessman remaining in the job attributes the other's firing to a negative personality characteristic, thereby establishing a sense of control over his job with the company. On the other hand, Alderman, Brehm, and Katz (1974) and Chaikin and Darley (1973) discovered that if people feel empathy, or believe they may suffer the same fate as the victim, they would be less likely to derogate the injured party. If the second businessman understood that he would soon be fired as well, he would empathize with his colleague and refrain from attributing negative assessments about him: to do so would be to also derogate himself since they are both being fired. Research performed by McDonald (1972) indicates that the more behaviorally responsible a person is for his own fate, the less likely the need for derogation. If an individual is perceived to be personally responsible for his fate, then the less likely that same fate will happen to others, and the smaller the need for people to derogate the victim.

Again, these studies lend themselves to the understanding of jury decision making. If jurors view a plaintiff or defendant in a negative manner, they may be more likely to attribute responsibility for an accident to them because "they deserved it". Similarly, jurors may fault a 'good'
person for an accident if they perceive that individual as having acted carelessly around the product, i.e., failing to respect the hazards associated with its use.

Hypothesis 1: More responsibility will be assigned to the bad consumer than to the good consumer.

**Attributions Based on Physical Attractiveness**

Both the halo effect and the just world hypothesis can also be used as explanations for beliefs about attractive individuals being more liked and more successful than their unattractive counterparts. A study by Lucker, Beane, and Helmreich (1981) found that although the halo effect does not appear to be as prevalent as previous research implied, the attributions of sexiness, femininity/masculinity, and liking all indicate a strong relationship with physical attractiveness. If a juror perceives someone as attractive, they might like them more than an unattractive plaintiff and award him less responsibility for the accident.

Furthermore, Dion and Dion (1987) used the just world hypothesis as evidence for physical attractiveness stereotyping. They assert that those individuals believing in a just world perceive attractive people as being more socially desirable and better able to succeed in life, and are more likely to stereotype people on the basis of perceived attractiveness. To test
this hypothesis, Dion and Dion (1987) had subjects judge the personality and likely life outcomes of attractive and unattractive people. Then they had the subjects complete a scale intended to measure their belief in a just world. Results indicate that overall, subjects tend to view attractive males as possessing more socially desirable qualities than their unattractive counterparts. Additionally, the more attractive people were perceived as having more positive life outcomes than the unattractive people.

Dion and Dion (1987) fit their findings on attractiveness stereotyping into the broader framework of status characteristics and expectation states, first proposed by Berger, Fisek and Zelditch (1977, as cited in Dion and Dion, 1987). This theory states that stereotypic cues, such as attractiveness, imply differences in perceived status and competence of individuals and in turn, these perceptions are used when making decisions regarding a person and/or event.

Research by Saladin, Saper, and Breen (1988) supports the notion that physical attractiveness is utilized as a indication of one’s social desirability and behavior. They manipulated the physical attractiveness of potential criminal suspects and found subjects rated unattractive suspects as more likely to commit murder and armed robbery than their attractive counterparts. One interpretation could be that unattractive suspects are
viewed as less desirable and possessing lower social status, which in turn makes them appear more likely to engage in socially deviant behaviors. It is unknown if the same processes and attributions of attractiveness apply in civil litigation.

Hypothesis 2: Subjects will allocate less responsibility to the attractive consumer than to the unattractive consumer.

Effects of Morality and Physical Attractiveness on Jury Attributions

Interestingly, Efran (1974) found evidence of a positive bias toward attractive criminals even when the subjects indicated that defendant’s physical attractiveness should not influence their decisions of guilt and punishment. An overwhelming 93% of subjects stated that physical appearance should not be used when evaluating a suspect, yet when asked to make judgments of guilt or innocence, attractive people were evaluated with less certainty of guilt and were given less severe punishments. Additionally, 79% of the subjects indicated that a defendant’s character should be used when making decisions of guilt or innocence. Based on his results, Efran (1974) argues that people believe a person’s character (either good or bad) is relevant information when making a judgment about a crime, but physical attractiveness should be irrelevant even though the data suggests otherwise. However, it is important to note that Efran’s (1974)
study was placed in a criminal context. No inferences can be made regarding the relevance or irrelevance of a person’s character in civil litigation.

So it can be argued that both physical attractiveness and character judgments influence jury decisions in civil litigation trials. By definition civil litigation requires a smaller burden of proof and there is usually a less clear interpretation of responsibility. Thus, more emphasis may be placed on the emotional issues surrounding the legal action. This attempt to center the trial around impassioned arguments creates the potential for less rational decision making processes and opens the door for attributions based on the litigants’ character and attractiveness.

Furthermore Efran (1974) found that people feel one’s character should be used when making judgments of guilt in a criminal trial. This finding makes sense in a criminal setting where a person is on trial for performing a felonious act. The logic follows that bad people are perceived as more likely to do bad things.

However, the same argument may not apply in the civil litigation context. Consider a situation where an individual is involved in an accident regarding a common consumer product. In this instance, the relative goodness or badness of the individual should be irrelevant to the trial
outcome; instead, the jury's decision should be based on the factual issues surrounding the accident. Yet, attribution research indicates that jurors will allow their perceptions of morality of the consumer influence their decisions.

Finally, work by McGill (1990, 1991) and Weiner (1985) indicate that people rely on peripheral information when determining responsibility in the face of uncertainty. In most cases, accident scenarios resulting in legal action usually imply ambiguous causal antecedents. If the reasons for the accident are clearly understood, settlements would likely be reached. Jurors faced with uncertainty will rely, in part, on irrelevant information such as facial attractiveness and moral character to assess responsibility.

Method

Participants

Sixty-four students (22 Males and 42 Females) from Rice University participated in this study and received course credit for their participation. The mean age of the participants was 19 years old with a range of 18-34 years.

Materials

Photographs
The pictures were head and shoulder shots of 16 males (8 attractive and 8 unattractive) with similar, smiling facial expressions between the ages of 30-50. The pictures were taken from a recent college yearbook and a clothing catalogue. Prior to the study, pilot tests were performed to select the pictures. Ten raters rated one hundred and eight pictures on a nine-point attractiveness scale with 0 being very unattractive and 8 being very attractive. Pictures that were given a very attractive or very unattractive rating by all raters were selected. The eight most attractive and eight least unattractive pictures were then mixed with an additional 32 photos which were shown to a second rating group with the same results. The facial photographs and mean attractiveness ratings for each are presented in Appendix A.

**Scenarios**

The experiment employed four scenarios consisting of a written description of an accident in which a consumer (male) was using a product. Each scenario had four different versions representing the very bad, bad, good, and very good descriptions of the consumer. A photo displaying the facial attractiveness of the consumer was presented at the top of each page. The scenarios are presented in Appendix B.
Pilot studies were performed to assess the believability of the goodness or badness of the consumers in each scenario. Subjects read the scenarios and rated the believability and relative goodness or badness of each consumer as well as the ambiguity of the causal antecedents. Discussions with the participants revealed there was not much of a moral distinction between the consumers in each scenario so they were rewritten and retested with additional subjects until a distinction between good consumer vs. bad consumer was evident. Causal antecedents were judged to be ambiguous by all subjects.

**Design and Procedure**

A 2 * 4 * 4 mixed-factor design was employed. The between factors were scenario (aerosol pesticide, powder fertilizer, lacquer stripper, bleach) and facial attractiveness of the consumer (high vs. low attractiveness). There were eight participants in each of the eight conditions. The within factor was the morality of the consumer (very bad, bad, good, very good). The allocation of consumer responsibility for the accident represented the dependent variable and was scored on a scale of 0-100%. More specifically, participants allocated percentages of responsibility to the consumer and manufacturer which had to total 100%.
The scenarios were given in written form and presented in a jury decision making context to assess participants' allocations of responsibility for accidents involving consumer products. Participants were told to assume they were members of a civil jury and needed to make allocations of responsibility to the consumer and the manufacturer for each accident. The directions were read to all participants in each session, and appear in Appendix F. Data was collected in groups of no more than ten per session and participants were randomly assigned to a condition.

Each subject saw four versions of the same scenario (very bad consumer, bad consumer, good consumer, very good consumer). The same facial photograph appeared with each of the four scenario descriptions. Participants allocated responsibility at the end of each scenario version. Following the presentation of all four scenario versions, they were given a series of nine questions to rate. These questions were intended to determine what subjective judgments the participants were using when making decisions about responsibility. Responses to the questions were obtained using nine-point scales. The scales can be found in Appendix C. Following is a list of the questions:

1. did the consumer deserve the injury?
2. how competent do you feel the plaintiff was when using the product in this scenario?
3. do you feel sorry for the plaintiff in this scenario?
4. how likely is the possibility that this could happen to you?
5. how similar do you feel to the person in the scenario?
6. how strongly do you feel the person in the scenario caused the accident?
7. how strongly do you feel the person in the scenario is responsible for the accident?
8. how open and obvious did you find the hazards associated with the product?
9. how familiar are you with the product used in this scenario?

Manipulation checks were used to ensure participants' perceptions of the ambiguity of the causal antecedents, the goodness/badness of the consumer and the facial attractiveness of the consumer. These factors were rated on 9-point scales with anchors being very unclear to very clear, very bad to very good, and very unattractive to very attractive. The rating scales are presented in Appendix D.

Results
Manipulation Checks

Good/Bad

A manipulation check was performed on the goodness/badness variable. Participants were given a 9-point Likert scale ranging from very bad to very good and asked to indicate their perception of the goodness or badness of the consumer in each scenario version. Results from a one-way Analysis of Variance showed the manipulation was successful, $F(3, 189) = 216.90, p < .001$. The means and standard deviation for each level of good/bad and the ANOVA results are presented in Table E1. Comparisons using the Bonferroni correction for familywise error rate revealed significant differences between the four groups. The paired comparisons also appear in Table E1.

Attractiveness

A manipulation check was also performed on the attractiveness variable. Participants rated consumer attractiveness on a 9-point scale, ranging from very unattractive to very attractive. Results indicate a significant difference between unattractive consumers and their attractive counterparts ($M = 2.50$ for the unattractive condition and $M = 5.47$ for the attractive condition), $t(254) = 16.77, p < .001$.

Ambiguity
The mean level of ambiguity for all scenarios was rated 5.25 out of 8, with higher scores representing more ambiguous causal factors leading to the accident.

### Consumer Allocation of Responsibility for Various Conditions

<table>
<thead>
<tr>
<th></th>
<th>Attractive</th>
<th></th>
<th></th>
<th></th>
<th>Unattractive</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>VB</td>
<td>B</td>
<td>G</td>
<td>VG</td>
<td>VB</td>
<td>B</td>
<td>G</td>
<td>VG</td>
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<tr>
<td>S1</td>
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<td>54.38</td>
<td>44.38</td>
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<th>Std. Dev.</th>
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</tr>
<tr>
<td>Unattractive</td>
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<tr>
<td>Bad</td>
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<tr>
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<td>Very Good</td>
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</tr>
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<tr>
<td>Fertilizer</td>
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<td>Lacquer St.</td>
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<tr>
<td>Bleach</td>
<td>73.75</td>
<td>19.28</td>
</tr>
</tbody>
</table>

**Table 1. Consumer allocations of responsibility.**

### Analysis of Variance

An analysis of variance (ANOVA) was performed on the data with allocation of responsibility to the consumer serving as the dependent
variable. As can be seen from Table 1, very bad and bad consumers were allocated more responsibility than good and very good consumers. Unattractive consumers were given slightly more responsibility than attractive consumers, although this difference was not significant. Consumers were assigned 68.05% of the responsibility for the accidents across all conditions, and the manufacturers were assigned 31.95%.

**Good/Bad Effect**

The levels of goodness/badness differed, $F(3, 168) = 11.17$, $p < .001$. Refer to Table E2 for the complete ANOVA table. Comparisons using the Bonferroni correction indicate significant differences between the very bad and very good conditions, $t(63) = 3.75$, $p < .01$; the bad and good conditions, $t(63) = 3.13$, $p < .01$; and the very bad and good conditions, $t(63) = 3.59$, $p < .01$. A trend analysis was performed on the data and revealed a significant linear component, $F(1,56) = 14.15$, $p < .001$. Figure 1 shows that the responsibility allocations to the consumer decreased in a linear fashion as the consumer went from very bad to very good. When the consumer was thought to be bad, more responsibility was assigned to him; however, when the consumer was good, less responsibility was assigned to him.

**Scenario Effect**
Table 1 also shows the means for the scenarios. They differed significantly from each other, $F(3, 56) = 4.39$, $p < .001$. Using the Tukey HSD correction, comparisons revealed significant differences between scenarios 1 (pesticide) and 2 (fertilizer), $t(30) = 3.00$, $p < .05$.

**Analysis of Variance by Order of Presentation**

Due to some concern about possible carry-over, or transfer, effects on the responsibility allocations as a result of the order of presentation, the first allocation made by all participants was analyzed separately as a completely between subject design. Further, each subsequent allocation was analyzed in the same manner. Collapsed means for each allocation appear in Table 2. Post hoc comparisons revealed no significant differences between the allocations. Figure 2 shows the means for the very good and very bad conditions for each allocation. Very bad consumers received more responsibility allocations than very good consumers across all allocations.

<table>
<thead>
<tr>
<th>Allocation 1</th>
<th>Allocation 2</th>
<th>Allocation 3</th>
<th>Allocation 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>69.30</td>
<td>68.75</td>
<td>71.19</td>
<td>71.72</td>
</tr>
</tbody>
</table>

Table 2. Independent consumer allocations collapsed across good/bad, attractiveness, and scenario.

**First allocation:**

No significant main effects were found for good/bad or attractiveness. However, there was a significant main effect for scenario,
$F(3, 32) = 3.68, p < .05$. Table E3 shows the collapsed means, standard deviations, and ANOVA for this allocation. Post hoc comparisons revealed significant differences between scenario 1 (pesticide) and 2 (fertilizer), $t(30) = 2.78, p < .05$.

**Second allocation:****

Again, there were no main effects for good/bad or attractiveness. Table E4 shows that the scenarios differed significantly, $F(3, 32) = 5.48, p < .05$. Post hoc comparisons using Tukey’s HSD found significant differences between scenarios 1 (aerosol pesticide) and 2 (powder fertilizer), $t(30) = 2.88, p < .05$, and between scenarios 1 (aerosol pesticide) and 3 (lacquer stripper), $t(30) = 2.80, p < .05$.

**Third allocation:****

Similarly, Table E5 shows no significant effect for the good/bad or attractiveness variables; however, the table does reveal significant differences between the scenarios, $F(3, 32) = 4.24, p < .05$. Tukey’s HSD comparisons revealed significant differences between scenario 1 (aerosol pesticide) and all other scenarios ($t(30) = 4.85, p < .05$; $t(30) = 3.57, p < .05$, and, $t(30) = 3.32, p < .05$).

**Fourth allocation:**
Finally, the fourth allocation made by the participants revealed no significant differences between the good/bad or the attractiveness variables. Table E6 shows that the effect of scenario was significant, $F(3, 32) = 4.41$, $p < .05$. Post hoc comparisons using Tukey's HSD revealed significantly different responsibility allocations between scenario 1 (aerosol pesticide) and all other scenarios, ($t(30) = 4.20$, $p < .05$; $t(30) = 3.22$, $p < .05$, and $t(30) = 2.98$, $p < .05$).

**Ratings**

**Post-allocation questions**

Paired comparisons were performed for each of the nine questions the participants rated. Because the ratings for very bad and bad were nearly identical and the good very good were also very similar, the very bad/bad and good/very good comparisons were collapsed together. As can be seen by Table E7 significant differences were found for all ratings except familiarity, which had identical means for bad and good.

Participants indicated they felt bad consumers acted less competently with the product, $t(30) = 3.23$, $p < .01$, and were more deserving of their injury, $t(30) = 3.86$, $p < .01$. Participants felt less sorry for the bad consumers, $t(30) = 7.38$, $p < .01$, and believed they were more responsible for the outcome, $t(30) = 2.03$, $p < .05$. Interestingly, participants thought
the good consumers caused the accident more so than the bad consumers, \( t(30) = 2.36, p < .05 \). Finally, participants indicated they were less similar to the bad consumers compared to the good consumers, \( t(30) = 7.66, p < .01 \), and were less likely to suffer the same fate as the bad consumer compared to the good consumer, \( t(30) = 2.71, p < .05 \).

**Product characteristics**

When asked to rate the familiarity of all products, participants listed a familiarity rating of 5.29 out of 8, indicating an above average familiarity with the products. When rating the open and obviousness of the product hazards, participants appeared to be influenced by the morality of the consumer; products used by bad consumers were judged to have more open and obvious hazards, and products used by good consumers were rated to have less open and obvious hazards, \( t(30) = 2.04, p < .05 \).

**Discussion**

Results of this study indicate that consumers were given more responsibility than manufacturers for product accidents and injuries. This finding differs from results previously obtained by Laughery, Lovvoll, and Wogalter (1995) who found manufacturers were consistently allocated more responsibility for the safe use of similar products. One possible explanation for the discrepancy could be due to the presentation of the
products. In the study by Laughery et al. (1995), the products were simply named and participants were asked to allocate responsibility to those products. However, the current study placed the products within a behavioral context, and this emphasis on the consumer interacting with the product may account for the increased attention on the consumer. Support for this argument can be found in later allocation studies by Laughery, Laughery, Lovvoll, McQuilkin, and Wogalter (in press). Laughery et al. (in press) used simple scenarios to describe a consumer interacting with a product. Some of the scenarios included a warning and some did not. Although manufacturers received more overall responsibility than consumers, in scenarios without a warning participants allocated more responsibility to the consumer than to the manufacturer (68% and 31%, respectively). The current study, in which warnings were not present, produced almost identical consumer allocations to those found in the no warning condition of Laughery et al. (in press). It is possible that the scenario’s focus on the consumer’s behavior enhances people’s perceptions of responsibility for the person using the product.

The results support the hypothesis that bad people are believed to be more responsible for accidents involving a consumer product compared to good people. Placed within a civil litigation context, this finding offers
support for the just world hypothesis, which basically states, ‘bad things happen to bad people, and people generally get what they deserve’ (Lerner, 1971). Further, in addition to being faulted more than good people, the questionnaire results showed bad consumers were judged more deserving of their injuries and they received less sympathy for their injuries.

This result corresponds to attribution research performed in the criminal domain. When deciding responsibility and blame for felonious acts, previous findings indicate that morally corrupt defendants are found guilty more often and receive stricter verdicts than people perceived as morally upstanding citizens (Boyll, 1991). In the current study, even though the consumer’s moral character was irrelevant to the accident, it was a factor when making allocations of responsibility.

Although unattractive consumers were given slightly more responsibility than attractive consumers, the difference did not approach statistical significance. This finding is surprising in light of the normally robust effect physical attractiveness has on attributions. Previous attribution literature (Dion & Dion, 1987; Efran, 1974; and Lucker et al., 1981) has reported strong support for physical attractiveness being a factor in attributing blame for events. It could be that because of the written presentation of the scenarios, the participants did not attend to the
photograph in great detail; instead, most of their concentration was on reading and understanding the accident scenario. In a live courtroom situation, physical appearance may play a much greater role since jurors are continually attending to the proceedings, using visual and auditory cues to infer information about the litigants.

Not surprisingly, responsibility allocations differed for the scenarios. However, the reasons for the difference between the pesticide scenario and the other three scenarios remains unclear. A possible explanation could be that the consumer using the pesticide had less control over consequences resulting from using the product. In that scenario he simply sprayed the pesticide in his kitchen then went to bed. However, in the other three scenarios, the consumers all performed some behavioral act while using the product which could be related to the onset of the injury. For example, the consumer using the fertilizer spread the fertilizer with ungloved hands, and the consumer using the lacquer stripper ate his lunch while using the chemicals. Similarly, the consumer using the bleach created a solution of bleach and water and then used a paintbrush to apply it to a piece of furniture. In the first instance involving the pesticide, the consumer became ill despite a lack of direct contact with the pesticide compared to the other products. Through no action of his own, he suffered an injury
from using the pesticide, and as a result, the manufacturer should share more responsibility for the consequences. In fact, the responsibility trade-off between the manufacturer and the consumer for the scenario involving pesticide was approximately 50-50. In the scenarios where the consumer was performing some other action while using the product, such as not wearing protective equipment or eating, allocations to the consumer were much higher.

Carry-over, or transfer, effects do not seem to be an issue in this study. When the analysis for each allocation was performed separately, there was no effect of morality or attractiveness for any of the responsibility allocations. Had carry-over effects been a factor in the results, the responsibility allocations would most likely have changed from the first allocation to the last.

However, demand characteristics might have played a role when allocating responsibility to the consumer. When considering the first allocation only, there is no evidence for an effect of morality. Specifically, although the very bad consumer is allocated more responsibility than the very good consumer, the difference is not significant. However, it is important to note that for all four allocations, the very bad consumers were consistently given more responsibility than the very good consumers,
supporting the notion that a person’s morality influences attributions about
that person.

An alternate explanation to the demand characteristics could be that
the participants did not have a good frame of reference for the morality of
the consumer. After reading about a good consumer vs. a bad consumer,
participants could have been better able to make a distinction between the
two, and the distinction was expressed in the responsibility allocations.

This finding has implications for plaintiff and defense lawyers in a
legal setting. When possible, lawyers should attempt to stress the goodness
of their client while emphasizing the negative aspects of the opposing
litigant. With increased attention on the relative morality of the individuals
involved in the legal action, the litigant’s morality may become more
salient for a juror and may influence the responsibility allocations.

Interestingly, subjects distinguished between attributions of causality
and attributions of responsibility. Participants felt the bad consumers
deserved more responsibility for their injuries than the good consumers.
However, the participants indicated they thought the good consumers
caused the accident more so than the bad consumers. This finding supports
Shaver’s (1985) argument that people make a distinction between causality
and responsibility. Although the good consumers were thought to have
caused the accident, they were given less responsibility for the outcome. An explanation for this result could be due to subjective feelings about the person or event. Participants indicated they were similar to the good consumer and felt it was likely the same accident might happen to them. Their similarity to the consumer and the likelihood of the accident possibly occurring to them, may have influenced their responsibility allocations to the good consumer.

In a civil litigation context, jurors are asked to make a decision based only on a preponderance of evidence. Faced with this less strict focus on the evidence jurors may allow room for subjective judgments when making decisions. These subjective judgments could involve peripheral information such as recognition of moral character.
References


Appendix A

Photographs
Attractive Photos

M = 5.75
M = 5.25
M = 4.25
M = 5.25
M = 5.00
M = 5.75
M = 6.50
M = 6.00
Unattractive Photos

M = 3.00
M = 2.19
M = 2.50

M = 1.50
M = 1.50
M = 2.50

M = 3.25
M = 3.75
APPENDIX B

Scenarios
Scenario 1: Aerosol Pesticide: Very Bad Consumer

David Williams, an account executive, working for a highly competitive, cutthroat marketing firm just finished a long 12 hour day spent in meetings with potential new clients. He finally managed to get the account, only after promising the clients something he knew his company could not deliver in the agreed upon time frame. David wasn’t concerned because he knew how to alter the records of the meeting so it would appear that he never promised the clients anything of the sort. Besides, even if the client did find out, it would be too late since a contract has already been signed and David can not legally be removed from the deal without compensation. Anyway, David understands that each new client he brings in results in a $2000 signing bonus for him and he has earned over $10000 with tricks like that. He learned early in his career that in order to maximize his money he sometimes had to do things that are dishonest. After rapping up the final details of the contract, he left a note for his secretary to type it up and mail it to the clients, he left the office for the day. On the way home, he remembered he needed to purchase some pesticide for a minor roach problem that he just noticed in his kitchen. He pulled into the nearest grocery store and bought an aerosol can of Raid® extra strength roach and ant pesticide spray. By the time he arrived home, it was after 10 p.m., but he wanted to spray the house before going to bed so would not have to worry about it in the morning while trying to get ready for work. He quickly emptied all the cabinets and sprayed them around the edges and corners, paying special attention to heavily target the areas in the far back of the cabinets near the seams of wood. He sprayed the entire kitchen until he ran out of the pesticide, threw away the can and went to bed. The next morning, he found over 7 dead roaches and was pleased that his efforts the night before seemed to have paid off. During the next several days, David continued to find dead roaches in his kitchen as was glad to have solved his pest problem.

On the fourth day since spraying the kitchen, David developed what felt like a severe cold and chest congestion. It made it difficult to give marketing presentations to the clients and his secretary finally convinced him to see a doctor. After a thorough check up and several tests, the doctor informed David that he had a medium to severe case of respiratory infection and needed to be hospitalized placed on an oxygen ventilator for three days to clear his lungs of the infection. David attributes his medical problems to the use of the pesticide in his kitchen and is now suing the manufacturers of the pesticide for damages. Attorneys for the manufacturer argue that David’s respiratory infection was not from the use of the pesticide and instead was caused by poor air circulation in his office building. As a member of the jury, your job is to allocate responsibility for the injury.

Percent Allocation of Responsibility to the Consumer (David Williams):
Percent Allocation of Responsibility to the Manufacturer (Raid®):
Scenario 1: Aerosol Pesticide: Bad Consumer

David Williams, an account executive, working for a highly competitive, cut-throat marketing firm just finished a long 12 hour day spent in meetings with potential new clients. He finally managed to get the account, only after promising the clients something he knew his company could not deliver in the agreed upon time frame. David wasn’t concerned because he knew how to alter the records of the meeting so it would appear that he never promised the clients anything of the sort. Besides, each new client he brings in results in a $2000 signing bonus for him and he has earned over $10000 with tricks like that. He left a note for his secretary to type up the contract and left the office for the day. On the way home, he remembered he needed to purchase some pesticide for a minor roach problem that he just noticed in his kitchen. He pulled into the nearest grocery store and bought an aerosol can of Raid® extra strength roach and ant pesticide spray. By the time he arrived home, it was after 10 p.m., but he wanted to spray the house before going to bed so he would not have to worry about it in the morning while trying to get ready for work. He quickly emptied all the cabinets and sprayed them around the edges and corners, paying special attention to heavily target the areas in the far back of the cabinets near the seams of wood. He sprayed the entire kitchen until he ran out of the pesticide, threw away the can and went to bed. The next morning, he found over 7 dead roaches and was pleased that his efforts the night before seemed to have paid off. During the next several days, David continued to find dead roaches in his kitchen and was glad to have solved his pest problem.

On the fourth day since spraying the kitchen, David developed what felt like a severe cold and chest congestion. It made it difficult to give marketing presentations to the clients and his secretary finally convinced him to see a doctor. After a thorough check up and several tests, the doctor informed David that he had a medium to severe case of respiratory infection and needed to be hospitalized placed on an oxygen ventilator for three days to clear his lungs of the infection. David attributes his medical problems to the use of the pesticide in his kitchen and is now suing the manufacturers of the pesticide for damages. Attorneys for the manufacturer argue that David’s respiratory infection was not from the use of the pesticide and instead was caused by poor air circulation in his office building.

As a member of the jury, your job is to allocate responsibility for the injury.

Percent Allocation of Responsibility to the Consumer (David Williams):

Percent Allocation of Responsibility to the Manufacturer (Raid®):

100%
Scenario 1: Aerosol Pesticide: Good Consumer

David Williams, an account executive, working for a highly competitive, well-respected marketing firm just finished a long 12 hour day spent in meetings with potential new clients. He finally managed to get the account, only after promising the clients something he knew would require many late nights in the office. David wasn’t concerned because he knew once the clients saw the quality of his work, they would be glad they signed with him and the late night hours spent on the details of the contract would not be that important. Besides, each new client he brings in results in a $2000 signing bonus for him and he has earned over $10000 with efforts like that. He left a note for his secretary to type up the contract and left the office for the day. On the way home, he remembered he needed to purchase some pesticide for a minor roach problem that he just noticed in his kitchen. He pulled into the nearest grocery store and bought an aerosol can of Raid® extra strength roach and ant pesticide spray. By the time he arrived home, it was after 10 p.m., but he wanted to spray the house before going to bed so would not have to worry about it in the morning while trying to get ready for work. He quickly emptied all the cabinets and sprayed them around the edges and corners, paying special attention to heavily target the areas in the far back of the cabinets near the seams of wood. He sprayed the entire kitchen until he ran out of the pesticide, threw away the can and went to bed. The next morning, he found over 7 dead roaches and was pleased that his efforts the night before seemed to have paid off. During the next several days, David continued to find dead roaches in his kitchen as was glad to have solved his pest problem.

On the fourth day since spraying the kitchen, David developed what felt like a severe cold and chest congestion. It made it difficult to give marketing presentations to the clients and his secretary finally convinced him to see a doctor. After a thorough check up and several tests, the doctor informed David that he had a medium to severe case of respiratory infection and needed to be hospitalized placed on an oxygen ventilator for three days to clear his lungs of the infection. David attributes his medical problems to the use of the pesticide in his kitchen and is now suing the manufacturers of the pesticide for damages. Attorneys for the manufacturer argue that David’s respiratory infection was not from the use of the pesticide and instead was caused by poor air circulation in his office building. As a member of the jury, your job is to allocate responsibility for the injury.

Percent Allocation of Responsibility to the Consumer (David Williams):
Percent Allocation of Responsibility to the Manufacturer (Raid®): 100%
Scenario 1: Aerosol Pesticide: Very Good Consumer

David Williams, an account executive, working for a highly competitive, well-respected marketing firm just finished a long 12 hour day spent in meetings with potential new clients. He finally managed to get the account, only after promising the clients something he knew would require many late nights in the office. David wasn’t concerned because he knew once the clients saw the quality of his work, they would be glad they signed with him and the late night hours spent on the details of the contract would not be that important. Besides, each new client he brings in results in a $2000 signing bonus for him and he has earned over $10000 with efforts like that. Since he lives alone and makes a substantial salary, he has no need for bonuses, so he usually donates the bonus money to various charities in the area. So far he has given over $25,000 to homeless shelters, medical research projects, and national charitable organizations. Deciding that this bonus would go to the American Heart Association, he pulled out his checkbook and wrote a check to the AHA for $2000. He left a note for his secretary to type up the contract and mail the check and left the office for the day. On the way home, he remembered he needed to purchase some pesticide for a minor roach problem that he just noticed in his kitchen. He pulled into the nearest grocery store and bought an aerosol can of Raid® extra strength roach and ant pesticide spray. By the time he arrived home, it was after 10 p.m., but he wanted to spray the house before going to bed so would not have to worry about it in the morning while trying to get ready for work. He quickly emptied all the cabinets and sprayed them around the edges and corners, paying special attention to heavily target the areas in the far back of the cabinets near the seams of wood. He sprayed the entire kitchen until he ran out of the pesticide, threw away the can and went to bed. The next morning, he found over 7 dead roaches and was pleased that his efforts the night before seemed to have paid off. During the next several days, David continued to find dead roaches in his kitchen as was glad to have solved his pest problem.

On the fourth day since spraying the kitchen, David developed what felt like a severe cold and chest congestion. It made it difficult to give marketing presentations to the clients and his secretary finally convinced him to see a doctor. After a thorough check up and several tests, the doctor informed David that he had a medium to severe case of respiratory infection and needed to be hospitalized placed on an oxygen ventilator for three days to clear his lungs of the infection. David attributes his medical problems to the use of the pesticide in his kitchen and is now suing the manufacturers of the pesticide for damages. Attorneys for the manufacturer argue that David’s respiratory infection was not from the use of the pesticide and instead was caused by poor air circulation in his office building. As a member of the jury, your job is to allocate responsibility for the injury.

Percent Allocation of Responsibility to the Consumer (David Williams): ______
Percent Allocation of Responsibility to the Manufacturer (Raid®): 100%
Scenario 2: Powdered Fertilizer: Very Bad Consumer

Roger Stevens, an investment advisor for a Wall Street firm wanted to improve the quality of his lawn. He purchased twenty 10-pound bags of Super-Gro® grass and lawn fertilizer in order to cover his 1.3 acre yard. The following Saturday, he opened the bags of fertilizer, and, using his hands, scooped them into a fertilizer spreader and spent the entire morning sprinkling the growth agents on his lawn. While emptying the last bag of fertilizer into his spreader, one of his business partners stops by and interrupts his work. Roger dusts the fertilizer off his hands and studies the investment tip his partner brings him. After several minutes, Roger realizes the tip is worth a fortune and invests some of his own money. Since he doesn't have enough money to cover the investment fee, he borrows the remaining $8000 from his office funds, even though he knows company policy forbids him from taking money from the firm's account. He is not worried since he is pretty sure he will be able to replace the missing cash before anyone knows about it. Feeling good about his anticipated money from the investment, Roger quickly finishes scooping the fertilizer into the spreader and completes the yard. He then spent the rest of the day on Saturday and most of Sunday working on his sports car. He changed the oil and all other fluids, replaced the filters and spark plugs and cleaned out the engine. His most recent girlfriend was annoyed that he took her out to a party with her co-workers with dirty hands from the residue of the oil, grease, coolant, and dirt that would not wash off when working on his car. While at work on Monday, Roger began experiencing severe pain in his hands and arms. Somehow he had developed a major skin irritation requiring aggressive treatment by his doctor. After the irritation faded, Roger was left with permanent scarring on his hands and lower arms. During this time he was unable to work on his computer and as a result, lost several lucrative accounts worth hundreds of thousands of dollars. Roger is now suing the manufacturer of the fertilizer. Attorneys for the manufacturer argue that Roger's skin irritation was not from the use of the fertilizer, but from chemicals he handled when working on his car. As a member of the jury, your job is to allocate responsibility for the injury.

Percent Allocation of Responsibility to the Consumer (Roger Stevens):
Percent Allocation of Responsibility to the Manufacturer (Super-Gro®): 100%
Scenario 2: Powder Fertilizer: Bad Consumer

Roger Stevens, an investment advisor for a Wall Street firm wanted to improve the quality of his lawn. He purchased twenty 10-pound bags of Super-Gro® grass and lawn fertilizer in order to cover his 1.3 acre yard. The following Saturday, he opened the bags of fertilizer, and using his hands, scooped them into a fertilizer spreader and spent the entire morning sprinkling the growth agents on his lawn. While emptying the last bag of fertilizer into his spreader, one of his business partners stops by and interrupts his work. Roger dusts the fertilizer off his hands and studies the investment tip his partner brings him. After several minutes, Roger realizes the tip is worth a fortune and invests some of his own money. Since he doesn’t have enough money to cover the investment fee, he borrows the remaining $5000 from his office funds, thinking he would be able to replace the missing cash before anyone knows about it. Feeling good about his anticipated money from the investment, Roger quickly finishes scooping the fertilizer into the spreader and completes the yard. He then spent the rest of the day on Saturday and most of Sunday working on his sports car. He changed the oil and all other fluids, replaced the filters and spark plugs and cleaned out the engine. His most recent girlfriend was annoyed that he took her out to a party with her co-workers with dirty hands from the residue of the oil, grease, coolant, and dirt that would not wash off when working on his car. While at work on Monday, Roger began experiencing severe pain on his hands and arms. Somehow he had developed a major skin irritation requiring aggressive treatment by his doctor. After the irritation faded, Roger was left with permanent scarring on his hands and lower arms. During this time he was unable to work on his computer and as a result, lost several lucrative accounts worth hundreds of thousands of dollars. Roger is now suing the manufacturer of the fertilizer. Attorneys for the manufacturer argue that Roger’s skin irritation was not from the use of the fertilizer, but from chemicals he handled when working on his car. As a member of the jury, your job is to allocate responsibility for the injury.

Percent Allocation of Responsibility to the Consumer (Roger Stevens): 
Percent Allocation of Responsibility to the Manufacturer (Super-Gro®): 100%
Scenario 2: Powder Fertilizer: Good Consumer

Roger Stevens, an investment advisor for a Wall Street firm wanted to improve the quality of his lawn. He purchased twenty 10-pound bags of Super-Gro® grass and lawn fertilizer in order to cover his 1.3 acre yard. The following Saturday, he opened the bags of fertilizer, scooped them into a fertilizer spreader and spent the entire morning sprinkling the growth agents on his lawn. While emptying the last bag of fertilizer into his spreader, one of his business partners stops by and interrupts his work. Roger dusts the fertilizer off his hands and studies the investment tip his partner brings him. After several minutes, Roger realizes the tip is worth a fortune and invests some of his own money. Since he doesn’t have enough money to cover the investment fee, he borrows the remaining $300 from his father-in-law, promising to repay him double the amount he borrowed. Feeling good about his anticipated money from the investment, Roger quickly finishes scooping the fertilizer into the spreader and completes the yard. He then spent the rest of the day on Saturday and most of Sunday working on his sports car. He changed the oil and all other fluids, replaced the filters and spark plugs and cleaned out the engine. His wife was annoyed that he took her out to a party with her co-workers with dirty hands from the residue of the oil, grease, coolant, and dirt that would not wash off when working on his car. While at work on Monday, Roger began experiencing severe pain on his hands and arms. Somehow he had developed a major skin irritation requiring aggressive treatment by his doctor. After the irritation faded, Roger was left with permanent scarring on his hands and lower arms. During this time he was unable to work on his computer and as a result, lost several lucrative accounts worth hundreds of thousands of dollars. Roger is now suing the manufacturer of the fertilizer. Attorneys for the manufacturer argue that Roger’s skin irritation was not from the use of the fertilizer, but from chemicals he handled when working on his car. As a member of the jury, your job is to allocate responsibility for the injury.

Percent Allocation of Responsibility to the Consumer (Roger Stevens): ___
Percent Allocation of Responsibility to the Manufacturer (Super-Gro®): 100%
Scenario 2: Powder Fertilizer: Very Good Consumer

Roger Stevens, an investment advisor for a Wall Street firm wanted to improve the quality of his lawn. He purchased twenty 10-pound bags of Super-Gro® grass and lawn fertilizer in order to cover his 1.3 acre yard. The following Saturday, he opened the bags of fertilizer, scooped them into a fertilizer spreader and spent the entire morning sprinkling the growth agents on his lawn. While emptying the last bag of fertilizer into his spreader, one of his business partners stops by and interrupts his work. Roger dusts the fertilizer off his hands and studies the investment tip his partner brings him. After several minutes, Roger realizes the tip is worth a fortune and invests some of his own money. Since he doesn’t have enough money to cover the investment fee, he borrows the remaining $8000 from his father-in-law, promising to repay him double the amount he borrowed. He also offers to invest some of his father-in-law’s money, promising to reimburse him for everything if the deal falls through, knowing that it would leave him struggling financially for a while. Feeling good about his anticipated money from the investment, Roger quickly finishes scooping the fertilizer into the spreader and completes the yard. He then spent the rest of the day on Saturday and most of Sunday working on his sports car. He changed the oil and all other fluids, replaced the filters and spark plugs and cleaned out the engine. His wife was annoyed that he took her out to a party with her co-workers with dirty hands from the residue of the oil, grease, coolant, and dirt that would not wash off when working on his car. While at work on Monday, Roger began experiencing severe pain on his hands and arms. Somehow he had developed a major skin irritation requiring aggressive treatment by his doctor. After the irritation faded, Roger was left with permanent scarring on his hands and lower arms. During this time he was unable to work on his computer and as a result, lost several lucrative accounts worth hundreds of thousands of dollars. Roger is now suing the manufacturer of the fertilizer. Attorneys for the manufacturer argue that Roger’s skin irritation was not from the use of the fertilizer, but from chemicals he handled when working on his car. As a member of the jury, your job is to allocate responsibility for the injury.

Percent Allocation of Responsibility to the Consumer (Roger Stevens): ______
Percent Allocation of Responsibility to the Manufacturer (Super-Gro®): 100%
Scenario 3: Lacquer Stripper: Very Bad Consumer

Michael Andrews, a mechanical engineer for a highly respected firm, decided to spruce up his home office during a well deserved vacation. He just returned from a three-week trip overseas where he helped install a new bio-processing plant on the edge of a largely uninhabited rain forest. The purpose of the new plant was to remove chemical agents and industrial wastes from nearby factories while purifying the air. He had to wear a gas mask the entire time he was there and could not wait to be back in the States. On the first day of his vacation, Michael went to the local hardware store and purchased everything he would need to refurbish his office. Upon arriving home, he realized he forgot to get some lacquer stripper to remove the old paint on his desk. Instead of driving all the way out to the hardware store again, he climbed the fence separating his yard from his neighbor's yard and broke into his neighbor's storage shed and took a can of Thompson® lacquer stripper he found on a shelf. While trying to force the back door open he broke one of the glass window panes with his elbow but figured the glass wouldn't hurt anyone since it fell on the inside of the building.

Excited about his new project, Michael began stripping the old paint off his desk right away. It took several hours and not wanting to waste too much time, he brought a sandwich and bag of chips out to the work place and ate lunch while applying a deep cherry wood stain to it. One day after refinishing his desk and five days after returning from the rain forest overseas, Michael began suffering from severe stomach cramps. His doctor discovered he had evidence of poisonous toxins in his blood stream, which caused the intense abdominal pain. Michael, convinced he picked up the toxins while using the liquid lacquer stripper on his desk, is suing the manufacturer of the lacquer stripper. Attorneys for the manufacturer argue that Michael's stomach toxins were not from the use of the lacquer stripper, but from his trip overseas. As a member of the jury, your job is to allocate responsibility for the injury.

Percent Allocation of Responsibility to the Consumer (Michael Andrews): _______
Percent Allocation of Responsibility to the Manufacturer (Thompson®): 100%
Scenario 3: Lacquer Stripper: Bad Consumer

Michael Andrews, a mechanical engineer for a highly respected firm, decided to spruce up his home office during a well deserved vacation. He just returned from a three-week trip overseas where he helped install new bio-processing plant on the edge of a largely uninhabited rain forest. The purpose of the new plant was to remove chemical agents and industrial wastes from nearby factories while purifying the air. He had to wear a gas mask the entire time he was there and could not wait to be back in the States. On the first day of his vacation, Michael went to the local hardware store and purchased everything he would need to refurbish his office. Upon arriving home, he realized he forgot to get some lacquer stripper to remove the old paint on his desk. Instead of driving all the way out to the hardware store again, he went into his neighbor’s storage shed and took a can of Thompson® lacquer stripper he found on a shelf.

Excited about his new project, Michael began stripping the old paint off his desk right away. It took several hours and not wanting to waste too much time, he brought a sandwich and bag of chips out to the work place and ate lunch while applying a deep cherry wood stain to it. One day after refinishing his desk and five days after returning from the rain forest overseas, Michael began suffering from severe stomach cramps. His doctor discovered he had evidence of poisonous toxins in his blood stream, which caused the intense abdominal pain. Michael, convinced he picked up the toxins while using the liquid lacquer stripper on his desk, is suing the manufacturer of the lacquer stripper. Attorneys for the manufacturer argue that Michael’s stomach toxins were not from the use of the lacquer stripper, but from his trip overseas. As a member of the jury, your job is to allocate responsibility for the injury.

Percent Allocation of Responsibility to the Consumer (Michael Andrews): _____
Percent Allocation of Responsibility to the Manufacturer (Thompson®): 100%
Scenario 3: Lacquer Stripper: Good Consumer

Michael Andrews, a mechanical engineer for a highly respected firm, decided to spruce up his home office during a well deserved vacation. He just returned from a three-week trip overseas where he helped install new bio-processing plant on the edge of a largely uninhabited rain forest. The purpose of the new plant was to remove chemical agents and industrial wastes from nearby factories while purifying the air. He had to wear a gas mask the entire time he was there and could not wait to be back in the States. On the first day of his vacation, Michael went to the local hardware store and purchased everything he would need to refurbish his office. Upon arriving home, he realized he forgot to get some lacquer stripper to remove the old paint on his desk. Instead of driving all the way out to the hardware store again, he went next door to his neighbor’s house and asked to purchase a can of Thompson® lacquer stripper from him. His neighbor just gave him the can, and as an expression of thanks, Michael volunteered to use the leftovers to strip the lacquer off of and restain his neighbor’s entire back porch. Excited about his new project, Michael began stripping the old paint off his desk right away. It took several hours and not wanting to waste too much time, he brought a sandwich an bag of chips out to the work space and ate lunch while applying a deep cherry wood stain to the desk. One day after refinishing his desk and five days after returning from the rain forest, Michael began suffering from severe stomach cramps. His doctor discovered he had evidence of poisonous toxins in his blood stream, which caused the intense abdominal pain. Michael, convinced he picked up the toxins while using the liquid lacquer stripper on his desk, is suing the manufacturer of the lacquer stripper. Attorneys for the manufacturer argue that Michael’s stomach toxins were not from the use of the lacquer stripper, but from his trip overseas. As a member of the jury, your job is to allocate responsibility for the injury.

Percent Allocation of Responsibility to the Consumer (Michael Andrews): ______
Percent Allocation of Responsibility to the Manufacturer (Thompson®): ______/100%
Scenario 3: Lacquer Stripper: Very Good Consumer

Michael Andrews, a mechanical engineer for a highly respected firm, decided to spruce up his home office during a well deserved vacation. He just returned from a three-week trip overseas where he helped install new bio-processing plant on the edge of a largely uninhabited rain forest. The purpose of the new plant was to remove chemical agents and industrial wastes from nearby factories while purifying the air. He had to wear a gas mask the entire time he was there and could not wait to be back in the States. On the first day of his vacation, Michael went to the local hardware store and purchased everything he would need to refurbish his office. Upon arriving home, he realized he forgot to get some lacquer stripper to remove the old paint on his desk. Instead of driving all the way out to the hardware store again, he went next door to his neighbor's house and asked to purchase a can of Thompson® lacquer stripper from him. His neighbor just gave him the can, and as an expression of thanks, Michael volunteered to use the leftovers to strip the lacquer off of and restain his neighbor's entire back porch, knowing this commitment would restrict the amount of free time he had during his vacation. However, he felt it was the least he could do to thank his neighbor for his kindness.

Excited about his new project, Michael began stripping the old paint off his desk right away. It took several hours and not wanting to waste too much time, he brought a sandwich and a bag of chips out to the work space and ate lunch while applying a deep cherry wood stain to the desk. One day after refinishing his desk and five days after returning from the rain forest, Michael began suffering from severe stomach cramps. His doctor discovered he had evidence of poisonous toxins in his blood stream, which caused the intense abdominal pain. Michael, convinced he picked up the toxins while using the liquid lacquer stripper on his desk, is suing the manufacturer of the lacquer stripper. Attorneys for the manufacturer argue that Michael's stomach toxins were not from the use of the lacquer stripper, but from his trip overseas. As a member of the jury, your job is to allocate responsibility for the injury.

Percent Allocation of Responsibility to the Consumer (Michael Andrews): _______
Percent Allocation of Responsibility to the Manufacturer (Thompson®): 100%
Scenario 4: Liquid Bleach: Very Bad Consumer

Carter Thompson, a corporate manager for a multinational bank, loved his hobby of working in his basement workshop. He has already made several pieces of furniture, some of which he has kept for his own use and some of which he has sold to various people in his neighborhood for a nice profit. In order to maximize profit on the furniture he sells, Carter buys a cheaper wood which is not as strong than the wood he normally buys for himself. So far, only one has complained about the wood he uses to make the furniture, and he refused to return the money since he figured it was the other’s guy’s mistake for not inspecting the furniture before purchasing it.

Before working on a table and chairs a guy down the street asked him to make, Carter decides to put down an extra layer of insulation in his attic since the weather forecast indicated a major cold snap will be arriving in a day or two. He spent over two hours crawling around his attic laying the insulation and by the time he was finished he was sneezing and his eyes were itching from the fibers in the insulation. He took a quick shower to wash all the grit off of him then went down to the basement to finish the furniture. It has taken him close to six months to finish this project since he can only work on it during the weekends and some week nights when his job would allow the time. Since his customer wanted the table and chairs painted white, all Carter had left to do was bleach the wood and paint it, then he would be finished. To bleach the wood, he mixed a solution of one-part water and three-parts Clorox® bleach and applied it to the wood with a paintbrush. After applying the solution to the wood his eyes started to tear. He quickly washed his face with cold water then poured the solution down the sink.

Later that evening Carter’s eyes started hurting quite badly and his vision was getting blurry. Looking in a mirror, he noticed his eye was bloodshot and watering badly. He managed to drive to the local emergency room where he found out he has a severe irritation to his cornea and pupil which resulted in a permanent decrement in his vision in that eye. Carter, convinced he was injured while using the household bleach, is suing the manufacturer of the bleach.

Attorneys for the manufacturer argue that Carter’s eye irritation was not from the use of the bleach, but from his the fibers in the insulation.

As a member of the jury, your job is to allocate responsibility for the injury.

Percent Allocation of Responsibility to the Consumer (Carter Thompson): ______
Percent Allocation of Responsibility to the Manufacturer (Clorox®): 100%
Scenario 4: Liquid Bleach: Bad Consumer

Carter Thompson, a corporate manager for a multinational bank, loved his hobby of working in his basement workshop. He has already made several pieces of furniture, some of which he has kept for his own use and some of which he has sold to various people in his neighborhood for a nice profit. In order to maximize profit on the furniture he sells, Carter buys a cheaper wood which is not as strong than the wood he normally buys for himself. So far, only one has complained about the wood he uses to make the furniture, and he refused to return the money since he figured it was the other’s guy’s mistake for not inspecting the furniture before purchasing it.

Before working on a table and chairs a guy down the street asked him to make, Carter decides to put down an extra layer of insulation in his attic since the weather forecast indicated a major cold snap will be arriving in a day or two. He spent over two hours crawling around his attic laying the insulation and by the time he was finished he was sneezing and his eyes were itching from the fibers in the insulation. He took a quick shower to wash all the grit off of him then went down to the basement to finish the furniture. It has taken him close to six months to finish this project since he can only work on it during the weekends and some week nights when his job would allow the time. Since his customer wanted the table and chairs painted white, all Carter had left to do was bleach the wood and paint it, then he would be finished. To bleach the wood, he mixed a solution of one-part water and three-parts Clorox® bleach and applied it to the wood with a paintbrush. After applying the solution to the wood his eyes started to tear. He quickly washed his face with cold water then poured the solution down the sink.

Later that evening Carter’s eyes started hurting quite badly and his vision was getting blurry. Looking in a mirror, he noticed his eye was bloodshot and watering badly. He managed to drive to the local emergency room where he found out he has a severe irritation to his cornea and pupil which resulted in a permanent decrement in his vision in that eye. Carter, convinced he was injured while using the household bleach, is suing the manufacturer of the bleach. Attorneys for the manufacturer argue that Carter’s eye irritation was not from the use of the bleach, but from his the fibers in the insulation.

As a member of the jury, your job is to allocate responsibility for the injury.

Percent Allocation of Responsibility to the Consumer (Carter Thompson): _____
Percent Allocation of Responsibility to the Manufacturer (Clorox®): 100%
Scenario 4: Liquid Bleach: Good Consumer

Carter Thompson, a corporate manager for a multinational bank, loved his hobby of working in his basement workshop. He has already made several pieces of furniture, some of which he has kept for his own use and some of which he has given away to various people in need. By his calculations he has given away over $8000 worth of furniture. He refuses to use cheap wood in his furniture, so he ends up losing money on the furniture he makes, even the stuff he keeps for himself. He doesn’t mind though, because he takes pride in his work and likes knowing the recipients of his work have good quality furniture which will last several years. Besides, he makes the furniture for fun and enjoyment, not as a money-making venture.

Before working on a table and chairs a guy down the street asked him to make, Carter decides to put down an extra layer of insulation in his attic since the weather forecast indicated a major cold snap will be arriving in a day or two. He spent over two hours crawling around his attic laying the insulation and by the time he was finished he was sneezing and his eyes were watering from the fibers in the insulation. He took a quick shower to wash all the grit off of him then went down to the basement to finish the furniture. It has taken him close to six months to finish this project since he can only work on it during the weekends and some week nights when his job would allow the time. Since his customer wanted the table and chairs painted white, all Carter had left to do was bleach the wood and paint it, then he would be finished. To bleach the wood, he mixed a solution of one-part water and two-parts Clorox® bleach and applied it to the wood with a paintbrush. After applying the solution to the wood his eyes began to tear. He quickly washed his face with cold water then poured the solution down the sink.

Later that evening Carter’s eyes started hurting quite badly and his vision was getting blurry. Looking in a mirror, he noticed his eye was bloodshot and watering badly. He managed to drive to the local emergency room where he found out he has a severe irritation to his cornea and pupil which resulted in a permanent decrement in his vision in that eye. Carter, convinced he was injured while using the household bleach, is suing the manufacturer of the bleach. Attorneys for the manufacturer argue that Carter’s eye irritation was not from the use of the bleach, but from his the fibers in the insulation. As a member of the jury, your job is to allocate responsibility for the injury.

Percent Allocation of Responsibility to the Consumer (Carter Thompson): ____
Percent Allocation of Responsibility to the Manufacturer (Clorox®): 100%
Scenario 4: Liquid Bleach: Very Good Consumer

Carter Thompson, a corporate manager for a multinational bank, loved his hobby of working in his basement workshop. He has already made several pieces of furniture, some of which he has kept for his own use and some of which he has given away to various people in need. By his calculations he has given away over $8000 worth of furniture. He refuses to use cheap wood in his furniture, so he ends up losing money on the furniture he makes, even the stuff he keeps for himself. He doesn’t mind though, because he takes pride in his work and likes knowing the recipients of his work have good quality furniture which will last several years. Besides, he makes the furniture for fun and enjoyment, not as a money-making venture. Recently he just volunteered his services to construct dining furniture and picnic tables for the local children’s shelter. The shelter does not have enough money to buy new furniture and they heard that Carter sometimes donates the furniture he makes. Carter figures this project will cost about $1500 but he does not mind since he makes quite a bit of money from his job.

Before working on the table and chairs, Carter decides to put down an extra layer of insulation in his attic since the weather forecast indicated a major cold snap will be arriving in a day or two. He spent over two hours crawling around his attic laying the insulation and by the time he was finished he was sneezing and his eyes were watering from the fibers in the insulation. He took a quick shower to wash all the grit off of him then went down to the basement to finish the furniture. It has taken him close to six months to finish this project since he can only work on it during the weekends and some week nights when his job would allow the time. Since his customer wanted the table and chairs painted white, all Carter had left to do was bleach the wood and paint it, then he would be finished. To bleach the wood, he mixed a solution of one-part water and two-parts Clorox® bleach and applied it to the wood with a paintbrush. After applying the solution to the wood his eyes began to tear. He quickly washed his face with cold water then poured the solution down the sink.

Later that evening Carter’s eyes started hurting quite badly and his vision was getting blurry. Looking in a mirror, he noticed his eye was bloodshot and watering badly. He managed to drive to the local emergency room where he found out he has a severe irritation to his cornea and pupil which resulted in a permanent decrement in his vision in that eye. Carter, convinced he was injured while using the household bleach, is suing the manufacturer of the bleach. Attorneys for the manufacturer argue that Carter’s eye irritation was not from the use of the bleach, but from his the fibers in the insulation.

As a member of the jury, your job is to allocate responsibility for the injury.

Percent Allocation of Responsibility to the Consumer (Carter Thompson): ___
Percent Allocation of Responsibility to the Manufacturer (Clorox®): ___
APPENDIX C

Post-Allocation Questionnaire
Please rate the degree to which you feel the consumer involved in the accident was competently using the product. Please use the scale below to determine a rating for each person and place your responses in the blank which corresponds to each scenario.

<table>
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<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
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<tbody>
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</tr>
</tbody>
</table>

A. ____________
B. ____________
C. ____________
D. ____________

Please rate the degree to which you feel it is likely that the accident described in the scenario could happen to you. Please use the scale below to determine a rating for each scenario and place your responses in the blank which corresponds to each scenario.

<table>
<thead>
<tr>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
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</table>

A. ____________
B. ____________
C. ____________
D. ____________
Please rate the degree to which the consumer involved in the accident deserved the injury he received. Please use the scale below to determine a rating for each person and place your responses in the blank which corresponds to each scenario.

<table>
<thead>
<tr>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>very undeserved</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>very deserved</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A. ____________
B. ____________
C. ____________
D. ____________

Please rate the degree to which you feel you the consumer in each scenario caused the accident described in each the scenario. Please use the scale below to determine a rating for each and place your responses in the blank which corresponds to each scenario.

<table>
<thead>
<tr>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>not at all sure caused it</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>very sure caused it</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A. ____________
B. ____________
C. ____________
D. ____________
Please rate the degree to which you feel you the consumer in each scenario is responsible for the accident described in each the scenario. Please use the below scale to determine a rating for each and place your responses in the blank which corresponds to each scenario.

<table>
<thead>
<tr>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>not at all responsible</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>very responsible</td>
</tr>
</tbody>
</table>

A. ____________
B. ____________
C. ____________
D. ____________

Please rate the degree to which you feel you are similar to the consumer described in each the scenario. Please use the scale below to determine a rating for each and place your responses in the blank which corresponds to each scenario.

<table>
<thead>
<tr>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>very dissimilar</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>very similar</td>
</tr>
</tbody>
</table>

A. ____________
B. ____________
C. ____________
D. ____________
Please rate the degree to which you feel sorry for the consumer who was injured in the accident. Please use the scale below to determine a rating for each person and place your responses in the blank which corresponds to each scenario.

<table>
<thead>
<tr>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>not at all sorry</td>
<td>very sorry</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A. ____________  
B. ____________  
C. ____________  
D. ____________

Please rate the degree to which you are familiar with the product described in each scenario. Please use the scale below to determine a rating for each and place your responses in the blank which corresponds to each scenario.

<table>
<thead>
<tr>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>very unfamiliar</td>
<td>very familiar</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A. ____________  
B. ____________  
C. ____________  
D. ____________
Please rate the degree to which you feel the hazards associated with the product described in each scenario are open and obvious hazards. Please use the scale below to determine a rating for each and place your responses in the blank which corresponds to each scenario.

A. ____________
B. ____________
C. ____________
D. ____________
APPENDIX D

Manipulation Check Scales
Please rate the goodness or badness of the person described in each scenario. Please use the scale below to determine a rating for each person and place your responses in the blank which corresponds to each scenario.

A. _________
B. _________
C. _________
D. _________

Please rate the physical attractiveness of each person depicted in the photo. Please use the below scale to determine a rating for each picture and place your responses in the blank which corresponds to each scenario.

A. _________
B. _________
C. _________
D. _________
Please rate the degree to which you feel the causes of the accident were clearly understandable; i.e., were the causal factors of the accident ambiguous or unambiguous. Please use the scale below to determine a rating for each scenario and place your responses in the blank which corresponds to each scenario.

0 1 2 3 4 5 6 7 8
very unclear

A. ______________
B. ______________
C. ______________
D. ______________
APPENDIX E

Tables
Table E1

Analysis of variance, means, and standard deviations for
good/bad manipulation check.

<table>
<thead>
<tr>
<th>Source</th>
<th>Type III SS</th>
<th>df</th>
<th>F value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good/Bad</td>
<td>875.86</td>
<td>3</td>
<td>216.90**</td>
</tr>
<tr>
<td>Error</td>
<td>254.40</td>
<td>189</td>
<td></td>
</tr>
</tbody>
</table>

**p < .001

<table>
<thead>
<tr>
<th>Condition</th>
<th>N</th>
<th>Mean</th>
<th>Standard Dev.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very bad</td>
<td>64</td>
<td>2.08</td>
<td>1.40</td>
</tr>
<tr>
<td>Bad</td>
<td>64</td>
<td>2.80</td>
<td>1.16</td>
</tr>
<tr>
<td>Good</td>
<td>64</td>
<td>5.64</td>
<td>1.38</td>
</tr>
<tr>
<td>Very good</td>
<td>64</td>
<td>6.47</td>
<td>1.65</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Source</th>
<th>df</th>
<th>Mean</th>
<th>t value</th>
<th>95% CI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bad-VeryBad</td>
<td>56</td>
<td>.72</td>
<td>5.14**</td>
<td>.44 .10</td>
</tr>
<tr>
<td>Bad-Good</td>
<td>56</td>
<td>2.84</td>
<td>16.32**</td>
<td>2.50 3.19</td>
</tr>
<tr>
<td>Good-VGood</td>
<td>56</td>
<td>.83</td>
<td>5.34**</td>
<td>.52 1.13</td>
</tr>
</tbody>
</table>

**p < .001
### Table E2

Analysis of variance for overall model.

<table>
<thead>
<tr>
<th>Source</th>
<th>Type III SS</th>
<th>df</th>
<th>F value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good/Bad</td>
<td>3565.63</td>
<td>3</td>
<td>11.17**</td>
</tr>
<tr>
<td>GB*Attract</td>
<td>59.38</td>
<td>3</td>
<td>.186</td>
</tr>
<tr>
<td>GB*Scenario</td>
<td>763.28</td>
<td>9</td>
<td>.620</td>
</tr>
<tr>
<td>GB<em>Att</em>Scen</td>
<td>1014.84</td>
<td>9</td>
<td>.396</td>
</tr>
<tr>
<td>Error</td>
<td>17884.40</td>
<td>168</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Source</th>
<th>Type III SS</th>
<th>df</th>
<th>F value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attract</td>
<td>451.56</td>
<td>1</td>
<td>.184</td>
</tr>
<tr>
<td>Scenario</td>
<td>32275.80</td>
<td>3</td>
<td>4.39**</td>
</tr>
<tr>
<td>Att*Scenario</td>
<td>10718.00</td>
<td>3</td>
<td>1.46</td>
</tr>
<tr>
<td>Error</td>
<td>137116.00</td>
<td>56</td>
<td></td>
</tr>
</tbody>
</table>

**p < .001
Table E3

Analysis of variance and collapsed means for the first allocation

<table>
<thead>
<tr>
<th>Source</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Attractive</td>
<td>1</td>
<td>.07</td>
</tr>
<tr>
<td>Good/Bad</td>
<td>3</td>
<td>.21</td>
</tr>
<tr>
<td>Scenario</td>
<td>3</td>
<td>3.68*</td>
</tr>
<tr>
<td>Att*Good/Bad</td>
<td>3</td>
<td>1.03</td>
</tr>
<tr>
<td>Att*Scenario</td>
<td>3</td>
<td>1.24</td>
</tr>
<tr>
<td>Good/Bad*Scen</td>
<td>9</td>
<td>.77</td>
</tr>
<tr>
<td>Att<em>G/B</em>Scen</td>
<td>8</td>
<td>.12</td>
</tr>
</tbody>
</table>

* p < .05

<table>
<thead>
<tr>
<th>Source</th>
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<th>Std Dev</th>
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</thead>
<tbody>
<tr>
<td>Attractive</td>
<td>68.02</td>
<td>28.02</td>
</tr>
<tr>
<td>Unattractive</td>
<td>70.58</td>
<td>29.28</td>
</tr>
<tr>
<td>Very Bad</td>
<td>72.50</td>
<td>32.86</td>
</tr>
<tr>
<td>Bad</td>
<td>66.25</td>
<td>24.73</td>
</tr>
<tr>
<td>Good</td>
<td>68.42</td>
<td>28.73</td>
</tr>
<tr>
<td>Very Good</td>
<td>70.67</td>
<td>26.65</td>
</tr>
</tbody>
</table>

Scenario

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Mean</th>
<th>Std Dev</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pesticide</td>
<td>50.63</td>
<td>35.63</td>
</tr>
<tr>
<td>Fertilizer</td>
<td>77.19</td>
<td>22.21</td>
</tr>
<tr>
<td>Lacquer Strip</td>
<td>76.56</td>
<td>21.91</td>
</tr>
<tr>
<td>Bleach</td>
<td>72.81</td>
<td>22.43</td>
</tr>
</tbody>
</table>
Table E4

Analysis of variance and collapsed means for the second allocation

<table>
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</thead>
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<tr>
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<td>1</td>
<td>.17</td>
</tr>
<tr>
<td>Good/Bad</td>
<td>3</td>
<td>.55</td>
</tr>
<tr>
<td>Scenario</td>
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<td>5.48*</td>
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<td>Att*Good/Bad</td>
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<td>1.20</td>
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<td>Att*Scenario</td>
<td>3</td>
<td>1.17</td>
</tr>
<tr>
<td>Good/Bad*Scen</td>
<td>9</td>
<td>.41</td>
</tr>
<tr>
<td>Att<em>G/B</em>Scen</td>
<td>8</td>
<td>1.20</td>
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</table>

* p < .05

<table>
<thead>
<tr>
<th>Mean</th>
<th>Std Dev</th>
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</thead>
<tbody>
<tr>
<td>Attractive</td>
<td>67.65</td>
</tr>
<tr>
<td>Unattractive</td>
<td>69.84</td>
</tr>
<tr>
<td>Very Bad</td>
<td>65.83</td>
</tr>
<tr>
<td>Bad</td>
<td>75.67</td>
</tr>
<tr>
<td>Good</td>
<td>70.83</td>
</tr>
<tr>
<td>Very Good</td>
<td>63.16</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pesticide</td>
</tr>
<tr>
<td>Fertilizer</td>
</tr>
<tr>
<td>Lacquer Strip</td>
</tr>
<tr>
<td>Bleach</td>
</tr>
</tbody>
</table>
Table E5

Analysis of variance and collapsed means for the third allocation

<table>
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<tr>
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<td>.22</td>
</tr>
<tr>
<td>Good/Bad</td>
<td>3</td>
<td>1.46</td>
</tr>
<tr>
<td>Scenario</td>
<td>3</td>
<td>4.24*</td>
</tr>
<tr>
<td>Att*Good/Bad</td>
<td>3</td>
<td>1.04</td>
</tr>
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<td>Att*Scenario</td>
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<td>1.75</td>
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<tr>
<td>Good/Bad*Scen</td>
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<td>.23</td>
</tr>
<tr>
<td>Att<em>G/B</em>Scen</td>
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<td>1.60</td>
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</table>

* p < .05

<table>
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<th>Std Dev</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attractive</td>
<td>70.93</td>
<td>17.13</td>
</tr>
<tr>
<td>Unattractive</td>
<td>73.43</td>
<td>27.75</td>
</tr>
<tr>
<td>Very Bad</td>
<td>75.29</td>
<td>26.19</td>
</tr>
<tr>
<td>Bad</td>
<td>80.00</td>
<td>21.51</td>
</tr>
<tr>
<td>Good</td>
<td>66.33</td>
<td>30.91</td>
</tr>
<tr>
<td>Very Good</td>
<td>65.67</td>
<td>25.91</td>
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</tbody>
</table>

Scenario

<table>
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<th>Source</th>
<th>Mean</th>
<th>Std Dev</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pesticide</td>
<td>50.63</td>
<td>36.00</td>
</tr>
<tr>
<td>Fertilizer</td>
<td>86.25</td>
<td>11.62</td>
</tr>
<tr>
<td>Lacquer Strip</td>
<td>76.88</td>
<td>20.81</td>
</tr>
<tr>
<td>Bleach</td>
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<td>14.46</td>
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</table>
### Table E6

**Analysis of variance and collapsed means for the fourth allocation**

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<td>.31</td>
</tr>
<tr>
<td>Good/Bad</td>
<td>3</td>
<td>.96</td>
</tr>
<tr>
<td>Scenario</td>
<td>3</td>
<td>4.41*</td>
</tr>
<tr>
<td>Att*Good/Bad</td>
<td>3</td>
<td>.96</td>
</tr>
<tr>
<td>Att*Scenario</td>
<td>3</td>
<td>.38</td>
</tr>
<tr>
<td>Good/Bad*Scen</td>
<td>9</td>
<td>.65</td>
</tr>
<tr>
<td>Att<em>G/B</em>Scen</td>
<td>8</td>
<td>.37</td>
</tr>
</tbody>
</table>

* p < .05

<table>
<thead>
<tr>
<th>Source</th>
<th>Mean</th>
<th>Std Dev</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attractive</td>
<td>69.43</td>
<td>27.73</td>
</tr>
<tr>
<td>Unattractive</td>
<td>74.06</td>
<td>27.89</td>
</tr>
<tr>
<td>Very Bad</td>
<td>78.25</td>
<td>23.58</td>
</tr>
<tr>
<td>Bad</td>
<td>67.35</td>
<td>29.59</td>
</tr>
<tr>
<td>Good</td>
<td>65.83</td>
<td>29.61</td>
</tr>
<tr>
<td>Very Good</td>
<td>72.67</td>
<td>29.87</td>
</tr>
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</table>

**Scenario**

<table>
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<tr>
<th>Source</th>
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<th>Std Dev</th>
</tr>
</thead>
<tbody>
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<td>37.82</td>
</tr>
<tr>
<td>Fertilizer</td>
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<td>12.68</td>
</tr>
<tr>
<td>Lacquer Strip</td>
<td>77.50</td>
<td>20.75</td>
</tr>
<tr>
<td>Bleach</td>
<td>75.31</td>
<td>17.17</td>
</tr>
<tr>
<td>Pair</td>
<td>Mean</td>
<td>Std. Dev</td>
</tr>
<tr>
<td>------------</td>
<td>------</td>
<td>----------</td>
</tr>
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<td>2.34</td>
</tr>
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<td>causality good</td>
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<td>1.92</td>
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<td>5.29</td>
<td>2.58</td>
</tr>
<tr>
<td>familiar good</td>
<td>5.29</td>
<td>2.58</td>
</tr>
<tr>
<td>likely bad</td>
<td>3.49</td>
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<tr>
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<td>1.70</td>
</tr>
<tr>
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<td>5.80</td>
<td>2.32</td>
</tr>
<tr>
<td>obvious good</td>
<td>5.62</td>
<td>2.33</td>
</tr>
<tr>
<td>responsible bad</td>
<td>6.09</td>
<td>1.96</td>
</tr>
<tr>
<td>responsible good</td>
<td>5.79</td>
<td>2.05</td>
</tr>
<tr>
<td>similar bad</td>
<td>2.49</td>
<td>1.31</td>
</tr>
<tr>
<td>similar good</td>
<td>4.62</td>
<td>1.91</td>
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<tr>
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<td>4.08</td>
<td>1.89</td>
</tr>
<tr>
<td>sorry good</td>
<td>5.97</td>
<td>1.87</td>
</tr>
</tbody>
</table>

* p < .05, ** p < .01
APPENDIX F

Directions for Participants
ALLOCATION OF ACCIDENT RESPONSIBILITY

In this section, I am interested in your opinions about who is responsible for accidents involving consumer products. For each accident to be described, there are various organizations and individuals named who might have some role in the manufacture and/or use of the product.

You will be presented a scenario describing an accident involving a consumer and a product. The scenario will have four different versions. In each scenario, litigation was brought against the manufacturer by the consumer who was injured. During the course of each trial, factual testimony was presented by various people, including but not limited to friends, co-workers and family members. Statements from testimony have been noted within each accident description. Taking the testimony and facts into consideration, we would like for you to assign responsibility to each of these groups and/or individuals for the accident involving each product. Assign a number between 0 and 100 to each one. Responsibility for the accident may be assigned to a single group or spread out in any way among groups, but the total responsibility for any one product must add up to 100.

The following scenarios are all within a jury decision making framework. When allocating responsibility for the accident, consider yourself as a member of the jury in a civil litigation trial. You are to neither assume nor infer any information other than what has been presented in each description. When making a decision of responsibility for the accident, do not rely on your own knowledge of the product, information you feel should have been included, etc. Use only the information provided in the scenario.
Figure 1

Linear component of trend for good/bad

Responsibility Allocation for Good/Bad

% Responsibility

very bad  bad  good  very good

Series1
Figure 2

Very Good/Very Bad Means Across Allocations

% Consumer Responsibility

Allocation 1 Allocation 2 Allocation 3 Allocation 4

very bad

very good
IMAGE EVALUATION
TEST TARGET (QA-3)

1.0
1.1
1.25
1.4
1.6

1.0
1.1
1.25
1.4
1.6

150mm
6"

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