

Moral Decision-Making in the Criminal Justice System: The Influence of Gruesome Descriptions

Authors : Michel Patiño-Sáenz, Martín Haissiner, Jorge Martínez-Cotrino, Daniel Pastor, Hernando Santamaría-García, María-Alejandra Tangarife, Agustín Ibáñez, Sandra Baez

Abstract : It has been shown that gruesome descriptions of harm can increase the punishment given to a transgressor. This biasing effect is mediated by negative emotions, which are elicited upon the presentation of gruesome descriptions. However, there is a lack of studies inquiring the influence of such descriptions on moral decision-making in people involved in the criminal justice system. Such populations are of special interest since they have experience dealing with gruesome evidence, but also formal education on how to assess evidence and gauge the appropriate punishment according to the law. Likewise, they are expected to be objective and rational when performing their duty, because their decisions can impact profoundly people's lives. Considering these antecedents, the objective of this study was to explore the influence of gruesome written descriptions on moral decision-making in this group of people. To that end, we recruited attorneys, judges and public prosecutors (Criminal justice group, CJ, n=30) whose field of specialty is criminal law. In addition, we included a control group of people who did not have a formal education in law (n=30), but who were paired in age and years of education with the CJ group. All participants completed an online, Spanish-adapted version of a moral decision-making task, which was previously reported in the literature and also standardized and validated in the Latin-American context. A series of text-based stories describing two characters, one inflicting harm on the other, were presented to participants. Transgressor's intentionality (accidental vs. intentional harm) and language (gruesome vs. plain) used to describe harm were manipulated employing a within-subjects and a between-subjects design, respectively. After reading each story, participants were asked to rate (a) the harmful action's moral adequacy, (b) the amount of punishment deserving the transgressor and (c) how damaging was his behavior. Results showed main effects of group, intentionality and type of language on all dependent measures. In both groups, intentional harmful actions were rated as significantly less morally adequate, were punished more severely and were deemed as more damaging. Moreover, control subjects deemed more damaging and punished more severely any type of action than the CJ group. In addition, there was an interaction between intentionality and group. People in the control group rated harmful actions as less morally adequate than the CJ group, but only when the action was accidental. Also, there was an interaction between intentionality and language on punishment ratings. Controls punished more when harm was described using gruesome language. However, that was not the case of people in the CJ group, who assigned the same amount of punishment in both conditions. In conclusion, participants with job experience in the criminal justice system or criminal law differ in the way they make moral decisions. Particularly, it seems that they are less sensitive to the biasing effect of gruesome evidence, which is probably explained by their formal education or their experience in dealing with such evidence. Nonetheless, more studies are needed to determine the impact this phenomenon has on the fulfillment of their duty.

Keywords : criminal justice system, emotions, gruesome descriptions, intentionality, moral decision-making

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