

University of Nebraska - Lincoln

DigitalCommons@University of Nebraska - Lincoln

Theses, Dissertations, and Student Research:
Department of Psychology

Psychology, Department of

5-2012

Love Means Never Having to Say You're Sorry, But What About Malpractice? A Look at Verbal and Nonverbal Factors Affecting Perceptions of Apologies in a Medical Malpractice Case

Sarah Thimsen

University of Nebraska-Lincoln, sarah.thimsen@gmail.com

Follow this and additional works at: <https://digitalcommons.unl.edu/psychdiss>



Part of the [Psychiatry and Psychology Commons](#), and the [Social Psychology Commons](#)

Thimsen, Sarah, "Love Means Never Having to Say You're Sorry, But What About Malpractice? A Look at Verbal and Nonverbal Factors Affecting Perceptions of Apologies in a Medical Malpractice Case" (2012). *Theses, Dissertations, and Student Research: Department of Psychology*. 42.
<https://digitalcommons.unl.edu/psychdiss/42>

This Article is brought to you for free and open access by the Psychology, Department of at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Theses, Dissertations, and Student Research: Department of Psychology by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.

LOVE MEANS NEVER HAVING TO SAY YOU'RE SORRY, BUT WHAT ABOUT
MALPRACTICE? A LOOK AT VERBAL AND NONVERBAL FACTORS
AFFECTING PERCEPTIONS OF APOLOGIES IN A MEDIAL MALPRACTICE
CASE

by
Sarah Thimsen

A DISSERTATION

Presented to the Faculty of
The Graduate College at the University of Nebraska
In Partial Fulfillment of Requirements
For the Degree of Doctor of Philosophy

Major: Psychology

Under the Supervision of Professor Brian H. Bornstein

Lincoln, Nebraska

May, 2012

LOVE MEANS NEVER HAVING TO SAY YOU'RE SORRY, BUT WHAT ABOUT
MALPRACTICE? A LOOK AT VERBAL AND NONVERBAL FACTORS
AFFECTING PERCEPTIONS OF APOLOGIES IN A MEDIAL MALPRACTICE

Sarah Thimsen, Ph.D.

University of Nebraska, 2012

Adviser: Brian H. Bornstein

Apologies are part of daily life and occur in a variety of contexts. A large body of literature on the effects of apologies indicated that apologies have a positive effect – those receiving apologies have more positive views of the transgressor (e.g., Bornstein, Rung, & Miller, 2002; Goei, Roberty, Meyer, & Carlyle, 1997; Robbennolt, 2003; Sitkin & Beis, 1993; Takaku, 2000). An area of emerging research in the realm of apologies is in the area of medical malpractice. The research presented here sought to expand on the field of apologies, specifically by examining the effects of an apology in a medical malpractice case. After reading the facts of a medical malpractice case, participants watched a videotaped statement of the defendant, which contained either an apology or an excuse. Other manipulated variables included the familiarity between the plaintiff and defendant, how steadily the defendant maintained eye contact during his statement, and how quickly the defendant spoke while making his statement. Analyses revealed marginal main effects for statement type, eye contact and speech rate on ratings of sincerity. Main effects emerged for perceptions of the defendant – participants viewed him more favorably when he apologized. Implications and areas of future research are then discussed.

Acknowledgements

I would like to express my gratitude to a number of people who have helped me throughout this process. I first thank my parents, Gary and Grace Thimsen, who have supported me in countless ways throughout my (seemingly endless) career as a student. I also thank my brother and sister, Grant and Anne, for reasons unknown. The continued encouragement and support from my family have helped me get here today.

I would also like to thank a few people from my past who have never let me down. First, I thank Lawrence Wrightsman, the man who set me on the path to study psychology and law. Throughout the years he has been a great source of wisdom and guidance for any number of questions and concerns I threw his way. I also need to thank Jaime, Jeff, Brian, Khara and Kristen. You know who you are. You know what you've done.

I owe a debt of gratitude to my committee members for their time, interest, and feedback over the course of the past few years. Sarah Gervais, Cynthia Willis-Esqueda, Craig Lawson, and Jennifer Robbennolt have all provided thoughtful feedback and support and have helped me accomplish this goal. Finally, I would like to profusely thank Brian Bornstein for his continued patience, support, guidance, patience, humor, and patience over the years. Although I have tried, I cannot imagine getting through this process with any other adviser.

TABLE OF CONTENTS

Chapter 1: Introduction.....	1
Chapter 2: Conflicts and Accounts.....	2
Conflict.....	2
Accounts.....	3
Excuses.....	4
Justifications.....	5
Denials.....	6
Confessions.....	7
Apologies.....	7
Chapter 3: After the Transgression: Why Offenders Offer Accounts.....	10
Cognitive Dissonance.....	10
Norms.....	11
Balance Theory.....	13
Attribution.....	15
Fundamental Attribution Error.....	16
Actor-Observer Effect.....	17
Self-Protection.....	21
Self-Presentation.....	24
Chapter 4: The Effects of Accounts on Victims and Transgressors.....	27
Effective Apologies.....	28
Effects of Accounts on Views of Transgressors.....	30
Effects of Accounts on Views of Transgressors in the Legal System.....	34
Legal Safeguards for Apologies.....	35

Effects for Victims.....	40
Restorative Justice.....	42
Chapter 5: Variables Affecting Account Usefulness.....	43
Determining an Apology’s Sincerity.....	52
Indicators of Deception.....	58
Paraverbal Cues.....	59
Nonverbal Visual Cues.....	60
Verbal and Nonverbal Indicators of Deception.....	61
Chapter 6: Apologies and Deception: Bridging the Gap.....	61
Chapter 7: Current Research.....	64
Hypotheses.....	64
Nonverbal Behavior.....	64
Familiarity.....	67
Trust Variables.....	68
Statement Type.....	69
Interactions.....	69
Relationship between Believability and Perceived Sincerity.....	71
Chapter 8: Method.....	71
Participants.....	71
Design and Procedure.....	71
Pilot Testing.....	74
Chapter 9: Results.....	75
Manipulation Checks.....	75

Sincerity.....	76
4-Way ANOVA Results.....	76
Table 9.1: ANOVA Statistics for Ratings of Sincerity.....	77
Content Analyses.....	78
Table 9.2: Categories of Sincerity Content Analysis.....	79
Table 9.3: Chi-Square Statistics for Independent Variables and Content Categories.....	80
Believability.....	80
4-Way ANOVA Results.....	80
Table 9.4: ANOVA Statistics for Ratings of Believability.....	81
Content Analyses.....	82
Table 9.5: Categories of Believability Content Analysis.....	83
Table 9.6: Chi-Square Statistics for Independent Variables and Content Categories.....	84
Compensatory Damages.....	84
4-Way ANOVA Results.....	84
Table 9.7: ANOVA Statistics for Compensatory Damages.....	85
Perceptions of Defendant.....	86
Explanation Satisfaction.....	86
4-Way ANOVA Results.....	86
Table 9.8: ANOVA Statistics for Ratings of Explanation Satisfaction.....	87
Compassion.....	88

4-Way ANOVA Results.....	88
Table 9.9: ANOVA Statistics for Ratings of Defendant's Compassion.....	89
4-Way MANCOVA Results.....	90
Agreement with Verdict.....	90
Chi-Square Analysis.....	90
Table 9.10: Chi-Square Statistics for Agreement with Verdict.....	90
Correlational Analyses.....	91
Believability and Sincerity.....	91
4-Way MANCOVA Results.....	91
Interpersonal Trust.....	91
Faith in People.....	92
International Personality Item Pool.....	92
Chapter 10: Discussion.....	92
Sincerity.....	94
Believability.....	95
Compensatory Damages.....	95
Perceptions of Defendant.....	95
Trust Measures.....	96
Limitations.....	96
Implications.....	98
Future Directions.....	99

Conclusions.....	99
References.....	103
Appendices	
Appendix A: Plaintiff’s Statement.....	111
Appendix B: Participant Instructions.....	113
Appendix C: Defendant’s Statement (Apology).....	114
Appendix D: Defendant’s Statement (Excuse).....	115
Appendix E: Compensatory Damages.....	116
Appendix F: Questionnaire.....	117
Appendix G: Interpersonal Trust Scale.....	120
Appendix H: Faith in People Scale.....	122
Appendix I: International Personality Item Pool.....	123
Appendix J: Demographic Information.....	124

CHAPTER 1: Introduction

In July 2009 police in Cambridge, Massachusetts arrested Harvard professor Henry Louis Gates after a concerned neighbor called in a report about men attempting to break into a house. Arriving at the home, the police approached Gates and his driver and asked for identification, to which he replied, “Why, because I’m a black man in America?” Police arrested Gates for disorderly conduct, after which he spent four hours in jail. Even though the city dropped the charges, Gates remains unsatisfied. What he desires, he has said, is an apology from the arresting officer. “I believe the police officer should apologize to me for what he knows he did that was wrong. If he apologizes sincerely, I am willing to forgive him. If he admits his error, I am willing to educate him about the history of racism in America and the issue of racial profiling” (Jan, 2009). The officer refused to apologize.

Professor Gates’ response to his arrest and treatment by the police highlights a basic human response to an adverse event: the desire for an apology. In this case, Professor Gates sought an apology for the humiliation of being arrested and, according to some, profiled. Given that it is such a basic component of human interaction, it is important to clearly define apology and establish what sets it apart from other forms of communication.

The purpose of this dissertation is to examine the factors that make an apology more/less credible and effective, particularly in a legal context. I will begin with a discussion of how conflict arises and how transgressors respond to such conflict. After defining apology and distinguishing it from other forms of accounts, I will discuss why offering an account is an important step for the transgressor. Next I will explore what

effects accounts, specifically apologies, have on the transgressor and victim, as well as some variables which can affect the impact of accounts and apologies. Then I will discuss skepticism about apologies and the ability to detect whether one is offering a genuine apology or not. Finally, I present an experiment that tests the effectiveness of different kinds of apology in a legal context.

CHAPTER 2: Conflicts and Accounts

Conflict

In Goffman's (1955) seminal work, he proposed a typology for how a transgressor should act when faced with his wrongdoing. According to Goffman, conflict arises when one makes a challenge to another, which can result in a conflict. In terms of transgressions, the wrongdoer has challenged his victim by creating an imbalance in the relationship; the transgression has put one of the parties at a disadvantage. Because this imbalance creates discomfort within the relationship (see discussion below), the transgressor will often make what Goffman termed an "offering" to the victim. The offering's purpose is to help restore a balance to the relationship. The offering may be tangible (e.g., I will offer you the price of the car I ruined) or intangible (e.g., I will volunteer at your shelter for some period of time). After the transgressor has made the offering, it is up to the victim to accept or reject his offer. Finally, if the victim accepts the offer, the transgressor replies with gratitude. One of the most important elements of Goffman's typology is the offering. The type of offering made can have serious implications for its acceptance or rejection and, in turn, can have serious implications for both the transgressor and the victim.

Accounts

One response to a challenge is for the transgressor to offer an account for the event. According to Schlenker and Darby (1981, p. 271), “accounts are attempts to explain away the undesirable event through excuses and justifications.” In terms of accounts, Schönbach (1990, p. 11-12) suggests a four-phase interaction between an actor and an opponent. According to Schönbach, the first phase involves a *failure event*, wherein the victim holds the transgressor responsible, to some extent, for a norm-violating action. (For a discussion of norms, see discussion below.) The failure event can, according to Schönbach, be either an act of omission or an act of commission. After the failure event, the second phase is the *reproach phase* in which the victim reacts to the failure event. Here the victim responds in a way he deems appropriate; responses can range from slight aggravation to a search for *why* the event occurred to even sympathy or compassion for the transgressor. Next comes the *account phase*, in which the transgressor responds to the victim’s reproach, eventually offering an account, admission of guilt, or denial. Finally, in the *evaluation phase*, the victim evaluates the situation, considering the account offered, the account’s appropriateness as it relates to the failure event, and the transgressor’s personality as it relates to both the account and the failure event. Accounts, then, are tactics whereby a transgressor acknowledges some wrong, but fails to take full responsibility for his part in the infraction. (One exception to this is denial, which is included as an account but is clearly distinguished from excuse and justification. Another exception, within the scope of this paper, is apology. See the section below for a more thorough explanation.)

As Sugimoto (1997, p. 361) has suggested, when making an account a transgressor is “more likely to explicitly state that [he] had no control over the situation and attribute the offense to forgetfulness.” The purpose of accounts is to resolve the conflict associated with the actor’s behavior, which has harmed another (Itoi, Ohbuchi, & Fukuno, 1996) and, based on the type of account given, the account can help the victim understand the harm-doer’s state of mind (Miller, 2001; Wagatsuma & Rosett, 1986). Researchers refer to excuse, justification, and denial as the most common types of accounts. (Some researchers, e.g., Itoi et al., 1996, include apology as a type of account, while other researchers distinguish it from an account, e.g., Scher & Darley, 1997.) Because apologies indicate acceptance of responsibility for an action (see discussion below), it is perhaps best to identify them as a distinct subset of accounts. Although apologies share properties with excuses and justifications (e.g., acknowledgement of a transgression), they also include acceptance of responsibility, something lacking in justifications and excuses. Therefore, using the umbrella term “accounts” does little to inform a reader about the transgressor’s acceptance of responsibility. However, as mentioned, some researchers include apology as a form of account. Itoi et al. (1996, p. 914) offered three factors that can help distinguish accounts: the *causal association* between the transgressor’s actions and the harmful event; *outcome harmfulness*; and *personal responsibility*. These are elaborated in the different kinds of accounts, discussed next.

Excuses

An excuse, one might say, is a partial apology, an apology that does not accept total responsibility for the transgression. “Excuses are explanations for actions that

lessen the negative implications of an actor's performance, thereby maintaining a positive image for oneself and others" (Snyder, Higgins, & Stucky, 1983, p. 4). For example, a transgressor who makes an excuse would admit the link between her action and the outcome, but would minimize her role in the outcome, blaming the outcome on a cause beyond her control (Fukuno & Ohbuchi, 1998; Itoi et al., 1996; Schönbach, 1990). Researchers often view excuses as being the most closely related account to an apology. In essence, the transgressor is saying, "Yes, I did this act and this act caused X outcome, but circumstances beyond my control made me act in this way." People offering excuses note dual motivations for their account-making: they wish to avoid punishment, but they also wish to alleviate anger (Itoi et al., 1996).

Justifications

As with an excuse, with a justification "the harm-doer recognizes personal association, but either attempts to minimize the perceived harmfulness of the event or rejects responsibility by attempting to justify his or her act" (Fukuno & Ohbuchi, 1998, p. 167; Itoi et al., 1996; Schönbach, 1990). Here, a transgressor admits her action but claims that her reason for behaving in such a way has a valid/just foundation. Justifications are more removed from apologies because, although a transgressor might admit association with some wrongdoing and accepts responsibility for the action and its outcomes, she does not accept blame for the action or its outcomes because she believes her actions are justified. The main motive for people to use justifications is avoiding punishment (Itoi et al., 1996). Therefore, unlike excuses, justifications become more self-focused. Perhaps the most clear conceptualization of the distinction of excuses and justifications comes from Semin and Manstead (1983, p. 80): "Excuses deny some or

any measure of responsibility for what is admittedly an offensive act. Justifications deny some or any measure of offensiveness in an act for which the individual admits responsibility.”

Denials

Finally, denial involves the transgressor rejecting all association with the harmful event (Fukuno & Ohbuchi, 1998; Itoi et al., 1996; Kim, Ferrin, Cooper, & Dirks, 2004). A denial is issued when the transgressor admits no association with the event and accepts no responsibility for the event or its outcomes. Although denial might have negative consequences (Itoi and colleagues, 1996, for example, noted that a denial indicates no intention of actually resolving a social conflict, as the actor refuses to acknowledge a violation or any responsibility for harmful consequences), Kim and colleagues (2004) suggested that denial can be a beneficial account strategy in some circumstances. Specifically, Kim et al. argued that when there has been a trust violation, denial might be in the violator’s best interest, as it could force individuals to give him the benefit of the doubt. Also, in terms of certain types of relational violations, denial actually acts as the *optimal* response -- for example, when one had committed an “integrity-based violation” (e.g., intentionally misfiling paperwork to “understate a client’s taxable income,” Ferrin, Kim, Cooper, & Dirks, 2007, p. 897, Experiment 1). According to the authors, denial is an optimal response when a violation is integrity-based because perceivers initially believe allegations of violations. A denial, however, can lead the perceiver to “unaccept” his belief in the denier’s guilt. Also, the desire to avoid punishment is a primary force behind denial (Itoi et al., 1996), as it is similarly a major motivation for justification.

Confessions

I will offer one further type of account: confession. According to Weiner, Graham, Peter, and Zmuidinas (1991), a confession “assumes both the acceptance of responsibility and personal blame” (p. 283). In this instance, confession is distinct from the other accounts because it involves one accepting blame and taking responsibility, but, following Weiner and colleagues’ definition, it does not include any attempt at explaining one’s behavior. Instead, one simply admits fault, but does not necessarily have to explain her motivation for behaving in a particular way. This lack of explanation is what distinguishes confessions from apologies.

Apologies

Set apart from accounts (or at least a special type of account), but falling in line with Goffman’s (1955) suggestion of an offering, are apologies. Apologies have been defined and conceptualized in many ways, but all have common components. One of the most cited definitions for apology comes from Schlenker and Darby (1981), who defined apologies as “admissions of blameworthiness and regret by the actor” (p. 271). Like excuses and justifications, apologies establish a link between a transgressor’s action and its consequences. However, unlike excuses and justifications, when one makes an apology, one assumes full responsibility for the action and its consequences (Fukuno & Ohbuchi, 1998; Itoi et al., 1996; Kim et al., 2004; Petrucci, 2002), intended or unintended (Cohen, 1999).

Lazare (2006) offered a look at the structure of an apology. He identified four parts of an apology and noted that, although all parts are not required for an effective apology, if an apology is deemed ineffective, the failure can likely be traced back to a

defect in one or more of the parts (see also Regehr & Gutheil, 2002; Scher & Darley, 1997). Lazare posited that the first step in any apology is acknowledgment; one cannot apologize (or give any account, for that matter), without first recognizing that some violation has occurred. Like excuses and justifications, the next step in apology comes when the transgressor attempts to explain his behavior. This explanation is similar to what one might offer in an excuse or justification, but will include acceptance of responsibility, something not included in an explanation that accompanies an excuse or justification. Lazare further pointed out that explanations might serve to aggravate or mitigate the circumstances of the situation. Further, he suggested, explanations are not always appropriate or warranted, such as when one says, "There is no explanation I can offer for what happened." The explanation offered with an apology essentially serves the same purpose as an explanation does when it is part of an excuse ("This is why X occurred"), but the acceptance of responsibility in an apology sets the explanation apart from the explanation in an excuse. As I will discuss below, this explanation (or perhaps its lack) can play a large role in a victim's reaction, and might, as Lazare suggested, change the dynamics of the situation, making it better or, in some cases, worse. After the offender has offered his explanation, he will express "remorse, shame, forbearance, and humility" (p. 1401). Each of these expressions will convey to the victim that the transgressor recognizes his violation and registers the appropriate emotional response to causing the victim harm. Finally, the transgressor will offer some type of reparation, although the transgressor might not explicitly state what she will pay (Wagatsuma & Rosett, 1986).

Lazare's (2006) four-part typology is in line with other research. Specifically, Anderson and Prkachin (1998 as cited in Anderson, Linden, & Habra, 2006, p. 348) identified six verbal components of apologies: explicit expression of remorse, specific statement of why one feels remorse, acceptance of responsibility, truthful explanation for offensive behavior without trying to excuse the offense and shirk responsibility, promise of forbearance, and an offer of restitution. (See also Wagatsuma & Rosett, 1986, for a similar outline.)

Unlike the other accounts listed above, the desire to alleviate anger is what drives apology (Itoi et al., 1996; McPherson Frantz & Bennis, 2005). Thus, while excuse, justification, and denial all involve the desire to avoid punishment, a self-focused desire, apologies, in their pure form, appear to be focused solely on the relationship with the other (other-focused), addressing the victim's "face-needs" (i.e., need to restore one's previous image of oneself; Harris, Grainger, & Mullany, 2006). While apologies may serve other functions (e.g., reducing anger and retaliation, see Ohbuchi, Kameda, & Agarie, 1989), they help the victim's "face" by acknowledging the victim's less-than-ideal situation and accepting responsibility. In essence, when one apologizes, she is saying, "I realize my action has put you in this situation and out of respect I accept responsibility for my action and its effect on you." This contrasts with excuses or justifications, in which the actor might recognize the victim's situation, but does not signal respect by accepting responsibility for her actions.

Knowing the different kinds of accounts people employ, one question researchers have investigated is why offenders feel the need to offer accounts. The next section will address this issue.

CHAPTER 3: After the Transgression: Why Offenders Offer Accounts

In what cases do people offer accounts? What warrants an account and what are the ramifications of transgressions and accounts? Because of fundamental shifts in relationships when one party has wronged the other, accounts become essential in restoring the relationship to its pre-transgression state (Kelley, 1998). Exline, Deshea, and Holeman (2007) reported that wrongdoers who do not apologize often do not receive the benefits of establishing (or re-establishing) personal relationships. In the following section I will attempt to explain why accounts are essential to rebuilding relationships for both the transgressor and victim.

Cognitive Dissonance

One well-known phenomenon in social psychology is that of cognitive dissonance. Put simply, cognitive dissonance occurs when one's actions and beliefs do not match (Festinger, 1957). In one of the first studies of cognitive dissonance, Festinger and Carlsmith (1959) had participants engage in a boring task of placing spools on a tray, removing them, and placing them back on the tray. After spooling and re-spooling for 30 minutes, participants turned pegs on a board for an additional 30 minutes. Participants then agreed to speak with an incoming participant in exchange for either \$1 or \$20. Most participants told the incoming participant the task had been interesting and enjoyable. After the second participant went to participate in the task, researchers asked the first participants about their reaction to the task (e.g., how enjoyable it was). The results indicated that participants who received \$1 rated the task as more enjoyable than did those who received \$20. The researchers explained these findings by suggesting that participants who received only \$1 had inadequate justification for their behavior (i.e.,

lying to the second participant) and therefore changed their attitudes to match their behavior (changing from thinking the task was boring to thinking it was enjoyable to justify telling the second participant the task was enjoyable). Participants who received \$20, on the other hand, felt justified lying to the second participant because the payoff was enough to legitimize their behavior.

This study (as well as other cognitive dissonance research) might provide an explanation for why people offer apologies. People generally have positive views of themselves (Alicke, 1985), so when they engage in behavior which is not consistent with that view (e.g., committing some transgression), they might offer an apology to reconcile the discrepancy. For example, if Grace thinks she is a good person but offends Anne, she might offer Anne an apology to help restore her image of herself.

Norms

In terms of the relationship between the victim and the offender, social norms dictate that when one has wronged another in some way, he shall first acknowledge some wrong has occurred (i.e., one has violated expectations for his behavior), and then he shall make reparations for the act and its consequences. Goffman (1955, p. 95) suggested that “a social norm is that kind of guide for action which is supported by social sanctions...The significance of these rewards and penalties is not meant to lie in their intrinsic, substantive worth but in what they proclaim about the moral status of the actor.” As Semin and Manstead (1983) put it, “*the pervasive aspect of the accountability of social conduct as a general feature of social existence is that it is an essential and undismissable desideratum for orderly social interaction at any level*” (p. 173, italics in original). Tavuchis (1991) echoed these sentiments, noting that social order depends on

its members' commitment to social norms. These norms, he argues, are essential to society running smoothly and are often unnoticed until something occurs which draws attention to them. Apologies, then, which occur after a norm-disrupting behavior, serve as indicators of the actor's "moral orientation" and also "register tensions and displacements in personal and public belief systems" (p. 13). The pervasiveness and inherent nature of these norms are apparent even in young children, who learn and demonstrate the knowledge that when one has transgressed, one must, in some way, offer a reparation for her action (e.g., Darby & Schlenker, 1982, 1989; Ebert, 2008; Ohbuchi & Sato, 1994).

Apologies, according to Scher and Darley (1997), relay that the actor is aware of the social requirement to apologize. As Leary, Springer, Negel, Ansell, and Evans (1998) remarked, the general expectation is that people will treat others in a positive way. When negative treatment occurs, then, people react to it as an unexpected event and, in turn, it becomes more salient to them. Barclay, Skarlicki, and Pugh (2005) agreed, commenting that "most individuals expect that moral norms should prevail and that they are entitled to fair procedures and treatment..." (p. 638). Bowing to this social pressure can be problematic, however. Exline and colleagues (2007) noted, for instance, that oftentimes offenders will offer apologies due to external pressure, but they will not internalize the apology, refusing to accept blame for the situation. Due to social pressure and norms, a victim may feel that she has to accept an apology from a transgressor, even if she does not really wish to, because norms dictate that once an apology has been offered, the victim should accept (McPherson-Frantz & Bennisson, 2005) and perhaps even has a responsibility to do so (Bennett & Dewberry, 1994; Stubbs, 2007). When an offender

makes a very public display of his apology, the burden falls to the victim to respond, and, in an effort to save face or not appear unforgiving, the victim might, however grudgingly, accept the proffered apology. Indeed, Risen and Gilovich (2007) noted that participants not only wanted to accept apologies more than reject them, they also felt that they *should* accept the apologies (see also Kelley, 1998). Even when faced with an insincere apology, participants reported that they were more likely to accept it than reject it, even though their desire was to reject the insincere apology. As the authors wrote, “participants’ predictions of how likely they would be to accept or reject a given apology followed not their desires but their sense of obligation” (p. 426).

Balance Theory

In maintaining relationships, balance plays a key role. Heider (1958) offered a discussion of the importance of balance in maintaining relationships. A balanced state occurs when “the relations among the entities fit together harmoniously; there is no stress towards change” (Heider, 1958, p. 201). Heider conceptualized balanced relationships in terms of a triad. In relationships there are two entities (p and o , respectively) and some mutual object (x). Balance occurs when evaluations are consistent among the three entities. For example, if George (p) likes Martha (o), a positive relationship exists between them. Further, assume Martha (o) likes vineyards (x). This, too, is a positive relationship. Finally, one must ask if George (p) likes vineyards (x). If he does, the relationship is balanced: George likes Martha, Martha likes vineyards, George likes vineyards; all of the relationships are positive. Similarly, balance exists when there are two negative relationships and one positive relationship. For example, if George (p) dislikes Martha (o), and Martha (o) dislikes vineyards (x), but George (p) likes vineyards

(*x*), a balanced relationship still exists. In this situation, George's like of vineyards does not conflict with his dislike of Martha or her dislike of vineyards: If Martha does not like vineyards and George does not like Martha, he should feel no discomfort/imbalance for liking vineyards. If, however, George does not like vineyards, an imbalanced relationship results; if he likes Martha, it follows that he should like what she does. (This holds true for things about which people hold strong attitudes; if Martha really, really likes vineyards but George really, really dislikes them the imbalance will be greater than if Martha only marginally likes vineyards and George only marginally dislikes them.) To achieve balance, George must either reconsider his attitude toward Martha or his attitude toward vineyards. As Robbennolt (2008) more recently observed, "wrongdoing results in a moral imbalance in the relationship," which prompts the parties involved to seek some resolution to the conflict.

Indeed, after an injured party accepts the apology from the transgressor, balance returns to the relationship and it can develop in an unimpeded manner (Petrucci, 2002). Cohen (1999) suggested that, "having been harmed, the injured party may view the offender as an adversary, and expect that what will be one side's gain will be the other side's loss" (p. 4). After an infraction has occurred, an imbalance exists within the relationship: the transgressor has placed the victim in some devalued position. An apology acts as a weight, in a certain respect. When the offender offers it to his victim, he is indicating that this commodity will remove the victim from his devalued position (Cohen, 1999; Leape, 2005).

The mere offering of an account does not restore the relationship, however. Once a victim has received the offer of an account, it is up to him to decide whether or not to

accept it. If the victim accepts the apology, the two parties return to an equal footing. If the victim does not accept the account, however, the imbalance remains in the relationship. (The likelihood of a victim rejecting an apology is relatively small. Even in situations in which normal social consequences of rejecting an apology are absent, participants overwhelmingly accepted an offender's apology, even in the face of considerable provocation (Bennett & Earwaker, 1994; see also Bornstein, Rung, & Miller, 2002). In this instance, however, the transgressor becomes the person in the devalued position. (For a discussion of the implications of victims rejecting an account, see the discussion below.) In view of this loss-gain perspective, one can see how the dynamics of a relationship might shift after a transgression. An effective account, however, can restore the relationship to balance.

Attribution

Another reason for the presence of accounts after a transgression involves attribution. As a victim, one is likely to ask why some harmful event occurred and will seek to answer this question. As Petrucci (2002) commented, people have a basic need to understand their social world. Crime victims often wonder, "Why did this happen to me?" Attributions help make sense of the social world and, as people can better understand what is happening, the better they can control and predict events in their world. Although a transgressor might not offer an explanation for why she chose a particular victim, her account (with the exception of denial) can address the "Why?" if not the "Why me?" Attribution research, therefore, provides helpful insight into how

people perceive events and their causes. Research shows, however, that people are susceptible to making errors in attribution.¹

Fundamental Attribution Error

One of the most established principles in attribution research is the presence of the fundamental attribution error (FAE; Ross, 1977). According to the FAE, when attempting to explain another person's behavior, one focuses primarily on the other's disposition, rather than considering situational factors. As Heider (1958) suggested, "anything that is caused by *p* is ascribed to him" (p. 112); *p* was a necessary condition for some event to have occurred. By attributing another's behavior to something stable (i.e., personality), people can account for another's behavior across a variety of situations, thus providing them with some understanding and control. For example, if I believe John to be dishonest because I witnessed him engage in questionable behavior one time, I should be able to believe he will be dishonest in any situation. This belief will save me time and mental energy when I encounter John in another situation, as I can say, "I know he is dishonest, therefore I do not need to try and figure out why he is behaving in a particular way in this (other) situation."

Baumeister, Stillwell, and Wotman (1990) provided evidence that victims of transgressions reported attributing perpetrators' actions to personality-type causes (e.g., they saw the perpetrators' actions as inconsistent, immoral, deliberately cruel). Victims further reported that they believed the perpetrators' actions were senseless. Successful apologies, with their promise of avoiding such behavior in the future, might serve to alleviate these character-damning attributions, then, as the wrongdoer's apology might

¹ The field of attribution research is vast and this discussion is by no means exhaustive. For brevity, I will focus on two of the most common attribution errors: the fundamental attribution error and the actor-observer effect.

indicate that she will effect change in such a way (e.g., take care to be more careful in similar future interactions) as to avoid future wrongs.

Actor-Observer Effect

Another, related attribution bias frequently discussed is the actor-observer effect (Jones & Nisbett, 1972). According to this effect, people make different attributions depending on whether they are the actor or observer in a situation. When one is an actor, one makes attributions about her own behavior based on the situation, but when observing others' behavior makes attributions based on personality. Interestingly, by simply having people change physical perspectives, researchers have been able to ameliorate this effect (Storms, 1973). That is, by having actors take the physical perspective of another person, researchers have shown that participants will then make more situational attributions of the other person and more dispositional attributions about themselves. Takaku, Weiner, and Ohbuchi (2001; Takaku, 2001) provided support for this in the realm of wrongdoing, reporting that when participants imagined situations in which they recalled themselves as wrongdoers, they "perceived the cause of the wrong [committed by another person] to be significantly less controllable" (p. 161). Takaku et al. explained these results in terms of participants' views of themselves. According to the authors, when people think of themselves as wrongdoers, they feel a certain sense of hypocrisy in negatively judging others for their infractions. Hypocrisy also made participants more concerned with the justice and fairness of the situation. As this sense of hypocrisy increases, people tend to believe the cause of the infraction is more uncontrollable and thus have less negative emotional reactions to the wrong. Ultimately, this leads to greater forgiveness on the part of the participant.

Research in the realm of transgressions and forgiveness supports these differing attributions. Baumeister and colleagues (1990), for example, had participants recall events in which they were the victim of some wrong and also recall incidents in which they perpetrated some wrong. Analyses revealed that one's role in a transgression affects how one constructs an event, and discrepancies arise in terms of victims' and perpetrators' explanations. When recalling themselves as perpetrators, participants construed the event as something brief. They also tended to believe the harmful event was an "uncharacteristic episode" (p. 1000) and bore little on present circumstances. In another study (Leary et al., 1998), when asked about their responsibility in a harmful event, both victims and perpetrators placed greater responsibility on the other party than they took for themselves. Perpetrators also focused more on their lack of culpability for an incident by claiming it was an accident (i.e., they attributed blame to the situation) or that the victim played a part in the incident and therefore deserved the negative outcome.

Hodgins and Liebeskind (2003) found a similar pattern, noting that in relationships among friends, perpetrators did little to offer mitigating evidence, but still expected positive outcomes and enhanced future relationships with their friends. One potential explanation for this is that perpetrators do not understand how much victims dislike them and their actions, thereby underestimating a victim's anger about the event (Leary et al., 1998). Indeed, Baumeister and his associates (1990) remarked that victims sometimes do not make their true feelings known, which can lead harmdoers to believe their actions were not as harmful.

On the other hand, when recalling themselves as victims, participants reported seeing the event as something ongoing, with the negative repercussions continuing after

the event has occurred (Baumeister et al., 1990). Baumeister and his colleagues further noted that, in retrospect, perpetrators could provide explanations for their misdeeds, while victims reported having difficulty making sense of the harmful episode, even after considerable time had passed between the incident and recall. Interestingly, the participants in this study recalled themselves as victims and perpetrators, but did not appear to be aware of the discrepancies in their reports of harmful events. These inconsistencies in recall might help explain how conflict and anger can arise.

Barclay et al. (2005) noted, for example, that the attribution one makes will affect the association one makes between the harmful event and one's emotional reaction to the event. In other words, as the injustice of the event increases, so too should the person's negative emotional reaction to the event. Barclay and his colleagues went on to note that the more a victim perceives an event as unjust, the more outward-focused his emotions will be; outward-focused emotions include things such as anger and hostility. Factors increasing such emotional reactions include how blameworthy the victim perceives the transgressor to be for what has transpired and how avoidable the victim believes the incident to have been. Lerner, Goldberg, and Tetlock (1998) reported similar findings, such that participants primed to feel anger were more punitive than their control counterparts. Dyck and Rule (1978) also found that men were more likely to retaliate against a harmdoer when they perceived that the harmdoer was aware of the negative outcomes his actions would cause.

Another situational factor exerting influence over the type of account offered is the presence of mitigating circumstances (Ohbuchi, Suzuki, & Takaku, 2003). The more mitigating circumstances present, the less responsible the offender felt and therefore the

less responsibility he would take for the offense. When an offender considered mitigating circumstances to be present, she felt less responsible and also expected the victim to view her as less responsible. However, because victims rarely consider the situational circumstances contributing to a transgressor's behavior, this seems an unlikely outcome for the transgressor. As McLaughlin, Cody, and O'Hair (1983) found, perpetrators preferred excuse as their social account for transgressions, which the authors took to "reflect the fact that most people in judging their own behavior attribute failure to the circumstances of the situation rather than to their own bad intentions" (p. 222). Transgressors may offer apologies, however, when there are few mitigating circumstances present (e.g, Jaime bumped into Brian in an empty hallway versus a crowded one) or when they are willing to accept responsibility for a situation. For example, Khara might take responsibility for running into Jeff's car, even though the streets were icy. It is not so much that an apologizer does not consider situational forces on his actions, but rather he accepts responsibility for the consequences, one element which is missing from both excuses and justifications.

Legally speaking, foreseeability can have implications for one's culpability. One commits an intentional tort, for example, if she causes harm deliberately and purposefully. Further, one might commit an intentional tort if she is substantially certain that her act will have intended harmful consequences. One is negligent if she is aware of a foreseeable risk (one a reasonable person would recognize) but acts anyway. In this sense, when one is very certain her actions will produce a particular outcome, she may face more severe consequences for her actions. As stated in the Restatement of Torts (Second Edition, 2000, p. 45), "Normally the actor has much less reason to anticipate

intentional misconduct than he has to anticipate negligence. In the ordinary case he may reasonably proceed upon the assumption that others will not interfere in a manner intended to cause harm to anyone.” This coincides with the concept of norms, in that a person who knowingly violates a norm and knows her violation will likely result in some negative consequence might face harsher judgments (both legally and socially) from others than one who acts without knowledge of these standards.

Self-Protection

Attributions, then, can have serious implications for the victim and transgressor. The effects of a transgression on the harmdoer herself, regardless of the effects on the victim, also provide an impetus for offering an apology. Specifically, one’s view of oneself can be threatened after one has committed some wrong. Overall, people have positive views of themselves (Alicke, 1985). When one acts inconsistently, her self-concept (“face”) is threatened. For example, if Jane believes herself to be a kind person, but says something cruel to Olivia, her self-concept is threatened, as she acted in a manner inconsistent with her positive view of herself.

Cognitive dissonance is one way to explain why people offer apologies in terms of self-protection. As described above, cognitive dissonance can occur when one’s actions and attitudes are inconsistent. If one behaves in a way that is inconsistent with one’s self-view, an apology can help restore the original positive self-view. The severity of the transgression, then, can affect what type of account one offers. For example, bumping into someone in a crowded hallway might only warrant a hasty, “I’m sorry” because the transgression is relatively minor (and somewhat unavoidable) and does not threaten one’s positive self-view. Forgetting to mail someone’s bills, on the other hand,

can have relatively serious consequences (e.g., resulting in more serious consequences) and therefore more threatening to one's self-image, resulting in a more thorough apology.

Goffman (1955) provided a definitive overview of people's fundamental need to "save face." This need arises when we have acted in a way which threatens our self-concept (i.e., our "face"). According to Goffman, people possess certain "faces" which are in essence their identities. Faces come about from a combination of factors, including a person's internally consistent image of himself, feedback from others that is consistent with one's image, and feedback from "impersonal agencies in the situation." As a person becomes more aware of himself, he becomes attached to the image he has created and others form expectations about his image as well. When something occurs to threaten that face, he is *in wrong face*, which can lead to negative feelings. Further, when he is *in wrong face*, he is likely to experience negative emotional reactions such as shame and guilt due to his action and its effects on others' perceptions of him and his own perception of himself. Consistent with the idea of norms, Goffman suggested that "as an aspect of the social code of any social circle, one may expect to find an understanding as to how far a person should go to save his face" (p. 215). Goffman also noted the importance of saving others' faces as well. According to Goffman, "just as the member of any group is expected to have self-respect, so also he is expected to sustain a standard of considerateness; he is expected to go to certain lengths to save the feelings and the face of others present..." (p. 215).

Because one's face is partly socially constructed, the threats to one's self-image can be both internal and external. Barnlund and Yoshioka (1990; see also Finkelstein, Wu, Holtzman, & Smith, 1997) pointed out that admissions of failure are particularly

distressing and can negatively impact one's self-esteem. For example, physicians are often reluctant to admit their mistakes because of their desire to protect their reputations (Leape, 2005) or maintain the image others have of them as "strong, always in charge, unemotional, and a perfectionist" (Lazare, 2006, p. 1403). Leary and colleagues (1998) agreed, asserting that "perpetrators in particular may be motivated to disclaim responsibility, given that another person was hurt by their actions" (p. 1235). They went on to suggest that perpetrators attempt to minimize "the degree to which they rejected and disliked the person they hurt" (p. 1235), possibly to maintain their positive self-concept.

While offenders might be reluctant to apologize in order to save face, some are motivated to apologize by a desire to obtain forgiveness from the injured party. Kelley (1998), for example, found that victims were more likely to forgive transgressors when the transgressor apologized. He further reported that desires to restore one's sense of well-being and balance to the relationship were important motivations to forgive transgressors.

It seems unlikely that these two motivations (i.e., saving face, obtaining forgiveness) will co-exist in the same situation. Forgiveness (sometimes) follows an apology (e.g., McCullough et al., 1997; but see Philpot & Hornsey, 2008, who found that an apology failed to promote forgiveness of an outgroup when that group offered an apology for offending behavior), which necessarily involves accepting responsibility. Disclaiming responsibility in order to save face, however, is distinctly not an apology. It is unlikely therefore, that one disclaiming responsibility would attain forgiveness from his victim. Although the transgressor might be motivated to receive forgiveness, if his

need to save face outweighs his need for forgiveness, it appears unlikely that he will be able to reach both goals.

The causes of an adverse event have implications for how protective one becomes of one's self-image as well. Ohbuchi et al. (2003) remarked that offenders reported preferring apologies, but situational variables affected which account they would offer to a victim. In cases of medical errors (e.g., Gallagher, Waterman, Ebers, Fraser, & Levinson, 2003) or in legal settings (e.g., Wagatsuma & Rosett, 1986), for example, transgressors report the desire to apologize but often do not for fear that the apology will be taken as an admission of guilt. One such variable was the victim's expectation about what he deserved: The more a victim demanded from the offender, the more likely it was that the offender would produce a responsibility-rejecting account (Ohbuchi et al., 2003). The victim's demand for compensation made the offender defensive and thus less likely to accept responsibility for the event and its outcomes. This defensiveness, in turn, indicates to the victim that the transgressor is not committed to repairing the relationship, leading to greater dissatisfaction for the victim (Ashforth & Lee, 1990).

Self-Presentation

Transgressors, then, will frequently offer some type of account due to norms, to restore a relationship to its previous state and/or to save face. Even if one does not feel a particular action requires some form of an account, one might still offer an account in order to present a positive image to others. Self-presentation involves an attempt to have others perceive oneself in a particular way (Jones & Pittman, 1982). Strategic self-presentation is particularly relevant to the issues of apology and account making. According to Jones and Pittman, people engage in strategic self-presentation when they

believe another's view of them is particularly important. In this case they make a conscious effort to convey a particular self to another person. In fact, one of the motives associated with account making is the desire to minimize others' negative reactions (Itoi et al., 1996; Struthers, Eaton, Santelli, Uchiyama, & Shirvan, 2008).

In their seminal work on self-presentation, Jones and Pittman (1982) identified five strategies of self-presentation: ingratiation, self-promotion, intimidation, exemplification, and supplication. In terms of offenses and self-presentation, ingratiation fits most closely with the motives of the offender. The purpose of ingratiation is to get another to view oneself in a positive way; to increase liking. As Jones and Pittman put it, "the very success of ingratiation usually depends on the actor's concealment of ulterior motivation or of the importance of his stake in being judged attractive" (p. 236).

According to Jones and Pittman (1982, p. 237), there are three factors which affect the effectiveness of ingratiation. The first factor, incentive value, concerns the importance that a target will like the self-presenter. The higher the incentive value (i.e., the more one hopes the target will like him), the greater the ingratiation techniques. For example, a criminal might hope ingratiation will attract the judge, leading to a more lenient sentence. The criminal, therefore, might engage in behavior which will ingratiate himself to the judge in order to increase liking. The second factor Jones and Pittman identified is subjective probability, as "determined by the subjective probability of its [the ingratiation technique] success and the inverse probability that a boomerang effect (decreased attraction) will occur" (p. 237). Jones and Pittman noted the existence of an *ingratiator's dilemma*, which involves an inverse relationship between motivation to ingratiate and the likelihood of successfully ingratiating. The motivation to ingratiate

increases as an actor becomes more dependent on the target; at the same time, the likelihood of successful ingratiation decreases. The proffered explanation for this is that, as one becomes more dependent on another, the possibility for ulterior motives becomes salient. To continue with the above example, the criminal is highly dependent on the judge for a lenient sentence. However, due to this “dependency discrepancy,” the judge (as well as outside observers) might become more aware of the criminal’s needs and his likelihood of ingratiating for an ulterior motive. To combat this, the criminal “must go out of his way to establish his credibility, especially in those settings where extreme dependence might make his credibility suspect” (p. 237). The final component involves perceived legitimacy, which involves balancing “authenticity” with “impression management.” Thus, the criminal will want to make his overtures with an appearance of sincerity (for a discussion of sincerity, see below), but also in a way that will attract the judge to him.

In an attempt to repair a relationship, one would most likely employ ingratiation in order to get the victim to like him or her and, ideally, to promote forgiveness. In his meta-analysis of the ingratiation literature, Gordon (1996) concluded that ingratiation is an effective technique for targets; they react more positively after one attempts ingratiation. Gordon attributes this tendency to people’s inability to remain unaffected when another has paid them some compliment or reaffirmed their views by agreeing with them. In terms of apology, when a transgressor offers an apology, she is saying to the victim, “You are right to be upset with me for my actions. My apology/acceptance of responsibility is my indication to you that your view of me is correct,” which verifies the victim’s view of the transgressor and therefore ingratiates the transgressor to the victim.

Observers, however, are more skeptical, questioning the ingratiator's motives for his behavior. Research (e.g., Ohbuchi et al., 2003) has supported this skepticism. Ohbuchi and colleagues reported that, in the absence of strong mitigating information, transgressors reported being more concerned with others liking them. Self-presentation concerns influenced which account transgressors were willing to provide.

Self-promotion is another self-presentation technique which might fit in the realm of apology and account making. According to Jones and Pittman (1982), self-promotion does not focus on getting others to see oneself as likable, but rather as competent. If a doctor is trying to convince his patient to follow a prescribed course of treatment, for example, it may be less important that the patient like the doctor and more important that the patient respect the doctor. (It is worth noting, as did Jones and Pittman, that self-presentation strategies need not be mutually exclusive. It is entirely possible for one to attract a person via ingratiation and also convince her of one's competence via self-promotion.) Self-promotion, like ingratiation, can occur in situations in which power is not balanced. A student, for example, might try to promote herself to her teacher in order to show her knowledge of a particular subject. A criminal might engage in self-promotion by apologizing, effectively relaying that he understands his misdeed and accepts responsibility for what he has done. In this instance one might interpret his "competence" as his ability to acknowledge his wrongdoing and offer a socially acceptable response.

CHAPTER 4: The Effects of Accounts on Victims and Transgressors

As discussed above, transgressors have multiple motives for offering apologies and accounts when some wrong has occurred. Further, victims have their own motives

for accepting apologies and sometimes face constraints and pressures to accept such accounts from transgressors. Although social psychological concepts such as norms and balance theory can help explain *why* accounts are offered and accepted, there still remains the discussion of *what* effects these accounts have for both the victim and the transgressor. In this section I will discuss the various effects accounts can have for the parties involved (and parties not involved). I will also discuss some moderating variables that can affect the impact of an account.

Effective Apologies

Consistent with the elements Lazare (2006) and Anderson and Prkachin (1998 as cited in Anderson et al., 2006) laid out, much research has been done to determine what makes an effective apology. In an early work on the topic, Schlenker and Darby (1981) had participants rate various accounts. Participants rated perfunctory apologetic responses (e.g., “Pardon me” or “I’m sorry”) as relatively incomplete, whereas they rated statements in which the transgressor “offered help or asked for forgiveness as the most complete” (Schlenker & Darby, 1981, p. 276). (None of the proffered apologies contained an element of explanation for the event, however; the scenario participants encountered involved an obvious accident (one person bumping into another in a crowded place). The authors did suggest, however, that as a wrongdoer’s intent becomes clearer, self-serving accounts (i.e., excuses, justifications) might be more appropriate. One reason the “Pardon me” apologies seemed incomplete is that they lacked self-blame. Participants simply did not see transgressors merely offering an “I’m sorry” as truly accepting blame for the situation, which is a central aspect of apology. Instead, when transgressors explicitly blamed themselves for their transgressions, participants viewed

the apologies as most complete. As Scher and Darley (1997) put it, “an apology without an expression of remorse (e.g., ‘I apologize’; ‘Pardon me’) generally seems to be perfunctory or formal, indicating the illocutionary force of apology, without conveying information about the emotional state of the transgressor” (p. 130). Petrucci (2002, p. 354) provided a list of what the result of a truly effective apology establishes:

[A]n accepted social norm that has been broken is identified; the social identities of the actors involved are repaired; acceptance of responsibility and expression of regret have been clearly communicated; forgiveness has occurred; a step toward conflict resolution has been made; and often punishment has been reduced, ostensibly because harsher punishments may not be deemed necessary.

In terms of resolving social conflict, participants seem to prefer apologies more than other types of accounts (Itoi et al., 1996; Schlenker & Darby, 1981). As Schlenker and Darby (1981) noted, participants rated apologies as the preferred method for dealing with conflict. One reason for this is that the forbearance inherent in an apology conveys to the victim that the transgressor regrets her behavior and will take steps to avoid such behavior in the future, thereby avoiding more infractions (Scher & Darley, 1997). This is not to say, however, that accounts are not effective in dealing with social conflict. One study, for example, found that Americans viewed exculpatory explanations and apologies in the same way, but only when the explanation carried with it the transgressor’s promise not to engage in similar behavior in the future (Wagatsuma & Rosett, 1986). Fukuno and Ohbuchi (1998; see also Takaku, 2000) reported that offenders offering what they termed a “mitigative account” (i.e., excuse or apology) received more positive evaluations than

offenders offering an “assertive account” (i.e., justification or denial). Mitigative accounts also helped reduce negative emotions on the part of the victims.

Effects of Accounts on Views of Transgressors

The previous section noted that transgressors often offer accounts as a means of impression management; they seek to protect their own view of themselves as well as offer a better image of themselves to victims and observers. As Scher and Darley (1997) put it, “an apology seeks to change the beliefs of listeners regarding the informativeness of the transgression regarding the type of person the speaker is” (p. 129). The apology also helps create two “selves” for the transgressor: the “bad self” responsible for the harm and the “good self” which is offering the apology and is more characteristic of the transgressor (Scher & Darley, 1997; Schlenker & Darby, 1981).

Overall, research indicates that apologizing is an effective technique of impression management. One of the most robust findings in the apology literature is that people report having more positive views of offenders who offer apologies (and sometimes other accounts) for their actions (e.g., Goei, Roberto, Meyer, & Carlyle, 2007; Robbennolt, 2003; Sitkin & Bies, 1993; Takaku, 2000). By apologizing, offenders acknowledge some norm violation and the victim’s right to feel how she is feeling; the cost of apologizing (i.e., publicly losing face) might indicate to the victim that the offender is serious about his apology (Gonzales, Pederson, Manning, & Wetter, 1990), which might lead to more positive judgments by the victims. Similarly, Ohbuchi et al. (1989) noted that participants not only preferred transgressors who apologized over those who did not, but they also had less negative feelings toward them and were less inclined to react aggressively toward them. Some research has even suggested that in cases where

doctors apologize to patients the number of medical malpractice suits decreases (Newfield, 2007). Even children demonstrate the tendency to judge apologizers more favorably. Ohbuchi and Sato (2001) gathered data from fifth-graders, whose reactions were similar to those of adults: When a transgressor apologized for his actions, the fifth-graders had more positive reactions. Specifically, they believed him less at fault for the action, they assigned more remorse to him, and they did not blame him as much for what transpired.

An important element influencing impressions of offenders is perceived remorse for an action. As Lazare (2004, p. 107) conceptualized it, remorse is a “deep, painful regret that is part of the guilt people experience when they have done something wrong.” An essential element of remorse, according to Lazare, involves accepting responsibility; one must accept responsibility for the outcome of one’s actions and focus on the harm one caused (Semin & Manstead, 1983). Remorse, if sincere, should also indicate forbearance on the part of the offender; essentially promising to avoid such harm-causing behavior in the future. This can lead to less negative impressions of the harmdoer on the part of the victim (Semin & Manstead, 1983). A lack of remorse, on the other hand, might indicate that the offender “may not share the moral standards of the rest of society and, thus, is at risk to repeat the wrongful act” (Lazare, 2004, p. 111).

Although apologies generally produce more positive outcomes for transgressors, they sometimes actually increase negative evaluations. One instance in which this often occurs is when no clear harmdoer exists. In one study, denial proved more effective than apology at rebuilding trust between parties, but only in cases where evidence of the harmdoer’s innocence existed (Kim et al., 2004). When a party apologizes and his guilt

is not clear, participants may react more negatively. This is just what Zechmeister, Garcia, Romero, and Vas (2004) found. Their results showed that participants displayed increased blame for experimenters and had more retaliatory responses toward them when they apologized for administering an incorrect test than when they offered no apology. The authors posited that this occurred because, before receiving (or not receiving) an apology, the experimenters' culpability was unclear. When they apologized, however, they assumed the culpability and therefore it became easier to blame them for the negative outcome. Boccaccini, Clark, John, and Mundt (2008) reported similar results. They had participants read Kobe Bryant's public statement stemming from charges of sexual assault. The authors manipulated whether Bryant's statement was the actual one issued (which contained an apology) or whether the statement contained no apology but instead contained an expression of vindication for having the criminal charges dropped. The results showed that, overall, participants, regardless of condition, did not believe Bryant was guilty of sexual assault or that the accuser deserved monetary compensation. Of the participants who believed in Bryant's guilt, however, significantly more read the statement containing the apology rather than the vindication. One possible interpretation for these findings is that Bryant's guilt was not clear and therefore reading the apology made it appear as though he was accepting responsibility for something he might not have done.

In cases of clear guilt, wrongdoers fared better with a confession and worse with a denial. Weiner and colleagues (1991) and Robbennolt (2003) reported that a partial apology was actually harmful for the transgressor when the responsibility for the incident

was clear, but was somewhat beneficial when the responsibility was somewhat more ambiguous.

Sometimes the victim's reaction to a negative event affects whether he will receive any type of account. A number of researchers (e.g., Baumeister et al., 1990) have noted that if a victim does not draw attention to the negative event, offenders might not be likely to offer any account because they are unaware of having caused offense. The authors went on to remark that if an offender continues this behavior, the victim might eventually react in a strong way, due to his negative feelings having built up. The offender, on the other hand, is likely to see this as an overreaction and not apologize, believing the victim to be overly sensitive. Similarly, Exline and colleagues (2007) reported that victims were more likely to receive apologies if they confronted the transgressor in a way that was neither hostile nor vengeful.

Cohen (1999) also laid out some risks for apologizers. In terms of benefits, Cohen noted that apologizing might help the transgressor "develop 'internal strength' and 'character'" (p. 7), but also opens the transgressor up to negative judgments. Specifically, Cohen suggested that apologizing might make one seem weak to observers, and noted further that it is the desire to avoid this that prevents some parties from apologizing.

Independent of others' judgments, Cohen (1999) also suggested that apologizing might in some ways be damaging to an offender. He observed that some people might consider apologizing to be a demeaning act, as it "requires humbling oneself before another and admitting a wrongdoing" (p. 7). Further, if one does apologize but has her apology rejected, she may experience shame, resentment, or any other negative emotions.

Some people, then, might avoid offering apologies to save themselves from potential negative psychological effects.

Effects of Accounts on Views of Transgressors in the Legal System

Several authors have explored the effect of (perceived) remorse on impressions of wrongdoers, especially in legal situations. Bornstein and his colleagues (2002), for example, found that participants judged a wrongdoer less negatively when he offered an apology than when he did not. Further, expressing remorse improved views of a civil defendant. Participants did not differentiate between a defendant who did not mention feeling remorse and a defendant who explicitly denied being remorseful. Remorse, then, appears to play a central role in observations of offenders; if one does not appear remorseful, an apology or account will do little to improve his image. In their research looking into perceptions of drunk drivers, Taylor and Kleinke (1992) reported similar results. Specifically, participants rated drunk drivers as more responsible and sensitive when they expressed remorse rather than denied it. In another study, Kleinke, Wallis, and Stalder (1992) reported that rapists who expressed remorse received less severe evaluations from participants.

Niedermeier and colleagues (1999; 2001) also examined the effects of remorse on impressions of defendants, but reported some negative effects of expressing remorse. In one study (1999, Experiment 2), the authors noted interesting interactions between defendant status and expressions of remorse. Consistent with previous research, the authors reported that expressing remorse improved views of a defendant, but only when he was of relatively low status (a medical resident). When the defendant was of high status (a medical director) expressions of remorse actually led to *more* guilty verdicts

than when he expressed no remorse. In another series of studies, Niedermeier et al. (2001, Study 2) found that when mock jurors deemed a law fair (as opposed to unfair), expressions of remorse actually led to rating the defendant as more guilty. Referring to it as a “*remorse guilt* explanation,” the authors suggested that, because the law was “fair,” mock jurors viewed the expression of remorse as incriminating. This result can help explain why people are often wary of offering an apology or expressing remorse; many feel to do so would open them to some type of sanction (e.g., legal).

Legal Safeguards for Apologies

Although apologies can have healing benefits, one of the biggest drawbacks to offering an apology is the fear that others will see it as an admission of fault or liability, leading to serious consequences, such as legal action (i.e., lawsuits). If one bumps into someone on a crowded street and issues a hurried, “I’m sorry,” she will likely face no serious consequences of her apology. A doctor who misdiagnoses a patient, however, leading to more health complications, might fear that a sincere “I’m sorry” will indicate negligence and hence liability. Indeed, this is one of the reasons doctors frequently cite for failure to apologize. According to Gallagher and colleagues (2003), doctors worry that such expressions will open them up to legal action from patients (or patients’ families). Another insightful piece of research comes from Vincent and Young (1994). Although their research took place in the United Kingdom, which has a healthcare system different from that in the United States, the findings of their research might still shed some light on medical malpractice situations in the United States. In a survey of people currently involved in medical malpractice litigation, Vincent and Young found that the majority of their respondents (90%) reported feeling angry about the incident.

Respondents also reported feelings of bitterness, betrayal, and humiliation. The authors also found that, if there was an explanation, respondents felt largely dissatisfied, seeing the explanation as “unclear, inaccurate, and lacking information” (p. 4). This coincides with what Gallagher et al. (2003) found. In their sample, patients wanted full disclosure from their doctor. It seems likely, then, that failure to disclose medical errors fully can lead to an increased probability of a lawsuit. Similarly, in only 13% of Vincent and Young’s (1994) sample did the apologizer either fully or partially accept responsibility, and on only 15% of the occasions did the apologizer offer a full or partial apology. Considering that apologies necessarily involve accepting responsibility for the action and its consequences, doctors might find that their fears are not unfounded.

Vincent and Young (1994) identified four main reasons for litigation. First, respondents reported that they wished to see staff held accountable for errors. Second, respondents sought an explanation for what happened. Third, respondents wanted to ensure that a similar transgression would not happen again in the future. Finally, respondents reported that they wanted “compensation and an admission of negligence” (p. 4). These reasons fall in line with the elements of an apology. First, the actor and victim must recognize the harm. Respondents might see the doctor as being held accountable if the doctor admits some responsibility, which is the second element of an apology. Finally, the implication that a similar transgression will not happen in the future is another essential element of an apology. It seems, then, that an apology could have a significant effect on a person’s desire to bring a lawsuit against a doctor (or hospital, clinic, and so forth). An apology will satisfy most of the reasons people provided for beginning litigation (except for, perhaps, the need for compensation).

In response to concern that apologizing will result in legal action, a number of states have taken steps to provide legal safeguards for a wrongdoer (especially a physician) who offers an apology. According to McDonnell and Guenther (2008), as of March 31, 2008, 36 states (including the District of Columbia) provide some form of legal safeguard, eliminating or greatly restricting evidence allowed concerning the voluntary disclosure of medical errors by physicians. Further, 28 of these 36 states' "laws prevent the use of expressions of sympathy, regret and condolence against the physician in subsequent litigation" (p. 812), protecting physicians from not only apologizing, but offering another form of communication typically associated with apologizing (e.g., expressing regret). (For comprehensive reviews, see Cohen, 2002; Ebert, 2008; Landsman, 2008; McDonnell & Guenther, 2008; Newfield, 2007).

One of the states pioneering this movement was Massachusetts which, in 1986, passed a law protecting "statements, writings or benevolent gestures expressing sympathy or a general sense of benevolence relating to the pain, suffering or death of a person involved in an accident and made to such person or to the family of such person shall be inadmissible as evidence of an admission of liability in a civil action" (Massachusetts General Laws ch. 233, Section 23D). This law came about after a state senator's daughter was killed when the bike she was riding was struck by a car. The father was upset that the driver offered no expression of sympathy or remorse for his action. Upon learning that the driver feared the legal consequences of such an expression, the senator sought to have such statements protected (Taft, 2000). Deemed "sympathy laws," the purpose of these laws is to allow transgressors to offer some expression of sympathy or condolence without fear of legal retaliation (e.g., Newfield, 2007).

Since Massachusetts' adoption of this protectionist law, other states have followed suit. The extent of their protection varies, however. For example, California and Texas protect expressions of sympathy (e.g., "I'm sorry"), but fault-admitting apologies (e.g., "This is all my fault") are admissible to establish liability (Cal. Evid. Code § 1160; Texas Civil Practice & Remedies Code § 18.061). Similarly, if an expression of benevolence contains a fault-admitting statement ("I'm sorry that I hurt you"), the fault-admitting portion of the statement is admissible (e.g., Fla. Stat. § 90.4026). In the examples listed, statements by anyone (including physicians) are protected. Ebert (2008) suggested that these expressions of sympathy do little to pacify patient complaints because, as a true apology necessarily contains an admission of blameworthiness, doctors are not offering true apologies, so their expressions of sympathy might not have healing effects.

Some states, however, protect even fault-admitting statements of sympathy. Colorado's statute, for example, deals expressly with the health-care industry (Colo. Rev. Stat. Ann. § 13-25-135 (2009); Or. Rev. Stat. § 677.082 (2003)). The relevant portion provides that care providers are protected in cases in which they apologize (including a full admission of fault) for an unanticipated outcome resulting from medical error. Thus, a doctor can offer a full apology, including the necessary component of admitting fault, without fear that any part of his apology may later be used in evidence against him.

The Federal Rules of Evidence (FRE) also deal with admissibility issues. Rules 408 and 801 are particularly relevant. FRE 801 (d)(2), for example, allows statements of fault admission to be admitted as exceptions to the hearsay rule. An admission, according to the rule is, "the party's own statement, in either an individual or

representative capacity.” Therefore, any statement made outside of settlement negotiations or mediation can be used. Such a rule is likely to affect most people’s decision to offer some statement of sympathy. FRE 408 also affords protection, dictating that statements made during settlement negotiations are not admissible in order to prove liability. A physician, for example, who offers an apology during negotiations, cannot have his apology used later at trial as evidence of his liability.

Apologies are not the only type of account receiving legal protection, however. The law recognizes justification as a means of receiving a reduced sentence or some kind of protection. Justification, as discussed above, involves admission of an action and its relation to an adverse outcome, but the actor claims some circumstance made his action permissible and he therefore should not be held accountable for the outcome. Self-defense laws, for example, protect individuals from legal sanction for effectively violating the law. For example, if I hit someone who is attacking me and break his nose, I have committed battery. Because I can justify my action, however (i.e., defending myself), the legal ramifications I face will be less than if I offered no justification for my action. According to Schopp (1993), “those who raise justification defenses contend that although they have engaged in conduct that fulfills the material elements of a criminal offense, circumstances render that conduct socially acceptable and perhaps even desirable and, thus, immune from punishment” (p. 1237-1238). Schopp went on to note that justification defenses apply to anyone in the same situation: Self-defense, for example, would apply to anyone who hit her attacker and broke his nose in order to prevent an imminent attack.

Excuses, on the other hand, are more person-specific (Schopp, 1993). As the discussion above established, excuses involve recognition of the connection between one's action and its outcome, but seeks an outside cause for the outcome. For example, Bobby might admit throwing the ball in the house and subsequently breaking Carol's vase, but might claim that his dog, Tiger, bumped into him, causing his throw to go in an unintended direction.² As Schopp (1993) argued, excuse would not extend to everyone in that situation; only Bobby can make the excuse of Tiger's interference.

Effects for Victims

Aside from benefits for transgressors, apologies can also prove beneficial for those on the receiving end. Physically, apologies helped to lower blood pressure in victims with high trait hostility following a provocation (Anderson et al., 2006). Lawler, Younger, Piferi, Jobe, Edmondson, and Jones (2005; see also McCullough, 2000; Witvliet, 2001; Witvliet, Ludwig, & Vander Laan, 2001) similarly reported that forgiveness has positive physiological effects, such as reduced negative affect and stress. The majority of benefits, however, are not tangible. Not only do apologies serve to save the face of the transgressor, they also help save the face of the victim (Gonzales et al., 1990). Accounts might not serve to wholly repair the victim's face, but they do validate the victim's feelings and interpretations of the harm-causing situation. By offering an apology, for example, an offender is saying, "I have done something wrong. You are right to feel what you are feeling. I value and respect you as a person."

One major benefit to victims concerns the psychological effects apologies produce. For example, when given the opportunity to voice their concerns over a procedurally unfair act, participants had more positive evaluations of the act, especially if

² My apologies to "The Brady Bunch" for taking liberties with its storyline.

the harmdoer (in this case an authority figure) apologized (DeCremer & Schouten, 2008; see also Goodwin & Ross, 1992). When the authority figure showed respect, this effect became even more pronounced. DeCremer and Schouten suggested that giving victims a voice after a transgression conveys respect. Victims interpreted this act, coupled with an apology, as an indication that the authority figure was sincere in his apology and also that he had a genuine interest in the victims' welfare, which increased victims' belief about the amount of respect the other had for them. Further, Sitkin and Bies (1993) noted that explanations (not limited to apology) convey respect to subordinates, especially when the explanation is not required. According to the authors, an unrequired explanation communicates to the subordinate that he is important and deserves an explanation for another's actions. Petrucci (2002) echoed these sentiments, noting that crime victims often seek apologies, which have the potential to decrease anger and thereby reduce aggression. By letting go of such negative feelings, victims are then able to move forward. Not receiving an apology, on the other hand, often leaves victims with the feeling that no one has recognized their pain and suffering (Regehr & Gutheil, 2002).

Overall, participants indicate that they recognize the benefits of accepting apologies (Risen & Gilovich, 2007). Further, participants have reported knowing that others would judge them more positively for accepting an offered apology. Sometimes, however, participants do not accept proffered apologies. Although relatively rare, this rejection can negatively affect their relationship with the transgressor (see discussion above), and can also negatively impact observers' views of them. Risen and Gilovich (2007; see also Bennett & Dewberry, 1994) researched what happened to impressions of victims when they rejected apologies. Overall, the authors found that people judged

victims more harshly when they rejected apologies. Interestingly, whether the apology was sincere or insincere did not matter; simply refusing an offered apology led to negative views of the victim. Therefore, victims might accept apologies in order to save face in front of others.

Restorative Justice

Restorative justice offers one way to bring about a change to the victim-offender relationship. Simply put, restorative justice seeks to return victims, their families, and those affected by a transgression, to their original state (Strickland, 2004). Unlike traditional forms of punishment, however, restorative justice also focuses on helping offenders make amends for what they have done. Kurki (2000, p. 265) outlined how restorative justice differs from the traditional criminal justice process. First, restorative justice considers the crime in a broader context. It does not focus solely on the people involved, but looks to the broader community for effects of the crime. Second, because of this broader spectrum, more people become “empowered” in the process. Finally, restorative justice concerns itself with how well the parties’ needs are met. The concern is less with punitive measures and more with healing measures. Additionally, Petrucci (2002) stated that restorative justice has important implications, such as conflict resolution and, more importantly, allowing the victim to be a more active participant in the criminal justice process.

The idea of restorative justice is not a new one. For example, the Babylonian Code (c. 1700 B.C.), the Sumerian Code of UrNammu (c. 2060 B.C.), and the Roman Law of the Twelve Tables (449 B.C.) all had provisions for restitution to the victim from the offender. (For a more complete discussion, see Bazemore, 1998, p. 772.) Bazemore

went on to outline the benefits of restorative justice for the victim, such as “hope of restitution or other forms of reparation, information about the case, the opportunity to be heard, and the input into the case as well as expanded opportunities for involvement and influence” (p. 771). Stubbs (2007) echoed these benefits, listing harm reparation as the main focus of restorative justice. She went on to comment that, through restorative justice, victims have the opportunity to express themselves and gain some amount of control over the situation. Victims also play a role in the matter’s resolution, gaining more insight into the incident and into the offender’s motivation for her action.

CHAPTER 5: Variables Affecting Account Usefulness

One factor which can affect the impact of an apology is how complete the apology itself is. Robbennolt (2003) examined the effects of different forms of apologies on participants’ views of a transgressor and their subsequent willingness to accept settlement offers. In terms of impressions of the transgressor, Robbennolt found that, when offered a full apology (i.e., the transgressor accepted responsibility for the consequences of his action), participants had more positive views of the offender. They believed him to be more regretful, more moral, and more likely to be cautious in the future. Participants also believed the transgressor accepted more responsibility for his actions and judged his actions more favorably. Full apologies also reduced victims’ feelings of anger and increased feelings of sympathy for the transgressor.

In terms of accepting settlements for their injuries, Robbennolt’s (2003) research provided evidence for the positive effects of full apologies. She reported that participants were more willing to accept a settlement offer when it accompanied a full apology, and participants further indicated the settlement would be more reparative when it came with

a full apology. In contrast, when participants received only a partial apology, they were less inclined to accept the offer; and they became unsure about what course of action to pursue. These data suggest that if a full apology in itself is not sufficient to repair the damage to a relationship, it can make an offer of reparation more palatable to the victim.

Another factor influencing the effectiveness of various accounts is the trust relationship between the transgressor and the victim. Kim and colleagues (2004) reported that the type of trust existing between the transgressor and victim affects what type of account will be most effective. In this instance, trust is a “psychological state comprising the intention to accept vulnerability” (p. 104). The results of their study showed that an apology was most effective at enhancing one’s image and rebuilding trust between the parties, but only when the harm caused was due to a “competence-based” violation, that is, a violation based on one’s ability. If the harm was “integrity-based” (i.e., based on moral character), on the other hand, the researchers found that denial was actually the most effective means of rebuilding trust and improving one’s image.

The law also recognizes certain relationships – called fiduciary relationships – as relationships of trust. A fiduciary relationship exists where one (e.g., a doctor) has a special obligation of loyalty, a responsibility to act in another’s (e.g., a patient) best interest. Co-workers, for example, are not involved in fiduciary relationships; in the law, as a general rule, strangers have no moral or legal obligation to act in the best interest of another whom they do not know. A doctor, however, is legally obligated to act in the best interest of his patient. As Forell and Sortun (2009) stated, breaches of fiduciary duty greatly differ from more common competence-based breaches of trust. They contended that an obligation of loyalty places the fiduciary relationship on a higher plane than other

relationships, because the fiduciary relationship is typically one-way (e.g., a doctor must act in his patient's best interest, but the patient owes no such loyalty to his doctor) and involves a scenario in which one party is dependent on the other party. This dependence reflects a significant power imbalance in the relationship. When a harm occurs, therefore, the resulting imbalance might be greater than in a non-fiduciary relationship. Because of this delicate balance, fiduciaries might be less willing to apologize because of the possible legal consequences of breaching the fiduciary duty and also the personal implications. A doctor who breaches her relationship with a patient, for example, might be unwilling to apologize because of her fear of legal retaliation but also because apologizing might mean admitting that the patient was wrong for having trusted the doctor with her care, which can negatively impact the doctor's view of herself as well as others' views of her competence, her reputation, and so forth.

Essential in rebuilding relationships is forgiveness. The majority of research on forgiveness and apology indicates that an apology paves the way for forgiveness in a variety of relationships. Hodgins and Liebeskind (2003) observed that people judge their friends more positively when they accept responsibility for some event, but acting defensively actually has a negative impact on forgiveness. Leary et al. (1998) offered an explanation, arguing that people in close relationships have more invested in one another and therefore have more visceral reactions to transgressions from close others than from strangers. Indeed, feeling accepted or rejected by the other highly correlated with how hurt the victim felt by the event. When we feel rejected by a close other, the disassociation is more threatening and therefore more painful. We might also forgive close others because of feelings of obligation and also feelings that we have invested so

much in the relationship that ruining it would not be worth it, so we forgive (Kelley, 1998).

McCullough, Worthington, and Rachal (1997) noted that forgiveness is essential for relationship repair in romantic relationships. As these authors noted, when people forgave their romantic partners, they became less interested in self-protective behaviors and instead sought relationship-constructive actions, even at a personal cost. Similarly, Gunderson and Ferrari (2008) examined forgiveness in imaginary romantic relationships. They reported positive effects for apologies. Specifically, subjects reported that, if a romantic partner offered an apology for cheating, it would take less time and would be easier to forgive the partner, further reporting that they would be more likely to remain in the relationship. They further projected their positive feelings toward the future, indicating that they felt more hopeful about the future of the relationship. This effect only emerged when the partner cheated one time. However, when the partner had a history of cheating, the apology did little to affect forgiveness. One interpretation is that, with repeated cheating, an apology loses its effectiveness because an essential element (i.e., promising to refrain from the harm-causing behavior in the future) is missing. Either it is not a part of the statement or it is implied but not realized. An habitual cheater has demonstrated that she will not refrain from this behavior, thus a crucial element is missing from the apology (even if the offender explicitly states her intention of avoiding this behavior, her record would indicate otherwise), which renders it ineffective. Lending support to this supposition, Kremer and Stephens (1983) found evidence that mitigating accounts lose their effectiveness in the presence of subsequent provocations.

Another factor which influences one's willingness to accept an apology is the severity of the event and its consequences. Bennett and Earwaker (1994), for example, found a strong relationship between anger and severity; apologies helped reduce anger, especially when an event's consequences were not serious. Fukuno and Ohbuchi (1998) similarly reported that mitigative accounts (i.e., apology and excuse) were more effective than assertive accounts (i.e., justification and denial), even in the face of severe harm. Similarly, Robbennolt (2003) reported that partial apologies were somewhat helpful when an injury was relatively minor but negatively impacted perceptions of the transgressor when the injury was severe. Ohbuchi and colleagues (1989) reported that victims' desire for an apology lessened as the harm became less severe. Severity also influences the punishments for the offender. Taylor and Kleinke (1992) found, for instance, that participants levied more severe sanctions (e.g., fines, prison sentences) against drunk drivers when the harm was severe. Interestingly, severity was the only manipulation which determined the fine and prison sentence. Even though participants had less negative views of the driver when he expressed remorse, only severity predicted punitive responses.

Interestingly, the severity of an action's consequences can determine what account one offers (Itoi et al., 1996; McLaughlin et al., 1983). As Schlenker and Darby (1981) put it, "the severity of the predicament is directly related to both the use of the nonperfunctory apologies and the number of components employed in such apologies" (p. 275). Overall, it appears the more serious the event or its consequences become, the more the victim seeks an apology and the more an offender feels the need to offer one. One reason for this might be that one views the actor as more responsible for the event as

the outcome becomes more severe (e.g., Schlenker & Darby, 1981; Walster, 1966). Schlenker and Darby (1981) noted that, when an event's consequences are minimal, people offer perfunctory apologies, such as "Pardon me" or "I'm sorry." As consequences become more severe, however, people reported being more likely to offer more complete apologies and, as responsibility increased, people were also more willing to ask for forgiveness outright. In general, as severity increased, so too did the offender's likelihood of using a mitigative rather than an assertive account. In the most severe conditions, transgressors favored apologies.

Timing also plays a role in apology acceptance. Frequently people offer apologies immediately after they have realized their harmful act. McPherson-Frantz and Benningson (2005), however, noted that this can be problematic, as apologizing too soon might place the victim in an uncomfortable role as she might not be ready for de-escalation. The authors hypothesized that later apologies would be most effective because the victim will have had a chance to express herself and feel heard. And this is, in fact, what the authors found. They reported that apologies offered after the victim had a chance to express concern and feel heard were more successful than apologies offered before expression and voice. However, early apologies were still more effective than offering no apology at all.

Not all researchers advocate allowing time to lapse between a transgression and apology, however. Kremer and Stephens (1983), for example, noted that people are more likely to retaliate as the gap between the provocation and mitigation lengthens. Lazare (2006) agreed, recommending that doctors apologize as soon as they become aware of a medical error. As he observed, when people are aware of a delay between a harmful

event and apology, they view the delay as disrespectful or deceitful. As mentioned above, respect plays a key role in rebuilding relationships. Anything that destroys respect, then, might make the apology less effective. In an empirical study of timing, Bornstein et al. (2002) reported that plaintiffs received greater compensation when a physician expressed remorse at the time of the error and again at trial. Interestingly no difference in compensation emerged when the doctor expressed remorse at the trial versus when he expressed no remorse at all.

While it is clear from the literature on apologies that they can have healing effects, some people remain guarded when receiving an apology. One reason people might be reluctant to accept an apology has to do with the transgressor's (perceived) motivation for apologizing. A criminal on trial, for example, might apologize to the victim's family in order to receive a reduced sentence from a judge (Petrucci, 2002; Wagatsuma & Rosett, 1986). Generally, as discussed above, people also offer apologies to present themselves in a positive light or restore their self-image. Indeed, Gonzales et al. (1990, p. 618) proposed that "accounts are typically conceived as 'self-serving' impression management vehicles for controlling the inferences and subsequent evaluative and affective responses of parties witness to or harmed by a social transgression." What are people's reactions to apologies when they believe the transgressor is only apologizing to gain some benefit for him- or herself?

Kim and colleagues (2004) suggested that a person's perceived integrity weighs heavily on the attributions one will make of him. According to the authors, people assume that people of perceived high integrity will not act inappropriately in any situation. People with perceived low integrity, on the other hand, "may exhibit either

dishonest or honest behaviors depending on their incentives and opportunities” (p. 106).

The authors went on to note, further, that a single honest behavior does not prove particularly diagnostic, but a single dishonest behavior indicates someone with low integrity, as a person with high integrity would not engage in any dishonest behavior. Similarly, in their research on persuasion, Weiner and Mowen (1986) found that when people suspected a source of harboring ulterior motives (in this case trying to sell an automobile), subjects generally devalued that product (e.g., they considered the automobile to be of lower value).

Cases of defendants (civil or criminal) may certainly fit the credentials outlined above; simply being a defendant may lend itself to general mistrust, especially with jurors harboring prosecution biases (e.g., Wrightsman, 1987). Thus, if a defendant makes an apology in court, it follows that people will be skeptical of the message and messenger. Indeed, Lazare (2006) noted that in many cases, apologies have no impact because of their “fraudulence, insincerity, or disingenuousness” (p. 1403). Weiner and colleagues (1991) found that when one confesses after an accusation, observers tended to attribute this to mere impression management, and it is therefore not wholly beneficial to the transgressor.

In their review of American and Japanese law regarding apology in a legal context, Wagatsuma and Rosett (1986) noted that American courts (both civil and criminal) do not require any expression of remorse or regret from defendants, unlike their Japanese counterparts. The authors further noted that requiring some form of apology would likely make the act seem insincere and forced, which might make victims less willing to accept the apology (see also, Cohen, 1999; Exline et al., 2007). Further,

Skarlicki, Folger, and Gee (2004) reported that when participants perceived a partner's social account as a manipulative tactic, it lost effectiveness. As participants saw their partners as using social accounts in a more manipulative way, they held less positive views of them and had more negative reactions to their partners.

Questionable motives do not always an insincere apology make, however. Risen and Gilovich (2007) conducted research examining the effects of spontaneous and coerced apologies. They found that wronged parties had consistent reactions to spontaneous and coerced apologies. In both conditions, targets liked the transgressor the same amount and thought he should be paid the same amount for his efforts in a task. Observers, on the other hand--that is, people watching the victim/transgressor interaction but having no direct involvement--did rate the transgressor differently depending on the type of apology offered. When the transgressor offered a spontaneous apology, observers liked him significantly more than when he offered a coerced apology. Further, observers suggested paying the harmdoer who offered a spontaneous apology 14% more. Offering a coerced apology decreased the transgressor's likeability and also led to impressions that he experienced less remorse for the harm caused. Interestingly, when there was no apology present, observers had more positive ratings of the transgressor and wanted to pay him more than when he offered a coerced apology. In terms of observers' judgments, even when the harm was made salient, offering no apology was more beneficial to the harmdoer than was offering a coerced apology. As Risen and Gilovich put it, "the coerced apology was worse than no apology, and the failure to offer an apology seemed to work as well as offering a spontaneous apology" (p. 424). Thus, while those directly involved with an offense might respond positively to offenders who

apologize, regardless of motivation, the court of public opinion might not be so forgiving. One potential explanation for this distinction has to do with norms (discussed above); victims likely face norms to accept apologies that observers do not. Another possibility is that observers see the transgressor as ingratiating, which works more effectively on actors than bystanders, probably because actors (as opposed to observers) are motivated to accept others' positive reactions (e.g., compliments) toward them (Jones & Pittman, 1982).

Another possibility, however, is that victims and observers might view offenders who willingly apologize in a public forum (such as a courtroom) as more sincere, because of the very setting in which they offer the apology. Instead of offering an apology to the victim him/herself, by acknowledging one's misconduct and accepting responsibility in a public place, an offender might be conveying an impression of one who is truly sorry and willing to admit fault. As evidence of this, Ohbuchi and colleagues (1989) found that participants rated research assistants as more responsible when the assistant apologized in front of the experimenter than when she apologized to the victim alone. The authors suggested that perceivers viewed the research assistant as acting in a personally costly way, which, perhaps, increased her credibility. Thus, an apology offered publicly, while viewed suspiciously by some, might have more positive effects for the offender than an apology offered privately. Also, offenders who apologize publicly might convey a deeper sense of shame for their wrongdoing.

Determining an Apology's Sincerity

Apologies and remorse abound in criminal justice settings (Niedermeier, Horowitz, & Kerr, 1999, 2001) – defendants are especially likely to use them, either

sincerely or instrumentally, to get more lenient sentences. According to Bibas and Bierschbach (2004, p. 94), expressions of remorse “indicate that an offender is not ‘lost,’ that he has some self-transformative capacity that justifies (or requires) a lesser punishment.” The United States Sentencing Commission even contains provisions for the expression of remorse (1994, p. 72-73). And Petrucci (2002) explained that apologies can help establish either “acceptance of responsibility” or “mitigating circumstances;” either of which can result in a reduced sentence. Accepting responsibility, according to Petrucci’s (2002) review, can have a large effect on sentence reduction. Specifically, she noted that early admissions of guilt and cooperation with officials are major determinants in sentence reduction. One aspect of a defendant’s apology involves admission of guilt, without which there is no “acceptance of responsibility” and therefore no sentence reduction (*U.S. v. Williams*, 1991). (For a more complete review of case law, see Petrucci, 2002.)

Given the motivation for offenders to lie, how does one judge a true apology from an untrue apology? The following section will delve into research in the area of deception detection. A distinction is warranted, however. The research on apology above dealt with sincerity, while the research regarding deception detection deals with believability. Although the two concepts may be related, they are distinct. An account may be both sincere and believable, since the two are not mutually exclusive: But an account may be sincere without being believed, or may be believed without being sincere. According to the literature (e.g., Moran, 2005), sincerity resides within the individual. When one internalizes his feelings and attempts to express them, he is said to be sincere. A defendant, then, may truly feel badly for his actions and internalize his

negative emotions (e.g., guilt). The negative feelings generated by his guilt might then lead to feelings of remorse, which he might try to express to another party (e.g., the victim, the court). Believability, on the other hand, focuses more on the observer's perception of the transgressor's statement. Because the observer cannot see into the transgressor's mind, it is entirely possible for a transgressor to be completely sincere in his apology but not have it believed. As Moran (2005, p. 342) put it, "We value sincerity in speech ... because it is the closest we can come to unmediated access to the genuine state of mind of the person with whom we are communicating." He continued,

[S]incerity matters to speech because its presence is our guarantee that what the speaker *says* is an accurate representation of what he actually *believes*. If what we hear from a speaker is to be believable, it is because the speech we hear provides us with access to what the speaker's own beliefs are, and his statements will be believable only to the extent that we are counting on his beliefs on this matter to be reliable. (italics in original)

The opposite is also possible: A transgressor may offer an entirely insincere statement, but the observer may believe its veracity. Research in the realm of apologies and accounts, however, has focused on the apologizer's (perceived) sincerity and not believability.

Kraut (1978) identified two types of information available to determine deception. He suggested people look at *performance cues*, in which "the audience perceives that an actor has failed to adequately control some aspect of his deceptive performance" (p. 389). He also suggested that people consider the actor's *motivational cues*, which arise in situations apart from the actor's performance. These motivation cues "provide standards against which a performance is judged" (p. 390). A job interview, for example, involves self-presentation. An audience, therefore, would judge the actor's self-presentation in

that situation against their standard for self-presentation in a job interview to determine if deception was likely to have occurred. Seiter, Bruschke, and Bai (2002) commented that a deceiver's motivation for lying is the most important factor in determining the lie's acceptability. Not surprisingly, the more the deception is intended to benefit someone other than the liar, the more people report the deception as acceptable. Interestingly, the selfishness or selflessness of an offender's apology does not seem to affect a recipient's willingness to accept it. As Hareli and Eisikovits (2006) reported, whether guilt or shame motivated an offender's apology, recipients were equally likely to forgive.

Kashy and DePaulo (1996) commented that "publicly self-conscious" individuals lied more. A defendant, one likely made "publicly self-conscious," then might find herself more predisposed to lie than tell the truth. The authors further noted that, "people tell lies to accomplish the most basic social interaction goals, such as influencing others, managing impressions, and providing reassurance and support" (p. 1037), and research on lying indicates that it factors heavily into daily life (e.g., Kashy & DePaulo, 1996). DePaulo, Kashy, Kirkendol, Wyer, and Epstein (1996), for example, had participants keep diaries of how often they told lies in their everyday interactions. Among their sample of community members, the researchers found that people reported lying about once per day; college students averaged two lies per day. Moreover, the researchers found that the overwhelming majority of lies told (more than 80%) were at least partially about the liar him- or herself (e.g., about one's own feelings, thoughts, opinions). Furthermore, people reported lying based on self-serving motives, especially if the benefit of the lie would be psychic (rather than materialistic). The results indicated that people were about twice as likely to tell a self-serving lie as one intended to benefit other

people. Finally, participants reported that, when lying, they expected others to believe their lies. And, in fact, Elaad (2003) reported that people are better able to conceal than detect lies.

Interestingly, the Supreme Court has recently agreed to hear a case addressing constitutional protection under the First Amendment's Free Speech clause for lying (*United States v. Alvarez*). The Stolen Valor Act (18 U.S.C. § 704(b)) prohibits an individual from "falsely represent[ing] himself or herself, verbally or in writing, to have been awarded any decoration or medal authorized by Congress for the Armed Forces of the United States...". In January 2012 the Tenth Circuit Court of Appeals upheld the Act, acknowledging that "false statements of fact do not enjoy constitutional protection, except to the extent necessary to protect more valuable speech" (*United States v. Strandlof*, 2012, p. 3). Noting that upholding the Stolen Valor Act did nothing to "impinge or chill protected speech" (p. 3) the Tenth Circuit argued the act did not violate the First Amendment. In a different case the Ninth Circuit struck down the Act, noting that the Act must pass strict scrutiny, which, the Ninth Circuit opined, the Stolen Valor Act does not. These conflicting holdings led the Supreme Court to grant certiorari in *Alvarez*, in which they will, essentially, determine the constitutionality of lying, at least about certain subjects.

Social skills can also affect the frequency with which people lie. Kashy and DePaulo (1996) reported that people with greater social skills lied significantly more than did people with less developed social skills. Further, in their sample of college students, social skills significantly predicted everyday lying.

Overall, how do people do when trying to detect lying? The majority of the evidence indicates that people are poor lie detectors. DePaulo and Pfeifer (1986) provided insight into lie detection by comparing an undergraduate sample with a sample of newly recruited federal law enforcement trainees and a sample of advanced law enforcement officers. No differences emerged between the samples; those with more “experience” at lie detection performed at the same rate as the undergraduate sample. Also, they showed no indication that they would be more adept at developing lie detection skills than the undergraduate sample. However, Elaad (2003) reported that overall, law-enforcement officers, acting as judges, reported that they would be more likely to accurately detect lies than would “non-experts.” In another comparison, Ekman and O’Sullivan (1991) noted that those working for the Secret Service did outperform other samples in detecting deception, but the rate of success was still quite low. The Secret Service averaged 64% correct deception detection, while the next closest group, federal polygraphers, averaged approximately 56%. Indeed, Sporer and Schwandt (2007) noted that various groups (e.g., police officers, legal professionals, students) all held similar (and possibly erroneous) assumptions about what nonverbal behaviors indicated deception.

Overall, in their research on deception detection, Millar and Millar (1997) observed that people believed deception was most likely when the deceiver would have a high gain from the deception, the chance of detection was low, and the cost of deception was low. Conversely, in situations in which the gain was low, but the chance of detection and cost of deception were high, people were least likely to believe deception would occur.

Indicators of Deception

When detecting deception, people use different types of verbal and nonverbal cues to aid them (Ekman & O’Sullivan, 1991). As Frank (2005, p. 341) put it, “because a lie involves a deliberate, conscious behavior, we can speculate that this effort may leave some trace, sign, or signal that may betray that lie.” In his chapter, Frank (2005, p. 342-343) identified a number of levels at which researchers have attempted to study nonverbal behavior. He recognized *physical* components, which include body movements (e.g., arms, hands, torso), eyeblinks, pupil dilation, number of pauses, response latency, and so forth. Next, Frank discussed the *psychologic meaning* level, which often involve the physical components listed above, but also include adaptors (e.g., touching one’s face), illustrators (“which accompany speech to help keep the rhythm of the speech, emphasize a word, show direction of thought, etc.”), emblems (e.g., nodding one’s head to indicate agreement), facial expression, speech rate and speech errors. Additionally, Sporer and Schwandt (2007) identified two classes of nonverbal behavior: nonverbal visual cues and paraverbal cues. According to the authors, nonverbal visual cues encompass such things as facial expression and bodily movements, whereas paraverbal cues include things such as pitch and speech errors.³

The following paragraphs describe common cues associated with deception. It should be noted, however, that what people use as cues to deception do not necessarily coincide with the actual behaviors which can accompany deception (e.g., The Global Deception Research Team, 2006; Sporer & Schwandt, 2007). The descriptions given below reflect examples of what people believe to be associated with deception. With the

³ I have adopted Sporer and Schwandt’s (2007) classification system to organize the following subsections. However, when describing studies I will use the terms employed by the authors.

exception of certain body movements (i.e., nodding, foot and leg movement, hand/finger movements), none of the “traditional deception cues” (e.g., eye contact) people employ are reliable indicators of deception (Sporer & Schwandt, 2007).

Paraverbal Cues

One hypothesis is that when the speaker’s emotion runs high (e.g., in “high stakes” situations), people should be more accurate at detecting deception (Ekman, O’Sullivan, Friesen, & Scherer, 1991; Frank & Ekman, 1997). In an early study on lie detection, Apple, Streeter, and Krauss (1979) reported that voice pitch can affect one’s perceived honesty and persuasiveness; the higher the voice, the less honest and persuasive the speaker is perceived to be.⁴ The authors suggested that a high-pitched voice indicated stress, leading many observers to conclude that the speaker was lying. The authors also noted that, with “loaded questions,” people are somewhat more forgiving of higher-pitched voices than when the question involves something more mundane. In other words, high-pitched voices, overall, indicated deception; in the presence of a “loaded question” “raters were willing to call both low- and normal-pitched voices more truthful than high-pitched voices” (p. 720). On topics that are uninvolved, however, people were only more willing to believe someone with a low-pitched voice. Indeed, in its research, The Global Deception Research Team (2006), using data from 58 countries, reported that, cross-culturally, a speaker’s nervousness indicated deception.

Frank and Ekman (1997) took research on arousal one step further. Whereas Apple and colleagues (1979) had participants listen to voice recordings, Frank and Ekman (1997) had people visually observe speakers and determine whether the speakers were engaged in deception. Participants in Frank and Ekman’s study, then, could use

⁴ These results are all based on ratings of men’s voices.

different sources as a means of determining deception. While Frank and Ekman reported that emotion plays a role in deception detection, their results indicated that judges relied more on what the authors referred to as nonverbal behavior (e.g., facial expressions) to diagnose more aroused liars. Judges judged liars who were not aroused based on verbal behavior. The researchers considered motivated liars to be the most aroused. Therefore, when judging an offender's truthfulness, one can look to motivation and arousal as indicators of whether one should pay attention to verbal or nonverbal cues. According to Frank and Ekman, the "first step in the process is to recognize a sign, a clue, a behavior that violates expectations, or an emotion displayed by a target person that is at odds with his or her verbal line" (p. 1437). Observers need to view this cautiously, however. As Petrucci (2002) noted, "offenders who genuinely apologize but who use a different language style than the observer may be more likely to be seen as unconvincing" (p. 346). In other words, it does not necessarily indicate deception that one's style violates expectation.

Pace was an additional factor in determining truthfulness. Apple and colleagues (1979; Hocking & Leathers, 1980) reported that slow- and fast-paced speech indicated deceptiveness, while moderately-paced speech was most indicative of honesty.

Nonverbal Visual Cues

Worldwide, people cite gaze aversion as the most telltale sign that someone is being untruthful (The Global Deception Research Team, 2006; see also Sporer & Schwandt, 2007). Research (e.g., DePaulo et al., 2003; Sporer & Schwandt, 2007), however, does not bear this out; eye contact (or lack thereof) is not a faithful indicator of deception.

Hocking and Leathers (1980) reported that deceivers should use “fewer gestural cues such as foot movements, head movements, and illustrators” (p. 130). Sporer and Schwandt (2007), in their meta-analysis of nonverbal indicators of deception, reported fewer behaviors such as nodding, foot, leg, and hand movements when someone was lying.

Verbal and Nonverbal Indicators of Deception

Unfortunately, no one factor seems to be present across all attempts at deception, although some, on aggregate, can predict deception, particularly if the liar is motivated (DePaulo, Lindsay, Malone, Muhlenbruck, Charlton, & Cooper, 2003). As Frank (2005) suggested, one possible reason for this is the failure of researchers to fully define what their concepts are. He noted that often, inter-rater reliability is quite high as to what constitutes a smile (above 0.90), but researchers never clearly establish what constitutes a smile. Similarly, researchers have conceptualized things like ‘arousal’ quite differently, which may be one reason results are sometimes anomalous.

Nonverbal cues, however, are no surefire way to detect deception. Instead, some (e.g., Ekman et al., 1991) suggested that nonverbal cues such as facial expression should encourage investigators to delve more deeply into a particular area of inquiry, rather than to take such nonverbal cues as proof of deception. Indeed, Sporer and Schwandt’s (2007) meta-analysis revealed that nodding, and foot, leg, and hand movements all decreased with deception, which was counter to lay beliefs about cues to deception.

CHAPTER 6: Apologies and Deception: Bridging the Gap

As the previous sections illustrate, a great deal of literature focuses on apologies and deception detection. The relationship between these two areas, however, is

underdeveloped. One fundamental area of research concerns distinguishing between believability and sincerity. While a majority of research focuses on the sincerity of the apology, the concept of sincerity remains unclear. Similarly, the research examining believability does little to clarify how participants define/understand this concept. A potential explanation for this has to do with the procedure of the apology studies. They all involve paper-and-pencil methods, which do not easily lend themselves to the study of deception. For example, there are often no overt indications that an apologizer is insincere or not believable in his delivery. Although researchers have manipulated circumstances which might influence an apologizer's motivation (e.g., a criminal apologizing in court to receive a lighter sentence), participants have had to rely on written descriptions to determine sincerity. Considering the verbal and nonverbal dynamics involved with deception detection, it is not surprising that the relevant apology research does not address this issue. One avenue ready for exploration, then, involves having participants rate apologies based on live experiences rather than written vignettes.

Another beneficial avenue to explore involves the apologizer's motivation for offering the apology. Watching a criminal offer an apology in court, for example, might lead to different attributions than simply reading about it. The interaction between what the offender says and his/her body language and voice inflections could have interesting implications. For example, even though research (e.g., Taylor & Kleinke, 1992) has indicated that people view offenders who apologize more favorably, if one sees an offender apologize in a purely perfunctory manner, the observer may be more skeptical of the apology and judge the offender (and the proffered apology) more negatively than if there was no apology.

Finally, a variety of factors can influence one's interpretation of another's nonverbal and verbal behavior. For example, one might be more critical and observant of an apologizer's nonverbal and verbal behavior when he has high motivation to apologize (e.g., a criminal in court) as opposed to a low motivation (e.g., bumping into someone). Cues indicating deception might be more apparent and influence subsequent interpretations of one's apology.

The study of apology is an important aspect of understanding relational dynamics across a variety of settings. Apologies stand apart from other accounts such as excuses and justifications in that they include accountability for conduct without any attempt at mitigating the conduct's outcome or at justifying one's action. From everyday transgressions to major crimes, apologies can have healing effects for victims as well as offenders. These effects, however, are far from straightforward. Indeed, the evident culpability of the actor, the timing of the apology and its completeness can all impact how willing one is to accept it. Similarly, an offender's motivation for offering an apology can affect its perceived genuineness.

In terms of an apology's authenticity, it is important to understand that people offer apologies and accounts for a number of reasons. Mending relationships, saving face, and receiving more lenient punishments are all reasons people might offer apologies. Conversely, people resist apologizing in a number of situations in order to avoid admitting culpability. In response to such concerns, a number of legal safeguards are in place (to varying degrees) to protect transgressors and their statements.

Due to the effects apologies can have, however (e.g., reduced prison sentence), it becomes important for victims and observers to determine when one is being forthcoming

or deceptive. Research in this realm, however, is not terribly promising, as it reveals that people are very fallible lie detectors overall.

CHAPTER 7: Current Research

I conducted a study examining the effects of verbal and non-verbal behavior on perceptions of believability and sincerity. Although previous research has assessed sincerity, none has gone beyond asking participants, “How sincere did the apologizer seem?” without defining sincerity. Indeed, it appears that most research has used sincerity and believability synonymously. It is an important issue to clarify, then, as the two, although at times linked, can exist without each other. As mentioned above, sincerity does not necessarily mean that one will be believed, and believing another’s statement does not mean that statement was sincere. Given the implications an apology can have, it is important to recognize what factors lend themselves to believability and sincerity detection, especially with respect to nonverbal behavior (i.e., nonverbal visual cues and paraverbal cues), relationship between the parties, and type of statement.

The research involved a medical malpractice case involving a misdiagnosis of appendicitis. Participants read the facts of a medical malpractice case before watching a videotaped statement from the physician-defendant. The videotaped statement allowed participants to observe eye contact as well as variations in speech rate. This study is the first to incorporate facets of nonverbal behavior in judging responses to transgressions.

Hypotheses

Nonverbal Behavior

As reviewed above, when assessing a speaker’s message, people rely on the content of the communication, but they also rely on *how* the speaker relays the content.

A speaker's posture, mannerisms, and body language can all influence perceptions of a message. One aspect of nonverbal behavior people routinely observe is eye contact. As Sporer and Schwandt (2007, p. 1) noted, "around the world gaze aversion is deemed the most important signal of deception." Indeed, the Global Deception Research Team (2006), in their survey of men and women from 58 countries around the world, including western countries such as the United States and the United Kingdom, as well as eastern countries such as Japan and China, found that "the most common belief about deception worldwide is that liars avoid eye contact" (p. 65). These authors further noted that, when lying about facts and feelings (as opposed to simply facts), liars made less eye contact. The effects of eye contact on believability have implications for lie detection, in that people believe liars make eye contact less frequently and hold a gaze for a shorter period of time than do truth-tellers, although research does not support this assumption (e.g., Sporer & Schwandt, 2007).

Another aspect of nonverbal behavior involves speech rate. The underlying assumption is that liars are affected by adrenaline (presumably from fear of being caught in a lie) and therefore speak at faster rates than usual (for a review see Sporer & Schwandt, 2007). Similarly, Guerrero and Floyd (2006, p. 179) noted that "one's vocal pattern and fluency might be compromised by the increased anxiety and arousal that often accompanies deception..." Further, in their review, Guerrero and Floyd cited research indicating that a speaker's increased nervousness heightened listeners' suspicion that the speaker might be attempting deception.

Speech rate also affects perceptions of relationships. Newton and Burgoon (1990), for example, found that partners in relationships spoke more quickly in conflict

situations. These “competing strategies” might indicate to observers tension and conflict in a relationship, resulting in harsher judgments of a defendant. Sillars (1980), for example, noted that partners use competing strategies when they blame their partner; in the current study observers might infer the faster speech rate indicates guilt on the part of the physician-defendant.

It is worth noting, however, that a more rapid speech rate can positively affect a speaker’s credibility in certain situations. Miller, Maruyama, and Beaber (1976), for example, reported that speakers who spoke more quickly were more persuasive. Buller and Aune (1992) also reported positive effects for speech rate; the more the speaker’s speech rate matched that of the participant, the more the participant liked the speaker and the more the participant was willing to comply with the speaker’s request. These results, however, do not directly address deception. Indeed, Miller and colleagues (1976, p. 621) noted “in no way can we claim that our effects are entirely or purely attributable to speed of speech.”

The effects of eye contact and speech rate (discussed above) led to my first two hypotheses.

Hypothesis 1: I expected a main effect for eye contact. Specifically, the less direct eye contact the defendant maintains, the lower the ratings for believability and (perceived) sincerity. I also predicted less eye contact would lead to less positive perceptions of the defendant as measured by how satisfied participants were with his statement, how compassionate they felt him to be, and whether or not they agreed with the liability judgment. Additionally, they will award higher compensatory damages when there is less direct eye contact.

Hypothesis 2: I expected a main effect for speech rate. Specifically, the more quickly the defendant speaks, the less believable and sincere participants will rate his statement. I also predicted that a faster speech rate would lead to less positive perceptions of the defendant as measured by how satisfied participants were with his statement, how compassionate they felt him to be, and whether or not they agreed with the liability judgment. Additionally, they will award higher compensatory damages when the plaintiff speaks more quickly.

Familiarity

Another manipulation included in this study involves the familiarity between the parties. In the “familiar” condition George Thompson (the plaintiff) had visited Dr. Johnson (the defendant) approximately eight times over five years for relatively minor issues (e.g., colds and allergies). In the “unfamiliar” condition George Thompson and Dr. Johnson had no prior relationship.

Itoi et al. (1996) reported that, when assuming the role of a transgressor, American participants chose which type of account to offer based on concerns regarding them as individuals, rather than concerns regarding their relationship with the victim, regardless of whether the victim was known to them or not. In this research, however, I expected an effect of relationship closeness. The reason for this lies in the relationship which this study will establish: that between a doctor and patient (Thimsen, Bornstein, & Robbennolt, 2007). Itoi and colleagues (1996) asked participants to imagine themselves as transgressors in a variety of situations. To establish relationship closeness, the researchers stated that the victim in each case was either a complete stranger to the transgressor (i.e., participant) or was a close friend. In the present research, I used the

doctor-patient relationship because it contains a type of trust different from that in friendship. While it is not unrealistic to think doctors are friends with their patients, by virtue of their profession they have explicit obligations to treat their patients (friends or not) in a certain way. If they fail in this duty they may face ramifications (e.g., legal, professional). Friendship, on the other hand, (typically) comes with no explicit obligations; there are no standards of practice. While one may feel betrayed, hurt, let down, and so forth, by a friend, it is unlikely the friend would face any legal or professional ramifications for his actions. In terms of trust, it might be that people feel more let down by doctors when the trust is violated because there are specific expectations established for physicians' behavior.

Hypothesis 3: I predicted a main effect for familiarity. Specifically, I predicted participants would award lower compensatory damage awards when a previous relationship existed than when the parties had no previous relationship. I also predicted participants would rate the statement as less sincere and believable when no previous relationship existed.

Trust Variables

In the current research, I also assessed participants' levels of dispositional trust as third parties; they are not directly involved in the harm. Examining participants' levels of trust is important for two main reasons. First, people vary in their general levels of trust, which can affect responses to trust violations, those in which they are directly involved, but also, possibly, trust violations they witness in other relationships. Second, looking at relationships in terms of legal obligations might elicit different responses from participants. Establishing a prior relationship between the two individuals adds a level of

interpersonal trust, in addition to the general trust most people place in physicians. I included three different measures of trust: the Interpersonal Trust Scale (Rotter, 1967), Faith in People Scale (Rosenberg, 1957), and a subset of items from the International Personality Item Pool (Goldberg, 1999).

Hypothesis 4: I hypothesized that participants scoring higher on trust would find the plaintiff as less justified in suing the defendant.

Statement Type

Participants will view one of two statements. One includes an explicit apology along with elements of excuse, while the other only includes the doctor's excuse for his behavior with no element of an apology (e.g., saying "I'm sorry" or acknowledging wrongdoing). Exploring different statements from the doctor will add to the literature examining the different effects of apologies and excuses.

Hypothesis 5: I predicted a main effect for statement type: participants will have more positive perceptions of the defendant when he offers an apology than when he does not. Additionally, participants will award less in compensatory damages when the defendant apologizes. To assess perceptions I used three ratings: satisfaction with the defendant's explanation, how compassionate they believed the defendant to be, and whether they agreed with the liability verdict. Additionally, I predicted that participants would award less in compensatory damages when the defendant apologizes.

Interactions

In addition to main effects, I predicted some interactions among independent variables.

Hypothesis 6: I predicted an interaction between eye contact and statement type.

Previous research (e.g., DePaulo et al., 2003; The Global Deception Research Team, 2006; Sporer & Schwandt, 2007) has established that people use eye contact as an (albeit faulty) cue of deception. Maintaining eye contact, then, might indicate to participants that the doctor is being forthcoming with his apology. Similarly, by offering an apology, participants might form a more positive view of the doctor. Taken together, these conclusions led me to hypothesize that participants will have more positive perceptions of Dr. Johnson when he maintains eye contact and apologizes than when he offers an excuse only. To assess perceptions I used the same variables as in Hypothesis 5 (i.e., explanation satisfaction, perceived compassion, and agreement with verdict). I also hypothesized that maintaining eye contact and an apology will result in the lowest compensatory damage awards and maintaining eye contact and an excuse will result in the highest compensatory damage awards. I also hypothesized that maintaining eye contact without an apology will result in less positive perceptions of the defendant and higher compensatory damage awards; participants might see an excuse with direct eye contact as a sign of defiance rather than a sign of contrition.

Hypothesis 7: According to Kim et al. (2004), participants reported greater trust reparation when a transgressor offered an apology for a competence-based trust violation. I therefore predicted an interaction between statement type and familiarity. Specifically, I hypothesized that compensatory damages will be lowest when the doctor apologizes and a prior relationship exists between the parties. I expected the highest damage awards to occur when the doctor offers an excuse and has a prior relationship with the plaintiff; statement type will have less of an effect in the absence of a prior relationship.

Relationship between Believability and Perceived Sincerity

As mentioned above, a number of studies have examined perceptions of believability and sincerity, but have not gone beyond asking participants simple yes/no questions or rating questions. Thus, in my research, questions regarding sincerity and believability will be largely exploratory.

Hypothesis 8: I hypothesized that believability and sincerity ratings will positively correlate with each other. Content analyses from open-ended questions revealed what factors affected participants' judgments of the believability and sincerity of the defendant's statement. Although I did not hypothesize differences between ratings of sincerity and believability, analyses will be able to determine whether the independent variables affect sincerity and believability differently.

CHAPTER 8: Method

Participants

Participants ($N = 297$) came from undergraduate classes at a large Midwestern university. In exchange for participation, participants received course extra credit. A total of 287 participants reported their ages, which ranged from 18 to 36 years of age. The average age of the participants was 20.52 years ($SD = 2.36$) with more women ($n = 203$) than men ($n = 86$) participating. The majority of the participants identified as white ($n = 254$) while the rest identified as black ($n = 32$), Asian ($n = 4$), or did not indicate their race ($n = 6$). Eight participants did not indicate gender.

Design and Procedure

The study was a 2 (statement type: apology v. excuse) x 2 (familiarity: familiar v. unfamiliar) x 2 (eye contact: steady v. shifty) x 2 (speech rate: normal v. rapid)

between-groups design. Due to random assignment the cells were somewhat unbalanced, with 13-26 participants per condition. The main dependent variables were compensatory damage awards, ratings of sincerity, ratings of believability, and measures of participants' trust tendencies.

Participants completed the study via Qualtrics, an online data-gathering source. After reading and electronically signing an informed consent, participants read a brief summary of facts regarding a misdiagnosis of appendicitis which resulted in serious complications for the patient. The two parties involved were George Thompson (the patient/plaintiff) and Michael Johnson (the physician/defendant). The summary involved written statements from both George Thompson and Dr. Johnson (Appendix A). Participants read instructions informing them that another jury has found Dr. Johnson liable and that it is their responsibility to award damages (Appendix B). Before awarding damages participants watched a videotaped statement from Dr. Johnson, in which he offered either an apology (Appendix C) or an excuse for what happened (Appendix D). The statement came after participants first read the facts of the case. The video was of Dr. Johnson looking into the camera and lasted approximately one to two minutes in length and contained the manipulations of eye contact and speech rate. In the *rapid speech rate* condition Dr. Johnson spoke at an increased rate with no natural stops/hesitations. In the *normal speech rate* condition Dr. Johnson spoke at a conversational pace. In the *shifty* condition, Dr. Johnson alternately looked between the camera and in a downward, sidelong direction. In the *steady* condition Dr. Johnson maintained consistent eye contact with the camera. In the *shifty* condition Dr. Johnson looked away when offering his initial statement. Because of the relationship between

shifty eyes and deception, it was important to have the two coincide in the video (i.e., indicate possible deception with the manipulation).

Subsequent to watching the video, participants had the opportunity to award compensatory damages (Appendix E). I chose to focus on compensatory damages as the malpractice presented here is likely not reprehensible enough to warrant punitive damages. Participants then answered questions designed to assess their perceptions of various parts of the study (Appendix F), including perceptions of Dr. Johnson and George Thompson. The questions asked participants to rate Dr. Johnson's responsibility, how satisfactory Dr. Johnson's statement was, how justified George Thompson was in suing Dr. Johnson. Each question was a Likert-type question, with responses ranging from one to five. Two important questions asked participants to rate the sincerity and believability of Dr. Johnson's statements. Participants also answered open-ended questions designed to get at their own definitions/understandings of what sincerity and believability mean in this context.

Participants completed the Interpersonal Trust Scale (ITS; Rotter, 1967, 1971; Appendix G), a 25-item measure designed to gauge one's trust of a number of groups of people, such as parents, teachers, and physicians. The ITS is an additive scale, with higher scores indicating higher levels of trust. The reported split-half reliability is .76, with test-retest reliability .56, and .68 across 7- and 3-month intervals, respectively (Rotter, 1967, 1971).

Next, participants completed the Faith in People Scale (FPS; Rosenberg, 1957; Appendix H). This 5-item scale is meant to assess one's overall faith in other people by giving participants forced-choice answer options to statements regarding others'

trustworthiness and concern for others. This scale has a coefficient of reproducibility of .92 (Rosenberg, 1957).

The last measure for participants assessed dispositional trust with items taken from the International Personality Item Pool (IPIP, Goldberg, 1999; Appendix I).

Finally, participants completed a demographic questionnaire (Appendix J). The entire process took approximately 15-20 minutes. After completing the demographic form, participants received a debriefing statement and were thanked for their participation.

Pilot Testing

Before data collection, in order to ensure my manipulations were sufficiently strong I pilot tested the vignette and video statements. After reading the vignette and watching the video I asked participants ($N = 80$) questions relating to the manipulations only. Results indicated that participants were receptive to the manipulations.

To assess whether participants were receptive to the familiarity manipulation I asked participants, “Had George Thompson ever visited Dr. Johnson before the visit which resulted in the lawsuit?” Participants responded to a forced-choice Yes/No option. Of the 45 participants in the familiar condition, 40 correctly identified George Thompson and Dr. Johnson as having a previous relationship. Of the 35 participants in the unfamiliar condition, 28 correctly identified George Thompson and Dr. Johnson as having no previous relationship. Results from a Chi-square analysis revealed a significant effect, $\chi^2(1) = 21.39, p < .01$.

To assess whether participants perceived Dr. Johnson apologizing or not I asked participants, “Did Dr. Johnson say ‘I’m sorry’ at any point when he was making his

statement?” Participants responded to a forced-choice Yes/No option. Of the 39 participants in the apology condition, 37 correctly indicated Dr. Johnson had said “I’m sorry.” Of the 40 participants in the excuse condition 34 correctly indicated Dr. Johnson had not said “I’m sorry.” Results from a Chi-square analysis showed a significant effect, $\chi^2(1) = 10.22, p < .01$.

To assess the effect of eye contact I asked participants to rate how steadily Dr. Johnson maintained eye contact during his statement. Participants rated eye contact on a Likert-type scale ranging from 1 (“not at all”) to 5 (“completely”). The average rating was 2.85 ($SD = 1.49$). Results from a one-way analysis of variance (ANOVA) showed a significant effect of eye contact ($F(1, 78) = 45.64, p < .01$). The average rating in the shifty condition was 1.98 ($SD = 1.19$) and was 3.77 ($SD = 1.18$).

To assess the effect of the speech rate I asked participants to rate how quickly Dr. Johnson spoke. Participants rated speech rate on a Likert-type scale ranging from 1 (“very slowly”) to 5 (“very quickly”). The average rating was 3.05 ($SD = 1.08$). Results from a one-way ANOVA showed a significant effect for speech rate ($F(1, 78) = 57.66, p < .01$). The average rating in the normal condition was 2.32 ($SD = .66$) and 3.71 ($SD = .94$) in the rapid condition.

CHAPTER 9: Results

Manipulation Checks

I conducted analyses to determine if the participants in the main study responded to the manipulation checks. I employed the same analysis techniques as in Pilot Testing and used the same questions as indications of responsivity to the manipulations.

As with pilot testing, the manipulations were having an effect. Results indicated that familiarity did have an effect ($\chi^2(1) = 84.77, p < .001$) as did statement type ($\chi^2(1) = 53.65, p < .001$).

Sincerity

To assess main effects and interactions of the independent variables on ratings of believability I conducted a four-way ANOVA with statement type, eye contact, speech rate and familiarity as the independent variables and sincerity as the dependent variable. Participants offered ratings of sincerity on a Likert-type scale which ranged from 1 (“not at all sincere”) to 5 (“completely sincere”). The effect size for the corrected model was .20 ($r = .11$). The average sincerity rating was 3.79 ($SD = 1.00$). No significant main effects emerged, although each condition (save familiarity) was trending toward significance. The only significant interaction to emerge was between statement type and speech rate with participants in the apology, normal condition rating the statement as more sincere ($M = 4.15$) as more sincere than participants in the apology, rapid condition ($M = 3.71$) or either of the excuse conditions (normal, $M = 3.68$, rapid, $M = 3.73$). Table 1 provides the F statistics and significance values for this analysis.

Table 9.1
ANOVA Statistics for Ratings of Sincerity

Main Effects and Interactions	<i>F</i>	<i>p</i>	η^2
Statement Type	3.52	.06	.01
Eye Contact	2.58	.11	.01
Speech Rate	2.65	.11	.01
Familiarity	.00	.99	.00
Statement Type * Eye Contact	.10	.76	.00
Statement Type * Speech Rate	4.41	.04	.02
Statement Type * Familiarity	.29	.59	.00
Eye Contact * Speech Rate	1.21	.27	.00
Eye Contact * Familiarity	.23	.63	.00
Speech Rate * Familiarity	1.70	.19	.01
Statement Type * Eye Contact * Speech Rate	2.55	.11	.01
Statement Type * Eye Contact * Familiarity	.95	.33	.00
Statement Type * Speech Rate * Familiarity	.00	.98	.00
Eye Contact * Speech Rate * Familiarity	.04	.85	.00
Statement Type * Eye Contact * Speech Rate * Familiarity	.14	.71	.00

Although not significant, the main effect for apology was approaching significance with participants in the apology condition rating the statement as more sincere ($M = 3.93$) than participants in the excuse condition ($M = 3.70$). Similarly, main effects were trending toward significance for both eye contact and speech rate. Analyses show sincerity ratings being higher when eye contact was steady ($M = 3.91$) rather than shifty ($M = 3.72$) and when the speech rate was normal ($M = 3.91$) rather than when it was rapid ($M = 3.72$), although these differences are not statistically significant.

Content Analyses

After rating how sincere they believed Dr. Johnson's statement to be, participants had the opportunity to answer an open-ended question meant to assess what made the statement (not) sincere. The most common responses here dealt with the defendant's tone of voice and also the type of statement he provided. Participants often directly mentioned tone of voice when describing the defendant's sincerity (e.g., "His tone of voice made him sound sincere"). Participants also directly mentioned his apology (e.g., "He offered an apology for what happened"). Other categories included professionalism/competence, rate of speech, eye contact, and overall demeanor (e.g., body language, facial expressions). Table 2 provides a breakdown of the major categories created and the number of responses included in each category, as well as typical examples of answers for each category. Table 3 provides the Chi-square statistics for the relationship between the independent variables and the categories of believability. A significant relationship did emerge for eye contact; more people in the shifty condition mentioned eye contact than did participants in the steady condition. Also, although not significant, the relationship with statement type was approaching significance;

participants in the apology condition made reference to the statement more than did participants in the excuse condition.

Table 9.2

Categories of Sincerity Content Analysis

Category	Response Count	Example
Professionalism/Competence	20	<p>“I felt that Dr. Johnson made it clear that he looks out for the health and well-being of each and every one of his patients.”</p> <p>“He kept mentioned [<i>sic</i>] how he tries to help any patient no matter who they are.”</p>
Tone of Voice	37	<p>“He had a very calming voice...”</p> <p>“His tone of voice seemed very sincere.”</p>
Rate of Speech	3	“...talked slowly...”
Eye Contact	36	<p>“He did not look into the camera...”</p> <p>“He had trouble looking into the camera.”</p>
Statement Effect	22	<p>“...he reiterated his apology multiple times...”</p> <p>“...apologizing to his patient...”</p>
Overall Demeanor	33	<p>“...his facial expressions seemed sincere.”</p> <p>“he showed shameful facial expressions”</p>

Table 9.3

Chi-square Statistics for Independent Variables and Sincerity Content Categories

Manipulation	χ^2	<i>p</i>
Statement Type	10.20	.07
Eye Contact	15.59	.02
Speech Rate	8.56	.20
Familiarity	6.34	.39

Believability

To assess main effects and interactions of the independent variables on ratings of believability I conducted a four-way ANOVA with statement type, eye contact, speech rate and familiarity as the independent variables and believability as the dependent variable. Participants offered ratings of believability on a Likert-type scale which ranged from 1 (“not at all believable”) to 5 (“completely believable”). The average believability rating was 3.71 ($SD = .94$). No significant main effects emerged, although a significant statement type by speech rate interaction did emerge with participants in the apology, normal speech rate condition rating the statement as more believable ($M = 4.02$) than participants in the apology, rapid condition ($M = 3.59$), or either of the excuse conditions (normal, $M = 3.60$, rapid, $M = 3.67$). The statement type X eye contact X speech rate interaction was approaching significance. Table 4 provides the F statistics and significance values for this analysis.

Table 9.4
ANOVA Statistics for Ratings of Believability

Main Effects and Interactions	<i>F</i>	<i>p</i>	η^2
Statement Type	2.20	.14	.01
Eye Contact	.05	.82	.00
Speech Rate	2.42	.12	.01
Familiarity	.41	.53	.00
Statement Type * Eye Contact	.33	.56	.00
Statement Type * Speech Rate	4.89	.03	.02
Statement Type * Familiarity	.13	.72	.00
Eye Contact * Speech Rate	.28	.60	.00
Eye Contact * Familiarity	.25	.62	.00
Speech Rate * Familiarity	.58	.45	.00
Statement Type * Eye Contact * Speech Rate	3.23	.07	.01
Statement Type * Eye Contact * Familiarity	2.20	.14	.01
Statement Type * Speech Rate * Familiarity	.05	.82	.00
Eye Contact * Speech Rate * Familiarity	1.32	.25	.00
Statement Type * Eye Contact * Speech Rate * Familiarity	.00	.98	.00

Content Analyses

After rating how believable they believed Dr. Johnson's statement to be, participants had the opportunity to answer an open-ended question meant to assess what made the statement (not) believable. As with sincerity, I was looking to see if reasons given differed as a function of the independent variables. The most common responses here related to Dr. Johnson's professionalism/competence. Typical responses coded here include things such as, "I don't think that a doctor would give the wrong diagnosis on purpose" and "I believe Dr. Johnson was doing all the tests he needed to do with the information from George Thompson he was given." Table 5 provides a breakdown of responses and categories. Table 6 provides the Chi-square statistics for analyses assessing the relationship between the believability categories and the independent variables. No significant relationships emerged between the believability categories and statement type, speech rate, or familiarity. A significant relationship did emerge between eye contact and believability categories. Those in the shifty condition mentioned eye contact significantly more than did those in the steady condition.

Table 9.5

Categories of Believability Content Analysis

Category	Response Count	Example
Professionalism/Competence	62	<p>“He talked about how he did not want to put the patient through any unnecessary [<i>sic</i>] test.”</p> <p>“It was believable because he made it seem like he really did think George just had the flu and the symptoms were the same as the flu.”</p>
Tone of Voice	19	<p>“His tone of voice...”</p> <p>“...a serious apologetic tone”</p>
Rate of Speech	5	<p>“He didn’t rush through it.”</p> <p>“There was little to no hesitation in his voice.”</p>
Eye Contact	23	<p>“He couldn’t look at the video camera...”</p> <p>“I think it was not believable because he didnt [<i>sic</i>] make eye contact very often...”</p> <p>“It wasn’t believable due to the fact that he couldn’t [<i>sic</i>] look into the camera and talk.”</p>
Statement Effect	21	<p>“...he apologized a couple times”</p> <p>“He seemed to completely sincere [<i>sic</i>] and said he was ‘truly sorry’.”</p>
Overall Demeanor	40	<p>“His body language is sincere.”</p> <p>“His facial expressions looked sorry.”</p>

Table 9.6

Chi-square Statistics for Independent Variables and Believability Content Categories

Manipulation	χ^2	<i>p</i>
Statement Type	1.56	.96
Eye Contact	14.22	.03
Speech Rate	3.18	.40
Familiarity	1.23	.98

Compensatory Damages

I asked participants to assess compensatory damages if they felt the plaintiff deserved recompense. Only 159 participants provided actual numerical damage awards, which ranged from \$0 to \$400,000 ($M = \$31506.30$, $SD = \$48693.04$). Of the participants who did not enter a value numerically, 68 mentioned they would award damages on par with the amount of money the plaintiff lost due to missing work and his future medical expenses. Therefore, I conducted analyses only with the 159 data points containing actual numbers.

Results from a four-way ANOVA revealed no significant main effects or interactions. Table 7 provides the *F* statistics and significance values for this analysis.

Table 9.7

ANOVA Statistics for Compensatory Damages

Main Effects and Interactions	<i>F</i>	<i>p</i>	η^2
Statement Type	2.14	.15	.01
Eye Contact	2.51	.12	.02
Speech Rate	.00	.99	.00
Familiarity	.41	.52	.00
Statement Type * Eye Contact	.59	.44	.00
Statement Type * Speech Rate	.16	.69	.00
Statement Type * Familiarity	.09	.76	.00
Eye Contact * Speech Rate	2.42	.12	.02
Eye Contact * Familiarity	.30	.59	.00
Speech Rate * Familiarity	1.95	.17	.01
Statement Type * Eye Contact * Speech Rate	.89	.35	.01
Statement Type * Eye Contact * Familiarity	1.93	.17	.01
Statement Type * Speech Rate * Familiarity	.72	.40	.00
Eye Contact * Speech Rate * Familiarity	.07	.79	.00
Statement Type * Eye Contact * Speech Rate * Familiarity	.22	.64	.00

Perceptions of Defendant

I used three different ratings to assess participants' perceptions of the defendant: explanation satisfaction, compassion, and agreement with the liability judgment. I predicted main effects for eye contact and speech rate. I hypothesized that less eye contact and a faster speech rate would result in less positive perceptions of the defendant. I also hypothesized a main effect for statement type. Specifically I predicted more positive perceptions of the defendant when he apologized instead of offering an excuse.

Explanation Satisfaction

Participants rated how satisfactorily they felt the defendant's statement explained the circumstances of the case. Ratings fell on a Likert-type scale which ranged from 1 ("not at all satisfactory") to 5 ("completely satisfactory"). Average satisfactory ratings were 3.55 ($SD = .97$).

I conducted a four-way between-groups ANOVA using explanation satisfaction as the dependent variable. Table 8 provides the F statistics and significance values for this analysis.

Table 9.8

ANOVA Statistics for Ratings of Explanation Satisfaction

Main Effects and Interactions	<i>F</i>	<i>p</i>	η^2
Statement Type	3.18	.01	.02
Eye Contact	.63	.43	.00
Speech Rate	1.61	.21	.00
Familiarity	.56	.46	.00
Statement Type * Eye Contact	1.31	.25	.00
Statement Type * Speech Rate	.84	.36	.00
Statement Type * Familiarity	.65	.42	.00
Eye Contact * Speech Rate	.14	.71	.00
Eye Contact * Familiarity	.01	.92	.00
Speech Rate * Familiarity	4.88	.03	.02
Statement Type * Eye Contact * Speech Rate	.53	.47	.00
Statement Type * Eye Contact * Familiarity	.61	.44	.00
Statement Type * Speech Rate * Familiarity	1.06	.30	.00
Eye Contact * Speech Rate * Familiarity	3.11	.08	.01
Statement Type * Eye Contact * Speech Rate * Familiarity	.05	.82	.00

Results from a four-way ANOVA revealed a significant main effect for statement type. Participants in the apology condition rated the explanation as more satisfactory ($M = 3.69$) than did participants in the excuse condition ($M = 3.40$). A significant interaction emerged between speech rate and familiarity, with participants in the normal speech rate, unfamiliar condition rating the explanation as more satisfactory ($M = 3.70$) than participants in the normal, familiar ($M = 3.54$), rapid, unfamiliar ($M = 3.30$), and rapid, familiar ($M = 3.64$) conditions.

Compassion

A second analysis of perception came from impressions of the defendant's compassion. Specifically, participants rated "In your opinion, how compassionate is Dr. Johnson?" on a Likert-type scale ranging from 1 ("not at all compassionate") to 5 ("extremely compassionate"). The average rating was 3.42 ($SD = .95$).

I conducted a four-way between-groups ANOVA using compassion as the dependent variable. Table 9 provides the F statistics and significance values for this analysis.

Table 9.9

ANOVA Statistics for Ratings of Defendant's Compassion

Main Effects and Interactions	<i>F</i>	<i>p</i>	η^2
Statement Type	7.55	.01	.03
Eye Contact	.01	.94	.00
Speech Rate	1.53	.22	.01
Familiarity	.36	.55	.00
Statement Type * Eye Contact	.65	.42	.00
Statement Type * Speech Rate	3.28	.07	.01
Statement Type * Familiarity	.04	.84	.00
Eye Contact * Speech Rate	.24	.62	.00
Eye Contact * Familiarity	.11	.74	.00
Speech Rate * Familiarity	.27	.60	.00
Statement Type * Eye Contact * Speech Rate	2.66	.10	.01
Statement Type * Eye Contact * Familiarity	.06	.81	.00
Statement Type * Speech Rate * Familiarity	.40	.53	.00
Eye Contact * Speech Rate * Familiarity	2.51	.12	.01
Statement Type * Eye Contact * Speech Rate * Familiarity	1.80	.81	.01

A main effect emerged for statement type, with participants in the apology condition rating Dr. Johnson as more compassionate ($M = 3.57$) than participants in the excuse condition ($M = 3.26$).

The interaction between statement type and speech rate was approaching significance. Participants in the apology, normal speech rate condition rated Dr. Johnson as more compassionate ($M = 3.75$) than in the apology, rapid ($M = 3.40$), excuse, normal ($M = 3.23$), and excuse, rapid ($M = 3.30$) conditions.

Because ratings of compassion and explanation satisfaction were highly correlated ($r = .52, p < .001$) I conducted a multivariate analysis of covariance (MANCOVA) using compassion and explanation satisfaction as dependent variables. To control for dispositional trust, ITS was entered as a covariate. No significant effect for the covariate emerged ($F(2, 229) = 2.25, p = .11$). Analyses revealed a significant main effect for statement type ($F(2, 229) = 3.38, p = .04$). Follow-up ANCOVAs revealed significant differences between apologies and excuses for both compassion ratings ($F(1, 230) = 5.61, p = .02$) and explanation satisfaction ($F(1, 230) = 4.42, p = .04$). This is identical to the patterns reported above.

Agreement with Verdict

As a proxy for perceptions of the defendant's responsibility I asked the categorical question of whether they agreed with the verdict that Dr. Johnson was liable. Ten participants did not respond, but the majority of participants ($n = 194$) did agree with the verdict. Ninety-three participants did not agree with the verdict. Results from Pearson's Chi-square analyses revealed no significant relationships between any of the

independent variables and agreement with liability. Table 10 provides the Chi-square statistics and significance values for the analyses.

Table 9.10

Chi-square Statistics for Agreement with Verdict

Manipulation	χ^2	p	η^2
Statement Type	2.11	.15	.00
Eye Contact	.00	.99	.00
Speech Rate	.18	.68	.01
Familiarity	.24	.63	.03

Correlational Analyses

Believability and Sincerity

I conducted a correlation on believability and sincerity ratings. Results showed a significant positive correlation between believability and sincerity ($r = .73, p = .00$).

Because believability and sincerity were highly correlated, I conducted a 4-way MANCOVA with sincerity and believability ratings as the dependent variables. To control for dispositional trust ITS was entered as a covariate. No significant covariate effect emerged ($F(2, 230) = 1.34, p = .27$). Results from the MANCOVA indicated no significant main effects or interactions, although the apology x speech rate interaction was approaching significance ($F(2, 230) = 2.65, p = .07$). Follow-up ANCOVAs showed a significant interaction between apology and speech rate, for both sincerity ($F(1, 231) = 4.32, p = .04$) and believability ($F(1, 231) = 4.89, p = .03$). This pattern was identical to those reported in the individual ANOVAs above.

Interpersonal Trust

I hypothesized that a higher score on the Interpersonal Trust Scale (ITS; Rotter, 1967) would negatively correlate with perceived justification in suing the defendant. Participants rated their agreement to 25 items on the ITS with a 5-point rating scale ranging from 1 (strongly agree) to 5 (strongly disagree). A total score indicates the participant's trust score. The average ITS score was 66.10 ($SD = 5.13$, $\alpha = .41$). Although the alpha is quite low, the ITS is an established measure so I proceeded with analysis using the scores from this study.

Participants also determined the justification for the plaintiff bringing the suit against the doctor. Participants provided their answers on a Likert-type scale which ranged from 1 (not at all justified) to 5 (completely justified). The average response to the question was 3.29 ($SD = .95$).

A bivariate correlation between ITS score and justification rating revealed no significant relationship ($r(1, 253) = .08$, $p = .22$). This did not support the hypothesis that ITS scores and justification ratings would negatively correlate.

Faith in People

In addition to the ITS participants completed Rosenberg's (1957) Faith in People Scale (FPS). Participants responded to forced-choice options to a series of five questions or statements. To establish a participants' score I summed their responses to create a total score. For answers reflecting faith in other people (e.g., agreeing with the statement, "Human nature is fundamentally cooperative") participants received a score of two whereas disagreeing with such a statement would result in a score of one. Therefore higher scores reflected greater faith in people. I reverse coded questions three and four,

respectively. The average score on the FPS was 7.23 ($SD = 1.42$, $\alpha = .61$). A bivariate correlation between FPS score and justification rating revealed no significant relationship ($r(1, 287) = -.07$, $p = .26$).

International Personality Item Pool

Finally, participants completed a subset of items from the International Personality Item Pool (IPIP; Goldberg, 1999). Participants rated statements pertaining to themselves on a Likert-type scale ranging from 1 (“very inaccurate”) to 5 (“very accurate”). The average score on the IPIP was 3.41 ($SD = .41$, $\alpha = .42$). Although the alpha is quite low, the IPIP is an established measure so I proceeded with analysis using the scores from this study. As with the ITS and FPS, I conducted a correlation between IPIP scores and justification for bringing the lawsuit. A bivariate correlation between IPIP and justification rating revealed no significant correlation between IPIP scores and justification ratings ($r(1, 287) = .07$, $p = .27$).

CHAPTER 10: Discussion

The results of the current research add to the body of literature surrounding apologies. Although not statistically significant, the research presented here indicated that an apology can affect how sincerely people view it. An apology did have a significant effect on how participants viewed the defendant. Overall apologies resulted in greater satisfaction with the defendant’s statement and greater attribution of compassion to the defendant than did excuses. When interacting with how quickly one speaks the results become significant for offering an apology: Participants rated statements as more sincere and more believable when an apology was offered and when the defendant spoke at a normal, rather than a rapid, pace.

The current research sought to more fully explore factors affecting perceptions of apologies. As noted previously, apologies play an important role in everyday life and can have far-reaching implications. One area in which apologies can play a vital role is in the medical setting. Doctors are often advised not to make any apology to their patients due to the fear that it might lead to negative outcomes (e.g., lawsuits) for the physician. A growing body of literature is indicating, however, that apologies can have healing effects in such contexts. A better understanding of factors affecting an observer's perception of an apology can have implications for how people respond to transgressions in the future.

Sincerity

One way to measure a statement's effectiveness is to assess how sincerely people perceive the speaker to be. In instances of public apologies, people are often skeptical of the transgressor's motivation and may be less inclined to perceive the apology as accurately reflecting the transgressor's true feelings. In the current research I manipulated certain variables I felt would affect perceptions of a transgressor's sincerity. Although no significant main effects emerged for the independent variables, they did trend toward significance. (The exception was the familiarity manipulation, which was nowhere near significance.) Additionally, a significant interaction emerged between statement type and speech rate; participants who viewed the apology spoken at a normal rate judged the statement to be most sincere. These trends suggest that what statement is offered, as well as the manner in which it is offered, can leave an impression on an observer. Indeed, analyses of open-ended responses indicated that the speaker's eye contact, body language, and tone all affected how sincere participants believed him to be.

Believability

Another measurement in the current research dealt with how believable participants rated the statements they viewed. As expected, ratings of believability and sincerity were very highly correlated and previous research has done little to distinguish between these two concepts. As noted in the introduction, however, believability and sincerity, though related, do not refer to the same concept. One goal of this research, then, was to try and differentiate these concepts more clearly.

Results of various analyses indicated no significant main effects for the independent variables. As with sincerity, though, a significant interaction did emerge between speech rate and statement type; participants who viewed the apology spoken at a normal rate judged it to be more believable than in other conditions. Analyses of open-ended answers to the question of what made the statement believable were largely similar to the answers to the question regarding sincerity. Most participants noted things such as body language, tone of voice, and eye contact as factors affecting the believability of the statement.

Compensatory Damages

No significant main effects or interactions emerged for the dependent variable of compensatory damages. A possible explanation for this could relate to the limited data ($n = 159$) available for analysis.

Perceptions of the Defendant

In terms of overall feeling about the defendant I asked participants to rate some proxy variables: explanation satisfaction, the defendant's level of compassion, and agreement with the verdict. In terms of explanation satisfaction, a significant main effect

emerged for statement type; participants who viewed the apology rated the statement as more satisfactory than participants who viewed the excuse. A significant interaction emerged between speech rate and familiarity; a normal speech rate and no familiarity between the plaintiff and defendant resulted in more satisfaction with the explanation provided.

As with explanation satisfaction, a main effect emerged for statement type when rating how compassionate the defendant was; participants who viewed the apology rated him as more compassionate. Although not significant, the interaction between speech rate and statement type was on trend, with participants viewing the apology spoken at a normal rate judging Dr. Johnson as being more compassionate.

Finally, a majority of participants agreed with the liability judgment, regardless of what condition they were in.

Trust Measures

A final dependent variable in this study related to participants' levels of trust. Participants completed a number of trust scales and results from correlational analyses indicated no significant correlations between trust scores and justification ratings. Overall, no significant relationship emerged between trust and ratings of the plaintiff's justification for bringing a lawsuit.

Limitations

Although promising results did emerge, some limitations did arise.

One limitation in this study involved the medium through which participants viewed the statement. In an actual case observers would observe the defendant making a statement in person rather than on a video. Indeed, some answers in the content analyses

indicated suspicion that the person in the video was an actor rather than an actual defendant. Although I manipulated factors relevant to this study, observing a person live rather than recorded allows observers to take other factors into account. Also, as this was related to a court case, participants might have expected to see the statement in a courtroom context.

Another limitation of this study involved the participant pool. Although previous research (e.g., Bornstein, 1999) has shown that student populations do not significantly differ from general populations in mock jury studies, a possibility still exists that an older population might have viewed this study differently. Older populations, for example, might have more experience with the medical system in terms of having more doctor visits and facing more serious health issues. Further, older populations might be more in tune with George Thompson's problems of missing work and requiring follow-up medical care, which could possibly affect their perceptions of the case.

The sample in this study was racially homogenous. A more diverse sample could have led to different effects. Research (e.g., Williams, Burns, & Harmon, 2009) has shown that one's culture can affect one's response to eye contact. In Western cultures, for example, eye contact is encouraged, while Hispanic and Native American cultures view eye contact as disrespectful. A more diverse sample might provide insight into how different cultures perceive (a lack of) eye contact on the defendant's part.

A larger number of participants could affect some of the results reported here. A number of findings were near significance. A larger number of participants might help make these marginally significant findings significant.

In terms of the manipulations, although pilot testing indicated participants did respond to the manipulations, changing them could have more of an effect. For example, no main effects emerged for eye contact. One reason for this could be how eye contact was manipulated. In the shifty condition, the gaze aversion might have lasted too long, making it seem as if the defendant were reading a prepared statement rather than being (potentially) dishonest. Based on open-ended answers provided, a number of participants did note that they believed Dr. Johnson was simply reading a statement, which may or may not indicate some form of deception or dishonesty. Future work might benefit from having the speaker's eye contact be more erratic than what it was here.

Another potential limitation was not having participants make liability judgments. In the current research participants learned the defendant was liable before watching his statement. A more conventional approach would be to have the participants determine liability and then proceed through the rest of the study. Establishing liability for participants might have signaled to them the defendant was only making a statement to save his own skin or because his attorney advised him to do so. Some of the open-ended answers did indicate this line of thinking, with participants noting "He's only doing this because his lawyer told him to" or "He just wants to look good."

Implications

Although there are limitations in this study, the results do have some implications. Consistent with previous research, results here indicated that apologizing can have positive implications for the transgressor. Although no significant main effects emerged on sincerity or believability, overall perceptions of the defendant were better when he offered an apology than when he did not. Specifically, participants rated the defendant as

more compassionate and were more satisfied with his explanation of the situation when he explicitly said “I’m sorry.” The fact that participants viewed the doctor more favorably after he apologized can lend itself to potential policy changes in intersecting medical and legal communities. Instead of being afraid to apologize, physicians might help their cases (and themselves) by offering an apology. This is in line with previous research (e.g., Robbennolt, 2003; Vincent & Young, 1994) indicating people are more willing to settle or even avoid litigation in the face of an apology from the offending party.

Future Directions

More research needs to be done in the area of apologies to start to develop a picture of all that can affect the (lack of) effectiveness of apologies and excuses (as well as other types of accounts). With the current research I examined only a few of the many factors affecting perceptions of apologies. Variables such as injury severity (e.g., Schlenker & Darby, 1981; Taylor & Kleinke, 1992), the timing of the apology (e.g., Bornstein et al., 2002; Kremer & Stephens, 1983; Lazare, 2006), and motivation for making the statement (e.g., Risen & Gilovich, 2007) can all impact perceptions of apologies.

Changing the manipulations to exploit these variables could be helpful (e.g., making liability judgments, viewing the statement before and after making a liability judgment).

Conclusions

Recently, conservative radio talk-show host Rush Limbaugh referred to Georgetown Law student Sandra Fluke as a “slut.” Limbaugh’s comment came after

Fluke testified before Congress regarding a proposed mandate requiring health insurance to cover birth control. In her testimony, Fluke noted she was in favor of such a mandate, a stance with which Limbaugh took issue. Limbaugh went on to comment that Fluke wanted the American public essentially to pay for her to have sex by providing insurance coverage for her birth control pills. As it turned out, Limbaugh's message did not sit well with a number of people, including several of his advertisers. Days after his commentary regarding Fluke, Limbaugh offered a public apology, noting that "he was 'sincerely' sorry about his 'insulting' characterization of Fluke" (Hart & Mirkinson, 2012). Sandra Fluke subsequently refused his apology, stating that she believed Limbaugh only offered the apology due to pressure from his show's sponsors (Lavender, 2012).

The recent episode between Rush Limbaugh and Sandra Fluke served to illustrate what people expect when a transgression has occurred. Although this happened on a national stage, transgressions are a part of daily life and social norms dictate how those involved with transgressions must deal with them. Between the person(s) who erred and the person(s) harmed by the error, a dynamic relationship exists, one requiring proper responses from the respective parties when a transgression has occurred.

A common approach to rectifying the injury caused via a transgression is to offer an apology. As noted previously, apologies consist of "admissions of blameworthiness and regret by the actor" (Schlenker & Darby, 1982, p. 271). Although often healing, apologies can have some unintended consequences for the apologizer, however. One concern for the actor is how others will view him once he has offered an apology. If one apologizes then one has, by Schlenker and Darby's definition, taken the responsibility for the transgression and its outcome. Some people fear that this acceptance of responsibility

will lower others' opinions of them. Another concern is the potential for negative consequences of apologizing. By admitting blameworthiness some people might fear they are opening themselves up to more punishment than if they downplay or deny their involvement with the transgression.

As mentioned above, Sandra Fluke did not accept the apology offered by Rush Limbaugh. In the realm of public apologies, people often remain reluctant to accept the verbal olive branch. Why might this be? While observers might rush to point out that Limbaugh (probably) only apologized due to outside pressure rather than genuine remorse for his actions, research shows that observers judged victims more negatively when they rejected an offender's apology, even if the apology is seen as insincere (Risen & Gilovich, 2007; see also Bennett & Dewberry, 1994). Therefore, even if one is disinclined to accept an apology, norms dictate that she is better off accepting the apology than rejecting it.

The research conducted by Risen and Gilovich (2007) raised an interesting point: What might make an apology seem sincere? No doubt everyone has at one time offered (and just as likely been the recipient of) an apology with at least a (slight) lack of sincerity. What differentiates a sincere apology from an insincere apology? Does perceived sincerity affect how believable an observer believes the apology to be? The research presented here sought to explore various factors which might affect the sincerity and believability of an apology.

One area in which apologies can play a vital role is medical malpractice. Unfortunately, medical errors occur daily. These errors might be relatively minor or they might have serious, far-reaching consequences. In response to making an error, a number

of physicians indicated a desire to offer an apology to the patient (or patient's family, where appropriate; e.g., Gallagher et al., 2003). An interesting disconnect seems to be taking place, however, because a number of medical practitioners are often told not to offer an apology as it could be used at a later time as an admission of guilt. To this end, a number of states have established at least some legal protections for apologies or statements of remorse (see McDonnell & Guenther, 2008). Patients, however, often desire an apology, and some have indicated an apology would have made them more likely to settle malpractice claims (e.g., Robbennolt, 2003) or not follow through with legal action at all (e.g., Vincent & Young, 1994). A medical malpractice case, then, offered an interesting avenue to study apologies.

References

- Alicke, M. D. (1985). Global self-evaluation as determined by the desirability and controllability of trait adjectives. *Journal of Personality and Social Psychology*, *49*, 1621-1630. doi:10.1037//0022-3514.49.6.1621
- Anderson, J. C., Linden, W., & Habra, M. E. (2006). Influence of apologies and trait hostility on recovery from anger. *Journal of Behavioral Medicine*, *29*, 347-358. doi:10.1007/s10865-006-9062-7
- Apple, W., Streeter, L., & Krauss, R. (1979). The effect of pitch and speech rate on personal attributions. *Journal of Personality and Social Psychology*, *37*, 715-727. doi:10.1037//0022-3514.37.5.715
- Ashforth, B. E., & Lee, R. T. (1990). Defensive behavior in organizations: A preliminary model. *Human Relations*, *43*, 621-648. doi:10.1177/001872679004300702
- Barclay, L. J., Skarlicki, D. P., & Pugh, S. D. (2005). Exploring the role of emotions in injustice perceptions and retaliation. *Journal of Applied Psychology*, *90*, 629-643. doi:10.1037/0021-9010.90.4.629
- Barnlund, D. C., & Yoshioka, M. (1990). Apologies: Japanese and American styles. *International Journal of Intercultural Relations*, *14*, 193-206. doi:10.1016/0147-1767(90)90005-H
- Baumeister, R. F., Stillwell, A., & Wortman, S. R. (1990). Victim and perpetrator accounts of interpersonal conflict: Autobiographical narratives about anger. *Journal of Personality and Social Psychology*, *59*, 994-1005. doi:10.1037//0022-3514.59.5.994
- Bazemore, G. (1998). Restorative justice and earned redemption. *American Behavioral Scientist*, *41*, 768-807. doi:10.1177/0002764298041006003
- Bennett, M., & Dewberry, C. (1994). 'I've said I'm sorry, haven't I?' A study of the identity implications and constraints that apologies create for their recipients. *Current Psychology*, *13*, 10-20. doi:10.1007/BF02686855
- Bennett, M., & Earwaker, D. (1994). Victims' responses to apologies: The effects of offender responsibility and offense severity. *The Journal of Social Psychology*, *134*, 457-464. doi:10.1080/00224545.1994.9712196
- Bibas, S., & Bierschbach, R. A. (2004). Integrating remorse and apology into criminal procedure. *Yale Law Journal*, *114*, 85-148. doi:10.2307/4135717
- Boccaccini, M. T., Clark, J. W., John, S., & Mundt, C. A. (2008). I want to apologize, but I don't want everyone to know: A public apology as pretrial publicity between a criminal and civil case. *Law and Psychology Review*, *32*, 31-51.
- Bornstein, B. H., Rung, L. M., & Miller, M. K. (2002). The effects of defendant remorse on mock juror decisions in a malpractice case. *Behavioral Sciences and the Law*, *20*, 393-409. doi:10.1002/bsl.496
- Cal. Evid. Code § 1160 (2009).
- Cohen, J. R. (1999). Advising clients to apologize. *Southern California Law Review*, *72*, 1009-1068.
- Cohen, J. R. (2002). Legislating apology: The pros and cons. *University of Cincinnati Law Review*, *70*, 819-872.
- Colo. Rev. Stat. Ann. § 13-25-135 (2009).

- Darby, B. W., & Schlenker, B. R. (1982). Children's reactions to apologies. *Journal of Personality and Social Psychology*, *43*, 742-743.
doi:10.1037//0022-3514.43.4.742
- Darby, B. W., & Schlenker, B. R. (1989). Children's reactions to transgressions: Effects of the actor's apology, reputation and remorse. *British Journal of Social Psychology*, *28*, 353-364. doi:10.1111/j.2044-8309.1989.tb00879.x
- DeCremer, D. & Schouten, B. C. (2008). When apologies for injustice matter: The role of respect. *European Psychologist*, *13*, 239-247. doi: 10.1027/1016-9040.13.4.239
- DePaulo, B. M., Kashy, D. A., Kirkendol, S. E., Wyer, M. M., & Epstein, J. A. (1996). Lying in everyday life. *Journal of Personality and Social Psychology*, *70*, 979-995. doi:10.1037//0022-3514.70.5.979
- DePaulo, B. M., Lindsay, J. J., Malone, B. E., Muhlenbruck, L., Charlton, K., & Cooper, H. (2003). Cues to deception. *Psychological Bulletin*, *129*, 74-112.
doi:10.1037//0033-2909.129.1.74
- DePaulo, B. M., & Pfeifer, R. L. (1986). On-the-job experience and skill at detecting deception. *Journal of Applied Social Psychology*, *16*, 249-265.
doi:10.1111/j.1559-1816.1986.tb01138.x
- Doherty-Sneddon, G., & Phelps, F. G. (2005). Gaze aversion: A response to cognitive or social difficulty? *Memory and Cognition*, *33*, 727-733. doi:10.3758/BF03195338
- Dyck, R. J., & Rule, B. G. (1978). Effect on retaliation of causal attributions concerning attack. *Journal of Personality and Social Psychology*, *36*, 521-529.
doi:10.1037//0022-3514.36.5.521
- Ebert, R. E. (2008). Attorneys, tell your clients to say they're sorry: Apologies in the health care industry. *Indiana Health Law Review*, *5*, 337-366.
- Ekman, P., & O'Sullivan, M. (1991). Who can catch a liar? *American Psychologist*, *46*, 913-920. doi:10.1037//0003-066X.46.9.913
- Ekman, P., O'Sullivan, M., Friesen, W. V., & Scherer, K. R. (1991). Invited article: Face, voice, and body in detecting deceit. *Journal of Nonverbal Behavior*, *15*, 125-135.
doi: 10.1007/BF00998267
- Elaad, E. (2003). Effects of feedback on the overestimated capacity to detect lies and the underestimated ability to tell lies. *Applied Cognitive Psychology*, *17*, 349-363.
doi:10.1002/acp.871
- Exline, J. J., Deshea, L., & Holeman, V. T. (2007). Is apology worth the risk? Predictors, outcomes, and ways to avoid regret. *Journal of Social and Clinical Psychology*, *26*, 479-504. doi:10.1521/jscp.2007.26.4.479
- Fed. R. Evid. 801 (d)(2).
- Ferrin, D. L., Kim, P. H., Cooper, C. D., & Dirks, K. T. (2007). Silence speaks volumes: The effectiveness of reticence in comparison to apology and denial for responding to integrity- and competence-based trust violations. *Journal of Applied Psychology*, *92*, 891-908. doi:10.1037/0021-9010.92.4.893
- Festinger, L., & Carlsmith, J. M. (1959). Cognitive consequences of forced compliance. *The Journal of Abnormal and Social Psychology*, *58*, 203-210.
doi:10.1037/h0041593
- Finkelstein, D., Wu, A. W., Holtzman, N. A., & Smith, M. K. (1997). When a physician harms a patient by a medical error: Ethical, legal, and risk-management considerations. *Clinical Ethics*, *8*, 330-335.

- Fla. Stat. § 90.4026 (2009).
- Forell, C., & Sortun, A. (2009). The tort of betrayal of trust. *University of Michigan Journal of Law Reform*, 42, 557-609.
- Frank, M. G. (2005). Research methods in detecting deception research. In J. A. Harrigan, R. Rosenthal, & K. R. Scherer (Eds.), *The new handbook of methods in nonverbal behavior research* (pp. 341-368). Oxford: Oxford University Press.
- Frank, M. G., & Ekman, P. (1997). The ability to detect deceit generalizes across different types of high-stakes lies. *Journal of Personality and Social Psychology*, 72, 1429-1439. doi:10.1037//0022-3514.72.6.1429
- Fukuno, M., & Ohbuchi, K. (1998). How effective are different accounts of harm-doing in softening victims' reactions? A scenario investigation of the effects of severity, relationship, and culture. *Asian Journal of Social Psychology*, 1, 167-178. doi:10.1111/1467-839X.00011
- Gallagher, T. H., Waterman, A. D., Ebers, A. G., Fraser, V. J., & Levinson, W. (2003). Patients' and physicians' attitudes regarding the disclosure of medical errors. *Journal of the American Medical Association*, 289, 1001-1007. doi:10.1001/jama.289.8.1001
- Goei, R., Roberto, A., Meyer, G., & Carlyle, K. (2007). The effects of favor and apology on compliance. *Communication Research*, 34, 575-595. doi:10.1177/0093650207307896
- Goffman, E. (1955). On face-work. *Psychiatry: Journal for the Study of Interpersonal Processes*, 18, 213-231.
- Gonzales, M. H., Pederson, J. H., Manning, D. J., & Wetter, D. W. (1990). Pardon my gaffe: Effects of sex, status, and consequence severity on accounts. *Journal of Personality and Social Psychology*, 58, 610-612. doi:10.1037/0022-3514.58.4.610
- Goodwin, C., & Ross, I. (1992). Consumer responses to service failures: Influence of procedural and interactional fairness perceptions. *Journal of Business Research*, 25, 149-163. doi:10.1016/0148-2963(92)90014-3
- Gordon, R. A. (1996). Impact of ingratiation on judgments and evaluations: A meta-analytic investigation. *Interpersonal Relations and Group Processes*, 71, 54-70. doi:10.1037//0022-3514.71.1.54
- Gunderson, P. R., & Ferrari, J. R. (2008). Forgiveness of sexual cheating in romantic relationships: Effects of discovery method, frequency of offense, and presence of apology. *North American Journal of Psychology*, 10, 1-14.
- Guerrero, L. K., & Floyd, K. (2006). *Nonverbal communication in close relationships*. Erlbaum: Mahwah, NJ.
- Hareli, S., & Eisikovits, Z. (2006). The role of communicating social emotions accompanying apologies in forgiveness. *Motivation and Emotion*, 30, 189-197. doi:10.1007/s11031-006-9025-x
- Harris, S., Grainger, K., & Mullany, L. (2006). The pragmatics of political apologies. *Discourse & Society*, 17, 715-737. doi:10.1177/0957926506068429
- Hart, B., & Mirkinson, J. Rush Limbaugh apologizes to Sandra Fluke for calling her a 'slut.' Retrieved March 16, 2012 from http://www.huffingtonpost.com/2012/03/03/rush-limbaugh-apologizes-to-sandra-fluke_n_1318718.html
- Heider, F. (1958). *The psychology of interpersonal relations*. New York: Wiley.

- Hocking, J., & Leathers, D. (1980). Nonverbal indicators of deception: A new theoretical perspective. *Communication Monographs*, *47*, 119-131.
doi:10.1080/03637758009376025
- Hodgins, H. S., & Liebeskind, E. (2003). Apology versus defense: Antecedents and consequences. *Journal of Experimental Social Psychology*, *39*, 297-316.
doi:10.1016/S0022-1031(03)00024-6
- Itoi, R., Ohbuchi, K-I., & Fukuno, M. (1996). A cross-cultural study of preference accounts: Relationship closeness, harm severity, and motives of account making. *Journal of Applied Social Psychology*, *26*, 913-934.
doi:10.1111/j.1559-1816.1996.tb01117.x
- Jan, T. (2009, July 22). No charge, but Gates case seethes. *Boston Globe*. Retrieved August 4, 2009, from http://www.boston.com/news/local/massachusetts/articles/2009/07/22/no_charge_but_gates_case_seethes/.
- Jones, E. E., & Nisbett, R. E. (1972). The actor and the observer: Divergent perceptions of the causes of behavior. In E. E. Jones, D. E. Kanouse, H. H. Kelley, R. E. Nisbett, S. Valins, & B. Weiner (Eds.), *Attribution: Perceiving the causes of behavior* (pp. 79-94). Morristown, NJ: General Learning Press.
- Jones, E. E., & Pittman, T. S. (1982). Toward a general theory of strategic self-presentation. In J. Suls (Ed.), *Psychological perspectives on the self* (Vol. 1, pp. 231-262). Hillsdale, NJ: Erlbaum.
- Kashy, D. A., & DePaulo, B. M. (1996). Who lies? *Journal of Personality and Social Psychology*, *70*, 1037-1051. doi:10.1037//0022-3514.70.5.1037
- Kelley, D. (1998). Communication of forgiveness. *Communication Studies*, *49*, 255-271.
doi:10.1080/10510979809368535
- Kim, P. H., Ferrin, D. L., Cooper, C. D., & Dirks, K. T. (2004). Removing the shadow of suspicion: The effects of apology versus denial for repairing consequence- versus integrity-based trust violations. *Journal of Applied Psychology*, *89*, 104-118.
doi:10.1037/0021-9010.89.1.104
- Kleinke, C. L., Wallis, R., & Stalder, K. (1992). Evaluation of a rapist as a function of expressed intent and remorse. *Journal of Social Psychology*, *132*, 525-537.
doi:10.1080/00224545.1992.9924732
- Kraut, R. (1978). Verbal and nonverbal cues in the perception of lying. *Journal of Personality and Social Psychology*, *36*, 380-391.
doi:10.1037//0022-3514.36.4.380
- Kremer, J. E., & Stephens, L. (1983). Attributions and arousal as mediators of mitigations effect on retaliation. *Journal of Personality and Social Psychology*, *45*, 335-343. doi:10.1037//0022-3514.45.2.335
- Kurki, L. (2000). Restorative and community justice in the United States. *Crime and Justice*, *27*, 235-291. <http://www.jstor.org/stable/1147665>
- Landsman, S. (2008). Reflections on juryphobia and medical malpractice reform. In B. H. Bornstein, R. L. Weiner, R. Schopp & S. Wilborn (Eds.), *Civil juries and civil justice: Psychological and legal perspectives* (pp. 199-231). New York: Springer.
- Lavender, P. "Sandra Fluke Dismisses Rush Limbaugh's Apology." Retrieved March 16, 2012 from http://www.huffingtonpost.com/2012/03/05/sandra-fluke-addresses-ru_n_1321357.html

- Lawler, K. A., Younger, J. W., Piferi, R. L., Jobe, R. L., Edmondson, K. A., & Jones, W. H. (2005). The unique effects of forgiveness on health: An exploration of pathways. *Journal of Behavioral Medicine, 28*, 157-167. doi:10.1007/s10865-005-3665-2
- Lazare, A. (2004). *On apology*. Oxford University Press: New York.
- Lazare, A. (2006). Apology in medical practice: An emerging clinical skill. *Journal of the American Medical Association, 296*, 1401-1404. doi:10.1001/jama.296.11.1401
- Leape, L. L. (2005). Understanding the power of apology: How saying “I’m sorry” helps heal patients and caregivers. *National Patient Safety Foundation Newsletter, 8*, 1-3.
- Leary, M. R., Springer, C., Negel, L., Ansell, E., & Evans, K. (1998). The causes, phenomenology, and consequences of hurt feelings. *Journal of Personality and Social Psychology, 74*, 1225-1237. doi:10.1037//0022-3514.74.5.1225
- Lerner, J. S., Goldberg, J. H., & Tetlock, P. E. (1998). Sober second thought: The effects of accountability, anger, and authoritarianism on attributions of responsibility. *Personality and Social Psychology Bulletin, 24*, 563-574. doi:10.1177/0146167298246001
- Mass. Ann. Laws ch. 233, § 23D (2009).
- McCullough, M. E. (2000). Forgiveness as human strength: Theory, measurement, and links to well-being. *Journal of Social & Clinical Psychology, 19*, 43-55. doi:10.1521/jscp.2000.19.1.43
- McCullough, M. E., Worthington, Jr., E. L., & Rachal, K. C. (1997). Interpersonal forgiving in close relationships. *Journal of Personality and Social Psychology, 73*, 321-336. doi:10.1037//0022-3514.73.2.321
- McDonnell, W. M., & Guenther, E. (2008). Narrative review: Do state laws make it easier to say “I’m sorry?” *Annals of Internal Medicine, 149*, 811-815.
- McLaughlin, M. L., Cody, M. J., & O’Hair, H. D. (1983). The management of failure events: Some contextual determinants of accounting behavior. *Human Communication Research, 9*, 208-224.
- Mitchell, C. E. (1989). Effects of apology on marital and family relationships. *Family Therapy, 16*, 282-287. doi: 10.1111/j.1468-2958.1983.tb00695.x
- McPherson-Frantz, C., & Bennis, C. (2005). Better late than early: The influence of timing on apology effectiveness. *Journal of Experimental Social Psychology, 41*, 201-207. doi: 10.1016/j.jesp.2004.07.007
- Millar, M. G., & Millar, K. (1997). Effects of situational variables on judgments about deception and detection accuracy. *Basic and Applied Social Psychology, 19*, 401-410. doi:10.1207/s15324834basps1904_1
- Miller, D. T. (2001). Disrespect and the experience of injustice. *Annual Review of Psychology, 52*, 527-553. doi:10.1146/annurev.psych.52.1.527
- Moran, R. (2005). Problems of sincerity. *Proceedings of the Aristotelian Society, 105*, 325-345. doi:10.1111/j.0066-7373.2004.00117.x
- Newfield, J. S. (2007). The evolution of the apology. *Home Health Care Management Practice, 19*, 137-139. doi:10.1177/1084822306294456

- Newton, D. A., & Burgoon, J. K. (1990). Nonverbal conflict behaviors: Functions, strategies, and tactics. In *Intimates and Conflict: A Communication Perspective*, D. D. Cahn (Ed.), Mahwah, NJ: Erlbaum.
- Niedermeier, K. E., Horowitz, I. A., & Kerr, N. L. (1999). Informing jurors of their nullification power: A route to a just verdict or judicial chaos? *Law and Human Behavior*, *23*, 331-351. doi:10.1023/A:1022360632283
- Niedermeier, K. E., Horowitz, I. A., & Kerr, N. L. (2001). Exceptions to the rule: The effects of remorse, status, and gender on decision making. *Journal of Applied Social Psychology*, *31*, 604-623. doi:10.1111/j.1559-1816.2001.tb02058.x
- Ohbuchi, K., Kameda, M., & Agarie, N. (1989). Apology as aggression control: Its role in mediating appraisal of and response to harm. *Journal of Personality and Social Psychology*, *56*, 219-227. doi:10.1037//0022-3514.56.2.219
- Ohbuchi, K-I. & Sato, K. (1994). Children's reactions to mitigating accounts: Apologies, excuses, and intentionality of harm. *The Journal of Social Psychology*, *34*, 5-17. doi:10.1080/00224545.1994.9710877
- Ohbuchi, K-I, Suzuki, M., & Takaku, S. (2003). Strategicness/authenticity of accounts and their instrumental/non-instrumental variables: A cross-cultural examination. *Tohoku Psychologica Folia*, *62*, 57-74.
- Or. Rev. Stat. § 677.082 (2003).
- Petrucci, C. J. (2002). Apology in the criminal justice setting: Evidence for including apology as an additional component in the legal system. *Behavioral Sciences and the Law*, *20*, 337-362. doi:10.1002/bsl.495
- Philpot, C. R., & Hornsey, M. J. (2008). What happens when groups say sorry: The effect of intergroup apologies on their recipients. *Personality and Social Psychology Bulletin*, *34*, 474-487. doi:10.1177/0146167207311283
- Regehr, C., & Gutheil, T. (2002). Apology, justice, and trauma recovery. *Journal of the American Academy of Psychiatry and Law*, *30*, 425-430. doi:10.1176/appi.ajp.159.5.878
- Risen, J. L., & Gilovich, T. (2007). Target and observer differences in the acceptance of questionable apologies. *Journal of Personality and Social Psychology*, *92*, 418-433. doi:10.1037/0022-3514.92.3.418
- Robbennolt, J. K. (2003). Apologies and legal settlement: An empirical examination. *Michigan Law Review*, *102*, 460-516. doi:10.2307/3595367
- Robbennolt, J. K. (2006). Apologies and settlement levers. *Journal of Empirical Legal Studies*, *3*, 333-373. doi:10.1111/j.1740-1461.2006.00072.x
- Robbennolt, J. K. (2008). Apologies and civil justice. In B. H. Bornstein, R. L. Weiner, R. Schopp & S. Wilborn (Eds.), *Civil juries and civil justice: Psychological and legal perspectives* (pp. 199-231). New York: Springer.
- Ross, L. (1977). The intuitive psychologist and his shortcomings: Distortions in the attribution process. In L. Berkowitz (Ed.), *Advances in experimental social psychology* (vol. 10, pp. 173-220). New York: Academic Press.
- Scher, S. J., & Darley, J. M. (1997). How effective are the things people say to apologize? Effects of the realization of the Apology Speech Act. *Journal of Psycholinguistic Research*, *26*, 127-140. doi:10.1023/A:1025068306386
- Schlenker, B. R., & Darby, B. W. (1981). The use of apologies in social predicaments. *Social Psychology Quarterly*, *44*, 271-278. doi:10.2307/3033840

- Schönbach, P. (1990). *Account episodes: The management of escalation of conflict*. New York: Cambridge University Press.
- Schopp, R. F. (1993). Justification defenses and just convictions. *Pacific Law Journal*, 24, 1233-1321.
- Seiter, J. S., Bruschke, J., & Bai, C. (2002). The acceptability of deception as a function of perceivers' culture, deceiver's intention, and deceiver-deceived relationship. *Western Journal of Communication*, 68, 158-180. doi:10.1080/10570310209374731
- Semin, G. R., & Manstead, A. S. R. (1983). *The accountability of conduct: A social psychological analysis*. London: Academic Press.
- Sillars, A. L. (1980). Attributions and communication in roommate conflicts. *Communication Monographs*, 47, 180-200. doi:10.1080/03637758009376031
- Sitkin, S. B., & Bies, R. J. (1993). Social accounts in conflict situations: Using explanation to manage conflict. *Human Relations*, 46, 349-370. doi:10.1177/001872679304600303
- Skarlicki, D. P., Folger, R., & Gee, J. (2004). When social accounts backfire: The exacerbating effects of a polite message or an apology on reactions to an unfair outcome. *Journal of Applied Social Psychology*, 34, 322-341. doi:10.1111/j.1559-1816.2004.tb02550.x
- Snyder, C. R., Higgins, R. L., & Stucky, R. J. (1983). *Excuses: Masquerades in search of grace*. New York: Wiley.
- Sporer, S. L., & Schwandt, B. (2007). Moderators of nonverbal indicators of deception: A meta-analytic synthesis. *Psychology, Public Policy, and Law*, 13, 1-34. doi:10.1037/1076-8971.13.1.1
- Stolen Valor Act, 18 U.S.C. § 704(b) (2006).
- Storms, M. D. (1973). Videotape and the attribution process: Reversing actors' and observers' points of view. *Journal of Personality and Social Psychology*, 27, 165-175. doi:10.1037/h0034782
- Strickland, R. A. (2004). *Restorative justice*. Peter Lang: New York.
- Struthers, C. W., Eaton, J., Santelli, A. G., Uchiyama, M., & Shirvani, N. (2008). The effects of attribution of intent and apology on forgiveness: When saying sorry may not help the story. *Journal of Experimental Social Psychology*, 44, 983-992. doi:10.1016/j.jesp.2008.02.006
- Stubbs, J. (2007). Beyond apology? Domestic violence and critical questions for restorative justice. *Criminology and Criminal Justice: An International Journal*, 7, 169-187. doi:10.1177/1748895807075570
- Sugimoto, N. (1997). A Japan-U.S. comparison of apology styles. *Communication Research*, 24, 349-369. doi:10.1177/009365097024004002
- Taft, L. (2000). Apology subverted: The commodification of apology. *Yale Law Journal*, 109, 1135-1160. doi:10.2307/797485
- Takaku, S. (2000). Culture and status as influences on account giving: A comparison between the United States and Japan. *Journal of Applied Social Psychology*, 30, 371-388. doi: 10.1111/j.1559-1816.2000.tb02321.x
- Takaku, S., Weiner, B., & Ohbuchi, T. (2001). A cross-cultural examination of the effects of apology and perspective taking on forgiveness. *Journal of Language and Social Psychology*, 21, 144-166. doi:10.1177/0261927X01020001007

- Tavuchis, N. (1991). *Mea culpa: A sociology of apology and reconciliation*. Stanford, CA: Stanford University Press.
- Taylor, C., & Kleinke, C. L. (1992). Effects of severity of accident, history of drunk driving, intent, and remorse on judgments of a drunk driver. *Journal of Applied Social Psychology, 22*, 1641-1655. doi:10.1111/j.1559-1816.1992.tb00966.x
- Texas Civil Practice & Remedies Code § 18.061 (2009).
- Thimsen, S., Bornstein, B. H., & Robbennolt, J. K. (2007). Deciding what to do after an accident. Poster presented at the Annual Meeting of the American Psychological Association, San Francisco, CA.
- United States v. Alvarez, 617 F.3d 1198 (9th Cir. 2010).
- United State v. Strandlof, 746 F.2d 1183 (10th Cir. 2010).
- United States v. Williams, 940 F.2d 176 (6th Cir. 1991).
- United States Sentencing Commission (1994). *Guidelines manual*. St. Paul, MN: West.
- Vincent, C., & Young, M. (1994). Why do people sue doctors? A study of patients and relatives taking legal action. *Lancet, 343*, 1609-1613. doi:10.1016/S0140-6736(94)93062-7
- Wagatsuma, H., & Rosett, A. (1986). The implications of apology: Law and culture in Japan and the United States. *Law and Society Review, 20*, 461-498. doi:10.2307/3053463
- Walster, E. (1966). Assignment of responsibility for an accident. *Journal of Personality and Social Psychology, 3*, 73-79. doi:10.1037/h0022733
- Weiner, B., Graham, S., Peter, O., & Zmuidinas, M. (1991). Public confession and forgiveness. *Journal of Personality, 59*, 281-312. doi:10.1111/j.1467-6494.1991.tb00777.x
- Wiener, J. L., & Mowen, J. (1986). Source credibility: On the independent effects of trust and expertise. *Advances in Consumer Research, 13*, 306-310.
- Williams, J. A., Burns, E. L., & Harmon, E. A. (2009). Insincere utterances and gazes: Eye contact during sarcastic statements. *Perceptual and Motor Skills, 108*, 565-572. doi: 10.2466/PMS.108.2.565-572
- Witvliet, C. V. (2001). Forgiveness and health: Review and reflections on a matter of faith, feelings, and physiology. *Journal of Psychological Theology, 29*, 212-224. doi:10.1111/1467-9280.00320
- Witvliet, C. V., Ludwig, T., & Vander Laan, K. (2001). Granting forgiveness or harboring grudges: Implications for emotion, physiology, and health. *Psychological Science, 12*, 117-123. doi:10.1111/1467-9280.00320
- Wrightsmann, L. S. (1987). The jury on trial: Comparing legal assumptions with psychological evidence. In *A Distinctive Approach to Psychological Research: The Influence of Stanley Schacter*, N. E. Grunberg, R. E. Nisbett, J. Rodin, & J. E. Singer (Eds.). Hillsdale, NJ: Lawrence Erlbaum Associates, Inc.
- Zechmeister, J. S., Garcia, S., Romero, C., & Vas, S. N. (2004). Don't apologize unless you mean it: A laboratory investigation of forgiveness and retaliation. *Journal of Social and Clinical Psychology, 23*, 532-564. doi:10.1521/jscp.23.4.532.40309

Appendix A: Plaintiff's and Defendant's Statements

In January 2009, Dr. Michael Johnson stood trial for medical malpractice. The suit, brought by George Thompson, a former patient of Dr. Johnson's, alleged that Dr. Johnson misdiagnosed his appendicitis, leading to severe and ongoing complications. Below are statements from Dr. Johnson and George Thompson.

Statement of George Thompson:

I went to Dr. Johnson on Tuesday, November 3, 2009. [That was my first visit to Dr. Johnson, since, **I don't have a regular physician and a colleague of mine recommended Dr. Johnson.**] [**Dr. Johnson has been my regular physician for the past five years. Over that time, I have probably consulted Dr. Johnson three times.**] For a few days prior to seeing Dr. Johnson I had some abdominal cramping, nausea, and a slight fever. After the symptoms persisted, I went to Dr. Johnson who informed me I had the stomach flu. He suggested I get more rest, eat bland food, and try to stay hydrated. I followed his advice, but after a few days I still did not feel any better. I made another appointment and again Dr. Johnson informed me I had a severe case of stomach flu and gave me the same instructions as before. I took his advice and began feeling better for a day or two. On the second night, however, I woke up with a terrible fever and an intense pain in my side. I could barely move, but managed to make it to my phone and call for an ambulance. The paramedics arrived and took me to the hospital where I underwent an emergency appendectomy. After waking up I spoke with the surgeon, who informed me my appendix had burst. When he removed my appendix, he also noted it was gangrenous and necrotic. After asking him about how long it would take for my appendix to become gangrenous and necrotic he informed me that an appendix usually starts causing problems before it gets to the point where it bursts.

While in the hospital I developed an infection and had to have an additional surgery. After the surgery I had to be fed through a tube painfully threaded through my nose to my stomach so I could get nutrients as I couldn't eat solid food.

Finally, a week after my surgery, I was able to leave the hospital. I spent a week at home recovering before being able to return to work part-time. Since then I have received medical attention twice for peptic ulcers, which are a side effect of my surgery and infection. Doctors have told me I will suffer from these ulcers for the rest of my life.

I work as a policy researcher for the government and earn \$65,000 a year before taxes. At the time I became sick I had only been employed with the government for about three months. Fortunately at the time I became ill I had full insurance coverage, which defrayed some of the costs of my medical expenses, but I still had to pay around \$10,000 of my own money; I was not reimbursed for those expenses. From the time I began having symptoms to the time I returned to work part-time, I missed about two-and-a-half weeks of work, which I had to take as unpaid leave. I worked part-time for two weeks before returning to work full-time. Although I have recovered physically from my appendicitis, when my peptic ulcers flare up I am in extreme pain and usually have to

take two days off of work. It's impossible to predict how often I will have these flare ups, although doctors say it's not uncommon to expect about 2-3 a year, which will result in 4-6 sick days a year. If I take too many sick days, some of them have to count as unpaid leave.

Statement of Dr. Johnson:

I have been a family physician with my own practice for 20 years. I have established a steady clientele, and patients I saw as children are now returning to me with children of their own. **[Although I have an established patient list, I am always willing to accept new patients.] [George Thompson has been a patient of mine for about five years, during which time I have seen him in the office on eight separate occasions for minor health issues, such as colds and allergies.]**

George Thompson came to see me **[as a new patient]** in November 2009 **[prior to which I had never met him, personally or professionally]**, complaining of abdominal cramps and stomach pains. He informed me he was nauseous, feverish, and somewhat dehydrated. After examining him I determined he had stomach flu and sent him home with instructions that he rest, eat plain food, and stay hydrated. He came to see me a few days later with the same symptoms, and I offered the same diagnosis and remedies. I did not hear from George Thompson again until after his surgery and stay in the hospital. I learned of his appendicitis and ensuing medical problems. I was surprised to hear of his appendicitis, as his abdomen had not been tender in the location typically associated with appendicitis.

Traditionally, appendicitis is somewhat difficult to diagnose. Symptoms can closely mirror those of the stomach flu; abdominal discomfort, nausea, and vomiting are symptoms common to both ailments. When I examined Mr. Thompson, there was a general abdominal tenderness, but nothing to suggest an inflamed appendix. As Mr. Thompson's symptoms were relatively minor, appendicitis seemed an unlikely diagnosis.

When Mr. Thompson returned with the same symptoms a short time later, I conducted more thorough tests, including a white blood cell count and urinalysis. Although his white blood cell count was somewhat elevated, I attributed this to his flu. His urinalysis returned normal. The only other test option for appendicitis was a CT scan. Given the lack of strong evidence that Mr. Thompson had appendicitis, I never considered ordering a CT scan as it is costly and poses some risk to patients.

As I did not treat him during or after his appendicitis surgery and his hospitalization I can offer no statement as to his experiences after our last appointment.

Appendix B: Participant Instructions

Participant Instructions

After hearing testimony and sitting through a trial, a jury found Dr. Johnson had committed medical malpractice when he failed to diagnose the plaintiff's appendicitis in a timely manner. It is now your job to determine the appropriate compensation for George Thompson. Before you do that, however, Dr. Johnson has prepared a brief statement.

Appendix C: Defendant's Statement (Apology)

Dr. Johnson's Statement

[to camera]

Thank you for allowing me to make this statement.

[no pause between sentences] [look away]

I would first like to say that I am truly sorry for what has happened to George Thompson. As a result of my failure to correctly diagnose his appendicitis, he has faced serious and ongoing medical complications. The pain and inconvenience arising from his illness are not lost on me; I feel deeply for him and extend my sympathy. **[to camera]** I take my duty as a physician very seriously and I strive to give each patient the best possible care.

[to camera]

I have been a family physician for twenty years. During this time I have seen countless patients and any number of ailments. I became a doctor because I love medicine, love interacting with people, and truly want to help if I can. This profession has been good to me and it pains me when I cannot help those seeking my help. Sometimes this inability to help comes from my own limited resources at my clinic; sometimes medicine simply isn't able to solve all problems. **[look away]** Despite these limitations, however, I strive to give the best possible care to all of my patients. It doesn't matter to me what the patient's complaint is or if I have known him for more than a minute; I want, and have an obligation, to help whomever I can and to do so to the best of my ability.

[to camera]

As I have said in my previous statement, when he came to see me, George Thompson's symptoms were consistent with the stomach flu. **[look away]** Rather than subject him to a number of, in my opinion, needless tests, I sent him home with instructions to stay rested and hydrated. When he came back to see me a few days later, I did run some diagnostic tests, the results of which were inconclusive. **[to camera]** It is impossible for me to say how I would have continued treating George if he had returned another time, as each patient and course of treatment is unique.

I know the jury has found me liable for misdiagnosing George's appendicitis. **[look away]** I can only explain, as I did at trial, that appendicitis can be a difficult diagnosis to make, even for a veteran physician. That being said, I would, once again, like to offer my most profound apology to George for all of his pain and suffering.

[to camera]

Thank you.

Appendix D: Defendant's Statement (Excuse)

Dr. Johnson's Statement

[to camera]

Thank you for allowing me to make this statement.

[look away]

I take my duty as a physician very seriously and I strive to give each patient the best possible care.

[to camera] [no pause between sentences]

I have been a family physician for twenty years. During this time I have seen countless patients and any number of ailments. I became a doctor because I love medicine, interacting with people, and truly want to help if I can. This profession has been good to me and it pains me when I cannot help those seeking my help. Sometimes this inability to help comes from my own limited resources at my clinic; sometimes medicine simply isn't able to solve all problems. **[look away]** Despite these limitations, however, I strive to give the best possible care to all of my patients. It doesn't matter to me what the patient's complaint is or if I have known him for more than a minute; I want, and have an obligation, to help whomever I can and to do so to the best of my ability.

[to camera]

As I have said in my previous statement, when he came to see me, George Thompson's symptoms were consistent with the stomach flu. **[look away]** Rather than subject him to a number of, in my opinion, needless tests, I sent him home with instructions to stay rested and hydrated. When he came back to see me a few days later, I did run some diagnostic tests, the results of which were inconclusive. **[to camera]** It is impossible for me to say how I would have continued treating George if he had returned another time, as each patient and course of treatment is unique.

I know the jury has found me liable for misdiagnosing George's appendicitis. **[look away]** I can only offer, as I did at trial, that appendicitis can be a difficult diagnosis to make, even for a veteran physician.

[to camera]

Thank you.

Appendix E: Compensatory Damages

You have read the facts of the case, including statements from the defendant. It is now your job to determine how much (if any) damages to award the plaintiff in compensatory damages. Compensatory damages exist to compensate the plaintiff for the loss he has suffered.

If, under the court's instructions, you find that the plaintiff [George Thompson] is entitled to a verdict against defendant [Dr. Johnson], you must then award George Thompson damages (economic and non-economic) in an amount that will reasonably compensate for each of the following elements of claimed injury, damage, loss, or harm.

The term economic damages means objectively verifiable monetary losses including medical expenses and loss of earnings.

The term non-economic damages means subjective, non-monetary losses including, but not limited to: pain, suffering, inconvenience, mental suffering, and emotional distress.

The amount of such award including economic and non-economic damages shall include:

\$ _____

Appendix F: Questionnaire

Please read the following questions and choose the number which most closely corresponds with your answer.

1. Based on the facts of the case, how responsible do you believe Dr. Johnson is misdiagnosing George Thompson's appendicitis?

1	2	3	4	5
Not at All Responsible				Completely Responsible

2. Based on the facts of the case, how severe would you rate the overall physical injury to George Thompson?

1	2	3	4	5
Not at All Severe				Extremely Severe

3. How sincere do you believe Dr. Johnson was when he made his statement?

1	2	3	4	5
Not at All Sincere				Completely Sincere

3a. In your opinion, what made Dr. Johnson's statement seem sincere or insincere?

4. How believable was the statement offered by Dr. Johnson?

1	2	3	4	5
Not at All Believable				Completely Believable

4a. In your opinion, what made Dr. Johnson's statement (not) believable?

5. In your opinion, how satisfactory were Dr. Johnson's statements in explaining the circumstances of the misdiagnosis?

1	2	3	4	5
Not at All Satisfactory				Completely Satisfactory

6. In your opinion, how adequately did Dr. Johnson's statement address the situation at hand?

1	2	3	4	5
Not at All				Completely

7. In your opinion, how likely is it that Dr. Johnson will engage in similar behavior in the future?

1	2	3	4	5
Not at All Likely				Extremely Likely

8. How close would you rate the relationship between Dr. Johnson and George Thompson?

1	2	3	4	5
Not at All Close				Very Close

9. How justified was George Thompson in bringing suit against Dr. Johnson?

1	2	3	4	5
Not at All Justified				Very Justified

10. In your opinion, how guilty did Dr. Johnson feel for misdiagnosing George Thompson?

1	2	3	4	5
Not at All Guilty				Extremely Guilty

11. In your opinion, how ashamed was Dr. Johnson that he misdiagnosed George Thompson?

1	2	3	4	5
Not at All Ashamed				Extremely Ashamed

12. In your opinion, how compassionate is Dr. Johnson?

1	2	3	4	5
Not at All Compassionate				Extremely Compassionate

13. In your opinion, how difficult was it for Dr. Johnson to make his statement?

1	2	3	4	5
Not at All Difficult				Extremely Difficult

14. To what extent do you empathize (identify) with Dr. Johnson?

1	2	3	4	5
---	---	---	---	---

Not at All

Completely

15. To what extent do you empathize (identify) with George Thompson?

1

2

3

4

5

Not at All

Extremely

16. Do you agree with the jury's verdict that Dr. Johnson is liable?

Yes

No

17. Had George Thompson ever visited Dr. Johnson before the visit which resulted in the lawsuit?

Yes

No

18. Did Dr. Johnson say "I'm sorry" at any point when he was making his statement?

Yes

No

19. Regardless whether Dr. Johnson used the word 'sorry,' did his statement make you think that Dr. Johnson was sincerely sorry?

Yes

No

20. What do you think was Dr. Johnson's *primary* motivation for offering his statement?He was truly
sorry.He was trying
to present
himself in the
best possible
light.His attorney
told him to
make the
statement.Other (*please
explain*):

Appendix G: Interpersonal Trust Scale⁵

Indicate the degree to which you agree or disagree with each statement by using the following scale:

1 = Strongly Agree

2 = Mildly Agree

3= Agree and Disagree Equally (or neither agree nor disagree)

4 = Mildly Disagree

5 = Strongly Disagree

Hypocrisy is on the increase in our society.

In dealing with strangers one is better off to be cautious until the strangers have provided evidence that they are trustworthy.

This country has a dark future unless we can attract better people into politics.

Fear of social disgrace or punishment rather than conscience prevents most people from breaking the law.

Using the honor system of *not* have a teacher present during exams would probably result in increased cheating.

Parents usually can be relied on to keep their promises.

The United Nations will never be an effective force in keeping world peace.

The judiciary is a place where we can all get unbiased treatment.

Most people would be horrified if they knew how much news that the public hears and sees is distorted.

It is safe to believe that, in spite of what people say, most people are primarily interested in their own welfare.

Even though we have reports in newspapers, radio, and T.V., it is hard to get objective accounts of public events.

The future seems very promising.

If we really knew what was going on in international politics, the public would have reason to be more frightened than they now seem to be.

Most elected officials are really sincere in their campaign promises.

⁵ Interpersonal Trust Scale (Rotter, 1967, 1971)

Many major national sports contests are fixed in one way or another.

Most experts can be relied upon to tell the truth about the limits of their knowledge.

Most parents can be relied upon to carry out their threats of punishments.

Most people can be counted on to do what they say they will do.

In these competitive times you have to be alert or someone is likely to take advantage of you.

Most idealists are sincere and usually practice what they preach.

Most salesmen are honest in describing their products.

Most students in school would *not* cheat even if they were sure of getting away with it.

Most repairmen will not overcharge even if they think you are ignorant of their specialty.

A large share of accident claims filed against insurance companies are phony.

Most people answer public opinion polls honestly.

Appendix H: Faith in People Scale⁶

Select the option which most closely fits with your answer of the question.

1. Some people say that most people can be trusted. Others say you can't be too careful in your dealings with people. How do you feel about it?

Most people can be trusted.

You can't be too careful.

2. Would you say that most people are more inclined to help others, or more inclined to look out for themselves?

To help others.

To look out for themselves.

3. If you don't watch yourself, people will take advantage of you.

Agree

Disagree

4. No one is going to care much what happens to you, when you get right down to it.

Agree

Disagree

5. Human nature is fundamentally cooperative.

Agree

Disagree

⁶ Faith in People Scale (Rosenberg, 1957)

Appendix I: International Personality Item Pool

Please read each statement carefully and then use the scale below to rate how accurately each statement describes you. Rate yourself as you generally are now, not as you wish to be in the future. Describe yourself as you honestly see yourself, in relation to other people you know of the same sex as you are, and roughly your same age. So that you can describe yourself in an honest manner, your responses will be kept in absolute confidence.

1 = Very Inaccurate

2 = Moderately Inaccurate

3 = Neither Inaccurate or Accurate (or equally accurate and inaccurate)

4 = Moderately Accurate

5 = Very Accurate

I trust others.

I believe that others have good intentions.

I trust what people say.

I believe that people are basically moral.

I believe in human goodness.

I distrust people.

I suspect hidden motives in others.

I believe most people try to be fair.

Appendix J: Demographic Information

Age: _____

Gender: Male
 Female

Year in School: Freshman
 Sophomore
 Junior
 Senior
 Other

Religious Affiliation:

Christian (Non-Denominational)

Catholic

Protestant

Lutheran

Methodist

Presbyterian

Baptist

Other Protestant

Mormon

Jewish

Muslim

Other (Please Specify)

How strongly do you identify with your religion?

Major:

Do you have a regular physician?

Do you have health insurance?

Have you ever been involved in medical malpractice litigation?

How many times a year do you see a physician?

Is Dr. Johnson liable for George Thompson's injuries?

Please indicate the level of your parents' educations on the scale immediately below.

Mother

Father

some high school/vocational
 school
 high school/vocational

school graduate/GED
some college/associate's
degree
college graduate (bachelor's
degree)
some graduate/professional
school
graduate/professional degree