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Counterfactuals and roles: mock victims' and perpetrators' accounts of judicial cases

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Abstract

Three studies assessed the influence of differential perspective taking on counterfactual thinking. In Study 1 male and female subjects were asked to play the role of, respectively, perpetrator and victim in a rape case, and to give their own account of the event. Analysis of spontaneous counterfactuals showed a main tendency to focus on actions more than inactions and on controllable more than uncontrollable elements. However, this tendency was moderated by the subject's role and the counterfactual target. While victims focused on perpetrators' controllable actions more than on their own, perpetrators did not focus on victims' controllable actions more than on their own; they focused on victims' controllable inactions instead. In Study 2, where males and females were asked to reverse their roles, and where prompted as well as spontaneous counterfactuals were analysed, the same results were found. Further evidence for generality of these results was found in Study 3, where an assault case instead of a rape case was taken into account. These findings support the view that counterfactual mutability may be influenced by role-based motivations, as well as by role-based expectations regarding how active a party is supposed to have been in an event. Copyright © 2001 John Wiley & Sons, Ltd.

INTRODUCTION

In everyday life we often think of how things might have happened differently, from small and contingent events ('*If I had gone along the usual route*, *I wouldn't have been blocked by the traffic for hours*') to events that have conditioned our existence in a meaningful way ('*If I hadn't met you*, *I wouldn't have moved to this town*'). Constructing a hypothetical scenario, whose antecedent and outcome are different from the real ones, means engaging in counterfactual thinking.

Previous research has shown that certain elements of a factual event are more likely than others to be mentally undone and to appear mutated in the hypothetical scenario.

1 Exceptional elements are more likely to be undone than routine ones. For example, upon hearing of a driver who leaves work unusually early and has a fatal car accident while driving home via his

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usual route, people are more likely to think that the driver would still be alive if he had left work at the usual time and not if he had taken an unusual route (*exceptional–routine effect*; Gavanski & Wells, 1989; Kahneman & Miller, 1986; Kahneman & Tversky, 1982; Klauer, Jacobsen, & Migulla, 1995; Wells, Taylor, & Turtle, 1987).

2 A subject's actions are more mutable than a subject's inactions. The presence of such an effect has often been demonstrated indirectly on the basis of the regret following an action versus inaction. For example, people who have lost money after having made an investment are perceived to feel more regret than people who have lost money for having decided not to make an investment (*action–inaction effect*; Connolly, Ordónez, & Coughlan, 1997; Gleicher, Kost, Baker, Stratham, Richman, & Sherman 1990; Kahneman & Miller, 1986; Kahneman & Tversky, 1982; Landman, 1987; Lundberg & Frost, 1992; Miller & Taylor, 1995; Zeelenberg, van der Pligt, & Manstead, 1998).

3 Controllable elements are more likely to be mutated than uncontrollable ones. For example, upon hearing of a driver whose return home has been delayed by several occurrences, people tend to mutate elements which are under the driver's control (e.g. stopping for a beer on the way home) more than elements which are not under the driver's control (e.g. waiting for a flock of sheep to cross the road) (*controllable–uncontrollable effect*; Davis, Lehman, Wortman, Silver, & Thompson, 1995; Girotto, Legrenzi, & Rizzo, 1991; Markman, Gavanski, Sherman, & McMullen, 1995).

These effects have been ascribed to a basic process of cognitive availability: exceptional elements, subjects' actions and controllable elements seem more likely to be mutated in that alternatives are easily available to the mind (Kahneman & Miller, 1986).

Most studies of the above-mentioned effects have taken into consideration counterfactuals regarding simplified events, often not related to any specific social context. In this case what is under examination is counterfactual thinking by an observer who is devoid of any clear presupposed motivation or involvement concerning the event. In recent years, however, there has also been increasing concern on the generality of such effects, and especially on the possibility of extending them to real life. In order to enhance the ecological validity of counterfactual research, use of personally involving social situations seems to be highly desirable (see Macrae & Milne, 1992; Markman, Gavanski, Sherman, & McMullen, 1993; Roese & Olson, 1995; Seelau, Seelau, Wells, & Windschitl, 1995; Sherman & McConnell, 1995). In these situations counterfactuals expressed are likely to be constrained not only by a purely cognitive factor, such as the 'chronic' availability of alternatives, but also by other factors, such as subjects' motivations and goals. Different actors having different motivations may focus on quite different antecedents. This means that the three above-mentioned effects in counterfactual mutability might not appear or be less marked.

Evidence in this regard may come from examining subjects who are asked to engage in counterfactual thinking regarding a specific event while taking different perspectives. An example of such a procedure are the studies carried out by Mandel and Lehman (1996). In one of their studies subjects faced with a scenario regarding a car accident were asked to take the role of either the accident victim or the drunk driver, and were prompted to generate counterfactuals through completion of 'if only. . .' stems. Results showed that the two groups differed with regard to the main target of counterfactuals generated, namely each group generated more counterfactuals focused on the role they had been asked to play (see also Branscombe, N'gbala, Kobrynowicz & Wann, 1997). The explanation given for these results is consistent with a motivated view of counterfactual generation, according to which people focus on and mutate their own actions, even when other plausible targets besides the self are available, in order to maintain the belief that they control the situation in which they are (or pretend to be) involved.

In two other studies Mandel and Lehman (1996) presented subjects with the tragic story of a man who had left for a business trip, despite contrary advice from his wife, and had died in a plane crash.

While subjects engaging in counterfactual thinking as simple observers of the event focused on the man's controllable actions, subjects who had been asked to play the wife's role focused on her controllable inactions. Besides being a further confirmation of the subjects' tendency to focus on their own role, counterfactuals generated by these subjects offer a disconfirmation of the generality of the action–inaction effect. According to Mandel and Lehman, such a departure from results of previous research is due to the fact that the subjects' motivation for engaging in counterfactual thinking was not so much assessing what had caused the tragic event—a reason which was instead implied in previous research—as what they could have done to prevent the tragic event from occurring (see also Spellman & Mandel, 1999). When subjects are somehow involved in a tragic event but they are not the initiators of it, their attention seems to be focused not only on undoing their own actions, as they did very little in the occasion, but also on undoing their inactions (e.g. '*Maybe he'd still be alive today if I'd kept insisting that he shouldn't leave*') (see also Davis *et al*., 1995; Feldman, Miyamoto, & Loftus, 1999; Gilovich & Medvec, 1994, 1995; Gilovich, Medvec, & Kahneman, 1998; N'gbala & Branscombe, 1997; Roese & Olson, 1993a,b; Sanna & Turley, 1996).

Further evidence on how motivation and other context-related factors may influence counterfactual mutability may come from examining spontaneous counterfactuals by subjects who give an account of one specific event with opposite perspectives. This is precisely what we did in the current studies, in which we examined counterfactuals expressed by subjects asked to simulate the role of either victim or perpetrator in judicial cases.

Counterfactuals and Roles in the Judicial Context

In recent years there has been an increasing number of studies on counterfactual thinking in the judicial context. Most of them have focused on the link between the number of counterfactual thoughts regarding the parties involved in the criminal event and the degree of responsibility assigned to each party. Subjects were asked to play the role of mock jurors and to either read or generate themselves counterfactuals regarding a criminal case, often a rape case. Results showed that there is a direct link between the number of counterfactuals regarding perpetrator or victim and the degree of responsibility assigned to either of them (Bothwell & Duhon, 1994; Nario-Redmond & Branscombe, 1996; Wiener, Gaborit, Pritchard, McDonough, 1994; but see Branscombe, Owen & Allison, 1995 cited in Branscombe *et al*., 1997).

More limited attention has been devoted to what elements of the event are more likely to be undone and consequently to lead to enhanced responsibility. With regard to the action-inaction dimension, Turley, Sanna, and Reiter (1995) showed that in a rape case, when the attention of mock jurors is directed towards either victims' or perpetrators' actions instead of inactions, responsibility assigned to either of them is higher. In Turley *et al*.'s study, counterfactual alternatives were proposed to subjects and not directly generated by them. Therefore, we still lack direct evidence on what elements are more likely to be spontaneously mutated in the judicial context. It has been suggested that the tendency to mutate actions instead of inactions and controllable instead of uncontrollable elements—often observed in past counterfactual research—may be even stronger in a context of blame assignment, and this is certainly the case in the judicial context (Seelau *et al*., 1995). However, this tendency might also be moderated by the different role-based motivations of the subjects who express counterfactuals in this context: jurors, prosecutors, defence lawyers, victims, perpetrators and witnesses.

So far no empirical evidence has been collected on either mock or actual victims' and perpetrators' counterfactual mutation of actions versus inactions and of controllable versus uncontrollable elements. Some purely theoretical conjectures, in fact, have been made on counterfactuals which might be expressed by prosecutors and defence lawyers, that is, by legal operators who speak in behalf of,

respectively, the victim and the perpetrator. While exemplifying how motivation may constrain counterfactual thinking, Seelau *et al*. (1995) suggested that in a rape trial a prosecutor would express more counterfactuals focused on the perpetrator's than on the victim's actions while the opposite would be true for the defence lawyer. Turley *et al*. (1995) and Branscombe, Owen, Gartska, and Coleman (1996) also speculated on this issue, but suggested that in a rape trial counterfactuals expressed might be influenced by the different expectations linked to the roles of, respectively, perpetrator and victim: expectations (or stereotypes) concerning the man/perpetrator's behaviour in a rape case involve activity, initiative, and dominance, while expectations concerning the woman/victim's behaviour involve passivity, compliance, and submissiveness (Branscombe & Weir, 1992; Foushee, Helmreich & Spence, 1979; Deaux & Lewis, 1984; Howard, 1984). According to the results of other studies, focused on different crimes (Atkinson & Drew, 1979; Mannetti, Catellani, Fasulo, & Pajardi, 1991), the same expectations may be extended beyond rape and referred to crime in general. Such expectations might influence counterfactuals, especially with regard to the action–inaction dimension. As regards the direction of such an influence, however, no empirical data have been collected so far.

STUDY 1

Our first study was designed to compare counterfactual thinking of mock victims and perpetrators in a rape case, that is, of subjects who give an account of the same negative event from opposite perspectives.

As mentioned above, previous research has shown that actions are more mutable than inactions (Gleicher *et al*., 1990; Kahneman & Miller, 1986; Landman, 1987) and that controllable elements are more mutable than uncontrollable ones (Girotto *et al*., 1991; Markman *et al*., 1995). It has been suggested that these two effects may be even stronger when counterfactuals are expressed with the objective of assigning blame, as it is the case in the judicial context (Seelau *et al*., 1995; Shaver, 1992; Turley *et al*., 1995).

The first goal of Study 1 was precisely to test whether the action–inaction effect and the controllable–uncontrollable effect would be present in counterfactual thinking of subjects who are imagined to be personally involved in a criminal event.

The second and most important goal of Study 1 was to test whether the action–inaction effect and the controllable–uncontrollable effect would be influenced by the subjects' different role-based motivations and expectations when expressing their counterfactuals.

One may assume that the motivation of the victim in a judicial case is to assign blame to the perpetrator and that the opposite role-based motivation is true of the perpetrator. Following this, a first possible prediction might be that victims' counterfactuals would be more focused on the perpetrator's controllable actions than on their own, while the opposite would be true for perpetrators' counterfactuals. Such a prediction of a perfect symmetry in counterfactual thoughts expressed by victims and perpetrators recalls the one by Seelau *et al*. (1995), with regard to counterfactuals which might be used by prosecutors and defence lawyers during a trial. However, we made a second and partially different prediction, assuming that victims' and perpetrators' counterfactuals may be influenced not only by the objective of assigning mutual blame but also by the different expectations linked to the role of 'the perpetrator' and 'the victim' in a judicial case.

Such expectations involve the idea of the 'active party' for the perpetrator and of the 'passive party' for the victim (Atkinson & Drew, 1979; Branscombe & Weir, 1992; Deaux & Lewis, 1984; Foushee *et al*., 1979; Howard, 1984; Mannetti *et al*., 1991), and we assumed that they would influence counterfactuals having the perpetrator and the victim as targets. In trying to figure out what direction

this influence would take, we considered that, when trying to pursue a purpose through discourse, a too overt violation of shared expectations regarding the target of discourse may mean a failure in pursuing one's own purposes (see Hilton, 1990, 1995). Previous research on language used in the judicial context has shown that all the protagonists of the trial, including the victims and the perpetrators, tend to adjust, at least in part, to the expectations linked to their roles (Atkinson & Drew, 1979; Mannetti *et al*., 1991; Wodak, 1985).

If this were the case, counterfactuals expressed by the victims and the perpetrators might not be completely symmetrical, as implied by the first prediction. As to the victims, a focus on the perpetrators' controllable actions more than on their own might still be highly likely; in doing so, the victims would be consistent with their motivation of assigning blame to the perpetrator and, at the same time, would fulfil role-based expectations regarding the perpetrator as the 'active party' in a criminal case. As to the perpetrators, a focus on the victims' controllable actions more than on their own might instead mean a too overt violation of a role-based expectation which presumes the victims to be the 'passive party' in a criminal case. Therefore we did not expect the perpetrators to focus on the victims' controllable actions more than on their own.

Given the specific type of crime considered in this first study, that is, rape, perpetrators might instead focus on the victims' controllable inactions. Previous research has shown that rape victims, unlike victims of different crimes, are often blamed not only for their actions but also for their inactions, especially for not having done everything which might have prevented the rape from occurring (Bell, Kuriloff, & Lottes, 1994; Estrich, 1991; Feldman, Ullman, & Dunkel-Schetter, 1998; Fitzgerald & Swann, 1995; Krahè, 1991). Therefore, in a case like rape, focusing on the victim's inactions might be for the perpetrator a way of assigning some blame to the victim without violating expectations regarding the victim's passivity.

In sum, while the first prediction entailed a symmetrical tendency to focus on each other's controllable actions, due to the motivation of assigning blame to each other, the second prediction, the one we favoured, entailed an asymmetry in the counterfactuals expressed, due to the moderating influence of different expectations with regard to the role played by the perpetrator and the victim in a rape trial.

To test these predictions, in our first study we asked female and male subjects to give an account of a rape case playing the role of, respectively, victim and perpetrator; we then analysed the counterfactuals expressed according to their target (victim versus perpetrator) and to the action–inaction and the controllable–uncontrollable dimensions.

Method

Participants

Eighty undergraduates (40 males and 40 females) attending the Arts Faculty of the Catholic University of Milan participated in the research on a voluntary basis.

Instruments and Procedure

Once arrived at the laboratory, subjects were told that they were going to participate in a research aimed at studying how people are able to play a role satisfactorily: male and female subjects were required to play the role of, respectively, the perpetrator and the victim in a rape case. The instructions we gave to the subjects were as follows (the alternatives for the two different roles are italicised).

We are carrying out a study about role-playing skills.
Ordinary people may be often very skilled in playing a role that is absolutely new for them. Our aim is precisely to see how far people are able to play a role convincingly. So now please pay attention and read the story in the following page. Imagine that you have been assigned the role of *Marco*/*Giulia*.

The story presented to subjects was a two-page report of a rape case based on a true case. A young woman had a car breakdown and was forced to stop on the edge of the road; a policeman, who was almost at the end of his shift, offered the woman a lift to the nearest garage. The woman felt a bit uncomfortable because she had had a precedent for marijuana detention; hence, she tried to be very pleasant with the policeman. The policeman misunderstood the woman's pleasant manners for her willingness to have a sexual affair with him; while driving, they talked with each other quite freely and the man became more and more convinced that the woman wanted to have a sexual intercourse with him. He stopped the car and took the initiative. The woman tried to resist and struggled, but she got really frightened when the policeman took off the gun he still had on. The man began to undress the woman who tried to get out of the car, screamed, and cried, but the policeman, more and more nervous, immobilised her. The woman was afraid of the man's reactions and didn't say or do anything else. During intercourse, the man didn't hit the woman who, however, no longer struggled. The day after, the woman charged the policeman with sexual abuse. In front of the judge, the woman stated that the man had wanted to have sexual intercourse with her without her consent. The man, on the contrary, didn't deny that he had had intercourse with the woman, but he argued that she had been completely willing.

After reading the story, the subjects were invited to give their own account of the facts as if they were in front of a judge.

Now imagine yourself to be performing *Marco*'*s*/*Giulia*'*s* role: the trial is taking place and you are presenting the judge your account of the event.
Before you begin speaking, take a few minutes: go back to the story you have just read and write down some notes or draw up a schedule that could help you with entering *Marco*'*s*/*Giulia*'*s* role thoroughly. Remember that, while telling the story, you won't be allowed to look at it again.
Your purpose is to give a plausible and satisfactory account; that is, you aim at explaining the facts effectively and at convincing the judge that *you are innocent*/*your charges are sound*. In fact, *your discharge*/*your assailant*'*s conviction* will depend also on the way you will explain the event.

Coding the Mutations

Subjects' accounts were analysed in order to code counterfactual thoughts expressed. Any mention of changes in antecedents or outcomes of the story was identified, on the basis of some linguistic items that may be taken as indicators of counterfactual thinking in everyday language (see also Sanna & Turley, 1996): adverbs alluding to unsatisfied expectations (e.g. *also*, *only*, *even*, *still*, *instead*) or to scenarios that never took place in reality (e.g. *at least*, *next time*, *otherwise*, *if not*, *it isn*'*t that*, *without*, *though*). Sentences containing such indicators were selected and coded as counterfactuals. For example, the following sentence told by a mock victim, 'Instead *of taking me to the garage*, *as he had promised*, *we found ourselves in a deserted and almost abandoned road*' was coded as '*If Marco had taken Giulia to the garage*. . .'. Similarly, the following sentence produced by a mock perpetrator, '*Giulia was always silent,* without *saying anything*' was coded as '*If Giulia had said something to the perpetrator*. . .'.

Each counterfactual was then classified according to the following criteria.

1 *Target*. A distinction was made between *victim-focused counterfactuals* (e.g. '*If Giulia had had any drug...*') and *perpetrator-focused counterfactuals* (e.g. '*If Marco hadn't seen Giulia on the edge of the road...*'). Counterfactuals focused on other characters or situational factors (e.g. '*If it hadn't been almost seven p.m....*') were also classified, but not used in the analysis.
2 *Activity.* A distinction was made between *action-focused counterfactuals*, in which a factual event is undone, or subtracted (Roese & Olson, 1993b; Roese, 1997), in the mental simulation (e.g., '*If Marco hadn't told Giulia to wait for him...*', '*If Giulia hadn't joked...*'), and *inaction-focused counterfactuals*, in which an event that did not take place in the reality is instead added to in the mental simulation (e.g. '*If Giulia had opposed any resistance...*', '*If Marco had noticed any irregularities...*').
3 *Controllability.* A distinction was drawn between *controllable counterfactuals*, involving the mutation of an element which is controllable by the subject (e.g. '*If Marco had listened to Giulia's words...*', '*If Giulia hadn't been so kind...*') and *uncontrollable counterfactuals*, involving the mutation of an element which is not controllable by the subject (e.g. '*If Marco hadn't had to take the police car back to the police station...*', '*If Giulia hadn't been scared...*') (see Girotto *et al*., 1991).

Two independent judges, unaware of hypotheses, carried out the coding, with an agreement of 90%. Any discrepancies in coding were resolved through discussion.

Results and Discussion

All the subjects answered consistently with the task demands. Subjects generated a mean number of 28.78 counterfactuals, 24.67 of which referred to the victim or to the perpetrator. A mixed model analysis of variance, 2 (Subject's Role: victim versus perpetrator) × 2 (Target: victim versus perpetrator) × 2 (Activity: action versus inaction) × 2 (Controllability: controllable versus uncontrollable) was carried out on these counterfactuals, with target, activity and controllability as within-subject variables.

In the first place, a highly significant main effect of Activity emerged, $F(1,78) = 190.74$, $p < 0.001$; $\eta^2 = 0.71$: the mean number of action-focused counterfactuals ($M = 19.11$) was significantly higher than the mean number of inaction-focused counterfactuals ($M = 5.56$). Second, Controllability was also shown to have a significant main effect, $F(1, 78) = 132.57$, $p < 0.001$; $\eta^2 = 0.63$: counterfactuals focused on controllable elements ($M = 18.24$) were more frequent than counterfactuals focused on uncontrollable elements ($M = 6.44$). A third significant main effect emerged, regarding Target, $F(1, 78) = 12.30$, $p = 0.001$; $\eta^2 = 0.14$: the mean number of victim-focused counterfactuals ($M = 13.61$) was higher than the mean number of perpetrator-focused counterfactuals ($M = 11.06$). This result was consistent with several findings by both research on counterfactual thinking and research on rape perception (Borgida & Brekke, 1985; Branscombe & Weir, 1992; Brownmiller, 1975; Fitzgerald & Swan, 1995). In a rape episode, unlike other judicial cases, attention and counterfactual thinking are very likely to focus on the victim's behaviours. No main effect of the Subject's role factor was observed.

Overall, then, our data supported the action–inaction effect and the controllable–uncontrollable effect. But our main hypothesis was that these effects would be moderated by subjects' different role-based motivations and expectations. The four-way interaction Subject's Role × Target × Activity × Controllability was indeed significant, $F(1, 78) = 10.40$, $p < 0.005$, $\eta^2 = 0.12$, and follow-up tests showed that the differences were in the predicted direction. The whole picture is presented in Table 1.

Table 1. Mean number of counterfactuals expressed in the rape case as a function of the subject's role (Study 1)

	Subject's role			
	Victim		Perpetrator	
	Target			
Activity	Victim	Perpetrator	Victim	Perpetrator
Actions				
Controllable	5.55_a	8.35_b	7.85_b	6.90_b
Uncontrollable	4.25_a	1.07_b	1.67_b	2.57_c
Inactions				
Controllable	2.10_a	1.07_a	3.47_b	1.17_a
Uncontrollable	2.02_a	0.17_b	0.30_b	0.80_c

Note: Means within rows not having a common subscript differ at $p < 0.01$.

Let us consider controllable counterfactuals first. As predicted, at this level the victims and the perpetrators expressed counterfactuals in a different way. While victims mutated more controllable actions of the perpetrators ($M = 8.35$) than of themselves ($M = 5.55$), $t(39) = 3.96$, $p < 0.001$, a specular result was not observed in perpetrators' accounts: the difference between controllable actions having as target the victims ($M = 7.85$) or themselves ($M = 6.90$) was not significant (see also Figure 1). Instead a highly significant difference emerged when controllable inactions were taken into account: the perpetrators focused on more inactions having the victim as target ($M = 3.47$) than inactions having themselves as target ($M = 1.17$), $t(39) = 4.54$, $p < 0.001$.

Similar differences in victims' and perpetrators' expression of counterfactuals were not found when uncontrollable counterfactuals were taken into account. At this level, in fact, a perfect specularity was

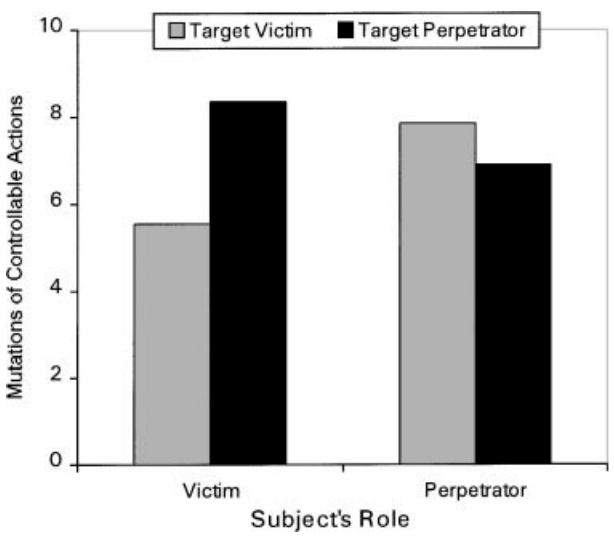

Figure 1. Mean number of controllable actions mutated in the rape case as a function of subject's role and target (Study 1)

found. On the one hand, the victims expressed more uncontrollable counterfactuals having themselves as target than having the perpetrator as target, and this happened for both actions (target victim $M = 4.25$ versus target perpetrator $M = 1.07$; $t(39) = 6.19$, $p < 0.001$) and inactions (target victim $M = 2.02$ versus target perpetrator $M = 0.17$; $t(39) = 4.76$, $p < 0.001$). On the other hand, the perpetrators expressed more uncontrollable counterfactuals having themselves as target, and this again happened for both actions (target victim $M = 1.67$ versus target perpetrator $M = 2.57$; $t(39) = 2.91$, $p < 0.01$) and inactions (target victim $M = 0.30$ versus target perpetrator $M = 0.80$; $t(39) = 3.05$, $p < 0.01$). Thus, both victims and perpetrators stated that they had had a less direct and effective control over their conduct than their respective counterpart. As predicted, it was therefore only at the specific level of controllable counterfactuals that victims and perpetrators referred to each other's actions and inactions in a different way.

In sum, results of this first study offered a confirmation of the action–inaction and the controllable–uncontrollable effects. At the same time, however, they showed that these effects may be moderated by the subjects' role-based motivation of assigning blame to each other, as well as by the subjects' expectations regarding the active versus passive role a counterfactual target is supposed to have played in an event.

STUDY 2

In Study 1 only male participants were assigned the perpetrator role and only female participants the victim role. Although asking the subjects to play the role of a subject of the same sex makes the role-playing task easier and more spontaneous, such a procedure introduces a possible confounding variable, namely gender. One cannot exclude that the experimental differences observed may be due to gender differences in producing explanations, or to ingroup–outgroup processes, rather than, as expected, to differential expectations regarding the perpetrator and victim roles.

In Study 2, we sought to replicate the basic findings of Study 1, using the same rape story, but this time asking male subjects to play the role of the victim and female subjects to play the role of the perpetrator. We anticipated that, even with reversed roles, we still would be able to observe an asymmetrical tendency of mock victims and perpetrators to focus on each others' controllable actions. It should be recalled that the rationale behind this prediction was that counterfactual mutation of controllable actions would be influenced by subjects' goal of assigning blame to each other, but also by subjects' differential expectations regarding the active versus passive role that victims and perpetrators may play in a criminal event.

Besides testing spontaneous counterfactuals expressed in subjects' discourse, in Study 2 we included a further measure of counterfactual thinking: we prompted subjects with the standard 'if only. . .' sentence completion stems. Although we think that natural discourse analysis may add to the ecological validity of counterfactual research, we are also aware of the margin of subjectivity involved in this analysis. Therefore we thought that finding converging evidence with a more conventional measure of counterfactual thinking would further corroborate our conclusions.

Method

Participants

Forty undergraduates (20 males, 20 females) were recruited in the same manner as in Study 1.

Instruments and Procedure

Subjects participated individually. Introductory directions were the same as those of Study 1, except for the fact that this time all male subjects were assigned the victim role and all female subjects the perpetrator role.

After reading the rape story, subjects were invited: (a) to give their own account of the event (same instructions as Study 1); (b) to complete the highest possible number of sentences starting with 'The outcome might have been different, if only...'. The presentation order of these two tasks was counterbalanced. A preliminary analysis did not reveal any significant order effect. Hence, this variable will not be further discussed.

Coding the Mutations

Spontaneous counterfactuals were coded on the basis of the same criteria used in Study 1, and classified according to target (victim-focused versus perpetrator-focused counterfactuals), activity (action-focused versus inaction-focused counterfactuals) and controllability (controllable versus uncontrollable counterfactuals). The same three classification criteria were used when coding counterfactuals prompted by the sentence–completion task. Two independent judges, unaware of hypotheses, carried out all the coding, with an agreement of 88% for spontaneous counterfactuals and of 95% for prompted counterfactuals.

Results and Discussion

Spontaneous Counterfactuals

Subjects generated a mean number of 25.40 counterfactuals, 23.02 of which were focused on the victim or the perpetrator. As in the first study, a 2 (Subject's Role) $\times$ 2 (Target) $\times$ 2 (Activity) $\times$ 2 (Controllability) mixed–model ANOVA was carried out on these counterfactuals, with target, activity and controllability as within-subject factors. Results closely replicated those obtained in Study 1. Subjects' counterfactuals were focused on actions ($M = 15.12$) more than on inactions ($M = 6.75$), $F(1, 38) = 266.30$, $p < 0.001$, $\eta^2 = 0.87$, on controllable elements ($M = 14.40$) more than on uncontrollable ones ($M = 7.47$), $F(1, 38) = 268.82$, $p < 0.001$, $\eta^2 = 0.87$, and on victims ($M = 12.10$) more than on perpetrators ($M = 9.77$), $F(1, 38) = 43.99$, $p < 0.001$, $\eta^2 = 0.54$. The four-way interaction also turned out to be significant, $F(1, 38) = 6.55$, $p < 0.05$, $\eta^2 = 0.15$, and the significant differences mirrored those observed in the first study (Table 2). In particular, the victims mutated more controllable actions of the perpetrators ($M = 6.25$) than of themselves ($M = 5.20$), $t(19) = 5.29$, $p < 0.001$. The perpetrators mutated approximately the same number of controllable actions of the victims ($M = 4.90$) and of themselves ($M = 5.05$), $t(19) = 0.77$, *n.s.*, but they did mutate more controllable inactions of the victims ($M = 3.75$) than of themselves ($M = 1.60$), $t(19) = 19.65$, $p < 0.001$.

Prompted Counterfactuals

Subjects completed a mean number of 6.55 sentences starting with the 'if only...' stem, 6.20 of which were focused on the victim or the perpetrator. The 2 (Subject's Role) $\times$ 2 (Target) $\times$ 2 (Activity) $\times$

Table 2. Mean number of counterfactuals expressed in the rape case as a function of the subject's role (Study 2)

	Subject's role			
	Victim		Perpetrator	
	Target			
Activity	Victim	Perpetrator	Victim	Perpetrator
Actions				
Controllable	5.20_a	6.25_b	4.90_a	5.05_a
Uncontrollable	3.85_a	1.10_b	1.40_b	2.50_c
Inactions				
Controllable	1.30_a	0.75_a	3.75_b	1.60_a
Uncontrollable	3.05_a	0.20_b	0.75_b	2.10_c

Note: Means within rows not having a common subscript differ at $p < 0.01$.

2 (Controllability) mixed-model ANOVA, with repeated measures on the last three factors, yielded significant main effects of Activity, $F(1, 38) = 141.75$, $p < 0.001$, $\eta^2 = 0.79$, Controllability, $F(1, 38) = 277.04$, $p < 0.001$, $\eta^2 = 0.88$, and Target, $F(1, 38) = 5.02$, $p < 0.05$, $\eta^2 = 0.12$, as well as a significant four-way interaction, $F(1, 38) = 6.14$, $p < 0.05$, $\eta^2 = 0.14$. Direction of differences was consistent with our predictions and mirrored results obtained with spontaneous counterfactuals. Counterfactuals were focused on actions ($M = 4.52$) more than on inactions ($M = 1.67$), $F(1, 38) = 266.30$, $p < 0.001$, $\eta^2 = 0.87$, on controllable elements ($M = 5.22$) more than on uncontrollable ones ($M = 0.97$), $F(1, 38) = 268.82$, $p < 0.001$, $\eta^2 = 0.87$, and on victims ($M = 3.27$) more than on perpetrators ($M = 2.92$). As regards the interaction effect, victims mutated more controllable actions of perpetrators ($M = 2.95$) than of themselves ($M = 1.35$), $t(19) = 8.11$, $p < 0.001$, while the opposite proved not to be true for perpetrators (M victims' actions $= 2.05$, M perpetrators' actions $= 1.75$, $t(19) = 1.55$, *n.s.*). Instead, perpetrators mutated more controllable inactions of victims ($M = 1.45$) than of themselves ($M = 0.30$), $t(19)\ 8.76$, $p < 0.001$.

Thus, the results of Study 2 closely replicated those found in Study 1, suggesting that the observed differences in victims' and perpetrators' counterfactuals may be attributed to a role effect rather than a gender effect, and that the same effect may be found when counterfactuals are prompted by 'if only. . .' stems, instead of being spontaneously expressed.

STUDY 3

In Study 3, we sought to replicate the basic findings of Studies 1 and 2, using a different cover story. Our main goal was to assess whether the observed asymmetry in counterfactual mutations of rape victims and perpetrators may be considered as specific of the rape crime or may instead be generalised to other crimes. In rape cases the perpetrator–victim asymmetry may be thought to be partly due to culturally defined gender stereotypes, according to which in an heterosexual relationship (especially in a sexual one) a woman should be passive and a man should be active (Branscombe & Weir, 1992; Foushee *et al.*, 1979; Deaux & Lewis, 1984; Howard, 1984). Moreover, in the specific story employed in our first two studies, some other additional elements may have contributed to this perceived asymmetry, namely the man being a policeman and armed with a gun, and the woman being a former convict. One may instead postulate the existence of a perpetrator–victim basic asymmetry, according

to which in virtually any criminal case, and not only in heterosexual rape cases, the perpetrator is expected to be more active and dominant, and the victim is expected to be more passive and dominated (see Atkinson & Drew, 1979; Mannetti *et al*., 1991; Wodak, 1985).

In drawing up the cover story to be used in Study 3 we therefore aimed at eliminating additional sources of asymmetry besides the basic perpetrator–victim asymmetry. The story was about a quarrel between two drivers, ending up with one of them assaulting the other and being arrested by the police. Unlike the story used in Studies 1 and 2, in the new scenario both perpetrator and victim were males, of equal status and with no judicial precedent. Moreover, the story took place in a neutral setting such as a town road.

We expected that, even in a condition like the one entailed by Study 3, a counterfactual asymmetry would still be present in the two parties' accounts, namely victims would mutate more controllable actions of the perpetrators, whereas the reverse would not be true for perpetrators. This result would corroborate the hypothesis that the counterfactual asymmetry in mutating victims' and perpetrators' actions is linked to different role-related expectations which are not exclusive of rape, but may instead be extended to other crimes.

Finally, in Study 3 we did *not* expect that counterfactual asymmetry would extend to inactions, with the perpetrators stressing the victim's inactions more than their own, as was the case in Studies 1 and 2. As previous research has shown, the tendency to assign blame to the victims for their inactions is evident for rape victims, but not for victims of other crimes (Bell *et al*., 1994; Estrich, 1991; Feldman *et al.*, 1998; Fitzgerald & Swan, 1995; Krahè, 1991). Therefore, in taking into account an assault case instead of a rape case, we did not expect to find the same perpetrator's stress on the victim's inactions.

Method

Participants

Forty-four male undergraduates participated in the study on a voluntary basis.

Instruments and Procedure

Subjects participated individually and were given the same instructions of Study 1. This time, however, they were presented with a two-page report of an assault case, based on a true case. A man called Stefano, who was a blue-collar worker in a factory and who was looking for a new job, was driving to a job interview. Another man, Mauro, a plumber, was driving to a school that had called him for an urgent repair. They were driving along different routes. However, both of them noticed that the traffic was heavy, and that they were late. So they decided to change their route for a less busy one, and at last, though from different directions, they came to a crossroads after which they both had to take the same road. Mauro entered the road without stopping at the give-way signal, and forced Stefano to brake suddenly. Stefano hooted on the horn, flashed his lights and tried to pass Mauro. Mauro got annoyed with it and braked suddenly. Stefano could not stop his car and bumped into Mauro's. Stefano and Mauro got out of their cars and started arguing more and more sharply. At a certain point Mauro flew into a rage and grabbed Stefano's arm, taking a monkey wrench out of his pocket. Stefano raised his arm to protect himself. Mauro leapt on Stefano and hit him with the wrench. Stefano collapsed. Mauro ran to his car and drove away. Afterwards, Stefano charged Mauro with assault. Mauro admitted to having hit Stefano but argued that it was in self-defence. Then the trial began, and Stefano and Mauro gave the judge their own accounts of the event.

As in the previous studies, after reading the report all the subjects were asked to give their own account of the fact as if they were in front of a judge. Twenty subjects were asked to play the role of the perpetrator and twenty-four subjects were asked to play the role of the victim.

Coding the Mutations

Counterfactual mutations were coded by two independent judges, according to the same criteria used in Study 1. Interrater agreement was 90% and discrepancies were solved through discussion.

Results and Discussion

Subjects generated a mean number of 18.84 counterfactuals, 16.72 of which were focused on the victim or the perpetrator. As in the previous two studies, a 2 (Subject's Role) $\times$ 2 (Target) $\times$ 2 (Activity) $\times$ 2 (Controllability) mixed-model ANOVA was carried out on these counterfactuals. Data analysis revealed significant main effects of Activity ($F(1, 42) = 82.50$, $p < 0.001$, $\eta^2 = 0.66$), Controllability ($F(1, 42) = 54.71$, $p < 0.001$, $\eta^2 = 0.57$), and Target ($F(1, 42) = 7.19$ $p < 0.05$, $\eta^2 = 0.15$). Once again, subjects mutated actions ($M = 12.70$) more than inactions ($M = 4.02$), and controllable elements ($M = 12.04$) more than uncontrollable ones ($M = 4.68$). With regard to the Target effect, the observed difference was instead in the opposite direction with respect to the one observed in the previous two studies: subjects' counterfactuals were significantly more focused on the perpetrator ($M = 9.22$) than on the victim ($M = 7.50$). As already mentioned, previous research has shown that, when subjects reconstruct rape cases, they are inclined to focus attention on the victims' conduct, while the same does not apply to other crimes (Borgida & Brekke, 1985; Branscombe & Weir, 1992; Brownmiller, 1975; Fitzgerald & Swan, 1995). Consistently with these results, in our studies victims were the main focus of counterfactual thinking in the rape case (Studies 1 and 2), while the perpetrator was the main focus in the assault case.

Again, as in Studies 1 and 2, the four-way interaction was found to be significant ($F(1, 42) = 21.64$, $p < 0.001$, $\eta^2 = 0.34$), offering further confirmation that counterfactual mutation of actions versus inactions and controllable versus uncontrollable elements is influenced by the role of the subject expressing the counterfactual and by the counterfactual target. The main finding of the first two studies was replicated in Study 3, namely the presence of an asymmetry in perpetrators' and victims' mutations of each other's controllable actions: victims mutated perpetrators' actions ($M = 4.66$) more than their own's ($M = 3.62$, $t(23) = 2.11$, $p < 0.05$), while the opposite was not true for perpetrators (M perpetrators' actions $= 4.95$, M victims' actions $= 4.65$, $t(19) = 0.73$, *n.s.*) (Table 3 and Figure 2). Our expectation that this form of counterfactual asymmetry would not be specific to rape but would instead be generalisable to assault was therefore confirmed by data. Results of Study 3 differed from those of the previous two studies only in that the assault perpetrators, unlike the rape perpetrators, did not stress the victim's controllable inactions more than their own (M perpetrators' inactions $= 1.85$, M victims' inactions $= 1.40$, $t(19) = 1.44$, *n.s.*).

The asymmetry observed in Studies 1 and 2 was therefore replicated in Study 3. As expected, the tendency to mutate more controllable actions of the perpetrator instead of the victim was shown not to be specific of rape, but to be generally valid for other crimes, and reasonably due to a perpetrator–victim basic role asymmetry. Also as expected, in Study 3 the lack of the perpetrator's stress on the victim's controllable actions was not compensated by a corresponding stress on the victim's controllable inactions. This finding suggests that the perpetrator's strategy of stressing the victim's

Table 3. Mean number of counterfactuals expressed in the assault case as a function of the subject's role (Study 3)

	Subject's role			
	Victim		Perpetrator	
	Target			
Activity	Victim	Perpetrator	Victim	Perpetrator
Actions				
Controllable	3.62_a	4.66_b	4.65_b	4.95_b
Uncontrollable	2.79_a	0.79_b	0.60_b	3.50_c
Inactions				
Controllable	1.08_a	2.00_a	1.40_a	1.85_a
Uncontrollable	0.41_a	0.08_b	0.35_b	0.95_b

Note: Means within rows not having a common subscript differ at $p < 0.05$.

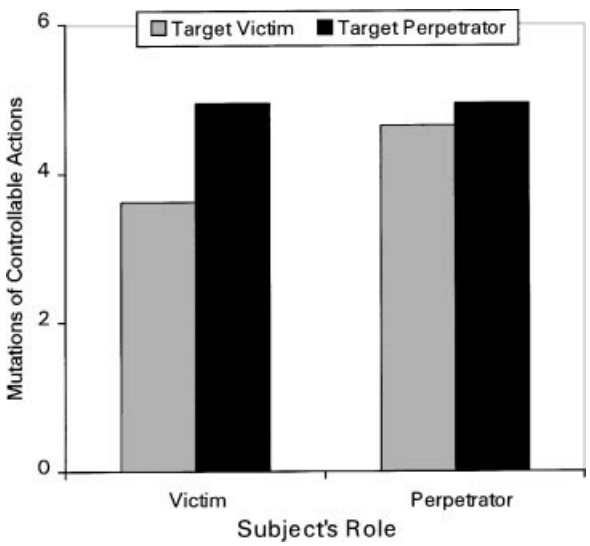

Figure 2. Mean number of controllable actions mutated in the assault case as a function of subject's role and target (Study 3)

inactions may be convincingly enacted only for specific types of crimes, those in which the victim is stereotypically expected to be able to prevent the crime from occurring, as in the case of rape. In other types of crime, like assault, such expectations are probably not just as plausible.

GENERAL DISCUSSION

The present study extends earlier work on the influence of perspective taking on counterfactual thinking, by showing that different role-based motivations and expectations may condition counterfactual mutability of actions versus inactions and controllable versus uncontrollable elements.

Generally our data offer a confirmation of the action–inaction effect and the controllable–uncontrollable effect, often found in previous research on counterfactual thinking (Girotto *et al*., 1991; Gleicher *et al*., 1990; Kahneman & Miller, 1986; Landman, 1987; Markman *et al*., 1995). Our results show that, in a context like the judicial one, where the blame assignment motivation is pre-eminent, the tendency to mutate actions more than inactions and controllable behaviours more than uncontrollable ones seems indeed to be especially strong (see also Seelau *et al*., 1995; Shaver, 1992; Turley *et al*., 1995).

However, and more interestingly, our data also show that the action–inaction effect and the controllable–uncontrollable effect are moderated by two factors, namely: (a) role-based motivations of subjects who are expressing counterfactuals; (b) role-based expectations regarding how active a counterfactual target may have been in the event.

We have seen that the victims express more alternatives to the perpetrators' controllable actions than to their own. However, we do not find a similar and opposite behaviour in perpetrators, who do not mutate the victims' controllable actions more than their own. This asymmetric pattern of results, consistently replicated in all our studies, suggests that counterfactual mutability of actions versus inactions may be influenced by the motivation of assigning mutual blame, as well as by a second factor, namely the different expectations regarding the active versus passive role the perpetrator and the victim may have played in the event. Expectations regarding the perpetrator involve activity, initiative, etc.; expectations regarding the victim involve passivity, submissiveness, etc. (Atkinson & Drew, 1979; Branscombe & Weir, 1992; Deaux & Lewis, 1984; Foushee *et al*., 1979; Howard, 1984; Mannetti *et al*., 1991). The victim's focus on the perpetrator's actions and the lack of the perpetrator's focus on the victim's actions seem to be consistent with these expectations.

Once more, in discussing these results, we should bear in mind that what has been examined in the present research is not the mere generation of counterfactuals by subjects who are uninvolved in the event, but the expression of counterfactuals by subjects who are supposed to be involved in the event. While in counterfactual generation a cognitive process of availability may cause counterfactuals to be mainly focused on unexpected behaviour (the expected alternative behaviour being easily available), in counterfactual expression the motivation to pursue specific purposes may cause counterfactuals to be less exclusively focused on unexpected behaviour (e.g. Davis *et al*., 1995; Mandel & Lehman, 1996).

When one tries to pursue a purpose through discourse, adapting to shared expectations regarding the target of the discourse may be a way of reaching this purpose more easily (see Hilton, 1990, 1995). In the present research the victims, through stressing the perpetrators' controllable actions more than their own, have the possibility of blaming the perpetrators and at the same time being consistent with expectations regarding the perpetrators' active role. The perpetrators, on the other hand, cannot stress the victims' controllable actions more than their own just as easily. Although this might be a good way of diverting attention from oneself and assigning blame to the victim, this would also be too explicit a violation of the contextual expectations concerning the victim's passivity, with a consequent risk of weakening one's communicative purposes.

In our studies all the subjects adapted themselves, at least in part, to expectations of passivity regarding the victim role. This happened not only in the rape case (Studies 1 and 2), where many additional features might have contributed to enhance a perpetrator–victim asymmetry. It also happened in Study 3, where both perpetrator and victim were males, of equal status, with the incident taking place in a neutral setting. Even if further research with different cover stories is certainly desirable, the present results clearly suggest that the perpetrator–victim basic role asymmetry seems to be related to counterfactual asymmetry: the simple fact of being a 'victim' in a trial is enough to be perceived as 'passive', with the consequence that the victim's controllable actions are mutated less than the perpetrator's ones.

What seems instead to be specific of counterfactuals regarding rape cases is the perpetrator's tendency to stress the victim's controllable *inactions* (e.g. '*If the victim had said: — No*, *listen*, *let me go: I don't feel like it—. . . .*', '*If the victim had tried to run away. . .*', '*If the victim had reacted. . .*'). Counterfactual mutations of controllable inactions evidence missed behaviour that, as not acted out, didn't prevent the tragic outcome and hence played the role of so-called 'negative' causes of the event (see Davis *et al*., 1995; Davis & Lehman, 1995; N'gbala & Branscombe, 1997; Savitsky, Medvec, & Gilovich, 1997). Stressing the victim's inactions, instead of the victim's actions, may be, in the perpetrator's perspective, a 'softer' way of assigning blame to the rape victim, without being inconsistent with passivity expectations regarding the victim's role. These data are consistent with what has been suggested in past studies on responsibility attribution in rape cases, according to which rape victims, unlike victims of different crimes, are often deemed responsible for not preventing the crime (Bell *et al*., 1994; Estrich, 1991; Feldman *et al*., 1998; Fitzgerald & Swan, 1995; Krahè, 1991).

Our studies on mock victims' and perpetrators' counterfactuals offer a contribution to the theoretical discussion on what factors may influence counterfactual mutation. While some researchers are inclined to see counterfactual mutation as stemming from an automatic process of availability (e.g. Branscombe *et al*., 1997; Kahneman & Miller, 1986), others have suggested a more strategic and motivated view of counterfactual mutation (e.g. Dunning & Parpal, 1989; Sherman & McConnell, 1995). In our research the observed differences in the nature of counterfactual mutations as a function of role offer evidence in support of this second approach. In addition they suggest that the influence of motivational and strategic factors may be better assessed if not only the number of self- vs. other-focused counterfactuals are taken into account (see e.g. Branscombe *et al*., 1997), but also the proportion, within each category, of counterfactuals focused on actions versus inactions and on controllable versus uncontrollable elements.

CONCLUSION

There has been increasing interest in the influence of context-related factors on counterfactual thinking. In the present research, through comparing counterfactuals expressed by mock victims and perpetrators in judicial cases, we have shown how different role-based motivations may influence counterfactual mutability of actions versus inactions and of controllable versus uncontrollable elements. Moreover, we have shown that counterfactual mutability may also be influenced by socially shared expectations regarding the active versus passive role a subject is supposed to have played in an event. As such, our current research brings us closer to a better comprehension of how motivational and psychosocial factors may interact with cognitive ones when counterfactuals are expressed in real life.

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