

# The letter versus the spirit of the law: A lay perspective on culpability

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## Abstract

The letter of the law is its literal meaning. Here, the spirit of the law is its perceived intention. We tested the hypothesis that violating the spirit of the law accounts for culpability above and beyond breaking the mere letter. We find that one can incur culpability even when the letter of the law is not technically broken. We examine this effect across various legal contexts and discuss the implications for future research directions.

Keywords: justice, psychology and law, culpability, enforcement, norms.

## 1 Introduction

Road trips across the country can be a refreshing, adventurous, and fun, until flashing highway patrol lights appear in the rear-view mirror—a speeding ticket. Or perhaps you might recall returning to your vehicle, after a delightful lunch in the city with a friend, only to discover a rectangular piece of paper under the windshield wiper—a parking ticket. While we naturally dread these occasions, what determines whether we acknowledge our culpability? We introduce a simple framework that decouples the *letter* of the law from the *spirit* of the law to understand lay people’s perceptions of culpability. Moreover, we argue that violating the spirit of the law, namely the *perceived intention* of the law, determines judgments of culpability, above and beyond violating the mere letter. In fact, one can violate the letter of the law but not the spirit and not incur culpability. Conversely, one can also violate the spirit of the law and incur culpability, even without violating the letter.

The terms “letter” and “spirit” have been juxtaposed for centuries, but they have not been examined in the psychological study of culpability, which has largely focused on the perceived intention of the actor (Renz & Arvey, 2008). We focus instead on the perceived intention of the law. Our findings thus contribute to an understanding of the lay perspective on justice (Bicchieri, 2006; Elster, 1992; Finkel, 1995).

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### 1.1 Lay perceptions of culpability

Culpability is commonly understood as the degree to which people deserve blame for their actions or inactions. From the perspective of the law, *mens rea* emphasizes that culpability is greatest when the individual is conscious of wrongdoing. From a psychological perspective, culpability has also been examined as a function of the motives behind an actor’s behavior (Feigenson, 2010; Morse, 1994; Renz & Arvey, 2008; Rose, 2000).

More relevant, however, are broader theories on culpability and the law (e.g., Bicchieri, 2006; Elster, 1992; Finkel, 1995). These theories use the eyes of the layperson—the everyday person—as the lens through which judgments of culpability are determined. For example, consider Bicchieri’s notion of the “grammar of society.” Bicchieri (2006) leverages social norms to explain “the language a society speaks, the embodiment of its values and collective desires, the secure guide in the uncertain lands we all traverse, the common practices that hold human groups together” (p. 9, Bicchieri, 2006). To violate these social norms, including the laws that codify them (Brennan & Buchanan, 1985; Coglianese, 1997; Coleman, 1990; Posner, 2002), is to incur culpability based on the degree of violation.

Another related approach contrasts the black letter law from commonsense justice (Finkel, 1995). Distinguishing these two kinds of law, Finkel (1999) states, “There is . . . the type we are most familiar with, namely ‘black-letter law,’ the ‘law on the books’ . . . But there is another law . . . I call it ‘commonsense justice,’ and it reflects what ordinary people think is just and fair. . . It is what ordinary people think the law ought to be” (p. 669). Finkel (1995) argues that jurors exhibit commonsense justice, as they are more thoughtful about the whole context and sensitive to intuitive notions of justice when they interpret the law to inform their verdicts. When determining culpabil-

ity in cases such as murder, jurors take into account many subjective elements and mitigating factors (Finkel, 1999; Greene & Darley, 1998).

Yet, one of the drawbacks of these accounts is that they are often broad and abstract. Commonsense justice, for example, is so broad that it has been described as “complicated” (Haney, 1997, p. 304). Other research (Greene & Darley, 1998) that describes commonsense justice, as cited and quoted by Finkel (1999, p.686), also concurs: “the theory of causation our respondents seem to use is not easy to specify” (Greene & Darley, 1998, p. 447). In contrast, our simple, straightforward framework on the letter versus the spirit of the law adds a specific element that might improve our understanding.

## 1.2 Decoupling letter and the spirit

The terms “letter” and “spirit” have been juxtaposed for centuries. Ancient biblical texts, for example, often contrast these terms in describing how some people live their lives by the “letter” of various prescriptions versus those that live by the “spirit.” In the present analysis, we define these terms using more contemporary sources. According to Black’s Law Dictionary (Garner, 2009), the letter of the law, known as *litera legis*, equates to its literal meaning. The letter of the law thus signifies the formal boundary between legal and illegal actions, which tend to dichotomize our judgments of culpability and punishment in “legal” versus “illegal” terms. For example, driving over the speed limit is illegal; parking in a handicapped parking spot without a special permit, regardless of one’s health status, is also illegal. Legal actions are thus confined by this strict definition within what is formally included in written law, irrespective of mitigating contextual factors.

In contrast, according to Black’s Law Dictionary (Garner, 2009), the *spirit* of the law represents its “general meaning or purpose, as opposed to its literal content,” namely, the *intention* of the law. To be sure, the spirit of the law has also been defined in other terms. For example, Ostas (2004) defines the spirit of the law as the fundamental rules that emphasize the social and ethical values protected by the letter of the law. We also note that, however related, this is also different from Finkel’s (1999) law of commonsense justice of what “the law ought to be” (p.669). Again, for our purposes, we define the spirit of the law as Black’s Law Dictionary does: the intention of the law.

## 1.3 Spirit: The perceived intention of the law

We define “spirit” in terms of perceived intention to emphasize the fact that ordinary people will not always know

the exact intention behind any given law. Even lawmakers themselves may well forget the exact the intention of any given law. More importantly, we realize that the construal process—how people perceive any situation, person, or target—is itself highly subjective. For example, research on naïve realism (Ross & Ward, 1996; Pronin, Puccio, & Ross, 2002) reveals how individuals think they see the world “objectively” and that others share in their view of reality, when in fact their construals are subjective. We also know that people are prone to motivated reasoning, where individuals unwittingly make biases inferences that are self-serving (Kunda, 1987; 1990). Recent findings from the legal literature have also found that people set their own standards of what is reasonable in various contractual circumstances, depending, for example, on the level of uncertainty (Feldman & Teichman, 2011) and the gains versus losses at hand (Feldman, Schurr, & Teichman, 2013).

So then, can the layperson always tell what the spirit of the law is? Is there always consensus? The implication of this perceived intention account of the spirit is that consensus will vary widely depending on the law at hand. For example, there is likely to be consensus about a law that prohibits murder, as most, if not all, people will converge on the inference that this law intends to protect human life. However, the interpretation of the spirit of the law could also be viewed through the prism of political and moral convictions, shattering any universal consensus. For example, the Patient Protection and Affordable Care Act (aka “Obama Care”) might garner a bimodal distribution of consensus tied to political party affiliation. People who are politically against Obama Care will be less willing to see the intention of the law as providing health care to everyone and perhaps more likely to see it as an expansion of big government into the free market. Consequently, there will likely be less consensus about the spirit of the law. Thus, for all of these reasons, we define the spirit as the perceived intention of the law and not the actual intention per se.

## 1.4 Hypotheses

Consistent with the literature that established people’s judgments of culpability as rarely black-and-white (Alicke, 1992; Finkel, 1995; Monterosso, Royzman, & Schwartz, 2005; Scott, Reppucci, Antonishak, & DeGennaro, 2006; Willis, 1992), we hypothesize that people do not assign culpability according to the letter of the law. Instead, we hypothesize that people assign culpability to themselves or others largely when they violate the spirit of the law—the perceived intention of the letter. In other words, what matters most in determining whether one is culpable is whether the spirit of the law is broken. In this present analysis, we test this hypothesis that violating

the letter of the law does not alone determine culpability; rather, breaking the spirit of the law—the perceived intention of the letter—accounts for judgments of culpability above and beyond breaking the letter. We also test the hypothesis that the spirit of the law at times prevails over the letter of the law such that, even when the letter of the law is not broken, one can still violate the spirit of the law and thus incur culpability.

## 1.5 Overview

Five studies tested our hypotheses across multiple legal contexts, using multiple and context-specific measures of culpability. Studies 1 and 2 examined judgments of one's own culpability when both the letter and spirit of the law were violated, compared to when only the mere letter was broken. Study 3 tested the relations between judgments of culpability and violations of the perceived intention of the law (the spirit). Study 4 tested the hypothesis that breaking the spirit of the law can incur culpability even when the letter of the law is not broken. Finally, Study 5 replicated this effect in the context of a “stand-your-ground” law.

## 2 Study 1: Speeding

Study 1 sought to test the prediction that, when the letter of the law is broken, what determines whether or not the spirit is broken is the extent to which the perceived intention of the law was violated. Here we had two conditions in which the letter of the law was broken. We predict that the judgments of culpability would be greater when both the letter and spirit of the law were broken, compared to only the mere letter. Moreover, we predicted that judgments of culpability would reflect violations of the perceived intention of the law. We asked people whether or not a ticket should be issued as a proxy measure of culpability.

### 2.1 Participants

Eighty-one adults (58.0% male, 1.2% unreported;  $M_{age} = 27.4$  years, age range: 18–59 years) recruited via Amazon Mechanical Turk participated in this online study.

### 2.2 Method

In a between-subject design, participants read one of two conditions in which the letter of the law was always broken:

Imagine that in one state, the speed limit on rural 2-lane highways is 55 miles per hour. Technically, the law states: “Safety is our concern.

Table 1: Percentages of participants in Study 1 who made each judgment, by condition.

Judgments	Breaking Letter, Not Spirit	Breaking Letter And Spirit	Fisher test (one-tailed)
Illegal	75.0	90.2	.06
Violated perceived intention	40.0	100.0	< .01
Culpable (should receive ticket)	0.0	87.8	< .01

Anyone who drives over 55 miles per hour on rural 2-lane highways is breaking the law.”

Participants in the *Breaking Letter, Not Spirit* condition were told that they were driving on this road at “57 miles per hour.” However, participants in the *Breaking Letter And Spirit* condition were told they were driving “87 miles per hour.”

The dependent variables included: “Do you think your action was legal?” (legal), “Do you think your action violated the intention of the 55 miles per hour speeding law?” (violation of the perceived intention), “Do you think you should receive a ticket in this situation?” (culpability). All were answered on a Yes-No scale.

Participants answered demographics questions, a manipulation check about the speed stated in the scenario presented, and an attention check question that probed for whether they were reading the instructions. This attention question included a long-winded preface that eventually instructed people to respond by choosing the option “needlepoint” to the subsequent question written in capital letters “WHICH OF THE FOLLOWING ACTIVITIES IS MOST APPEALING TO YOU?”

### 2.3 Results and discussion

All participants passed the manipulation check, and the pattern of results remained the same when we excluded 6 participants who did not pass the attention check. Hence, we reported the results including all participants' data.

We report Fisher's exact tests (one-tailed) when comparing proportions between conditions throughout the paper. Consistent with our manipulations, the majority in both conditions acknowledged that the actions were illegal. As predicted, everyone in the Breaking Letter And Spirit condition felt that they had violated the intention of the law, compared to only 40.0% of participants in the Breaking Letter, Not Spirit condition,  $p < .01$ . Thus, most of them (87.8%) in the Breaking Letter And Spirit condition felt that they should be ticketed, compared to none

Figure 1: Picture shown in Study 2's *Breaking Letter, Not Spirit* condition. The car was clearly parked across the line, toward the left, encroaching upon a wall in the parking lot, not another parking spot.



in the *Breaking Letter, Not Spirit* condition,  $p < .01$ . Our results are summarized in Table 1.

Overall, the pattern of results suggests that breaking both the letter *and* the spirit involves breaking the perceived intention of the law along with its letter. This is judged as more deserving of punishment than when only the letter is broken. However, some might question whether this effect is just another example of the fact that we think it is fair to cheat “just a little” (Mazar, Amir, & Ariely, 2008), or, in this case, just speed a little over the limit, whereas it is unfair to cheat a lot, or go over the speed limit by a wide margin. Study 2 therefore sought to replicate these findings in another legal context where this “cheat-just-a-little” explanation does not apply but the perceived intention of the law does.

### 3 Study 2: Double-parking

Study 2 sought to replicate Study 1 by again testing the prediction that, when the letter of the law is broken, what largely determines culpability is whether or not the spirit is broken—the perceived intention of the law. This study explored this hypothesis in a double-parking context.

#### 3.1 Participants

Sixty-one adults (60.7% male, 1.6% unreported;  $M_{age} = 30.8$  years, age range: 20–56 years) recruited through Amazon Mechanical Turk participated in this online study.

Figure 2: Picture shown in Study 2's *Breaking Letter and Spirit* condition. The car was clearly parked across the line, encroaching upon another parking spot on the right.



#### 3.2 Method

In a between subjects design, participants read about a situation in which they were technically parked upon or across the line in a parking spot—a real parking law in the particular garage. In both conditions, participants read:

“At the University of Michigan, there is a parking law about the painted lines that delineate the parking spot: ‘A car cannot be parked upon or across the line.’ The intention of this law is to prevent the obstruction of other vehicles and double-parking. Suppose that you were driving a Volkswagen station wagon and parked in a parking structure at the University of Michigan, as depicted in the photo above.”

In the *Breaking Letter, Not Spirit* condition, participants saw the photo of the Volkswagen (Figure 1). It was clear from the photo that the car was parked across the line, toward the left, encroaching upon a wall in the parking lot, not another parking spot. In the *Breaking Letter and Spirit* condition, everything was identical except the car was encroaching upon another parking spot on the right (Figure 2).

Participants then responded to the questions on a Yes-No scale: “Looking at the photo above, technically speaking, do you think your action was legal?” (legal), “Do you think your action violated the intention of the parking law?” (violation of the perceived intention), and “Do you think you should receive a parking ticket in this situation?” (culpability). Participants also answered demographic questions, the same attention check as in Study 1, and indicated whether they had ever received a parking ticket before.



Table 2: Percentages of participants in Study 2 who made each judgment, by condition.

Judgments	Breaking Letter, Not Spirit	Breaking Letter And Spirit	Fishers test (one-tailed)
Illegal	87.1	93.1	.37
Violated perceived intention	51.6	96.6	< .01
Culpable (should receive ticket)	51.6	96.6	< .01

### 3.3 Results and discussion

Excluding the 5 participants who failed the attention check produced the same pattern of results as including them. Hence, we reported the results obtained including all participants. In this sample, 62.3% indicated having received a parking ticket before. However, neither previous ticketing experience nor gender significantly interacted with experiment condition on any of the dependent measures. Hence, we collapsed across previous ticketing experience and gender in reporting our results.

Results were consistent with our predictions (Table 2). First of all, the majority of participants in both conditions recognized their actions as illegal. These proportions were similarly high in both conditions,  $p = .37$ . More importantly, a higher proportion (96.6%) in the Breaking Letter and Spirit condition felt that they had violated the intention of the law, compared to those (51.6%) in the Breaking Letter, Not Spirit condition,  $p < .01$ . The identical pattern of results emerged for their admissions of culpability: 96.6% of those in the Breaking Letter and Spirit condition felt that they should be ticketed, compared to 51.6% in the Breaking Letter, Not Spirit condition,  $p < .01$ .

We conducted mediation analyses to test if violating the perceived intention of the law mediates people's admissions of culpability. Experiment condition predicted the admission of culpability,  $B = -3.27$ ,  $Wald(1) = 9.17$ ,  $p < .01$ ,  $Exp(B) = .04$ , and whether the perceived intention of the law was violated,  $B = -3.27$ ,  $Wald(1) = 9.17$ ,  $p < .01$ ,  $Exp(B) = .04$ . Controlling for experiment condition, violating the perceived intention of the law significantly predicted admission of culpability,  $B = 2.64$ ,  $Wald(1) = 10.03$ ,  $p < .01$ ,  $Exp(B) = 13.95$ . When this mediator was added to the regression equation, experiment condition no longer significantly predicted admission of culpability,  $p > .05$ . A Sobel test showed that the mediation was significant, Sobel  $z = -2.19$ ,  $p = .03$ . Hence, we found that violating the perceived intention of the law mediated the relationship between experimental condition and the admission of culpability.

## 4 Study 3: Judgments of self vs. others in multiple domains

Having shown that violating the perceived intention of the law is what distinguishes admissions of culpability when only the letter versus both the spirit and letter of the law are broken, one might question whether these dynamics apply only to self-judgments. That is, Studies 1–2 focused only on the self as the would-be violator and not another person. We next considered if the same judgment processes operate when evaluating others, which some literature suggests is not always the case (e.g., Jones & Nisbett, 1971; Zikmund-Fisher, Sarr, Fagelin, & Ubel, 2006). Study 3 thus empirically tested whether the same pattern of results emerges for judgments of the self and others alike. We also measured violations of the perceived intention of the law across a variety of scenarios to provide additional evidence that violating the intention of the law correlates with whether the law should be enforced.

### 4.1 Participants

Excluding 3 participants who accessed the survey but did not answer a single question, 122 adults (60.7% male;  $M_{age} = 32.2$  years, age range: 18–58 years) participated in this online study through Amazon Mechanical Turk.

### 4.2 Method

In this mixed factorial design, participants were randomly assigned to a between-subjects condition (actor: self/other), within which they reacted to 3 within-subjects scenarios (scenario: speeding/ taxes/ fishing). The within-subject scenarios were presented in counterbalanced order across participants.

In the other actor, speeding scenario, participants read:

Imagine someone is driving on the highway around dusk. The posted speed limit is 65 miles per hour. However, the person is traveling 80 miles per hour because s/he is trying to get home before dark, when his/her vision becomes impaired. A police officer pulls the person over for speeding...

After each scenario, they rated whether the person described should be ticketed ("Do you think the person should be ticketed?") and whether the person had violated the intention of the law in that scenario ("Do you think the person has violated the intention of the 65-mile per hour law?"). Both questions were administered on 1 (Definitely No) to 7 (Definitely Yes) scales.

Table 3: Correlations among participants' ratings of culpability and perceived violation of the law's intention by scenario and condition.  $p < .01$  for all correlations.

	Self condition	Other condition
Speeding	.52	.37
Taxes	.67	.51
Fishing	.60	.63

In the other actor, taxes scenario, participants read:

Imagine someone is completing his/her taxes, and s/he decides not to report a \$500 honorarium that s/he received for giving a speech to a local high school.

The person later learns that s/he will be audited by the Internal Revenue Service...

In the other actor, fishing scenario, participants read:

Imagine that someone is fishing on the north fork of the Platt River in Wyoming. Although the fishing limit is 6 fish per day, the person has since caught 8 trout, which are tethered together along the banks of the river. Moments later, a park fishing officer is standing above the person's catch...

As in the speeding scenario, these scenarios were followed by a question about whether the person described should be ticketed and whether the person had violated the intention of the law. The self conditions were identical to the other actor ones, except that "someone" and "the person" were changed to "you". We also collected demographic data and administered the same attention check used in previous studies.

### 4.3 Results and discussion

Four participants did not pass the attention check, although their inclusion did not affect the pattern or significances of the results. We thus report analyses using all participants' data. There was no effect of gender or scenario presentation order on any of the dependent measures, hence we pooled across these variables in our analyses.

Participants' ratings of culpability and perceived degree of violation of the law's intention were significantly positively correlated across all three scenarios. Furthermore, the pattern of results replicated for both actor conditions. Table 3 summarizes these results.

We tested whether the relation between violations of the perceived intention of the law and people's judgments of

Table 4: Study 3's multiple regression of culpability judgments on actor (self = -1; other = 1), perceptions that the intention of the law were violated, and their interaction by scenario. (\*\* $p < .01$ .)

	B	t
<b>Speeding</b>		
Actor	.36	0.65
Violation of intention	.50	5.23**
Actor × violation interaction	-.09	-0.97
<b>Taxes</b>		
Actor	.60	1.32
Violation of intention	.68	7.90**
Actor × violation interaction	-.10	-1.10
<b>Fishing</b>		
Actor	-.10	-0.21
Violation of intention	.67	8.24**
Actor × violation interaction	.01	0.12

culpability was moderated by the actor (self/other) in each scenario. We regressed judgments of culpability on the interaction between violation of the perceived intention of the law and actor, and their main effects. The continuous variables were centered before calculating their interaction terms. Across all scenarios, only the violation of the perceived intention of the law was a significant predictor (see Table 4). Thus, replicating the previous studies, the degree to which an action violated the *perceived intention* of the law predicted lay people's judgments of culpability across multiple contexts, regardless of whether the actions were committed by the self or by another.

## 5 Study 4: Breaking the spirit but not the letter

Study 4 sought to underscore how culpability is contingent upon whether or not the spirit of the law is broken, even in cases where the letter of the law is not. In other words, the spirit of the law matters so much that culpability can arise even when the letter is not violated. Study 4 therefore changed the experimental paradigm. In Studies 1 and 2, the letter was always broken but we manipulated whether or not the spirit was broken. Here, we compare a condition where the letter is broken but not the spirit to a condition where the spirit is broken but not the letter. Our

main prediction is that people will perceive themselves as culpable when breaking the spirit of the law, even when the letter is not is broken.

### 5.1 Participants

Excluding 1 participant who accessed the survey but did not answer a single question, 60 adults (70.0% male;  $M_{age} = 28.2$  years, age range: 18–59 years) were recruited through Amazon Mechanical Turk to participate in this online study.

### 5.2 Method

In a between-subjects design, participants read about a situation in which they parked in handicapped parking spot. In the *Breaking Letter, Not Spirit* condition, participants read:

At Toby University, a self-governing jurisdiction, the law for handicapped parking is the following: “If the car you are driving has a handicapped license plate—you are permitted to park in a handicapped spot.” The intention of this law is to provide accessible parking to handicapped persons.

You are handicapped. You are visiting your friend at Toby University. During this visit, you drove your friend’s car, which does not possess a handicapped license plate and parked it in a handicapped parking spot. This area is regularly patrolled by traffic officers.

Participants responded yes or no to the following questions: “Do you think your action was legal?” (legal), “Do you think your action violated the intention of the handicapped parking law?” (violation of the perceived intention), and “Do you think you should receive a parking ticket in this situation?” (culpability). Participants in the *Breaking Spirit, Not Letter* condition read the identical scenario, except they were told they were not handicapped but did possess a handicapped license plate. We also included a manipulation check (“In the scenario on the previous page, were you told that you were handicapped?”; Yes/No) and the same attention check used in our previous studies.

### 5.3 Results and discussion

Two participants did not pass the attention check and 4 failed the manipulation check. The pattern of results remained the same whether they were included or excluded. We thus report analyses using all participants’ data.

Our results were consistent with our predictions (Table 5). Participants were on balance able to distinguish what

Table 5: Percentages of participants in Study 4 who made each judgment by condition.

Judgments	Breaking Letter, Not Spirit	Breaking Letter And Spirit	Fisher test (one-tailed)
Illegal	83.3	23.3	< .01
Violated perceived intention	36.7	80.0	< .01
Culpable (should receive ticket)	56.7	33.3	.06

was legal from what was not. The majority (83.3%) of participants in the Breaking Letter, Not Spirit condition recognized their actions as illegal. On the other hand, a minority (23.3%) of participants in the Breaking Spirit, Not Letter condition reported that their actions were illegal, supporting our manipulations. As we might expect, the proportion of participants who judged the action as illegal was greater in the Breaking Letter, Not Spirit than the Breaking Spirit, Not Letter condition,  $p < .01$ .

More interesting, however, are the extents to which these proportions deviated from what we should expect from a legal perspective. In the Breaking Letter, Not Spirit condition, again the 83.3% of participants who rated their actions as illegal was lower than the 100% that it should technically be. In the Breaking Spirit, Not Letter condition, again the 23.3% of participants who rated their actions as illegal was greater than the 0% that it should technically be. These complement our previous findings in showing that: (1) breaking the letter alone does not completely dictate people’s subjective judgments of culpability and (2) breaking the spirit can incur judgments of culpability, even when the letter is intact.

Participants’ judgments of culpability mirrored these findings. In the Breaking Letter, Not Spirit condition, 56.7% believed they should be ticketed, even though technically 100% should be ticketed from the legal perspective. However, in the Breaking Spirit, Not Letter Condition, 33.3% believed that they should be ticketed, even though technically 0% should be ticketed from a legal perspective.

What could be driving the difference between people’s subjective culpability judgments and what we should expect based on legal technicalities? Our data suggest that perceived violations of the intention of the law informs this discrepancy. In the Breaking Letter, Not Spirit condition, only 36.7% of the participants felt that the intention of the law was violated. In the Breaking Spirit, Not Letter condition, a vast majority (80.0%) of the participants felt that the intention of the law was violated,  $p < .01$ . Thus,

violations of the spirit of the law help inform culpability, even when the letter is not technically broken.

## 6 Study 5: Predicting culpability in controversies

Study 5 sought to examine another instance in which the letter of the law is not broken but the spirit of the law may have been violated. To this end, we took advantage of a real news story involving a homeowner who shot and killed an advancing individual with Alzheimer's disease under the "stand-your-ground" law. In this controversy, we tested the prediction that violations of the perceived intention of the "stand-your-ground" law would predict judgments of culpability. We also wanted to control for various counter-explanations that underlie culpability such as violations of social and moral norms (e.g., Bicchieri & Chavez, 2010; Mazar, Amir, & Ariely, 2008), the seriousness of the offense (Tonry, 2010), or even the degree to which the victim is to blame (McCaul, Veltum, Boyechko, & Crawford, 1990). Our prediction was that violating the perceived intention of the law would significantly predict culpability judgments, above and beyond these other factors.

### 6.1 Participants

Excluding 2 participants who did not proceed past the informed consent page, 46 adults (50.0% male, 16.7% unreported,  $M_{age} = 31.5$  years) participated through Amazon Turk in a within-subjects online experiment for payment.

### 6.2 Method

Participants were shown a video (Figure 3) of a recent legal controversy involving a homeowner who had shot dead an elderly man with Alzheimer's when the latter trespassed on his property in the middle of the night (ABC News, 2013). After watching the video, all participants responded to eight questions on 1–7 rating scales:

- "How much do you think the homeowner is culpable for his actions?" (culpability)
- "How much do you think the homeowner violated the intention of the stand-your-ground law?" (violation of the perceived intention)
- "How serious was the action by the homeowner?" (seriousness)
- "How morally acceptable were the homeowner's actions?" (moral acceptability)
- "How socially acceptable were the homeowner's actions?" (social acceptability)

Figure 3: Transcript of video used in Study 5.



*Narrator:* The controversy over self-defense and the stand-your-ground law is under the microscope in Georgia. Seventy-two year old Alzheimer's patient Ronald Westbrook [pictured] wandered three miles from his home and started knocking on a stranger's door. The couple inside was startled. The woman called 911, while the man grabbed a gun.

*Sheriff (on video):* He probably should have waited in the home [pictured] until law enforcement arrived unless there had been a more immediate threat.

*Narrator:* But the man went outside, where he says Westbrook advanced toward him. The homeowner fired four times, killing the retired Air Force veteran. The sheriff says the case may fall under the state's stand-your-ground laws, but the district attorney has final say, and is now reviewing the case.

- "How much do you think the homeowner's actions harmed people other than himself?" (harm to others)
- "When shooting the victim, how likely did the homeowner think he would be punished for manslaughter?" (anticipation of legal consequences)
- "To what extent was this the victim's fault?" (victim's responsibility)

Because the integrity of participants' responses was contingent on whether or not they had watched the video, we added an attention check question that asked participants to identify which legal issue had been portrayed in the video. They were given four options to choose from, of



Table 6: Correlation matrix for Study 5 measures. (\*  $p < .05$ . \*\*  $p < .01$ , one-tailed.)

	1	2	3	4	5	6	7
1. Culpability							
2. Violation of perceived intention	.60**						
3. Seriousness	.35*	.32*					
4. Moral acceptability	-.19	-.22	-.23				
5. Social acceptability	-.38*	-.18	-.17	.77**			
6. Harm to others	.02	-.07	.34*	.03	-.04		
7. Anticipation of legal consequences	-.09	.11	-.13	.44**	.36*	-.24	
8. Victim's responsibility	-.42**	-.31*	-.26	.23	.42**	-.15	.12

which the third accurately reflected the video content: (1) A shooting of a defenseless teen on Methamphetamines, (2) A string of shootings and catching the killer, (3) A shooting of an elderly man with Alzheimer's, and (4) A shooting in the inner-city. We also measured participants' demographic information.

### 6.3 Results and discussion

We excluded data from 6 participants did not answer the attention check question about the contents of the video. Although inclusion of their results produced the same pattern of results and significances, we present the results excluding these participants because of the importance of responding to the specific video contents presented in this study. Out of those who answered ( $N = 40$ ), everyone passed the attention check. Table 6 presents the correlation matrix for the 8 self-reported measures: culpability, violation of perceived intention of the law, seriousness, moral acceptability, social acceptability, harm to others, anticipation of legal consequences, and victim's responsibility. Importantly, culpability was significantly positively and highly correlated with violation of the perceived intention of the law,  $r = .60, p < .01$ .

To test the relative predictive strengths of the various factors on people's culpability judgments, we regressed culpability judgments on the other 7 self-report measures. This multiple regression analysis showed that all 7 factors accounted for 54.0% of the total variance in culpability judgments,  $F(7, 32) = 5.36, p < .01$  (Table 7). The degree to which the perceived intention of the law was seen as violated significantly predicted these judgments of culpability when controlling for all other factors,  $B = .41, t(32) = 3.82, p < .01$ . It was the strongest predictor of culpability. Judgments of culpability and ratings on any of the other factors did not significantly differ by gender.

When considered alongside other common theoretical accounts of culpability, violation of the perceived intention of the law accounted for a significant portion of vari-

Table 7: Study 5's multiple regression of culpability judgments on all 7 measures relating to the video watched. (\*  $p < .05$ . \*\*  $p < .01$ .)

	B	t	R <sup>2</sup>	F
Violation of perceived intention	.41	3.82**		
Seriousness	.27	1.30		
Moral acceptability	.33	2.22*		
Social acceptability	-.42	-2.52*		
Harm to others	-.22	-.62		
Anticipation of legal consequences	-.08	-1.06		
Victim's responsibility	-.08	-.63		
Model			.54	5.36**

ance in people's judgments of culpability. Furthermore, it most strongly predicted culpability out of all the possible explanations. Hence, our results reinforce the importance of the *spirit* of the law, or the perceived intention of the law, in lay people's evaluations of culpability.

## 7 General Discussion

Building upon broad theories of justice and law from the lay perspective, the present analysis introduces the letter versus spirit of the law framework to understand lay judgments of culpability. Study 1 showed that people are more willing to acknowledge their culpability in speeding when they break the letter of the law only when the spirit is additionally broken. Study 2 replicated this finding in a parking context and showed that violating the perceived intention of the law mediated the relation between whether or not the spirit of the law was broken and judgments of cul-

pability. Study 3 further replicated the correlation between violating the perceived intention of the law and culpability, across various contexts and regardless of whether the actor was the self or another individual. Study 4 illustrated the importance of breaking the spirit above and beyond the letter, as individuals can incur culpability when breaking the spirit of the law even without breaking the letter. Probing perceptions of a controversial case in which the letter of the “stand-your-ground” law was not broken, Study 5 showed that people felt that the actor incurred culpability to the extent that he had violated the perceived intention of that law. Moreover, perceptions of the violations of the perceived intention of the law significantly predicted these judgments of culpability to a great degree, even when controlling for various alternative explanations.

Despite the juxtaposition of “letter” versus “spirit” for centuries, these terms have not yet been used to concretize a psychological framework for understanding culpability. Moreover, the present framework complements existing theories in which the lay perspective is paramount in understanding perceptions of justice. In this sense, the present framework complements the “grammar of society” and “commonsense justice” approaches, which are informative, yet sometimes difficult to operationalize. To that end, the present framework offers specific coordinates—letter versus spirit—to better predict judgments of culpability.

## 7.1 Limitations and future directions

While the literature has demonstrated well the robust impact of the intention of the actor on culpability (e.g., Renz & Arvey, 2008), the present analysis focused exclusively on the intention of the law. Nevertheless, it would be interesting to examine how the intention of the actor and the perceived intention of the law work together to produce differential levels of culpability. And while we captured the perspective of the layperson, it would have been additionally informative had we asked our research participants to envision themselves in the role of a juror, judge, or prosecutor.

Although Study 5 showed that the perceived intention of the law predicts culpability even beyond social and moral norms, it would nevertheless be interesting to integrate the social and moral norms into this letter versus spirit of the law framework. After all, such norms can often influence whether or not we following the letter of the law (Brennan & Buchanan, 1985; Coglianese, 1997; Coleman, 1990; Posner, 2002). We could also examine the impact of the enforcement norms in determining the extent to which people abide by the letter of the law. Along these lines, it would also be interesting to extend the current framework to the legal debate on whether rules versus standards provide a better basis of the law (Schlag, 1985). In some

ways, our letter versus spirit framework seems to implicate the importance of standards.

Our letter versus spirit of the law framework could also become a platform for researching a new individual difference variable: individuals who are governed by the letter versus the spirit. How do people who generally judge by the letter of the law psychologically differ from those who judge by the spirit of the law? While there is already a spate of research showing how people differ in the need for structure (Neuberg & Newsom, 1993; Thompson, Naccarato, Parker, & Moskowitz, 2001), the need for closure (Webster & Kruglanski, 1994), or the need for cognition (Cacioppo & Petty, 1982), perhaps the distinction between “letter versus spirit” people might manifest interesting perspectives on the law, even beyond one’s particular cognitive style. The exploration of such an individual difference, especially if further developed into a personality scale, could have important implications for jury selection and even human resource selection.

## 7.2 Theoretical implications

One interesting issue to consider is the motivation to comply with the spirit of the law. A growing literature on compliance and motivation suggests that people may be extrinsically or intrinsically motivated to follow the law (May, 2004; Parker, 2006). For example, an individual may be intrinsically motivated by efficiency but not necessarily by equality. So, to the extent that people perceive the intention of a given law as being consistent with their intrinsically held values, they will be more likely to comply with the law. For example, a person intrinsically motivated by efficiency may be more likely to follow traffic laws that govern traffic circles, which are known for their efficiency, and less likely to fully stop at a 4-way stop intersection.

Another question to consider is why the letter and spirit of the law often differ. One reason may have to do with law enforcement. For example, in the case of handicapped parking, it is much easier to verify that handicapped placards are visible on car windshields than subjecting drivers to personal inspections for evidence of being handicapped. Thus, the letter of the law has to be written in a way that is appropriate for enforcement, even though it may provide a loophole that some people may exploit.

Also contributing to disconnections between the spirit and the letter is how the law was originally framed. A double-parking law defined as “parking partially in two spaces” could also be written as “parking upon or across the parking line”, which would additionally cover those situations where a car is parked over the line at the end of a row but next to a bend in traffic flow, as well as (mistakenly) the situation shown in Figure 2. These kinds of discrepancies between the letter and the spirit might happen because lawmakers face trade-offs between speci-

ficity versus parsimony in the legal codifications. Likewise, perhaps lawmakers have the illusion of transparency (Gilovich, Medvec, & Savitsky, 1998) and think that the spirit of the law is more apparent than it actually is.

### 7.3 Practical applications

This framework broaches a new language to understand complex situations such as those that are not technically illegal but seem wrong (i.e. violating the spirit of the law but not the letter). For example, in the case of domestic abuse, an angry spouse may break the “spirit” of domestic violence laws by destroying items in the home during an argument, creating an unsafe and dangerous environment, even without violating the letter of the law per se (i.e., threatening or touching the victim). Another example pertains to discrimination. Some classes of people might be held to the letter of the law while other classes are only held to the spirit of the law. For instance, those Americans that look more “American” might be judged according to the spirit of the law, whereas those who look more foreign may be held strictly to the letter of the law. What is particularly pernicious about these differential applications of law enforcement is that officers could hide behind the letter of the law to justify their actions, especially in cases of racial profiling, even though the actual reason, conscious or unconscious, may be that the individual looks “suspicious” because of his/her group membership.

Finally, this framework helps explain those anomalies in the legal system where juries, judges, and prosecutors sometimes absolve a person who breaks the law if they perceive that the spirit of the law was not broken, even if the letter was. One example of our time is the case of Jack Kevorkian who repeatedly violated laws that prohibit assisted-suicide. It took multiple attempts to convict him over the course of repeated violations. To the jurors in these cases, the perceived intention of assisted-suicide laws was to prevent people from assisting *physically healthy others* in suicide; in the case of the *terminally ill*, these jurors likely perceived that the assisted suicide laws do not apply. Thus, those who hold the scale of justice in society, such as juries, judges, and prosecutors, often arrive at justice by the application of the spirit of the law, however subjectively construed, and not the letter per se.

### 7.4 Conclusion

Building upon the broad approaches to lay perspectives such as the “grammar of society” and “commonsense justice,” the present analysis concretizes a simple framework on the letter versus the spirit of the law to help us understand lay perceptions of culpability. In doing so, we find that what matters above and beyond the mere letter is

whether the spirit of the law—namely, the perceived intention of the letter—has been violated. In fact, people can incur culpability even without technically breaking the letter. While we have outlined how this framework opens new possibilities for research, it may also help inform our own experiences the next time we see flashing highway patrol lights or that dreaded piece of paper on the windshield.

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