

Judgment, Justice and Evil in Norway

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Brown University psychological scientist Fiery Cushman is a pioneer in the study of moral psychology—how humans think and feel and form judgments about issues of right and wrong, including justice and punishment. In the wake of Norway's tragedy last month, I asked Cushman to reflect not only on Anders Brievik's actions but also on society's reaction—in particular Norwegian society's reaction—to such murderous acts. Here are the open-ended questions that I asked Cushman:

What does your work on morality, justice and punishment have to say about the recent massacre in Norway? How can Norwegian society mete out justice that will be morally satisfying to citizens there? Since there is no death penalty in Norway—not even a life sentence—can the punishment ever fit the crime in Brievik's case? Is there an innate urge for getting even? An eye for an eye?

And here is his response:

“Of course my reaction to the terrorist acts in Norway is shock and great sadness. For anybody—a statesman, a scientist, and any concerned citizen—I think two questions leap to mind. First, what caused Brievik to commit these acts? And second, how do we as a society respond to them? There are ways that psychological research can help us to approach those questions. I will not venture any guesses on the first question because we have yet to hear many details about Brievik or his thinking. But I can say a little bit about how we respond to acts of violence—in essence, the psychology of blame and retribution. Let me be clear, however: I am not trying to dictate how we should respond, but instead to explain what psychologists have learned about how people do respond.

“Many decades of research show that when tragedies occur we go through a sequence of thought processes. First we try to find out what caused the tragedy, and it is important to classify the cause as either a human or an act of nature. If the cause is human, this automatically activates a sense of retribution. We have a strong instinct to punish the causally responsible person. It appears that that basic urge to punish those responsible for harm is in place at least by the age of 4 years, and possibly younger.

“But those retributive instincts can be tempered by some additional steps of evaluation. The next question we ask is whether that human was acting intentionally—meaning, were they aware that their actions could or would cause harm? If the act was intentional, we finally ask whether there were justifications for the act (for instance, self defense). From what I've read in the news, the answer to these questions is fairly clear: The cause was Brievik, his actions were very intentional, and there is no acceptable justification for his actions. In that circumstance people are going to have extremely strong retributive feelings.

“I am choosing that word—retribution—very deliberately. There are other reasons we might punish Brievik that are more coldly rational. For instance, we want to prevent him personally from committing another such crime. Or, we want to send a strong message to other would-be terrorists to think twice.

Retribution is not such a rational evaluation. It is a basic emotional response that demands that those who cause harm are harmed in return. Lots of research, especially the work of Kevin Carlsmith, shows that for violent crimes like Brievik's, our desire for punishment is driven most strongly by retributive impulses.

“One difficult question that Norway now faces is whether the death penalty would be appropriate for Brievik. Some very recent work by the psychologists Dena Gromet, Geoff Goodwin and John Darley looked at factors that influence endorsement of the death penalty. They found that ordinary people are more likely to endorse the death penalty for criminals who experience pleasure from the violent acts they perform, compared to criminals for whom violence is not pleasurable. The key factor seems to be the way we evaluate those criminal's personal character. A criminal who takes pleasure from doing harm is considered not just blameworthy but evil, and it is that sense of an evil mind that seems to increase endorsement of the death penalty. At this point we can only speculate about Brievik's state of mind, but the nature of his behavior suggests that doing violence really was a goal for him, not just a side-effect of some other criminal enterprise.

“Of course, you don't need a lot of fancy studies or a Ph.D. to know that people want to see terrorist acts punished. In a way, it might seem like these studies do not teach us very much that we did not already know. But there is a real value to understanding the nature and power of our moral sense. When we are unaware of the origins of our feelings it can seem like we have no choice but to follow them.

“But when we understand the psychological mechanisms that give rise to our feelings, I think it allows us an extra measure of choice in how to respond. I am certainly not suggesting that we would choose not to punish Brievik—to the contrary, I expect and hope that he will face the full force of the law. Nevertheless, there is some value in reflecting on the basis of that punishment. To what extent should it depend on retribution? What does it mean to hold that a person is evil? How would we have responded if his plan had failed, or if his bomb had killed hundreds more than it did? Reflecting on questions like these may help us not only satisfy our immediate desire to see Brievik punished, but also our long term interest in designing punishments and laws that successfully safeguard us against future such crimes.”

Wray Herbert's book, [*On Second Thought*](#), describes Fiery Cushman's studies of morality and murder in detail. Excerpts from his two blogs—“We're Only Human” and “Full Frontal Psychology”—appear regularly in *Scientific American Mind* and *The Huffington Post*.