

Tort Reform: Negligence Explains Attributions of Intentionality for Negative Side Effects

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Abstract: It seems intuitive to attribute intentionality to goal-directed actions. Sometimes, though, goal-directed actions yield side effects that actors could foresee but did not necessarily intend. Previous research suggests that people make opposing attributions to negative and positive side effects: they attribute intentionality to negative side effects but not to positive side effects. Those researchers argue that moral disapproval colors intentionality judgments for negative side effects. We do not dismiss this interpretation, rather we show that moral judgment influences intuitions about a specific type of intentionality: negligence. Participants learned about a business decision that yields explicitly intended profits and one of two foreseeable side effects (harmful or helpful) on the environment. We replicated prior findings when controls rated agreement with an attribution of intentionality for the side effect. Participants overwhelmingly attributed side effects to negligence when choosing between intentional, negligent, or unintentional attributions. These effects were greater for negative side effects.