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The Effects of Intent and Consequences on the Assignment of Penalties Related to HIV Non-Disclosure Situations

Yang Deng
Old Dominion University

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**THE EFFECTS OF INTENT AND CONSEQUENCES ON THE ASSIGNMENT
OF PENALTIES RELATED TO HIV NON-DISCLOSURE SITUATIONS**

by

Yang Deng
B.A. June 2010, Beijing Normal University, Zhuhai (BNUZ), China

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Approved by:

 Louis H. Janda (Director)

 James Paulson (Member)

 Valerian J. Derlega (Member)

ABSTRACT

THE EFFECTS OF INTENT AND CONSEQUENCES ON THE ASSIGNMENT OF PENALTIES RELATED TO HIV NON-DISCLOSURE SITUATIONS

Yang Deng
Old Dominion University, 2013
Director: Dr. Louis H. Janda

Laws related to HIV require individuals infected with HIV to disclose their HIV-positive status before engaging in sexual behavior. These laws vary as to whether to include the intent of HIV non-disclosure as a criterion for prosecution. Penalty assignment for HIV non-disclosure is consistent with moral judgment. Literature regarding moral judgment has been inconsistent as to whether individuals process information regarding intent and consequences independently or interdependently when recommending penalties. The present study seeks to explore the effects of intent and consequences on recommended penalties in HIV non-disclosure situations. A 3(intent) × 2(consequence) ANOVA design was conducted with recommended penalties for time in prison and fines as the dependent variables. The effects of intent and consequences on the assignment of responsibility were also examined as a research question, using a 3(intent) × 2(consequence) ANOVA design, with assigned responsibility and blameworthiness as the dependent variables. The results demonstrated that intent and consequences played independent roles in affecting recommended penalties related to HIV non-disclosure situations. No significant differences were found for responsibility attribution among the conditions. The results were consistent with the findings of studies in which information regarding intent and consequences was independently processed in making judgments. It also broadened the literature in HIV non-disclosure related studies.

This thesis is dedicated to my dear family. My parents have behaved as great role models for me in my life. My younger brother has attended my parents while I was studying in the U.S. I also give my gratitude to my dear friends who have shared with me the precious moments towards self-growth.

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TABLE OF CONTENTS

| | Page |
|-------------------------------------------------------------------|------|
| LIST OF TABLES | vii |
| LIST OF FIGURES | viii |
| INTRODUCTION | 1 |
| THE EFFECTS OF INTENT AND CONSEQUENCES ON PUNISHMENT | 2 |
| THE EFFECTS OF INTENT AND CONSEQUENCES ON RESPONSIBILITY | 7 |
| PROPOSED STUDY AND HYPOTHESES | 8 |
| RESEARCH QUESTION | 10 |
| METHOD | 11 |
| PARTICIPANTS | 11 |
| MATERIALS | 11 |
| PROCEDURE | 17 |
| RESULTS | 18 |
| DATA CLEANING | 18 |
| MANIPULATION CHECKS | 18 |
| TEST OF HYPOTHESES | 20 |
| TEST OF RESEARCH QUESTION | 22 |
| DISCUSSION | 22 |
| HYPOTHESES | 24 |
| RESEARCH QUESTION | 27 |
| IMPLICATIONS | 29 |
| LIMITATIONS | 30 |
| CONCLUSIONS | 31 |
| REFERENCES | 32 |
| APPENDICES | 37 |
| A. INFORMED CONSENT NOTIFICATION | 37 |
| B. DEMOGRAPHIC INFORMATION | 39 |
| C. RANDOM ASSIGNMENT | 40 |
| D. VIGNETTES | 41 |
| E. DEPENDENT VARIABLES | 47 |
| VITA | 48 |

LIST OF TABLES

| Table | Page |
|------------------------------------------------------------------------------------------------|------|
| 1. Means and Standard Deviations for Blameworthiness based on Intent and Consequences | 23 |
| 2. Means and Standard Deviations for Responsibility based on Intent and Consequences | 23 |

LIST OF FIGURES

| Figure | Page |
|-----------------------------------------------------------------------------|------|
| 1. The recommended time in prison based on intent and consequences | 21 |
| 2. The recommended fines based on intent and consequences | 22 |

CHAPTER 1

INTRODUCTION

A majority of US states have enacted HIV-related laws that criminalize the behavior of a person infected with HIV who engages in sexual activities without first disclosing his or her HIV-positive status (Center for HIV Law & Policy [CHLP], 2010; Galletly & Pinkerton, 2006). A rigorous review has shown that few of these statutes have required an actual transmission of HIV for prosecution, and they vary as to whether to include the intent of transmitting HIV on the part of the HIV-positive persons as the criterion for penalties (CHLP, 2010). For instance, among most of these laws (e.g., GA. CODE ANN. §16-5-60(C); FLA. STAT. ANN. §384.24; MICH. COPM. LAWS ANN. §333.5210, etc.), intent of transmitting HIV is not required for a criminal penalty. But four states' laws (CAL. HEALTH & SAFETY CODE §120291; 2010 Kan. Sess. Laws Ch. 136; OKLA. STAT. TIT. 21, &1192.1; WASH. REV. ODE ANN. &9A.36.011) require specific intent to infect another person with HIV in addition to non-disclosure of the HIV-positive status for prosecution (Galletly, DiFranceisco, & Pinkerton, 2009). The statute regarding HIV in Virginia has separately addressed intent of transmitting HIV and non-disclosure of the HIV status. The law reads:

A. Any person who, knowing he is infected with HIV, syphilis, or hepatitis B, has sexual intercourse, cunnilingus, fellatio, anallingus or anal intercourse with the intent to transmit the infection to another person is guilty of a Class 6 felony.

B. Any person who, knowing he is infected with HIV, syphilis, or hepatitis B, has sexual intercourse, cunnilingus, fellatio, anallingus or anal intercourse with another person without having previously disclosed the existence of his infection to the other person is guilty of a Class 1 misdemeanor (Va. Code Ann. § 18.2-67.4:1).

Penalties for violating the HIV non-disclosure laws vary from state to state, ranging from an imprisonment of less than 12 months and/or a fine of \$2,500 up to an imprisonment of 30 years (Galletly & Pinkerton, 2006).

The effectiveness of the HIV laws on the disclosure of seropositive status and the prevention of HIV transmission has been explored (Galletly & Pinkerton, 2006; see also review by Joint United Nations Programme on HIV/AIDS [UNAIDS], 2013; Galletly, Pinkerton, & DiFranceisco, 2012). These laws do not necessarily deter HIV-positive persons from engaging in sexual behavior, but it seems that these laws serve to establish a social norm regarding what behavior on the part of the HIV-positive persons is illegal (Galletly & Pinkerton, 2006; Lazzarini, Bray, & Burris, 2002). Little research, however, has been conducted with respect to the impact of the intent of transmitting HIV and the actual transmission of HIV on punishment in the HIV non-disclosure situation. This study seeks to examine the role of intent and consequences in assigning punishment to the HIV-positive person who fails to disclose his/her seropositive status.

Evidence has shown that retribution or just deserts is the main motivation for punishment (Carlsmith, 2006; Carlsmith, 2008; Carlsmith, Darley, & Robinson, 2002). In other words, sentencing is ultimately consistent with moral judgment. Severity of punishment is commensurate with the extent of violation in moral values. The more

egregious the behavior, the more severe the punishment would be. Motivation for punishing HIV non-disclosure behavior has also been found to be consistent with the just deserts concept (Woody, 2012).

Literature related to moral judgment provides a background for understanding the importance of intent and consequences on punitive reactions. Earlier studies in reasoning development have found that intent is an important factor in moral judgment. Sensitivity to intent in making judgments on accountability is enhanced as a result of mental development such that older children tend to incorporate intent when making judgments compared with younger children (Weiner & Peter, 1973; see also review by Keasey & Sales, 1977; Zelazo, Heiwig, & Lau, 1996). Individuals with a higher level of ability in moral reasoning tend to put more emphasis on intent compared with those with a lower level of ability in moral reasoning (Horan & Kaplan, 1983). In general, the more injurious the intent, the more severe the punishment would be (Horal & Bartek, 1978). With respect to the manipulated levels of intent, malicious intent is generally included as the highest level of intent, followed by displacement or mischievous as the second level of intent, and then negligence or accident as the lowest level (Cushman, 2008; Grueneich, 1982; Leon, 1982; Przygotsky & Mullet, 1993). Negligence is sometimes distinguished from accident, and there have been mixed findings regarding punishment based on intent, negligence, and accident (Shultz & Wright, 1985; Shultz, Wright, & Schleifer, 1986). For example, in a study in which participants (undergraduates) made judgments on several cases (e.g. a pharmacist filling out a prescription with a wrong dosage), participants assigned similar levels of responsibility and punishment to both intentional and negligent harm than when harm resulted from an accident (Shultz & Wright, 1985). While in

another story about toy damage, children (5-11 years old) assigned greater punishment for intentional damage than negligent damage, which in turn, was punished more than was pure accidental damage (Shultz, et al., 1986).

Although intent outweighs consequences in making judgments as cognitive ability develops, consequences do play a role in influencing judgments of responsibility and recommended punishment. Greater punishment is recommended for a more severe consequence than a less severe consequence (Casey & O'Connell, 1999; see also Robbenolt, 2000; Horan & Kaplan, 1983). For instance, Zelazo, Heiwig and Lau (1996) have found that both younger and older children made judgments of accountability on the basis of the consequences, though the sensitivity to intention increased as age increased. Older children tended to assign punishment by taking into account both intention and consequences while younger children tended to make judgments considering only intention or consequences. Moreover, in the negligently caused accident by a drunk driver, severity of the outcome (people injured or killed) was the only factor that determined the punishment compared with factors such as history of drunk driving, feelings of remorse, admission of being drunk, participants' gender and just world belief (Baldwin & Kleinke, 1994; Taylor & Kleinke, 1992).

Judgments regarding punishment become complex when both intent and consequences are taken into account. According to Information Integration Theory (IIT), individuals adopt various rules for integrating information in judgmental tasks. A main property of the IIT model is the prediction of parallelism/linear rule (these terms are used interchangeably; the term parallelism is the preferred term here), which refers to parallel curves of the plotted data in a factorial design. A theoretical explanation of parallelism is

that a combination of factors is evaluated while each factor is evaluated independently for the final judgment. In terms of an experiment, parallelism suggests that in the factorial design, main effects of independent variables would be revealed while interaction among the independent variables would not be significant (Anderson, 1973, as cited in Butzin & Anderson, 1973). Parallelism is also observed in assigning penalties based on intent and consequences (Leon, 1982; Leon; 1984; Przygotsky & Mullet, 1993). In particular, parallelism here refers to the main effect on both intent (good vs. bad) and consequences (more severe vs. less severe) without the interaction between intent and consequences on penalty assignment. Horan and Bartek (1978) found that more severe punishment was recommended for more malicious intent (i.e., to kill vs. to injure vs. not to injure) and more harm done (i.e., high vs. moderate vs. none), respectively, regardless of the purpose of the behavior (i.e., defensive vs. offensive).

In contrast to parallelism, a non-parallel pattern, termed as the configural rule, has been observed in moral judgments (Leon, 1980, as cited in Leon, 1982). The configural rule refers to situations in which the effects of one factor depend on the value of another factor. In a factorial design, a configural rule suggests significant interactions among factors. For example, in the study conducted by Przygotsky and Mullet (1993), a scenario about one person shooting at another person was presented to the participants. Intent was manipulated as no-intent (accidental) vs. displacement (elicited by external factors) vs. deliberate injury, and consequences as missed bullet vs. wound vs. killed the person. The penalties did not differ within the no-intent condition. The penalties were increased as intent became more negative and damage intensified. Other rules include intent-based and consequence-based rules, in which only intent or only consequence is considered

when recommending punishment (Leon, 1984). A finding from Horan and Kaplan (1983) confirmed the consequence-based rule. They found that participants gave weight mainly to consequences (i.e., mild and severe) when sentencing wrongdoings (e.g., embezzlement, arson, etc.) regardless of the intent (i.e., mild and severe).

A large amount of research exploring the effects of intent and consequences on participants' judgments with a similar experimental paradigm has yielded parallelism (Howe & Loftus, 1992; see also review by Leon, 1982, 1984). In addition, the linear rule has received the most support among the various rules when participants are asked to integrate information. For instance, Leon (1982) had children who were 6- or 7- years old assign penalties for a story of someone knocking over a ladder (intent: accident vs. displaced anger vs. malicious; rationale: remorse vs. admission vs. belligerent; damage: none vs. low vs. high). About 50 percent of the children applied the linear rule. Only a few adopted a configural rule by ignoring intent when the perpetrator expressed remorse (Leon, 1982). Extended study on both 6- and 7- year-old children and their mothers demonstrated that mothers and children were similar in making judgments; most of them applied the linear rule when recommending punishments; some mothers and children were more lenient only in the accident condition; while only a few employed a consequence-oriented strategy (Leon, 1984). Moreover, Howe and Loftus (1992) compared judgments on a fight scenario (intention: intentional vs. recklessness vs. negligent vs. accidental; outcome: death vs. injury) with both college students and court judges as participants. They found no striking differences in rule use when recommending punishment between the two groups, and the linear rule was applied as often as the intent-only rule.

Another point that should be addressed is the relationship between intent and consequences and the various types of judgment, an issue that has received much attention (see review by Shultz, Schleifer, & Altman, 1981; see also Robbennolt, 2000). Judgment on responsibility and judgment on punishment are identified as two main judgment types. Judgment on responsibility is commonly construed as blameworthiness, the moral evaluation of a target's behavior (Shultz et al., 1981). In general, judgment on responsibility and judgment on punishment have both been positively related to the severity of harmfulness (Robbennolt, 2000). A more rigorous literature review has shown two lines of relevant research. One line of research has examined the link among harmfulness, responsibility and punishment. It posits that a harmful consequence could lead to responsibility attribution, which in turn, would affect punishment (Shultz et al., 1981; see also review by Cushman, 2008; Shultz, 1986; Shultz & Wright, 1985). Another direction of the relevant research relates intent of harm to judgment of responsibility while harmful consequences affects judgments regarding punishment. These studies suggest that judgments of responsibility are strongly related to intent and judgments regarding punishment show greater sensitivity to the consequences (Casey & O'Connell, 1999; Cushman, 2008; Horan & Kaplan, 1983; Oswald & Orth, 2005; Sousa, 2009; Tostain & Lebreuilly, 2008). In a study by Cushman (2008), participants read the scenarios in which the perpetrator's intent to cause harm (i.e., intended vs. unintended) and the actual harm done (i.e., harm vs. no harm) were clearly stated, and then they were asked either to rate wrongness or to recommend punishment. For judgments of wrongness, intent accounted for far more variance than did consequences. For judgments regarding punishment, the difference in variance accounted for by intent and

consequences was reduced, resulting from a dramatic increase in variance explained by consequences. When the scenario described a target that intended to cause harm but failed to do so, there was a greater reduction in recommended punishment than in perceived wrongness compared to the scenario in which the target intended to cause harm and was successful in inflicting it. A similar pattern also has been found in other studies. For instance, in a hypothetical situation where someone has killed/failed to kill his/her aunt for fortune, the majority of the participants (89%) rated the perpetrator in each situation to be equally responsible while only about half of the participants (42%) considered the successful perpetrator to deserve greater punishment (Sousa, 2009). Further, Casey and O'Connell (1999) have found that the consequences played an important role in penalty assignment (e.g., the more the money embezzled, the more severe the penalties) yet participants varied in the degree to which the consequences were taken into account. This pattern is referred to as consequentialism. The higher the level of consequentialism, the more an individual would differentiate between the same act but with different consequences when assigning penalties. In the case of a failed attempt of murdering (high intention and low consequence), no significant effect of consequentialism was found, whereas in the case of an unintended killing of a pedestrian by a drunk driver (low intention and high consequence), consequentialism significantly affected penalty assignment.

Proposed Study and Hypotheses

The present study seeks to examine punitive reactions based on intent and consequences in a hypothetical situation where a man infected with HIV has engaged in sexual behavior without disclosing his HIV-positive status. In line with the experimental

paradigm traditionally used in testing integration of information by Anderson (as cited in Butzin & Anderson, 1973), intent (good intent vs. negligence vs. malicious intent) and consequences (good consequences vs. bad consequences) are combined and explicitly stated in six vignettes. Participants are asked to make recommendations regarding severity of punishment. The literature suggests that integration of intent and consequences affects the recommended punishment in a complex fashion. Most studies have yielded parallelism compared with the intent-only rule, the consequences-only rule and the configural rule (Butzin & Anderson, 1973; Leon, 1982). Therefore, the hypotheses in the present study were as follows:

(1) There would be a main effect for intent on the severity of the recommended punishment. Participants would assign more severe punishment for more malicious intent.

(2) There would be a main effect for consequences on the severity of the recommended punishment. Participants would assign more severe punishment for more harmful consequences.

(3) An interaction between intent and consequences on the severity of the recommended punishment would suggest a configural rule of judgments; that is, the effect of intent (consequences) on the recommended punishment varies at different levels of consequences (intent). Failing to observe an interaction between intent and consequences on the severity of recommended punishment would be consistent with parallelism, in which the effect of intent on the severity of the recommended punishment remains constant across different levels of consequences, and vice versa.

Research Question

Given the number of studies exploring judgments of responsibility, questions related to responsibility were also included to examine the relationships among intent, consequences and judgments of responsibility.

CHAPTER 2

METHOD

Participants

Students enrolled in psychology courses at Old Dominion University were recruited as participants through an online system (SONA research system). Participants received research credit in exchange for their participation. There were 273 participants in total, with 107 men, 162 women, and 2 undermined. White/Caucasian American comprised 48% of the sample, African American were 35%, and the remaining 17% were Hispanic/Latin American, Asian/Asian American and others. Participants were evenly distributed among the four class years (Freshman, $N = 69$; Sophomore, $N = 59$; Junior, $N = 67$, Senior, $N = 74$).

Materials

Six vignettes were created to reflect intent (good intent vs. negligence vs. malicious intent) and consequences (good consequences vs. bad consequences) which resulted in a 3 (intent) \times 2 (consequence) factorial research design.

Good intent and good consequence scenario.

John learned that he was HIV-positive. He was pretty sure he became infected as a result of a relationship that had ended about a year ago. About six months after learning about his test result, he began dating Ally. A month or so after meeting, they began to have sex but John never told Ally about his HIV-positive status. He didn't tell her before they had sex for the first time because he was afraid she would refuse and he did not tell her as their relationship progressed because he worried that she would leave him. John

was very concerned about the possibility he might pass his infection on to Ally so he was very conscientious in practicing safe sex. He insisted on always using a condom even when Ally said it wasn't necessary. Their relationship lasted for about four months. Ally ended it because she believed their visions of the future were too different for them to make a go of it. A few months after the break-up, Ally had to be tested for HIV for a new job and the results of the test were negative. She happened to run into John shortly after her test and told him of the result. John was greatly relieved to hear the news.

A few months later John confided his experiences to a friend at work. His friend was disturbed by John's behavior and reported him to the public health service. This resulted in John being charged with failure to disclose his HIV status.

Good intent and bad consequence scenario.

John learned that he was HIV-positive. He was pretty sure he became infected as a result of a relationship that had ended about a year ago. About six months after learning about his test result, he began dating Ally. A month or so after meeting, they began to have sex but John never told Ally about his HIV-positive status. He didn't tell her before they had sex for the first time because he was afraid she would refuse and he did not tell her as their relationship progressed because he worried that she would leave him. John was very concerned about the possibility he might pass his infection on to Ally so he was very conscientious in practicing safe sex. He insisted on always using a condom even when Ally said it wasn't necessary. Their relationship lasted for about four months. Ally ended it because she believed their visions of the future were too different for them to make a go of it. A few months after the break-up, Ally had to be tested for HIV for a new job and the results of the test were positive. She happened to run into John shortly after

her test and told him of the result. John was horrified to learn that despite all his caution, he had infected Ally.

A few months later John confided his experiences to a friend at work. His friend was disturbed by John's behavior and reported him to the public health service. This resulted in John being charged with failure to disclose his HIV status.

Negligence and good consequence scenario.

John learned that he was HIV-positive. He was pretty sure he became infected as a result of a relationship that had ended about a year ago. About six months after learning about his test result, he began dating Ally. A month or so after meeting, they began to have sex but John never told Ally about his HIV-positive status. He had heard that HIV wasn't very contagious so he assumed that there was little chance that he would pass it on to Ally, and if he did, those were the breaks. John used a condom if Ally insisted but if she did not ask, he certainly wasn't going to volunteer. He just didn't give his HIV status much thought. Their relationship lasted for about four months. Ally ended it because she believed their visions of the future were too different for them to make a go of it. A few months after the break-up, Ally had to be tested for HIV for a new job and the results of the test were negative. She happened to run into John shortly after her test and told him of the result. John thought he was right; HIV wasn't very contagious.

A few months later John confided his experiences to a friend at work. His friend was disturbed by John's behavior and reported him to the public health service. This resulted in John being charged with failure to disclose his HIV status.

Negligence and bad consequence scenario.

John learned that he was HIV-positive. He was pretty sure he became infected as a result of a relationship that had ended about a year ago. About six months after learning about his test result, he began dating Ally. A month or so after meeting, they began to have sex but John never told Ally about his HIV-positive status. He had heard that HIV wasn't very contagious so he assumed that there was little chance that he would pass it on to Ally, and if he did, those were the breaks. John used a condom if Ally insisted but if she did not ask, he certainly wasn't going to volunteer. He just didn't give his HIV status much thought. Their relationship lasted for about four months. Ally ended it because she believed their visions of the future were too different for them to make a go of it. A few months after the break-up, Ally had to be tested for HIV for a new job and the results of the test were positive. She happened to run into John shortly after her test and told him of the result. John thought he was wrong; HIV was more contagious than he thought. Those were the breaks.

A few months later John confided his experiences to a friend at work. His friend was disturbed by John's behavior and reported him to the public health service. This resulted in John being charged with failure to disclose his HIV status.

Malicious intent and good consequence scenario.

John learned that he was HIV-positive. He was pretty sure he became infected as a result of a relationship that had ended about a year ago. About six months after learning about his test result, he began dating Ally. A month or so after meeting, they began to have sex but John never told Ally about his HIV-positive status. He was very bitter and angry that his former partner had infected him and his anger expanded to include all

women. He wanted to punish them by passing on his infection. John resisted on using a condom even though Ally thought they should. He insisted that it was much more pleasurable without one and if Ally really cared about him, she wouldn't insist. Every time they had sex, John hoped this would be the time he passed on his infection to Ally. Their relationship lasted for about four months. Ally ended it because she believed their visions of the future were too different for them to make a go of it. A few months after the break-up, Ally had to be tested for HIV for a new job and the results of the test were negative. She happened to run into John shortly after her test and told him of the result. John was angry that Ally had escaped while he had to live the rest of his life with HIV.

A few months later John confided his experiences to a friend at work. His friend was disturbed by John's behavior and reported him to the public health service. This resulted in John being charged with failure to disclose his HIV status.

Malicious intent and bad consequence scenario.

John learned that he was HIV-positive. He was pretty sure he became infected as a result of a relationship that had ended about a year ago. About six months after learning about his test result, he began dating Ally. A month or so after meeting, they began to have sex but John never told Ally about his HIV-positive status. He was very bitter and angry that his former partner had infected him and his anger expanded to include all women. He wanted to punish them by passing on his infection. John resisted on using a condom even though Ally thought they should. He insisted that it was much more pleasurable without one and if Ally really cared about him, she wouldn't insist. Every time they had sex, John hoped this would be the time he passed on his infection to Ally. Their relationship lasted for about four months. Ally ended it because she believed their

visions of the future were too different for them to make a go of it. A few months after the break-up, Ally had to be tested for HIV for a new job and the results of the test were positive. She happened to run into John shortly after her test and told him of the result. John was pleased that Ally would have to live with the same anxiety and fear that he was dealing with.

A few months later John confided his experiences to a friend at work. His friend was disturbed by John's behavior and reported him to the public health service. This resulted in John being charged with failure to disclose his HIV status.

Dependent variables.

The dependent variables were assessed by recommended prison sentences and fines, which have been used in previous studies (Taylor & Kleinke, 1992; Woody, 2012). The specific scales have been in line with Woody's study related to violation of HIV non-disclosure laws (Woody, 2012). Both dependent variables are measured on an 11-point Likert scale, with a range from 0 (no time in prison) to 10 (50 years in prison) for prison sentencing, and a range from 0 (\$0 fine) to 10 (\$350,000 fine) for fines. Since there is a mixed use of wording in denoting responsibility (e.g., blameworthiness, responsibility, wrongfulness), two types of questions are asked: (1) to what extent is the perpetrator blamed for his behavior; (2) to what extent is the perpetrator responsible for the situation. Both are measured on an 11-point Likert scale, with a range from 0 (no blame) to 10 (extreme blame) for blameworthiness, and a range from 0 (no responsibility) to 10 (extreme responsibility) for responsibility (see Appendix E).

Procedure

The materials and questions were posted online through the SONA system. Participants registered on SONA and were asked to provide demographic information by completing related questions. Then they were randomly assigned to one of the six scenarios based on their birth dates (see Appendix B). They read the instructions and the scenario and completed the questions related to the dependent variables. In addition, two manipulation questions were included in order to examine the effectiveness of the manipulated variables (i.e., intent and consequence). The questions were as follows:

- (1) How much medical harm did John's girlfriend experience resulting from John's behavior?
- (2) To what extent do you think John intended to harm his girlfriend?

CHAPTER 3

RESULTS

Data Cleaning

The assumptions for ANOVA test were examined. Specifically, Normality was tested by histogram and Q-Q plot of distribution as well as skewness and kurtosis. The distribution of the dependent variables was roughly normal with skewness falling between +1 and -1 and kurtosis between +2 to -2. No outliers (scores more than two standard deviations away from the mean) were identified. Homogeneity of variance was checked by Levene's test and the assumption was met for hypotheses tests. For manipulation check questions, heterogeneity of variance was observed. Since the sample sizes were fairly equal among the conditions (ranging from 44 to 55), and the ratio of the sample variances (larger sample/smaller sample) was less than 3, *F* tests could still be robust with respect to Type I errors. As for the dependent variable dealing with responsibility, four outliers were identified. Since the data did not present a perfectly normal distribution, no outliers were removed. Homogeneity of variance was confirmed for responsibility but not for blameworthiness. In addition, chi-square tests indicated that the data in each cell is evenly distributed (among variables of gender, ethnicity, age, class year, and intent/consequence).

Manipulation Checks

A 3 (intent) × 2 (consequence) × 2 (gender) ANOVA was performed to determine if the manipulation was successful for intent. A main effect of intent on perpetrator's intention was observed, $F(2, 259) = 95.93, p < .001, \text{partial } \eta^2 = .43$. Ratings for

participants in the malicious intent group were significantly higher on intention for John's behavior ($M = 10.31$, $SE = 0.33$) than those in the negligence intentions group ($M = 5.72$, $SE = 0.33$), which in turn was rated significantly higher than ratings in the good intentions group ($M = 3.65$, $SE = 0.31$). The main effect for consequences on perpetrator's intention was also significant, $F(1, 259) = 5.80$, $p < .05$, partial $\eta^2 = .02$, with a slightly higher level of intentions in the bad consequence group ($M = 6.94$, $SE = 0.27$) than that in the good consequence group ($M = 6.18$, $SE = 0.26$). An interaction between consequence and gender on perpetrator's intention was observed, $F(1, 259) = 4.43$, $p < .05$, partial $\eta^2 = .02$. Men rated the perpetrator as having lower level of intent to transmit HIV than did women in the good consequence condition ($M = 5.33$, $SE = 0.43$ vs. $M = 6.76$, $SE = 0.34$). No other significant results were observed. The manipulation on the intent was successful.

A 3 (intent) \times 2 (consequence) \times 2 (gender) ANOVA was performed to examine if the manipulation was successful for consequence. A main effect of consequence on harm caused was found, $F(1, 259) = 167.40$, $p < .001$, partial $\eta^2 = .40$. Participants in the bad consequence group reported more medical harm ($M = 9.38$, $SE = 0.28$) than those in the good consequence group ($M = 4.20$, $SE = 0.27$). A main effect of intent on harm was also significant, $F(2, 259) = 3.25$, $p < .05$, partial $\eta^2 = .03$. Tukey's post-hoc tests showed that more harm was reported in negligence condition ($M = 7.45$, $SE = 0.34$) than in good intent condition ($M = 6.30$, $SE = 0.32$), with no significant difference between good intent condition and bad intent condition ($M = 6.63$, $SE = 0.34$). No other significant results were observed. The manipulation on the consequences was successful.

Test of Hypotheses

Hypothesis 1 predicted that the severity of the recommended punishment would be positively associated with the maliciousness of the intent. A main effect of intent on the recommended time in prison was found, $F(2, 267) = 17.72, p < .001, \text{partial } \eta^2 = .12$. Tukey's HSD post-hoc tests demonstrated that participants in the malicious intent condition assigned significantly more time in prison ($M = 7.83, SE = 0.32$) than those in either the good intent condition ($M = 5.31, SE = 0.30$) or the negligence condition ($M = 6.01, SE = 0.32$), with no significant difference between the latter two. A main effect of intent on the recommended fines was also found, $F(2, 267) = 7.37, p < .01, \text{partial } \eta^2 = .05$. Participants in the malicious intent condition assigned significantly larger fines ($M = 8.47, SE = 0.31$) than those in the good intent condition ($M = 6.94, SE = 0.29$) and the negligence condition ($M = 7.13, SE = 0.32$), with no significant difference between the latter two.

Hypothesis 2 predicted that the severity of the recommended punishment would be positively correlated with the severity of the consequences. A main effect of consequence on the recommended time in prison was found, $F(1, 267) = 6.35, p < .05, \text{partial } \eta^2 = .02$. Participants in the bad consequence condition assigned more time ($M = 6.84, SE = 0.26$) than those in the good consequence condition ($M = 5.93, SE = 0.25$). A main effect of consequence on the recommended fines was also found, $F(1, 267) = 6.13, p < .05, \text{partial } \eta^2 = .02$. Participants in the bad consequence condition assigned more fines ($M = 7.95, SE = 0.26$) than those in the good consequence condition ($M = 7.07, SE = 0.25$).

Hypothesis 3 explored whether there would be an interaction of intent and consequence on the recommended punishment. The result indicated no interaction between intent and consequences on either the recommended time in prison, $F(2, 267) = .14, ns$, or in fines, $F(2, 267) = .10, ns$. The relationships among intent, consequences and the recommended punishment were illustrated in Figure 1 and Figure 2.

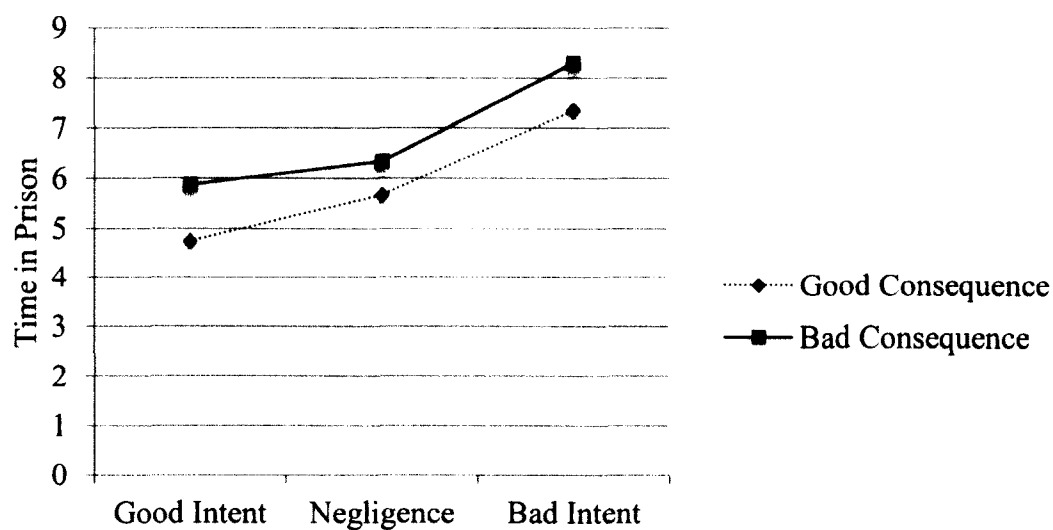


Figure 1. The recommended time in prison based on intent and consequences.

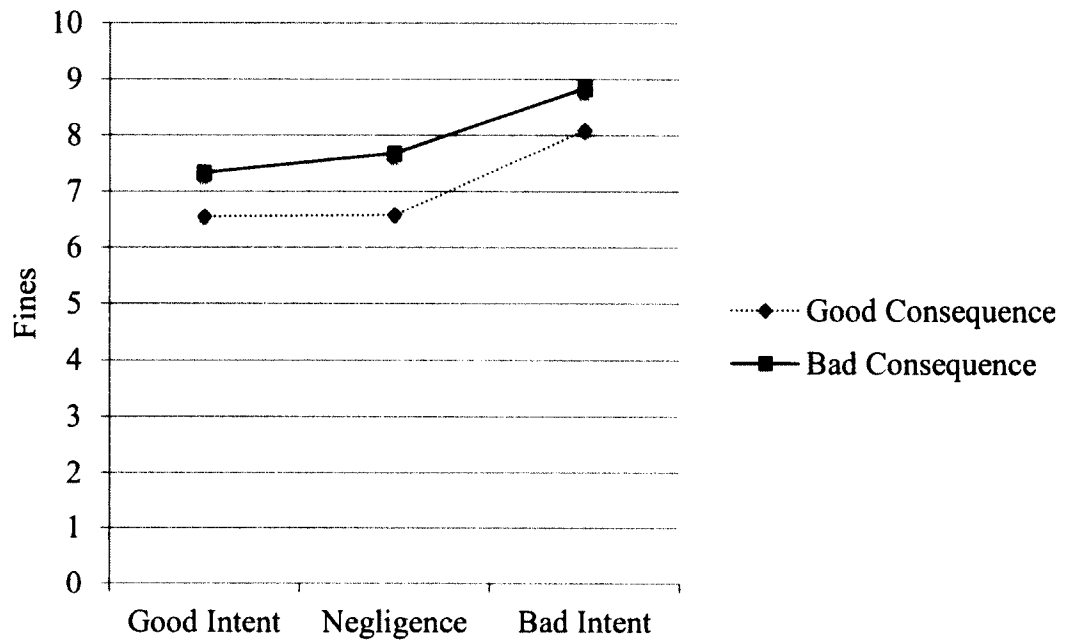


Figure 2. The recommended fines based on intent and consequences.

Test of Research Question

Regarding the relationship among intent, consequences and responsibility attribution, no main effect of intent was observed for either blameworthiness, $F(2, 267) = 2.22, ns$, or responsibility, $F(2, 267) = .08, ns$. The main effect of consequence was not significant for either blameworthiness, $F(1, 267) = .12, ns$, or responsibility $F(1, 267) = .01, ns$. The interactions between intent and consequences were not significant for either blameworthiness, $F(2, 267) = .72, ns$, or responsibility, $F(2, 267) = .02, ns$. The means and standard deviations for blameworthiness and responsibility were presented in Table 1 and Table 2, respectively.

Table 1

Means and Standard Deviations for Blameworthiness based on Intent and Consequences

| Intent | Good Consequence | | Bad Consequence | |
|-------------|------------------|-----------|-----------------|-----------|
| | <i>M</i> | <i>SD</i> | <i>M</i> | <i>SD</i> |
| Good Intent | 9.11 | 2.67 | 9.26 | 2.33 |
| Negligence | 10.00 | 2.14 | 9.41 | 2.28 |
| Bad Intent | 9.80 | 2.04 | 9.93 | 2.33 |
| Total | 9.59 | 2.35 | 9.53 | 2.31 |

Table 2

Means and Standard Deviations for Responsibility based on Intent and Consequences

| Intent | Good Consequence | | Bad Consequence | |
|-------------|------------------|-----------|-----------------|-----------|
| | <i>M</i> | <i>SD</i> | <i>M</i> | <i>SD</i> |
| Good Intent | 9.44 | 2.18 | 9.48 | 2.75 |
| Negligence | 9.58 | 2.47 | 9.54 | 2.31 |
| Bad Intent | 9.63 | 2.44 | 9.55 | 2.18 |
| Total | 9.54 | 2.34 | 9.52 | 2.42 |

CHAPTER 3

DISCUSSION

The present study explored the effects of the intent of the perpetrator and the consequences of his failure to disclose his HIV-positive status on participants' recommendations for punishment. The goal was to determine if participants' judgments confirmed to the parallelism rule or the configural rule. The results supported the parallelism rule.

Hypotheses

The first hypothesis predicted that the severity of the recommended punishment would be positively correlated with the maliciousness of the intent. This hypothesis was supported in that the behavior resulting from a malicious intent resulted in greater recommended time in prison and greater fines than that resulting from a good intent or negligence. The second hypothesis was also supported in that the severity of the recommended punishment was positively associated with the severity of the consequences. More time in prison and larger fines were assigned when HIV had been transmitted than when it had not. The third hypothesis dealt with the interaction effects between intent and consequences on the recommended penalties. No interaction between these variables was observed for either time in prison or magnitude of fines. The significant main effects for both independent variables and the failure to find an interaction effect are consistent with a parallel pattern in judgment of penalties in a HIV non-disclosure situation. The results suggest that information about the intent of the perpetrator and the consequences of his behavior are processed independently when

making judgments about punishment. More severe penalties were recommended when the perpetrator intended to infect his partner than when he did not intend to do so regardless of the actual transmission of HIV. Meanwhile, more severe penalties were recommended when there was an actual transmission of HIV regardless of the perpetrator's intention.

No significant differences for magnitude of fines and time in prison were found between the good intent and the negligence conditions. In the vignettes in the present study, the perpetrator with good intent does not want to infect his partner with HIV and consistently uses condoms during sex. The negligent perpetrator does not consider HIV contagious and uses condoms when asked to. It is possible that good intentions and negligence are not essentially different when combined with consequences in making judgments about punishment in this specific situation. As long as the perpetrator does not intend to infect his partner with HIV, either good intent or negligence might be interpreted as being similar when assigning penalties. In previous research, accidents (i.e., the perpetrator does not mean to cause harm) as opposed to the use of "good intentions" in the present study intention (i.e., the perpetrator actively avoids causing harm) have usually been used as a counterpart for malicious intentions, representing no intent in an intended-unintended dichotomy (Cushman, 2008; Cushman, Sheketoff, Wharton, & Carey, 2013; Leon, 1984).

Another point worth mentioning is that intent explains more variance in the recommended punishment than consequences does (12% vs. 2% for time in prison; 5% vs. 2% for fines). It reflects Virginia state law regarding HIV non-disclosure. In particular, the presence of the intent to transmit HIV leads to a Class 6 felony while the

violation of HIV disclosure leads to a Class 1 misdemeanor. In both cases, no actual transmission is required (Va. Code Ann. § 18.2-67.4:1).

A larger effect of intent on the recommended punishment, however, demonstrates a reverse pattern compared with previous studies (Horan & Kaplan, 1983; Cushman, 2008). Horan and Kaplan (2008) found that sentencing was predicted by consequences but not intention. In addition, Cushman (2008) reported that consequence accounted for more variance (21%) than did intent (13%) when making judgments of punishment. The specifics of the HIV non-disclosure situation, in comparison with, for example, the intent to burn a partner's hand in a group work for a sculpture class used in Cushman's study, might contribute to this inconsistency.

Despite the distinctiveness of the HIV non-disclosure situation, the independence of intentions and consequences on judgments about punishment has been confirmed. As indicated earlier, the same pattern has been found in many studies that explore a variety of situations. Besides the typical study in which judgments are made based on intentions and consequences, the parallel pattern is also shown in studies examining acceptability of life-ending procedures (i.e., physician-assisted suicide and euthanasia) (Frileux, Lelièvre, Sastre, Mullet, & Sorum, 2003; Sastre, González, Lhermitte, Sorum, & Mullet, 2010). It has been found that factors such as the age of the patient, the possibility of incurability of the patient's illness, and the extent of the patient's desire to seek a life-ending procedure jointly affect laypeople's judgment on the acceptability of the life-ending procedure. In general, the older the patient, the more incurable the patient's illness, the more repetitive the requests for seeking a life-ending procedure, the more acceptable laypeople perceive the life-ending procedure to be.

Research Question

The research questions, designed as “to what extent is John to be blamed for his behavior” and “to what extent is John responsible for the situation involving his girlfriend”, were intended to examine the effects of intent and consequences on responsibility attribution. Neither the main effects of intent or consequences nor their interaction on attributions of responsibility were observed. It is possible that the effects of intent and consequence on judgments of responsibility were too small to test in this study in comparison with that on judgments about punishment. In the meta-analysis study, Robbennolt (2000) has found that among the judgment types, responsibility attributions had a lower correlation with consequences than did punishment.

Another explanation could be that different thoughts have been elicited when answering the responsibility questions compared with the punishment questions. The punishment questions, operated in a typical and standard form (i.e., fines and time in prison), easily links to the analysis on intent and consequences, while responsibility questions could relate to the overall situation. In that sense, besides the intent and the consequences, perpetrator’s awareness of his HIV-positive status and maintenance of sexual behavior without disclosure of this status could also be taken into account when making judgments. If the information on HIV non-disclosure were a major consideration, perpetrators could be judged as equally responsible in any combination between intent and consequences. A similar result is shown in Cushman’s study in which two nannies left infants in the car in a hot day while picking up groceries. One nanny happened to leave the vent open so the infant survived unharmed while in the other nanny happened to close the vent automatically so the infant died of heat exposure. It was found that

participants tended to judge the nannies to be equal on moral wrongness as well as on moral character (as cited in Cushman et al., 2013). In addition, the results have shown that the ratings on responsibility fall between 9 and 10, which are very high on an 11-point Likert scale and are mathematically higher than that on punishment. It is possible that the participants take the whole situation into account and consider the perpetrator highly responsible for his behavior whatever his initial intention and the consequences of his behavior are.

Another possibility is that when answering the responsibility question, a different psychological mechanism is generated. As the responsibility questions are presented after the punishment questions, prior judgments about punishment could possibly affect the judgments on the responsibility question. Tostain and Lebreuilly (2008) have examined the order effect (attributing responsibility first and then punishment/ attributing punishment first and then responsibility) on judgments in an unintentional road accident. No order effect was found when the outcome was mild (i.e., wound), while in the severe outcome condition (i.e., death), participants assigned greater punishment when punishment was first assessed than when it was assessed after making judgments of responsibility. In a more recent study, Cushman, Sheketoff, Wharton, and Carey (2013) found that judgments of moral wrongness would constrain the subsequent judgments about punishment compared with judgments about punishment made first. In contrast, the judgments of moral wrongness would remain the same whether it is operated before or after making judgments about punishment. Although not necessarily having the same pattern, the order of the questions on punishment and responsibility asked in the current study might also have an impact on the judgments of responsibility.

Implications

The results of the present research not only add to the literature in moral judgment but also extend the exploration for HIV related studies. The parallelism of judgments that has been consistently supported in moral judgment studies is observed in the domain of HIV non-disclosure, which is rarely explored in previous studies. The judgments within the HIV non-disclosure situation could also lend itself to future studies in STDs mentioned in the HIV related laws. Moreover, it would be worthwhile to further explore the relationship between judgments of punishment and judgments of responsibility as a consequence of intentions and consequences of the perpetrator. It is still unclear why judgments of responsibility do not correspond to recommended punishments.

The study also has policy implications regarding HIV related laws. Evidence has consistently indicated that the psychological mechanism for recommending punishment adheres to the principle of retributive justice as opposed to deterrence/incapacitation (Carlsmith, 2006; Carlsmith & Darley, 2008; Darley, Carlsmith, & Robinson, 2000). Further, just deserts motive has been supported in recommending punishment for violation of HIV non-disclosure law (Woody, 2012). The findings of the present research also reflect the moral and the legal principle of justice within the situations related to HIV transmission. In particular, both the intent to transmit HIV and the actual harm caused have an impact in recommending punishment. Moreover, the penalties assigned are generally proportional to the maliciousness of intent and the level of harmfulness. The evidence regarding HIV resonates with the goal of the Joint United Nations Programme on HIV/AIDS (UNAIDS), which is to establish laws that rest on scientific evidence relating to HIV and limit the application of the laws to the cases that truly uphold and

achieve justice (UNAIDS, 2013). For example, it advocates the necessity of assessing mental culpability, actual harm caused, and the risk of HIV transmission for prosecution. It also stresses that the penalties should be proportionate to these factors. Since no evidence has shown that the existing HIV related laws are effective for HIV prevention, future studies are needed to determine the effectiveness of HIV related laws and to promote public health approaches to HIV prevention and care.

Limitations

It should be noted that the implications of this research to a real trial context is limited. Since the law has already provided criteria for penalty in cases related to HIV non-disclosure, even when there is a chance to take the full story into consideration, in which both the intent and the consequences would be reported, familiarity with the law might play a role in making the final judgment. Another limitation is that the findings of the present study are based on the responses of college students. It is unclear whether people in the general population would adopt the same rule as college students do when recommending penalties in a similar situation.

CHAPTER 4

CONCLUSIONS

The research has supported a parallel pattern with respect to the effects of intent and consequences upon recommendations of penalties for the violation of HIV non-disclosure laws. Specifically, in the case where the perpetrator does not disclose his HIV-positive status, his intent to transmit HIV and the actual transmission of HIV independently affect the recommendation of penalties. The more malicious the intent and the more severe the consequences, the more time in prison and larger fines were recommended.

REFERENCES

- Buzin, C. A., & Anderson, N. H. (1973). Functional measurement of children's judgments. *Children Development, 44*, 529-537.
- Baldwin, M. R., & Kleinke, C. L. (1994). Effects of severity of accident, intent, and "alcoholism is a disease" excuse on judgments of a drunk driver. *Journal of Applied Social Psychology, 24*, 2097-2109.
- CAL. HEALTH & SAFETY CODE §120291
- Carlsmith, K. M. (2008). On justifying punishment: The discrepancy between words and actions. *Journal of Social Justice Research, 21*, 119-137.
- Carlsmith, K. M. (2006). The role of retribution and utility in determining punishment. *Journal of Experimental Social Psychology, 42*, 437-451.
- Carlsmith, K. M., Darley, J. M. (2008). Psychological aspects of retributive justice. *Advances in Experimental Social Psychology, 40*, 193-236.
- Carlsmith, K. M., Darley, J. M., & Robinson, P. H. (2002). Why do we punish? Deterrence and just deserts as motives for punishment. *Journal of Personality and Social Psychology, 83*, 284-299.
- Casey, S., & O'Connell, M. (1999). The influence of consequentiality on perceptions of crime seriousness. *The British Psychological Society, 4*, 265-271.
- Center for HIV Law and Policy. (2010). Ending and defending against HIV criminalization: State and federal laws and prosecutions, Vol. 1, CHLPP's Positive Justice Project. New York, NY.

- Cushman, F. (2008). Crime and punishment: Distinguishing the roles of causal and intentional analyses in moral judgment. *Cognition, 108*, 353-380.
- Cushman, F., Sheketoff, R., Wharton, S., & Carey, S. (2013). The development of intent-based moral judgment. *Cognition, 127*, 6-21.
- Frileux, S., Lelièvre, C., Sastre, M. T., Mullet, E., & Sorum, P. C. (2003). When Is Physician Assisted Suicide Or Euthanasia Acceptable. *Journal of Medical Ethics, 29*, 330-336.
- Darley, J. M., Carlsmith, K. M., Robinson, P. H. (2000). Incapacitation and just deserts as motives for punishment. *Law and Human Behavior, 24*, 659-683.
- Galletly, C. L., & Pinkerton, S. D. (2006). Conflicting messages: How criminal HIV disclosure laws undermine public health efforts to control the spread of HIV. *AIDS and Behavior, 10*, 451-461.
- Galletly, C. L., DiFranceisco, W., & Pinkerton, S. D. (2009). HIV-Positive persons' awareness and understanding of their state's criminal HIV disclosure law. *AIDS Behavior, 13*, 1262-1269.
- Galletly, C. L., Pinkerton, S. D., & DiFranceisco, W. (2012). A quantitative study of Michigan's criminal HIV exposure law. *AIDS Care, 24*, 174-179.
- Grueneich, R. (1982). The development of children's integration rules for making moral judgments. *Child Development, 53*, 887-894.
- Horal, J., & Bartek, M. (1978). Recommended punishment as a function of injurious intent, actual harm done, and intended consequences. *Personality and Social Psychology Bulletin, 4*, 575-578.

- Horan, H. D., & Kaplan, M. F. (1983). Criminal intent and consequence severity: Effects of moral reasoning on punishment. *Personality and Social Psychology Bulletin, 9*, 638-645.
- Howe, E. S., & Loftus, T. C. (1992). Integration of intention and outcome information by students and circuit court judges: Design economy and individual differences. *Journal of Applied Social Psychology, 22*, 102-116.
- Keasey, C. B., & Sales, B. D. (1977). An empirical investigation of young children's awareness and usage of intentionality in criminal situations. *Law and Human Behavior, 1*, 45-61.
- Lazzarini, Z., Bray, S., & Burris, S. (2002). Evaluating the impact of criminal laws on HIV risk behavior. *Journal of Law, 30*, 239-253.
- Leon, M. (1982). Rules in children's moral judgments: Integration of intent, damage, and rationale information. *Developmental Psychology, 18*, 835-842.
- Leon, M. (1984). Rules mothers and sons use to integrate intent and damage information in their moral judgments. *Child Development, 55*, 2106-2113.
- OKLA. STAT. TIT. 21, §1192.1
- Oswald, M. E., & Orth, U. (2005). Punitive reactions to completed crimes versus accidentally uncompleted crimes. *Journal of Applied Social Psychology, 35*, 718-731.
- Przygotsky, N., & Mullet, E. (1993). Relationships between punishment, damage, and intent to harm in the incarcerated: An information integration approach. *Social Behavior and Personality, 21*, 93-102.

- Robbennolt, J. K. (2000). Outcome severity and judgments of "responsibility": A meta-analytic review. *Journal of Applied Social Psychology, 30*, 2575-2609.
- Sastre, M. T., González, C., Lhermitte, A., Sorum, P. C., & Mullet, E. (2010). Do Ethical Judgments Depend on the Type of Response Scale? Comparing Acceptability versus Unacceptability Judgments in the Case of Life-Ending Procedures. *Psicológica, 31*, 529-539.
- Shultz, T. R., & Wright, K. (1985). Concepts of negligence and intention in the assignment of moral responsibility. *Canadian Journal of Behavioral Science, 17*, 98-108.
- Shultz, T. R., Schleifer, M., & Altman, I. (1981). Judgments of causation, responsibility, and punishment in cases of harm-doing. *Canadian Journal of Behavior and Science Review, 13*, 238-253.
- Shultz, T. R., Wright, K., & Schleifer, M. (1986). Assignment of moral responsibility and punishment. *Child development, 57*, 177-184.
- Sousa, P. (2009). A cognitive approach to moral responsibility: The case of a failed attempt to kill. *Journal of Cognition and Culture, 9*, 171-194.
- Taylor, C., & Kleinke, C. L. (1992). Effects of severity of accident, history of drunk driving, intent, and remorse on judgments of a drunk driver. *Journal of Applied Social Psychology, 22*, 1641-1655.
- Tostain, M., & Lebreuilly, J. (2008). Rational model and justification model in "outcome bias". *European Journal of Social Psychology, 38*, 272-279.
- Joint United Nations Programme on HIV/AIDS. (2013). Ending overly broad criminalization of HIV non-disclosure, exposure and transmission: Critical

scientific, medical and legal considerations

(http://www.unaids.org/en/media/unaids/contentassets/documents/document/2013/05/20130530_Guidance_Ending_Criminalisation.pdf).

Va. Code Ann. § 18.2-67.4:1

WASH. REV. ODE ANN. &9A.36.011

Weiner, B., & Peter, N. (1973). A cognitive-developmental analysis of achievement and moral judgments. *Developmental Psychology*, 9, 290-309.

Woody, A. (2012). *The Role of Just Deserts, Deterrence, and an Apology in Recommending Punishment for Violations of HIV Non-disclosure Laws* (Unpublished master's thesis). Old Dominion University, Norfolk, VA.

Zelazo, P. D., Heiwig, C. C., & Lau, A. (1996). Intention, act, and outcome in behavioral prediction and moral judgment. *Child Development*, 67, 2478-2492.

2010 Kan. Sess. Laws Ch. 136

APPENDIX A
INFORMED CONSENT NOTIFICATION

Project Title: Judgments regarding HIV laws.

Description of Research Study

The present study seeks to explore penalty recommendation within a hypothetical situation regarding HIV non-disclosure.

If you participate, you will be asked to read a hypothetical scenario and complete related questions on the basis of your judgment. We are interested in how you behave as a juror, questions about how you feel when making judgment will also be asked. The scenario is two paragraphs in length and it takes about 20 minutes to complete the survey.

Researchers

Yang Deng, Old Dominion University, Psychology Department

Louis H. Janda, Ph.D., Old Dominion University, Psychology Department

Exclusionary Criteria

Participants must be 18 years of age or older and currently psychology students at Old Dominion University.

Risks and Benefits

There will be no physical injury in participating in this study. However, participants may become more aware of their personal feelings and beliefs. If you decide not to continue to participate after it has started, you are free to withdraw from the study with no penalties imposed. If you complete the survey, you will receive one psychology

department research credit in one of your psychology courses. You may also learn more about yourself in the process of the study.

Voluntary Participation

If you decide to participate in the study, you are agreeing with the following conditions:

I have read this form and understand the procedure of the study as well as the relevant risks and benefits involved. The researchers explained all questions I had about the study. I understand all of the forms and I voluntarily agree to take part in the study.

If you have any questions later, please feel free to ask the researchers, Yang Deng at ydeng002@odu.edu or Dr. Louis Janda at ljanda@odu.edu.

APPENDIX B**DEMOGRAPHIC INFORMATION**

Gender: _____

Age in years: _____

Race/Ethnicity: White / Caucasian

African American

Hispanic / Latino American

Asian American / Asian

Other _____

Year in School: Freshman

Sophomore

Junior

Senior

SONA ID _____

APPENDIX C
RANDOM ASSIGNMENT

Please indicated the day you were born:

1-5

6-10

11-15

16-20

21-25

26-31

APPENDIX D

VIGNETTES

Scenario 1 Good intent and good consequence scenario

John learned that he was HIV-positive. He was pretty sure he became infected as a result of a relationship that had ended about a year ago. About six months after learning about his test result, he began dating Ally. A month or so after meeting, they began to have sex but John never told Ally about his HIV-positive status. He didn't tell her before they had sex for the first time because he was afraid she would refuse and he did not tell her as their relationship progressed because he worried that she would leave him. John was very concerned about the possibility he might pass his infection on to Ally so he was very conscientious in practicing safe sex. He insisted on always using a condom even when Ally said it wasn't necessary. Their relationship lasted for about four months. Ally ended it because she believed their visions of the future were too different for them to make a go of it. A few months after the break-up, Ally had to be tested for HIV for a new job and the results of the test were negative. She happened to run into John shortly after her test and told him of the result. John was greatly relieved to hear the news.

A few months later John confided his experiences to a friend at work. His friend was disturbed by John's behavior and reported him to the public health service. This resulted in John being charged with failure to disclose his HIV status.

Scenario 2 Good intent and bad consequence scenario

John learned that he was HIV-positive. He was pretty sure he became infected as a result of a relationship that had ended about a year ago. About six months after learning about his test result, he began dating Ally. A month or so after meeting, they began to have sex but John never told Ally about his HIV-positive status. He didn't tell her before they had sex for the first time because he was afraid she would refuse and he did not tell her as their relationship progressed because he worried that she would leave him. John was very concerned about the possibility he might pass his infection on to Ally so he was very conscientious in practicing safe sex. He insisted on always using a condom even when Ally said it wasn't necessary. Their relationship lasted for about four months. Ally ended it because she believed their visions of the future were too different for them to make a go of it. A few months after the break-up, Ally had to be tested for HIV for a new job and the results of the test were positive. She happened to run into John shortly after her test and told him of the result. John was horrified to learn that despite all his caution, he had infected Ally.

A few months later John confided his experiences to a friend at work. His friend was disturbed by John's behavior and reported him to the public health service. This resulted in John being charged with failure to disclose his HIV status.

Scenario 3 Negligence and good consequence scenario

John learned that he was HIV-positive. He was pretty sure he became infected as a result of a relationship that had ended about a year ago. About six months after learning about his test result, he began dating Ally. A month or so after meeting, they began to have sex but John never told Ally about his HIV-positive status. He had heard that HIV wasn't very contagious so he assumed that there was little chance that he would pass it on to Ally, and if he did, those were the breaks. John used a condom if Ally insisted but if she did not ask, he certainly wasn't going to volunteer. He just didn't give his HIV status much thought. Their relationship lasted for about four months. Ally ended it because she believed their visions of the future were too different for them to make a go of it. A few months after the break-up, Ally had to be tested for HIV for a new job and the results of the test were negative. She happened to run into John shortly after her test and told him of the result. John thought he was right; HIV wasn't very contagious.

A few months later John confided his experiences to a friend at work. His friend was disturbed by John's behavior and reported him to the public health service. This resulted in John being charged with failure to disclose his HIV status.

Scenario 4 Negligence and bad consequence scenario

John learned that he was HIV-positive. He was pretty sure he became infected as a result of a relationship that had ended about a year ago. About six months after learning about his test result, he began dating Ally. A month or so after meeting, they began to have sex but John never told Ally about his HIV-positive status. He had heard that HIV wasn't very contagious so he assumed that there was little chance that he would pass it on to Ally, and if he did, those were the breaks. John used a condom if Ally insisted but if she did not ask, he certainly wasn't going to volunteer. He just didn't give his HIV status much thought. Their relationship lasted for about four months. Ally ended it because she believed their visions of the future were too different for them to make a go of it. A few months after the break-up, Ally had to be tested for HIV for a new job and the results of the test were positive. She happened to run into John shortly after her test and told him of the result. John thought he was wrong; HIV was more contagious than he thought. Those were the breaks.

A few months later John confided his experiences to a friend at work. His friend was disturbed by John's behavior and reported him to the public health service. This resulted in John being charged with failure to disclose his HIV status.

Scenario 5 Malicious intent and good consequence scenario

John learned that he was HIV-positive. He was pretty sure he became infected as a result of a relationship that had ended about a year ago. About six months after learning about his test result, he began dating Ally. A month or so after meeting, they began to have sex but John never told Ally about his HIV-positive status. He was very bitter and angry that his former partner had infected him and his anger expanded to include all women. He wanted to punish them by passing on his infection. John resisted on using a condom even though Ally thought they should. He insisted that it was much more pleasurable without one and if Ally really cared about him, she wouldn't insist. Every time they had sex, John hoped this would be the time he passed on his infection to Ally. Their relationship lasted for about four months. Ally ended it because she believed their visions of the future were too different for them to make a go of it. A few months after the break-up, Ally had to be tested for HIV for a new job and the results of the test were negative. She happened to run into John shortly after her test and told him of the result. John was angry that Ally had escaped while he had to live the rest of his life with HIV.

A few months later John confided his experiences to a friend at work. His friend was disturbed by John's behavior and reported him to the public health service. This resulted in John being charged with failure to disclose his HIV status.

Scenario 6 Malicious intent and bad consequence scenario

John learned that he was HIV-positive. He was pretty sure he became infected as a result of a relationship that had ended about a year ago. About six months after learning about his test result, he began dating Ally. A month or so after meeting, they began to have sex but John never told Ally about his HIV-positive status. He was very bitter and angry that his former partner had infected him and his anger expanded to include all women. He wanted to punish them by passing on his infection. John resisted on using a condom even though Ally thought they should. He insisted that it was much more pleasurable without one and if Ally really cared about him, she wouldn't insist. Every time they had sex, John hoped this would be the time he passed on his infection to Ally. Their relationship lasted for about four months. Ally ended it because she believed their visions of the future were too different for them to make a go of it. A few months after the break-up, Ally had to be tested for HIV for a new job and the results of the test were positive. She happened to run into John shortly after her test and told him of the result. John was pleased that Ally would have to live with the same anxiety and fear that he was dealing with.

A few months later John confided his experiences to a friend at work. His friend was disturbed by John's behavior and reported him to the public health service. This resulted in John being charged with failure to disclose his HIV status.

APPENDIX E

DEPENDENT VARIABLES

1. Suppose you were responsible for giving John a sentence. Indicate your decision using the scale below, from the minimum of no time in prison to the maximum of 50 years in prison.

| | | | | | | | | | | |
|----------------------|---|---|---|---|---|---|---|---|---|-----------------------|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| No time in prison | | | | | | | | | | 50 years in prison |

2. Suppose you were responsible for giving John a fine. Indicate your decision using the scale below, from the minimum of no fine to the maximum of \$350,000 fine.

| | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|----------------|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| \$0 fine | | | | | | | | | | \$350,000 fine |

3. In your opinion, to what extent is John to be blamed for his behavior?

| | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|---------------|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| No blame | | | | | | | | | | Extreme blame |

4. To what extent is John responsible for the situation involving his girlfriend?

| | | | | | | | | | | |
|----------------------|---|---|---|---|---|---|---|---|---|---------|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| No responsibility | | | | | | | | | | Extreme |

5. How much medical harm did John's girlfriend experience resulting from John's behavior?

| | | | | | | | | | | |
|---------|---|---|---|---|---|---|---|---|---|--------------|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| No harm | | | | | | | | | | Extreme harm |

6. To what extent do you think John intended to harm his girlfriend

| | | | | | | | | | | |
|------------------------|---|---|---|---|---|---|---|---|---|----------------------------|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Not attempt to harm | | | | | | | | | | Extreme attempt to harm |

VITA

Yang Deng

Email: yang.d.d@hotmail.com

[ydeng002@odu.edu](mailto:yden002@odu.edu)

5413 Walton Ave.
Norfolk, VA, 23508
757-305-7522

Department of Psychology
250 Mills Godwin Bldg
Norfolk, VA, 23529
757-683-4440

Education

Old Dominion University, Norfolk, VA, USA

M.S., Psychology 2013 (Expected)

Thesis: The Effects of Intent and Consequences on the Assignment of Penalties
related to HIV non-disclosure Situations.

Beijing Normal University, Zhuhai (BNUZ), Guangdong, China

B.S., Psychology, 2010

Thesis: Preference for Solitude, Loneliness, Extraversion and Openness in College
Students

Niigata University, Niigata, Japan

Exchange student, Oct 2009 – Mar 2010

Concentration: Japanese and Japanese culture

Research

Sex Guilt and Sex Anxiety in 1980 and 2010, 2011

Presented in the 89th Annual Meeting of the Virginia Academy of Science (VAS)

A Study on Development of the Exclusive Relationship Questionnaire, 2009

I was participated in reviewing literature, proposing study, collecting data, analyzing
data, along with other five team members.

Training

Foundation in Addressing Challenges & Issues in Counseling, Apr 21, 2012

Introduction to Complementary, Alternative, and Integrative Therapies, Apr 09, 2011

Counseling Aggressive and Violent Children: What Counselors Need to Know, Mar 19, 2011

Experience

Beijing Hui Longguan Mental Hospital, Jun 2011 –Jul 2011

Assistant

I was responsible in taking notes in the counseling sessions and writing up the final
report.