

**The Shield of Defense or the Sword of Prosecution?  
How Self-Regulatory Focus Relates to Responses to Crime<sup>1</sup>**

BARBARA O'BRIEN<sup>2</sup>

*Michigan State University College of Law*

DAPHNA OYSERMAN

*University of Michigan*

People can strive to attain goals in one of two ways: They can be tolerant of risk and focus on attaining successes, or they can be intolerant of risk and focus on avoiding pitfalls and failures. These differences, termed *promotion focus* and *prevention focus*, respectively, have been related to differences in how personal goals are understood, but not yet applied to policy issues. Two studies examine the implications of chronic (Study 1) and experimentally induced (Study 2) promotion vs. prevention goals for a law-and-order mind set. Participants high in promotion focus assigned more punishment to a criminal (Study 1). Compared to prevention-focused participants, experimentally induced promotion focus increased the likelihood of arresting a suspect and justifying this choice (Study 2).

A criminal act demands a response: The perpetrator must be identified, culpability assessed, and an appropriate punishment assigned. But should the response be measured and cautious, the perpetrator identified only after a thorough investigation, and punishment tempered with mercy, given extenuating circumstances? Or should the response be bold and decisive, the perpetrator quickly identified and punished to the full extent of the law without diluting focus by examining extenuating circumstances? What predicts which pattern will prevail?

In the current paper, we argue that the way the goal of response to criminal action is framed systematically predicts which style will be likely. Some goals focus on avoiding harm (e.g., don't accuse the wrong person, don't punish too harshly) and call for a cautious and measured response. Other goals are affirmative, highlight the need to act (i.e., catch and punish the perpetrator), and call for a decisive and bold response. These goal types are not opposite sides of a single process; rather, each entails orthogonal mechanisms—that which is relevant to ensuring care does not necessarily have any bearing on the chances of apprehending the guilty party quickly.

<sup>1</sup>Funding for this study was provided by a Michigan Prevention Research Training Grant (NIH Grant No. T32 MH63057). The first author also received support from the Michigan State University College of Law.

<sup>2</sup>Correspondence concerning this article should be addressed to Barbara O'Brien, 455 Law College Building, East Lansing, MI 48824. E-mail: [obrienb@law.msu.edu](mailto:obrienb@law.msu.edu)

Goals in response to criminal behavior can be analyzed using principles that guide any goal-directed activity (see Carver & Scheier, 1990; Gollwitzer & Bargh, 1996). In particular, self-regulatory focus (SRF) theory (Higgins, 1997, 1998) provides a useful framework, distinguishing promotion focus (i.e., focus on attaining successful outcomes, sensitivity to lack of success) from prevention focus (i.e., focus on avoiding failures, sensitivity to lack of failure). Primed or chronic promotion focus is associated with eagerness, risk-taking, and sensitivity to the presence or absence of gains. Conversely, primed or chronic prevention focus is associated with minimizing risk and sensitivity to the presence or absence of losses (Camacho, Higgins, & Luger, 2003; Higgins, 1997; Liberman, Idson, Camacho, & Higgins, 1999; Liberman, Molden, Idson, & Higgins, 2001). Promotion focus highlights success through positive action, while prevention focus highlights success through avoiding pitfalls.

These differences have been operationalized in signal-detection terms (Crowe & Higgins, 1997; Liberman et al., 2001), which are easily applied to the task of responding to a criminal act. Thus, primed or chronic prevention focus is associated with motivation to ensure correct rejections (i.e., rejection of incorrect information as false) and avoid false positives (i.e., acceptance of incorrect information as true). On the other hand, primed or chronic promotion focus should be associated with motivation to ensure hits (i.e., acceptance of correct information as true) and avoid misses (i.e., rejection of correct information as false). Although individuals vary in their chronic promotion or prevention focus, everyone can adopt either a prevention focus or a promotion focus, depending on situational relevance as contextually cued or experimentally manipulated (Higgins, Idson, Freitas, Spiegel, & Molden, 2003).

The cognitive strategies associated with prevention focus should motivate one to proceed cautiously and avoid a rush to judgment. In the criminal-justice context, focus on caution and avoiding failure might make one more open to considering circumstances that led a wrongdoer astray to understand better how things went wrong for the accused. In contrast, the cognitive strategies associated with promotion focus should motivate one to proceed decisively and endorse bold strategies to achieve swift resolution. Focus on successful goal attainment makes consideration of the wrongdoer's circumstances irrelevant. Indeed, the wrongdoer's personal characteristics and circumstances are unlikely to factor into decisions when the goal is decisive movement toward punishing wrongdoers. Following this reasoning, we hypothesize that the relation between response to crime and SRF depends on the goal at hand. If the goal is punishment, promotion focus is likely to heighten the severity of response, while prevention focus is likely to mitigate it. If the goal is successfully investigating a crime, promotion focus should

lead one to favor bold and decisive action, while prevention focus should lead one to exercise caution.

### Integrating Regulatory Focus Theory and Responses to Criminal Wrongdoing

When a criminal act is suspected, how should one proceed? There are two possible opposing courses of action: swift and decisive action to punish the accused, or a measured and cautious response to avoid punishing the innocent. Catching and punishing criminals is the justice system's objective, but pursuing it poses risks of wrongfully convicting the innocent, or granting the government too much power over individuals in its pursuit of criminals. Thus, the criminal-justice system must include a system of safeguards designed to avoid mistakes. Rights granted to the accused (e.g., the right to an attorney, the right to cross-examine witnesses) protect the innocent from wrongful convictions and the accused from unduly harsh charges or sentences. Thus, both prevention and promotion can be the appropriate focus, depending on the situation, but each cues a very different set of policy choices. To clarify these differences, consider the roles of the prosecutor and the defense attorney.

Defense attorneys often explain to juries that the defense counsel functions as the shield to the prosecution's sword. This metaphor concisely expresses the fundamental difference between defense and prosecution: The defense attorney guards against harmful action by the state, and the prosecutor pursues successful goal attainment. In signal-detection terms, the defense attorney is committed to preventing a false positive, in which an innocent person is convicted; while the prosecutor is primarily concerned with achieving hits and avoiding misses (see Crowe & Higgins, 1997; Liberman et al., 2001). This difference is manifest in virtually every aspect of their day-to-day work, from the strategies they employ to how they define success.

Consider first the defense. Defense attorneys are charged with protecting clients' interests. Indeed, the Supreme Court has long characterized defense counsel as an essential "safeguard . . . deemed necessary to insure fundamental human rights of life and liberty" (*Johnson v. Zerbst*, 1938, p. 462). They do so by finding mistakes, deficiencies, and weaknesses in the prosecutor's case, challenging the reasonableness of a search, pointing out deficiencies in procedures obtaining a warrant, and raising doubts about the sufficiency of an indictment. Any deficiency that raises reasonable doubt on any element of the charge mandates a verdict of not guilty, even if the prosecutor has proven that the defendant is probably guilty. Thus, an acquittal is not a finding of actual innocence, but merely recognition of

absence of proof. A defense attorney who succeeds in getting an acquittal does so by deflecting an offensive. There is little defense counsel can do to help a client beyond preventing things from getting worse. Winning nets the client nothing—it merely prevents the harm of a conviction and preserves the status quo. This absence of failure is indeed how success is operationalized in prevention terms.

Not so the prosecution. Success for a prosecutor is best understood as it is operationalized in promotion terms. Success—and the prosecution's goal—is to prove each element of the charges, attain a guilty verdict, and, in this way, serve justice. He or she represents the public at large, not a particular victim (Allen, Hoffman, Livingston, & Stuntz, 2005). A prosecutor can decide which particular goals to pursue: He or she may take aim at domestic violence, drunk driving, or other classes of crime, and prosecute them zealously. Prosecutors have virtually unbridled discretion to choose which cases to prosecute and which to dismiss (LaFave, Israel, & King, 2004). In cases with multiple defendants, prosecutors can decide whom to pursue more aggressively for maximal punishment. During trial, prosecutors must actively prove each element of the charges with the goal of obtaining conviction (*In re Winship*, 1970).

The day-to-day reality for prosecutors and defense attorneys on the ground is shaped by these tasks, which are prescribed by law. The prosecutor chooses which defendants to pursue and must actively prove each element of the case. Defense counsel prevails by deflecting the prosecutor's attack; proving innocence is nice, but it is by no means necessary and is rarely possible. The profoundly divergent nature of their goals manifests in virtually every aspect of their day-to-day work, from the strategies they employ to do their jobs to how they define success.

Indeed, instructing participants to carry out the respective tasks assigned every day to prosecutors and defense attorneys—to prove a case actively or to deflect another's attempt to prove it—could be an effective way of priming promotion and prevention in a laboratory setting. That is what we did. Specifically, we devised two studies in which participants were asked to make decisions about taking action against a suspect and punishing a guilty defendant.

In Study 1, we compared the punishment decisions of individuals differing in chronic promotion and prevention SRF in response to crimes of varying severity. We also varied the framing of the perpetrators' motives for committing crimes to examine the possible interaction between the participants' SRF and the targets' SRF. In Study 2, we compared the arrest decisions of individuals primed with promotion or prevention SRF. Across both studies, we hypothesize that promotion focus will be associated with more punishment-oriented responses: more severe punishment, more focus on

punishment compared with alternative responses, more willingness to take action (e.g., arrest), and more cognitive focus on reasons for action.

### Study 1

We hypothesize that high chronic promotion focus will be associated with more punishment-oriented responses. Specifically, when given information about a crime that has been committed, participants high in promotion focus will suggest more severe punishment and will be more focused on punishment, compared with alternative responses.

### *Method*

#### *Participants*

Study participants were 317 introductory psychology students (142 men, 175 women) who participated to fulfill a course requirement. Their mean age was 18.9 years.

#### *Procedure*

Data were collected in two stages. At the first stage, students were prescreened for prevention and promotion self-regulatory focus using a four-item promotion scale ( $\alpha = .58$ ) and a three-item prevention scale ( $\alpha = .77$ ) from Higgins et al. (2001). Prescreening for chronic SRF was part of a larger procedure in which the entire introductory psychology subject pool took a battery of tests submitted by many experimenters. To protect the confidentiality of prescreened participants, experimenters were not given access to each participant's individual data. Rather, the experimenter could identify batches of participants who met their criteria and request their names in order to invite them to participate in the experiment. As a result of this procedure, we did not have access to each individual's precise score, but instead knew only whether a participant fell within the top, middle, or bottom third on each scale. Thus, because the prescreen procedure did not permit retention of individual scores, we used a 2 (Promotion Focus: high vs. low)  $\times$  2 (Prevention Focus: high vs. low) between-subjects design.

At the second stage, prescreened participants were contacted for an ostensibly unrelated experiment about how people perceive others and their behavior, and were presented a packet to work through in the order

presented. On the first page of each packet was a gender-matched photograph of a young, White protagonist named John (Julie), and a vignette describing his (her) involvement in a crime (selling marijuana, selling methamphetamines, or joining a gang to sell methamphetamines) together with his (her) rationale for doing so. Rationale was described in either promotion or prevention concerns. In the following paragraph, the protagonist is John. Prevention rationales appear in parentheses.

This is John. When he was in high school, he wanted to earn money to get the chance to succeed in getting to college (he needed to earn money to avoid missing the chance to go to college). He knew he needed money to participate in the kinds of activities that would help him succeed in getting into college. (He knew his mother would be ashamed of him if he didn't go to college.) He realized he didn't have many ways to get out of the neighborhood, so he sold marijuana (methamphetamines/joined a gang to sell methamphetamines), which he saw as his best chance to achieve his goals (best chance to avoid failure).

The second page of the packet was blank, except for the instruction to write a possible course of action for a teacher who discovered the crime. The third page provided an ordered list of possible teacher responses from which participants were to choose an appropriate response, while the next page provided an ordered list of possible police responses from which participants were to choose an appropriate response. The seven possible teacher responses were as follows:

1. John (Julie) should be reprimanded and warned not to do it again.
2. John (Julie) should be reprimanded and given detention.
3. John (Julie) should be reprimanded, given detention, and suspended from extracurricular activities.
4. John (Julie) should be reprimanded and suspended from school.
5. John (Julie) should be reprimanded, suspended from school, and told that he (she) will not receive a letter of recommendation from any school staff (teachers or counselors).
6. John (Julie) should be reprimanded and expelled from school permanently.
7. John (Julie) should be reported to police.

The four possible police responses were as follows:

1. John (Julie) should be released with a stern warning, but no formal charges filed.

2. John (Julie) should be charged but charges dropped if he (she) stays out of trouble for a year, and his (her) record would show only that charges were filed and then dropped.
3. John (Julie) should be punished with a period of probation, and his (her) record would show a criminal conviction.
4. John (Julie) should be punished with a jail sentence, followed by a period of probation, and his (her) record would show a criminal conviction.

On the last page of the packet was a set of six semantic-differential pairs ranging from +3 to -3. The pairs were *kind-unkind*, *lazy-hardworking*, *failure-successful*, *stupid-smart*, *irresponsible-responsible*, and *impulsive-cautious*. Participants were asked to rate John (Julie) on each of the pairs.

### Measures

*Punishment.* The central construct was punishment, and it was operationalized with two punishment measures: punishment severity and orientation toward punishment. We calculated a mean punishment severity score ( $M = 0.00$ ,  $SD = 0.78$ ; range = -1.58 to 2.30) by averaging the standardized seven-option teacher punishment scale and four-option police punishment scale. To gauge the punitive nature of the responses that participants generated, we calculated a ratio ( $M = 0.23$ ,  $SD = 0.33$ ) of punishing responses (e.g., report or threaten to report to school authorities or police) to total of all responses—both punishing and helping (e.g., enlisting a counselor, offering to find a legitimate job, discussing the situation with the protagonist, pointing out risks involved)—to the open-ended question about what the teacher should do. Thus, the orientation toward punishment score highlights relative focus on punishment, as opposed to other possible responses to the target's misdeeds.<sup>3</sup>

*Control variables.* Mean semantic-differential favorability rating ( $M = -0.65$ ,  $SD = 0.63$ ) and total number of responses to the open-ended "What should the teacher do?" question ( $M = 2.58$ ,  $SD = 1.11$ ) were used as controls for liking and depth of processing.

### Results

We used a 2 (Chronic Promotion Focus: high vs. low)  $\times$  2 (Chronic Prevention Focus: high vs. low)  $\times$  3 (Offense Type)  $\times$  2 (Target's Self-Regulatory

<sup>3</sup>A reviewer wondered if helping could not also be a promotion-focused goal. Of course, it could, but in our study, the focus was on whether framing the goal in terms of response to crime would increase punitive responses. Other research would be necessary to examine whether framing the goal as helping would alter responses.

Table 1

*Mean Scores for Punishment Severity by Self-Regulatory Focus*

Chronic focus	<i>M</i>	<i>SD</i>
High promotion/low prevention	0.16	0.88
High promotion/high prevention	0.05	0.73
Low promotion/low prevention	-0.23	0.81
Low promotion/high prevention	-0.04	0.73

Focus: promotion vs. prevention) between-subjects ANOVA design. This was followed by relevant contrasts to test the effects of self-regulatory focus on punishment severity and salience.

*Punishment severity.* As hypothesized, we found a main effect of promotion focus on severity of punishment proposed (see Table 1). Participants high in chronic promotion focus endorsed more severe punishment ( $M = 0.10$ ,  $SD = 0.80$ ) than did those low in promotion focus ( $M = -0.15$ ,  $SD = 0.78$ ),  $F(1, 304) = 6.35$ ,  $p < .05$ . Prevention focus was irrelevant to the punishment goal (high prevention focus,  $M = 0.02$ ,  $SD = 0.73$ ; low prevention focus,  $M = -0.03$ ,  $SD = 0.89$ ;  $F_s < 1$ ). Promotion focus did not interact with prevention focus,  $F(1, 304) = 2.65$ ,  $p > .10$ . However, as presented graphically in Figure 1, among those high in promotion focus, recommended severity was particularly high for those who were also low in prevention focus.

The effect of promotion focus on recommended punishment severity was not moderated by type of crime committed, the target's rationale for committing the crime, how positively the participant rated the target, or how deeply the respondent thought about the scenario. Recommended punishment was less severe for marijuana ( $M = -0.31$ ,  $SD = 0.72$ ) than for more serious crime (hard drugs,  $M = 0.23$ ,  $SD = 0.76$ ; gang,  $M = 0.06$ ,  $SD = 0.82$ ),  $F(2, 304) = 13.27$ ,  $p < .001$ . However, seriousness of crime did not moderate the effect of either promotion or prevention focus (both  $F_s < 1$ ). Neither target's rationale,  $F(1, 304) = 2.49$ ,  $p > .10$ , nor match between the target's rationale and participants' self-regulatory focus mattered (both  $F_s < 1$ ).

Promotion focus was associated with liking the criminal target less (high promotion,  $M = -0.73$ ,  $SD = 0.65$ ; low promotion,  $M = -0.54$ ,  $SD = 0.59$ ),  $F(1, 304) = 5.74$ ,  $p < .05$ . Prevention focus was not associated with these outcomes ( $F < 1$ ; see Table 2). While promotion-focused participants judged the criminal target less favorably, their dislike did not impact their punish-



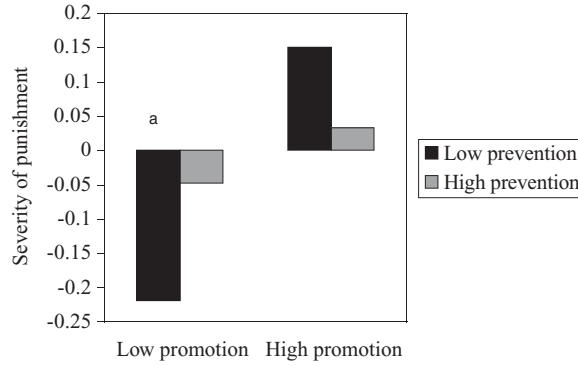


Figure 1. Effect of chronically high or low promotion and prevention self-regulatory focus on recommended severity of punishment (Study 1; estimated marginal mean score). Differing superscripts denote planned contrasts that differ at  $p < .05$ .

Table 2

*Mean Scores for Favorability Based on Self-Regulatory Focus*

Chronic focus	<i>M</i>	<i>SD</i>
High promotion/low prevention	-0.73	0.76
High promotion/high prevention	-0.70	0.77
Low promotion/low prevention	-0.43	0.69
Low promotion/high prevention	-0.55	0.65

ment recommendations. When favorability ratings were included in the model testing the effects of focus, the effect of promotion focus on punishment recommendations remained,  $F(1, 303) = 3.81, p = .05$ . Likewise, how deeply participants thought about the case does not explain the effect of promotion focus. The effect of promotion focus on punishment recommendations remained when total number of suggestions was included in the model,  $F(1, 303) = 6.38, p < .05$ .

*Orientation toward punishment.* Parallel to the effects on recommended punishment severity, high promotion focus ( $M = 0.27, SD = 0.35$ ) was associated with a higher ratio of punishing responses to total responses, compared to low promotion ( $M = 0.17, SD = 0.28$ ),  $F(1, 304) = 6.86, p < .01$ , while prevention focus had no effect ( $F < 1$ ). The target's rationale for

committing the crime did not matter,  $F(1, 304) = 1.51, p > .10$ ; and type of crime committed did not moderate the effects of focus ( $F_s < 1$ ). Nor did it matter whether there was a match between the target's rationale and participants' focus ( $F_s < 1$ ). The effect of promotion focus remained, controlling for how favorably participants rated the protagonist,  $F(1, 303) = 5.54, p < .05$ .

### *Discussion*

Individuals high in promotion focus punished wrongdoers more severely, regardless of specific characteristics of the crime or the wrongdoer. This effect cannot be attributed to differences in how deeply participants thought about the wrongdoer's circumstances or motives or how they felt about the wrongdoer personally. The effects of promotion focus on punishment are not personal. High promotion focus seems to lead respondents to believe that punishment is simply the right thing to do. Moreover, its effects are not limited to one type of crime, but are generalized across varying levels of severity.

Nor did it matter whether the target's self-regulatory focus matched those of the participants. When participants read about wrongdoers who matched or mismatched their own self-regulatory focus, it was their own focus that influenced perception, not a match between one's own and the wrongdoer's focus. In this sense, our study differs from others examining the effects of fit between self-regulatory focus and the way in which a persuasive message is framed.

Typically, self-regulatory focus fit research focuses on match between how a goal is pursued and self-regulatory focus. For instance, Camacho et al. (2003) showed that promotion-oriented people preferred a school policy when educational goals were pursued eagerly, while prevention-oriented people preferred a policy in which goals are pursued with vigilance (see also Cesario, Grant, & Higgins, 2004). Our results do not contradict this research because in our case the goal—to punish the wrongdoer—is separate from any match between one's own self-regulatory focus and that of the target. It is also possible that fit is simply more relevant in persuasion attempts than in other contexts. Here, no one was making a case to participants for or against harsh punishment; rather, they were simply asked to indicate what they thought should happen to the protagonist. One might expect that participants would more sympathetic to a protagonist whose motives fit their own self-regulatory style, but the decision to punish does not appear to have been personal. Rather, high promotion orientation seemed to lead respondents to believe simply that punishment was the right thing to do.

High prevention orientation, in contrast, was not associated with punishment. Being high versus low in prevention did not relate to severity

of punishment recommended or salience of punishment in recommendations for teacher action. This result highlights the orthogonal nature of promotion and prevention: They are not opposites, but rather make different goals resonate, depending on which is activated. The goal assigned to participants in this study was punishment. That high promotion fosters a punitive response does not imply that high prevention fosters a lenient response. Goals that are not implicated by one's self-regulatory focus are not opposed, they are simply irrelevant. When faced with the task of deciding an appropriate punishment, prevention-focused participants were neither especially punitive nor especially lenient. The task assigned in this study (i.e., to punish wrongdoing) did not activate prevention-relevant goals; therefore, participants' responses did not vary based on chronic prevention focus. Perhaps if imposing punishment was explicitly framed as competing with avoiding the infliction of unnecessary harm, prevention focus would have had an effect.

### Study 2

Study 1 suggested that chronic promotion focus can make one more punitive when faced with the task of deciding how to treat a wrongdoer. In Study 2, we use a priming manipulation, and shift from a situation in which guilt is certain and the task is to decide punishment to one in which guilt is uncertain and the task is to decide whether to arrest. Compared to prevention priming, we hypothesize that promotion priming will increase focus on goal attainment. If the goal is arrest, promotion priming should increase both likelihood of arresting a suspect and likelihood that information is described in terms of reasons to arrest. Compared to prevention-primed participants, promotion-primed participants should be more likely to arrest, even if they are no more certain of guilt.

### *Method*

#### *Participants*

Study participants were 127 introductory psychology students (48 males, 79 females) who participated in partial fulfillment of a course requirement. Their mean age was 18.8 years.

#### *Materials*

Participants read about the police investigation of the shooting death of a convenience store clerk. The investigation focused on a prime suspect against

whom police had gathered a weak circumstantial case. For instance, participants learned that a man roughly matching the suspect's description was seen walking near the store around the time that the shooting was believed to have happened, that the suspect smoked the same kind of cigarettes as those stolen from the store, and that he had financial troubles.

### *Procedure*

Participants were told that they were to decide whom to prosecute for the crime. To ensure that participants took the task seriously, they were told that they would have to justify their decisions at the end of the experiment.

Following the general instructions were two final sentences that primed either promotion focus or prevention focus. Following the definition of promotion focus, the promotion sentences focused attention on attaining success (i.e., succeeding in arresting the right person), while the prevention sentences focused attention on avoiding failure (i.e., not arresting the wrong person). Thus, the promotion frame was assumed to make salient the question "Is this the right person to arrest?" whereas the prevention frame was assumed to make salient the question "Is this the wrong person to arrest?" The instructions, however, provided the same substantive goal; that is, catch the person who perpetrated this serious crime. Doing so means both catching the right person and not accusing the wrong one.

After reading the vignette, participants were asked whether they would arrest the prime suspect, their reasoning, and how sure they were that the suspect was the true culprit. This was rated on a 101-point scale ranging from 0 (*not at all sure*) to 100 (*absolutely certain*). The instructions read as follows (prevention focus appears in parentheses):

Imagine that you are a prosecutor in a medium-sized city. Over the weekend, a convenience store clerk was shot and killed in an apparent robbery. The police are working hard to investigate the crime, but they have not yet arrested a suspect. They are keeping you informed of their investigation as they gather more information. You will oversee their investigation and ultimately decide whom to prosecute for the crime. Because of the seriousness of the crime, it is your job to make sure that the police succeed in catching whoever committed this crime. In other words, you must do everything you can to ensure success in investigating and prosecuting this case. (Because of the seriousness of the crime, it is your responsibility to make sure that the police do not make a mistake and catch the wrong person. In

other words, you must do everything you can to prevent mistakes in investigating and prosecuting this case.)

### *Measures*

We obtained three dependent measures: (a) whether or not the prime suspect should be arrested (0 = *no*; 1 = *yes*); (b) content coding of reasons; and (c) certainty of the suspect's guilt (0 to 100%). We coded two categories of reasons: reasons to act and reasons to wait. In the former category were reasons to act that focused on achieving the goal (i.e., catching the perpetrator) independent of accuracy or evidence (e.g., stating the case for guilt is overwhelming without citing supporting evidence; the suspect might flee; the victim's family deserves an arrest; the suspect seems like a bad person). In the latter category were reasons not to act that expressed doubt, questioned the strength of the evidence (e.g., eyewitness identification is weak; one of the witnesses has a reason to lie; a rush to judgment might let the real killer escape.) Proportion scores of non-evidence-based reasons to act ( $M = 0.17$ ,  $SD = 0.29$ ) and of reasons to wait ( $M = 0.12$ ,  $SD = 0.37$ ), compared to total number of responses, were coded.

### *Results*

As hypothesized, promotion priming increased focus on the goal of arresting a suspect. Promotion priming ( $M = 0.71$ ,  $SD = 0.46$ ) increased the likelihood that the suspect would be arrested, compared to prevention priming ( $M = 0.51$ ,  $SD = 0.50$ ),  $\chi^2(1, N = 125) = 5.15$ ,  $p < .05$ . Promotion priming also increased the salience of action focus in thinking: Promotion-primed participants ( $M = 0.22$ ,  $SD = 0.32$ ) were more likely to generate non-evidence-based reasons to act (relative to all reasons generated), compared to prevention-primed participants ( $M = 0.09$ ,  $SD = 0.23$ ),  $t(125) = -2.51$ ,  $p < .05$ . This was so, even though promotion-primed participants ( $M = 65.75$ ,  $SD = 14.57$ ) were no more sure that the suspect was the true culprit than were prevention-primed participants ( $M = 61.83$ ,  $SD = 17.05$ ),  $t(125) = -1.39$ ,  $p > .10$ ; no less likely to generate reasons to wait,  $t(125) = -0.12$ ,  $p > .10$ ; and no different in the total number of reasons generated,  $t(125) = -0.19$ ,  $p > .10$ .

Priming promotion focus versus prevention focus did not influence certainty, and certainty did not influence the effect of priming on decision to arrest. Logistic regression shows that controlling for certainty, promotion priming doubled the odds of choosing to arrest (Wald's statistic = 3.65,  $p = .06$ ; odds ratio [OR] = 2.14, which is marginally significant). The process

by which promotion priming increased decision to arrest seems to be via increased focus on reasons to arrest. The main effect of priming promotion on decision to arrest (Wald's statistic = 5.06,  $p < .05$ ; OR = 2.34) became nonsignificant (Wald's statistic = 2.40,  $p > .10$ ; OR = 1.84) once the reason to arrest was entered into the equation. The effect of reason to arrest (Wald's statistic = 8.46,  $p < .01$ ; OR = 17.60) remained significant (Wald's statistic = 6.95,  $p < .01$ ; OR = 13.62) when both priming and reason to arrest were in the equation.

### *Discussion*

There are two possible congruent interpretations of these results. One interpretation focuses more on the impact of promotion priming and suggests that compared to prevention priming, promotion priming led to an action orientation; that is, something must be done. The other interpretation focuses more on the impact of prevention priming and suggests that compared to promotion priming, prevention priming led to an orientation toward caution. Compared to prevention priming, promotion priming increased the likelihood of arresting the suspect and of generating reasons focused on arrest. This was true even though promotion-primed participants were no more certain that the suspect was guilty and, controlling for certainty, the fact that the suspect was the right person did not undermine the impact of promotion priming.

Promotion priming seems to have influenced the decision to arrest by influencing the nature of the reasons participants used in making their decision. Promotion-primed participants were more likely to generate reasons to act that did not reflect consideration of the specific pieces of evidence that the police had gathered. That is, instead of focusing on accuracy (i.e., whether the police had identified the right person), they advocated action based on considerations that presume that the suspect is the perpetrator, such as the victim's family's right to an arrest and whether the suspect would flee if not taken into custody. This focus, in turn, drove the decision to arrest him.

While this interpretation suggests that promotion priming led participants to pursue their goal with greater gusto, because this study did not contain a no-prime condition, it is possible that the effects are driven by prevention priming, rather than by promotion priming. That is, rather than promotion priming increasing action focus, perhaps prevention priming increased caution.

Moreover, in Study 2, framing of the instructions affected not only whether participants advocated arresting the suspect, but the nature of the reasons they offered for their decision. For promotion-primed participants,

those reasons tended to be less focused on the evidence and more focused on extraneous concerns (e.g., the need to vindicate the victim), which, in turn, drove their decision to arrest. Future studies will be useful in teasing apart the effects of prevention priming and promotion priming in this context. In any event, the results of the present study provide further support for the hypothesis that self-regulatory focus matters for judgments about criminal activity. Compared to promotion focus, prevention focus decreases the inclination to move against a suspect based on borderline evidence.

### General Discussion

Goals can be framed in terms of presence or absence of success, or in terms of presence or absence of failure. When success is the salient focus, people are sensitive to the presence or absence of gains, are tolerant of risk, and are more likely to adopt a daring style of goal pursuit. In contrast, when failure is the salient focus, people are sensitive to the presence or absence of loss, are risk-averse, and are more likely to adopt a conservative style of goal pursuit (Camacho et al., 2003). Self-regulatory focus theory terms a salient success focus as a promotion focus and a salient failure focus as a prevention focus. We hypothesized that these differences in goal-pursuit style affect not just how people regulate their own behavior, but also how they view the world more generally.

Using differences in the approaches of prosecutors and defense attorneys as a model, we hypothesized that response to crime would differ systematically, depending on whether one is focused on avoiding failures or on attaining successes.<sup>4</sup> When faced with the task of dealing with another's crime, one can proceed cautiously to avoid a mistake or boldly to achieve success. These different strategies should influence how one pursues the goals of punishing a known wrongdoer or apprehending the perpetrator of a crime. Consistent with these predictions, we found that being high in promotion focus was associated with endorsement of harsher punishments for wrongdoers, and that priming promotion focus led to greater willingness to take action in a criminal investigation by arresting a suspect of questionable guilt, relative to prevention focus.

<sup>4</sup>In our model, we conceptualized the task of defense attorneys as primarily prevention-focused, and the task of prosecutors as primarily promotion-focused. This is the way that their roles are spelled out in law, and we used this framework for illustrative purposes. A lay perspective could be to see the task of prosecutors as preventing harm by protecting the public from dangerous criminals and the task of defense attorneys as seeking to promote justice and equality through fair treatment for defendants.

These findings suggest that the conservative style of goal pursuit associated with a prevention focus does not translate into a politically conservative, law-and-order mentality. Rather, when faced with complex tasks, such as assessing another's blameworthiness or deciding how to proceed when guilt is in question, self-regulatory focus affects which of many competing goals are salient and thus take priority. Although prevention-focused people are relatively more concerned with safety and security than are their promotion-focused counterparts, that concern has many varied implications for how one approaches a complicated social problem like crime. Threats to safety and security include not only those from criminals, but also those from imprudent or rash decision making.

Thus, placing a premium on safety and security need not translate into a fear-based, lock-them-up-and-throw-away-the-key approach to crime. Likewise, a promotion-focused emphasis on achieving positive outcomes does not make one nonchalant about the problems that a criminal act presents. Instead, each self-regulatory focus differently affects how one frames the task of responding to crime and how one weighs competing concerns. When the goal is to punish unambiguous wrongdoing, a focus on achieving success will lead one to approach that goal with enthusiasm. This is so, regardless of the perpetrator's motives or the crime's severity.

The punitive response triggered by promotion focus is not personal: Contempt for the wrongdoer does not drive the punishment decision. Rather, a promotion focus is simply about achieving success in the pursuit of a goal, and sometimes that goal is punishment. When the goal is to apprehend a criminal, the promotion-focused decision maker will approach the task assertively by advocating arrest despite questionable evidence, while the prevention-focused decision maker will approach the task relatively cautiously.

Because Study 1 involved chronic instead of situational self-regulatory focus and every participant was scored for both promotion and prevention, Study 1 did not allow for a direct comparison between promotion focus and prevention focus. Study 2 addressed this limitation by priming promotion and prevention in task instructions, making one or the other focus salient. Priming influences judgment when what is brought to mind appears to be relevant to the task and is not discounted as having been brought to mind by extraneous reasons (Higgins & Bargh, 1987). Instructions either emphasized attaining success (i.e., catching the perpetrator) or avoiding failure and mistakes (i.e., arresting the wrong person). This approach pitted promotion focus and prevention focus against each other and allowed us to directly compare the effects of promotion focus and prevention focus on decision making in a criminal investigation. Promotion-primed participants were more willing to take action by arresting a suspect than were their prevention-primed counterparts.



Study 1 was limited by our inability to link individual participants' chronic promotion scores and prevention scores to their responses in the study. Use of the prescreening procedure allowed us to identify potential participants efficiently with relatively high or low scores in prevention focus and promotion focus. This was a good starting point for examining the relation between self-regulatory focus and punitiveness. But this procedure left open the question as to whether the effect of promotion on punishment is linear or specific to people who score especially high on this measure. Therefore, it would be helpful in future studies to measure participants' chronic promotion focus as a continuous variable to more thoroughly examine the relation between self-regulatory focus and punitiveness.

Study 1 also raises questions about the possible relation between prevention focus and punishment. Being high or low in prevention focus had no bearing on the punishment advocated for protagonists in Study 1. As noted previously, it may be that the task assigned in this study—that is, decide an appropriate punishment and suggest a course of action—simply did not activate prevention-relevant goals. But the task could be modified in ways that theoretically should resonate with prevention focus. For example, the costs of making an error could be highlighted; such as the damage that could result from punishing the young protagonist too harshly or the dangers presented if they committed further crimes. Future studies exploring this possibility would be useful in clarifying exactly how self-regulatory focus maps onto responses to crime.

Study 2 was limited in that it compared the responses of participants who read instructions framed only in terms of prevention and promotion. Because it lacked a control condition, our findings cannot tell us precisely what drove participants to advocate proceeding relatively cautiously or boldly. It could be that promotion-focus and prevention-focus framing had opposing effects, or instead that only one type of focus mattered, just as we found in Study 1. In any event, the findings of Study 2 provide persuasive evidence that self-regulatory focus influences how people approach social issues like crime; as well as an indication about the direction of the effect of promotion focus relative to prevention focus.

In Study 2, the promotion–prevention prime was embedded in instructions. This method has been used widely in studies of promotion focus and prevention focus. For instance, Semin and colleagues (Semin, Higgins, de Montes, Estourget, & Valencia, 2005) examined the effect of experimentally induced self-regulatory focus on language choice by framing relationship goals as either being a good friend or avoiding being a bad one (see also Freitas, Liberman, Salovey, & Higgins, 2002).

Of course, an alternative would be to prime self-regulatory focus before engaging in the task. This approach to priming demonstrates that a primed

concept or mindset remains salient (and is used) until a competing concept or mindset is introduced (Srull & Wyer, 1979). Therefore, in future studies, it would be probative to prime promotion focus and prevention focus in an independent task. Demonstrating that a promotion focus or prevention focus primed in an ostensibly unrelated task affected participants' judgments and decisions about crime and punishment would lend further support to our finding that self-regulatory focus bears on social policy views in predictable ways.

Our findings have implications not only for how people respond to criminal wrongdoing, but for other social and political policy issues as well. They suggest that the cognitive conservatism associated with prevention focus does not necessarily translate into an affinity for values typically associated with political conservatism, such as favoring a tough, law-and-order response to crime. Rather, the effect of self-regulatory focus on how one thinks about social and political issues depends on the goal suggested by the situation.

When context primes promotion, it prompts striving toward the goal. Whether that goal is deemed politically liberal or conservative depends on the situation. Conversely, when context primes prevention, it prompts enhanced caution. For instance, a prevention focus may bring about a cautious approach to foreign-policy decisions, while a promotion focus may induce a bolder, more interventionist strategy. Whether those respective approaches are consistent with liberal or conservative ideologies depends on the particulars of the situation. Again, caution can serve either traditional liberal or conservative ends, depending on the situation. Future studies should examine the relation between self-regulatory focus and how people think about other social and political issues, such as civil rights, environmental protection, and healthcare policy.

#### References

- Allen, R. J., Hoffman, J. L., Livingston, D. A., & Stuntz, W. J. (2005). *Comprehensive criminal procedure* (2<sup>nd</sup> ed.). New York: Aspen.
- Camacho, C. J., Higgins, E. T., & Luger, L. (2003). Moral value transfer from regulatory fit: What feels right is right and what feels wrong is wrong. *Journal of Personality and Social Psychology, 84*, 498–510.
- Carver, C. S., & Scheier, M. (1990). Principles of self-regulation: Action and emotion. In E. T. Higgins & R. M. Sorrentino (Eds.), *Handbook of motivation and cognition: Foundations of social behavior* (Vol. 2, pp. 3–52). New York: Guilford.
- Cesario, J., Grant, H., & Higgins, E. T. (2004). Regulatory fit and persuasion: Transfer from “feeling right.” *Journal of Personality and Social Psychology, 86*, 388–404.

- Crowe, E., & Higgins, E. T. (1997). Regulatory focus and strategic inclination: Promotion and prevention in decision making. *Organizational Behavior and Human Decision Processes*, *69*, 117–132.
- Freitas, A. L., Liberman, N., Salovey, P., & Higgins, E. T. (2002). Where to begin? Regulatory focus and initiating goal pursuit. *Personality and Social Psychology Bulletin*, *28*, 121–130.
- Gollwitzer, P. M., & Bargh, J. A. (1996). *The psychology of action: Linking cognition and motivation to behavior*. New York: Guilford.
- Higgins, E. T. (1997). Beyond pleasure and pain. *American Psychologist*, *52*, 1280–1300.
- Higgins, E. T. (1998). Promotion and prevention: Regulatory focus as a motivational principle. In M. P. Zanna (Ed.), *Advances in experimental social psychology* (Vol. 30, pp. 1–46). New York: Academic Press.
- Higgins, E. T., & Bargh, J. A. (1987). Social cognition and social perception. *Annual Review of Psychology*, *38*, 369–425.
- Higgins, E. T., Friedman, R. S., Harlow, R. E., Idson, L. C., Ayduk, O. N., & Taylor, A. (2001). Achievement orientations from subjective histories of success: Promotion pride versus prevention pride. *European Journal of Social Psychology*, *31*, 3–23.
- Higgins, E. T., Idson, L. C., Freitas, A. L., Spiegel, S., & Molden, D. C. (2003). Transfer of value from fit. *Journal of Personality and Social Psychology*, *84*, 1140–1153.
- In re Winship, 397 U.S. 358 (1970).
- Johnson v. Zerbst, 304 U.S. 458 (1938).
- LaFave, W. R., Israel, J. H., & King, N. J. (2004). *Criminal procedure* (4<sup>th</sup> ed.). Minneapolis, MN: West.
- Liberman, N., Idson, L. C., Camacho, C. J., & Higgins, E. T. (1999). Promotion and prevention choices between stability and change. *Journal of Personality and Social Psychology*, *77*, 1135–1145.
- Liberman, N., Molden, D. C., Idson, L. C., & Higgins, E. T. (2001). Promotion and prevention focus on alternative hypotheses: Implications for attributional functions. *Journal of Personality and Social Psychology*, *80*, 5–18.
- Semin, G. R., Higgins, E. T., de Montes, L. G., Estourget, Y., & Valencia, J. F. (2005). Linguistic signatures of regulatory focus: How abstraction fits promotion more than prevention. *Journal of Personality and Social Psychology*, *89*, 36–45.
- Srull, T. K., & Wyer, R. S. (1979). The role of category accessibility in the interpretation of information about persons: Some determinants and implications. *Journal of Personality and Social Psychology*, *37*, 1660–1672.