

Authority and Excuses

Alan Strudler and Danielle Warren

What we find in the common soldier, party functionary, and obedient subject is the same limitless capacity to yield to authority and the use of identical mechanisms to reduce the strain of acting against a helpless victim.

—Stanley Milgram, *Obedience to Authority*, 1974

Stanley Milgram's famous obedience experiments show that in some contexts, ordinary people obey authority even when doing so involves gross wrongdoing. Milgram found that two-thirds of subject "teachers" obeyed orders of experimenters and willingly administered apparently large and harmful, and even lethal, electric shock to "learners" as punishment for responses to what they were told were memory tests. This striking result raises many questions about individual moral responsibility for wrongful conduct. Milgram's subjects were randomly selected. Hence all of us have reason to believe that we might have behaved just as the majority of Milgram's subjects did. Although few would deny that the Milgram subjects behaved wrongly, questions stubbornly persist about whether these people deserve blame for doing what most of us would have done in the same circumstances. These questions are not merely scholastic. Everyday people in organizations—military soldiers, corporate employees, government officials—respond to morally questionable authority in morally questionable ways. Without wrongful obedience to authority, our world would be unrecognizable. How should one think about the blame or punishment that a person deserves for general conduct that arises from respect for authority?

A core idea in traditional morality is that, ordinarily, people deserve blame for their wrongful conduct.

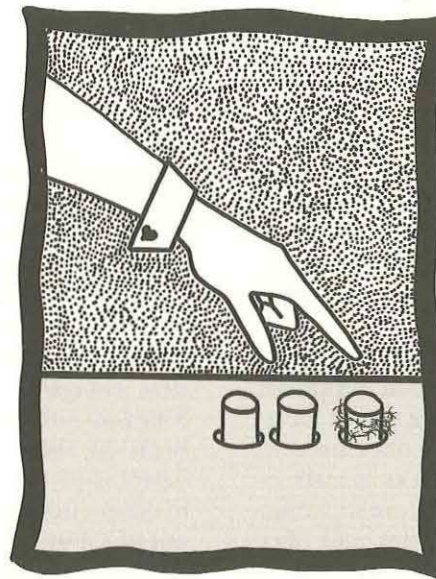
Indeed, it is only when a person has a good excuse—*i.e.*, that he acted under duress or he did not understand the nature of his act—that one does not hold him responsible for the wrong he does. How does this traditional idea of morality apply to the case of Milgram subjects? On the one hand, it may seem plain that Milgram subjects deserve blame for their actions. They were apparently willing to inflict undeserved and

unnecessary pain on an innocent person. Further, they seemed to have no good excuse for their wrongdoing: nobody coerced them; and they seemed to understand the relevant fact that they were apparently causing excessive suffering. Hence blame seems appropriate. On the other hand, the moral appraisal of Milgram subjects may not be quite so simple. Isn't it harsh and presumptuous to blame them for doing what most of the rest of us would do in the same circumstances? Something seemed to go awry in the decision-making processes of the Milgram subjects that provide a reason to restrain our criticism of them. This suggests that Milgram subjects may be entitled to some kind of excuse for their wrongdoing. Even if such an

excuse does not wholly relieve them of responsibility for their actions, it may give us reason to mitigate our blame.

Heuristics and Wrongdoing

Contemporary cognitive psychology may offer at least a partial explanation of how things went awry in the decision-making processes of Milgram subjects. They may have relied on heuristics—cognitive shortcuts or rules of thumb—which confused them about the moral significance of their actions. The operation of



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the heuristics may be relevant to the moral appraisal of Milgram subjects, and of other people grappling with the demands of authority.

Many tasks of daily life rely on the use of heuristics, which simplify otherwise complex and time-consuming decision-making and problem-solving tasks. Amos Tversky and Daniel Kahneman, two psychologists who have done pioneering work on heuristics, illustrate both the utility and danger of heuristics through an example taken from the psychology of perception. The apparent distance of an object is commonly determined in part by its clarity. The more

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sharply an object is seen, the closer it appears to be. Notably, however, reliance on this rule leads to systematic errors in estimating distance. Distances are often overestimated when visibility is poor because the contours of the objects are blurred, while when visibility is good distances tend to be underestimated. The reliance on clarity as an indication of distance leads to common mistakes and confusion. Still, the kind of error involved in relying on clarity to estimate distances may seem fundamentally different than the kind of error involved in relying on authority in deciding whether to deliver high-voltage shocks to an innocent, protesting subject.

Yet psychologists argue that heuristics may play a role in explaining a broad range of human judgment beyond perceptual judgment, including moral judgment. The case of DES, the medication once used to alleviate the symptoms of morning sickness, is instructive here. In their discussion of this case, organization and management theorists David Messick and Max Bazerman conclude that erroneous reliance on a heuristic played a crucial role in explaining managerial wrongdoing. Managers of pharmaceutical companies promoting DES knew that using the drug risked causing birth defects, but they underestimated that risk. These managers may have fallen prey to what psychologists call the "availability heuristic," which inclines people to think that risks are more serious when they are more "available," more readily called to mind. Because managers relying on the availability heuristic limited their scrutiny of DES's consequences to immediate customers and shareholders, they did not take adequate account of a less salient group not present when the drug was marketed, the daughters of DES-taking women. Messick and Bazerman suggest that innocent but inapt reliance on heuristics, rather than

bad intentions, may explain the managers' decision, and thus limit their blameworthiness.

Authority Heuristics

Just as the involvement of an "availability heuristic" offers a cognitive account of the managerial decision to promote DES, an "authority heuristic" may explain the decisions of Milgram subjects to administer electric shock. Reliance on the judgment of an authority is ordinary and understandable when, for instance, one confronts technical matters concerning medicine, law, or technology. If your dentist insists that you need a root canal, you will in all likelihood defer to her expert judgment, even though doing so will cause considerable pain. In the simplest case, a person reasonably employs an authority heuristic when, lacking the time, capacity, or inclination to think matters through for himself, he defers to the judgment of those who seem more knowledgeable about the issue.

If one accepts the presence of an authority heuristic in technical matters such as dentistry, one might also find reasonable the reliance on an authority heuristic in morally charged matters. Suppose you arrive late to a meeting where a vote is to be taken on a morally significant issue. You have not had time to study the issue, but you learn that a colleague whose judgment you respect is going to vote in a certain way. Trusting her judgment relies on a heuristic that prescribes deference to the authority of another, and in this case the authority heuristic applies to a moral matter.

It is plausible to suppose that the "obedient" subjects in Milgram's experiment acted as they did in part because they relied on an authority heuristic. To see this, imagine that you occupy the position of a Milgram subject. You confront what seems a difficult decision about whether to engage in an apparently harmful act that you would never even consider doing in other circumstances; you are given little time to opt out of it but no resources to make a full evaluation of alternatives and their consequences. Further, you have access to an apparently reliable authority, the experimenter. If you back out, you risk undermining what may be a valuable experiment. Facing a choice between trusting a reliable authority and backing out, it makes sense to trust the authority. While it seems morally wrong to shock your experimental subject, it is also plausible to suppose that the experimenter has considered the moral issue. Although you do not know *how* he arrived at his conclusion that the experiment should proceed, you nonetheless follow the heuristic to defer to the judgment of one who presumably has better information than you do.

Nobody knows whether most, or any, of Milgram's obedient subjects actually employed an authority heuristic. It nonetheless remains plausible that such a

heuristic was at work among some subjects. Further, much ordinary managerial wrongdoing is at least partly explained by the presence of an authority heuristic. Certainly, few situations closely resembling the Milgram experiments occur in the business world. Executives rarely stand over their subordinates and directly order them to harm identifiable and unwilling victims. However, compartmentalization plays an important role in both arenas. Milgram subjects administered shock, even though it was morally problematic, because they trusted the person running the experiment to have made the right moral decision and they accepted their own role to obey orders to shock. A similar rationale is at play in many business settings: one trusts the authority embodied in a person and expressed in a role. When asked why he followed a wrongful order, a person can say: because it was my job.

The Importance of Roles

Legal scholar David Luban challenges this cognitive explanation of the Milgram experiment, rejecting the notion that deference to experimenters' superior knowledge promoted obedience. He points to several of

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Milgram's studies that suggest that it was the subjects' intimidation, more than their cognitive error, that explains their obedience. Although we do not think it is possible to determine how much of the obedience Milgram elicited is attributable to cognitive factors, we want to focus on one of the studies Luban cites, because it gives us reason to refine, rather than reject, a cognitive explanation. In this study, two experimenters within earshot of the subject announce that a volunteer, who would have been the possible recipient of electric shock, has cancelled his appointment. After discussing alternatives, one experimenter decides that he will take the volunteer's place, and he soon follows the entire sequence of complaints and screams. Luban argues that if subjects relied on an authority heuristic, the fact that a former authority demanded the experiment be stopped should have diminished the likelihood that the Milgram subject would administer electric shock.

The force of Luban's critique is blunted when one recalls that authority commonly inheres in social and organizational roles, not merely in individuals. An order issuing from an authoritative role may continue to have credibility even when there is a change in the person who occupies the role. Luban's discussion

highlights the occasion on which a subject disregards the orders of a former authority figure. It casts no doubt on the point that subjects continued to find credible the orders that issue from the role. To cite another example, in his account of the Executioner of Paris, Harvard professor Arthur Applbaum describes an official who was executioner for the French government both before and after the French revolution and who clearly found authority in his role. Although his high professional standards compelled him to question orders inconsistent with that role (e.g., when his equipment was not sharp enough, he demanded better), he never questioned the propriety of the executions themselves. He neither doubted the moral legitimacy of his role nor questioned the propriety of acts consistent with that role, even when it meant killing his former employers, whose orders he had once followed. In many ways, the case of the Executioner of Paris is not unusual. Professionals commonly justify their actions by appeal to the requirements of their professional roles. Lawyers routinely defend presumptively wrong actions such as badgering innocent witnesses and tarnishing their reputations by appeal to their roles as zealous representatives of client interests.

Heuristics and Limits of Blame

But if people's harmful conduct can be explained by their reliance on an authority heuristic, does that explanation provide an excuse for their conduct? There is one tempting argument that it does. This argument,

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an appeal to normality, is simple: If normal reliance on cognitive heuristics causes specific wrongful conduct, then because that conduct arose from an innocent mental mistake, the person deserves no blame. On these grounds, not only would Milgram's obedient subjects as well as the managers involved in the DES case be judged blameless, but one also could argue that *any* sort of error stemming from normal human decision making excuses wrongdoing.

But this argument from normality is *too* simple. The mere fact that a reaction is normal or common does not by itself show that a person is not blameworthy for engaging in that action. Social philosopher Ferdinand Schoeman illustrates this point nicely. He asks us to imagine that most people would greatly exceed the speed limit, and thus violate the traffic laws, if they were offered some amount of money satisfactory to

them. It would not follow that their actions were not blameworthy or that they should be regarded as morally innocent if they took the money and speeded. And, of course, the same holds true for worse wrongs. Suppose that it turns out that most sons and daughters would beat their parents if offered ten million dollars to do so. In some sense, their action would be normal. One might even say that, in some sense, their being offered such a large sum of money *caused* their actions. Nonetheless, it would hardly follow that these people were not to blame for the actions. If all children behave in this way, it is a sad fact about the human race, and perhaps demonstrates that we as a species are morally defective, but it hardly follows that any individual who has a normal response is thereby not blameworthy.

A more refined argument than the one from normality suggests that a person's reliance on the authority heuristic does not wholly excuse his harmful acts, but limits the censure he deserves. Schoeman makes precisely this point in invoking the traditional criminal law idea of entrapment, which precludes the state in some cases from prosecuting persons encouraged to commit crimes by state agents. He argues that since we do not prosecute persons whose wrongful action was caused by authority figures such as police officers, we should also treat leniently the Milgram subjects because authority also prompted their wrongdoing. But Schoeman's entrapment defense cannot be invoked by Milgram's subjects, because the value of the defense derives from considerations that do not apply to them. For instance, the entrapment defense seeks to limit the temptation of police to cause people to commit crimes, a consideration irrelevant to the issue of how a wrongdoer should morally assess herself. Most importantly, the decision-making processes of entrapment victims and those of Milgram's subjects differ in morally relevant ways. Milgram's subjects perceive themselves as responding to authority in a morally and rationally defensible manner. Entrapment victims, by contrast, act in part because they think they are not dealing with police or other state representatives and, further, they attempt to do something they recognize as wrong.

Moral Ignorance

Despite the inadequacy of these explanations, there is still some considerable appeal in the idea that Milgram's subjects were less blameworthy to the extent that they relied on the experimenter's authority. Many of Milgram's subjects administered shock under protest and displayed physical symptoms of revulsion at their task, responses suggesting they were torn by conflict. They understood the wrongfulness of inflicting pain on the unwilling, yet felt the legitimacy of their role required acting conscientiously. If, faced with this dilemma, Milgram subjects chose in accordance

with an authority heuristic, then perhaps they made a good faith choice. They tried to do the right thing by assisting in what they concluded was a legitimate experiment; but they made a cognitive mistake and did wrong. How should one evaluate such persons?

Traditional morality and jurisprudence typically excuse persons for ignorance involving fact. If one person unwittingly serves another a poisoned drink, for instance, then the server is excused from wrongdoing on grounds of ignorance. But the Milgram subjects

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knew the *facts* relevant to culpability (they knew that they were administering potentially lethal shock to an unwilling victim); their error lay in their confusion about moral *principle*: they trusted in an authority who suggested that inflicting severe shock on innocent protesting people was the right thing to do.

Both traditional morality and established law tend not to recognize excuses grounded on ignorance of principle. For instance, the person who admits to possessing the *factual knowledge* that a lethal agent laced a drink he served, but *professes ignorance of the moral principle* that it is wrong to poison others, would likely not be absolved from wrongdoing on grounds of ignorance. Some might argue, further, that to whatever extent people such as Hitler and Stalin were ignorant about principles they were violating, they should be judged even *more harshly* for their actions. Individuals are presumed to possess general moral knowledge, in short; to the extent they do not, they are responsible for their wrongdoing.

Jurisprudence, however, does support the notion that ignorance of principle sometimes offers an excuse. Suppose a driver attempting to deliver Thanksgiving dinners to a homeless center is involved in a traffic accident, and a police officer at the scene orders the driver of another vehicle to drive the dinners to the homeless center at top speed to ensure their timely delivery. On the way, that conscripted driver has an accident and is charged with criminal recklessness. It turns out that it was illegal for her to speed, and the policeman lacked the authority to order her to do so. In this case, breaking the law in ignorance and good faith mitigates blameworthiness.

In contrast, one can offer a variety of justifications for treating especially harshly those who act from ignorance *and* bad intention. A utilitarian, for instance, might champion the social benefits resulting from the deterrence of malicious acts, while a nonutilitarian might focus on wrongful behavior grounded in vice.

To the extent that the Milgram subject and DES managers suffered mere mental lapses, they deserve some leniency. A person who commits a wrong because of a reasoning miscue is in some important sense not doing what he really wants to do. Consequently, the evil expressed in doing wrong while trying to do right is of a lesser magnitude than the evil expressed in doing wrong from bad motives. The Hitlers and Stalins of the world deserve censure because, although perhaps acting from ignorance of principle, they embrace evil or warped values. Many of Milgram's obedient subjects, on our interpretation of their behavior, embraced no defective values; they simply made a faulty inference from acceptable values in relying on an authority heuristic.

One cannot conclude that the Milgram subjects and DES managers are completely blameless, however. They failed in their responsibility to avoid making a critical mental mistake, even though it was in their power to do so. At the same time, no one can refrain entirely from relying on heuristics, which would be equivalent to never acting from mental habit. It is only fair, therefore, not to censure them—or ourselves—too harshly for that reliance.

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Alan Strudler
Legal Studies Department
2204 Steinberg-Dietrich Hall
Wharton School, University of Pennsylvania
Philadelphia, PA 19104
strudler@wharton.upenn.edu

Danielle Warren
Management Department
2057 Steinberg-Dietrich Hall
Wharton School, University of Pennsylvania
Philadelphia, PA 19104
warren@management.wharton.upenn.edu

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Jerome M. Segal

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