LINE ON LIFE

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Legalizing the Good Samaritan *

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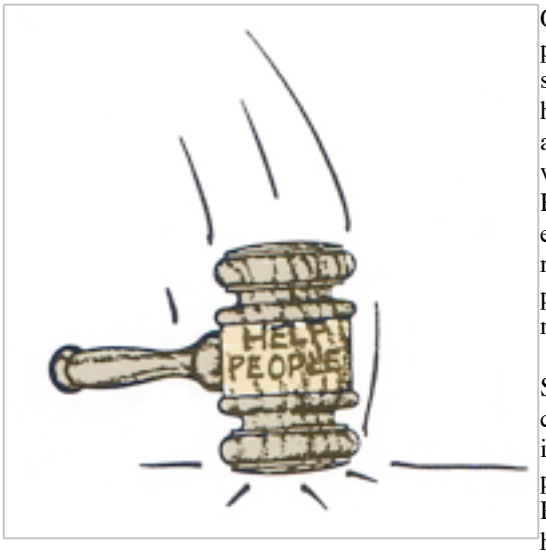
In many emergency situations, people seem to ignore those that need help. The classic case is the death of **Kitty Genovese** in New York City in 1964. She was repeatedly stabbed while 38 people watched — but they failed to respond to her pleas to help. Some people may say, "there ought to be a law!" Can laws make us more likely to help others?



One way laws might increase helping behavior is by providing penalties for not helping. In contrast to most states in the U.S.A., over a dozen European countries have **duty-to-rescue laws**. If Kitty Genovese had been attacked in Paris rather than New York, these 38 people would have been guilty of the crime of not helping. However, even in Europe, these laws only have a limited effect. Arizona only has a **duty-to-report law**, which requires responsible parties — physicians, psychologists, nurses, teachers, parents and others — to report any child's injury that may be due to child abuse.

Some people do not help, because they fear hidden costs. What if they are not successful in helping? What if their helping makes the situation worse? Physicians passing an accident are very ambivalent about helping. Personally and professionally, they feel an obligation to help. However, they hesitate. They fear that the victim or the victim's family might sue them, if they are not completely successful in helping the victim.

To deal with this problem, many states have passed **Good Samaritan Laws**. These laws shield physicians — and possibly others who give aid in good faith — from liability when volunteering their help. In this way, the potential costs of helping are reduced. Arizona has such a law that protects helpers from civil liability — except in the case of "*gross negligence*."

In contrast to reducing costs, laws could encourage helping by increasing rewards. For example, the **Carnegie Hero Fund** gives medals recognizing brave acts or sacrifices. Sometimes they even give monetary compensation if a rescuer is injured. Some organizations offer rewards for the capture of a criminal, like the $140,000 offered in Los Angeles for the "*Hillside Strangler*." This type of method is seen in Yuma, where the **78-CRIME** telephone number offers potential reward money for anonymous tips to the police about crimes.

Although all of these legal methods increase rewards and lower costs for helping, they only have a limited influence on actual helping behavior. There seem to be three major factors that reduce the effectiveness of these laws.

1. In most emergencies, no authority figure is present. Nobody is there to monitor the help-giving behavior. Without any method of monitoring, neither punishments nor rewards can be given.

2. Laws are forms of *external* social norms. However, they cannot increase people's **internal sense of obligation** toward each other. If people don't have personal norms or empathy with the victims, laws advocating either punishment or rewards cannot fill the gap to make them help others.

3. Laws cannot do anything to make the need for help clearer. Some situations are *ambiguous*, so it is hard to tell if help is really needed. If many others are around, there is a **diffusion of responsibility**. Most people wrongly assume that the others will help, so they believe that their help is not necessary. (This is one of the factors that kept witnesses from calling the police in the Genovese case. Each person thought others would call.)

However, you can individually increase helping behavior in others without relying on the law. To illustrate this, a psychologist left his radio playing on his towel on a crowded beach as part of a 1975 study. Half of the time, he merely left his radio unattended. The other half of the time, he asked someone close by, "*Would you watch my things?*" In both cases, another member of the experimental team came up, snatched the radio and walked away with it. Without any prior commitment, only 20% of the neighbors made any attempt to stop the theft. When they had agreed to be responsible for his possessions, 95% did something. Some actually grabbed the thief by the arm and pulled the radio away from him!

How does this simple request lead to helping, when laws fail to do so? When making such a request — and the other person agreeing to it — you will assure that the potential helper will take notice and feel responsible to help. It will make general — and possibly personal — norms of social responsibility more noticeable. It is likely to encourage **empathy** — a feeling of "*we-ness*" — between the potential helper and the person making the request.

Laws are not adequate to insure helping behavior. If you want to increase the probability that another person will help you, you need to be assertive enough to clearly ask for help. While it may not be as simple or successful as the experiment described above, it is much better than not asking at all.

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* Adapted from Michael Saks and Edward Krupat's *Social Psychology and Its Applications*, Harper and Row Publishers, 1988, pages 364-367.