

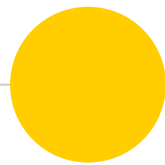
Responsibility

Zhang.tu@mail.shufe.edu.cn

Contents

- Conventional view of moral responsibility: control principle
- Challenges of conventional view precipitating contemporary turn of moral responsibility

1. Conventional view of moral responsibility



Taxonomy OF RESPONSIBILITY

- role-responsibility
- causal-responsibility
- capacity-responsibility
- legal liability-responsibility

ROLE-RESPONSIBILITY

- Being a parent/employee/soldier/lawyer/referee, etc.
- not necessarily with legal or moral meaning

CAUSAL-RESPONSIBILITY

- “The long drought was responsible for the famine in India.”
- “His neglect was responsible for her distress.”
- “The Prime Minister’s speech was responsible for the panic.”
- “The icy condition of the road was responsible for the accident.”
-

capacity-responsibility

- an agent's power of rational self-determination
- capacity of understanding, reasoning and control of conduct

Legal LIABILITY-RESPONSIBILITY

- ⊙ Normally, legal responsibility \approx legal liability
- ⊙ Yet, compared to liability, responsibility is concerned with a narrower issue whether any of a certain range of conditions are satisfied:
- ⊙ Mental or psychological criteria of responsibility (mens rea, negligence)
- ⊙ Causal or other forms of connection between act and harm
- ⊙ Relationship with the agent

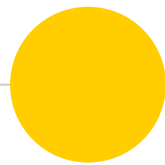
LIABILITY-RESPONSIBILITY

If we conceive of a person as an embodied mind and will:

- liability: what general types of outer conduct (actus reus) or what sorts of harm are required for liability?
- responsibility: to what extent must the embodied mind or will be the author of the conduct or the harm in order to render him liable?

- (1) As captain of the ship, Smith was responsible for the safety of his passengers and crew.
- (2) But he drank himself into a stupor on his last voyage and was responsible for the loss of the ship and many of its passengers.
- (3) The doctors initially thought his drinking might have been the product of a paralytic depression, but later concluded that he had, in fact, been fully responsible at the time he became drunk. Smith initially maintained that the exceptional winter storms were responsible for the loss of the ship, but at trial,
- (4) after he was found criminally responsible for his negligent conduct and sentenced to ten years imprisonment,
- (5) he declared that no legal penalty could alleviate his guilt, for which he sought to atone.
- (6) Some of the survivors of the wreck, however, declared that they wished to put their nightmare behind them, and forgave Smith.
- (7, 8) Meanwhile, the president of the cruise line issued the following statement:
'Although the company must accept its legal responsibility for the loss of life and property, we bear no culpability for the disaster, since Smith fraudulently concealed from us his earlier employment problems, and our alcohol screens turned up no evidence of his drinking.'

2. Challenges of conventional view precipitating contemporary turn of moral responsibility



The importance of the control principle

- In the case of the speluncean explorers:

Why fourteen imaginary judges could reach different conclusions? Why in general, those four who are charged of murdering Whetmore, are considered to be entitled to a lighter punishment or even an exemption from punishment?

Main challenges cast shadow on the control principle

- The incompatibility of free will (the ability-to-do-otherwise) and determinism
- Moral luck

The challenge from causal determinism:

- the occurrence of any event (human deliberation, choice, and action) that does in fact occur was made inevitable by the facts about the past prior to the occurrence of the event. Under these conditions, the facts about the present, and about the future, are uniquely fixed by the facts about the past: given these earlier facts, the present and the future can unfold in only one way.
- the truth of determinism entails that an agent's actions are *not* up to him since they are the unavoidable consequences of things over which the agent lacks control (e.g., the tragedy of Oedipus Rex)

Challenge from “Moral luck” (Thomas Nagel, *Mortal Questions*)

- “Intuitively, people cannot be morally assessed for what is not their fault, or for what is due to factors beyond their control. Where a significant aspect of what someone does depends on factors beyond his control, yet we continue to treat him in that respect as an object of moral judgment, it can be called moral luck.” (Nagel, 1993, p. 59)

Challenge from “Moral luck”

- resultant luck: luck in the way one’s actions and projects turn out.
- circumstantial luck: the luck involved in “the kind of problems and situations one faces”
- constitutive luck: the luck involved in one’s having the “inclinations, capacities and temperament” that one does.
- causal luck: luck in how one is determined by antecedent circumstances.

Contemporary conception of responsibility: Strawson's focus on emotion

- ☉ Peter. F. Strawson: "Freedom and Resentment" (1962): ground the abstract notion of moral responsibility in a set of **social practices** of holding ourselves and one another responsible, with focal on the **reactive attitudes**.
- ☉ Our practices of holding others responsible are largely responses to "whether the actions of other people...reflect attitudes towards us of goodwill, affection, or esteem on the one hand or contempt, indifference, or malevolence on the other. "
- ☉ "Free will" need not to be invoked. No metaphysical facts are needed to ground these practices.