This volume contains the abstracts of the plenary and contributed papers of the Conference on Moral Responsibility, held at Delft University of Technology, August 24-27, 2009. We hope it may contribute to an exciting conference and a pleasant stay.

Nicole A Vincent, Neelke Doorn & Jessica Nihlén Fahlquist
Contents

Contents.........................................................................................................................5
Programme ..................................................................................................................8
Preface .......................................................................................................................16
Plenary papers ...........................................................................................................19
Contributed papers ...................................................................................................31
Map ............................................................................................................................95
Author index ..............................................................................................................98
## Timetable

### Wednesday

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
</tr>
</thead>
<tbody>
<tr>
<td>08:00</td>
<td>Coffee &amp; Registration</td>
</tr>
</tbody>
</table>
| 09:00      | WALTER SINNOTT-ARMSTRONG  
Are Psychopaths Responsible? |
| 10:00      | SELA  
Against Moral Luck: The Argument from Induction |
| 10:30      | Lokhorst  
Neuroscience and the Nature of the Self |
| 11:00      | Sie  
The Behavioral, Cognitome, and the Neuromorphic Nature of Malleable Mental Power |
| 11:30      | Hindriks  
Corporate Responsibility and Assignment Appropriate |
| 12:00      | Markie  
A neurophilosophical Reconsideration of Moral Responsibility |
| 13:00      | Bertram  
Should we be responsible for what we fail to detect now? |
| 14:00      | Bertram  
The Study of Human Agency: Sociotechnical Communities and \( \text{(T)} \) |
| 15:00      | Davies  
Overhauling the Concept of Responsibility |
| 16:00      | Houle  
Incorporated Responsibility without Professional Accountability |
| 17:00      | Roesser  
Moral and Responsibility, Employment, and Ethics |

### Thursday

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
</tr>
</thead>
<tbody>
<tr>
<td>08:00</td>
<td>Coffee &amp; Registration</td>
</tr>
</tbody>
</table>
| 09:00      | MICHAEL DAVIS  
No one here but us chickens - some thoughts on the professional responsibility of engineers |
| 10:00      | Zimmerman  
Responsibility, Reaction, and Ethics |
| 10:30      | SEUMAS MILLER  
Collective Epistemic Responsibility |
| 11:00      | Kraemer  
Responsibility: Property, Agent, and Procedure |
| 11:30      | Polder-Verkleij  
Take some more pills, please! |
| 12:00      | Peels  
The Nature of Responsibility |
| 13:00      | Amazon  
Responsibility, moral determination, and the empirical assessment |
| 14:00      | Siifert  
Translating Scientific Evidence into the Language of the \( \text{T} \) |
| 15:00      | Tarnovsanu  
Incorporated Responsibility without Professional Agency |
| 16:00      | Kernisch  
Risk and responsibility, control and decision relationship |
| 17:00      | CARL MITCHELL  
Co-Responsibility as a Program for Ethics and Policy in Science, Engineering, and Medicine |

### Additional Sessions

- **Closing Drinks**
- **Conference Dinner**

### Colour Key:

- **General Responsibility Stream**
  - Non-Academic Activities
  - Responsibility in Neuroscience & the Law
  - Responsibility in Science, Technology & Engineering
  - Collective & Individual Responsibility
Programme
Monday August 24, 2009

12:00PM – 1:30PM: COFFEE & REGISTRATION

1:30PM – 2:00PM: WELCOME

2:00PM – 3:00PM: PLENARY SESSION
    Antony Duff – To Whom Must We Answer, for What?

3:05PM – 3:50PM: PARALLEL SESSION
    A. How to reconstruct a concept of responsibility – Stéphane Lemaire
    B. The Implications of Heuristics and Biases on Moral and Legal Responsibility –
       Leora Dahan-Katz
    C. Moral Responsibility, Neuroscience, and Cognitive Capacities – Malte Engel
    D. Collective explanations, individual responsibility – Gunnar Björnsson

4:10PM – 4:55PM: PARALLEL SESSION
    A. Moral Responsibility and Practical Skepticism – Andras Szigeti
    C. What do neurosciences have to say about (criminal) responsibility? – Anne Ruth Mackor
    D. Individual Responsibility and Collective Action – Matthew Braham

5:00PM – 6:00PM: PLENARY SESSION
    Andrew Eshleman – Responsibility and Better-than-Minimally-Decent Agency

6:00PM – 9:00PM: RECEPTION – DRINKS & BUFFET AT DELFT UNIVERSITY OF TECHNOLOGY
Tuesday August 25, 2009

8:30AM – 9:30AM: PLENARY SESSION
   Steve Vanderheiden – Climate Change and Collective Responsibility

9:35AM – 10:20AM: PARALLEL SESSION
A. The Real Relationship Between Responsibility, Praise and Blame – Audrey Anton
B. The enforced medical treatment as used in the Charles Laverne Singleton case: a critique – Mirko Daniel Garasic
C. Are Neuroscientists Hidden Libertarians – Arno Wouters
D. Constitutional Agency and Constitutional Responsibility – Andras Szigeti & Tom Donahue

10:40AM – 11:25AM: PARALLEL SESSION
A. Unconscious Omission, Moral Responsibility and The Inadequacy of ‘Tracing’ – Jason Benchimol
B. A Structured Taxonomy of Responsibility Concepts – Nicole A Vincent
C. Deliberation on Deliberation: Moral Responsibility after Libet – Uri Maoz & Ram Rivlin
D. Responsibility within the System of Corrective Justice – Helen Eenmaa

11:30AM – 12:30PM: PLENARY SESSION
   Ted Honderich – Responsibility, Determinism, Compatibilism, Incompatibilism, Attitudinism, Personal Standing

LUNCH
Tuesday August 25, 2009

2:00PM – 3:00PM: PLENARY SESSION
   Stephen Morse – Determinism & The Death of Folk Psychology: Two Challenges to Responsibility from Neuroscience

3:05PM – 3:50PM: PARALLEL SESSION
   A. Moral Responsibility and Moral Harm – Pietro Denaro
   B. Reasons and Capacities – Rosemary Lowry
   C. Communicative revisionism – Lene Bomann-Larsen
   D. Blameworthiness: tu-quoque and first-person moral authority – Yuval Eylon

4:10PM – 4:55PM: PARALLEL SESSION
   A. Desert and responsibility – Diana Abad
   B. The relation between forward-looking and backward-looking responsibility – Ibo van de Poel
   C. Responsibility of Intoxicated Offenders – Susan Dimock

5:00PM – 6:00PM: PLENARY SESSION
   Larry May – Collective Punishment, War, and Detention

7:00PM – 8:30PM: FORMAL RECEPTION WITH LORD MAYOR AT DELFT TOWN HALL (MARKT 87, DELFT)
Wednesday August 26, 2009

8:30AM – 9:30AM: PLENARY SESSION
   Walter Sinnott-Armstrong – Are Psychopaths Responsible?

9:35AM – 10:20AM: PARALLEL SESSION
A. Against Moral Luck: The Argument from Intuition – Guy Sela
B. Neuroscience and the freedom of the will – Gert-Jan Lokhorst
C. The Behavioral, Cognitive, Neuroscientific Reinforcement of our everyday Moral Practices – Maureen Sie
D. Corporate Responsibility and Judgment Aggregation – Frank Hindriks

10:40AM – 11:25AM: PARALLEL SESSION
A. Responsibility, Reaction, and Value – Michael J. Zimmerman
B. Changing one’s mind: The concepts of authenticity and responsibility in the context of neuroethics – Felicitas Kraemer
C. Do neurons have Miranda rights? Mental privacy and criminal evidence – Kristof Zoltan von Csefalvay-Bartal
D. Take some more pills, you coward – Saskia Polder-Verkiel

11:30AM – 12:30PM: PLENARY SESSION
   Seumas Miller – Collective Epistemic Responsibility

LUNCH
Wednesday August 26, 2009

2:00PM – 3:00PM: **PLENARY SESSION**
Michael **Smith** – Beyond Belief and Desire, or: How To Be Orthonomous

3:05PM – 3:50PM: **PARALLEL SESSION**
A. From Responsibility to Agency – Constantine **Sandis**
B. Brain Imaging and protection of individual rights: the real challenge to law – Amedeo **Santosuosso** & Barbara **Bottalico**
C. Fairness and Completeness in Distributing Responsibility: The Case of Engineering – Neelke **Doorn** et al.
D. Collective Responsibility as a Communicative Ability to Respond to Global Issues – Amos **Nascimento**

4:10PM – 4:55PM: **PARALLEL SESSION**
A. Responsibility as Practice of Justification – Eva **Buddeberg**
B. How can we conceptualize “responsibility” in the framework of the somatic marker hypothesis? – Yu **Nishitsutsumi**
C. Agent Responsibility in Hate Motivated Crimes – Mohamad **Al-Hakim**
D. Collective and Individual Responsibility from a Luck-Egalitarian Perspective – Kasper **Lippert-Rasmussen**

5:00PM – 6:00PM: **PLENARY SESSION**
Jeanette **Kennett** – Addiction neuroscience, responsibility, and the elements of self-control

7:30PM – 10:00PM: **CONFERENCE DINNER AT BELGIAN BEER CAFE BELVÉDÈRE**
(BEESTENMARKT 8, DELFT)
Thursday August 27, 2009

8:30AM – 9:30AM: PLENARY SESSION
   Michael Davis – No one here but us chickens – some thoughts on the professional responsibility of engineers

9:35AM – 10:20AM: PARALLEL SESSION
A. A neurophilosophical framework for moral responsibility – Olga Markic
B. Should we be responsible for what our fMRI lie detection reveals? – Bryan Benham
C. The Study of Human Agency: Conceptual Conservatism versus the Sciences of the Mind – Paul Davies
D. Overhauling the Concept of Responsibility – Karen Houle
E. Emotional Engineers: Toward Morally Responsible Engineering – Sabine Roeser

10:40AM – 11:25AM: PARALLEL SESSION
A. The Nature of Responsibility – Rik Peels
B. Responsibility, moral deliberation, and neuroscientific determinism – Gardar Arnason
C. Translating Scientific Evidence into the Language of the ‘Folk’: Using Executive Function as the Bridge to Neuroscience in the Criminal Courts – Katrina Sifferd
D. Incorporated Responsibility Without Incorporated Agency – Horia Tarnovanu
E. Risk and responsibility: a complex and evolving relationship – Céline Kermisch

11:30AM – 12:30PM: PLENARY SESSION
Carl Mitcham – Co-Responsibility as a Program for Ethics and Policy in Science, Engineering, and Medicine

LUNCH
Thursday August 27, 2009

2:00PM – 3:00PM: **PLENARY SESSION**
   Jeroen van den Hoven – Engineering: Responsibilities, task responsibilities and meta-task responsibilities

3:05PM – 3:50PM: **PARALLEL SESSION**
   A. Quantum Indeterminacy & Event-Causal Libertarianism: The Problem of Control – Wouter Floris Kalf
   B. Determinism, Punishment and the Cautionary Principle – Elizabeth Shaw
   C. Capacity, practical rationality and what a patient values – Jillian Craigie
   D. Digital Warriors – Agnieszka Jachec-Neale
   E. The Concept of Responsibility in the Age of Science and Technology – Sarita Kar

4:10PM – 4:55PM: **PARALLEL SESSION**
   B. Are Frankfurt-type Examples really Relevant to Moral Responsibility? – Amit Pundik
   C. Neuroscience and the normative dimension of responsibility – Sebastian Wolf
   D. The responsibility-gap in self-organized social systems: can empirical approaches in modeling social science and neuroeconomics help to close it? – Markus Christen
   E. Moral responsibility, technology, and experiences of the tragic – Mark Coeckelbergh

5:00PM – 6:00PM: **CLOSING DRINKS**
Preface
“It is abnormal for people to have to constantly ask themselves ethical questions and wrestle with moral problems.” These words were written by Dietrich Bonhoeffer (1906-1945). This prominent German cleric, theologian and member of the anti-Nazi resistance movement was executed on 9 April 1945 at the orders of the Nazi regime.

Bonhoeffer wrote these words when his country was in the thrall of Nazism. Around this time, various German citizens – such as railway officials or factory workers who produced the pesticide Zyklon B (used in the gas chambers) – were confronted with the knowledge that the job they did every day was not a neutral act; in fact, they were indirectly contributing to morally abhorrent practices, including concentration camps and genocide. Bonhoeffer held that morality is an integral and natural part of a healthy society. By this, he did not mean that moral and ethical questions should be eschewed, but that it is wrong if people – most notably, people living under totalitarian regimes – have to ask themselves every time they do something: ‘What am I really doing here?’

To me, this congress Moral Responsibility: Neuroscience, Organization & Engineering revolves around a similar theme: coming together to reflect upon and discuss the possibilities of developing a framework within which academics, professionals and students can work with a clear conscience. This is the goal this congress wants to achieve, via different routes. The main question to be addressed is ‘What does technological development mean for our vision of free will and the responsibilities of scientists and engineers?’ We shall also consider the formulation of moral and ethical guidelines for policymakers and people at the coalface by drawing upon philosophical and scientific knowledge and expertise.

I firmly believe that we should stop and think about ethical questions on a regular basis. I do not, however, subscribe to the school of thought which says that current society lacks morality. To some extent, I share the vision of technosociologist Bruno Latour, who argues that morality does still exist, but we need to look for it in other places: not in human actions, but in machines. He illustrates his point by citing the example of car safety belts from Natuur tussen mythe en techniek (Nature, between Myth and Technology) by Hans Achterhuis:

After stepping into my car without a care in the world, I noticed it was refusing to start. It flickered its lights and whined. In amazement, I peered at the
dashboard: ‘Remember your safety belt!’ I obeyed the dashboard’s order, secured my belt and, at long last, was granted permission to drive. My car will not start unless I obey. Only if I do as it says, may I do what I want: drive to work (page 220).

This design concept, which prevents a car engine from igniting until the driver is ‘belted in’, triggered a lawsuit that even reached the US Supreme Court. The court threw it out because it contravened the principle of personal freedom.

So, we do not begin thinking about morality and responsibility with a totally blank mind. But we should make this morality more explicit. Needless to say, there are plenty of topics we can discuss at this congress. The essays in this book provide a wealth of background information and an excellent starting point. I would like to express my heartfelt thanks to everyone who has contributed to it. Anyone who reads this publication is sure to find relevant and thought-provoking essays on what is indisputably a fascinating subject.

Jacob Fokkema
Rector Magnificus
Delft University of Technology
Plenary papers
Plenary keynotes: Classic issues

To Whom Must We Answer, for What?

**Antony Duff, Professor of Philosophy**
University of Stirling, Scotland, UK

If we understand responsibility as answerability, we can see that it is doubly relational: I am responsible for something, to some person or body who has the right to call me to answer for it. To be a responsible agent is thus to be someone who can participate in that wide range of human practices in which responsibilities, both prospective and retrospective, are ascribed and accepted.

There are two dimensions to such participation. A responsible agent is, first, one who can accept and discharge prospective responsibilities: that is why responsibility can be explained as a matter of reason-responsiveness. But, secondly, a responsible agent must also be able to answer for her actions (and omissions) — able to explain herself to those who may call her to account, and to justify, excuse or accept blame for what she has done.

This perspective throws light on the different ways in which responsibility operates in the criminal law, in our moral interactions, and in other aspects of our social and personal lives. It also provides further support for a (roughly) Strawsonian argument that the truth or falsity of some determinist thesis is irrelevant to human responsibility.

Responsibility and Better-than-Minimally-Decent Agency

**Andrew Eshleman, Associate Professor**
University of Arkansas, Little Rock, Arkansas, USA

Philosophical treatments of free will have typically been driven by concerns about moral responsibility, and much recent work has benefited from a more refined understanding of those practices and attitudes involved in regarding someone as morally responsible. A good deal of that refinement has been generated by a narrowing of focus – or since this is part of a larger historical trend, one might say an acceleration of a narrowing of focus – on a particular type of responsibility, one associated primarily with blaming practices and the accompanying attitudes of guilt, resentment, and indignation. Some recent work by Stephen Darwall strongly suggests that this form of responsibility is grounded normatively in a contractualist ethic. Though certainly important, near exclusive attention to responsibility in this guise contributes to a truncated portrait of the
moral life. The aim here is to raise the profile of another aspect of responsibility — what Gary Watson has dubbed the “aretaic” face of responsibility. In doing so, I hope also to highlight an oft-overlooked sense in which one’s will can be said to be free, and why such freedom and responsibility is likely grounded in something other than a contractualist ethic.

Responsibility, Determinism, Compatibilism, Incompatibilism, Attitudinism, Personal Standing

Ted Honderich, Grote Professor Emeritus of the Philosophy of Mind and Logic
University College London, UK

Human determinism, the theory that our decisions and actions are only effects of standard causal sequences, is probably true despite interpretations of Quantum Theory, which are a mess. Incompatibilism is the proposition that being responsible, being who freely did something, and the attitudes of holding people responsible and crediting them with responsibility, are inconsistent with determinism. Compatibilism denies this. Incompatibilism rests on the proposition that we have only the idea of responsibility as origination or free will, decisions and actions as controlled non-effects. Compatibilism rests on the proposition that our only idea is voluntariness, decisions and actions as effects of the desires and other consciousness of agents. Both Incompatibilism and Compatibilism are false on account of reference-failure. Attitudinism is the proposition that we have both ideas and attitudes of responsibility, the first evidenced by retributive responses, the second by claims of rights. Of course there is shared responsibility, as for the war on Iraq. The main and necessary means to institutions and systems that increase responsibility is moral and political struggle. Given the necessary connections between consciousness and its several bases, it is conceivable that neuroscience could come to contribute to judgements of moral and legal responsibility. Our conception of the responsibility of voluntariness needs to have added to it, if not first for such practical reasons, a conception owed to an adequate theory of the nature of consciousness, of ourselves as part-creators of our lives. (How Free Are You? — many translations.)
According to the standard story of human action, a story that we have inherited from David Hume, an agent’s actions are those of her bodily movements that are produced in the right way by her desires and beliefs. A good question to ask is whether this standard story of human action can explain how and why agents may act and yet be out of control. I will argue that it cannot. If we wish to fully understand how and why agents can act in an out of control manner, we have no alternative but to suppose that their actions are explained in part by a failure to exercise a capacity they have to have the right desires and beliefs. This is the capacity to be orthonomous. An account of what orthonomy consists in will be proposed; some examples of the ways in which orthonomy can be exercised or fail to be exercised will be given; and the connection between orthonomy and responsibility will be explored.
Plenary keynotes: Responsibility in neuroscience and the law

Are Psychopaths Responsible?
**Walter P. Sinnott-Armstrong, Professor of Philosophy, Hardy Professor of Legal Studies**
Dartmouth College, USA

Psychopaths are less than 1% of the population but commit around 40% of serious felonies in the US. Because they are so dangerous, psychopaths need to be incapacitated somehow. Nonetheless, I will argue that they should not be held fully criminally responsible because they lack substantial capacity to appreciate the wrongfulness of their conduct. Although some research suggests that psychopaths report normal moral judgments, I will cite recent studies using indirect measures (such as reaction times, brain activations, and correlations with IQ) to support the alternative view that psychopaths merely pretend to be normal in their moral judgments and do not really make moral judgments in the normal way. Psychopaths’ lack of appreciation of wrongfulness is also suggested by inconsistencies in how they talk about morality, by their lack of moral motivation and emotion, and by their failure to draw the moral-conventional distinction. More research is needed, but psychopaths seem to have disabilities that prevent them from being fully responsible for their horrendous acts.

Determinism & The Death of Folk Psychology: Two Challenges to Responsibility from Neuroscience
**Stephen Morse, Ferdinand Wakeman Hubbell Professor of Law; Professor of Psychology and Law in Psychiatry**
University of Pennsylvania Law School, USA

The new neuroscience poses two challenges to traditional moral and legal models of personal responsibility: the threat from the truth of determinism (or something quite close to it), and the claim that the folk psychological account of practical reason plays no causal role in human behavior. Neuroscience allegedly provides, finally, a persuasive deterministic account of human behavior, and evidence from neuroscientific and psychological studies purport to demonstrate that “conscious will” is an illusion. If either challenge is successful, then rationality would require that we abandon robust notions of responsibility that
have a strong deontological component. This paper argues, in contrast, that neuroscience produces no new determinist threat to responsibility and that current neuroscience does not prove that mental states are epiphenomenal or that we are automatons deluded about our human capacities.

The deterministic challenge is entirely familiar. In principle, it is no different from earlier material, deterministic arguments, whether they arose from sociology, psychology or biology. This paper accepts the truth of determinism and concedes that no one has contra-causal freedom. It suggests, however, that free will is not a genuine criterion for our positive moral or legal responsibility doctrines and practices. More important, compatibilism has sufficient resources to ground robust, traditional responsibility.

Compatibilism cannot save responsibility, however, if conscious will is an illusion. All responsibility doctrines and practices accept that responsibility is based on our status as creatures whose mental states play a crucial role in explaining behavior. If this is false, responsibility as we know it is impossible tout court, and concepts such as desert have no rational basis. This paper argues that this threat is real, but that the scientific and conceptual support is at present lacking. At least for now, we are entitled to continue to accept the folk psychological account of behavior that grounds responsibility and desert. Future discoveries might change that conclusion, but the paper suggests why this is unlikely.

Addiction neuroscience, responsibility, and the elements of self-control

Jeanette Kennett, Professor
Macquarie University, Sydney, Australia

Drug dependence or addiction is seen as both a serious threat to self-control and as the outcome of a series of failures of self-control or self-regulation. Recent work in addiction neuroscience seems to support claims that drug use can impair or ‘hijack’ the brain by conditioning or altering neural pathways in ways which adversely impact on the capacities identified as necessary for self-control and responsibility. But what, more precisely, is self-control, how is it exercised, and what kinds of internal and external circumstances can undermine it? In part one of this talk, I will lay out a standard philosophical framework for thinking about self-control and discuss some recent work in cognitive science which bears on that framework. In part two, I will expand the account to consider social and cross temporal aspects of autonomy. Here I argue that responsible agency requires an autobiographical conception of self. The executive capacity to reach back into one’s personal past, and to imagine a personal future, in reflection,
evaluation, and decision making, is essential to self-regulation. So too is the social availability of options which can secure agential commitment. Both aspects are relevant in considering the responsibility of drug dependent individuals.
Climate Change and Collective Responsibility

Steve Vanderheiden, Assistant Professor of Political Science
University of Colorado, Boulder, USA

The 1992 UN Framework Convention on Climate Change promises to hold nations responsible for the climate-related harm that they cause through their greenhouse gas emissions, but in doing so faces several objections based in philosophical theories of responsibility. Unlike individual persons, collectivities are not able to exhibit the requisite states of mind for fault to be assigned, and collective responsibility for complex global environmental problems like climate change strains the direct causal chains that are expected of liability models of responsibility. Moreover, at least some persons that are faulted and held liable for contributing toward harmful outcomes under assessments of national liability are made vicariously liable for outcomes that they may actively oppose, in apparent violation of the connection between fault and options to do otherwise. In this paper, I consider these various objections to using a fault-based conception of collective responsibility as the basis for assigning remedial burdens in global climate policy, ultimately defending such a standard against such charges. Citizens of democratic states, I shall argue, can be held collectively responsible for their contributions to climate change, as these are at least in part the product of collective activities like participation in a national culture or system of social norms.

Collective Punishment, War, and Detention

Larry May, Professor
Washington University in St. Louis, USA

Collective responsibility plays a prominent role in the supposed justification of two sorts of collective punishment today. First, war is seen as a legitimate response if it is a sort of punishment for a community that is said to be collectively responsible. Israel recently claimed that its war against Gaza was justified in part because the people of Gaza voted for the Hamas regime that was now launching rockets into Israeli territory. Second, detention is seen as legitimate against groups thought to be collectively responsible since some of its
members pose security threats. The United States used this rationale for incarcerating large numbers of people found on the “battlefield” in Afghanistan and sending them to prison in Guantanamo. I examine both sorts of arguments, finding the first much more difficult to sustain than the second, and yet ultimately finding the second argument to succeed only in rare cases. I begin by looking back in time to the debates in the Just War tradition about collective punishment.

Collective Epistemic Responsibility

**Seumas Miller, Professor of Philosophy**

Australian National University, Australia

We can distinguish between collective responsibility for actions, understood as bodily behaviour, and collective responsibility for epistemic states such as beliefs. This paper concerns the latter and, in particular, responsibility in the context of communication and information systems.
No one here but us chickens - some thoughts on the professional responsibility of engineers

Michael Davis, Professor of Philosophy
Illinois Institute of Technology, USA

There are many ways to avoid responsibility, for example, explaining what happens as the work of the gods, fate, society, or the system. For engineers, “technology” or “the organization” will serve this purpose quite well. We may distinguish at least five (related) senses of “responsibility”: a) responsibility-as-causation (the storm is responsible for flooding), b) responsibility-as-liability (he is the person responsible and will have to pay), c) responsibility-as-competency (he’s a responsible person, that is, he’s rational), d) responsibility-as-office (he’s the responsible person, that is, the person in charge), and e) responsibility-as-domain-of-duties (these are her responsibilities, that is, the things she is supposed to do). For all but the causal sense of responsibility, responsibility may be taken (in a relatively straightforward sense)—and generally is. Why then would anyone want to claim that certain technologies make it impossible to attribute responsibility to engineers (or anyone else)? In this paper, I will identify at least three arguments for that claim and explain why each is fallacious. The three arguments are: 1) the argument of “many hands”, 2) the argument from individual ignorance, and 3) the argument from blind forces. Each of these arguments makes the same fundamental mistake, the assumption that a certain factual situation, being fixed, settles responsibility, that is, that individuals, either individually or by some group decision, cannot take responsibility. This mistake seems almost built into the social sciences (which, after all, tend to try to understand individual acts as products of social forces). I conclude by pointing out the sort of decisions (and consequences) engineers have explicitly taken responsibility for and why taking responsibility for them is rational, all things considered. There is no technological bar to such responsibility.
Co-Responsibility as a Program for Ethics and Policy in Science, Engineering, and Medicine

Carl Mitcham, Professor of Philosophy
University of Colorado, Boulder, USA

Responsibility is a major theme in ethics that has been variously elaborated in theology, law, politics, and philosophy, and then taken distinct forms in the practice of science, engineering, and medicine. Especially in relation to science and technology, efforts to exercise responsibility have led to developments that can be synthesized under the concept of co-responsibility: responsibility shared among experts and among experts interacting with non-experts. Adapting the epistemological distinction between correspondence, coherence, and pragmatic theories of truth, this presentation will suggest that co-responsibility in the ethics of science, engineering, and medicine can be conceived as a kind of correspondence theory of ethics, in contrast to coherence ethics (rule following deontology) and pragmatic ethics (consequentialist utilitarianism). In addition to its importance for the practice of professional ethics in science, engineering, and medicine, the theory of co-responsibility also has implications for work in science and public policy.

Engineering: Responsibilities, task responsibilities and meta-task responsibilities

Jeroen van den Hoven, Professor of Moral Philosophy
Delft University of Technology, The Netherlands

Some people design and create the environments in which other agents must act and bear responsibility. Pilots, surgeons, fire fighters, soldiers, managers, and operators (users) ought respectively to transport persons, save lives, extinguish fires, rescue innocent citizens from the hands of the enemy, create jobs and prevent explosions. They are however dependent for their moral performance on those who supply them with the proper tools (engineers). The fact that users are dependent on engineers in this sense does not fully excuse them in case they fail as a result of certain design features of their work environment, since users not only have task responsibilities and role based duties in situ (e.g. landing the plane, checking the temperature in the reactor, removing a tumor) but they also have what I call a “meta task responsibility”, i.e. an obligation to assess prior to the task performance whether the environment in which they will have to work, is likely to allow them to do what they ought to do in situ and to ascertain that it at least does not prevent them from doing what they ought to do. The checklist the pilot goes through before take off is a protocol that assists him in honouring
his meta-task responsibility. The flight system interface, the cockpit and the output devices, (in combination with procedures and protocols, instructions), should be such that they provide the pilot with reliable signals about the state of the aircraft and to gauge whether he will be able to do what is morally required of him. The possibility to switch from auto-pilot to manual during landing is a design for agency or discretion of the crew.

An important part of an engineer’s responsibility therefore is not only task responsibilities, i.e. obligations to see to it that things are made in a particular way in accordance with functional requirements (e.g. regarding strength, capacity, robustness, etc.), but also of a special meta-task responsibility, i.e. an obligation to see to it that users can (check whether they can) see to the things they ought to see to. Part of the responsibility of engineers thus concerns the responsibility and agency of users.

I will characterize the work of engineers from different perspectives (wideware engineering (Clark & Chalmers) and choice architecture (Sunstein & Thaler)). This will serve to bring out its special moral importance and show that the historical dimension and design history of environments in which users’ work should be taken into account in an adequate theory of professional responsibility of engineering.
Contributed papers
How to reconstruct a concept of responsibility

Stéphane Lemaire  
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The concept of responsibility is normative. A (partial) analysis tells us that if someone is morally responsible for an event, then blame is appropriate. But this does not give us the factual basis on which the concept supervenes. Two strategies have been used to bridge the gap. The first is sentimentalist. On this view, the distinction between participant and objective attitudes allows us to decide whether someone is responsible or not. However, this view requires that our reactive attitudes do not depend on any previous belief about responsibility. But this requirement is probably not satisfied. Another objection is that if human beings reactive attitudes were differently oriented, then different people would be responsible. But this arbitrariness is unacceptable. The second strategy is to search for a reflective equilibrium on the basis of our best judgments. But the previous objections can be leveled again. How can we be sure that our best judgments do not rely on false presuppositions or unjustified affective reactions?

So let's make a fresh start. Why not try a foundationalist and revisionist view of responsibility that will not rely on any intuition? First, notice that even if we were not to have a concept of responsibility, we would need to know how to respond to wrongdoers and to whom blame and punishment would be relevant. So, a first step would be to say that someone is responsible if there is a response to this person that would promote goals that we value and that are morally legitimate. But what are these goals? My suggestion is that the debate between retributivists and consequentialists shows a convergence on a list of four general goals that are aimed at through our response to wrongdoers even if they are variously ordered and justified. There are two backward-looking goals: restoring justice and confidence for the victims and communicating disagreement to the wrongdoers; and two forward-looking goals: diminishing recidivism and reinforcing the moral rules through threat. Once identified, it appears that none of these goals will be attained if the wrongdoer is not able to change (through morally permissible means or incentives) and to act differently in the future in similar situations. Hence, I claim that this strategy uncovers the factual conditions of responsibility, conditions that are not only about the deliberative capacities of an agent but about the possibility that his motivations change. Moreover, I contend that this approach to responsibility offers us an interesting route to decide whether we should attribute responsibility to an agent or to the context or the causal antecedents of his action.
The Implications of Heuristics and Biases on Moral and Legal Responsibility

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Do the findings of the heuristics and biases tradition of cognitive psychology have implications for moral and legal responsibility? Research in the field of cognitive psychology has demonstrated that human reasoning processes are often non-normative; that people are not perfectly rational but rather exhibit ‘bounded’ rationality. Specifically, such research has demonstrated that human reasoning processes often rely upon inaccurate rules of thumb, or heuristics, and are subject to a wide variety of identifiable biases, often as a result of reliance upon such heuristics. These, in turn, lead to errors in judgment which may impact human behavior. In this paper, it shall be argued that this impact cannot be ignored when dealing with questions of moral and legal responsibility. It will be argued that when heuristic thinking has a decisive impact upon human judgment and decision-making, this fact can ultimately negate moral culpability. Further, it shall be argued that in such cases, the negation of moral culpability warrants the revisiting of the question of legal responsibility (where such responsibility is based on moral considerations). These arguments shall be explored in the case of ‘judgment under uncertainty’ in situations where a person is required to estimate probabilities and evaluate risks. Psychological research has shown that in such situations, heuristics and biases can cause the gross misassessment of risks involved in potential activities. It will be argued that where agents act based on such erroneous assessments, they are not morally culpable for their actions; that in such cases a condition for moral culpability is undermined. Furthermore, where legal responsibility is justified based on moral considerations (such as notions of desert in the criminal law), it will be argued that such absence of moral culpability is reason to refrain from imposing legal liability as well. The question will also be raised of whether such research has implications for ex-ante regulation. Research has shown that the errors in human judgment are not random and unexplainable but systematic and predictable. In such case, it may be desirable to incorporate the findings of psychological research into legislation by adapting standards of responsibility to new understandings about limited human rationality and the systematic errors to which human judgment is prone. This paper will explore the conditions under which such arguments regarding the negation of moral and legal responsibility would be true, demonstrating their force in the case of the heuristics and biases studied by Daniel Kahneman and Amos Tversky.
Moral Responsibility, Neuroscience, and Cognitive Capacities

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It is often held that neuroscientific findings are directly relevant to traditional philosophical issues concerning moral responsibility. Among those who pursue this line of thought, there is, however, a tendency to see the relevant upshot of these findings in the idea that human behavior is neurally determined. As a consequence, neuroscience is often held to be philosophically relevant mainly in that it provides possible support for philosophical incompatibilists who question the existence of true freedom of the will and, thus, also the existence of moral responsibility. In this paper I argue that this way of construing the matter is fundamentally misleading. The thesis of determinism that underlies the philosophical debate between compatibilists and incompatibilists is a metaphysical thesis, and the question at the root of this debate is the question whether the concepts of free will and responsibility have a metaphysical component or not. The results of neuroscience have no connection whatsoever with this question. As I go on to argue in the paper, the relevance of neuroscientific findings for the philosophical question about the conditions of responsible moral agency should be seen in a very different light. Modern theories of moral responsibility, as suggested, for example, by Jay Wallace, John Fischer or Susan Wolf, spell out the conditions of moral responsibility exclusively in terms of certain cognitive capacities such as the ability to grasp and follow moral reasons. This focus on cognitive capacities makes room for a fruitful theoretical interface between philosophical accounts of responsibility and neuroscience. I shall sketch an approach according to which neuroscience can contribute to the study of moral responsibility in at least two different ways: for one thing, it can improve our understanding of the relevant capacities themselves; for another, it can provide empirical criteria for the presence or absence of these capacities. More specifically, I will discuss different ways of how the neuroscientific study of decision-making – for example Antonio Damasio’s highly influential attack on the distinction between purely rational and emotional decision-making processes – can sharpen our understanding of what it means to grasp and follow moral reasons. I shall also spell out how a deeper understanding of various abnormal neurological and psychiatrical conditions will enable us to make reliable predictions about the presence or absence of the responsibility relevant capacities in individual cases.
Two philosophical discussions of moral responsibility run parallel. One is tightly connected to the debate about free will and its relation to determinism and indeterminism. Philosophical accounts of moral responsibility belonging to this discussion typically focus on individual agential responsibility, characterizing what must be true about individuals in order for them to be responsible for their actions.

The other discussion is connected to normative ethics, and the question of when the normative status of an action is affected by the occurrence of some good or bad event. Accounts belonging to this discussion sometimes address questions of whether individuals can be responsible for outcomes of actions by collectives to which they belong or identify with, or for joint effects of a great number of similar actions. A branch of the normative debate about responsibility also concerns the responsibility of collective agents such as corporations and nations.

The two discussions rarely meet, and for seemingly good reason, as they appear to be concerned with very different aspects of responsibility; one is concerned with the causes of actions and the conditions under which we decide to act, the other with the relation between actions and consequences of action. In this paper, however, I argue that the Explanation Account, a promising account of individual agential responsibility, extends naturally to both individual and collective outcome-responsibility, and suggests intuitively plausible answers to questions about the responsibility of collectives and their members.

The crucial aspect of the Explanation Account is that for an agent to be responsible for an event is for some relevant aspect of the agent’s motivation or lack thereof to be part of a significant explanation of that event. In the paper, I discuss how this extends to cases where events are explained by the fact that, say, the US rejects an international treaty, or that affluent people keep flying more than necessary. Unlike many other accounts of responsibility in virtue of participation in collective action, this account does not presuppose that collectives are agents, or even that they are social or cultural units. What matters is whether the actions of these individuals are instances of a set of actions that explains the outcomes for which they are thereby responsible.
References:
Moral Responsibility and Practical Skepticism

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The debate concerning the compatibility of moral responsibility with determinism and/or indeterminism can be argued to give rise to a peculiar form of skepticism. Let us call this practical skepticism. According to the practical skeptic, when the justification of responsibility-ascriptions is at issue theoretical and practical rationality can conflict irresolvably.

Consider a deliberative situation in which Agent A finds herself entertaining three beliefs: (i) that responsibility-enabling freedom is impossible (because determinism is true or because it is false or because it is impossible whether or not determinism is true), (ii) that if (i), then responsibility-ascriptions are unjustifiable, and (iii) that there is an overwhelmingly strong practical reason to ascribe responsibility. It seems that (i), (ii) and (iii) are inconsistent. So if Agent A continues to hold onto all three beliefs, then she will be irrational. The practical skeptic’s claim is that the conflict of these beliefs is irresolvable in a rational fashion. This paper reconstructs and evaluates various standard and non-standard positions in the compatibility-debate – compatibilism, libertarianism, hard determinism, Strawsonian reconciliatory compatibilism, and non-standard “inclusivist” views – as potential answers to the practical skeptic. Compatibilists and libertarians deny (i), reconciliatory compatibilists deny (ii), hard determinists deny (iii), “inclusivists” accept (i)-(iii), but deny their inconsistency. The paper agrees with the practical skeptic that none of these answers can meet her challenge. A different answer is proposed instead: to reconstruct the conflict of theoretical and practical reasons in the context of the compatibility-debate as a special kind of incommensurability. Granted, this is incommensurability of a particularly worrying kind for at least three reasons: first, it entails that our theoretically best grounded beliefs do not mesh with our most important practical concerns, second, it involves two mandatory but mutually exclusive options, and third, it runs counter to the well-entrenched philosophical tradition according to which the search for theoretical truth is in our best practical interest. But if the predicament diagnosed by skeptic is indeed a case of incommensurability, then the charge of irrationality can be escaped. It is not true that all reactions to this predicament are equally unreasonable. When confronted with two incompatible but obligatory options, there are a number of things a rational agent can be expected to do. The paper will conclude that this also holds
true for the special case of incommensurability responsibility-ascriptions present rational agents with.

**Neuroethics: Who needs responsibility?**

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In law, moral responsibility matters because normative practices of praising, blaming, punishing and desert are fundamental to criminal accountability. However, recent findings in pedophilia, more precisely in Acquired Pedophilia (a disorder that entails an adult-acquired brain abnormality despite preserved moral knowledge), raise ethical questions regarding moral responsibility. These findings suggest that pedophile behaviors that may be related to brain disturbances involve a shift from a ‘bad’ to a ‘mad’ state, in other words, from a responsible criminal agent to an agent without responsibility. This transition can have significant penal implications. Given that in current criminal jurisprudence, punishment of pedophiles is premised on responsibility, a range of questions must be asked if we accept that pedophile behavior is borne of ‘illness’ rather than malfeasance. The view that criminals are not responsible is regarded by some philosophical and legal traditions as pessimistic, counterintuitive, and unacceptable. According to these traditions, without responsibility, law and ethics cannot survive. Using neuroethics and legal theory, we defend the position that both law and ethics can survive without the assignation of responsibility. Our paper takes an unorthodox legal position, first, in its embrace of an account of neurobiological determinism and second, in showing that neurobiological causation of pedophilia does relieve pedophiles of responsibility. We claim that the notion of moral responsibility is not necessary in order to impose legal liability on pedophiles, and that administering the appropriate penal treatment on pedophiles is still ethically justified even if they completely lack responsibility. Although criminal behavior is, in some way, determined by known or unknown neurobiological causes that should imply the absence of responsibility, we nevertheless propose a model (founded in hard determinist theory) which justifies the taking of non-traditional legal measures in order to protect society on consequentialist grounds and principles of jurisprudence.
What do neurosciences have to say about (criminal) responsibility?

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Richard Dawkins has argued that concepts like ‘responsibility’ and ‘punishment’ are superseded because human behaviour is determined by our heredity, physiology and environment. He also claims that the moral principle of retribution is irreconcilable with a scientific view of human behaviour. If we accept a scientific view of human behaviour and the nervous system, we have to admit that criminal cases that deal with the guilt or the diminished criminal responsibility of the suspect, are just as nonsensical as criminal cases against cars that do not function well, or so Dawkins argues (2006, p. 19). Michael Gazzaniga, however, argues with just as much vigour that neurosciences do not have anything to say about concepts such as ‘freedom of will’ and ‘responsibility’ (2006, p. 141). Stephen Morse, finally, claims that neuroscientific findings are largely irrelevant for the ascription of responsibility and the imposition of just punishments (2006, pp. 34, 40). In my talk I will first unravel exactly what the claims of Dawkins, Gazzaniga and Morse amount to. Next I will show that all three fall prey to conceptual confusions. Finally, I shall argue that increasing (neuro)scientific knowledge does not need (nor in fact seem) to result in a decline or an elimination, but rather in an increase of responsibility.

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Richard Dawkins, Straf is wetenschappelijk achterhaald (Punishment is scientifically superseded), NRC-Handelsblad, 14 januari 2006, p. 19.
When a bad outcome results from the joint actions of two or more people it is generally believed that we face major difficulties in ascribing moral responsibility for it. One part of the problem is determining the contributions (causal or by omission) made by the various individuals. Another part is that even when the causal contributions can be determined, there may not actually be anything wrong with each of the actions per se. Determining whose hands were effective for the outcome will not necessarily pick out whose hands were dirty, i.e. the set of individuals who should be held liable or subjected to moral criticism. The purpose of this paper is to tackle the problem anew and to demonstrate the conditions under which it is in fact possible to ascribe moral responsibility to individual agents in complex joint activities. To do so, a game-theoretic model of the notions of causal efficacy and (individual and collective) moral responsibility is developed. Our starting point is the widely accepted idea that responsibility is about being responsive to reasons. We operationalize this idea by introducing three intuitively plausible concepts. The first is that responsibility requires some form of ability to bring about an alternative state of affairs. Here we introduce the concept of an avoidance potential. The second concept that we introduce is from the literature on freedom of choice: that of eligibility. We say that a strategy is eligible if an agent has reason to choose it. The third concept is that of feasibility. We say that a state of affairs is feasible if it comes about from other agents’ playing a strategy that is part of an equilibrium. Our model of moral responsibility therefore boils down to the following: assuming that the agent satisfies the conditions of rationality, the agent (a) has performed a strategy that is a causal condition for the outcome (we use the NESS test), (b) the agent has an eligible strategy that maximizes the avoidance of the actual outcome, and (c) that the morally acceptable alternative outcome is feasible. The model is subsequently applied to the analysis of responsibility voids (neither an individual agent nor the collective constituted by those agents bears responsibility) and responsibility gaps (none of the individuals is responsible but the group as a whole is).
The Real Relationship Between Responsibility, Praise and Blame

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It is often thought that what makes a person either praiseworthy or blameworthy depends upon their being morally responsible for that which they are praiseworthy or blameworthy. For example, in order to determine whether Robert Harris is to blame for his behavior, theorists first argue over whether he can be legitimately said to have been morally responsible. In this paper, I shall question this presumption on what I call realist views. A realist view holds that there are truth-apt statements concerning whether such agents bear some property(ies) constitutive of moral responsibility, praiseworthiness, or blameworthiness. First, we briefly review some realist accounts that appear in the literature. Examples include a causal relationship as well as a necessary but not sufficient condition for eligibility. These views shall be critically assessed for how they deal with central perplexing problems such as responsibility for omissions, collective responsibility, and instances of asymmetric degrees of responsibility and praise or blame. The critical assessment of these views reveals that we might do well to reconsider our methods and look for alternative explanations of the relationship between moral responsibility and praise and blame. One such alternative will then be proposed: perhaps praiseworthiness or blameworthiness is a necessary but not sufficient condition for moral responsibility (and not the other way around). The author paves the way for this “disjunctive” proposal by reminding readers that moral responsibility is often considered a species of causal responsibility. However, it is not the case that blameworthiness and praiseworthiness always share corresponding degrees with our assessments of causal responsibility. From here, a simple taxonomy of causal responsibility will be proposed. Finally, it is suggested that one is first praiseworthy or blameworthy as a result of one’s quality of will, then causally (in the intentional sense) responsible for some event, and in turn the type of responsibility is determined by the quality of will exhibited by the agent towards that event. It is admitted that some agents will be blameworthy or praiseworthy simpliciter and not responsible for the consequences of certain events. It will then be argued that this is a virtue of the view. Since we are only interested in moral responsibility so that we can understand blameworthiness and praiseworthiness, that there will be occasions on which the three might come
apart should not trouble us. Reconsidering the relationship between moral responsibility and praiseworthiness and blameworthiness in this way allows us new answers to the above-mentioned cannonical problems. The author concludes with an explanation of how the new proposal manages to handle these concerns in a more intuitive light than do the other realist accounts.

The enforced medical treatment as used in the Charles Laverne Singleton case: a critique

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In October 2003 the Supreme Court allowed the Arkansas officials to force Charles Laverne Singleton – a post-sentence schizophrenic convicted murderer whose mental condition deteriorated during the years in the death row – to take drugs that would made him sane enough to be executed. On January 6 2004 he was killed by a lethal injection rising many moral and legal questions. This paper will analyse the controversial justifications behind enforced medical treatment on death row inmates in both moral and legal terms. First I will consider what are the justifications for punishment in the Western society. Subsequently I will highlight the case more in detail within its Anglo-American legal context, considering landmark cases related to this topic as well as the evolution that insanity has had in the assessment of criminal responsibility in the past two centuries both in the US and the UK. Through the use of the Singleton case, I will consider the clash of rights between the right to treatment of every prisoner and the right to refuse medication if not justified by reasonably foreseeable positive outcomes for the agent suffering it. On the one hand, the impossibility for the prisoner to have his sentence changed makes it problematical to claim that the involuntary drugging would result in a better option for him. On the other hand, the will to re-establish competence in the patient basing it on the need for law to ensure his suffering to be fully proportionate to the crime committed is hard to defend for many reasons. The conclusion shall affirm within the current Anglo-American legal framework that in cases of capital punishment where the inmate was competent at the moment of the sentence the death penalty procedure should be carried out as normal, as the absence of potential changes of the very sentence makes it impossible for the enforced treatment to find justification both in legal and moral terms.
Are Neuroscientists Hidden Libertarians

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Many neuroscientists feel that neuroscientific research indicates that the views of free will and personal responsibility underlying our legal system are misguided. Out of fear that this insight will lead us to deny that criminals are ever responsible for what they did, they seek arguments to prevent this conclusion. The result is often a strange, incoherent and contradictory mixture of hard determinism, libertarianism, compatibilism and fictionalism. In my view, these arguments address a problem that emerges only because those neuroscientists erroneously assume that our legal system is grounded on a dualistic view of free choice.

As an example, I will discuss the ideas of the distinguished neuroscientist Michael Gazzaniga, director of the SAGE Center for the Study of Mind at UCSB, member of the President’s Council on Bioethics, and Director of the prestigious MacArthur project on Law and Neuroscience. These ideas can be found in Chapter 6 “My Brain Made Me Do It” of his book on neuroethics (The Ethical Brain 2005) and in many keynote lectures for conferences on neuroscience and the law all over the world. Gazzaniga is worried that attorneys will use every deviant pixel in a brain scan as evidence that the criminal was not responsible for the crime. To counteract this kind of plea, Gazzaniga argues that neuroscientific findings cannot be relevant to issues of legal and moral responsibility. I will consider this argument in detail, show where it is wanting and see whether it can be improved.

My main conclusions are:
1) Gazzaniga confuses the issue whether neuroscience can help us determine if someone was responsible in a specific case with the issue whether neuroscientific findings undermine the legitimacy of our practices of holding people responsible for what they do.
2) Gazzaniga’s problem arises only because he assumes that the law is founded on a dualistic libertarian view of free will and the neuroscientific findings seem to undermine this view.
3) Gazzaniga’s argument for the irrelevance of neuroscience rests on the same dualistic libertarian view of free will that he rejects.
4) In order to rebut the ‘pixel plea’ one need not deny the relevance of neuroscience, it suffice to argue that pixel differences do not show that a person does not have the abilities that make people responsible for what they do.
Countries, nations, and even peoples are frequently referred to as morally accountable agents by public opinion, the media, politicians, NGOs and concerned citizens. But for this common parlance to withstand philosophical scrutiny, we must settle on a non-metaphorical understanding of what it means for such large groups to act and what it means to hold them responsible. In this paper, we propose such an understanding. We argue for the thesis that political communities which have adopted a constitution are collective agents and can be held responsible for their collective actions.

We reach this thesis by showing that on most plausible definitions of collective agency a political community will be a morally accountable collective agent once it incorporates under a constitution. We consider both relatively weak criteria of collective agency which accept a great variety of group actions as genuinely collective actions as well as exacting criteria in terms of which far fewer actions can be classified as genuinely collective. Our thesis has wide-ranging implications for both the theory of constitutionalism and the analysis of collective agency and collective responsibility. First, it offers a new perspective on the function, value and genealogy of constitutions. Second, it implies that we must broaden our list of the kinds of groups which can be collective agents and can be held responsible qua groups. Third, the thesis also entails that we can meaningfully raise the question whether a political community incorporated under a constitution is blameworthy and praiseworthy for some of its actions. And fourth, it throws a new light on the responsibility of individual members of such political communities.
Unconscious Omissions are puzzling, at least from the standpoint of moral responsibility. We commonly hold people morally responsible for forgetting important meetings, for unwittingly overlooking their moral obligations to others, and even for simply failing to notice that one is in a situation that calls for action. Unconscious omission is a variety of inaction in which an agent is unaware that he does not act as he should. Most contemporary theories of moral responsibility have plenty to say about moral responsibility for conscious actions (and even for conscious omissions). On the topic of moral responsibility for unconscious omission, however, relatively little has been said.

One suggestion that is likely to be offered, borrowing from standard control-based approaches to moral responsibility, is that moral responsibility for unconscious omission is always traceable back to prior consciously controlled actions or omissions for which the agent is also morally responsible. In this paper, I show why this suggestion is philosophically inadequate. The tracing strategy attempts to explain how an agent can be morally responsible for an unconscious omission in the absence of the kind of conscious control that control theorists typically claim is necessary for moral responsibility. I argue that the tracing strategy cannot vindicate the control theorist’s claim that conscious control is a necessary condition of moral responsibility. There are three reasons why the tracing strategy fails. First, control theorists of moral responsibility are often forced to offer highly implausible historical reconstructions of an unconscious omission in order to justify an attribution of moral responsibility via the tracing strategy. Second, control theorists are incapable of explaining the moral significance of prior consciously controlled actions or omissions for our ordinary moral practices of answerability, i.e., the practice of requesting rational justifications for an unconscious omission. Third, and most importantly, control theorists must in some cases arbitrarily attribute blameworthiness to a prior consciously controlled action or omission ex post facto in order to provide a satisfactory explanation of an agent’s moral blameworthiness for an unconscious omission.

If I am right, then assuming that our standard judgments of moral responsibility are correct, control-based theories of responsibility are
unsatisfactory. I conclude by arguing that a rationalist account of the variety defended by T.M. Scanlon and Angela M. Smith can provide a much better theoretical explanation of moral responsibility for unconscious omission, and in a way that avoids all these problems.

A Structured Taxonomy of Responsibility Concepts

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Responsibility is more of a “syndrome” than it is a single concept. Put another way, there is not just one single concept which answers to the name “responsibility”, but rather there are many different though related concepts each of which legitimately answers to that name under various circumstances — i.e. depending on what we are trying to express. To see this, consider this modified version of H.L.A. Hart’s well-known parable about Smith the ship captain: (1) Smith had always been an exceedingly responsible person, (2) and as captain of the ship he was responsible for the safety of his passengers and crew. However, on his last voyage he drank himself into a stupor, (3) and he was responsible for the loss of his ship and many lives. (4) Smith’s defense attorney argued that the alcohol and Smith’s transient depression were responsible for his misconduct, (5) but the prosecution’s medical experts confirmed that Smith was fully responsible when he started drinking since he was not suffering from depression at that time. (6) Alas, his employer will probably have to take responsibility for this tragedy, since the victims’ families’ claims for damages far outstrip the limits of Smith’s personal indemnity insurance policy. The word “responsibility” is used in this passage in at least six different ways. First, there is a claim about his virtue responsibility — Smith was normally a dependable person, someone who took their duties seriously, and who normally did the right thing. Second, there is a claim about Smith’s role responsibility — in his role as the ship’s captain Smith had certain duties to various parties, both on and off his ship (these are sometimes referred to as our “responsibilities”). Third, there is a claim about his outcome responsibility — it is alleged that various states of affairs or outcomes, such as the loss of the ship and many of its passengers and crew, are rightfully attributable to him, as something that he did. Fourth, there are two claims about causal responsibility — Smith’s defense lawyer alleged that Smith’s aberrant behaviour was caused by the alcohol and by his depression. Fifth, there is a claim about Smith’s capacity responsibility — since Smith was not suffering from depression at that time, the prosecution therefore argued that his mental capacities were fully functional, and hence that his moral agency was fully intact. And finally, the passage ends with comments about liability responsibility.
— about who should now do what in order to “take” due responsibility for what has happened; in this case financial liability is mentioned because this is apparently one way in which responsibility might be “taken”, but we might also suppose that to take due personal responsibility Smith should acknowledge his role in the etiology of this tragedy, apologise to the bereaved families and perhaps spend a term in prison. In debates about responsibility people frequently, rapidly and fluidly switch between these different senses of the term ‘responsibility’, often without signaling, acknowledging or even realizing that these switches take place, and the distinctions and relationships between these responsibility concepts are seldom made explicit despite their important roles in people’s arguments. This imprecision creates ambiguity, and in turn the ambiguity makes it difficult to discern the precise source of particular disputes about responsibility, and so to identify strategies for resolving those disputes. To overcome this ambiguity, I will clearly distinguish these concepts from one another, as well as explore how they relate to each other. The resulting structured taxonomy of responsibility concepts will help me to identify several common sources of disputes about responsibility, and that in turn will suggest some effective strategies for resolving such disputes.

Deliberation on Deliberation: Moral Responsibility after Libet

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Experiments performed by Libet and other neuroscientists suggest that the cerebral causal chain leading to the selection and initiation of action might commence before a conscious decision to act has been reached. These experiments may pose a challenge to moral responsibility by questioning the causal role of conscious choice and mental deliberation in decision-making.

However, the classical experiments focused on arbitrary and meaningless motor decisions. In contrast, we stress the need for an extension of the Libet-type experiments to situations where the decision is reached following conscious deliberation between alternatives in light of meaningful considerations to and fro (i.e., via “choosing” rather than “picking”), and present such an experiment. There are three potential results from an experiment of this type. The first, which is in line with our introspective intuition, is that for these kinds of
dilemmas the brain patterns would suggest that action is nevertheless selected after the experience of conscious deliberation is complete. In the second, action is chosen towards the end of the experience of deliberation though before action commences (in accordance with the Libet results). The third is that action is “fixed” before any meaningful deliberation has taken place, though movement commences only after the experience of deliberation. Our focus is on the third result, which would likely be viewed as the most challenging for moral responsibility, because it casts doubt on the causal role of deliberation.

We discuss the manner in which various perceptions of moral responsibility, along the lines of the Compatibilist tradition, could be reconciled with such a result, and claim for a distinction between some of these different positions. The discussion is exemplified by focusing on the following hypothetical case: an experimenter in such a Libet-like experiment measures the brain patterns of his experimental subject, which is deliberating on whether or not to kill the experimenter. The brain signals suggest that the “decision” in favor of slaying the experimenter has been reached, but the subject is not yet aware of it (or able to explain it). Would the experimenter be justified in acting against this subject in self defense as if the subject is a culpable aggressor or rather only be excused as if the subject is an innocent aggressor?

Responsibility within the System of Corrective Justice

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My paper addresses the problem of collective and individual responsibility, especially to the extent that this concerns the question about the implications of complex harmful events on the notion of moral responsibility and regulation of legal responsibility. As brought up in the conference outline, I believe that we should not only ask, how can an erosion of individual responsibility be avoided, but be clear about what we expect from a system that assigns responsibility. Could it become a system of incentives, while conceptually it has always been understood as a system based on an understanding of justice? Having dealt with the more general question posed above, my paper addresses specifically the concept of individual responsibility within the system of corrective justice, which has been considered an underlying principle of tort law, both in civil and common law jurisdictions. As we know, tort law has prominently been subject to greatest influence by the economic reforms in legal thinking during the past decades and has been to some extent substituted by alternatives to individual
responsibility. On the modern understanding, the principle of corrective justice defends a specific form of liability for causing harm.

The liability has a relational nature: the defendant is held liable to the plaintiff and thus the plaintiff acquires a special position with regard to the defendant. According to the principle of corrective justice, we should defend an idea of responsibility for losses: the one who is responsible for another’s injury also holds the obligation to repair these losses to the victim. This position is distinctly different from the claims of the economic analysis of law, according to which all liabilities are certain kinds of costs and the norms of private law are instrumental to the outcomes achieved through the norms, e.g. efficiency. According to the theory, the expectation to be held liable ex post induces parties ex ante to take necessary care or change the activity level in a way that reduces the risk of certain outcomes. The problem is that there seems to be thus no normative difference among punishments, sanctions, duties of repair, and taxes, disregarding that the selection of the form of liability has enormous impact on peoples’ lives. The most pressing question in this debate is, whether the disregarding of responsibility and the creation of alternative systems is a justified and desirable response to complex harmful events and managing of responsibility in the society. I hope to be able to discuss this question with you.
I want to present some ideas about the relations between the concept of moral responsibility for an outcome and the concept of moral harm. I begin differentiating moral from legal responsibility. The concept of legal responsibility can be analyzed with regards to the different relationship a person have with her actions. Hart distinguished four different senses of the expression “responsibility”: Role-responsibility, Causal responsibility, Liability responsibility, Capacity-responsibility. I think that when we ask whether a person is morally responsible for a certain outcome, it is more appropriate to refer to a person’s moral responsibility in a more general way. While the different senses of responsibility can be individuated both in the legal and in the moral domain, we are able to shape one single concept of moral responsibility (which is built on all the different morally relevant senses of being responsible). It is not the same for the concept of legal responsibility, as there are more concepts of legal responsibility, as explained by Hart. Defining a person legally responsible for something is pointless, while speaking of a person’s moral responsibility for an outcome is fully intelligible. The role played by a person, both in a causal and non causal understanding of it, the absence of justifications or excuses, and the capacity-responsibility of the person taken into consideration, all of them are (or can be shaped as) necessary parts of our judgement of moral responsibility. The features which characterize the different concepts of legal responsibility are (or can be shaped as) criteria of moral responsibility: if you want to decide if a person is morally responsible, you can answer by taking all the relevant criteria into consideration; if you want to decide if a person is legally responsible, you cannot answer without first refining your question. On this account of moral responsibility, I want to highlight the circularity existing between the concept of moral responsibility and of moral harm: i.e. that nobody can be morally responsible if a certain outcome is not considered morally relevant (this point was remarked by Hart), and that a certain outcome can be considered morally relevant only if some human agency has to be considered responsible for it. I surmise that, by recognizing this circularity, we can see some weaknesses of the arguments used in the consequentialism/non-consequentialism debate.
Reasons and Capacities

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Authors such as Korsgaard, Parfit, Pettit and Smith claim that an agent has a reason just in case he would be motivated by the reason if he satisfied certain conditions, such as being fully informed and rational. This view creates a divide between moral responsibility and moral reasons. It is also at odds with a plausible account of eligible candidates for reasons. In this paper, I argue for a view that sits in opposition to this claim. I argue that if an agent does not possess the physical, epistemic, rational and motivational capacities to act on the basis of his putative reason, and he lacks the capacity to get himself into a state where he has these capacities, that agent does not, in fact, have a reason to act. This view preserves a plausibly close connection between the conditions for an agent’s responsibility and the reasons the agent has. In contrast to the view supported by Korsgaard et al, if we understand reasons in the way I propose, reasons also align with a plausible account of eligible candidates for reasons. The reasons implied by this theory are therefore vindicated because of the role that such reasons play in society and our lives. They are reasons which can influence, guide, deter and encourage. Moreover, they are reasons on which agents can be praise- or blame-worthy for acting or failing to act.

Communicative revisionism

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Determinism may appear more salient to the public when informed by empirical science. Even if neuroscience should bring nothing substantially new to the debate on free will and human agency, it may therefore enforce a call for revision of moral and legal practices. A current trend in compatibilism agrees with the Strawsonian approach to responsibility in rejecting deflationary revisionism, but supplies this approach with a contractarian or interest-based normative foundation. Responsibility-attribution is justified by reference to our interest in being treated as moral persons, and thus amounts to respecting moral persons. This paper explores the relevance of interest-based compatibilism (IBC) not only for the justification of the penal institution, but also for the content of the punishment itself. It is argued that while IBC may be incompatible with hard retributivism, it fits well with a communicative theory of punishment, according to which punishment is justified as a form of public condemnation by which the
community addresses the offender as a moral person. A communicative theory of punishment is based on respect for the moral person, and like the IBC, it appeals to the interest of the offender to be treated as such a person. IBC can be illustratively reconstructed as follows: our practices for blame and punishment must be acceptable to all behind a veil of ignorance where we are unaware of our own genetic and neuronal makeup; i.e., whether we will be the lucky or unlucky ones; and whether we will be perpetrator, victim or bystander. It is presumed that under such conditions a scheme would be chosen which respects people as moral persons, but which does not impose extremely severe treatment (life-sentences, capital punishment). Yet in determining the content and nature of punishment on the basis of acceptability to possible offenders we must take into account that in order to have a real communicative function, the punishment must also be viewed as an appropriate response to the offence. If the punishment is too lenient from the point of view of the victim/community, the offender will by implication not be taken seriously qua moral person. Thus a weak-to-moderate revisionism of our penal practices seems to follow from IBC. However, it is also argued that the case for revision does not depend on compatibilism, and that there are independent moral arguments in its favour that should make it acceptable also to incompatibilists in both the hard determinist and libertarian camps.

Blameworthiness: tu-quoque and first-person moral authority

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It is normally infelicitous to blame another for a vice you share, or moralize against acting in ways you do, or would, act. Significantly, blaming is sometimes infelicitous even if the blamee is morally culpable. Such cases raise two — and as will emerge distinct — issues. The first concerns the wrong associated with such cases (e.g. hypocrisy). The second concerns the source of infelicity of the speech-act — the reason it fails, or “misfires”. I will address the second.

Normally, presenting a moral view, or blaming someone, has normative force. This normative force stems from (or is identical with) what Darwall has labeled “second person authority”. Thus, some kind of authority is one of the felicity conditions of the speech-act of blaming. Darwall takes this authority to belong to every rational adult, or every member of a moral community of persons with equal standing.

However, the infelicity of the abovementioned acts of blaming teaches us that this authority is not always present. The reason for the failure of the speech-act seems to be that concerning the matters in question, the blamer either has no
authority, or that he has lost his authority. He is not in a position to blame (or sometimes admonish, demand, recommend, advise) people for vices he shares. Thus, one of the felicity conditions of blaming – moral authority – is essentially related to the character and actions of the blamer vis-à-vis the content of the speech-act. This means that the moral authority condition is similar, in important respects, to epistemic authority. In particular, what one is, or is not, in a position to say depends on one’s standing vis-à-vis the subject matter.

Further, I intend to begin addressing the question ‘what constitutes authority in the moral case – what is the equivalent of epistemic standing?’ I will suggest that the vice of the blamer, in these cases, concerns the proper justification of his claims, rather than their truth. This entails the type of justification required for moral assertions, such as blaming, is markedly different from that required for factual assertions. It involves what can be labeled “first-person moral authority”.

Finally, it should be noted that infelicity is also present in cases in which the blamer belongs to a morally culpable collective, and not only when the blamer has, or shares, a vice. This seems to support the claim that moral culpability is sometimes present without actual responsibility.
Desert is a three-place relation, “x deserves y in virtue of z”. In ordinary language, as in the course of history, all sorts of individuals are and were used to replace the variables. In Ancient Greece, for instance, people believed that a man could deserve something in virtue of his noble birth. And many people would say that the Mona Lisa deserves to be admired for its greatness. However, there’s a very widespread view of desert, let’s call it the responsibility view, which says that only human beings can deserve anything, and only in virtue of actions for which they are responsible. Thus, they see desert as essentially linked to responsibility, and consider desert judgments as the ones mentioned, in which other sorts of things deserve something on other grounds, as being merely metaphorical. I shall argue that the responsibility view is wrong for two reasons. First, it only offers us a fragmented view of desert, differentiating between “true” desert judgments and “metaphorical” ones. A unified concept of desert which treated all desert judgments in the same way and on equal footing would be superior on grounds of simplicity. I shall offer such an account of desert which is based on propriety. Hence, one should get what one deserves, because that is appropriate. The notion of propriety isn’t in any way linked to responsibility. Second, treating desert judgments that are based on anything other than responsibility as metaphorical is really treating them as meaningless, because the concept of desert on that view doesn’t allow for that possibility. The trouble with that is that the Ancient Greeks may have said something false, but in no event have they said something meaningless. Maybe the champions of the responsibility view are right in that one cannot deserve anything for one’s noble birth, but the point is that this does not follow from the concept of desert, because this concept does allow for that kind of judgment, as I shall argue. If the judgments of the Ancients really are false, as they well may be, this must be due to other reasons than conceptual ones. The problem is that the authors linking desert to responsibility put the cart before the horse. Instead of deriving which individuals may permissibly replace the variables from the concept of desert, they try to derive the concept from the individuals, which is basically unsound.
Traditionally much of the philosophical literature on responsibility has tended to focus on backward-looking responsibility. A main question then is: under what conditions is it proper to blame someone for a certain action or a certain outcome? A number of authors have argued instead for forward-looking notions of responsibility, either on consequentialist grounds (e.g. Goodin) or on the basis of virtue ethics or care ethics (e.g. John Ladd, Garrath Williams). In this contribution, I will explore the relations between forward- and backward-looking responsibilities. The notion of forward-looking responsibility that I will explore is, following Goodin, the consequentialistic notion of having to see to it that a certain state-of-affairs A is the case. In addition, I will distinguish two types of backward-looking responsibility: accountability and blameworthiness. I will argue that if someone is accountable for a state-of-affairs A being the case (or not being the case), this means that it is proper to ask this person to provide an account (including the actor’s actions or lack of it) for why A is the case (or is not the case). Accountability does not yet entail blameworthiness; this is only the case if it is not possible to give a ‘satisfactory’ account. I will argue that an account can be satisfactory if it involves certain reasonable excuses like ignorance (not being able to foresee the consequence) or lack of control (not being able to affect the outcome). Such types of excuses are in fact already discussed by Aristotle and have been assumed or defended in several modern theories of responsibility (e.g. Fischer and Ravizza). I will further argue that if someone is forward-looking responsible for A and A happens not to be the case, that person is accountable for not A (but not yet blameworthy). People may, however, also be accountable if they were not forward-looking responsible. Suppose for example that an actor breaches a moral duty and that as an effect of this breach the undesirable state-of-affairs B is the case. In this situation, it seems proper to hold the actor accountable for B. It may, however, well be that in this case the actor was not forward-looking responsible for avoiding B. This is so because duties apply to actions rather than to outcomes of actions; therefore there cannot be a duty to avoid a state-of-affairs B. Moreover, the occurrence of B will usually not necessarily imply the breach of a duty because B may also flow from a chain of events and actions in which no duty is breached. On the basis of these kinds of arguments, I will propose a general scheme for thinking about the relation between forward-looking and backward-looking responsibility.
Responsibility of Intoxicated Offenders

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Criminal law has long had difficulty dealing with intoxicated offenders. Intoxication is frequently implicated in serious criminal wrongdoing, beyond crimes in which intoxication is itself an element of the offence (e.g., driving while intoxicated). On the one hand, there is general consensus that intoxication should not function as an exculpatory defense. It is surely not a justification, nor should it be recognized as an excuse. On the other hand, intoxication may have influenced the mental state of the accused at the time the offence was committed, and thus seems potentially relevant in assessing guilt for crimes that include as an essential element subjective mens rea. It is plausible that an accused may have lacked the required mens rea because of intoxication. Thus intoxication should function as a defense constituting denial of mens rea.

Treatment of intoxicated offenders in criminal law is further complicated when intoxication is so extreme as to result in a state akin to insanity or automatism. Here an intoxicated offender may lack the basic control necessary to act at all, i.e., voluntarily. Such a person should, perhaps, be able to avail him/herself of the defense of automatism or some parallel defense indicating a lack of criminal responsibility.

Common law has developed a complex set of laws applying to intoxicated offenders. They include a distinction between general and specific intent offences, introduced specifically to restrict 'the intoxication defense' to crimes requiring a specific intent (such as knowledge or willfulness) beyond general intent or recklessness. They deny to intoxicated accused defenses that might otherwise be available, e.g., automatism and mistake. They often impose de facto strict liability on intoxicated offenders, at least for a range of crimes, including very serious ones.

The intoxication rules have been widely criticized by philosophers and legal theorists. Yet they are just as often defended, by other academics and jurists, on the grounds that intoxication is morally blameworthy and so no wrong is done to intoxicated offenders if they are held responsible for their crimes, even if they lacked the mens rea that would otherwise be required for conviction or if liability is in effect strict in their cases.

I examine the assumptions about the blameworthiness of intoxication and about the effects of intoxication relied upon. Contradictions are identified by contrasting the treatment of voluntary and involuntary intoxication, the latter being treated as a complete defense to any kind of crime virtually without analysis or argument.
From Individual Choice to Collective Responsibility: What determines what?

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Philosophical discussions on the ethical issue of collective responsibility, in contrast to individual choice or personal preference, have resulted in conceptual as well as practical problems of moral justification both in professional and non-professional domains. It is an empirical truth that the determinants of our actions vary in accordance with our moral understandings, motives, and plans. For example, we justify an action sometimes by its result and sometimes by the assigned rules and roles of a community or group to which we individually belong. In this connection, when we examine the human society at large, questions like what determines an individual to be responsible for a collective action seems to be more important but difficult to answer since the conflict between the determinants is hard to resolve. However, in the era of globalization and technological advancement, individuals are responsible for the collective consequences of their actions compared to their personal choices since their actions affect millions of human lives and the lives of non-human beings in various ways. For instance, not only the medical professionals but also the individuals are collectively responsible for the lack of awareness of HIV/AIDS in a society to which they belong. In my paper, I examine whether the notion of collective responsibility in terms of ethical decision making is based on the notion of commonality and to what extent commonality determines our shared responsibility in a given moral and social sphere. My argument is that the sense of collective responsibility, of an individual or a group, appears to have been developed from the feeling of social and ethical ‘connection & association’ that helps one to think about the future impacts of actions before she performs them since it may be the case that a particular action is professionally good but socially or ethically bad; and my conclusion is that the practicing of social ethics has greater value than professional ethics. In other words, social ethics takes priority before personal ethics. It also takes priority before ‘technoethics’ and ‘neuroethics’. This is what determines our collective responsibility.
Against Moral Luck: The Argument from Intuition

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One hotly debated question regarding moral responsibility is whether luck can affect one’s moral responsibility, also known as the problem of moral luck. Philosophers who believe that luck can affect one’s moral standing (i.e. how culpable, blameworthy, at fault etc. one is) and responsibility, rely heavily (though, not exclusively) on intuitions in their arguments. They try to demonstrate by appeal to intuitive cases (such as Nagel’s and Williams’s negligent lorry driver) that how culpable we are depends not only on what we intend but also on what we cause. We all share the intuition, goes the argument, that the negligent lorry driver who kills a child is responsible for something significantly worse than the one who, luckily, doesn’t cause any harm. More importantly, this intuition is even shared by the lorry driver himself. In this paper I argue that Friends of Moral Luck (FMLs) cannot rely on these intuitions to argue that what we cause (which is a matter of luck) affects our moral standing and makes us more (or less) responsible, because similar intuitive judgments seem to suggest that even things that we do not cause affect our moral standing. Moreover, the similarities between the ways our intuitive judgments are affected by what we cause and by things we do not cause seem to suggest that something else is at work in forming these intuitions. I suggest that FMLs will try to explain away as a matter of epistemic limitations intuitive judgments that correlate one’s moral standing and responsibility with things one does not cause. This, however, is precisely the explanation that is often invoked by Adversaries of Moral Luck to explain away the intuitive judgments in the case(s) of the negligent lorry driver that the FMLs rely on. I conclude that the arguments from intuitions invoked by FMLs are self-defeating.

Neuroscience and the freedom of the will

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Contemporary neuroscientists often assert that their findings show that people have no free will. This claim is mainly based on the experiments conducted by Libet and others which allegedly show that the acts of will which
cause voluntary movement are themselves caused by specific patterns of activity in the brain. Since free will is often thought to be a pre-requisite of moral responsibility, these neuroscientists sometimes also add that this finding implies that people have no responsibility either. The concepts of free will and responsibility play a prominent role in our ordinary-language descriptions of everyday behaviour and in the domain of the law, and so in this paper I will investigate to what extent these claims are defensible.

I will first discuss Libet’s experiments and the conclusions which have been draws from them, and here I will defend the following five points. (1) Libet’s experiments rest on a false philosophical model of voluntary movement: voluntary movements are movements of a certain type (e.g. not performed under compulsion, etc), not movements that are caused by certain type of mental acts (“acts of the will”). (2) Even if this philosophical model had been right, the experiments still would not show that acts of will are caused by brain activity: at most they only show that certain types of brain activity precede (not “cause”) the decision to make some movement with a finger (not the specific movement that is actually made). (3) The experiments produce only statistical results; after all, there are considerable individual variations. (4) In any case, even if in this particular experimental set-up there was no free will, this finding should not be generalized without supporting arguments since the subject is in a highly constrained situation in which only one decision can be made (basically, only a decision about the particular time at which a button is going to be pressed) whereas in normal situations people face a much wider range of choices. (5) The subjects plainly do show free will in some sense, since they willingly cooperate with the experimenter’s directives.

After discussing Libet’s experiments, I will examine the more general issue of how the concepts of responsibility, action, freedom of choice and determinism hang together. Here I will argue that the line of reasoning which underlies the claim that people have no responsibility is dubious. More specifically, I will argue that: (a) some forms of responsibility do not presuppose action: strict liability is an example; (b) action does seem to presuppose freedom of choice, or at least apparent freedom of choice (I have never seen an alternative analysis); (c) freedom of choice (even if only apparent) presupposes unpredictability; (d) unpredictability is compatible with determinism.
The Behavioral, Cognitive, Neuroscientific Reinforcement of our everyday Moral Practices

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When the implications of the recent development in the behavioral, cognitive, and neurosciences (hereafter: BCN-sciences) are discussed, philosophers and scientists tend to focus on the possible threatening and undermining effects of these findings for our moral practices and its related institutions (such as law). The set-up of the arguments is familiar enough: (a) we think that we are deliberating creatures capable of moral action and bearing responsibility for our moral failings (b) the BCN-sciences suggest that, contrary to appearance, our deliberations do (often) not inform our actions and there is no genuine room for free will, hence, (c) we should wonder whether we are really morally responsible for our moral failings (and whether we should not adapt our institutions to this insight). In this paper, I explore the opposite suggestion. I argue that the findings of the BCN-sciences strengthen and encourage our everyday moral practices and its related institutions, in the sense that they might as well be taken to broaden the scope of our ascriptions of moral responsibility. First of all, I argue that recent developments in the BCN sciences reveal that we are capable of grave mistakes concerning our actions, their motivation, and reasons. We sometimes judge that we acted whereas it can be shown that we did not, and, vice versa, we sometimes fail to recognize that we acted (and, arguably, on the basis of reasons) whereas it can be convincingly established that we did act. We lack, what we could call, ‘agential transparency.’ I argue that the lack of agential transparency – contrary to what might seem to be endorsed by most philosophers – is part and parcel of our ordinary moral practices. Ascribing responsibility to one another and ourselves and explicating the reasons for which one should or should not act, often serves the important purpose of getting clear on whether and why people acted, and for what reasons. As a consequence, it can be argued that recent developments in the sciences indicate that we should consider ascribing moral responsibility to ourselves even for ‘doings’ we do not entertain any ‘authoritative relation’ to (whatever that might be taken to mean exactly) and/or not even recognize as ‘ours.’ If this is the case, the very common philosophical picture that agential transparency, authority, and control (or free will) precede our ascriptions of moral responsibility should be reconsidered and, with it, the idea that the current developments in the BCN-sciences threaten to undermine our everyday moral practices.
When making decisions in collective settings we often rely on majority voting. One of the features that make this decision procedure attractive, at least on the face of it, is that it does equal justice to the insights, opinions, and valuations of all concerned. However, as it turns out, when deciding on a complex matter that depends on several prior issues, a committee can end up taking a decision that hardly any, or perhaps even none of its members supports individually. Thus, a discrepancy can arise between the decision implied by the votes on the prior matters and the majority view regarding the course of action to be decided on. Philip Pettit (2007) has recently used this result, which is known as ‘the Doctrinal Paradox’, to argue that it is sometimes impossible to fully distribute the responsibility of a corporate agent to the individual members of that agent. As this claim implies that corporate responsibility is irreducible, I shall call it ‘the Irreducible Corporate Responsibility thesis’. The thesis is, of course, familiar from philosophers such as Peter French (1984, 16). What is new is that a formal model of collective decision-making, the judgment aggregation framework, is used to develop arguments in its favor. I argue that Pettit’s arguments in favor of the Irreducible Corporate Responsibility thesis are flawed. In order to unravel their arguments I start by investigating some of the subtleties involved in normative assessments of individual agents. I argue that blameworthiness can often be traced back to a flawed evaluation of the normative reasons that bear on the decision made. Appreciating how such assessments can be flawed and what role such flaws play in our assessment of decisions of individuals will turn out to be of crucial importance for assessing the contributions individuals make to the evaluation of such reasons by corporate agents facing similar decisions. The role normative reasons play in assessments of decisions in general easily gets overlooked in the case of corporate agents when the only thing the individuals involved in the collective decision-making process are asked to do is to cast a vote on logically independent component issues. Making that role explicit serves to cast doubt on these arguments for the Irreducible Corporate Responsibility thesis. Furthermore, it motivates my positive proposal, which is that corporate responsibility be distributed according to the contributions individuals make toward the corporate agent’s assessment of the pertinent normative reasons.
Responsibility, Reaction, and Value
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Many writers accept the following thesis about responsibility: (R) For one to be responsible for something is for one to be such that it is fitting that one be the object of some reactive attitude in respect of that thing. This thesis bears a striking resemblance to a thesis about value that is also accepted by many writers: (V) For something to be good (or neutral, or bad) is for it to be such that it is fitting that it be the object of some pro-attitude (or indifference, or some contra-attitude). V has been the subject of intense debate in recent years, in part because of its incorporation into what has come to be called the buck-passing account of value. In particular, V is open to three challenges: that it is not necessarily the case that whatever is good is the fitting object of a pro-attitude; that it is not necessarily the case that whatever is the fitting object of a pro-attitude is good; and that, even if there is a strict equivalence between what is good and what is the fitting object of a pro-attitude, still the former is not to be analyzed in terms of the latter. The resemblance between V and R has not been previously commented on, but, once it is recognized, it is clear that R is open to challenges that resemble those to which V is vulnerable. This paper explores both the challenges to V and the parallel challenges to R and discusses responses that may be given to these challenges. The interrelation between V and R is then examined, and a general lesson is drawn concerning how to adjudicate disputes about the nature of moral responsibility.

Changing one’s mind: The concepts of authenticity and responsibility in the context of neuroethics
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The notion of authenticity has become an important concept in the recent literature on neuroethics. Different authors point out that some applications of neuro-technologies can change the character and values of the patients and thus raise problems that are oftentimes described as the loss of their authenticity. For instance, Schuepbach et al. discuss the way in which Parkinson patients describe
their life after the implantation of brain pacemakers. Although most of them experience a higher quality of life and increasing independence from their partners and family members, many of them struggle with the idea of feeling inauthentic and with problems in their social relationships. In the framework of psychotherapy for depressive patients and children suffering from ADHD, Peter Kramer and Ilina Singh raise the problem of personal authenticity in the context of new psychopharmacological drugs such as Ritalin and Prozac. Is the “real” person the one who has taken the drug, or rather the one who has not? On the other hand, the concept of responsibility plays an increasing role in recent considerations on neuroethics in the context of law. In a first step, this paper discusses the way in which the concept is used in some selected key-publications on ‘neuro-law.’ In a second step, it is to be asked whether and in which respects “responsibility” and “authenticity” are intertwined. At first glance, it seems as if both were closely related. However, it can be asked whether a person who undergoes feelings of inauthenticity could nevertheless be regarded as a responsible agent and vice versa. Further, the notion of authenticity is a philosophical concept, whereas the idea of responsibility can be used in a legal context. Therefore, both concepts and their relation deserve closer attention in order to enhance further discussion on the implications of the increasing use of new neuro-technologies.

Selected references:
Do neurons have Miranda rights? Mental privacy and criminal evidence

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In October 2003, the Iowa Supreme Court overturned the murder conviction of Terry Harrington, to a great extent based on evidence from a MERMER examination (Memory and Encoding Related Multifaceted EEG Response), commonly known as ‘brain fingerprinting’. The technique was recognised almost immediately as a double-edged sword: its potential to exonerate the innocent and convict the guilty heralded as vocally as growing concerns about privacy, human rights and due process. With the increasing accuracy of EEG-derived techniques and fMRI, as well as the hitherto scantily-explored potential in transcranial doppler spectroscopy, the issues raised by a notion of the justice system that commands the ability to peer into mental functions becomes increasingly hard to dismiss as mere futurism. As a consequence, it becomes a duty incumbent upon neuroethics to reflect upon how these procedures will transform the criminal evidence system, but also about the impact the law’s intrusion into what was hitherto regarded as the inviolable sanctum on one’s own mind will have on questions of due process and human rights. This paper seeks to bring reconciliation to the arguments for extensive use in aid of a more effective criminal justice system versus those suggesting restraint arising from respect for the individual’s mental privacy. I seek to do so by arguing that the rules that are already in place to protect criminal defendants can – and should – be adapted to include rights of ‘mental privacy’. Criminal evidence law is not incapable of dealing with the challenges that are posed by evidence from neuroscience, as the Harrington case proved. But as such evidence becomes increasingly widespread, it will be necessary to ensure that it is conceptualised correctly. Specifically, this paper will reflect on the issue from two angles. From the point of view of forensic evidence, it will review certain analytical pathologies that the introduction of complex scientific evidence in the DNA field revealed, and propose safeguards to avoid analogous pathologies from affecting evidence from neuroscience. From a criminal justice perspective, it will go on to examine how criminal evidence law, both in the field of prosecutorial evidence and evidence relied upon in defences, can be expanded and adapted to help secure adequate use of evidence from neuroscience on one hand, but ensure respect for individual privacy.
Take some more pills, you coward

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On Wednesday November 19, 2008, 19 year old Abraham Biggs from Florida died from an intentional overdose of drugs, while 1500 people watched a live video broadcast of this tragic event. Abraham announced his intention to commit suicide on an internet forum in which he had been an active member, he specified which pills he was taking, switched on his webcam and began to broadcast the live image of his bedroom to the world, he took the pills, lay down on his bed and quietly passed away while the webcam was running. Besides the concern of people in the internet forum who urged him not to take his life, there was a lot of mocking going on: people wondering whether he took enough pills, urging him to take some more. After several hours, when he did not appear to be moving, people started to wonder whether they could contact his relatives. The problem was that nobody had any idea of his whereabouts. Eventually someone called the authorities and explained the situation. Half an hour later, police could be seen bursting into the room, but Abraham had been dead for many hours at that point. Abraham’s life might have been saved if the authorities had been informed earlier. It is hard for his relatives to absorb that 1500 people just watched their loved one die and did nothing about it.

There are significant parallels between Abraham’s case and the much-cited case of Kitty Genovese who was brutally attacked on her doorstep in a 40 minute long set of attacks, while 38 neighbours apparently witnessed the event and only called the police after it was too late. Most poignantly, both cases raise questions about the respective onlookers’ collective responsibility for Abraham’s and for Kitty’s deaths. However, there are also some marked differences between these cases.

On a practical level, while Kitty’s neighbours knew her physical location and could thus easily intervene (though not without some danger to themselves), Abraham’s virtual location in the internet chat room was difficult to translate into a physical place on the earth and this made it more difficult for them to intervene. The physical nearness or lack thereof has further implications. In his infamous obedience studies, Stanley Milgram demonstrated that proximity influences the measure of detachment: the further removed from the victim, the less people are motivated to ease their suffering. The difference between a view from your window and hearing actual screams is essentially different from viewing a soundless, grainy webcam image and some typed words on a screen.

The poor quality of the image makes for another distinction from the Genovese case, and that is that it is much easier to fake a situation. It would have
been rather easy for Abraham to have faked his attempt and acted it out on his webcam. To perceive something with all the senses in a familiar setting gives a different sense of reality than perceiving a dulled image in an unfamiliar setting.

Another difference relates to the number of spectators. In a digital environment, there is virtually no limit to the number of onlookers. Paradoxically, that number is inversely related to the chances of someone intervening: a phenomenon that is known as the bystander effect. Arguably, the larger the number of viewers the more you are responsible for doing something.

I will discuss the differences between Abraham’s and Kitty’s cases in order to show that the digital domain adds a new dimension to the concept of collective responsibility compared to the physical domain.
From Responsibility to Agency

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What sorts of things are we responsible for, and in what ways? In this paper I distinguish between things we are responsible for directly (e.g. our own actions) and things we are responsible for indirectly (e.g. our character traits and the acts of certain others). I argue that if we are to be directly responsible for our own actions, it makes no sense to conceive of these as either events or processes and, consequently, that there is an unsatisfactory tension between basic assumptions about responsibility in modern normative ethics and the standard view of action in current philosophy of mind and moral psychology.

My paper divides into three sections. In the first, I outline various conceptions of responsibility with the aim of emphasising that they all require us to be able to do certain things at will. In the middle section I offer an overview of a series of conflicting theories of action. In the final section I then argue most of these are incompatible with the various conceptions of responsibility outlined in the first section. I conclude that if we are even minimally responsible for anything, actions cannot be events or processes. Rather, as von Wright thought, to act is to bring about a certain event at will.

Brain Imaging and protection of individual rights: the real challenge to law

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Present neuroimaging techniques give researchers the possibility to see structures of the living brain and discern structural and functional anomalies. The accelerated productivity of functional brain imaging has given new life to Nineteenth Century debate about free will, determinism and criminal responsibility. The possibility that the antisocial behavior become explainable in terms of brain activity impacts on psychiatry both as medical discipline and in its relationship with the law and the judiciary. This is a main topic also within the Italian forensic and psychiatric debate: the Italian Penal Code (articles 85-89)
excludes criminal responsibility if the defendant was incompetent by reason of insanity at the moment of the crime and Italian courts have usually judged on the basis of strictly defined medical-clinical classifications of insanity. An important decision of the Italian Supreme Court (Corte di Cassazione, n. 9163/2005) stated that the concept of insanity includes psychopathy, neurosis and affective disorders, and what the judge has to consider in judging (and at least in sentencing) is the ability of a person to perceive the disvalue of the offence and the sense of the punishment. This judgment probably is the path for a wider influence of neuroscientific findings and methods in the Italian legal system. However, widening the compass of insanity makes it harder to define its borders. This is the reason why many scholars have written about a crisis of ‘criminal responsibility’: assuming that every mental state – even if not definable as mental illness – may contribute to the commission of a crime, the troubled boundary between psychic normality and illness should be reconsidered and its coincidence with the boundary between criminal responsibility and its exclusion as well. A further important question is about how to regulate the subjection to invasive neuroscientific tests: in USA, Courts recognize the citizen’s right to inviolability of their personal sphere through the Fourth Amendment of the Bill of Rights, but some authors contest the applicability of such Constitutional guarantee, being neuroscientific tests non-invasive. The Italian Criminal Procedure Code prohibits techniques able to influence the freedom of self-determination, even when the person gives his consent. The real challenge in all legal systems is as follows: do new scientific findings and techniques require completely new rules or should we simply adapt the old ones?

Fairness and Completeness in Distributing Responsibility: The Case of Engineering

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When engineering structures fail or an engineering disaster occurs, the question who is to be held responsible is often asked. In this paper we will show that sometimes nobody can reasonably be held responsible for an engineering disaster. We argue that this outcome is, nevertheless, morally problematic for at least two independent reasons. The first reason is that many people find it
morally unsatisfactory if an engineering disaster occurs and nobody can be held responsible. Although this search for somebody to blame may be misperceived, at least in some situations it seems reasonable to say that someone should bear responsibility. Some philosophers have therefore introduced the notion of collective responsibility to deal with the intuition that there is more to responsibility in complex cases than just the sum of the responsibilities of the individuals considered in isolation. Intuitively, we may say that a collective is responsible in cases where, had it been an action performed by one person, she would have been responsible. The second reason for attributing responsibility is the desire to learn from mistakes, to do better in the future and to achieve a certain result. If nobody is held morally responsible for a disaster, this may not happen. Although the notion of collective responsibility is helpful to articulate the moral intuition that somebody should be held responsible for disasters in complex engineering projects, it is not clear what ascribing responsibility to the collective implies for the individuals who together form that collective. Therefore, we propose to focus on the distribution of responsibilities in collective settings. We argue that there are two moral requirements that an ideal distribution of responsibility should satisfy. One moral requirement is that the distribution ought to be fair. Fairness means that we only want to hold agents responsible for a certain outcome if certain conditions are met. Typical conditions for responsibility that have been mentioned in the literature include whether the agent contributed causally to the outcome, acted voluntarily, and could have foreseen the outcome. Another requirement is that the distribution of responsibility should be complete in the sense that for each relevant outcome someone is held responsible. We will show that sometimes the requirements of fairness and completeness conflict. If we stress only fairness, we might end up with an incomplete distribution of responsibilities; if we stress only completeness, the result might be a morally unfair distribution of responsibilities. We will also show that the conflict between fairness and completeness is equivalent to the conflict between individual and collective responsibility, which is known in the literature as the problem of many hands.

Collective Responsibility as a Communicative Ability to Respond to Global Issues

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This paper has four different goals. The first is to propose a communicative conception of collective responsibility. In his classic critique of theories of
responsibility, H.D. Lewis observes that, etymologically, responsibility can be
interpreted as an “ability to respond” or “liability to answer.” Although this point
is very intuitive, it has not been explored fully. Larry May and other authors
have provided new theoretical insights and practical applications to the concept
of moral responsibility. However, these proposals focus much more on issues
related to individual free will, instead of exploring the definition of responsibility
as “ability to response” within the context of communicative interactions.
Secondly, this paper discusses a possible reason for the lack of a communicative
approach to collective responsibility.

Michael McKenna indirectly provides us with a clue as to why this reference
to a linguistically oriented conception of responsibility has not yet been fully
explored. According to him, contemporary debates on moral responsibility were
dramatically affected by Peter Strawson’s text on “Freedom and Resentment”
(1962) and Harry Frankfurt’s article "Alternate Possibilities and Moral
Responsibility" (1969). But Strawson’s main point – that people are naturally
involved in interpersonal relationships and naturally committed to responsive
attitudes – was somewhat neglected, while Frankfurt’s elegant arguments on free
will had a profound impact on discussions in this field. Third, the paper explores
the possibilities of a communicative theory of collective responsibility by
focusing on the theories developed by Peter French and Karl-Otto Apel. French
was first concerned with this topic in the aftermath of reports about atrocities
during the Vietnam War, then turned his attention to scandals involving
corporations, and finally devised strategies to define how responsibility can be
ascribed to certain types of collective action and be defined as “collective
decision-making.” Apel reflected on German history during the Nazi dictatorship
to affirm that global problems cannot be blamed on individuals but rather
require collective responsibility. He then developed a dialogue with Jürgen
Habermas and his conception of communicative reason, and finally proposed a
discourse ethics based on the principle of reciprocal co-responsibility. Fourth,
the paper concludes by considering how these two proposals rescue and develop
Strawson’s views on responsibility and attempt to apply this perspective to
contemporary questions concerning our collective ability to respond to global
problems. These two authors provide, therefore, new perspectives for the
consideration of collective responsibility as part of a communicative process,
which can be developed further.
Who is responsible, for which outcomes and under what circumstances? What are our responsibilities and to whom are they owed? Who are responsible agents, and to which spheres of activity does their responsible agency extend? Who should take responsibility, for what and how? The starting point of my paper is that “being responsible” means that an agent is under an obligation to answer to others for, and to justify, his or her actions. In order to support this idea, I will first examine how we use the concept of responsibility in everyday contexts, using examples to clarify the concept’s semantic structure and distinctive qualities. As this analysis will show, responsibility describes a language-based relation of accountability that always features at least three elements: a subject (who or which is capable of language); the subject’s action; and a presence (perhaps a person, perhaps an institution, perhaps the object of the action and perhaps not) to whom or which justification for the action is owed.

The second part of my paper asks: What is the relation of responsibility – this general obligation of justification – to the concept of human action itself? Is the concept of responsibility independent from the concept of human action or organic to it? Or put most simply: Could there be human actions that do not require justification? To answer these questions, I will discuss the idea that “being responsible” means also that others have a right to demand justification from us as actors. The necessary conditions of every fully human action, I will argue, are: that it is intentional, that it is based on reasons, that it takes place in a world shared with others, that it depends in its meaning essentially on context; and finally that actors implicitly claim in every action that the action can be justified. On the strength of this analysis, I offer the following definition of “responsibility”: actions in a shared world are justified, and therefore responsible, when the people potentially concerned by those actions can recognize them as being based on good reasons. Thus, responsibility is not something imposed on the actor, retroactively and from outside his or her actions, but rather responsibility is a constitutive part of the actions and a necessary implication of the social life of human subjects.
How can we conceptualize “responsibility” in the framework of the somatic marker hypothesis?

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In many countries, there are judicial systems based on a principle that one has responsibility for all of his or her acts because he or she can act freely. Thus, if one commits an antisocial act then one deserves punishment. But in recent years, we have interesting findings that the brain of a criminal who repeatedly commits a crime has a defect in autonomic decision-making. In the case of such a criminal, our existing judicial systems do not help prevent a repeat offender, and thus some people suggest the necessity of adopting therapeutic interventions. Even though we could preconceive that therapeutic interventions would cause many ethical problems, it seems obvious that the concept of ‘responsibility’ which we have postulated in many existing judicial systems is coming to its end. The process of the brain system underlying a behavioral choice is revealed, and the brain areas related with decision-making are also found out. Particularly, it is interesting that emotion that seemed to be the negation of rationality in decision-making is essential for rationally-based decision-making. In addition, neuroimaging studies have shown that more rostral sectors of the ventromedial prefrontal cortex (VMPFC) are activated in thinking about how to solve moral dilemmas and in making ethical decisions. The somatic marker hypothesis proposed by A. R. Damasio emphasizes the importance of emotion in decision-making. According to the hypothesis, the formation of a preference, which is associated with the development of somatic states triggered through the automatic nervous system, is under way at the unconscious level prior to the behavioral choice at the conscious level. Then, signals of the somatic states are relayed back, and they play a role as a predictive marker of the choice and restrict the choice. It is most important that the preference process is based on large-scale networks which involve the cerebral cortex and subcortical structures and reciprocally exchange the information of the somatic states. The defective functional activity of this system is related with various disordered behaviors which make it difficult to adopt the existing concept of ‘responsibility’. In this presentation, I shall discuss what concept of ‘responsibility’ the somatic-marker hypothesis can propose.
Agent Responsibility in Hate Motivated Crimes
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The aim of the current paper is to conduct a philosophical investigation of the notion of responsibility in hate motivated crimes and criminal law in general. Recent literature has focused on questioning what exactly enhanced punishment for hate crimes targets.

Heidi Hurd in her article “Why Liberals Should Hate ‘Hate Crime Legislation’” argues that such enhanced punishment unfairly targets individuals character traits, which she suggests are not “fully under the defendants control”. This claim raises a range of questions about the subject of responsibility, both in and outside of the criminal justice system. Hurd contends that enhanced punishment cannot be supported within liberal democracies, both because they engage a novel mens rea involving the defendant’s character and because such punishment infringes on the liberal commitment of political neutrality.

But if Hurd is correct in her characterization of hate crimes, as well as the difficulty with punishing defendants for characteristics outside of their control, then we need to further question if hate motivated crime deserves mitigation. In other words, we need to ask whether such individuals should be held less responsible for acting on character traits not fully under their control. This question is intuitively unsettling, but I contend that such a question comes about as a result of Hurd’s characterization of hate crimes. Furthermore, there has been literature recently written about the possibility of cultural evidence being used in criminal courts. The goal of introducing such evidence is, in part, aimed at raising possible mitigating factors in criminal trials. Such individuals, it is argued, should be held less culpable because their actions might be heavily influenced by their cultural background and so it might be the case that such individuals are using their own cultural standards to guide their behaviours. This may lead individuals to apply their cultural standards when dealing with issues ranging from infidelity in marriages, to proper disciplinary punishment of children. I attempt to draw a parallel between hate crimes and the cultural defense in hopes of revealing more insight about the question of responsibility in criminal law.

The parallel between cultural defense and hate crime defense is extremely interesting. There may be distinct differences, but both raise the issue of agent responsibility and require us, I believe, to re-think the issue of responsibility in criminal law in light of some of the more recent advancements in the literature.
Collective and Individual Responsibility from a Luck-Egalitarian Perspective

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Luck-egalitarianism is often formulated as the view that it is in itself bad for some to be worse off than others through no responsibility of their own. Surprisingly, this formulation is ambiguous in terms of what role it ascribes to responsibility: first, it is ambiguous between different views about the relevant subject of responsibility (individuals, collectives, or both); second, it is ambiguous between different views about the relevant object of responsibility (individuals’ being worse off, collectives’ being worse off, or both). Philosophers who have addressed this view have largely assumed that the kind of responsibility at stake is individual responsibility and, accordingly, have focused exclusively on individual responsibility for one’s own situation. Yet, when the above-mentioned ambiguities are sorted out it can be seen that individual responsibility plays a less prominent role in egalitarian justice, specifically, and distributive justice, generally, than it is normally assumed.

There are cases where each member of a collective is not worse off through her own individual responsibility and yet this is not bad from the point of view of distributive justice because the collective is worse off through a set of choices by members of the collectivity and these members can be held collectively responsible for the set of choices, e.g., A and B could easily cooperate to have a certain benefit, neither cooperates because each only cares about her own interest, and both will be better off by not cooperating whatever the other individual does. (Correspondingly, there are cases where each member of a group is responsible for being worse off and the collectivity which these people form is not responsible for being worse off, since each member could easily have acquired a certain benefit but only on condition that no other member did.) I argue that in some cases where individual responsibility matters, its relevant object is not the person’s being worse off, but something else, e.g. the person’s doing her part to ensure the performance of a certain collective action.

Finally, I illustrate the implications of these distinctions through the case of climate change. These implications are very significant, since often individuals are worse off through the harmful effects resulting from the doings of collectivities of which they are a part, and not because they are worse off through their own individual responsibility.
A neurophilosophical framework for moral responsibility

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Recent developments in neuroscience raise the worry that understanding how brains cause behavior will radically change our understanding of the mind and moral responsibility. The worry many cognitive scientist express is the following: decisions, choices and actions are generally thought as freely willed; but if they were to be revealed as results of neural mechanisms, they could not be seen as free anymore and would not support moral responsibility. Free will would be best seen as just an illusion (Wegner, The Illusion of Conscious Will, 2002). I will argue that we have to be careful not to jump too quickly from theories in neuroscience to the theories at the level of mind and common-sense understanding. Someone who comes to the conclusion that human beings are not able to deliberate, make decisions and act as free agents on the basis of neuroscientific evidence is committing inferential leaps bypassing two deep philosophical problems: the problem of free will and the mind-body problem. Namely, it is far from straightforward that determinism leads to a denial of free will and moral responsibility. For this, one needs to refute arguments for compatibilism and show that the compatibilist’s free will is too weak and thus not worth wanting. Second, the exact relations between neuroscience, cognitive theories and folk psychology are still open. Eliminativism and epiphenomenalism are not the only options for naturalists, although I suspect they are tacitly presupposed when considering treats to humans as free and moral agents. I will argue that neither dualistic humanistic image presupposing libertarian free will nor scientistic scientific image of the mind where our behavior is caused by forces that bypass our conscious mental life (elimanativism and epiphnenomenalism) is a viable option for naturalists. I will suggest a neurophilosophical framework that will provide both: a more detailed knowledge about how control and volition are processed in the brain, and understanding how these notions are connected to our subjective feeling of freedom and responsibility.
The use of fMRI lie detection evidence in court cases has the potential to transform current methods of fact finding in legal disputes. I argue that it will also have the effect of transforming the conception of moral responsibility and individual self-integrity in a legal and larger social context. In the current paper, I examine how legal barriers to the admissibility of fMRI lie detection evidence might be overcome and the implications these surmounting arguments have for how we understand self-integrity and moral responsibility. Two types of legal barriers challenge the admissibility of fMRI lie detection evidence. The first ‘threshold barriers’ raise questions about the reliability and scientific validity of fMRI lie detection methods, as expressed in the Federal Rules of Evidence under rules 702 and 403. The current view is that fMRI lie detection methods are not yet reliable and thus should not be admissible, but the fact remains that these threshold barriers are likely to be overcome within the next couple of years. Thus, greater attention will be given to the second set of barriers, what I call ‘protection barriers,’ that involve rights protections or procedural justice issues that might prohibit (or limit) the admission of fMRI lie detection evidence. Overcoming protection barriers depends on whether fMRI lie detection evidence is classified as physical evidence or testimony. If classified as physical evidence (e.g., using a ‘guilty knowledge test’) then Fourth Amendment protections will be the most persistent legal barrier. If successfully surmounted, the arguments will suggest that what one’s brain does is not under the purview of one’s rights or possession in a way that effectively separates the activity of one’s brain from the individual. If classified as testimony (e.g., using a ‘controlled question test’ or expert testimony) then Fifth Amendment protections against self-incrimination, and Hearsay protections against out-of-court reports are the most likely barriers. Arguments that successfully surmounting these barriers will imply a number of interpretations, including conceptualizing fMRI lie detection evidence on analogy with recorded or written interrogations, but with the added fMRI information acting as a form of validation separate from the verbal testimony. Additionally, expert testimony on the accuracy of the fMRI evidence is likely to have the effect of deflecting judgments about honest/dishonest testimony or guilty/innocent to neuro-technological measurements. If the individual is to be judged by one’s peers in a court of law, then this has the possibility of uniquely separating the individual from his/her brain activities and the legal system in which they are judged. Regardless, the net result of these surmounting
arguments is to conceptualize the individual as somehow distinct from his/her brain activity in fMRI lie detection evidence, thus alienating the individual’s brain from the individual’s conscious and self-controlled behaviors, potentially threatening ideas of self-integrity or self-unity that are foundational presumptions in the articulation of legal rights and moral responsibility. Whether this alienation is properly considered a threat or a prudent transformation of legal operations deserves discussion.

The Study of Human Agency: Conceptual Conservatism versus the Sciences of the Mind

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The thesis of this paper is that our best-developed theories in neuroscience and psychology make it rational to believe that traditional notions of free will and moral responsibility have lost their former traction, that we lack a defensible, positive theory of free will and moral responsibility, and, in consequence, that neither concept should be granted continued authority in the way we frame our intellectual tasks. It is no longer rational, given what we are learning from the sciences of the mind, to insist that an adequate theory of human agency must save these concepts. (This is the thesis of my Subjects of the World: Darwin’s Rhetoric and the Study of Agency in Nature, U of Chicago Press 2009.)

I defend this thesis in four steps. (1) I review key findings from neuroscience and cognitive psychology that put pressure on traditional concepts of free will and moral responsibility, including work by Chris Frith, Sarah Blakemore, Jaak Panksepp, Daniel Wegner, Timothy Wilson, and others. I claim that, according to our best evidence, the mechanisms that cause us to act are distinct from those that cause us to consciously feel and believe that our intentions directly cause our actions. Our typical assumptions about our capacities as agents are not to be trusted. (2) In light of these findings, I formulate specific directives for naturalistic inquiry concerning human agency. These directives help guide the formulation of our research projects and the assessment of theories thus produced. These directives are defensible in so far as they are informed by evidence from our best-developed theories of the mind. (3) In light of these directives, I show that we must refuse the conservative expectation that an adequate theory of human agency is obliged to save our traditional notions of free will and moral responsibility. This expectation is part of the pervasive
assumption that the aim of philosophical inquiry is to achieve the widest equilibrium possible among our concepts and claims. I argue that, in light of current knowledge, the commitment to such conservatism is antithetical to the growth of knowledge. (4) I conclude by responding to the objection that our scientific knowledge is currently too paltry to defend the radical claim in (3) and that, in consequence, our traditional concepts must be retained.

Overhauling the Concept of Responsibility

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French philosophers Gilles Deleuze and Felix Guattari asserted that the main task for thinkers is the construction of concepts, concepts being our main thinking tools. Concepts are not a kind of intellectual furniture which can be produced once and for all. If we can’t invent new concepts appropriate to new problems, then we ought to at least regularly tinker with the old ones, updating and retooling them in light of the ever-evolving challenges we face which we need excellent thinking for: zoonotic diseases and climate chaos, to name just two. But, concepts are not just tools to fashion and employ in the service of being adequate to the problems which the world presents: they are also the means by which, and through which, we conceive and perceive ‘the world’ and ‘its problems’ in the first place. Conceptual construction, then, is a central, active, piece of the puzzle of thinking-the-world well. What does ‘conceptual construction’ mean, or entail? Deleuze and Guattari direct our attention to the materiality of thought: to the kinesis, the dynamis, the structure, the (what they call) ‘image of thought’ (Ch. 3, Difference & Repetition). They tie such structural capacities of thought to the kinds of cognitive work (perceptual, imagination, analytical) work that can be done with those thoughts. The deep premise is that complex challenges we are working on, in the developing and developed world, through engineering, immunology, ethnobotany, etc. need, among its tools, concepts which are equally complex. By corollary, field projects will meet with limited uptake or success to the extent that the conceptual basics which drive them in the first place: responsibility, contribution, relationship, power, selfhood, are able to ‘image’ the complexity of the issues to which these concepts are directed. My presentation at Delft will focus on just one of those terms: responsibility.

It is critical that we overhaul the ethico-political concept of responsibility, now. There is one concept of ‘responsibility’ employed, implicitly and explicitly across all theoretical and practical discourses and it has a discernable ‘image of thought’. That concept is out of date: it is frankly Newtonian! And, it is
ontologically inadequate to the range of tasks it is applied to. The tenacity and ubiquity of the ‘free-will vs. determinism debate’ is a symptom of the hegemony of that single, unsophisticated concept of responsibility at work everywhere. A conceptual overhaul is a crucial adjunct to the laudable correctives of vision and practice which have emerged from various quarters: the ‘Ecosystem Approaches to Health’ perspective, the ‘Sustainable Livelihoods’ initiatives to name just two; correctives shaped by post-normal scientific insight and ecology; complexity theory and complex practices in-situ, in particular through the lived-complexity of active fieldwork. Yet, an analogous re-visioning of the fundamental ethical and political concepts which those concrete practices rely upon and attempt to remedy, has yet to take place. This paper is a part of initiating that critical process.

Emotional Engineers: Toward Morally Responsible Engineering

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Engineers are normally seen as the archetype of people who make decisions in a detached, rational, and quantitative way. However, technological design is not value neutral (Verbeek 2005). The way a technology is designed determines its possibilities, which can, for better or for worse, have consequences for human well-being. This leads various scholars to the claim that engineers should explicitly take into account ethical considerations (Friedman 2004, Van der Burg and Van Gorp 2005). They are at the cradle of new technological developments and can thereby influence the possible risks and benefits more directly than anybody else. I have argued elsewhere (Roeser 2006, 2009a,b, 2010) that emotions are an indispensable source of insight into ethical aspects of risk. This means that engineers should also include emotional reflection into their work. This requires a new understanding of the competencies and responsibilities of engineers: they should not be detached, unemotional calculators; quite the opposite, they should work to cultivate their moral emotions and sensitivity.

Experts often accuse the public of being overly frightened of new technologies because they lack the relevant knowledge and are thereby basing their reactions on supposedly irrational feelings. Interestingly, nanotechnology gives rise to greater worries within the scientific community than amongst the public (Scheufele et al. 2007). Given the newness of nanotechnology, we can assume that the scientists are more knowledgeable than the public about nanotechnology and its concomitant risks. Apparently, their fears can be attributed to a rational understanding of the risks involved in nanotechnology.
Indeed, fear can point to a source of danger to our well-being (Green 1992, Roberts 2003).

Engineers should use these worries in the design of their research and technologies, e.g., by building barriers to prevent certain hazards from occurring or by applying a precautionary approach, meaning that technologies of which the consequences are hard to predict should first be investigated in a safe setting. Furthermore, emotions such as sympathy help to reveal ethical considerations such as justice and autonomy in decisions about acceptable risk. Emotions and scientific methods should be in a good balance when engineers think about risks: where science can inform them about magnitudes, emotions inform them about moral saliences. Both kinds of information are inevitable for engineers in order to make well-grounded judgments about acceptable risks. By integrating emotional-ethical concerns in their work, engineers will be able to explicitly acknowledge and live up to the moral responsibilities that they have.
In my talk I would like to address the important issue, underlying many debates in both philosophical and non-philosophical areas, of what it is to be responsible for something or, in other words, what is the nature of responsibility. Remarkably enough, this question has not received much attention in the literature, which focuses mostly on the question of how or when one can be responsible for something.

In order to answer this question, I first argue that it ought not to be confused with two other questions that are closely related to it, the question of what the meaning of the word ‘responsible’ is and the question of what are the individually necessary and jointly sufficient conditions for being responsible. Subsequently, I make two distinctions that are helpful in answering the question as to the nature of responsibility. On the one hand, there are important differences between (what have been considered to be) different sortals of responsibility: legal, moral, epistemic, prudential, etc. responsibility and perhaps even responsibility all-things-considered. On the other hand, one can distinguish between different objects for which we hold people responsible: actions, intentions, beliefs and other propositional attitudes, emotions and desires, and character traits (or, in certain circumstances, the absence of one or more of these).

I defend the thesis that being responsible is to be the proper subject of praise, neutral appraisal, or blame. I qualify each of these terms in detail and distinguish them from being liable to punishment or reward. I also attempt to show that genuine responsibility does not admit of different sortals: only all-things-considered duties, permissions, and prohibitions render one the proper subject of appraisal. I close my paper by an extensive discussion of how responsibility boils down to accountability.
Responsibility, moral deliberation, and neuroscientific determinism

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What the neurosciences tell us about the brain is sometimes taken to question the very possibility of moral responsibility, in particular by challenging conventional views about free will and consciousness. This paper will look at some recent work in neuroscience, in particular in functional Magnetic Resonance Imaging (fMRI), that may seem to challenge our intuitions about moral responsibility. At least when the challenges are explicit, they imply certain views about the nature of free will and consciousness, and how these concepts relate to moral responsibility. These views are critically analyzed in the context of current neuroethical and philosophical literature on free will and moral responsibility. I argue that the results eventually support neither hard determinism nor libertarianism, which leaves us with compatibilism of some sort as the most plausible position, and moral responsibility more or less unscathed.

Translating Scientific Evidence into the Language of the ‘Folk’: Using Executive Function as the Bridge to Neuroscience in the Criminal Courts

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Some legal theorists have argued that all neuroscientific evidence is best left out of the courtroom. For example, Stephen Morse (2006) argues that because the way in which the brain generates the mind remains “fundamentally mysterious”, he argues neuroscience should not be used in criminal trials. Instead, he says the court should look to behavioral evidence that indicates a lack of minimal rationality, or the absence of a “reasonably integrated consciousness”.

If it is true that the way the brain enables the mind is a mystery, then no scientific evidence of brain function or processes should ever be used at trial. This is not a tenable position. However, there are legitimate worries about the disjunct between scientific evidence of brain states and function, and legal criteria for guilt. In this paper I will argue that behavioral evidence of capacity, motive and intent is just plain easier for the fact-finder to use, because it triggers direct application of the commonsense psychological (CSP) concepts which guide
and structure criminal responsibility. In contrast, scientific evidence of brain processes of function, such as evidence that the defendant has a large brain tumor, will not lead a judge or jury to directly infer anything about the legal criteria for guilt. (see Vincent 2008) An expert witness will be required to indicate what this evidence means with regard to mental capacity, and then another inference will have to be made from this possible lack of capacity to the legal criteria for legal insanity, cast in CSP terms.

I think there is a way to conceptualize the mental capacities necessary for responsibility – those that are recognized as missing or compromised by the doctrines of legal capacity (Hart 1968) and diminished capacity – in a way that can provide a ‘bridge’ between the direct evidence of brain function and structure and assessment of criminal responsibility. I will argue that formulating these capacities as ‘executive functions’ within the brain can provide this bridge. I am especially interested in showing how evidence of executive function can inform the use of the diminished capacity doctrine at sentencing, primarily because this seems to be the most prevalent use of the diminished capacity doctrine, as evidenced by the recent Supreme Court cases of Atkins v. Virginia (536 U.S. 304 (2002)) and Roper v. Simmons (543 U.S. 551 (2005)).

Incorporated Responsibility Without Incorporated Agency

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Recent literature tends to model collective responsibility against its individualistic counterpart, claiming that group responsibility attributions are meaningful since a group is in a sense an agent (supplementing and not excluding individual member-agencies). This minimalist move is motivated by the need to narrowly steer a way between considering groups fully-fledged moral persons (Scylla) or nothing but complex, non-thinking machines (Charybdis). However, the agency-based strategy ends up with a weak position, mainly because it erroneously assumes that individuals and collectives must satisfy the same conditions for moral responsibility and that reflection on individual responsibility discloses the correct requirements for responsibility in general. The tactic I suggest is to segregate agency from responsibility, and analyze collective moral responsibility ascriptions independently. According to the dissociation strategy, it makes sense to say that certain collective entities are responsible whereas it does not make sense to say that they acted, they did it intentionally, and could be consistently credited with a form of agency.
Hence I argue that, 1) the theoretical constraints for moral responsibility do not entail agency per se: if we set forth a number of requirements for moral responsibility, collectives could meet them on the theoretical road to agency, but not as a fact; 2) considerations regarding the formal structure of organizations (the cluster of rules, norms and aims individuating a collective) deepen the distance between agency and responsibility: since structures do not fully determine action but only guide or recommend it, they cannot reflect or embody actual agents; 3) a different, social notion of responsibility is needed as the basis for extension to collectives if the only action specific to groups is reduced to structural maintenance and reproduction of organizational roles.

If successful, this strategy indicates that ascription of collective moral responsibility depends directly on the structure and cohesiveness of groups (from minimal two-person acts of cooperation to maximally designed formal structures where some agents have the representative competence to act in the name of the organization/roles without shared intentions, common knowledge or meshing subplans). I further suggest that as collectives structurally loosen (e.g., nations, political parties), collective responsibility is better served by a political perspective (as opposed to a metaphysical approach that causally links collective responsibility to questions of agency) which stresses a) the horizontal relations among us and b) the vertical, individual responsibility to support the actions, processes and procedures of the morally reliable or just institutions or associations.

**Risk and responsibility: a complex and evolving relationship**

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This paper analyses four conceptions of risk in order to clarify their relationship with the notion of responsibility and to determine if, eventually, a shift in the nature of the link between risk and responsibility can be outlined. In the engineer's paradigm, the purely descriptive conception of risk, as a quantified representation of hazard (EC 2000, p. 18), does not integrate responsibility and refers to the classical distinction between risk assessment and risk management, the locus of risk being risk assessment, the one of responsibility being risk management. On the other hand, in Mary Douglas' cultural theory, risks are constructed amongst others through the responsibilities they engage insofar as 'the cultural processes which select certain kinds of dangers for attention work through institutional procedures for allocating responsibilities'; hence, 'the cultural coding of responsibility is also the coding for perceiving risks' (Douglas 1985, p. 53 and p. 72). Rayner and Wolff go further by integrating indirect forms
of responsibility in the definition of risk itself: Rayner proposes a polythetic definition of risk – different perspectives on risk are seen as links of a conceptual chain – including, amongst others, the notion of liability in a cultural perspective (Rayner 1992, p. 94-96), while Wolff elaborates a model of risk integrating cause and blame (Wolff 2006, p. 424-425). It appears that the concepts of risk and responsibility are increasingly more intertwined. This observation, which clearly makes sense in the context of ‘classical’ technological risks, seems to be even more confirmed in the case of emerging and converging technologies. Indeed, those impose a redefinition of the risk concept in order to account for new types of uncertainties, for their potential impacts on fundamental anthropological categories, but also for the new responsibility they engage, linked to the moral orientation we intend to give to our future.

References
Quantum Indeterminacy & Event-Causal Libertarianism: The Problem of Control

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Libertarians are incompatibilists about freedom and determinism. They also believe that humans possess free will. Hence they are committed to the truth of indeterminism.

Some libertarians use contemporary quantum theory as input in their accounts of human freedom of the will. Thus they argue that quantum indeterminacies, when magnified to the macrophysical level of brain processes, yield free conduct. One view is that various neurological networks representing different courses of action compete for dominancy in the brain, and that only when a certain threshold of relative strength is reached will one representation for a definite course of conduct be acted upon. Importantly, as these networks grow in strength and compete with one another, it is undetermined which of those will reach the threshold. The main task of libertarians of this sort is to explain how indeterminate, random and seemingly uncontrolled brain processes can give rise to free will. For even though this picture leaves room for openness of alternatives, if it is not up to me which of the as yet undetermined courses of action I might act upon, I am not free. My brain leads me into doing things that were not already determined to happen, but I am not free. This is the problem of control.

The first thesis of the paper is that philosophers trying to solve the problem of control can benefit much more from debates in philosophy of physics and the foundations of quantum mechanics than they currently do. The paper shows how different positions in the philosophy of quantum mechanics (Wigner-type mind-body dualism, Bohmian bare theory, standard collapse dynamics, etc.) preclude, or rather give rise to, certain solutions to the problem of control.

The second thesis of the paper is that the problem of control hasn’t been solved yet. The paper ends by indicating the implications of this thesis for the event-causalist’s theory of moral responsibility.
The philosophical debate about determinism and retributively-based moral responsibility has raged across the millennia without coming close to a resolution, giving rise to various sharply conflicting positions. My paper will not adopt the orthodox approach of arguing for the truth of one of the principle positions (e.g. compatibilism, libertarianism or hard determinism). Rather, it will analyse the controversial nature of the debate in terms of the standard of evidence in a criminal trial and will draw out the implications of this analysis for the justification of punishment. In a criminal trial, when the outcome depends on a matter about which there is fundamental disagreement between expert witnesses, the accused should not be convicted (R v Cannings). By analogy, equally respected experts in philosophy are divided on the subject of retributive moral responsibility and determinism. In view of this fact, it seems unjustifiable to punish individuals solely on the basis of a penal theory (e.g. retributivism) that places primary importance on a conception of responsibility that is so fiercely contested. Rather than justifying punishment in terms of the disputed notion of retributive moral responsibility, consequentialist penal theories justify punishment by appealing to certain goals e.g. protecting society. However, these theories are also highly controversial. In particular, consequentialism has difficulties explaining the powerful intuition that it is wrong to punish the innocent (i.e. those who are not retributively blameworthy for committing an offence). If one takes seriously the uncertainty surrounding the soundness of both of the dominant theories of punishment, the following problems arise. If, on the one hand, retributive moral responsibility is an illusion then individuals who are punished on the basis that they are retributively blameworthy suffer needlessly. If, on the other hand, retributive responsibility exists, it is arguably unjust to punish, for purely consequentialist reasons, individuals who are not retributively blameworthy. My proposed solution to these problems involves applying the cautionary principle to theories of punishment with the result that we should punish a person only if this could be justified on the basis of both consequentialism and retributivism. This approach would result in failing to punish some people who would otherwise be punished. However, my paper will argue, on the basis of the presumption of innocence, that it is worse to punish someone who should not be punished than to fail to punish someone who should be punished.
Capacity, practical rationality and what a patient values

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In the area of psychiatric ethics a number of authors have called for closer attention to be paid to a patient’s decision-guiding values in assessments of their capacity to make treatment decisions. The standard criteria for capacity assess the patient’s understanding of the relevant medical facts; their appreciation of the information’s personal relevance for them; their ability to reason in certain basic ways; and ability to express their decision. In particular, the value placed on thinness in the context of anorexia nervosa has been said to highlight the need to also consider the patient’s evaluations in assessments of capacity. Jacinta Tan and colleagues have argued that overriding a treatment refusal by an anorexic patient who satisfies the existing criteria for capacity might be justified on grounds that their decision is based on a value that has a pathological origin and is therefore inauthentic. Setting aside questions regarding the origin of values, I explore the possibility of understanding capacity in terms of practical rationality and the implications this approach has for including what a patient values in assessments of capacity.

Digital Warriors

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The technological advancements in a direct neurological control of the weapons systems are likely to raise a number of novel issues in law and ethics, particularly in the military context. Shall we consider soldiers equipped with brain machine interfaces controlling the weapons as independent automated weapons systems or ‘digitalized’ combatants? The answer to this question solely would present some certain legal implications as different rules apply to combatants and different ones guide weapons’ use in armed conflict. Which rules would be more relevant or perhaps a new hybrid regulation would be necessary? Consequentially, further questions arise. How shall we assess the decision-making processes of such soldiers/weapons’ systems? Even if we managed to have attributed the act (analysed in light of the mentioned weapons/humans polarity), how can we determine the prerequisite of wilfulness (intent and/or recklessness) as part of the establishment of criminal responsibility for the potential war crimes?
This paper shall aim to shed some light into those yet under-researched areas as well as to propose a balanced outlook on this very niche application of cognitive neuroscience in military environment and its potential for reforming the view of the future conflicts.

The Concept of Responsibility in the Age of Science and Technology

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The term ‘moral responsibility’ has two different uses: retrospective responsibility and prospective responsibility. In the first case the agent is responsible for what he has done, that is, the responsibility for the consequences of the work he has performed. In other words the agent is morally responsible for his past action. The agent is accountable for his actions as well as its consequences. Traditionally retrospective responsibility had a major role in the philosophical discussions; especially it deals with issues like freedom and determinism. It also plays an important role in legal reasoning. On the other hand, when it comes to prospective responsibility, the meaning of responsibility is based on the forward determination of what is to be done for the future.

In the first part of the paper different uses of responsibility will be discussed, and in the second part the concept of moral responsibility in western thought will be brought in. In the third part a view of recent approaches as the concept of responsibility will be taken up. The last part of this paper will deal with a new dimension of the term responsibility within the domain of ethics. I will try to explain the needs of the new approach of the concept in this age of Science and Technology. Its approach is also applied for the social duties or responsibilities of the scientist and engineers. This comparison between two different uses of the term, makes us understand the demand of the change and its impact in human life. The primary aim of this paper is to highlight the concept of ‘prospective responsibility’ and its significant role to understanding the responsibility of scientists and engineers, rather than make us involve ourselves in the traditional trends of thought on responsibility.
Are Frankfurt-type Examples really Relevant to Moral Responsibility?

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In his seminal paper ‘Alternate Possibilities and Moral Responsibility’, Frankfurt argues against the Principle of Alternate Possibilities (PAP), according to which a person is morally responsible for what he has done only if he could have done otherwise. An extensive body of literature has developed around the examples Frankfurt provides, both in support of and in disagreement with his claim. However, this paper argues that even if Frankfurt’s attack on the PAP is successful, the role that alternate possibilities play in moral responsibility differs from the role assigned to them by the PAP. This paper proposes a new way of understanding the importance of alternate possibilities to moral responsibility by introducing an epistemic version of the PAP (the E-PAP). According to the E-PAP, a person is *not* morally responsible for what he has done if he *knew* that he could not have done otherwise. According to the E-PAP, it is the *lack* of alternative possibilities together with the person’s *justified belief* in this fact which *negate* moral responsibility. Unlike the traditional PAP, which is a responsibility-constituting principle, the E-PAP is a responsibility-negating principle. After defining the E-PAP in detail, the paper shows that the E-PAP is immune to most kinds of Frankfurt-type examples. Yet, like the traditional PAP, the E-PAP is incompatible with determinism. It also reflects our moral practices better than the traditional PAP. The paper concludes that the incompatibilist concern, that is, the concern about the incompatibility of determinism and moral responsibility, is different from that assumed by Frankfurt, and to this concern, the Frankfurt-type examples are irrelevant.
Neuroscience and the normative dimension of responsibility

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The concept of responsibility is usually understood in a retrospective sense. In this sense the concept is at work whenever something unwanted has happened and someone is being held responsible for the event. In my presentation I will argue that one cannot understand the descriptive conditions of responsibility if one does not take into account the normative dimension of the concept. I will argue for this thesis in three steps.

The first one consists in a basic investigation into the concept of responsibility itself. In doing so, I will pursue a context-driven approach in contrast to a theory-driven one (Hurley 2003). If we want to know what the term actually means, we have to look “at what we want to do with the notion and at the context in which it operates” (Matravers 2007). This first step will deliver two results. Firstly, responsibility is a concept which expresses a threefold relation between a subject, an object and a standard of evaluation (Bayertz 1995). Secondly, it is a normative concept, the application of which is morally right or wrong. It is not a metaphysical concept, which denotes an entity which is the case under certain circumstances and not under others.

In the second step I will argue that the question under which circumstances the ascription of responsibility is morally right hinges on whether the ascription is fair. The normative (and contingent) answer to this question implies the descriptive conditions for just and morally right responsibility-ascriptions.

In the third step of my argument I will present the two descriptive conditions a person must fulfill in order to be responsible: she has to be the cause of the particular event and she has to have certain cognitive capacities. Both conditions entail a normative factor. The causal relation between a person and an event is a normatively constructed one. That a person possesses certain intellectual capacities is likewise a normatively constructed fact.

I will conclude my presentation with showing that, based on these findings, new empirical, namely neuro-cognitive, insights can never undermine our moral and legal practices completely.
The responsibility-gap in self-organized social systems: can empirical approaches in modeling social science and neuroeconomics help to close it?

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Modern societies in times of crisis experience an inflated appeal to ‘responsibility’ towards function owners within social, political or economic systems. This appeal conflicts with the owner’s actual intervention possibilities to control the system; in particular, if these systems emerge from self-organized dynamics of interacting agents (individuals as well as collective agents, e.g. teams in companies, departments in administrations, political communities). Such a dynamics is inevitable if fundamental principles of liberal societies (free market, democratic elections) are enforced, but they lead to social structures in which responsibility-relations are often not made explicit, compared e.g. to the bureaucratic model of administration organization. I call this divide between the appeals of responsibility on the one hand and the control-possibilities founded in explicit responsibility-relations on the other hand, the responsibility gap. This responsibility gap is a fundamental problem of modern societies: surely, the philosophical concept of responsibility has been expanded in space (collective responsibility) and time (prospective responsibility), what generated new candidates for responsibility-attribution. However, the problem of the legitimacy of this attribution remains unsolved, because the concept of responsibility roots in an individualistic interpretation, where the main entities (object and subject of responsibility as well as a defined control-structure offering the ability to actually exercise responsibility) are clearly identifiable. But in self-organized social systems, the identification of these entities is difficult, although the need to map these entities to a ‘responsibility-structure’ (i.e. a model of the system that makes responsibilities explicit, e.g. an organization chart in a company) accumulates; probably as a result of increasing intransparency. The problem is, that either the effort to create this responsibility-structure may become too large, which offers an incentive to create ‘fake models’ of responsibility with responsibility-bearers that only serve as scapegoats. Or a strict control-regime is implemented towards self-organization that may undermine basic values of western societies. This contribution assesses, to what extend research in modeling social science (offering a macro-perspective on many interacting agents using game-theoretic models) and neuroeconomics (focusing on individual decision-making and the emergence of social preference using methods from neuroscience) can help to understand and close this gap. It is argued that currently, the methods fail to incorporate the problem of responsibility. The
Moral responsibility, technology, and experiences of the tragic

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There is a misfit between our theories of moral responsibility and concrete moral experience in the design, use, and governance of technology. The conditions for attributing responsibility prescribed by moral theories make demands on agency, control, and knowledge that are seldom met. First, technological action is often distributed and collective rather than individual. Second, regardless of their intensions and self-control, agents usually lack full control of the technology and its consequences. Third, agents lack knowledge and are uncertain about the consequences of the technology and about the social expectations related to the roles and relations they have.

In this paper, I discuss these problems by using the concept of tragedy and explore a notion of moral responsibility that accounts for experiences of the tragic in a technological culture. First I take distance from the tradition that turned to ancient Greek tragedy as a remedy for modern non-tragic culture and technology. Nietzsche and Heidegger argued that we need to recover our sense of tragedy in order to cope with our present predicament. Instead, I claim that we have never lost our sense of tragedy and that experiences of the tragic are a crucial part of the moral life in a technological culture; we rather need to modify our moral concepts in order to account for them. Furthermore, I diverge from Nietzsche and Heidegger by rejecting their fatalistic interpretation of the tragic. Instead of promoting amor fati and Gelassenheit, I use Kierkegaard to construct a view of the tragic that does not try to resolve the tension between freedom and fate but instead identifies this tension as the heart of tragic experience.

Applying this view to the issue of moral responsibility, I argue that analysis and ascription of responsibility in a technological culture should be sensitive to personal experiences such as helplessness when lacking full control, being overwhelmed by unexpected events, uncertainty about the future, inability to resolve a conflict between responsibilities related to different roles and social relations, feeling highly dependent on what others do, being part of a story one can neither control nor predict, being at the mercy of luck and contingency, and having to choose when no option appears ‘right’. I conclude that recognizing the tragic tension between freedom and fate in these experiences does not justify evading moral responsibility, but inspires a concept of moral responsibility that is less ‘harsh’ (Kierkegaard) and works in the real world.
Book of Abstracts
Maps

1. Conference Venue
Delft University of Technology
Faculty of Technology, Policy and Management
Jaffalaan 5
Delft
Tel. + 31 15 2783887 (secretary Department of Philosophy)

2. Delft Town Hall (Tuesday Reception)
Markt 87
Delft
Tel. + 31 15 2602438 / +31 15 2602439

3. Belgian Beer Café Belvédère (Wednesday Conference Dinner)
Beestenmarkt 8
Delft
Tel. + 31 15 2123297
Book of Abstracts
Author index
<table>
<thead>
<tr>
<th>Author</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abad, D.</td>
<td>54</td>
</tr>
<tr>
<td>Al-Hakim, M.</td>
<td>73</td>
</tr>
<tr>
<td>Anton, A.</td>
<td>41</td>
</tr>
<tr>
<td>Arnason, G.</td>
<td>82</td>
</tr>
<tr>
<td>Benchimol, J.</td>
<td>45</td>
</tr>
<tr>
<td>Benham, B.</td>
<td>76</td>
</tr>
<tr>
<td>Björnsson, G.</td>
<td>35</td>
</tr>
<tr>
<td>Bomann-Larsen, L.</td>
<td>51</td>
</tr>
<tr>
<td>Bottalico, B.</td>
<td>67</td>
</tr>
<tr>
<td>Brahham, M.</td>
<td>40</td>
</tr>
<tr>
<td>Buddeberg, E.</td>
<td>71</td>
</tr>
<tr>
<td>Christen, M.</td>
<td>92</td>
</tr>
<tr>
<td>Coeckelbergh, M.J.K.</td>
<td>93</td>
</tr>
<tr>
<td>Craigie, J.</td>
<td>88</td>
</tr>
<tr>
<td>Dahan–Katz, L.</td>
<td>33</td>
</tr>
<tr>
<td>Davies, P.</td>
<td>77</td>
</tr>
<tr>
<td>Davis, M.</td>
<td>28</td>
</tr>
<tr>
<td>de Lima, T.</td>
<td>68</td>
</tr>
<tr>
<td>Denaro, P.</td>
<td>50</td>
</tr>
<tr>
<td>Dimock, S.</td>
<td>56</td>
</tr>
<tr>
<td>Donahue, T.</td>
<td>44</td>
</tr>
<tr>
<td>Doorn, N.</td>
<td>3, 68</td>
</tr>
<tr>
<td>Duff, R.A.</td>
<td>20</td>
</tr>
<tr>
<td>Eenmaa, H.</td>
<td>48</td>
</tr>
<tr>
<td>Engel, M.</td>
<td>34</td>
</tr>
<tr>
<td>Eshleman, A.S.</td>
<td>20</td>
</tr>
<tr>
<td>Eylon, Y.</td>
<td>52</td>
</tr>
<tr>
<td>Garasic, M.D.</td>
<td>42</td>
</tr>
<tr>
<td>Gilbert, F.</td>
<td>38</td>
</tr>
<tr>
<td>Hindriks, F.</td>
<td>61</td>
</tr>
<tr>
<td>Honderich, T.</td>
<td>21</td>
</tr>
<tr>
<td>Houle, K.</td>
<td>78</td>
</tr>
<tr>
<td>Jacheck-Neale, A.</td>
<td>88</td>
</tr>
<tr>
<td>Kalf, W.P.</td>
<td>86</td>
</tr>
<tr>
<td>Kar, S.</td>
<td>89</td>
</tr>
<tr>
<td>Kennett, J.</td>
<td>24</td>
</tr>
<tr>
<td>Kermsch, C.</td>
<td>84</td>
</tr>
<tr>
<td>Kraemer, U.A.F.</td>
<td>62</td>
</tr>
<tr>
<td>Lemaire, S.</td>
<td>32</td>
</tr>
<tr>
<td>Lippert-Rasmussen, K.</td>
<td>74</td>
</tr>
<tr>
<td>Lokhorst, G.J.C.</td>
<td>58</td>
</tr>
<tr>
<td>Lowry, R.J.</td>
<td>51</td>
</tr>
<tr>
<td>Mackor, A.R.</td>
<td>39</td>
</tr>
<tr>
<td>Maoz, U.</td>
<td>47</td>
</tr>
<tr>
<td>Markic, O.</td>
<td>75</td>
</tr>
<tr>
<td>May, L.</td>
<td>26</td>
</tr>
<tr>
<td>Miller, S.</td>
<td>27</td>
</tr>
<tr>
<td>Mitcham, C.</td>
<td>29</td>
</tr>
<tr>
<td>Morse, S.J.</td>
<td>23</td>
</tr>
<tr>
<td>Nascimento, A.</td>
<td>69</td>
</tr>
<tr>
<td>Nihlén Fahlquist, J.</td>
<td>3, 68</td>
</tr>
<tr>
<td>Nishitsutsumi, Y.</td>
<td>72</td>
</tr>
<tr>
<td>Pathak, K.M.</td>
<td>57</td>
</tr>
<tr>
<td>Peels, R.</td>
<td>81</td>
</tr>
<tr>
<td>Pierce, R.</td>
<td>38</td>
</tr>
<tr>
<td>Polder-Verkiel, S.E.</td>
<td>65</td>
</tr>
<tr>
<td>Pundik, A.</td>
<td>90</td>
</tr>
<tr>
<td>Rivlin, R.</td>
<td>47</td>
</tr>
<tr>
<td>Roeser, S.</td>
<td>79</td>
</tr>
<tr>
<td>Royakkers, L.M.M.</td>
<td>68</td>
</tr>
<tr>
<td>Sandis, C.</td>
<td>67</td>
</tr>
<tr>
<td>Santosuosso, A.</td>
<td>67</td>
</tr>
<tr>
<td>Sela, G.</td>
<td>58</td>
</tr>
<tr>
<td>Shaw, E.</td>
<td>87</td>
</tr>
<tr>
<td>Sie, M.</td>
<td>60</td>
</tr>
<tr>
<td>Sifferd, K.L.</td>
<td>82</td>
</tr>
<tr>
<td>Sinnott-Armstrong, W.P.</td>
<td>23</td>
</tr>
<tr>
<td>Smith, M. A.</td>
<td>22</td>
</tr>
<tr>
<td>Szigeti, A.</td>
<td>37, 44</td>
</tr>
<tr>
<td>Tarnovanu, H.</td>
<td>83</td>
</tr>
<tr>
<td>Van de Poel, I.R.</td>
<td>55, 68</td>
</tr>
<tr>
<td>Van den Hoven, M.J.</td>
<td>29</td>
</tr>
<tr>
<td>Vanderheiden, S.J.</td>
<td>26</td>
</tr>
<tr>
<td>Vincent, N.A.</td>
<td>3, 46</td>
</tr>
<tr>
<td>von Csefalvay-Bartal, K.Z.</td>
<td>64</td>
</tr>
<tr>
<td>Wolf, S.</td>
<td>91</td>
</tr>
<tr>
<td>Wouters, A.</td>
<td>43</td>
</tr>
<tr>
<td>Zimmerman, M.J.</td>
<td>62</td>
</tr>
<tr>
<td>Zwart, S.D.</td>
<td>68</td>
</tr>
</tbody>
</table>