

Course Syllabus

Philosophy 192: Agency and Responsibility

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Fall Semester

11+: Tuesdays 6-8:30pm

Office: Miner Hall 002

Office Hours: Thurs. 1-3pm
and by appointment

In this seminar we will study some recent work in moral psychology, legal theory, and the philosophy of action. Our focus will be the notion of agency associated with assessments of responsibility in morality and in criminal law, and we will explore similarities and differences in those modes of evaluation.

In morality, responsibility is often connected with moral blame (or praise) and a concept of moral desert. But what is it to blame someone? Is blame a judgment, an attitude, or a matter of behavior? What, if anything, could make it the case that a person deserves a blaming response? Is it enough that she did something wrong? How should we understand excusing or mitigating conditions that might be thought to make blame inappropriate?

In criminal law, responsibility for criminal acts is connected with liability to legal sanctions, including incarceration. Does an ethically justifiable notion of criminal liability presuppose an offender's moral blameworthiness? How, if at all, does the law attempt to capture this evaluation? Or should we understand criteria of criminal liability in other terms, for instance, by reference to the role of institutions in promoting the general good? How should we understand excuses as legal defenses? Do we need a moral theory?

As we explore various proposals for understanding the nature of responsible agency and excusing conditions we will pay special attention to what might be asserted or presumed about the rational capacities and self-control of responsible persons. How should or must we understand our freedom to act? Some philosophers argue that persons are responsible for their actions only when they could have acted otherwise. Others argue we need only suppose that an agent is rational. We will try to determine what is at stake in this debate and what exactly makes a person morally competent.

Readings

Course readings are available through the course **Trunk** site: <https://trunk.tufts.edu/xsl-portal>. Dana Nelkin's book *Making Sense of Freedom and Responsibility* will be available in the bookstore sometime after September 15.

Schedule of Readings

Varieties of Responsibility

Sept. 10 Gary Watson, "Two Faces of Responsibility," *Philosophical Topics* 24 (1996): 227-48, reprinted in Gary Watson, *Agency and Answerability: Selected Essays* (Oxford: Oxford Univ. Press, 2004), 260-288.

Susan Wolf, "Responsibility, Moral and Otherwise" (manuscript)

Responsibility and Moral Community

Sept. 17 Christine Korsgaard, "Creating the Kingdom of Ends" *Philosophical Perspectives* 6 (1992): 305-332.

Gary Watson, "Responsibility and the Limits of Evil" in *Responsibility, Character, and the Emotions*, ed. Ferdinand Shoeman (New York: Cambridge Univ. Press, 1987), 255-286.

The Nature of Blame

Sept. 24 T. M. Scanlon, *Moral Dimensions: Permissibility, Meaning, Blame* (Cambridge, MA: Harvard Univ. Press, 2008), Ch. 4.

Oct. 1 Susan Wolf, "Blame, Italian Style" in *Reasons and Recognition: Essays on the Philosophy of T.M. Scanlon*, eds. R. Jay Wallace, Rahul Kumar, and Samuel Freeman (Oxford: Oxford Univ. Press, 2011), 332-347.

Gary Watson, "The Trouble with Psychopaths," in *Reasons and Recognition*, eds. Wallace, Kumar and Freeman, 307-331.

Culpability Requirements in Law

Oct. 8 Paul Robinson and Michael Cahill, "Culpability Requirements of an Offense" *Criminal Law*, 2nd Edition (New York: Wolters Kluwer, 2012), Ch. 4.

Oct. 15 **Midterm paper due** (6-8 pages)

Excuses as Legal Defenses

Oct. 22 Robinson and Cahill, "Excuse Defenses," *Criminal Law*, Ch. 9.

The Nature of Excuses: Joint sessions at Harvard Law School, Oct. 29 and Nov. 5

Oct. 29 *Robinson v. California*, 370 U.S. 660 (1962)

Powell v. Texas, 392 U.S. 514 (1968)

Gary Watson, "Excusing Addiction" *Agency and Answerability*, 318-50.

Nov. 5 John Gardner, "The Gist of Excuses," *Buffalo Criminal Law Review* 1 (1998): 575-98.

Erin Kelly, "What is an Excuse?" in *Blame: Its Nature and Norms*, eds. Justin Coates and Neil Tognazzini (Oxford: Oxford Univ. Press, 2013): 244-62.

Responsibility and Rational Abilities

Nov. 12 Dana Nelkin, *Making Sense of Freedom and Responsibility* (Oxford: Oxford Univ. Press, 2011), Chs. 1, 3, 5.

Abilities and Dispositions

Nov. 19 Daniel Dennett, *Freedom Evolves* (New York: Penguin Books, 2003), 63-77.

Kadri Vihvelin, "Free Will Demystified: A Dispositional Account," *Philosophical Topics* 32 (2004): 427-450.

Randolf Clarke, "Dispositions, Abilities to Act, and Free Will," *Mind* 118 (2009): 323-351.

Deliberation and Freedom

Nov. 26 Dana Nelkin, *Making Sense of Freedom and Responsibility*, Chs. 6-7.

Standing to Blame

Dec. 3 Macalester Bell, "Standing to Blame: A Critique," in *Blame: Its Nature and Norms*, eds. Coates and Tognazzini, 263-281.

Erin Kelly, "Desert and Fairness in Criminal Justice," *Philosophical Topics* 40 (2012).

Dec. 17 **Final paper due** (10-12 pages)

Course Requirements

Class attendance and participation

Mid-term paper (6-8 pages) 40%

Final paper (12-14 pages) 60%

You will be responsible for bringing discussion questions 2-3 times during the semester.

Course Policies

Late papers will be marked down if the lateness is unexcused.

Incompletes will only be granted under special circumstances and provided that you speak with the professor before the semester ends.

Learning Objectives

Students completing this course will have learned:

1. How to think abstractly and concretely not only about matters that preoccupy philosophers but also about fundamental issues in other disciplines and practices.
2. How to produce a cogent argument and how to express it with maximum perspicuity, both in writing and orally.
3. How to identify the substance and structure of an argument and evaluate it for soundness and validity.
4. How to anticipate and even welcome objections to one's views, how to apply the principle of charity to others' opinions, and how to address objections and competing views effectively and respectfully in one's writing.
5. How to read, analyze, and articulate arguments and viewpoints in primary philosophical texts.
6. How to develop and defend one's own position with respect to problems that have occupied both historical and contemporary philosophers.