

### Moral Responsibility and Punishment

- What is *moral responsibility*?
- Can we be blameworthy for *future acts*?
- Is *prepunishment* ever defensible?
- What is *required* for moral responsibility: free will, knowledge, identity, etc.?
- Are agents who suffer from compulsive disorders blameworthy for their actions?
- Is Alex (*ACO*) praiseworthy for his acts?
- Why is punishment justified?

### Reactive Attitudes and Moral Responsibility (Strawson)

- **Reactive Attitudes:** praise and blame; “gratitude, resentment, forgiveness, love, and hurt feelings.”
- **Reactive Attitude View:** “the propensity of the community to hold the reactive attitudes toward the agent *constitutes* the agent’s moral responsibility” (Fischer)
- **Fischer’s Criticism:** We may ask, Is the agent an *appropriate* recipient of a reactive attitude?  
cf. Hans Beckert (“*M*”) and Alex (*ACO*)
- **Enlightened Reactive Attitude View:** *S* is morally responsible for an event *e* only if *S* is praiseworthy or blameworthy for bringing about *e* (given its good or bad).

### Moral Responsibility and Reactive Attitudes: Praise and Blame

- A rock breaks your window.  
You don’t blame the rock.
- A kid throws a rock that breaks your window.  
Perhaps you blame the kid.
- A normal adult throws a rock that breaks your window.  
You blame the adult.

### The Metaphysics of Moral Responsibility

- “What is required in order for someone to *be* a morally responsible agent?  
and
- what conditions must be met in order for someone to be responsible *for* the particular events he brings about?”  
(John Martin Fischer & Mark Ravizza)  
Most philosophers assume that *freedom of some kind* (free will?) is a requirement.

Moral Responsibility and Future Events [Minority Report]

## Two Theories of Time

- **Eternalism:** Past, present, and future objects *all* exist.
- **Presentism:** Only present objects exist.

## An Argument Against Responsibility for Future Events

- One cannot be morally responsible for an event unless it really did happen: it is real (present) or it was real (past).
- Future events are not real (unlike present events); nor were they ever real (unlike past events).
- Hence, one cannot be morally responsible for future events.

But the above argument presupposes Presentism!

Perhaps Eternalism allows for responsibility for future events.

Smilansky on Compatibilism and Prepunishment

Prepunishment: punishing someone *before* he commits a crime. This is the situation in *Minority Report*.

## Smilansky's Assumptions

- *Punishment* requires *responsibility*.
- *Prepunishment* is unintuitive; any theory which favors prepunishment is radical, at odds with our moral intuition.
- Determinism entails predictability (PED): "if people's actions are determined, and we have perfect epistemic capacities, we can know ahead who will commit a crime."

## Smilansky's Argument

- Compatibilism: responsibility is compatible with determinism.
- If responsibility is compatible with determinism, then responsibility is compatible with predictability. (PED)
- Thus, compatibilism favors prepunishment.
- Thus, compatibilism is radical, at odds with moral intuition.

Minority Report (Steven Spielberg, 2002)

Tom Cruise	....	Detective John Anderton
Colin Farrell (I)	....	Detective Danny Witwer
Steve Harris (I)	....	Jad
Max von Sydow	....	Director Lamar Burgess
Samantha Morton	....	Agatha
Kathryn Morris (I)	....	Lara Clarke/Anderton
Jessica Capshaw	....	Evanna
Neal McDonough	....	Officer Gordon "Fletch" Fletcher
Richard Coca	....	Pre-Crime Cop
Patrick Kilpatrick	....	Officer Jeff Knott
Keith Campbell (I)	....	Pre-Crime Cop
Tim Blake Nelson	....	Gideon
Lois Smith	....	Iris Hineman
Kirk B.R. Woller	....	Pre-Crime Cop
Jason Antoon	....	Rufus Riley at Cyber Parlor

Necessary Conditions for Moral Responsibility

*S* is **morally responsible** for event *e* only if:

**Freedom Conditions** ["*M*"; *A Clockwork Orange*]

- *S* has free will, *S* does *e* freely (or freely omits doing *e*), or *S* does *a* freely which results in *e*, etc.

**Epistemic Conditions** [Chair/Bomb]

- *S* has knowledge of the particulars about *e*: *S* intended for *e* to happen, *S* knew that harm would result, etc.

**Identity/Causal Conditions** [Two Men on a Cliff; *Memento*]

- *S* is causally responsible for *e*: *e* is something (an action) that *S* did (or failed to do), or *e* is the consequence of something that *S* did (or failed to do).

**Cognitive Conditions** [Children and Animals]

- *S* is capable of understanding, deliberating, partaking in means-to-end reasoning, rational self-control, etc.

**Quotes from 'M'**

- Beckert: "You have no right to hold me. You have no right to do this to me."
- Judge: "You'll get justice; we are all legal experts"
- Beckert: "Who is accusing me. You? I demand a trial under the law."
- Judge: "You will plead insanity or escape. We need to render you harmless."
- Beckert: "I can't help myself but you are criminals because you want to be."
- Crowd: "Same old story!"
- Judge: "A compulsive murderer must be killed!"
- Lawyer: "Compulsion proves that my client is innocent."

## German Expressionism in Film\*

- **impressionism**: "the artist attempts to faithfully convey the immediate impression a scene makes upon a viewer"
- **expressionism**: "turns from the outer world to the inner life, distorting and exaggerating that scene until it becomes an outward projection, or 'expression,' of inner turmoil, sensitivity or feeling."
- **Examples** from 'M': shadows, reflections in windows, pipe smoke, shots through hedges

\*Chambers Concise Encyclopedia of Film and Television

Types of Justification for Punishment

- **Consequentialist**: Forward-looking justification
  - Punishment is justified by its overall good to society.
  - **Deterrence**: Will punishment prevent other similar crimes from occurring? Will it keep us safe?
  - **Pragmatism**: What serves our *practical* ends?
- **Deontological**: Backward-looking justification
  - **Retributivism**: Punishment is a form of *retribution* or payback; just deserts: criminals *deserve* punishment.
  - **Eye for an eye**: Punishment should always be proportional to the crime.
  - **Responsibility, control, compulsion**: Did the accused have control over his actions, or were they compelled?

*A Clockwork Orange* (Stanley Kubrick, 1971)

Malcolm McDowell	....	Alexander de Large
Patrick Magee	....	Mr. Alexander
Michael Bates	....	Chief guard
Warren Clarke	....	Dim
John Clive	....	Stage actor
Adrienne Corri	....	Mrs. Alexander
Carl Duering	....	Dr. Brodsky
Paul Farrell	....	Tramp
Clive Francis	....	Lodger
Michael Gover	....	Prison governor
Miriam Karlin	....	Catlady
James Marcus	....	Georgie
Aubrey Morris	....	Deltoid
Godfrey Quigley	....	Prison chaplain
Sheila Raynor	....	Mum