

PHIL 260: Ethics
Spring 2011
Topic: Responsibility
Professor David O. Brink
Syllabus

This is a list of topics and readings. Readings are either (A) required or (B) recommended. Required readings are drawn from the required texts and from additional material that will be available on reserve. Where possible, required readings not in the required texts will be available as electronic reserves [ER]; otherwise, they will be available as hard reserves [HR] in the Philosophy Library (H&SS 8025). Within a topic, do the required readings in the order in which they are listed. Especially recommended readings are indicated with an asterisk. Full publication details for the readings are provided on the Select Bibliography. If you have trouble locating recommended readings, let me know and I may be able to help (e.g. lend a copy). Note that the seminar will not meet in week 2 of the quarter, so that weeks 2-10 on the Syllabus will actually fall on weeks 3-11 of the quarter.

1. Introduction

- (A) Strawson, "Freedom and Resentment" [HR].

2. Reasons-Responsiveness and Control

- (A) Fischer and Ravizza, *Responsibility and Control*, chs. 1-3, 7, 8.
- (B) Wallace, *Responsibility and the Moral Sentiments*, esp. chs. 3, 5, 6; Wolf, *Freedom within Reason*, ch. 3; Nelkin, *Rational Abilities and Moral Responsibility*.

3. Retributivism and Criminal Responsibility

- (A) *Morris, "Persons and Punishment" in Morris, *On Guilt and Innocence* [HR]; Nozick, *Philosophical Explanations*, pp. 363-97 [HR]; Moore, *Placing Blame*, ch. 2 [HR].
- (B) **Criminal Law and Its Processes*, ed. Kadish et. al., chs. 2-3; *Duff, "Theories of the Criminal Law"; Hart, *Punishment and Responsibility*; Moore, *Placing Blame*, ch. 3;

4. Criminal Responsibility and Excuse

- (A) Dressler, *Understanding Criminal Law*, chs. 9-10, 16-17; Moore, *Placing Blame*, ch. 13 [HR]; Mele, "Irresistible Desires" [ER]; Morse, "Uncontrollable Urges and Irrational People" [ER].
- (B) Arenella, "Character, Choice, and Moral Agency: the Relevance of Character to our Moral Culpability Judgments"; **Criminal Law and Its Processes*, ed. Kadish et. al., ch. 8; *Hart, "Legal Responsibility and Excuses" in *Punishment and Responsibility*; Morse, "Culpability and Control."

5. Responsibility and Situationism

- (A) Doris, *Lack of Character*, esp. chs. 2-4 and 7 [HR] and Doris and Murphy, "From My Lai to Abu Ghraib: The Moral Psychology of Atrocity" [HR].
- (B) Nelkin, "Freedom, Responsibility, and the Challenge of Situationism".

6. The Insanity Defense and Psychopathy

- (A) Dressler, *Understanding Criminal Law*, ch. 25; Watson, "Responsibility and the Limits of Evil: Variations on a Strawsonian Theme" [HR]; Fine and Kennett, "Mental Impairment, Moral Understanding, and Criminal Responsibility" [HR]; Denno, "Who is Andrea Yates? A Short Story about Legal Insanity"[HR].
- (B) *Criminal Law and Its Processes*, ed. Kadish et. al., ch. 8C4; American Psychiatric Assn, *Statement on the Insanity Defense*; Arenella, "Convicting the Morally Blameless: Reassessing the Relationship Between Legal and Moral Accountability;" Moore, *Law and Psychiatry*, ch. 6; *Morse, "Excusing the Crazy: the Insanity Defense Reconsidered;" Schopp, *Automatism, Insanity, and the Psychology of Criminal Responsibility*; American Psychiatric Assn, *Diagnostic and Statistical Manual of Mental Disorders*; R. Blair, "A Cognitive Developmental Approach to Morality: Investigating the Psychopath"; Blair et. al., *The Psychopath: Emotion and the Brain*; Haji, "On Psychopaths and Culpability" and "The Emotional Depravity of Psychopaths and Culpability"; Hare, *The Psychopathy Checklist, Revised*.

7. Immaturity and Juvenile Responsibility

- (A) Feld, *Bad Kids: Race and the Transformation of the Juvenile Court*, ch. 8 [HR] and Brink, "Immaturity, Normative Competence, and Juvenile Transfer: How (Not) to Punish Minors for Major Crimes" [ER].
- (B) *Youth on Trial*, ed. Grisso and Schwartz; Scott and Steinberg, "Blaming Youth;" Whitehead and Lab, *Juvenile Justice*.

8. Addiction and Responsibility

- (A) Husak, "Addiction and Criminal Liability" [ER/HR]; Wallace, "Addiction as a Defect of the Will" [ER/HR]; Watson, "Excusing Addiction" in Watson, *Agency and Answerability* [HR].
- (B) *Ainslie, "A Research-Based Theory of Addictive Motivation;" Levy, "Autonomy and Addiction;" Morse, "Hooked on Hype;" Seeburger, *Addiction and Responsibility*; Watson, "Disordered Appetites" in Watson, *Agency and Answerability*; *Yaffe, "Recent Work on Addiction and Responsible Agency".

9. Duress and Provocation

- (A) Dressler, *Understanding Criminal Law*, chs. 22-23 and Nourse, "Passion's Progress: Law Reform and the Provocation Defense" [ER].
- (B) *Kahan and Nussbaum, "Two Conceptions of Emotions in the Criminal Law".

10. A Generic Excuse of Partial Responsibility

- (A) Morse, "Undiminished Confusion in Diminished Capacity" and "Diminished Rationality, Diminished Responsibility" [ER/HR]; Dressler, *Understanding Criminal Law*, ch. 26.
- (B) *Criminal Law and Its Processes*, ed. Kadish et. al., ch. 8C4b.