

## Chapter 20, Responsibility and Punishment

### Compulsion

When is an act compelled?

#### 1. External compulsion:

- a) Physical
- b) Psychological  
e.g. promotional advertising, indoctrination, brainwashing
- c) Political ideologies/socialization
  - (i) 'normality' – psychiatry as a form of social control
  - (ii) alienation and the craving to conform
    - the search for self-esteem might lead to drugs/crime as forms of escape
    - Re. Maslow's 'hierarchy of needs'
    - in modern depersonalized societies alienation = likely to be the norm
- d) Ordinary forms of persuasion, education and moral discourse ≠ perceived to be the form of social control they really are
  - (i) to control what we can choose from = as effective as a means of social control as indoctrination  
e.g. movies + violence = desensitisation and increases in violent crime
  - (ii) persuasion thro authority e.g. Milgram research

#### 2. Internal compulsion:

- a) Are we responsible if we're free to decide what to do i.e. as long as it follows from our character?  
=

- (i) free from external influences
- (ii) fairly accurate understanding of circumstances
- (iii) follows our current desires

i.e. responsibility rests on our freedom to act on basis of self-chosen ends

#### b) Problems:

- (i) internal compulsions  
e.g. neurotic conditions – anxiety/depression/hysteria  
psychotic disorders – schizophrenia
- (ii) stress – may lead us to act in desperation  
e.g. Ruth Ellis and the Thompson sisters
- (iii) alcohol/drugs – leads to acts of violence/killing
- (iv) character – we can't be held responsible for this + therefore the acts that develop out of it – shaped by things beyond our choosing:  
e.g. Leopold and Loeb
  - I. Heredity – Hospers
  - II. Early parental environment – Hospers
  - III. Education
  - IV. Social class
  - V. Gender
  - VI. Childhood experiences

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### VII. The time in which we were raised

(v) **Even our will to change** = the product of influences over which we had no control

- c) **But do criminals just commit crimes because they want to** – because they are exciting? Re. Samenow

## Responsibility

### When are we responsible?

**Hospers** – 5 contrasting criteria. Whether someone = responsible is determined by:

1. **Presence or absence of premeditation:**

But some unpremeditated acts = responsible  
v. others = premeditated but ≠ responsible

2. We are **not responsible unless we can defend them with reasons:**

- a) But some = better at finding reasons for what they do  
– rationalizing their behaviour
- b) Reasons may be no more than camouflage for unconscious motives we know nothing about
- c) But still someone who thinks through the consequences of their actions carries a heavier moral load and therefore = more responsible

3. Responsible **unless his actions = result of unconscious forces of which he knows nothing:**

– includes many things we normally praise/blame people for

4. Responsible **unless compelled by unconscious causes inaccessible to introspection and which nothing can change:**

e.g. compulsive acts in adulthood = result from things that occurred in childhood

- a) Question = **was there anything that could be done** by the individual or society to avoid these infantile patterns – if there were the individual or society = responsible
- b) We will **have to give up praising/blaming many things** that are inaccessible to the individual through introspection and which he cannot change

5. Responsible to the degree to which **the act could have been changed by the use of reasons:**

- a) Question = the **extent to which changed beliefs lead to changed behaviour** –  
If it does, we're acting responsibly – if not, we're acting compulsively
- b) **Belief/desire ≠ synonymous** i.e. not so much the use of reasons – but their efficacy in changing behaviour = the criterion of responsibility

## Punishment

1. **Vengeance:**

– odd to describe an impersonal community taking revenge – usually associated with those harmed and not authorized to act

2. **Deterrence:**

- a) **Consequentialist theory** – aim = to ensure reduction in crime  
– utilitarian – punishment = good if it increases the sum total of happiness

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b) Whether or not the person = responsible or driven by forces over which he has no control – punishing = a **way of changing the deterministic factors** that led to the crime

c) **Problems:**

(i) **justice** – if a harsh, unjust sentence on one individual has the effect of increasing social happiness and security = justified

(ii) **punishment of innocent individuals** (e.g. suspected terrorist) = justified if it yielded information or kept dangerous individuals off the street

### 3. Retribution:

– proper punishment for crimes – core = principle of justice

a) **Backward looking** unlike deterrence = forward looking  
– weighs up guilt and responsibility

b) **Re-tribute** – pay back the community for the harm done – but this can militate against the careful weighing up of guilt and responsibility

### 4. Rehabilitation:

a) **Consequentialist** – what treatment can be given to change behaviour?  
= good for individual and society in general

b) **Problems:**

(i) **treating offenders as patients** no longer has a deterrent effect

– altho still a significant element of deterrence in loss of freedom, restricted access to friends and family, and in having to undergo a programme of therapy

(ii) **no correlation** between length of sentence v. degree of responsibility and seriousness of crime

– in many cases the less serious offender = more difficult to cure

– but Duff: rehabilitation requires retribution to be effective

(iii) **normality** – if this is a failure to think in conformity with prevailing beliefs and values – then rehabilitation = brain washing/social conditioning therefore infringes basic human right to our own personality and beliefs

### 5. Protection:

a) Containing and isolating the offender to ensure **public safety** and security

b) **Contains other elements:**

(i) **retribution** – otherwise safety and security might be improved by imprisoning non-lawbreakers too

(ii) **deterrence** – sentences protect society by deterring potential offenders