

DEGREES IN PLEAS: CHALLENGING STRAWSON'S VIEW ON MORAL RESPONSIBILITY

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1 Background

Peter Strawson creates two groups of considerations that should be accounted for when there is a feeling of resentment toward another person. The first group of consideration looks at the action and the injury that has taken place where the consideration of the agent is put aside for the evaluation of that particular event. The second group of consideration is split into two subgroups and in the first group, Strawson lays out the foundation of what it means to be considered a “morally responsible agent.” The first subgroup “invite[s] us to view the agent himself in a different light” but does not “suspend our ordinary reactive attitudes.”¹ The second subgroup “presents the agent as psychologically abnormal – or as morally undeveloped” and because of this, people react differently to certain situations depending on whether they know if the person who performed the action is psychologically or morally underdeveloped.²

Taking Strawson’s two groups of considerations, Gary Watson categorizes these two types of agents into two categorical pleas. Watson categorizes Strawson’s first group of consideration as the type-1 plea where this plea explains that the agent is a “fully responsible agent” but we also see “the *injury* as one for which he [the agent] was not fully, or at all, responsible.”³ Watson’s type-2 plea “corresponds roughly to standard *exempting*

¹ Strawson, “Freedom and Resentment,” 69.

² *Ibid.*

³ Strawson, “Freedom and Resentment,” 68.

conditions.”⁴ According to Strawson, something about the agent allows them to qualify for a type-2 plea and thus cannot be considered a morally responsible agent who is held responsible for their actions. In order for an agent to be held morally accountable, they must be a part of the moral community where there is an understanding of shared ends, in other words, “a shared framework for practical reasoning.”⁵ Strawson concludes that, without these shared ends, agents who are morally incapacitated cannot be morally responsible for their actions.⁶

2 Introducing the argument

Strawson deems someone as a morally responsible agent if the agent is an “appropriate ‘object of that kind of demand for goodwill or regard which is reflected in ordinary reactive attitudes’” and thus, in Strawson’s view, someone like a child or a schizophrenic could not be considered a morally responsible agent because they are psychologically abnormal or morally underdeveloped.⁷ Strawson’s definition of a morally responsible agent poses an interesting question about what qualities an agent must have or what qualities an agent must lack to be considered for a type-2 plea. What exactly constitutes someone as being morally incapacitated? Is there a clear distinction between someone who is morally incapacitated and someone who is not?

The exploration of this gray area on *how* to decide whether someone is morally incapacitated or not creates the basis for the thesis of this paper. In this paper, I will disagree with Strawson’s claim that all agents who may qualify for the type-2 plea should be exempt from moral responsibility. I will argue that there is no distinct line that

⁴ Watson, “Responsibility and the Limits of Evil,” 87.

⁵ Watson, “Responsibility and the Limits of Evil,” 93.

⁶ Strawson, “Freedom and Resentment,” 79.

⁷ Watson, “Responsibility and the Limits of Evil,” 87.

determines whether an agent is morally responsible or not and because of this, moral responsibility should be assessed in *degrees* and not by merely having two categories that deem someone either fully responsible or not responsible at all. In section 3 and 4, I will present the case of Robert Harris and explain how his history contributes to the assessment of Harris as a moral agent. In section 5, I will discuss how moral responsibility may apply to children who Strawson considers as morally underdeveloped. In section 6 I will explain the difficulties in determining whether an agent has a firm grasp on what it means to morally understand a situation. In section 7 I further my argument that the moral responsibility of an agent should be assessed in degrees, and I will conclude my paper in section 8.

3 The case of Robert Harris

Robert Harris is a man who shot two boys before his attempt to rob a bank. Harris was convicted of a car theft at the age of 15, was arrested twice for torturing animals, and convicted of manslaughter for beating a neighbor to death.⁸ Watson describes Harris as the “archetypal candidate” for blameworthiness.⁹ After knowing about these actions that Harris committed, it is easy to claim that he is an “evil” person who is blameworthy for his actions. He is not a child and he was never known to be a schizophrenic or a psychopath. So, in this case, when looking simply at the crimes that Harris has committed, without taking into account the history of Harris, Strawson would consider him to be an appropriate moral agent. Strawson would say that Harris understands what he’s doing and should be responsible for his actions. However, when considering how Harris became who

⁸ Watson, “Responsibility and the Limits of Evil,” 96.

⁹ Watson, “Responsibility and the Limits of Evil,” 97.

he is, his history shows how ambiguous and difficult it can be to deem someone blameworthy for their actions.

4 The effects of Harris' history

Mere minutes before Harris entered the world, he was kicked in his mother's womb by his father. Harris' father was an alcoholic and he was the fifth child that his mother had. Harris had a learning disability and a speech problem; he was raped several times and attempted suicide on several occasions. Understanding the history of Harris allows for a new set of ideas and reactions in response to the individual.

Strawson's criteria for the type-2 plea is "being incapacitated from ordinary interpersonal relationships."¹⁰ Can Harris' treatment as a child from his father or his mother be considered "ordinary" interpersonal relationships? The upbringing that Harris was given as a child was the only type of setting and the only form of interpersonal relationships that he had experienced. He did not choose his circumstances, but those were the ones he was given. As Watson states, the type of relationships that Harris witnessed made him "incapacitated for such relationships – for example, for friendship, for sympathy, for being affected by moral considerations."¹¹ How can someone who had this type of upbringing be considered an appropriate moral agent? Harris' moral values will never match the moral values that Strawson states that a person must have in order to be considered a member of the moral community simply because those moral values were never presented to him in his life.

¹⁰ Watson, "Responsibility and the Limits of Evil," 100.

¹¹ *Ibid.*

It is important to understand the effects that Harris' history may have on deciding whether to deem him as a morally responsible agent. Harris is not a child and he is also not diagnosed as having an extreme mental condition like schizophrenia. If this is the type of childhood he grew up with, Harris could not have morally understood his actions. Strawson claims that "exemption conditions involve *explanations* of why the individual display qualities to which the reactive attitudes are otherwise sensitive."¹² However, Strawson fails to go into detail about *what kinds* of explanations are worthy of exemption. Can Harris' horrible childhood be a "good enough" explanation to meet Strawson's standard that will exempt Harris from moral responsibility? As shown by the horrific experiences that Harris had as a child, he does indeed have a "good" explanation as to why he would be more prone to commit the crimes that he did. His past explains why he would qualify as a candidate for the type-2 plea because he was morally incompetent to be considered an appropriate moral agent. By qualifying Harris' case for a type-2 plea, Strawson would claim that Harris should then be exempt from moral responsibility; however, I disagree with this claim and believe that Harris *should not* be exempt from the moral responsibility of his actions. Harris' moral responsibility should not be categorized into two groups, but instead, be determined in his *degree* of moral responsibility so he would still be responsible for his actions and after learning about his upbringing, his moral responsibility would lessen in its degree.

5 In the case of a child

In the case of children, Strawson claims that children are "potentially and increasingly capable both of holding, and bringing objects of, the full range of human and moral

¹² Watson, "Responsibility and the Limits of Evil," 89.

attitudes, but are not yet fully capable of either.”¹³ In other words, Strawson is claiming that children have the potential to be well-rounded morally responsible agents, but they are not fully developed and thus they can be exempt from their moral responsibility. However, similar to Harris’ case, at what age can a child be considered “fully developed” and how do we know if they truly understand the moral consequences of their actions? Cordelia Fine and Jeanette Kennett argued that children as early as 39 months can make the distinction between a morally wrong action compared to a conventionally wrong action. For instance, they would know that they may be able to break a conventional rule like coming to school in pajamas if there is no authority figure, but they know that a morally wrong action, like pulling someone’s hair, will be wrong regardless of whether the authority figure is present or not.¹⁴ If children are able to make this distinction at that early of an age then, contrary to Strawson’s view, children should be held fully accountable for their actions. A child’s mental abilities should be considered fully developed if they have the ability to make such moral distinctions. This idea highlights my argument that it is difficult to make clear-cut distinctions about whether agents should be fully responsible or fully exempt from their actions. An agent’s moral accountability should be understood in the degrees of their responsibility. In this way, the child would be responsible for pulling someone else’s hair, but when taking into account the fact that it was done by a child, their moral responsibility would be lessened in its degree.

¹³ Watson, “Responsibility and the Limits of Evil,” 90.

¹⁴ Fine & Jeanette, “Mental Impairment, Moral Understanding, and Criminal Responsibility,” 432.

6 Understanding moral understanding

In order to be considered a morally responsible agent, an agent must have a moral understanding of their actions. How can one claim that Robert Harris or a child has a moral understanding of their actions? To understand this, there needs to be an exploration of the verb “to know.” McSherry (1997) has two interpretations where the first is the “merely verbalistic sense” of the knowledge that one might gain. The second interpretation “requires that a person be able to reason with a moderate degree of sense and composure about whether the conduct was wrong” and “the possession of moral concepts and the capacity to apply them.”¹⁵ Is it enough for Harris or a child to be able to point out which actions are considered right or wrong? If they need more in-depth understanding rather than just the ability to list what is right or wrong, then how does one determine whether they have truly understood *why* something is right or wrong?

Watson questions a child’s motives by stating that just because a child can “comply” with what they are told to do does not mean that they understand *why* they are doing it.¹⁶ In other words, the child is able to perform an action, but they may not be able to truly understand the reasoning for performing that action. This way in which children are able to comply but are not able to understand is similar to Harris’ case. If both Harris and a child morally understand situations in a similar way, then this would further give Strawson the belief that these agents should be exempt from the moral responsibility of their actions. However, just because Harris did not have a *fully* well-rounded moral understanding, or because a child has an underdeveloped moral understanding does not mean that they have none at all. Harris’ upbringing may have damaged his moral understanding but that does

¹⁵ Fine & Jeanette, “Mental Impairment, Moral Understanding, and Criminal Responsibility,” 428.

¹⁶ Watson, “Responsibility and the Limits of Evil,” 93.

not mean his moral understanding was completely disintegrated. Although Harris and a child may not be considered to have a well-rounded moral understanding, they each have a moral understanding to some degree and that level of moral understanding still holds them morally responsible for their actions. That is why the qualities of an agent, be it their age or their mental capability that qualifies them for a type-2 plea, should not simply exempt them from full moral responsibility, but it should affect the degree of their moral responsibility because it would acknowledge that the agent may not be a part of the moral community, but they are still being held accountable for their actions to some degree.

7 Looking into degrees in pleas

Robert Harris' case not only highlights the difficulty in distinguishing if one's certain qualities qualify them for a type-2 plea, but his case also shows that even if someone's mental incompetence may qualify them for a type-2 plea, they should not be fully exempt from the moral responsibility of their actions. In the case of children, Strawson believes that they qualify for a type-2 plea because of their age and underdevelopment of moral understanding, but as I have pointed out, it is difficult to come to an agreement on what exact age one can determine if children have a full moral understanding of their actions. This difficulty in the distinction between someone who is capable of moral understanding and someone who isn't brings me to the conclusion that moral responsibility should be assessed in its *degrees*. Determining someone as morally responsible is not just black and white. There is a gray area and there are different degrees as to which someone can be considered a morally incompetent agent.

When someone's case can qualify for a type-2 plea, contrary to Strawson, they should not be fully exempt from taking responsibility for their actions; instead, their mental

incompetence should lessen the *degree* of moral responsibility. There is no on and off switch for moral responsibility. There can only be a lesser or greater *degree* of responsibility. Watson claims that the history of Harris allows us to “see him as a *victim*” and feel “sympathy [as] opposed to antipathy,”¹⁷ and this may be true; however, the greater realization after understanding Harris’ history lies in the fact that his history tells us why he could not have been an appropriate moral agent from an early age. However, Harris had some level of moral understanding and freely chose his actions, so he must be held morally responsible to some degree. Harris’ moral values were molded by his circumstances which made him incapable of any “ordinary” interpersonal relationships but these circumstances cannot exempt him from moral responsibility.

Similarly, in the case of children, their age may qualify them for a type-2 plea, but this should not exempt them from their moral responsibilities. Some children may be able to fully understand why something is morally wrong and some children may not fully understand the reasoning behind it; however, both types of children should be held morally responsible for their actions. This is not to say that every child who steals a candy bar from a store should be put into jail, nor is it to say that a child who steals a candy bar should be set free without any consequences simply because of their age. As stated before, actions cannot be categorized into two clearly defined groups of either being fully responsible versus not responsible at all, instead, the qualities that an agent has that qualifies for a type-2 plea would change the degree of their moral responsibility.

¹⁷ Watson, “Responsibility and the Limits of Evil,” 101.

8 Conclusion

Strawson created two categories that define whether an individual is considered a morally responsible agent or whether an individual should be exempt from moral responsibility because they are morally incompetent; however, it is hard to believe that humans can be so easily categorized into two groups. Thus, Strawson's two categories raise the question of where the fine line is between a morally competent agent and a morally incompetent agent.

Strawson claims that because of a child's mental underdevelopment, their cases qualify for a type-2 plea, but even with children, it is difficult to determine at what age to deem a child a morally competent agent. Similarly, Robert Harris' dysfunctionality of interpersonal relationships questions how one can determine who truly knows what it means for an agent to have moral understanding. However, while a child's age or Harris' horrible childhood may affect their moral understanding, they still have some degree of moral understanding that should allow them to be held morally accountable for their actions.

Instead of seeing an individual's case as either qualifying for a type-1 or a type-2 plea, individuals should instead be understood by the *degrees* of their moral responsibility. The levels of moral understanding can differ depending on what an individual has experienced and because of this, the degree of a person's moral responsibility can be lessened because their mental incompetence can qualify their case for a type-2 plea. In conclusion, I disagree with Strawson's statement that all people whose mental incompetence may qualify their case for a type-2 plea should be exempt from moral responsibility. The importance of the type-2 plea becomes a matter of *how* the plea affects

the *degree* of someone's moral responsibility and thus, the type-2 plea further exemplifies the complexities of the human mind and its inability to be framed within a single group.

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