PHI 1100:
Ethics & Critical Thinking

Sessions 5 & 6
February 11th & 13th, 2020

Intro to Ethics:
Meta-Ethics (Part 2)
RECAP from last week’s crash course on meta-ethics:

- Philosophers defend conflicting views about whether:
  - we are born with the ability to determine what’s right/wrong (moral nativism),
  - or we acquire all of our beliefs about right/wrong through experience (moral empiricism)
  - we determine what’s right/wrong using reasoning (descriptive moral rationalism),
  - or by using our emotions (descriptive moral sentimentalism),
  - or both: emotions first, reasoning after (intuitionism)
  - we should make decisions about right/wrong using reasoning (normative moral rationalism)
  - or emotions (normative moral sentimentalism)
  - there are objective facts about what’s right/wrong (moral realism)
  - or there aren’t (moral anti-realism)
This week’s discussion of moral philosophy will be all about responding to people’s actions:

- **When (and to what extent) are people morally responsible for their actions?**
  - **moral responsibility** = deserving praise for doing something that is right, or deserving blame for doing something wrong; being held accountable for the rightness/wrongness of one’s actions

- **When is punishment an appropriate response to wrongdoing?**
  - *When should we forgive or rehabilitate a person, instead of punishing them?*
  - *How should we deal with the fact that wrongdoing can be a consequence of bad luck, rather than bad choices?*
moral responsibility = deserving praise for doing something that is right, or deserving blame for doing something that is wrong; being held accountable for the rightness/wrongness of one’s actions

In order to be morally responsible for an action, one must be a moral agent: a being capable of making choices about how to treat moral subjects on the basis of some understanding of right & wrong

• moral subjects = people, animals, or things to whom we have an obligation to do the right thing, because they have a capacity to experience harm (video: bit.ly/2Ha8UXz)
  – (The environment is a primary example of a nonliving thing we might consider worthy of treating as a moral subject.)

» Most people are both a moral agent & a moral subject.
  • (Some people may only qualify as moral subjects (young children, adults with severe intellectual challenges),
  • and the development of artificial intelligence raises the possibility that machines could be moral agents.)
moral responsibility = deserving praise for doing something that is right, or deserving blame for doing something that is wrong; being held accountable for the rightness/wrongness of one’s actions

Here are a few considerations which might influence our judgments about whether or not a person is morally responsible for an action:

- A is only responsible for actions that A did, not for what B does
  - …unless perhaps A is somehow responsible for B, like if B is A’s child, or A is supposed to keep B from acting badly

- A is not responsible for actions they did not choose to do
  » (e.g., someone forced them to act against their will: by holding a loaded gun to their head, or threatening terrible blackmail if they don’t comply;
  » or they did something unintentionally or by accident)
  - …though we might want to hold A accountable even if an action wasn’t really their choice

- A is not responsible for actions they did if A does not have free will
  - …but what exactly is “free will”?
Free will is a complicated & controversial subject:

– We all feel as if we are in control of our actions,
  » (rather than our actions being caused by factors & forces beyond our control)

– and that the decisions we make are what cause us to act in one way rather than another;
  » (rather than it being merely an illusion that our decisions are what cause our actions to happen)

– Even if there are factors & forces that influence our choices, it still seems like we’re able to call the shots about how we’ll behave,
  » such that if we were strongly influenced to do something we don’t really want to do, we could override those influences and act in a way that truly reflects our will.

» …but are these feelings & impressions proof that we really do have free will: meaning, our choices are the sole cause of our actions?
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» …are these feelings & impressions proof that we really do have free will: meaning, our choices are the sole cause of our actions?

  • libertarians (not the political kind) say yes: we have free will, because it feels like we do
  • hard determinists say no: we don’t have free will, in spite of our feelings of freedom:
    • because we live in a (deterministic) world where all events have some sort of cause, the choices we make must also be caused, by factors & forces that are not under our control

  ➢ video: bit.ly/2NAIYli
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• Some determinists believe that all of our actions, including the choices we feel as if we are making, are **predetermined by God or a higher power**

• **Others believe that our actions** (including our choices) are **determined to proceed as they do** by chains of cause-and-effect governed by natural laws (like the laws of motion described by physics, of laws of heredity described by biology)

• E.g., **our actions are caused by events in our brain**, which is a physical structure with parts (neurons) that operate exclusively by cause-and-effect mechanisms
  • (video: bit.ly/36ZrnBK)
Philosopher Patricia Churchland gives an example of how involuntary changes to someone’s brain (due to injury or disease) can cause compulsive behavior, seemingly robbing them of their free will:

However, “normal” human behavior is also caused by involuntary activities in our brains (hormones bonding to neurons, etc.), so it’s not clear that our actions are any more free (caused by our choices alone) than the actions of this cancer victim.
Many people believe that determinism (& the resulting lack of free will) is incompatible with moral responsibility:

- that is, it wouldn’t make any sense to treat people as deserving of praise doing a good action or deserving of blame for doing a bad action if they aren’t really in control of their actions.

- This view is called incompatibilism,
  - & the rationale behind this view is that it’s not fair or appropriate to praise or blame someone for an action if the action was caused by factors beyond their control.

In other words, incompatibilists defend the principle that one cannot be morally responsible for an action unless they chose that action freely

- (their choice was the sole cause of the action,
- their choice was not caused by any factors or forces beyond their control).
It can be hard to judge whether or not someone had free will, – & sometimes we want to hold people morally responsible for their actions even if we think they did not have free will.

So, incompatibilists’ general rule that one cannot be morally responsible for an action except if they chose that action freely is hard to apply & has plenty of exceptions.

For this reason, Churchland thinks we should judge moral responsibility on the basis of self-control, not free will.

We have different degrees of self-control over different types of actions:
– we lack control over some basic bodily functions (like sneezing),
– but we can control many of our more complex behaviors, due to the “executive functioning” activity of our prefrontal cortex.

As our PFC matures, we acquire the ability to “inhibit self-defeating impulses” and refrain from actions that could get us into trouble.
According to Churchland, **self control is much easier to define & to measure** (in terms of brain functioning) **than free will.**

- Since self-control comes “in degrees” (instead of having it or not), perhaps moral responsibility also comes in degrees:
  - one is responsible to the extent that they had self-control over their behavior.

- As a consequence of this view, **Churchland would say that**
  - **children & adolescents** (whose self-control systems are underdeveloped), and
  - **adults whose self-control systems are impaired** (temporarily or permanently)
    - ...are not fully morally responsible for their actions.

- Some people regard this as a reason for the legal system to assign more lenient punishments to juvenile offenders & adults acting under conditions of diminished self-control.
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Philosopher Jennifer Lackey is one of these people:

– She writes, “If the underdeveloped brains of adolescents at least partly explain their criminal behavior,

» then holding them fully responsible for their actions, and punishing them as adults, seems wildly off the mark.” (¶5)

• She doesn’t think teenage criminals should be let off the hook completely – but she certainly thinks life in prison without parole is unreasonable

• ...as we’ll discuss in more detail shortly
INSIDE THE TEENAGE BRAIN
Adolescents are prone to high-risk behaviour

Prefrontal Cortex
Its functions include planning and reasoning; grows till 25 years
- **Adults** Fully developed
- **Teens** Immature, prone to high-risk behaviour

Amygdala
Emotional core for passion, impulse, fear, aggression.
- **Adults** Rely less on this, use prefrontal cortex more
- **Teens** More impulsive

Parietal Lobe
Responsible for touch, sight, language; grows till early 20s
- **Adults** Fully developed
- **Teens** Do not process information effectively

Ventral Striatum
Reward centre, not fully developed in teens
- **Adults** Fully developed
- **Teens** Are more excited by reward than consequence

Hippocampus
Hub of memory and learning; grows in teens
- **Adults** Fully functional; loses neurons with age
- **Teens** Tremendous learning curve
Patricia Churchland is a compatibilist: She believes we do not have free will, but “civil life requires” that we hold ourselves & others morally responsible for our actions.

She examines moral responsibility from an evolutionary perspective, and suggests that

» the concept of moral responsibility was developed as a deterrent:
  • that is, in order to discourage people from acting in ways that endanger human populations.

  “…the crux of the matter is this: we are social animals & our ability to flourish depends on the behavior of others.” (3)

For species like ours that live in societies (instead of as individuals),

• “moral virtues can be a benefit, cheating a cost, and punishment of the socially dangerous [is] a necessity.”
Churchland summarizes the reasoning behind her compatibilist stance that someone should be held morally responsible for an action, whether or not they chose that action freely:

• “From an evolutionary perspective, punishment is justified by the value all individuals place on their social life, and by the limits on behavior needed to maintain that value.”
  – Because our physical safety & social harmony are so important to us, we have to use punishment to set restrictions on how people can act.

• It’s in our collective interest to punish people for dangerous actions even if they didn’t act freely,
  – to set limits on behavior that threatens our well-being & the cohesion of our communities.

  “Part of cultural evolution consists in figuring out...effective ways of limiting violent or otherwise antisocial behavior”.

  ➢ So yes, we must hold individuals [morally] responsible for their actions” – for the survival of our species.
Churchland has just emphasized the use of punishment for *deterrence* = discouraging unwanted behavior & preventing future crime

*Prisons* often function as part of a system of deterrence:

– traditionally, people are made aware that if they go to prison, they will have to give up things they value (freedom, privacy, comfort, dignity, contact with loved ones);

  » If people do not want to give up these things of value, they are incentivized to avoid committing a crime that would lead to jail time.

Moreover, prisons often serve to enact *retributive justice* = a theory of punishment on which a person must suffer in proportion to the suffering they inflicted on another person through their wrongdoing.

  » The most literal (and extreme) version of retribution is “an eye for an eye”, where a person receives a punishment that is identical to the crime they committed (e.g., murder -> death penalty)
Evolving attitudes about punishment have led to prison reform, including the introduction of prison education programs (like the one Lackey teaches in).

- Many proponents of prison education defend it as an important feature of **rehabilitative justice**: an approach to wrongdoing which de-emphasizes punishment and focuses on providing opportunities for criminals to evolve into people who will not commit crimes in the future.

  Like retributive justice, **rehabilitation aims at deterrence**

  - ...but its defenders argue that can reduce crime without relying on fear of negative consequences as the primary motive to avoid committing crimes.

    - Additionally, since rehabilitation encourages personal growth & development (whereas retribution may force criminals to dwell on mistakes from their past),

      » rehabilitation may be more successful than retribution in reducing **recidivism** (repeat crime / re-offending)
Lackey argues that it’s inappropriate for a justice system to sentence anyone to life in prison without a chance of parole, because:

- Sentencing decisions are made on the basis of legal processes that can result in wrongful or exaggerated convictions
  - e.g., trials in which juries can be swayed by racial prejudice; mandatory minimum sentences for nonviolent crime (video: bit.ly/2OA0Jbg)

- It is irrational to make decisions about how people should be treated without taking into account how they can change.
  - “In any other domain, it would obviously be irrational to make a high-stakes decision about the rest of another person’s life that not only rules out the possibility of ever considering additional evidence, but is also meant to be absolutely final.”

- “…natural life sentences…permit binding, life-altering decisions to be made in a state of radical epistemic impoverishment”
  - an extreme lack of knowledge in those doing the sentencing, about how the criminal may mature & evolve over time.
Lackey adds that “information about a person’s mental states” [their thoughts, feelings, attitudes] should be factored into our decisions about the punishment a criminal deserves:

• “When considering punishments,…we are often highly sensitive to whether the wrongdoer appreciates the wrongness of the act, feels remorse, & is committed to not being a repeat offender.”

Denying parole hearings means that

• “we screen off huge amounts of potentially relevant information” about how a prisoner feels about the crime s/he committed,
  – the result of which is that “it is impossible for [our beliefs about what punishment a prisoner deserves] to be proportioned to the evidence.”

  » “…why would we not regard two stages of the same person…with radically different attitudes toward his crime, as deserving of different punishments?”

• Lackey thinks parole hearings give us the possibility of reducing a prison sentence for someone who has shown that they deserve to return to normal life.
“Moreover, prisoners aren’t the only ones who can change:
• victims & their families can come to see the convicted as being worthy of forgiveness and a second chance,
• and public attitudes can evolve,
  – moving away from a zealous “war on crime” approach to one that sees much criminal activity as the result of broader social problems that call for reform.”

Harsh punishments (like life sentences without parole) are often defended as serving the interests of victims & their families,
  » but this assumes that all victims want to see criminals suffer for their crimes, which simply isn’t the case:
• e.g., after Amber Guyger was sentenced to 10 years in prison for the (accidental) murder of Botham Jean, Jean’s brother testified that he did not want Guyger to go to jail, let alone suffer for what she did (video: cnn.it/2uFDI56)
The forgiveness shared between Jean & Guyger follows the logic of **restorative justice**, which focuses on repairing the harm caused by wrongdoing

- ...often by mediating conversations between criminals & victims (or victims’ families/loved ones),

  » with the aim of finding mutual understanding / a return to normalcy, instead of holding onto animosity & resentments.

Some skeptics of restorative justice argue that:

- **some types of harm may be near impossible to repair** (particularly murder, because it is so final).

Defenders of this approach to justice will counter that:

- **we should strive for healing even if it’s not completely achievable,**
  - since our broader goals for a peaceful society require us to work towards reconciliation after a conflict.
An issue that complicates questions about how to respond to wrongdoing is the problem of moral luck:

- whether or not you are a good person seems to involve a lot of luck or chance,
- instead of solely reflecting your efforts to be good.

Some examples of wrongdoing that involve bad luck:

- the man who became a pedophile as a result of his brain tumor
- a person who becomes a Nazi because they were born in 1920s Germany and exposed to Anti-Semitic propaganda from a young age
- someone who grows up in a neighborhood where the only way to escape gang violence is to join the gang yourself
- a drunk driver happens to be heading home at the same time that a child runs out into the road in front of their car

Should we punish a person differently if we determine that their wrongdoing resulted from bad luck?

» video: bit.ly/2BWE96D
Thomas Nagel (1937- present) isolated different types of luck that impact our moral standing:

• **constitutive luck** = luck related to our personality traits
  – Some people don’t have to try hard to do good, because they’re disposed to being helpful, thoughtful, kind etc.,
  – …others are thrilled by the idea of sin or crime, or just find it really difficult to do the right thing.

  Our “constitution” is partly something we’re born with,
  » but it also may be impacted by our personal history
  (e.g., how your parents raised you, whether or not you were exposed to trauma or abuse)

• **circumstantial luck** = luck related to the setting in which we act (e.g., era, location, political climate, etc.)
  – This includes **consequent circumstances:** events that result in a morally significant outcome (e.g., a child runs out into the road, in front of a speeding car)
“If we’re only morally responsible for what’s within our control, then it looks like A & B are equally blameworthy.”

- A & B made the same choice but experienced different circumstantial luck.
  - Neither driver had any control over the road conditions that they encountered that night.
  - Though A did not end up harming anyone, we can still say that it was wrong for them to drive drunk, and that they should be blamed for the wrong action.

However, it’s tempting to say that B is much more blameworthy than A,
- because he not only drove drunk but killed a child.

- The harm to the child seems to make B’s action much worse, even though B did not make any decisions that were worse than A’s.

➤ This realization is frustrating to many, because it seems like the morality of our actions should be immune to luck.