



RESPONSIBILITY WITHOUT ONTOLOGY: A RESPONSE TO GINSBERG

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Robert Ginsberg ("Accounting for Accountability", this journal, pp. 1-18, 1990) provides what I would characterize as an extended dialectical inquiry into a group of related concepts (accountability, liability, answerability, responsibility) with a view to showing that 1) these concepts have a common logical behavior and use, 2) all necessarily presuppose a normative or moral foundation, 3) all have an essentially reflexive or self-referential use in the context of human action and society, 4) the former three (accountability, liability, answerability) all, to use his phrase, "spring from the seminal notion of responsibility", and 5) the organizing principle or ultimate insight into this complex interrelationship –what he calls "the heart of the matter"– resides, if I understand him, in something like a phenomenological apprehension of the "felt presence" or "awareness of our existence and coexistence" as human beings—the very heart of the moral life and the dialectical source of responsibility in all its guises.

Now there are at least two questions that immediately arise with this thesis. The *first* concerns how Ginsberg manages to move from the relatively innocuous notion of accountability from which he begins, to his rather dramatic (and therefore more controversial, I assume) conclusion. This is a question about philosophical

method and I have already said that his method is dialectical. As with all good dialecticians, Ginsberg makes liberal use of analogy, metaphor and the peculiarly assimilative style of doing philosophy that is the trademark of the dialectician. Am I wrong about this? Well, one thing I want to do is to support my contention that we are indeed confronted with a dialectical argument and to suggest that this is why many of Ginsberg's transitions, and especially his conclusion, do not appear to embody relations of logical entailment—at least when evaluated by a more analytically minded philosopher. My point is that if Ginsberg's discussion is *not* dialectical, then I would say that the argument is straightforwardly invalid; but if it *is* dialectical as I maintain, then although it escapes the charge of invalidity, it rests on a major ontological presupposition whose acceptability has little or nothing to do with any argument at all. This brings me to my *second* question, viz, is there another way of understanding the seminal notion of responsibility that does not require or presuppose the acceptance of any necessarily moral foundation to the use of this term (or its cognates or derivative terms), does not require an underlying reflexive use of the term, and does not require or even suggest the core phenomenological experience with which Ginsberg closes his discussion? I think there is, and I shall simply suggest the lines upon which such an analysis might proceed.

On the first question, let us briefly examine Ginsberg's method. He tells us (p. 1) that we are to reflect upon some ordinary senses of the word "accountability" in order to "grasp the underlying substance of what is involved, for rigorous concepts and clearly defined contexts usually grow from a felt sense or rough meaning," and that we are to embark on an "informal exploration of where notions lead, a searching for the roots that underlie deliberate structures". We then are given what I take as a very uncontroversial colligation of everyday uses of this term, exhibiting the more or less linguistic connections among terms like "accountability", "giving an account", "accounting", etc., and the



application of all this to a variety of contexts, e.g., economic, political, military, bureaucratic, academic, journalistic, theological, and so on—the idea being, as I understand it, that these are essentially analogical uses and applications, not really involving different univocal meanings in clearly distinguishable contexts. The connections are primarily analogical and already suggest or forebode something underlying from which the analogues stem. Another dialectical move is found on page 3 when Ginsberg says that "...the question of values is already present at the basic economic level of the notion". But why? Because with respect to his two previously identified standards of rendering accounts in economic contexts (*viz.*, accuracy and propriety), the former is subject to verification, while the latter requires judgment and *therefore* involves values. But why does a judgment concerning propriety invoke values in a way that verification does not? Could I not straightforwardly judge whether or not the relevant accounts conform to the pre-established standards or conventions of record-keeping just as I could straightforwardly verify their accuracy? Well, if you think not, then you may be a dialectician who recognizes a hidden principle here in accordance with which *any* exercise of judgment is ultimately a value judgment, and moreover, any value judgment has a moral ingredient. (Fair enough, but of course this is not something that logically follows from anything so far said.)

The emerging principle is further adumbrated (perhaps metaphorically) in claims such as "God, then, is the final auditor of one's books" (p. 5) which is supposed to follow on the basis of the immediately preceding point that "the notion of a book of one's life is a widespread religious *similitude*" (my emphasis) which in turn followed from the previously drawn analogy between being accountable to others and being reflexively accountable to oneself when "we bear within our conscience an open account book" (p. 4). After then drawing analogies between the everyday accountability he began with, self-accountability, the general social

accountability to all others in our society, and the universal reciprocal accountability that obtains for human beings as such, Ginsberg personalizes the notion of accountability to the context of giving an account of oneself to one's loved ones, and equates *this* (and I suppose I would agree) with being accountable as a person having a continuing identity and a moral self. But then we are given a perfectly general conclusion to the effect that "accountability is a moral disposition" (p. 7)—perhaps somewhat surprisingly (to the reader) in light of what may have appeared to be the purely factual or conventional context with which the discussion began. What started as an uncontroversial account of the institutional fact of accountability in economic, political, social, and similar contexts, is now essentially related to a fundamental moral disposition. The dichotomy between "is" and "ought" is being assimilated before our very eyes in virtue of a yet unstated principle that is gradually emerging to the surface awaiting *discovery* by the dialectical *participant* (the reader).

I think I have almost said enough to establish the dialectical character of Ginsberg's discussion: the connections, for the most part, are not made in virtue of the *logical* analysis of concepts or by deductive inference; but rather, are made dialectically on the basis of a *contextual* analysis of analogous instances, all of which makes sense only in virtue of the acknowledgment of a synthetic (metaphysical?) principle that once acknowledged or discovered, encompasses the diverse instances and licenses their inter-connection in an organic unity. The principle has the status of reality as opposed to appearance.

After a great deal of additional discussion in this assimilative mode, Ginsberg's principle finally emerges (is discovered) via a phenomenological feeling or awareness—not a linguistic entity, not an idea, not a concept or cognition (p. 17)—of what he calls the existence and coexistence of the shared humanity within ourselves. "Human beings are responsible for discovering their humanity within" and the bottom line is that "Responsibility is embedded in



such discovery" (p. 18). This is the principle that underlies and provides the dialectical unity for his dialectical matrix for responsibility on page 9. As is also common to dialecticians, we end with a paradox: Due to the "limitless significance" of this discovery (the Sartrean point that any free action has universal accountability to all humanity), we are confronted with the fact that what we need to do is, from the standpoint of practical reason, impossible—"Unaccountably, we live responsibly and even with cheer amid apparent impossibility" (p. 18). Thus, as I understand Ginsberg, since there is no discursive or rational solution to the problem, we need a non-rational solution, the equivalent of the existential "leap" found in authors like Nietzsche, Heidegger, Kierkegaard, Sartre, Camus, et al.,—what Ginsberg calls an act of love.

Now what significance does this have for someone like me who is having difficulty hearing the Heideggerian-like call ("Humanity calls, I respond") involved here or who cannot fully understand (much less discover) the critical phenomenological experience required by Ginsberg's dialectic? What is clear is that for someone who is already attuned to this call of Being—or for someone who is predisposed to be dialectically involved in the drift of the argument—Ginsberg's result provides a capstone that puts everything that he has previously said together into a harmonious unity. But of course, the same would be true for a religiously inclined person with respect to a quite different result, viz., the hypothesis of a divine creator who is the original source of all value and who reveals himself in some sort of subjective religious experience. And of course there appear to be all sorts of other possibilities. All of them are obviously underdetermined by the evidence of linguistic usage of terms like "accountability" and "responsibility."

One question to Ginsberg then is: Can he provide a *dialectical* argument showing why we should be obliged to accept his hypothesis as opposed to others which apparently do the same

duty? But my central concern is not one of choosing among such hypotheses, but rather, relates to what might be called the philosophical force of this kind of dialectical approach. The strategy and success of the argument seem to depend on a predisposition to, or a presupposition of, a non-cognitive principle of unity. To a dialectical participant who already (perhaps vaguely and even unconsciously) accepts the presupposition or has the predisposition, Ginsberg's discussion may indeed make the principle obvious and reinforce the latent existential commitment to the principle. But what about the rest of us? A second question then is: can Ginsberg provide some independent (*non-dialectical*) argument for the principle? Otherwise, I am afraid that many of the inferences he draws under his dialectical umbrella will appear too true to be good (analytic) or too good to be true (false) to those who lack the dialectical prerequisites.

Let us now turn to another approach to the analysis of the concept of responsibility. It seems very clear that the notion of responsibility (and its variants) pertain primarily to *actions*. There is indeed a secondary (and somewhat odd) usage of this term that does not pertain to actions such as found in "What was responsible for this rainy weather"? or "What process was responsible for this chemical change"? But if this somewhat perverse usage has any legitimacy, its significance rests in the fact that it points to a second notion that is integrally connected with its primary use, viz., *causality*. If X is responsible for Y, then X must be causally related to Y. And third, since caused actions cannot occur independently of an agent who performs or brings about the action, we have the notion of *agency*. Thus, with respect to the philosophically interesting notion of the primary usage of "responsibility", we can say that there can be no question of assigning responsibility in the absence of an agent, or in the absence of an event that occurs and is construable as an action, or in the absence of some sort of causal connection between the relevant agent and the relevant action.



This picture becomes a bit complex when we take account of Ginsberg's correct distinction between "responsibility to" and "responsibility for". But rather than proceeding to dialectically collapse the distinction, I think it is more perspicuous to recognize that we are dealing here with two relata of a three-place predicate. That is to say, if it is true that X is responsible, then X is typically responsible to Y for Z, where X is an agent; Y is some person(s) or institution (where it is possible that $X = Y$) to which X is responsible in virtue of Y's authority, position or status, etc.; and Z is an action of X (or the action of those for whom X has by a previous action taken the responsibility) for which X is responsible to Y. Further, I think Ginsberg is correct in recognizing that the term "responsibility" applies to different contexts; although again, rather than analogizing these contexts, I think they need to be logically distinguished and remain so. These contexts are distinguishable on the basis of the norms, standards or criteria for responsibility which govern the assessment of responsibility relative to each context. There are, in general, three logically distinct contexts employing respectively logically distinct standards.

The clue as to what these are is suggested by the longstanding distinction between what has been called *sociological* jurisprudence, *formal* jurisprudence, and *ethical* jurisprudence—three different kinds of contexts for evaluating and justifying alternative courses of action. Let us run through a brief example in all three contexts. Consider the American debate of the sixties concerning the appropriateness or inappropriateness of instituting racial integration in public schools. On one level, there were arguments both for and against integration on the purely de facto basis that the opposite course of action (as the case may be) simply would not work. "We ought to integrate the schools because if we don't, there will be a social revolution by minorities" or "We ought to keep the schools segregated, because if we don't, we will be futilely trying to impose something on the majority for which it is

not ready". On another level, there were pro and con arguments based on purely *de jure* considerations that invoked legal precedent to support either side, as the case may be. And finally, there were pro and con arguments based on moral considerations alone, e.g. there were those who supported integration and those who opposed it on the basis of their respective interpretations of the Bible or scriptures. Now there is no necessary logical connection between sociological justification based on *de facto* or pragmatic considerations, formal justification grounded on legal precedents, and ethical justification rooted in moral principles. A positivist like Hobbes would give priority to *de facto* considerations and then ground legal or moral determinations on the self-interested act of social contract; a natural law theorist typically gives priority to an objective ethical domain and then requires that positive law conform to moral law; and a strict conventionalist might construe all standards and norms as deriving ultimately from legal conventions; and still others may conceivably abjure any attempt at reductionism in any direction, and treat the three contexts as yielding competitive justifications that require adjudication on a case by case basis. Now in terms of the complex concept of responsibility, I would contend that these three contexts, as such, yield three senses of responsibility—*legal* responsibility, *moral* responsibility, and *de facto* responsibility.

The last notion may seem least intuitive: How can someone be held *de facto* responsible for his actions independently of legal or moral considerations? Well, it can happen that we hold a person responsible for his actions without holding him legally culpable or morally blameworthy. Suppose, prior to certain, major legal actions in the courts, concerning civil rights, the Governor held fast to a policy of segregation under the banner of "separate but equal"; and suppose that the white citizens of the state found the Governor's position morally acceptable; then suppose this policy resulted in race riots, social disruption, etc. In response to the question "Who was responsible for this"? it might well be



responded "The Governor" without any suggestion of legal or moral accountability. This sense of *de facto* responsibility is somewhat similar to the secondary sense of "responsibility" with which I began: If X caused Y, then X is responsible for Y, *de facto*.

At any rate, the general upshot is that for a typical case of responsibility, if it is true to say that X is responsible, then X is an agent; X is responsible to Y for Z, where Y is some agent or institutional agency (and X = Y in the special reflexive case of responsibility to oneself); and Z is an action that in some relevant sense is causally related to X; and Rxyz occurs in some context C, where C is a *legal* or *moral* context containing the constitutive standards or criteria for the assessment of responsibility. (*De facto* cases are not typical because they do not involve the relation of "responsibility to").

Let us briefly focus on *moral* responsibility, because it is this context that is especially important to philosophy of mind and action-theory. It is in this context—the context of moral or personal responsibility—that we are inclined to say that not only are the regulated consequences of responsible action *justified* (consequences like punishment, liability, retribution, reward, praise, blame, etc.) but also that the responsible agent *deserves* the consequences. In other words, moral or personal responsibility is typically treated as a necessary condition for the *deserving* of various forms of praise or blame—for the agent's being blameworthy or praiseworthy. One could be justifiably held to be legally responsible for an action, but not be considered personally blameworthy or praiseworthy. If one is also judged to be deserving of praise or blame for a particular action or its consequences, then one is being judged as morally accountable in the context of moral criteria that characterize the so-called moral point of view. Now moral responsibility may (perhaps almost always does) constitute an aspect of legal responsibility as well. Some laws are obviously derived from or grounded on universally

acknowledged moral principles (e.g. laws against murder, stealing, etc.); and others, although only having the conventional status of positive law (e.g., traffic laws) admit of degrees of culpability depending upon the degree of moral intent involved; and still others ascribe legal responsibility quite independently of any considerations of motive or intent, e.g., in statutes involving "strict liability" and perhaps where "ignorance of the law is no excuse." I may be held legally responsible with respect to someone's falling down my front steps or being struck by a loose roof shingle, without any intentional action on my part except for the act of purchasing my home ten years ago. And conversely, I may be held morally responsible for an action even though I am legally in the clear. The problem, then, is the following: what is it that makes an agent or an action deserving of praise or blame? Or better, what is it that makes an action a *morally relevant* action for which one can be held morally responsible?

Some philosophers have claimed that A is morally responsible for X iff 1) A did X or brought X about, and 2) A acted freely. This scheme is not very helpful because it is not clear what "A did X" means, and such locutions as "A did X freely" are notorious for their ambiguity. A can do X when X is not an action at all. For example, if A slipped on a banana peel, it is correct to say that that is something A did, but not that this was an action of A's. Further, to say that only free actions are morally relevant sounds right, but it is fraught with well-known metaphysical difficulties concerning freedom vs. determinism, and often suggests a Cartesian sense of agency that need not (I contend) be presupposed in order to understand our use of an expression like "moral responsibility".

I think that a profitable line to pursue here is one suggested by Donald Davidson in papers like "Agency", "Reasons, Actions and Causes", and "Freedom to Act" (*Essays on Actions & Events*, Oxford, 1980). For Davidson, a primary criterion for genuine agency or action is intentionality. That is to say, every action is intentional under some description or other. So what we correctly



characterize as an unintentional action is also an intentional action under another description. An action is straightforwardly a spatio-temporal event. What makes an event an action is the fact that there is some true description of the event that makes true an assertion that an agent did it intentionally under that description. Thus, intentionality is a sufficient condition for agency (or action) but not a necessary condition for a particular action under a given description; because with respect to a particular action under a given true description, we can have agency (and therefore action) without intentionality when the agent does not intentionally perform that action under the given description but performs it intentionally under a different description. So we have three possibilities for Davidson: 1) there are events which can be correctly characterized as *doings*, which are not action because they are not intended, e.g., when I spill my coffee on your dress because someone collided with my elbow; 2) there are non-intentional actions, e.g., when I intentionally spill the contents of my cup on your dress, thinking it is tea when it is actually coffee, then spilling the coffee is a non-intentional action; and 3) there are intentional actions, e.g., when I spill the coffee on your dress intentionally ("Agency", p. 45).

Now, in my general sketch of the schema of responsibility, the proviso that the responsible action must "in some relevant sense" be causally related to the agent, needs clarification as this applies to the context of moral responsibility. The relevant sense of causality here cannot be that of *event-causality*, i.e., the causal relations that hold between particular actions/events. As Davidson shows ("Agency", pp. 49-52), we cannot say that all actions are caused by prior actions this way because if we did, then we would be confronted with an infinite regress of acts. We must instead say that all the consequences or effects of actions (including all their true redescriptions) proceed in accordance with event-causality, but not that the original actions (the bodily movements he calls "primitive actions") are in turn caused similarly by the agent. So

some events must be "primitive actions" in the sense that they do not admit of analysis in terms of causal relations to other actions of the agent. What "relevant sense" of causality can possibly be involved then, between a responsible agent and a primitive action? The answer lies in Davidson's notion of agent-causality wherein the cause of an action is construed as the reason for an action, i.e. the states of belief and desire that rationalize the given action. These mental states are not themselves actions, but rather, their propositional expressions "...provide an account of the reasons the agent had in acting, and allow us to reconstruct the intention with which he acted" ("Freedom to Act," p. 72). The idea here is that Davidson lands on an acceptable interpretation of agent-causality by providing an analysis of intention in terms of causality: If A does X intentionally, then A's doing X is caused by A's propositional attitudes that rationalize X.

In this context, "freedom" is closely tied to what can be done intentionally, i.e., if we assume there are no "wayward causal chains" that intervene, to say that A is free to do X is to say that A would do X intentionally if A had the appropriate attitudes that rationalized A's doing X (p. 79). As I understand this, this construal of freedom to act as a "causal power of the agent", means that A is free to do what A can do intentionally in accordance with an appropriate reason; but this does not entail that all free action is intentional with respect to a given true description of the action, i.e. although the spilling the contents of my cup is intentional (and free) under that description, it is not intentional (but is still free) under the alternative description of the action as a spilling of my coffee (when I thought it was tea). Thus, the notion of intentionality is more complex than that of freedom. As Davidson says, "What an agent does do intentionally is what he is free to do and has adequate reasons for doing" (p. 74).

I can now bring my point home: What makes an action X under a description D *morally relevant* and therefore subject to moral responsibility is that 1) A did X intentionally under description D,



2) A had the appropriate attitudes (desires, beliefs) that rationalize the action under D, and 3) A did X *because* A had the rationalization (the relevant reason is the reason *why* A did X). Such actions are candidates for moral assessment, and any consequences that accrue to such actions (praise, blame, punishment, reward) are not only warranted in light of any pre-established norms there may be, but are deserved by the agent responsible. Thus, it seems to me that we can *understand* the notion of "responsibility" and even "moral responsibility" without presupposing or implying any significant commitment to a metaphysical principle, an unique phenomenological inner experience, or any specific moral doctrine.