

PHIL 138: Responsibility
UCSD; Fall 2022
Professor David O. Brink
Syllabus

Here is a list of topics and readings for the course. Though I think that this agenda is doable, if we find ourselves running behind later in the quarter, we can reassess and revise the details of our agenda. Within a topic, do the readings in the order in which they are listed. Required readings are listed under (A). Recommended readings are optional and supplementary and are listed under (B). All readings are available electronically on the course website on Canvas. Full publication details for these readings can be found on the Select Bibliography. I'll keep track of our progress through the Syllabus during class meetings.

GENERAL

- B. Joshua Dressler, *Understanding Criminal Law*; David O. Brink, *Fair Opportunity and Responsibility*

Topic #1: THE REACTIVE ATTITUDES, RESPONSIBILITY, ATTRIBUTABILITY, AND ACCOUNTABILITY

- A. P.F. Strawson, "Freedom and Resentment," Amia Srinivasan, "The Aptness of Anger," and Gary Watson, "Responsibility and the Limits of Evil: Variations on a Strawsonian Theme"
- B. Brink, *Fair Opportunity and Responsibility*, ch. 2

Topic #2: THE FAIR OPPORTUNITY CONCEPTION OF RESPONSIBILITY

- A. Watson, "Two Faces of Responsibility" and David O. Brink and Dana K. Nelkin, "Fairness and the Architecture of Responsibility"
- B. Brink, *Fair Opportunity and Responsibility*, chs. 3-5.

Topic #3: RETRIBUTIVISM AND CRIMINAL LIABILITY

- A. Michael Moore, *Placing Blame*, ch. 2 and Brink, *Fair Opportunity and Responsibility*, ch. 6
- B. Herbert Morris, "Persons and Punishment" and Brink, *Fair Opportunity and Responsibility*, chs. 7-8

Topic #4: RESPONSIBILITY AND STRUCTURAL INJUSTICE

- A. Watson, "A Moral Predicament in the Criminal Law" and Tommie Shelby, *Dark Ghettos: Injustice, Dissent, and Reform*, chs. 7-8
- B. Michelle Alexander, "The New Jim Crow" and Brink, *Fair Opportunity and Responsibility*, ch. 9

Topic #5: SITUATIONISM AND RESPONSIBILITY

- A. John Doris, *Lack of Character*, chs. 2-3 and 7 and John Doris and Dominic Murphy, "From My Lai to Abu Ghraib: The Moral Psychology of Atrocity"
- B. Brink, *Fair Opportunity and Responsibility*, ch. 10

Topic #6: INCOMPETENCE AND PSYCHOPATHY

- A. Deborah Denno, "Who is Andrea Yates? A Short Story about Legal Insanity," Cordelia Fine and Jeanette Kennett, "Mental Impairment, Moral Understanding, and Criminal Responsibility," and Brink, *Fair Opportunity and Responsibility*, ch. 11
- B. Dressler, *Understanding Criminal Law*, ch. 25; Nelkin, "Psychopaths, Incurable Racists, and the Faces of Responsibility"

Topic #7: IMMATURITY

- A. Brink, *Fair Opportunity and Responsibility*, ch. 12; *Roper v. Simmons*, 543 U.S. 551 (2005); *Graham v. Florida*, 130 S.Ct. 2011 (2010); and *Miller v. Alabama*, 132 S.Ct. 2455 (2012)
- B. Barry Feld, *Bad Kids: Race and the Transformation of the Juvenile Court*, ch. 8; Gideon Yaffe, *The Age of Culpability*

Topic #8: PROVOCATION AND CRIMES OF PASSION

- A. Dressler, "Battered Women and Sleeping Abusers: Some Reflections" and Victoria Nourse, "Passion's Progress: Law Reform and the Provocation Defense"
- B. Dressler, *Understanding Criminal Law*, chs. 22-23, 31; Brink, *Fair Opportunity and Responsibility*, ch. 14

Topic #9: PARTIAL RESPONSIBILITY

- A. Nelkin, "Difficulty and Degrees of Moral Praiseworthiness and Blameworthiness" and Brink, *Fair Opportunity and Responsibility*, ch. 15
- B. Stephen Morse, "Diminished Rationality, Diminished Responsibility"