

Accountability and Community

Attributive injustice and the danger of social exclusion

Thesis for acquiring the master's degree of Wijsbegeerte at Utrecht University

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August 2015

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Introduction

People blame each other for certain failures, and in the same way, people praise each other for things they did well. By doing this, they hold each other accountable for those performances.

This shows that, normally, people have certain expectations of each other. Sometimes, those expectations are ill-founded. Prior blame might dissolve when new information about the person in question comes to light, for example that she had a bad day, a terrible childhood or that she suffers from a psychological illness. However, in many cases, none of these kinds of reasons are present, and the blame, or, more generally, the accountability ascribed to the failing person, is accepted as valid.

Much can be (and is) said about the question whether it is justified or rational to blame persons for their conduct or not. But no matter the outcome of those debates, it *is* the case that people generally hold each other accountable for their actions and failures, and it is important to take a close look at what that means exactly. Therefore, this thesis will be an investigation in just that: what happens when people hold each other accountable for things they do or fail to do, and what does it mean to be held accountable for something? In other words, this thesis is about what one *does* when one holds someone accountable for something.

It might mean many things to hold someone accountable, so to narrow down the topic of the investigation, the question can be phrased as follows: "what are, from a social perspective, the consequences of holding some being (not necessarily someone) accountable for something?" Or, stated reciprocally, "what are the consequences for some being to be held accountable for something?"

This thesis will start with the idea that *accountability constitutes communities*. This claim is based on Robert Brandom's idea that to hold someone accountable for what she says and does,

includes this person in a “virtual community”. This person is “one of us”.¹ With this thought in mind, the notion of accountability will be explored, followed by a discussion on the problem of “attributive injustice”, the injustice of misattributing a certain status to someone. One form of attributive injustice is “epistemic injustice”, as it is described by Miranda Fricker.² People who suffer from attributive injustice concerning accountability, suffer from what can be called an “accountability deficit” – a term derived from Fricker’s “credibility deficit”, i.e., the notion that one suffers from prejudices when providing testimony of one’s knowledge.³ A specific type of attributive injustice, concerning the misattribution of willpower, can be called “volitional injustice”. People who suffer from this type of injustice are being regarded as having either a stronger will or a weaker will than they actually have. The focus here lies on the latter. Possible solutions to attributive injustice, the topic of the last section, are to make implicit attributive injustice explicit, so it can be contested. For this, one needs to become sensible for cases in which the prejudice on someone’s accountability is not compatible with other facts about that person.

The following paragraphs will elaborate more on the above, thereby summarizing what will follow in this thesis.

Whether it is in a family setting, at work or in society, being regarded as accountable for what one says and does makes one a participant in the community in question. In return, not being held accountable excludes one from participation. This can be harmful and unjust if the exclusion was not based on a fair judgement of the case.

¹ Tanja Pritzlaff, “Freedom is a Matter of Accountability and Authority: An Interview with Robert B. Brandom,” *European Journal of Political Theory* 7 (2008), 376.

² Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (Oxford; New York: Oxford University Press, 2007).

³ *Idem*, 18.

Unfairly misattributing a lack of accountability to others can be regarded as a form of injustice if it follows people through their lives; it can be grouped under the more general type of injustice that concerns *attributions* to other people. This more general type of injustice, then, can be called “attributive injustice”.

Accountability, in this thesis, is being understood as a status that people attribute to others. In the words of Peter Strawson, to hold someone accountable for something means that one has a *participant reactive attitude* to her.⁴ This means that attitudes like blame or praise only occur when you hold the blamed or praised accountable for what happened.

Accountability can be *prospective* and *retrospective*: someone can have prospective responsibilities by being, for example, an adult, and one can be retrospectively held accountable for certain actions, like being late for an appointment or causing an accident. Those are two different ways the notion of accountability are being used. Both are important for the idea that accountability constitutes communities. Accountability can also be *explicit* or *implicit* in people’s behavior: one can either say that she holds someone accountable for a certain action, or one can praise or blame someone without being aware of the fact that, thereby, she implicitly holds the other person accountable for what she did.

What, then, if you do not hold someone accountable for certain conduct without a good reason? It might be a relief not to be blamed for something, but if this happens all the time, something is wrong. Section 3 treats this issue. Not being held accountable for no good reason can be harmful for a person. The reason for this is that she is not fully accepted as a member of the community that is constituted by the attitudes of the other people that hold each other accountable. Examples of this are how women can be treated as if they require protection by men, or when people with a background of psychological problems or mental illness have trouble finding a job. In these

⁴ Strawson, P F. “Freedom and Resentment.” In *Freedom and Resentment and Other Essays*, 1-28. (London; New York: Routledge, 2008).

cases, the participation of the persons in question in society is being hindered by their “accountability deficit”.

In section 4, a specific example of attributive injustice will be discussed, namely cases where *weakness of the will* is unfairly attributed to people. We can call this type of attributive injustice “volitional injustice”. Weakness of the will is an important topic of debate, whether in philosophy or in political theory. The focus in those debates mostly lies on the question what should be done to help people cope with the weakness of their will.⁵ However, policies and theories in this field might risk overshooting their intended goals, and thereby they risk attributing less accountability to people than they deserve. As with other forms of misattribution of accountability, policies like these can be harmful for the people in question.

What, then, can be done about the above cases of attributive injustice? Section 5 briefly discusses potential solutions to attributive injustice. One important part of a solution that aims to reduce the misattribution of other people’s degree of accountability is to make implicit assumptions about other people explicit, so they can be contested if deemed unjust. For this, awareness could be trained, comparable to what Fricker calls “testimonial sensibility”.⁶ Besides, it is important to realize that, sometimes, giving people more responsibilities, i.e., “raising the bar”, can be better than overly excluding people from participating in communities they care for. This summarizes what will be discussed in this thesis. But first, the difference between accountability and responsibility will briefly be addressed.

Accountability or responsibility?

⁵ For example: Richard H. Thaler and Cass R. Sunstein, *Nudge: Improving Decisions About Health, Wealth, and Happiness* (New Haven: Yale University Press, 2008).

⁶ Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (Oxford; New York: Oxford University Press, 2007), 82-84.

In the literature on this subject, both the terms "accountability" and "responsibility" are used. The words roughly mean the same thing, but there can be a difference. Where "responsibility" can sometimes be used in cases where animals or objects cause something to happen, "accountability" reflects a typical human, moral status. A dog chasing a cat towards the road and thereby causing a car accident can be regarded as the responsible factor, but nobody will hold the dog accountable. While some authors who make use of the concept use the word "responsibility" (Brandom, for example), others prefer "accountability" (Darwall, for example, who sometimes uses both terms).⁷

Gary Watson distinguishes "responsibility as accountability" and "responsibility as attributability".⁸ The former kind demands from people that they behave in a certain way and that if they do not, they are eligible for responses like blame or resentment.⁹ This kind of responsibility depends on the propriety of the "reactive attitudes" we have towards people, on which will follow more later. The latter kind, responsibility as attributability, focuses on whether an action can be attributed to the person or not: someone is responsible for an action if that action reflects the person's own values and commitments – in other words, if the action is an *expression* of the person.¹⁰

Both kinds of responsibility are important according to Watson. However, for this thesis the notion of "responsibility as accountability" is the most important. Therefore, the word

⁷ Robert Brandom, *Making It Explicit: Reasoning, Representing, and Discursive Commitment* (Cambridge, Mass.: Harvard University Press, 2001).
Stephen L. Darwall, *The Second-person Standpoint: Morality, Respect, and Accountability* (Cambridge, Mass.: Harvard University Press, 2006).

⁸ Watson, G. "Two Faces of Responsibility," in *Agency and Answerability: Selected Essays* (Oxford: Clarendon Press, 2004), 260-288.

⁹ *Idem*, 262-263.

¹⁰ *Idem*, 260-261.

"accountability" will be used from here, unless "responsibility" or a derivative is clearly more accurate or grammatically correct.

1. Accountability and community

(...) in his last years Harris either remained, or became once again, capable of friendship and remorse. His crimes were monstrous, but he was not a monster. He was one of us.
– Gary Watson¹¹

To hold someone accountable – *retrospectively* for a certain action, or *prospectively* for being able to execute certain actions, like driving a car – has important social implications.¹² Not only will it be appropriate to sanction the person in question in the event of a failure, it also seems that she is accepted as part of the group or “community” of accountable people. The person who is being held accountable is “one of us”. Robert Brandom articulates this as follows (although he uses the word “responsibility”):

Every time one attributes some sort of authority or responsibility to someone, one is treating them as one of us, in our community, in a particular respect. But no one is accorded every sort of authority or responsibility – this is how we distinguish various people. In specifically recognizing people, in keeping deontic score on them, we are all the time constituting various sorts of virtual communities, recognitive communities to be sure, constituted by the specific

¹¹ Gary Watson, “Accountability and the Limits of Evil: Variations on a Strawsonian Theme,” in *Agency and Answerability: Selected Essays* (Oxford: Clarendon Press; New York: Oxford University Press, 2004), 259.

¹² The distinction between retrospective and prospective accountability will be discussed later on.

respects of recognition, corresponding to the normative statuses that we recognize them as having, that we attribute to them.¹³

The aim in this thesis is to explore the implications of this “community constituting” feature of accountability. It is not necessary to exhaustively discuss Brandom’s theory of “normative pragmatics” here, but it is helpful to take a look at how he uses the term to learn how we can understand the notion of accountability and the way it constitutes communities.

Brandom focuses on accountability as a necessary ingredient of discursive practices: the notion of accountability is needed to understand how the sounds we make when we say something get their meaning, i.e., how they get to count as assertions with propositional content.¹⁴ That is, when someone utters an assertional sentence, she makes herself accountable (Brandom uses “responsible”) to her interlocutors for what follows from her assertion, “for one commits oneself to being able to vindicate the original claim by showing that one is entitled to make it”.¹⁵ The person who is uttering an assertion is being committed to the *material inferences* that are connected with what she says. If, for example, she says that her dog has escaped, she is committed to other assertions: at least that she owns a dog, that it is not currently with her and, probably, that she is asking the other person to help her find it. She does not have to say all these other things as well, but she can not deny the first two inferences without losing intelligibility.¹⁶

¹³ Tanja Pritzlaff, “Freedom is a Matter of Accountability and Authority: An Interview with Robert B. Brandom,” *European Journal of Political Theory* 7 (2008), 376.

¹⁴ Robert Brandom, *Making It Explicit: Reasoning, Representing, and Discursive Commitment* (Cambridge, Mass.: Harvard University Press, 2001), xviii.

Brandom uses the word “responsibility”, and derivatives. Any potential difference between “responsibility” and “accountability”, as outlined in the introduction of this thesis, is not important here.

¹⁵ *Idem*, 171.

¹⁶ *Idem*, 89.

Brandom's insight¹⁷ that we hold other people accountable for what they say shows that there is a distinction between those we do and those we do not hold accountable, and more importantly, that we regard those we do hold responsible as equal to us in the sense that we recognize them as people who can be held accountable, like ourselves. This shows, for example, in how Brandom explains the difference between a human and a parrot "saying" the same thing: We do hold the human accountable for its words, while we do not do the same for the parrot. This is the case because we regard the human as understanding the word herself, and hence as able to provide reasons for her utterance.¹⁸

It appears that the division between accountable beings and the rest of the world does not only apply to our use of language. It is implicit in our daily conduct, when we interact with humans, animals and objects in our surroundings. The legal age, for example, distinguishes the "virtual community" of adults from that of children, by holding adults accountable for more things. It is common for adolescents who are prohibited certain things – by their parents or teachers for example – to use the argument "but I am mature enough to do it" to argue for their case. They feel that they can take the accountability to handle the situation. The adolescent who challenges his status by claiming he is mature and accountable enough for what he wants, wishes to participate in the world of adults.

This behavior also shows at a younger age: think of how little children tend to take care of their younger siblings. They have just learned certain things themselves, like to watch out when crossing the street, and subsequently they attempt to teach it to their younger brother or sister, thereby presupposing that the sibling does not know how to do this her or himself (whether this is true or not). With this behavior, the older child distinguishes herself from her sibling, creating

¹⁷ Actually, Brandom's insight of Kant's insight, see: *Making It Explicit*, 8.

¹⁸ Robert Brandom, *Making It Explicit: Reasoning, Representing, and Discursive Commitment* (Cambridge, Mass.: Harvard University Press, 2001), 88-89.

a gap between “the one who is like mom or dad” and her sibling, “the little one”. Obviously, the parents themselves will think differently of this division of accountability, but that does not matter for the point here. By behaving in a certain way, the older child implicitly applies a notion of accountability to (attempt to) gain access to the community she wishes to be part of.

A curious case in which accountability provided participation in a community is that of an ape who became a train signal operator in South Africa in the late 1800s.¹⁹ Mr. Wide, a signal operator who had lost his legs in an accident, discovered that his helping hand, an ape he had trained, was smart enough to handle the levers controlling the signals at the train station. From that day, Wide let the ape, whose name was Jack, do this job. This went well until one day the railway company found out that Jack had been controlling the signals, and they fired Wide. However, Wide resisted his eviction and persuaded the railway company to test Jack’s skills. Eventually, the company admitted and tested Jack thoroughly. To their surprise, Jack passed his test flawlessly and the railway company not only took Wide back as an employee, but they also hired Jack, who officially became a signal operator. He was paid 20 cents a day and half a bottle of beer per week. Jack continued doing his job until he died many years later.

The point of this story here is not that some animals can be as smart as human beings. It is not a point about the possession of a certain amount of "mind stuff".²⁰ What this story shows is that Jack the ape was being held accountable for controlling the signals and this accountability made him one of the railway employees: Jack passed the official test, got employed and received a salary. He was acknowledged to be able to handle the same responsibilities as the other railway

¹⁹ E. G. Nisbet, “Jack of all trades,” *Nature* 347 (1990), 704. And: Dorothy L. Cheney and Robert M. Seyfarth, *Baboon Metaphysics: The Evolution of a Social Mind* (Chicago: University of Chicago Press, 2008), 29-31.

²⁰ This is Brandom’s phrasing. cf. Robert Brandom, *Reason in Philosophy: Animating Ideas*. (Cambridge, Mass.: Belknap Press of Harvard University Press, 2009), 33.

employees and thereby became one of them – at least in the aspect of controlling the levers. The acquired accountability made Jack part of the *community* of railway employees.

1.1 Losing accountability: exclusion

We saw that holding someone accountable entails including that person in a certain group or community. But does a diminishing of accountability entail a rejection from the group? This seems to be the case as well.

Normally, we hold people accountable for the way they behave. Generally, people are fairly accepting towards other people's peculiarities. However, there is a threshold and when that threshold is surpassed, people stop treating the other like a fellow accountable person. Take the example of the person who says she has lost her dog. Saying that she lost her dog, according to Brandom's theory, makes her accountable for that assertion; she is *committed* to the material inferences that follow from it. What, then, if she denies that she ever had a dog, not long after saying she lost it? People who hear her speak will be confused; does she have a dog or not? This kind of behaviour, when it continues, can at first lead to the conclusion that this person is not trustworthy in what she says. But if she seems to be convinced of her own words, even when the different things she says are not compatible with each other, it is not trustworthiness, but intelligibility that is at stake. The things this person says do not make sense, i.e., they can not be interpreted as meaningful. And with that, the person may lose the recognition of being accountable for what she says and does. People who constantly say conflicting things are likely to receive the status of "mentally ill". They are not "one of us" anymore; they are not participating in our community of accountable people.

The link between mental illness, accountability and exclusion also shows in the legal procedure of involuntary commitment. In certain countries, when a person commits a (severe) crime,

mental illness can be brought up as an excuse for legal liability.²¹ ²² If the judge agrees, this mentally ill person will not receive a regular criminal punishment, but she will be hospitalized for a certain period, until it is proven that the person is cured or at least considered safe to be released (in certain cases this may never happen). Where a person is hospitalized due to being mentally ill, the person involved is not being held accountable in the way a (supposedly) mentally healthy person would be.²³ If the situation is not clear at the time of arrest, people regard the accused as a criminal, who is being held accountable for her actions. When it becomes clear that the attributed accountability is unjustified, the "criminal" becomes a "patient" and is locked up in a specialized psychiatric hospital. The person's social status changes too. In Peter Strawson's words, the attitude people have towards her becomes *objective*: "Seeing someone, then, as warped or deranged or compulsive in behavior or peculiarly unfortunate in his formative circumstances – seeing someone so tends, at least to some extent, to set him apart from normal participant reactive attitudes on the part of one who so sees him, tends to promote, at least in the

²¹ Procedures and laws differ per country, but the general idea is the same, in the sense that a person can be court-ordered into treatment after committing a crime. The dutch "TBS" system, interestingly, aims to recognize the accountability of the patient/accused as much as possible. Judith de Boer and Jan Gerrits write: "In The Netherlands, the approach is much more holistic and is focused on the responsibility of the patients themselves to change their antisocial/criminal behaviour." Judith de Boer and Jan Gerrits, "Learning from Holland: the TBS system," *Psychiatry* 6, issue 11 (2007), 459.

²² There exists a controversial middle ground in the United States called "Guilty but Mentally III". For a critical discussion, see: John D. Melville and David Naimark, "Punishing the Insane: The Verdict of Guilty but Mentally III," *The Journal of the American Academy of Psychiatry and the Law* 30, no. 4 (2002), 553-555.

²³ Even though this distinction is made in certain countries, not all persons who are being imprisoned (instead of being hospitalized) are mentally healthy. See for example JanCees Zwemstra e.a., "Quality of Life in a Population of Dutch Prisoners with Mental Disorders," *International Journal of Forensic Mental Health*, 8:3 (2009), 186-197.

This shows that one can be mentally ill and still be held accountable for certain actions. Whether this accountability is appropriate, is a difficult question that will not be treated here.

civilized, objective attitudes."²⁴ As soon as someone is hospitalized instead of being punished, she ceases to be a member of the community of accountable agents.²⁵

The examples mentioned above are cases in which people lose their attributed accountability for reasons we generally find legitimate. However, there are cases in which people are being regarded as less accountable than they actually are. Unfairly being regarded as less accountable can be taken as a form of injustice. But before addressing this issue, more should be said about accountability itself.

2. Some notes on accountability

What is meant by "accountability" in the claim that it constitutes communities? What does it mean to be accountable for something? It is not the goal here to exhaustively define the word.

The aim of this thesis is to understand what it means when people take other people (or other beings) accountable for certain things. The question whether it is *appropriate* to hold someone accountable in a specific event, and thus whether one's attitude towards the other is correct according to a definition of accountability, is not being investigated here. Nevertheless, it is important to know what we are dealing with when someone holds another accountable for something. Therefore, some features of accountability must be laid out.

²⁴ Strawson, P F. "Freedom and Resentment." In *Freedom and Resentment and Other Essays*, (London; New York: Routledge, 2008), 10. More on this follows.

²⁵ Punishment is mostly considered to be a negative thing. However, it shows a positive side as well: the one being punished – as opposed to hospitalised – is still being recognized as one of the community, as someone who can be held accountable for her actions.

This can be objected: being imprisoned does exclude people as well. Ex-prisoners often have a hard time rejoining society, for example. This, however, has more to do with alienation from society and distrust or resentment by the community. These are what Strawson calls "participant reactive attitudes": attitudes that still consider the person as one of the community of accountable people. Strawson, P F. "Freedom and Resentment." In *Freedom and Resentment and Other Essays*, (London; New York: Routledge, 2008), 9-10. It is important to keep in mind that not holding someone accountable is not the sole way of excluding people from society or subgroups.

Firstly, accountability is a "status" that is given to some being. It is a feature of social interaction, in the sense that it is not a physical property or a feature that one grows at a certain age.²⁶

Accountability is not something an archeologist finds when he digs up human bones, nor does it show up on a neurologist's scanner. It only appears when people start *expecting* certain behavior from others, i.e., when holding someone accountable for something, one has a certain *attitude* towards that person: one commits that person to certain behavior.

Secondly, accountability entitles the relevant persons to sanction someone in the case she does not behave in the way her status prescribes. To be accountable does not so much make it *possible* that one can be sanctioned for misbehaviour, but it makes it *appropriate*.²⁷ Being regarded as an accountable person in general makes one's behavior eligible for sanctioning. When walking around town, you are expected to avoid bumping into people and to stay on the sidewalk instead of the road. Not complying can result in sanctions ranging from angry stares to fines.

Accountability is not only something that is being attributed to you when participating in society. It is also something you (implicitly) attribute to others when you behave in certain ways. Take, for example, Brandom's theory on language-use again. Brandom focuses on the one who talks and who is thereby being held accountable for what she says. However, he does not mention the other side of the conversation. Not only the utterer is being held accountable for her assertion, she herself holds her conversation partner accountable for being able to understand her. There are implicit assumptions in the way people talk to each other. Talking to a child is done quite differently from talking to an adult, and talking about work to a coworker, who has the same

²⁶ This is also how it is articulated in the introduction of Andrew Eshleman, "Moral Accountability," in *The Stanford Encyclopedia of Philosophy* (Summer 2014 Edition) and in Robert Brandom, *Reason in Philosophy: Animating Ideas*. (Cambridge, Mass.: Belknap Press of Harvard University Press, 2009), 4-5.

²⁷ See for example: *Making It Explicit: Reasoning, Representing, and Discursive Commitment* (Cambridge, Mass.: Harvard University Press, 2001), 163.

background knowledge about the subject as you do, differs from talking about work to your spouse.

In this case, the sanctioning that is part of the notion of accountability is more hidden from view.

Do we sanction the listener when she does not understand what the speaker says? What might happen is that either the speaker changes her vocabulary, so that the listener will understand, or, the speaker might get annoyed because she still expects the listener to be able to understand her.

In the first case, no sanctioning takes place. The reason for that is that the status of the interlocutor, and hence that which she is being held accountable for, changes as soon as the speaker realizes that she (either implicitly or explicitly) misjudged her level of competence.

Instead of sanctioning the person according to the accountability she has, the accountability itself changes, so sanctioning is not necessary.²⁸

In the second case, the sanctioning lies in the speaker getting annoyed. Repercussions, then, have the form of sentences like “don’t be ignorant, start paying attention”. The point here is that holding someone accountable means that we recognize that person as someone who is able to fulfill the expectations we have of them. Sanctioning, then, is still a sign that we see the potential that the person understands the words. Not sanctioning her would mean that we stop recognizing her as an accountable person (in a general or in a very specific area like the vocabulary of the speaker).

2.1 Prospective and retrospective Accountability

From the above, it appears that it can mean two things to hold someone accountable: on the one hand, someone is being held accountable for a certain action, for example for causing an accident

²⁸ Another possible situation is that the speaker thinks she has to simplify her vocabulary, while the interlocutor actually does understand her. Here we see a possible case of “attributive injustice”, on which will follow more later.

or for scoring a winning goal. On the other hand, people are being given certain responsibilities in the sense that they are expected to be capable to carry out certain actions, like driving a car or working with hazardous materials – or understanding what the other person says, like in the example above. Since the word “accountability” is used for both situations, it can be helpful to take brief note on the distinction.

In both cases, one has a certain attitude towards the one being held accountable. It is either an attitude of blame or praise, or an attitude that reflects certain expectations – expectations of a certain capability. We can call the first type *retrospective accountability*; it is attributed after the fact, i.e. after a certain action is being taken. The second kind of accountability can be called *prospective accountability*; rather than an attitude to someone concerning a certain action, it is a general status that is being attributed to someone for a certain period of time. Despite possible differences between the two variants in accountability, both will be used here, since both types of accountability are important for the idea that accountability constitutes communities. Praising or blaming an action performed by someone, or putting one’s trust in someone’s capabilities to properly perform certain actions, gives that person the status of “accountable person”.²⁹

2.2 Implicit and explicit accountability

Besides prospective and retrospective accountability, one can distinguish two "modi" of accountability, namely implicit and explicit accountability. The word "modus" is being used here

²⁹ For more on the difference between prospective and retrospective accountability, see: Peter Rivard, “Accountability for Patient Safety: A Review of Cases, Concepts, and Practices,” Online document by the Massachusetts Coalition for the Prevention of Medical Errors (Boston: Boston College, 2003). http://www.macoalition.org/Initiatives/docs/Accountability%20LitReview%20Final_Rivard_new%20copyright.pdf. Accessed 12-08-2015.

Rivard writes: “When we seek to establish accountability for safety retrospectively, we are in the historical, journalistic or legalistic mode of attempting to determine ‘who did it.’ When we seek to establish accountability for safety prospectively, we have the opportunity to adopt the perspectives of inquiry and prevention, attempting to determine ‘who is in the best position to prevent it next time,’ which is not necessarily the same as ‘who did it.’”

to point out that they are two variations of the same type, and not two separate types of accountability.

When someone's accountability is made explicit, that person may agree with it or challenge it – for example when someone is being blamed for causing an accident when she clearly thinks it was not her fault. However, in many cases, the attribution of accountability is implicit in the attitude people have towards others. This means that in regular, daily conduct people do not necessarily think of themselves as “being held accountable” and “holding other people accountable” for what they do, when actually this kind of practice takes place all the time.

The most concrete form of explicit accountability is found in the system of law, where the actions of persons are being judged. Take for example the legal age of persons. When a child reaches the age of 18 years old, she is considered an adult in most countries in the world.

Becoming an adult brings a package of new abilities (obviously, depending on the law of the specific country). Someone is, for example, legally allowed to drive a car, vote or marry. This package of abilities comes with a price: when you can legally do something, you can also be legally held accountable when you make a mistake or deliberately break a rule. Criminal justice systems also distinguish between children and adults. Adults are being held more accountable for their actions and hence receive more and/or different types of punishment for committing crimes compared to children.³⁰

The explicit accountability as articulated by the example of the legal system does not always reflect how someone prefers to be treated. As we already saw, it is common for adolescents who are prohibited certain things – by their parents or teachers for example – to use the argument "but I am mature enough to do it" to argue for their case. They feel that they can take the

³⁰ In some countries, notably less developed ones, the distinction between “child” and “adult” is smaller and the transition from being considered a child to being considered an adult starts a lot earlier in life. If the struggle for basic needs is harder, people seem to attribute accountability to young people more and earlier.

accountability to handle the situation. A peculiar case is that of the Dutch girl Laura Dekker, who had the strong wish to break the world record for being the youngest person to sail around the world. After struggling with legal institutions, Dekker was finally allowed to make her trip, at the age of fourteen.³¹ The risky trip combined with the girl's young age spurred debate about whether children can be allowed to do things most people consider to be dangerous, and about who is accountable in case anything goes wrong. Those debates show the tension between formal or legal (explicit) accountability on the one hand, and informal or maybe "self-attributed" (explicit) accountability.

Implicit accountability is a kind of accountability that is either or not presupposed when people interact with other beings in the world. It can be regarded as what Stephen Darwall calls a *normative felicity condition* for our reactions to (assumedly) healthy adult people when they do or say something to us.³² This means that we have certain background assumptions about the ones we interact with, even though we do not necessarily think about those assumptions. Our reactions to others are different when we do not address "normal" people, but objects or young children, for example. Compare the cases in the following subsection, which show how implicit accountability is or is not attributed in different situations, depending on who or what we encounter.

2.2.1 Implicit accountability: three cases

³¹ Dekker's efforts were a big topic in public debates. A brief summary of the developments that lead to the decision that Dekker was allowed to set sail can be read in "De overheid heeft haar werk gedaan, nu mag Laura uitvaren," *Trouw* (29-07-2010). <http://www.trouw.nl/tr/nl/4324/Nieuws/article/detail/1121832/2010/07/29/De-overheid-heeft-haar-werk-gedaan-nu-mag-Laura-uitvaren.dhtml>. Retrieved at 19-08-2015.

³² Stephen L. Darwall, *The Second-person Standpoint: Morality, Respect, and Accountability* (Cambridge, Mass.: Harvard University Press, 2006), 4. Darwall refers to Austin, who speaks of certain background conditions ("felicity conditions") that need to be true for a speech-act to be successful. See: J. L. Austin, *How to Do Things with Words: The William James Lectures delivered at Harvard University in 1955*, edited by J. O. Urmson (Oxford: Clarendon Press, 1962), 14-16.

1. You are walking downtown. It is rather crowded, but not more than usual. Suddenly, you get hit on your arm by something. When look around, you see that the source of the blow is a man who is staring at his telephone while walking rather briskly, not paying attention to where his body parts move. You angrily shout at the man that he should pay attention when walking in a crowded area.
2. The same situation, but this time the source of the blow is a branch that was blown off a tree nearby. You were startled, but not harmed by the branch, so you move along, thinking about how the municipality should take more care of their trees to avoid dead branches being blown off this easily.
3. The same situation, but this time something bumps into your leg. You look down and see a child who continues running along, ignoring you. Since it is only a small child, you smile about his reckless behavior and move on.

The three situations above say something about the implicitly presupposed accountability – or the lack thereof – of the objects that startle you on your downtown trot. In situation 1 you shout at the man. You see him as someone who should not behave like he does. Thus, you hold him accountable for his behavior.

In situation 2, you do not feel angry at the branch or the tree. You know it would not make sense to blame it for hitting you. At most, you could blame the persons who take care of the greenery of the town. You do not hold the tree, but the municipality accountable for the blow on your arm. However, in that case, the accountability in question has become explicit, since now you are thinking about the tasks (the responsibilities) of your local government.

In situation 3, the realization that the one who bumps into you is only a child has the effect that you are not angry or accusatory. You do not hold a child of this age accountable for not paying

attention. You *could* do that, though, so it is not necessarily clear what the correct procedure is. Some people might have gotten angry at the child; they would have held it accountable for its behavior.³³

All three situations concern implicit accountability. What you think and how you act in any of them depends on your presuppositions about the "objects" you encounter. If you blame someone for not paying attention and hence for harming you or other people, you hold her accountable for his actions. If, on the other hand, you do not blame someone or something for the harm he, she or it did to you, you do not hold them accountable for it. Accountability, here, concerns what you expect from the world around you. Even when you do not think about it, your behavior shows what kind of conditions you think suitable for what kind of responses.³⁴

2.2.2 Objective and Participant Reactive attitudes: Peter Strawson

As we have seen in the previous section, implicit accountability is something that is present when people react in a certain way to certain situations. Only when people regard the source of an event as something that can be blamed or praised do they actually hold that source accountable for the event. In that case, we take what Peter Strawson calls a "participant reactive" attitude towards the other person. This attitude is opposed to what he calls an "objective" attitude, in which we do not hold someone accountable for what she does because we recognize that she is, as Strawson writes "psychologically abnormal" or "morally undeveloped".³⁵

³³ There is no straightforward answer to the question whether holding a child accountable for a certain kind of action is appropriate or not. The attitude towards children differs inter- and intra-culturally.

³⁴ Your responses, obviously, are not random; they are based on prior experience. A small child might get genuinely angry at a tree for dropping a branch on her. The experience that this anger is irrational helps form her responses later in her life.

³⁵ Strawson, P F. "Freedom and Resentment." In *Freedom and Resentment and Other Essays*, (London; New York: Routledge, 2008), 9-10.

In this essay, Strawson claims that the theory of determinism by itself, in whatever specific form, can not be the reason that we sometimes have an objective attitude towards human behavior nor can it change our participant reactive attitudes into objective ones by itself. (13-14).

Situation 1 shows a case of a participant reactive attitude: we blame the man for bumping into us. Certain exceptions can be made – for example that he was stressed because his wife is in labour – which, however, "(...) do not invite us to see the agent as other than a fully accountable agent. They invite us to see the injury as one for which he was not fully, or at all, accountable".³⁶ Those possible exceptions barred, the general accountability of the person involved remains intact.

In contrast, situation 3 is a case where we have an *objective* attitude towards human behavior. This type of attitude, as Strawson describes it, is articulated in statements like (quoted) "He wasn't himself" (...) "He's only a child", "He's a hopeless schizophrenic", "His mind has been systematically perverted", "That's purely compulsive behavior on his part" (...). They "(...) invite us to view the agent himself in a different light from the light in which we should normally view one who has acted as he has acted".³⁷ These are cases in which we "naturally" recede from taking the person accountable. That is, "[objective attitudes] cannot include resentment, gratitude, forgiveness, anger, or the sort of love which two adults can sometimes be said to feel reciprocally, for each other."³⁸

Strawson describes situations where humans interact with other humans. However, situation 2 – the branch falling from the tree – could also be regarded as an objective attitude towards what happened to you. It is a natural reaction to not blame the branch or the tree for hitting you. After all, when we take up an objective attitude to a person we regard them as if they are mere cogs in a machine – an attitude we do have towards natural events (in our time and culture, at least).³⁹

³⁶ Strawson, P F. "Freedom and Resentment." In *Freedom and Resentment and Other Essays*, 1-28. (London; New York: Routledge, 2008), 8.

³⁷ Idem, 8-9.

³⁸ Idem, 10.

³⁹ Idem, 11-12.

It is important to keep in mind that implicit accountability can be made explicit and that it subsequently can be contested if the attributed accountability is deemed unfair for some reason. We saw this with the case of “sailing girl” Laura Dekker, who contested the little accountability that was attributed to her.⁴⁰ When someone feels the need to contest her accountability attribution, it is possible that a kind of injustice is at stake. Since this injustice is caused by unfair attributions of accountability, it can be called “attributive injustice”. This type of injustice is the topic of the following section.

3. Attributive Injustice

Whether implicitly or explicitly, people attribute accountability to others, or they withhold from doing it. We already saw cases in which people attribute less accountability to others, for example when they deal with mentally disabled people. Participant reactive attitudes here make place for objective attitudes. However, this change of attribution does not always fit with how the attributed person perceives herstatus. People can misattribute accountability to others, in the sense that by displaying a more objective attitude, they do not recognize the full potential of the other person. If this misattribution happens throughout a person’s life, it could be said that this person suffers from a kind of injustice: “attributive injustice”. To better understand this kind of injustice, it is important to realize that the attribution of certain statuses by other people is very important to one’s well-being. Therefore, the next section will briefly discuss this topic.

3.1 The importance of social statuses

⁴⁰ More was at stake than only accountability. Another issue was whether Dekker was allowed to miss school. See for example: “Eerst naar school, dan een wereldreis,” *Trouw* (13-08-2009). <http://www.trouw.nl/tr/nl/4492/Nederland/article/detail/1163194/2009/08/13/Eerst-naar-school-dan-een-wereldreis.dhtml>. Retrieved at 17-08-2015.

Even if you think that you are, for example, a good chess player or a trustworthy doctor, those titles are not only up to you.⁴¹ You need to be recognized as a good chess player by other chess players (whom you, in turn, call "good")⁴² or, in the case of the doctor, by your patients and fellow doctors. You cannot decide what is "good" all by yourself, and then call yourself that.

Being attributed a certain status against one's own opinion – being regarded as a bad doctor, for example – can seriously harm someone's self-worth. Let's briefly explore two ways this can lead. In one way, the doctor is indeed not a good doctor, and in the other way, she actually is good, but prejudice shrouds the attributing people's opinion.

The doctor who is actually bad may think that she is a good doctor because, for example, she saved a seriously ill person one time in her life. However, the general opinion disagrees with her, because she has become more sloppy over time. Depending on the situation, the doctor can either stubbornly remain convinced of her well-performing, or learn that she was mistaken. In the former case, and when her practice causes a danger to her patients, psychologists might have to diagnose her as delusional. In the latter case, she will have to face the fact that, against her own conviction, she was not a good doctor and she might need to go back to medical school.

However, there can be cases in which the doctor is actually quite good, in the sense that she performs better than average (i.e., there is objective proof that she is good), while at the same time the general opinion on her performance is negative. Causes for her status as a bad doctor could be, for example, that she is a woman, that she has a dark skin color or that she has a rural accent. Here, the doctor knows that, statistically, she is a good doctor. She might also think that

⁴¹ The "chess" example is borrowed from Brandom, the doctor example is a derivative of this example that was chosen to reflect a more urgent case. See: Brandom, Robert. *Reason in Philosophy: Animating Ideas*. (Cambridge, Mass.: Belknap Press of Harvard University Press, 2009), 70-71.

⁴² A possible objection is that being able to beat a chess computer of which you have read it is the best one in the world can provide you the knowledge that you are a good chess player, without anyone ever telling you. However, the point here is that to receive the *status* of a good chess player, you must recognize what it is to be good and then be recognized as such. Failing to be recognized might be harmless if you just beat the best chess computer, but it does not give you the status of a good chess player yet.

she treats her patients in a friendly way and that she does her best all the time. Unlike the doctor who was actually performing badly, this doctor suffers from a prejudice. No matter how good she thinks she is – and she has valid reasons for thinking that she is – she will not receive the status of a “good doctor”. If she has a thick skin, she could endure by thinking she does her job for the greater good, but it is likely that most people will suffer in some way from a fate like this.

To conclude, the status that people attribute to you matters. If someone wants to be a good doctor, one is dependent on the attitude others have of her as a doctor. If, then, people structurally do not attribute a certain status to someone due to a certain prejudice, while she is actually quite capable to fulfill that status, she is being harmed by a kind of attributive injustice.

A sub-type of attributive injustice is Miranda Fricker’s “epistemic injustice”. To clarify the different forms attributive injustice can take, epistemic injustice will be briefly discussed next.

With Fricker’s theory, we can solidify some features of attributive injustice and, finally, use some of her ideas to attempt a reduction of cases of attributive injustice.

3.2 Epistemic injustice

Epistemic injustice is the type of injustice that consists of “a wrong done to someone specifically in their capacity as a knower.”⁴³ This means that if someone purports to know something, but she is not being believed while the interlocutors do not have a good reason for their disbelief, this can be a form of injustice.

According to Fricker, a person whose testimony is structurally undervalued because of a prejudice about the “type” of person who is speaking, suffers from a “credibility deficit”.⁴⁴ As it was already visible in the example about the “bad” doctor, women, for example, or people with a

⁴³ Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (Oxford; New York: Oxford University Press, 2007), 1.

⁴⁴ *Idem*, 18.

darker skin colour, often have difficulties being taken seriously when they claim to know something in cases where white, male persons would instantly be believed. A credibility deficit can seriously undermine someone's self-esteem, and since knowledge is a typical human capacity, to be wronged in one's capacity of knowledge is to be dehumanized.⁴⁵

An important feature of epistemic injustice, according to Fricker, is that the rejection of one's knowledge happens "structurally". What she means by this is that the prejudice involved "track[s] the subject through different dimensions of social activity—economic, educational, professional, sexual, legal, political, religious, and so on."⁴⁶ If someone is not being believed only once or twice, especially when the context is very local, she does not suffer from a credibility deficit. On the other hand, if the rejection of one's testimony occurs all the time in whatever context, the injustice is based on someone's identity, and therefore the person suffers from an "identity-prejudicial credibility deficit".⁴⁷ A similar "deficit" to Fricker's credibility deficit, but due to an unfair prejudice about someone's accountability, can be called an "accountability deficit". The next paragraphs will discuss this subject.

3.3 Accountability deficit

Epistemic injustice is a type of attributive injustice because a negative status is being attributed to a person based on prejudices. An example of attributive injustice that is not epistemic injustice is how women throughout history have had – and still have – trouble obtaining an equal status to men in cases of accountability. Not only are women maltreated and oppressed by men, but they are also regarded as "precious", "fragile" beings to whom men should be "a gentleman" or "a good husband". It is not necessary to do thorough research in this subject to see how women in

⁴⁵ Idem, 44.

⁴⁶ Idem, 27.

⁴⁷ Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (Oxford; New York: Oxford University Press, 2007), 28.

most cultures and eras are not expected to do heavy work, and that they are often blamed less for mistakes compared to men.⁴⁸

When people (both men and women) treat women as if they need more help with things or as if they need a "gentleman" around to protect them, those people implicitly deny those women certain responsibilities. It is clear that in many cases no harm is intended. The "gentleman" or the "good husband" does what he thinks is best. However, he does not regard his female companion as fully able to cope with life's "hardships", like closed doors, or having a job. The women in question here can be said to have an "accountability deficit", as a parallel to Fricker's "credibility deficit": those women have a status that prevents them from proving that they can take on certain responsibilities. Being protected from certain hardships does not sound too bad, but it can be frustrating to be unable to even provide proof that one is capable. Think again of the adolescent who is denied certain responsibilities and argues to be taken seriously as an adult. He wants to be attributed more prospective accountability, just like the adults around him. Where this adolescent is able to contest his status, many women throughout history have not been able to do this.

Exclusion by means of a loss of accountability can be harmful. It does not have to be, though, as not all groups or communities are as important as others. When you are at a party organized by a group of physicists, while you yourself are a historian, people will have to change their vocabulary when they talk to you about their field of work. They rightly assume that you are not capable of understanding their specialized vocabulary and hence they do not hold you accountable for being able to understand them. They might implicitly (and rightly) exclude you

⁴⁸ Then again, women have often been blamed for causing disasters or for the corruption of men. However, in those cases the women were not necessarily blamed for their mistakes, but they were regarded as incorporations of sin or evil. Either way, women are being subject to all kinds of unjust attributions.

from participating in their community of physicists but they still include you as a socially equal human being (and a friend) at their party.⁴⁹

The problem arises when people are getting excluded from participation in more general communities. Society itself is paramount; few people can handle being excluded from it. Being regarded as mentally unstable, for example, can isolate and alienate people from society.

However, also within society undesired gaps can form between people who are either included in or excluded from participating in communities. These gaps are being instituted by potential policies that prematurely relieve certain people from certain forms of accountability. Say, for example, that a government has the idea that poor people have difficulties managing their money, so a policy is being thought out that distributes the income of certain persons over the month.

The assumption about how certain people cannot be held accountable for handling their money wisely has now created a gap between those people and the rest of the society. This might also reinforce the negative stigma and prejudices about the less-wealthy and it might lower their self-esteem. More generally, the people who are the subjects of this policy are not being regarded as full citizens like the people whose income is not being regulated like this. They do not get the chance to prove themselves like everybody else.

In the same manner, people who have certain disabilities or who are diagnosed with a certain psychological illness struggle to be taken seriously as persons who can bear responsibilities. This is clearly visible when people with mental or psychological disabilities receive governmental support in finding a job. They are often assigned jobs that are beneath their competence, the idea

⁴⁹ However, if the physicists at the party talk to you differently not because they know that you are a historian, but because you are a woman, we can speak of an accountability deficit.

being that they cannot be given too many responsibilities.⁵⁰ They are being denied participation in a community they are actually very well capable to reside in.⁵¹ Obviously, it cannot be expected that everyone can do everything; special care for impaired people is very important. However, providing care is not the same as relieving people from responsibilities if they do not need to be relieved from them. It goes too far to argue here what “care” should involve, but it is reasonable to suppose that when caring for others, it is better to aim for more than for less participation of the cared in whatever community they wish to participate. There is a fine line between caring and needlessly excluding.

3.4 The importance of inclusion

One important question that arises from the claim that misattribution of accountability can be unjust, is why it is important that people can fully participate in either society as a whole or the relevant communities within. This is a proper research question by itself, and the importance of being able to maximally participate in social communities is assumed in this thesis. Some things can be said about it, however.

Firstly, being regarded as someone who cannot fully participate is by itself frustrating and emotionally hurtful. In other words, it simply feels good to be “one of the group”. But being a participant in society is also important for being able to do the things one wants to do. Think again of the doctor who suffers from an accountability deficit. She *wants* to be a good doctor and

⁵⁰ See for example: Audrey Zonneveld, “Werken onder je niveau,” *UWV Perspectief* 3 (2014), 6-8. Similarly, a famous experiment by David Rosenham, published in 1973, shows that people have trouble distinguishing healthy from mentally ill people. People who have the stigma of having mental or psychological problems have a hard time proving that they can do more than others think. See: D.L. Rosenham, “On Being Sane in Insane Places,” *Science*, 179, no. 4070 (1973), 250-258.

⁵¹ A study on prejudice on physically disabled employees points at a similar problem: “[B]eliefs [that these ratees would in fact be poor performers in the future] might lead a rater to be less willing to spend time with an employee discussing strengths and weaknesses and trying to develop the employee. It might also mean that, when there were serious consequences involved, a rater might be reluctant to place the ratee in any critical position.” Adrienne Colella and Arup Varma, “Disability-Job Fit Stereotypes and the Evaluation of Persons with Disabilities at Work,” *Journal of Occupational Rehabilitation* 9, no.2 (1999), 92.

her unjust status of “bad doctor” holds her back from this. In the same sense, someone who is not being regarded as fully accountable in a certain sense, will not be accepted when she wants to do something that involves this accountability. If one wants to take a hiking trip alone, this is not an issue. On the other hand, if one wants to do anything that involves social interaction, her status of “less accountable” can get in the way. This is the case where people who have a background of psychological problems, or who suffer from mental or physical disabilities, have trouble finding a job that fits their level of competence. Being held less accountable than necessary bars the way to participating in communities one wants to participate in.⁵²

Besides this practical consequence of not being able to fully participate, there is a sense of “emotional being together” that can be threatened by misattribution of accountability. Remember how Strawson writes of objective attitudes that they “cannot include the range of reactive feelings and attitudes which belong to involvement or participation with others in inter-personal human relationships”.⁵³ Being misattributed as less accountable poses the risk of being excluded from important relationships. This exclusion may come in degrees and does not always pose a large risk. However, the misattribution of accountability does change the status of that person and this may increase the social distance you take from her. Compare arguing with someone about her being late to simply not making the appointment because you have decided that she cannot be on time. Where the former may be difficult, it is much more interpersonal and constructive for a mutual relationship.

3.3.1 Accountability surplus?

52 In a similar vein, Joel Anderson speaks of “participation-affording competence ascriptions”, which means that “others’ ascription of competence to us determines whether we get uptake in social practices.” Joel Anderson, “Vulnerability and Autonomy Entwined,” in *Vulnerability: New Essays in Ethics and Feminist Philosophy*, ed. Catriona Mackenzie e.a. (Oxford: Oxford University Press, 2014), 146.

53 Strawson, P F. “Freedom and Resentment.” In *Freedom and Resentment and Other Essays*, (London; New York: Routledge, 2008), 10.

The attributive injustice described above concerns cases in which someone or a group is regarded as less accountable than is fair. In the same way, people can also be attributed *more* accountability than they can actually handle. Some examples are how people are supposed to find their way through the difficulties of their country's tax and social health care system, or how people are supposed to stay healthy while being influenced daily by advertisements for fast food. In both cases, (groups of) people seem to have difficulties coping with the political and economic systems as they are in place today. Not recognizing these issues can be a form of neglect, in the sense of saying to someone whose leg is broken that she should not complain and just walk on. Holding people accountable for things they simply cannot bring up (whether that is because of a low threshold of capacities, or because of temporary psychological problems) can be regarded as a form of attributive injustice as well. The focus in this thesis, however, lies on the other side of attributive injustice. The reason for this is that more has been written on the problems that arise from overly holding people accountable, while the issue of unfairly attributing a lack of accountability to people is less visible in literature.⁵⁴

A more specific case of attributive injustice will be discussed in the following section. Here, the other side of the problem, where people are being attributed too much accountability – in the form of willpower – shows up some times. Again, however, the emphasis will lie on the other side.

4. Injustice concerning attributions of willpower

We saw that attributive injustice can cause accountability deficits in people. The status that one is unfairly attributed prevents people from fully participating in the community that is constituted

⁵⁴ For more on the (potential) discrepancy in societies between, on the one hand, the expectations of people that implicitly lie in certain policies and, on the other hand, the actual capabilities that people seem to have, see for example Joel Anderson, "Autonomy Gaps As a Social Pathology: Ideologiekritik Beyond Paternalism."(forthcoming).

by the practice in which people hold each other accountable for what they do and say. To make the case of attributive injustice more clear, let us focus on a more specific case of it, namely the injustice of being misattributed either strength or weakness of will. We can call it “volitional injustice”. Volitional injustice is a kind of attributive injustice that takes place when someone is unfairly regarded as being either strong or weak willed.

4.1 Weakness of the will

Studies suggest that many people have serious trouble resisting laziness or unhealthy food, while in the meantime they acknowledge that they should not be lazy and that they should avoid unhealthy food. In other words, their behavior is not completely *rational*.⁵⁵ Cases like these are cases of *weakness of the will*. Topics of debate related to weakness of the will range from potential solutions to the presumed lack of willpower, to the question whether weakness of the will is actually possible and if so, how.⁵⁶

Despite evidence that weakness of the will is an existing phenomenon, every healthy adult is expected to properly manage his or her own life. To support people in managing their lives, solutions are being brought up by theorists or politicians.⁵⁷ Generally, every theory in this field argues against the strongly liberal idea that can roughly be described as “every individual can

⁵⁵ See for example: John Monterosso and George Ainslie, “The Behavioral Economics of Will in Recovery From Addiction,” *Drug and alcohol dependence* 90 Suppl 1 (2007), 100-111. And: George Ainslie, “Derivation of ‘Rational’ Economic Behavior from Hyperbolic Discount Curves,” *The American Economic Review* Vol. 81, No. 2, (1991), 334-340.

⁵⁶ Compare, for example, Davidson’s and Holton’s views on the matter. Davidson describes weakness of the will as an intentional action contrary to one’s own best judgement, while Holton describes it as an unwarranted or ‘too ready’ reconsideration of an intention. Donald Davidson, “How is weakness of the Will Possible?,” in *Essays on Actions and Events* (Oxford: Clarendon Press, 1980), 21-44; Richard Holton, *Willing, Wanting, Waiting* (Oxford: Oxford University Press, 2009).

⁵⁷ See for example Richard H. Thaler and Cass R. Sunstein, *Nudge: Improving Decisions About Health, Wealth, and Happiness* (New Haven: Yale University Press, 2008). Another typical case is the attempt by mayor Bloomberg to ban big sizes of soda cups in New York. The relevant question here is: can people be regarded as accountable for their own choice of (unhealthy) food or not? See for example: Michael M. Grynbbaum, “Court of Appeals, Ruling 4-2, Ends City’s Fight to Limit Size of Sugary Drinks,” *New York Times* (June 27, 2014), A24.

and should fend for herself and if people suffer from the choices they make, so be it.” However, policies that aim to support people face the risk of overly attributing weakness of the will to the people they are concerned about. We saw that implicit and explicit presuppositions about other person’s accountability can influence the extend to which those others are included in the community in question. This is also the case when volitional injustice occurs: by unnecessarily attributing weakness of the will to certain persons, one does not hold them as accountable as they deserve.

4.2 Volitional injustice

Prejudices about other people’s willpower can cause attributive injustice. As we saw, attributive injustice can go two ways – either one is attributed too much of a certain status, or too little. This is also the case for volitional injustice: either one is expected to have a stronger will than one actually has, or someone is unfairly taken to be weak-willed, either partly or fully. If this misattribution follows a person through important aspects of her life, i.e., if it is “structural”, in Fricker’s words, then we can speak of “volitional injustice”. As with epistemic injustice, volitional injustice can harm a person because people attribute a negative status to her based on unfair judgements by others. Again, the focus here lies on the underestimation of someone’s willpower.

Volitional injustice is similar to epistemic injustice in that it can undermine someone’s personhood. However, the undermining itself has a different form. Whereas epistemic injustice harms someone as a “knower”, or as someone who can provide good reasons for her testimonies, volitional injustice disqualifies that person from being a fully recognized participant of a group or community, namely the group of people who attribute sufficient willpower to themselves to properly manage their lives. This is the case because in events of volitional injustice, one is not

taken as someone who can be held *accountable* for her will. Someone who is thought to be weak willed, will not be regarded as someone who can be left alone with a bag of candy, or as someone who cannot be relied on to get up early in the morning when required.

Clearly, strength and weakness of the will can also be properly attributed to other persons. One can, for example, properly attribute weakness of the will to a person with certain eating disorders. People who have bulimia nervosa, for example, suffer from compulsory eating binges, followed by the purging of the food from their body. This is both physically and psychologically painful and harmful. It would be unrealistic and rude to expect them to be strong willed around food; they have a disorder that specifically weakens their will in this aspect. Besides those medical cases, it is not hard to establish that many people have trouble finding the required willpower to do everything they would like to do because they think it is best for them.⁵⁸ On the other hand, in many cases it is uncontroversial to attribute strength of will to a person – whether this is to compliment someone on completing a difficult task, or to teach someone that a little bit more willpower will get her where she wants to be. Together, the four types of "willpower attribution" can be regarded as forming a matrix: one can attribute too much or not enough willpower to someone, and this can be just or unjust.

Policies that aim to help people in their struggles against weakness of their will, like the (attempted) New York "soda ban"⁵⁹, or other forms of political interventions, try to avoid overly attributing willpower to people. Instead of claiming that every person is able to fend for herself, while empirical studies suggest otherwise, those policies accept that people cannot always be held accountable for everything they do. However, those policies may go too far towards the other end of the matrix described above, towards a total lack of expectations from people at all.

⁵⁸ Roy F. Baumeister and Todd F. Heatherton call this a "lack of self-regulation". "Self-Regulation Failure: An Overview," *Psychological Inquiry* 7, No. 1 (1996), 1-15.

⁵⁹ See footnote 56. Michael M. Grynbaum, "Court of Appeals, Ruling 4-2, Ends City's Fight to Limit Size of Sugary Drinks," *New York Times* (June 27, 2014), A24.

Thereby they replace the problem with a new one: they move from overly attributing strength of will to overly attributing weakness of will. This can be hurtful for the people in question, because they are unjustly being regarded as persons who are not fully accountable for what they do.

For example, it might be a good idea to hide a bag of candy that you have lying around at your house from your young child, because the child might eat it all and become nauseous. However, hiding the candy from your adolescent son to protect him from sickness (and not because he is not allowed any for other reasons) implies that you do not trust his willpower to eat only a little.

In this case, the child and the adolescent are not being regarded as being able to take the responsibility for being alone with a bag of candy. However, we usually assume a difference between children and adolescents when it comes to willpower, and even if we acknowledge that adolescents are not always strong willed, we know that they are able to learn from their mistakes. In other words, unfairly attributing (potential) weakness of the will to someone can hurt that person by grouping it with other beings that are weak willed. The attempted ban on big soda sizes in New York is a similar case: preventing (adult) people to drink too much soda might side them with the children, and not with the adults, of the country.

To take another example of volitional injustice, think of how certain people have trouble showing up on time at morning appointments, because they are easily tempted by late night parties or TV. Imagine that you avoid making morning appointments with certain people you know, because you assume that they have a hard time showing up on time, and you do not want to burden them with that fate. This can be a pragmatic approach. You want them to be on time and you know how to achieve this. However, even if those people sometimes do have trouble getting out of bed early, it should be up to them to decide whether they will accept a morning appointment or not. If they find out that you are deliberately avoiding to make morning appointments with them, they can feel insulted. People like to prove themselves, or at least they

dislike it when they are never being given the chance to prove themselves because others think they don't have it in themselves. So if a person does not get the chance of proving that she can be strong willed, she is not being regarded as a fully capable and equal person; this can be a starting case of volitional injustice. Obviously, one or two avoided morning appointments do not have to hurt someone. If one wants to call that unjust, it is at most a very "local" injustice. However, with the prejudice on someone's will to get up early may come other prejudices about that person. Overly taking account of a specific trait like the trouble of getting out of bed may result in a slippery slope. Therefore, it is important to keep in mind what one does when one attributes "non-accountability" to someone in a specific field. The following section will elaborate on possible solutions to cases of attributive injustice.

5. Contesting attributive injustice

As was established in section 2, accountability can be explicitly articulated or it can be implicit in human behavior towards other beings. In the same vein, attributive injustice can be something that is explicit or implicit. The attributive injustice implicit in behavior shows in the example on men who overly "protect" women, and it shows in unnecessary "objective" attitudes towards people with, for example, a slight mental disorder or a background of psychological issues. More explicit modes of attributive injustice are the examples of the policies that underestimate poor people and the people with mental or other disabilities who are being assigned jobs below their level of competence. In these cases, it is explicitly thought that certain people lack certain capabilities and that, therefore, they need more aid. If this attribution is unfair, those people are unjustly excluded from participating in communities they care about.

One way to avoid causing accountability deficits and needless exclusion is to simply ask people what they can do and what they could use help with. Instead of filling in advance what people

can and cannot do, with the risk of creating unnecessary social gaps, it is better to talk to people who might be in need of help with whatever aspect of life. To maximally include, for example, people with certain mental disabilities in the communities they wish to be in, it is better to involve them in projects that let them find their own strengths instead of deciding what they can and cannot do without their input.

This, however, is not an easy task. As we saw, many cases of attributive injustice are implicit in the behavior of people towards others. This implicit attributive injustice must first be made explicit to be countered. Making implicit assumptions about others explicit demands a kind of “virtuousness” or “testimonial sensibility” in people, as Fricker calls it.⁶⁰ For the case of epistemic injustice, this means that on judging a speaker to be untrustworthy, a “virtuous hearer” should be sensible for the cognitive dissonance that appears when her background information on the “type” of speaker is more positive than her current thoughts on the speaking person.⁶¹ In cases of volitional injustice, or other cases where accountability is at stake, this idea can be applied too. When one reacts on a person in an “objective” way, or when one is presuming something about another person, one could try to be more sensible for any historical evidence that suggests propagating a stronger attribution of accountability to that person than you currently do.

Then, people who are being burdened by attributive injustice can contest this status themselves as well. Again, it is important that the unjustly treated person be aware of her status. Societies in which certain persons have never learned to see themselves as accountable beings will have a hard time contesting their status, if that is even possible. As with many types of injustice, awareness is paramount.

⁶⁰ Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (Oxford; New York: Oxford University Press, 2007), 82-84.

⁶¹ Idem, 83-84.

Contesting one's status does not always mean that one is right. Since participation in certain communities is a valued good, people might overestimate themselves and contest any attribution of accountability that does not match with their own ideas on the matter. However, this is a necessary part of the "democratic" notion of contesting misattributions.

In cases where the attribution of accountability is more explicit, it is important to consider whether holding someone accountable – for example for their degree of willpower – is not only justified, but also whether the social participation that it entails is more important than the potential struggle the other might have. Societies and social theories that are strongly liberal, in the sense that it is assumed that every person should be held accountable for her wellbeing in life, may be criticized for overestimating many people's capacities. In such societies, however, accountability deficits are less likely to occur. More "socialistically" minded societies and theories, on the other hand, risk underestimating their people's capacities. Policies that prematurely take certain weaknesses into account, risk excluding people from fully participating in society. Maybe it is better in certain circumstances to take the risk that some people in a society might fail some attempts to participate in certain communities, than to prematurely exclude many people from participation. Then again, failing can be a cause of exclusion too; people who, for example, have problems with handling their money risk becoming marginalized. Not recognizing people's problems by holding them accountable can be a form of neglect. However, it is important to keep an eye on the policies that aim to prevent such neglect, lest they do not hinder people's participation in communities they care for.

Obviously, the attribution of accountability to the relevant persons in a certain situation or policy must be fair and realistic. No account of injustice can defend someone against unwilling or malevolent societies, where you are, for example, being held accountable for objecting against government plans that are, to quote a caricature by Douglas Adams, "on display in the bottom of

a locked filing cabinet stuck in a disused lavatory with a sign on the door saying *Beware of the Leopard*.”⁶²

Conclusion

In this thesis, the claim that “accountability constitutes communities” was investigated. This claim was brought forward by Robert Brandom, who states that attributing accountability to someone constitutes a kind of community: a community of people who are “one of us” in the aspect of the accountability in question. This idea was further explored, using Brandom’s theory on language-use and examples of how children and adolescents aim to be included into the world of adults by trying to do adult things or by holding others accountable like their adult rolemodels do. Where attributing accountability to someone makes that person one of us, not holding someone accountable excludes that person from participation in the community in question. We see this for example when people who are mentally ill are not being held responsible for their actions anymore. They are not being regarded as people who can (fully) participate in society.

What, then, is meant with accountability? In section 2, this concept was being explored more thoroughly. Accountability is a status that is being attributed to someone by other persons (and by the person herself as well). It is either *prospective* or *retrospective*, i.e., one can be held accountable for being capable of something, like driving a car or resisting unhealthy temptations, and one can be held accountable for having done a certain thing, like causing a car accident or eating too much pudding.

Accountability also makes one eligible for sanctioning. To sanction someone implies that we had certain expectations from that person, that were somehow not being met. These expectations can be explicit or implicit in people’s behavior towards others. When we blame or praise people for

⁶² Douglas Adams, *The Hitchhiker’s Guide to the Galaxy* (London: Pan Books, 1979), 12.

something they do, we thereby hold them accountable, even if we do not explicitly think about it. For example, we blame a person who bumps into us for not paying attention, but we do not blame a tree when a branch hits you. A gray area is when a child bumps into you; is it old enough to be held accountable?

The kinds of conduct we have towards people when we blame or praise them (when we hold them accountable), are called *participant reactive attitudes* by Peter Strawson. They differ from the *objective attitudes* we have when we encounter people with, for example, a mental illness that – according to us – excuses that person from blame.⁶³

Not holding people accountable, for example by expressing an objective attitude to them, or by explicitly stating that they cannot be held accountable and hence need to be taken care of, can be a form of injustice if this attribution is not based on good reasons. Namely, it is a form of what could be called “attributive injustice” – since it appears when people unfairly attribute certain statuses to others. Another example mentioned is Miranda Fricker’s “epistemic injustice”, the injustice of unfairly attributing lack of knowledge to someone based on prejudice.⁶⁴

People who suffer from attributive injustice concerning their accountability are, for example, people who have or have had issues with their mental or physical health and, because of that, have trouble finding a job at their level of competence. Another example is how women are overly being protected by men, and thus do not get the chance to prove what they are capable of. In general, not being regarded as (fully) accountable, can be hurtful. People who are unfairly treated like this suffer from what can be called an “accountability deficit”, a parallel with Fricker’s “credibility deficit”, which people suffer from in cases of epistemic injustice.

⁶³ Strawson, P F. “Freedom and Resentment.” In *Freedom and Resentment and Other Essays*, (London; New York: Routledge, 2008), 9-10.

⁶⁴ Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (Oxford; New York: Oxford University Press, 2007), 1.

Section 4 covered a specific type of attributive injustice, focused on issues concerning willpower. We can call the misattribution of someone's willpower "volitional injustice". Volitional injustice involves cases in which people are, for example, regarded as easily tempted by unhealthy food or people who have trouble getting out of bed. When judgements on other people's willpower are accurate, measures can be taken to support those people. However, those measures can underestimate people's willpower and fail to allow people to decide what is best for them themselves. If weakness of the will is unfairly attributed to people, while they do not get the chance to contest this attribution, we can speak of volitional injustice.

The implicit nature that accountability often has makes it difficult to contest cases of attributive injustice that concern accountability deficits. This is the topic of the final section. To counter cases in which people are (structurally) suffering from accountability deficits, it is important that all parties involved be able to recognize the ways in which the attribution of accountability can go wrong. In Fricker's terms, it would be ideal if people got a better sense of "sensitivity" for the attribution of accountability to others. This way, the unjust accountability attribution can be prevented or contested. Being able to contest one's attributed accountability does, of course, not imply that one is right, and it will always be a matter of "who can provide the best evidence" and, probably, "who is the most stubborn", but that is a consequence of the case-by-case nature that this contesting inherently has. When it is recognized that one might attribute too little accountability to someone, a solution is to simply ask the other whether she needs help or what she herself would think she can do. It is a virtue to take other people into account, but only when those people too have a saying in the matter.

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My gratitude goes out to Annik, Alban and Addo for being accountable for reading and criticizing my drafts.