

No-Fault Responsibility for Outcomes

By Robert Merrihew Adams

WE HAVE RESPONSIBILITIES. ACQUIRING THEM IS PART OF NORMAL LIFE IN human society. In many, perhaps even most, of our responsibilities, we are responsible not just for our actions and attitudes but also, and often primarily, for outcomes. Parents of young children have a responsibility for the feeding of their children—a responsibility not just to try to get them fed, but to see to it that their children are actually fed. The captain of a ship has a responsibility to get the ship and those on board it safely to their destination—not just to try to do so. The managers and employees of a manufacturing company are responsible not just for their efforts, but also for the quality of their products. My subject here is responsibility for outcomes.

This subject has obvious importance in everyday life—for the law, for business relationships, and for issues of parenthood and leadership, for example. Despite that importance, the very idea of responsibility for outcomes as such is widely regarded as a scandal. That is because outcomes are affected by luck. Whether or not our own actions are ever totally within our control, the outcomes of our actions, in general, are not. Our ability to produce certain outcomes may be pretty reliable, but can we ever entirely eliminate the possibility that our efforts will be frustrated by an unforeseen accident? So how can it be fair to hold us responsible for outcomes? Shouldn't we be responsible, strictly speaking, only for our own efforts and actions, for doing the best we can?

This paper is a defense of the moral validity of responsibility for outcomes. It is a limited defense in two important respects. In the first place, it is specifically about bad outcomes. Responsibility for good outcomes has a significant place in human life too, but it calls for a rather different discussion. In the second place, the paper is specifically about outcomes with respect to which one is not at fault. Fault certainly can be a ground of responsibility for a bad outcome. Among actions that contributed causally to a bad outcome, any that were illegal, immoral, or even just mistakes or flawed performances are salient as grounds of responsibility for the outcome. They offer an answer to the question

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'What went wrong?' And that question arises naturally from the thought that in the bad outcome "something went wrong" (that is, not as one ought to have hoped). In such cases we may say that someone is "at fault" in relation to the outcome, and therefore responsible for it.

As I will argue, that is not the only way in which one can become responsible for a bad outcome; but it is one way. It is the way that is in focus when philosophers debate whether it is right to blame or punish someone more severely if their morally wrong action results in a harmful outcome than if it does not. That may be the context in which we are most tempted to regard responsibility for outcomes as a scandal. Those are important issues, but I will not discuss them in this paper. I particularly wish to avoid issues about punishment, as I hope that my limited defense of responsibility for outcomes can be less controversial than any theory of punishment is likely to be.

As that suggests, I do not propose to begin, as R. Jay Wallace does, in trying to understand moral responsibility by "focusing on...the stance characteristic of the moral judge, rather than the agent who is judged."¹ The moral questions that will concern me are less of the form 'How ought we to treat you in view of your particular relation to this outcome?' than of the form 'How ought I to comport myself in view of my particular relation to this actual or possible outcome?'

In this respect it might perhaps be said that my account of responsibility is somewhat anti-moralistic. The sort of responsibility for outcomes that I am defending is one that is not necessarily a basis for deserving praise or blame, reward or punishment, on account of the outcomes. But I do suppose that the concept of responsibility is a broadly moral concept. Responsibilities are commonly established by human social arrangements. But regarding responsibilities so established, the question, how ethically compelling they are, is always in order. I seek to understand responsibilities, from the point of view of the agent, as ethical responsibilities.

In sketching an account of no-fault responsibility for outcomes, I will not do some things that many may have come to expect of a theorist of responsibility. Most important is that I will not define responsibility for an outcome, or state necessary and sufficient conditions for it, in terms of causal relationships between an agent and the outcome. No-fault responsibility for outcomes is not a primarily causal relationship. It is a primarily social and moral type of relationship to persons, communities, and causal processes. It does normally involve causal relations between persons and the outcomes for which they are responsible; but those causal relations are not identical with the relation of responsibility, and are neither the only factors nor necessarily the most decisive factors, involved in constituting it. Moreover, no-fault responsibility for outcomes is a complex relationship—or better, a complex family of relationships that are quite diverse in their causal profiles. What I seek, accordingly, is not a theory offering necessary and sufficient conditions for responsibility for an outcome—let alone a simple definition of it—but moral understanding of diverse responsibility relationships. I am prepared, however, to state some moderately general theses about it. The following are four of them.

- (1) Responsibility, without fault, for bad outcomes is possible mainly because it is often right, or even necessary, to risk an outcome that it would be wrong to choose. Sometimes bad things happen, not because somebody did

something wrong, but because somebody ran a risk that it was reasonable and right to run.

- (2) Ownership of risks, and responsibility for outcomes, can be shared, often is shared, and in many cases ought to be recognized as widely shared.
- (3) If one has an obligation to make reparation or compensation for an outcome for which one is not at fault, the reparation is typically an extension of a prior responsibility to achieve good outcomes, and to avoid or prevent bad ones, in the domain of the actual outcome.
- (4) The morally compelling character of responsibility for outcomes is largely derived from the fact of people counting on each other (and needing to count on each other) for outcomes.

The main part of this paper, from here on, is organized around four ways (which I do not claim are the only ways) of becoming responsible, without fault, for a bad outcome. In discussing these four ways of acquiring no-fault responsibility, the four theses stated above will be further developed and defended, and situated in various moral contexts in human relationships.

I. Contracts and promises

ONE WAY OF BECOMING RESPONSIBLE FOR OUTCOMES IS BY ENTERING INTO A CONTRACT, or making a promise, to achieve certain outcomes, or to avoid or prevent certain outcomes, or to do both. One thus acquires a forward-looking responsibility for outcomes that have not yet occurred—a responsibility to bring them about or prevent them. And if, in the future event, one has not achieved or prevented what one promised to achieve or prevent, one is responsible for that disappointing outcome. Whether or not one was at fault, whether or not one did anything wrong or unwise that produced the outcome, one's contract or promise normally establishes that one has responsibility for it.

I will discuss at length a case of contractual responsibility. But at the heart of a contract, typically, is an exchange of promises. So, I begin with some observations about promising as a basis for responsibility for outcomes. There are promises that commit one only to make a reasonably determined attempt, or even the best effort one can, to achieve a goal. But more often, I think, we promise outcomes. We promise to be at a certain place at a certain time, or to deliver a certain product or provide a certain service by a certain time. We don't just promise to try to do those things.

We have reason to do this, because outcomes are really important to us—often more important, to more of us, than the quality of the behavior that led to the outcome. Given our natural dependence on physical resources and on the cooperation of other people, we often need to count on each other to achieve or avoid a specific outcome. The possibility of social cooperation depends on this. If you and I are to meet at a certain place and time, we need to be able to count on each other to be there at the appointed time. If you are doing one half of a job and I am doing the other half, we need to count on each other to accomplish our tasks. If I do not accomplish my task, your effort may be in vain.

We make promises in order to provide a basis for others to count on us. In relation to that function, 'I'll do the best I can' is not more than half a promise. If I say it, I implicitly warn my audience not to rely on me too heavily. We all

know that contingencies of life can prevent the fulfillment of even the firmest of promises. But calling attention to that fact when making a promise is apt to signal some degree of unwillingness to be counted on to fulfill the promise. A full-throated promise does not begin its work by offering terms of surrender to luck. Rather it takes responsibility for warding off “the slings and arrows of outrageous fortune”—and, where that fails, for binding up the wounds and repairing the damage. Sometimes, of course, it would be foolish and irresponsible to make such a promise and invite other people to rely on it, because the odds are heavily against one’s being able to fulfill it. But sometimes the full-throated promise is just what is needed.

I turn now to my example of contractual responsibility. It is fictitious, but I think realistic. Ed is a building contractor. He has contracted to complete a college dormitory by August 15. He has acted prudently and conscientiously; but due to an antecedently improbable combination of strikes, accidents, and weather incidents affecting his suppliers and subcontractors, the building is still far from finished on August 15. He has a contractual responsibility for that outcome. What does that come to in this case?

First of all, as suggested by the etymology of the word ‘responsibility,’ Ed is answerable to the other party to the contract (the college). To be responsible is, in part, to owe other people a response, an accounting, if they have reason to think the responsibility has not been fulfilled. Ed owes the college an apology and an explanation of why he did not manage to complete the building on time. Second, depending on the terms of the contract, Ed may be liable to a significant financial penalty, receiving less from the college in payment for his part in the project. Third, and particularly important for the present discussion, it is outcomes, not efforts, that are at issue in this case. If Ed is late, he will be expected to explain what he was doing to finish on time; but he may be liable to penalty no matter how good his explanation is. And if he does finish on time, he will not need to justify his efforts to do so.

How did Ed acquire such a responsibility? By signing a contract. It is a contractual responsibility. When the contract was signed, of course, it was a document in which Ed was regarded by the parties as taking responsibility, not for part of the past, but for part of the future. The responsibility that Ed took on was first and foremost a responsibility to do something. It was not a responsibility to perform particular actions; the actions he would perform in discharging his responsibility were largely unspecified in the contract. What was specified, in great detail, was an outcome that he was responsible to bring about, accurately, safely, and on time. He was given and accepted a comprehensive responsibility for a certain project, to bring it to successful completion. He was put “in charge of” that project. In that way, he acquired a somewhat open-ended responsibility for outcomes occurring in the execution of the project at every stage, and in its completion, and for the structural soundness of the building for a good many years after its completion.

It is far from anomalous that responsibilities can be established by contract. The responsibilities that concern us here are social arrangements, aspects of social structures and of forms of interpersonal cooperation. As social arrangements, these responsibilities are products of human choice and social

agreements, demands, and expectations. They are not part of a permanent law of nature, nor do they come to us straight from the mouth of God.

Being in charge of the dormitory building project is a social role that Ed has, and responsibilities are part of that role. It is important to his ownership of the role and of the responsibilities² that he accepted them voluntarily in signing the contract. It is hardly less important that officers of the college, in signing the contract, accepted Ed's having the role and the responsibilities, and at least implicitly indicated that they would count on Ed to fulfill the responsibilities. For without their agreement Ed would not be in charge of the project.

I said above that contracts "normally" suffice to establish responsibilities. The qualification connoted by "normally" is required insofar as we conceive of responsibilities as having moral validity, as being morally compelling. We are able, by social agreement, to assign responsibilities, but morally compelling responsibilities must satisfy other conditions. Responsibilities are not morally compelling just because we say they are.

It is therefore important for our investigation to consider the question, 'Is it fair (or at least morally reasonable) to hold Ed responsible, as the contract does, for such an outcome as the delay in finishing the dormitory?' I believe it is, in the situation as I conceive of it; but Ed's voluntarily signing the contract is not enough to prove that. For people sometimes voluntarily agree to arrangements that are not fair to them. So we need to reflect further on questions of fairness or reasonableness in this context.

A vindication of the fairness or reasonableness of the contract must not rest on a claim that Ed deserves to be penalized because he is to blame for the delay. In the case I am discussing, Ed is not necessarily at fault in his handling of the building of the dormitory. That is, his decisions and actions in the matter may all have been reasonable and appropriate; it may simply be that some of them were unlucky. That they were unlucky shows, of course, that they carried some risk. Does that show, after all, that he was at fault in his decisions? Not necessarily. Human agents certainly cannot live well, or perhaps even live at all, without taking risks. Hence risking a bad outcome can be blameless in many contexts in which choosing the bad outcome would be blameworthy. Taking the risk may indeed be prudent, or even morally required.

Even if accepting or incurring the risk is innocent, it may still involve the agent in responsibility for bad consequences if they result from the risk. Borrowing a phrase from the vocabulary of investment professionals who routinely choose to incur risks in owning investments, I speak here of *owning risks*. Owning a risk means that if the risk turns into an actual bad outcome, you will own the outcome—as in "You broke it, you own it." Responsibility for bad outcomes is often rooted in owning risks.

That is Ed's situation. He owns the risks that led to the delay. They belong to him not only because they are attached directly or (very often) indirectly to decisions he made, but also because of his ownership in the project. In signing the contract, putting Ed in charge, the college gave him something like a share of ownership in the college's dormitory project. It became his project, too. He has his own aims for the project—to make a profit on it, and sustain his reputation

for doing a good job; but if he is worth hiring, he also cares about the quality of the building that is coming into being for its own sake.

It is a main part of Ed's ownership that he has been given freedom, in many respects, to pursue the project in his own way. The dormitory must be built to specifications provided by the architect, but Ed chooses subcontractors, orders materials, schedules deliveries, and so forth. It is a fact of life that all such decisions carry risks. Some carry more risk than others, which in some cases might be balanced with possible advantages for Ed, or for the college, or simply for the quality of the dormitory. Ed owns the risks that his decisions carried; they belong to his part of the project.

Here, and perhaps in most cases of responsibility for outcomes, there is a relationship between responsibility and freedom (not metaphysical freedom from causal determination, but social freedom from interference by other people). Acceptance of responsibility, and readiness to shoulder some of the burden of undesirable outcomes, help to make our freedom of action tolerable to other people who may be affected by the risks our decisions carry.

Ed is not the sole owner of the construction project's risks. His subcontractors are co-owners with him of risks pertaining to their respective contractual responsibilities. The scope of Ed's control over the project is much wider than theirs, however; and that greatly enlarges the extent and moral weight of his ownership of the project and his outcome-responsibilities for it. He has authority to shape and coordinate the project as a whole, and all its parts, whereas the subcontractors control only particular parts and aspects of the project. He is therefore in a position, as they are not, to try to see to it (for example) that the whole project is completed on time. As he is in charge of the project as a whole in a very general way, he is reasonably held responsible in a very general way for solving problems as they arise, and for getting mishaps repaired.

Not least, Ed has a general responsibility to make sure that the college gets good value for its investment in constructing the dormitory. His having to accept a smaller payment from the college if the building is not finished on time can reasonably be seen as a piece of that general constructive and corrective responsibility. What Ed accomplishes is in fact worth less to the college, on account of the delay, than it would have been if it were finished on time. The college will incur unexpected costs and program disruptions because students will be unable to begin the fall semester in the new dormitory. And what it is fair to pay for goods and services is reasonably seen as depending (at least in part) on the value of what one receives. So it is not obviously unfair that the college should pay Ed less in this case.

One other factor in the fairness or unfairness of contractual responsibility for outcomes must not go unnoticed here: the relation between risk and reward. It is plausible to hold, as Tony Honoré has put it,

that it is fair to make the person to whom the advantages will flow from an uncertain situation over which he has some control (or which he has chosen to enter into) bear the losses that may equally flow from that situation.

Honoré speaks, in this connection, of "risk-distributive justice."³ The proposal, 'Heads, I win; Tails, you lose,' is a familiar paradigm of risk-distributive unfairness.

It suggests a zero-sum betting game, in which Heads and Tails are both situations in which someone wins and someone loses. 'Heads, I win; Tails, you lose,' is no less obviously unfair if Heads is an outcome in which someone wins and no one loses, and Tails is an outcome in which no one wins and someone loses. Thus, the college may reasonably object to bearing the whole burden of possible unfavorable outcomes from risks that are part of a process that Ed runs and from which he stands to profit. But equally Ed might reasonably think it unfair for the contract to make him bear the cost of negative outcomes, if it did not also give him a reasonable chance of profiting from the project.⁴

II. Doing something dangerous

ANOTHER WAY OF BECOMING RESPONSIBLE, WITHOUT FAULT, FOR A BAD OUTCOME IS BY doing something dangerous, by which I mean doing voluntarily something that carries some risk (typically with a reassuringly low probability) of resulting in relatively serious harm to other people. One obvious example of doing something dangerous in this sense is driving a car.

At first glance, acquiring responsibility for outcomes in this way looks quite different from acquiring it contractually. It is perfectly possible (and, depending on the paperwork required in the relevant jurisdiction, it may even be legal) to drive a car without having signed any contract or made any promise regarding responsibility for outcomes. In such a first glance it is easy to overlook the social and legal context in which driving typically takes place. In fact, practically everywhere that cars are driven, social arrangements are firmly in place that assign to drivers a weighty responsibility for driving safely and avoiding accidents. This assignment of responsibility is given legal and institutional form in qualifications and procedures for obtaining and retaining a license to drive; in a multitude of laws specifying what one may and may not do in driving a motor vehicle; and in liability, imposed by the law of torts, to pay for damage done in accidents in certain circumstances. Drivers may not have given explicit voluntary consent to this assignment of responsibility, but in voluntarily driving a motor vehicle one is assumed to know that one has this responsibility. If we did not assume that about each other we would be even warier than we are about exposing ourselves to motor vehicle traffic.

We impose this responsibility on drivers of motor vehicles whether or not they have given explicit voluntary consent to it. That is a manifestation of the fact that driving a motor vehicle carries such significant dangers that we are not prepared to tolerate it without hedging it about with precautions and imposing responsibility on the drivers. And that seems reasonable to most, if not all, of us.

Honoré offers a thought-provoking example of fault-free responsibility for a serious and possibly tragic motoring accident:

If purely by your fault in darting out into the road I run you over, I must stop, send for the ambulance, and give you what help I can in the meantime. My responsibility is not as great as if I had been at fault. It may not be legal: that depends on the applicable system of law....But, just because I have hurt you, I am responsible, and by virtue of that responsibility bound to take certain steps.⁵

Honoré's judgments of responsibility here seem to me very accurate. The first responsibility he ascribes to the driver with regard to the outcome is a responsibility to limit and ameliorate the damage, the personal injury, resulting from the accident of which his driving has been a cause, even if it was not his fault. Any bystander might rightly feel some responsibility to give or get help for the injured pedestrian, but such responsibility falls more clearly and more stringently on the driver. I take that to be an extension of the responsibility that the driver has had all along to protect other people from damage that could result from his driving.

It is striking that Honoré does not stop there in describing the outcome-responsibility that he imagines himself having as the driver in this scenario. "Indeed," he goes on to say, "unless I am wholly insensitive, I shall feel and express regret for the harm I have done."⁶ I take this to mean that he would feel regret, not only for the fact of the other person being hurt, but also, and in a special way, for his own connection with that hurt. He thinks it would show insensitivity (a broadly moral fault) were that not so. I agree with that judgment, though it may not at first be obvious why it should be so. The following is an attempt at an explanation.

The explanation begins with the point that 'responsibility' is very often used, in ordinary English, as a name of a virtue. It is a virtue of dealing well with one's socially assigned responsibilities, and more generally of caring appropriately for outcomes in one's sphere of action. It involves recognizing and weighing appropriately the degrees of importance of possible outcomes, taking care to bring about good outcomes and avoid bad ones, especially when others are counting on one to do so. It also involves paying attention to risks and weighing them carefully, when they may affect other people, and accepting ownership of risks that one runs. When other people are adversely affected by bad outcomes of those risks, the responsible person responds appropriately to their complaints and claims and needs, accepting responsibility and apologizing as appropriate, and trying to assist or compensate them. It is characteristic of the responsible person to make provision in advance to be able to do that. Responsibility in this sense is a very important virtue. Humans are social animals. We depend on each other in many ways, and we need to be able to count on each other. To the extent that people are not responsible, we cannot count on them.

Responsibility, as a virtue, involves appropriate motives. A virtuously responsible person is strongly motivated to bring it about, or see to it, that good outcomes are achieved and bad outcomes prevented or avoided. This obviously includes motivation to try to achieve those goals, and (where appropriate) to act to achieve them. But in trying to achieve them one must have an aim that is not satisfied unless the good outcomes actually occur and the bad outcomes are actually avoided.

This motive that one has in trying is distinct from the simpler desires that the good outcomes occur and that the bad outcomes not occur. Those are good desires, which the responsible agent should be expected in most situations to have. They may also be selfless desires, if the outcomes that are their object do not essentially involve the agent. But the responsible agent's motivation to bring it about, or see to it, that good outcomes are achieved and bad outcomes prevented

or avoided is not selfless in that way. It is a motivation to do something, or to play a certain part in its being done; by nature, such a motive must be a motivation to do the thing or play the part oneself. A motivation to do anything is, as such, a motivation to do it oneself. And entering virtuously, or appropriately, into responsibility for any area of concern, involves a similar motivation to take care of it, or participate in taking care of it, oneself, and of course a desire to do so successfully. The self-involving character of this motive is one of the factors that can make responsibility for outcomes a deeply personal matter, and regret for a bad outcome a deeply self-involving matter.

We can see this factor at work in a case suggested by Thomas Nagel's trenchant comment that "there is a morally significant difference between rescuing someone from a burning building and dropping him from a twelfth-story window while trying to rescue him."⁷ The would-be rescuer who drops the unfortunate person he was trying to help has not necessarily made a morally wrong choice, or manifested a morally blameworthy attitude. What Nagel envisages is simply an unlucky accident, an unforeseeable slip of foot or hand. In such a situation, it would not exactly be appropriate (though it would not be surprising) for the failed rescuer to feel guilty for what happened. But we surely expect him to feel terrible about it—and not just in the way that anyone who witnessed the accident might feel upset and sad about the death of the victim. We expect the failed rescuer to feel that, and also to feel terrible about his own role in the tragic accident.

I believe this self-referential feeling is appropriate, inasmuch as its absence would manifest a deficiency or weakness in the desire to be, oneself, successful in one's rescue efforts—a desire one ought to have very strongly if one enters into responsibility for rescuing. If one has invested heavily in such a desire, and more broadly in an aspiration to do good to others, it will be natural for recognition of one's failure in rescuing to evoke a painful feeling of shame or grief about oneself, as well as about the death of the other person. Responsibility, moreover, is connected here especially with the thought that one's own failure has exacted a heavy price from another person. That is something an appropriately responsible person would wish keenly to have avoided.

III. Being in charge of something dangerous

ED, THE CONTRACTOR IN MY EXAMPLE IN SECTION I, VOLUNTARILY ACCEPTED responsibility for outcomes in the building of a dormitory when he signed a contract that put him in charge of the construction project. Even without any explicit acceptance of responsibility, one can become responsible for outcomes by being in charge of something dangerous, either as its owner or as one of its managers. Examples of this abound in the law of torts, in which employers may have "vicarious responsibility" for consequences of acts of their employees, and owners may have "strict liability" for harms arising, without any act of theirs, from leaks or explosions of dangerous substances stored or left on their property.⁸ I will focus here on the familiar responsibility of employers for work-related injuries of their employees.

This is a responsibility widely imposed by law and supported by public opinion. Different employments involve different degrees of risk to employees. Some are seriously dangerous. That being so, it seems eminently reasonable for

those who own or manage an enterprise or organization that has employees to be held responsible for avoiding or preventing work-related injuries and for helping employees to recover, physically and financially, from such injuries when they occur.

Two features of this responsibility are of particular interest here. (1) It is generally understood to include restorative treatment or compensation for injuries resulting from an unintentional lapse from competent behavior on the part of the employee. This seems reasonable and fair. For each of us will certainly slip up in some way from time to time;⁹ and if slip-ups in the work environment have heavy consequences, that is typically due to the nature and design of the employer's projects. This point can be generalized. If your activity or project greatly increases the cost to others of making ordinary mistakes such as all of us make from time to time, it seems fair to assign to you responsibility for relieving others of some of that cost. In such cases being in charge of something dangerous outweighs fault as a basis of responsibility for outcomes. That is reasonable insofar as responsibility for the outcomes is to be seen as an extension of responsibility for providing for safety in the context, and the probability of people making ordinary mistakes is one of the risks to be dealt with. Because of the nature and context of this risk, while it may be true that workers "have no one but themselves to *blame*" for an injury suffered in a moment of carelessness, it does not follow that no one else bears responsibility for the outcome and for assisting the injured workers.¹⁰ (2) There is more than one way of discharging such responsibility for outcomes. In the case of work-related injuries, employers typically discharge it by buying *insurance* that provides for care and compensation for work-related injuries. Indeed, they are commonly *required* to buy such insurance. Similarly, motor vehicle owners are allowed, and commonly required, to buy liability insurance covering care and compensation for injuries that may be caused by their vehicle.

This is one of the more surprising facts about ownership of risks and responsibilities. It can not only be shared; it can be *traded*, and is in fact traded—but with a difference. In typical trading, when you transfer to another party something that you own, you are paid for it. But when you transfer to an insurance company a major part of your ownership of risks and possible bad outcomes of your car being driven, you pay the insurance company to assume that responsibility.

Is that a fair trade, or is it like paying a bribe to avoid punishment for doing something wrong? I believe it is fair. The insurance policy would not protect you from prosecution if you were accused of a crime. What is in question here is not blame or punishment, but ways of distributing burdens of bad outcomes in situations that involve a number of people. Liability insurance policies are a social device for managing such distribution in a way that assures adequate resources for restorative treatment or compensation for people who have been harmed, and also avoids or reduces the assignment of disastrous burdens to particular responsible agents. We reasonably judge that it is a practice in which responsible people ought to participate in many contexts.

IV. *Belonging to a family or community*

I HAVE CHARACTERIZED RESPONSIBILITIES, ABOVE, AS "SOCIAL ARRANGEMENTS," products of human activity and interpersonal relationship. My examples thus far

have been at home in developed 21st century settings, involving written contracts, motor vehicles, insurance companies, and other large-scale enterprises. We might not wish to be without such things, but we can certainly imagine living without any involvement with them. Indeed, we may remember a youthful period in our lives when we had no responsibilities involving them. It would be a mistake, however, to infer that there was ever a time at which we could, individually or collectively, have arranged to have no responsibilities at all. Responsibility, for outcomes as well as for actions, is a more elemental feature of human sociability than that; any recognizably human life begins in a context in which responsibilities are already in place.

There are responsibilities we have just by being in certain personal relationships—by belonging to a family or community. Their morally compelling character springs not from our assent to them but from the human needs that they satisfy, and other values that are realized in the relationships. The world of our earliest memories is a world in which adults had responsibilities to care for us—responsibilities of which we reminded them by crying, long before we had any clear conception of what a responsibility is. It was also a world in which we had growing responsibilities to them, whether we voluntarily assented to them or not.

We may have been educated to be willing and able, eventually, to choose a large part of our own responsibilities. But that is not an essential feature of human responsibility. In many traditional societies, social roles and the division of labor have been largely hereditary, and the principal responsibilities of individuals have been responsibilities to which they were born. We may think that was unfair, but we should not infer that the responsibilities had no morally compelling character. For without the fulfillment of many of the responsibilities the members of those societies could hardly have lived, let alone flourished; and many of them doubtless found much of the meaning and value in their lives in fulfilling such responsibilities.

It is an aspect of the connectedness of responsibility that questions about fairness in the assignment and acceptance of responsibilities are often best understood as questions about the fairness of the relationships in which they have their home. Challenges to the fairness of existing relationships, and efforts to make them fairer, are certainly in order. But if we are too perfectionistic, too sweeping, in rejecting responsibilities that are tied to unfair relationships, we might easily do more harm than good. We may well doubt that any complete, complex human relationship is perfectly fair. But relationships marked by trust, and the responsibility on which they depend, have, for human life, a fundamental value that does not depend on perfect fairness.

These considerations apply in developed modern societies too to parental and quasi-parental responsibility for children. This is largely responsibility for outcomes. Parents are responsible for seeing to it that their children are provided with housing, food, and clothing; that they receive education and other opportunities for personal development; that they are initiated into morality; and most fundamentally of all, that they are loved and secure in their closest personal relations. They are responsible to their children to assure those outcomes.

Why are childcare responsibilities so compelling morally as they tend to be? Not, I think, because of any contract or explicit promise given. People often are

parents because they wanted to be, and usually are very unwilling to be relieved of parental responsibilities that they already have. But certainly people can, and not infrequently do, acquire parental or quasi-parental responsibilities, in more than one way, without having volunteered for them. And these responsibilities too can be morally compelling, because of the children's need for their adult care givers.

The context in which the responsibilities are acquired may be structured by clearly unfair relations among adults. As an extreme case of injustice, in more than one society and more than one historical period, slaves have been given responsibility for caring for children of their masters. Even in such contexts of injustice, the caregiver's responsibility to and for the child may well be morally compelling. For the unfairness of relations among adults does not erase the moral urgency of the child's need for care, and personal dependence on the caregiver. If I put myself in the position of the slave in such a case, I think I might be dishonoring my own humanity as well as that of the child if I did not hold myself responsible for protecting the well-being of the child.

Parents are often held responsible, not only to their children, but also to a wider community, for the quality of the children's upbringing. And this, too, may be morally compelling insofar as the community has a stake in the development of future neighbors and citizens. In many jurisdictions, parents may be held legally responsible for damages caused by acts of their minor children. I believe it would be both epistemologically unjustified, and harmful to the children's developing sense of their own responsibility, to assume that parents must be at fault (though of course they may be) when their children behave badly. Financial responsibility of parents for damages caused by their children's behavior can be defended, nevertheless, as an extension of their general, no-fault responsibility to take care of their children and their children's upbringing. That can reasonably be construed as including providing the children with a sort of liability insurance, so to speak, for cleaning up messes they cause but could not otherwise clean up. Indeed, this is a responsibility that is arguably best discharged by the parents having literal liability insurance that covers it.

Parental responsibility, despite its relational roots, is still a type of individual responsibility. I believe there is also responsibility for outcomes that is more properly considered collective responsibility. I approach this final point in my paper by way of the question, whether all Americans share in responsibility for horrendous suffering and losses caused by the atomic bombing of Hiroshima and Nagasaki in 1945, and for the enduring danger and terror of the evil spirit of nuclear warfare having escaped from its bottle in those bombings. How ought we to think about such questions?

It is a serious and much debated question whether it was morally wrong to drop atomic bombs on Hiroshima and Nagasaki; but I will not enter into that debate here. For the question whether we are responsible for the consequences of that action is distinct from the question whether the action was right or wrong.

I remember being a young child during World War II. When atomic bombs fell on Hiroshima and Nagasaki, I had no advance knowledge of even the possibility of nuclear weapons. Nothing in the planning, preparation, or execution of those nuclear attacks was an action of mine. Yet I was already self-consciously an American citizen. It was already a life-shaping, if largely implicit, project of

mine to be a citizen of a democratic, and successful, United States of America. Thereby I already shared in ownership of my nation's common project of being a successful democratic nation.

I also shared in my own small way in moral ownership of my nation's war effort, of which the bombing was a part. I did my bit for it, a child's bit, trying to help tend my family's small "victory garden," and pulling down opaque window shades to maintain blackout at night when we stayed near the beach. And I dimly remember participating in childish games in which supposed Japanese enemies were labeled in what I now see as dehumanizing terms. I therefore cannot say, 'They dropped atom bombs on Hiroshima and Nagasaki.' I must rather say, and I will still say, 'We dropped atom bombs on Hiroshima and Nagasaki.' I share in my nation's responsibility for that.

This is a case of what is called collective responsibility. What does it demand of me? When collective responsibility calls for specific action to take care of something, it generally calls for collective action, action of a nation or municipality or corporation, institution, or organization as such. What my share in collective responsibility most obviously demands of me is willingness to share in the burdens of collective action that may be required—to be taxed, for example, to support such action.

But something more personal is also demanded: in this case, in a word, humility in relation to the victims of Hiroshima and Nagasaki and their suffering and loss. Not that I should blame myself for what happened. Any moral fault in those terrible events is not attributable to me. I didn't do it. If I dwell on that moral fact about myself, however, I may fail in the humility demanded of me. The humility demanded of me in relation to the victims of Hiroshima and Nagasaki is precisely that I not try to change the subject from them to me—from the horror of their suffering and loss to my innocence in the matter. That I not try to shape their story as one in which my role has an importance comparable to theirs. The shared responsibility in which I participate demands a sympathy and regret in relation to the horrors suffered, in the face of which it would be best for any thought of my own innocence to tiptoe respectfully off the stage.¹¹

Notes

¹ Wallace, R. Jay, *Responsibility and the Moral Sentiments* (Cambridge: Harvard University Press, 1994), p. 1.

² In this paper I speak of ownership in a broad sense. Here I mean simply that Ed's role and its responsibilities belong to him, that they are his.

³ Honoré, Tony, *Responsibility and Fault* (Oxford: Hart Publishing, 1999), p. 79.

⁴ For illuminating development of this point, see Honoré, *Responsibility and Fault*, pp. 14–15, and 38. However, I am uneasy about his extensive use of the metaphor of betting in this context. That is partly because betting is typically a zero-sum game, and responsibility for outcome-risks normally is not, as I point out above. More fundamentally, I believe that fairness of the odds regarding risks and rewards, though relevant, is not necessarily sufficient to justify a system of responsibility for outcomes, contrary to what might be suggested when Honoré argues that a system in which "we are forced to makes what amounts to a series of bets on our choices and

their outcomes" need not be seen as "unfair to people who are likely to be winners overall" (pp. 14–15). Being forced to make large bets, for example, can be unjust even if the odds are fair.

⁵Honoré, *Responsibility and Fault*, pp. 30–31.

⁶Honoré, *Responsibility and Fault*, pp. 30–31.

⁷Thomas Nagel, "Moral Luck," as reprinted in his *Mortal Questions* (Cambridge: Cambridge University Press, 1979), p. 25; originally published in *Proceedings of the Aristotelian Society*, suppl. vol. 50 (1976).

⁸Cf. Hart, H. L. A. and Honoré, Tony, *Causation in the Law*, second edition (Oxford: Clarendon Press, 1985), pp. 64 and 85–86. The term 'tort,' which historically means 'wrong,' is deeply entrenched in civil law, but is in my opinion misleading there, as liability in the law of torts can arise from behavior that ran some risk of harm but that few if any regard as blameworthy—as Honoré certainly recognizes, though his language shows more deference to legal tradition on this point than I would. See Honoré, *Responsibility and Fault*, pp. 69–75.

⁹Cf. the description of the policy of the English Factories Acts, in relation to this point, in Hart and Honoré, *Causation in the Law*, p. 216.

¹⁰I would make a similar point about a case discussed by T. M. Scanlon in *What We Owe to Each Other* (Cambridge, Massachusetts: Harvard University Press, 1998) pp. 256–59. He imagines that "the officials of a city need to remove and dispose of some hazardous waste that has been found near a residential area." They take all reasonable precautions in having the work done. And knowing it is inevitable that "some [hazardous material] will be released—enough to cause lung damage to those who are directly exposed to it, if...they are particularly susceptible," the officials take care to warn people, especially those at risk, "to stay indoors and away from the relevant areas while the work is being done." Nevertheless, "some people were nonetheless exposed and suffered lung damage as a result." In one of the cases that Scanlon imagines, the victim "was informed of the risk...but then simply forgot," and exercised outdoors, "breathing hard," as the trucks rolled by. Scanlon says, "If...enough was done to warn him, then this man is...fully responsible for what happens to him." I won't disagree with him if all that he means is that the unfortunate sufferer is not entitled to complain that someone else is at *fault* in the matter, or to *blame* for it (and much of Scanlon's language in discussing the case suggests that may be what he had in mind). But the case is part of a discussion of "judgments of *substantive responsibility*," as Scanlon calls them, which "express substantive claims about what people are required (or...not required) to do for each other" (*ibid.*, p. 248). And under that heading I would raise the question whether the city and its officials have a responsibility that requires them to do something to assist or compensate the unfortunate victim. I believe that they do, for the same reason that justifies employer responsibility for work-related injuries resulting from ordinary unintentional mistakes of employees. The city, like the employer, possesses much larger resources than most individuals do, and has (blamelessly, we may suppose) carried out a project that greatly increased the costliness of ordinary mistakes (of forgetfulness, for example) that some individuals are likely to make. The city, like the employer, ought to assist or compensate individuals who suffer those aggravated costs, and ought to prepare itself to discharge that responsibility.

¹¹Earlier versions of this essay have been presented as a public lecture under the Jeanette K. Watson Distinguished Visiting Professorship at Syracuse University, and also to philosophical audiences at Boston University, the University of California, Riverside, and the 2013 conference of the British Society for Ethical Theory. The paper has benefited from the stimulating and helpful comments received on all of those occasions.