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Holding-responsible and liability

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HOLDING-RESPONSIBLE AND LIABILITY:
A PHENOMENOLOGICAL ATTEMPT TO SEPARATE
HOLDING-RESPONSIBLE FROM ACCOUNTABILITY

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ABSTRACT

This thesis is an attempt to separate holding-responsible from accountability, where accountability is understood as being the substratum or ground of one's acts, the subject-cause. It begins from François Raffoul's rethinking of responsibility in his book, *The Origins of Responsibility,* as separate from accountability and asks if holding-responsible is possible on such an account. Holding-responsible is examined through the work of Friedrich Nietzsche, Harry Frankfurt, and Martin Heidegger. In Nietzsche, the phenomenological roots of the terms are examined in the breeding of an animal that can promise, the relationship between a creditor and an ower, and the belief that debt can be paid in an equivalence of pain. In Frankfurt, the principle of alternate possibilities is examined and critiqued. Frankfurt offers a rethinking of moral responsibility and accountability that shows a focus on being over ontic actions. From there, the thesis moves to an examination of being in Heidegger, focusing on the concepts of authenticity, inauthenticity, mineness, being-with, and solicitude. Holding-responsible is then defined both authentically and inauthentically as derived from the two modes of solicitude. The authentic mode is defined as the attempt to make Dasein transparent to itself in its being-responsible, where Dasein is held to transparency itself. The inauthentic mode is defined as holding the being-responsible of a Dasein to demands of the they. The authentic mode is then claimed to be separate from accountability as it is ambivalent to the assumption that Dasein is a subject-cause, the substratum or ground of its acts.

CHAPTER 1. INTRODUCTION

"There is another opinion which is less frequently voiced: the opinion, it might be said, of the genuine moral sceptic [sic]. This is that the notions of moral guilt, of blame, of moral responsibility are inherently confused…"

- Peter Strawson, "Freedom and Resentment"

The subject of this thesis is situated adjacent to a preexisting and extensive philosophical debate concerning the meaning of "responsibility." Much of this debate is focused around the concept of determinism and how responsibility changes based on determinism's truth or falsity. This debate asks whether responsibility is a coherent idea if we are determined, with compatibilists arguing that responsibility is compatible with determinism and incompatibilists arguing the opposite. What is responsibility, and does it accord with the truth of determinism?

This question is not the subject of this thesis. The subject of this thesis is a related but different question: what does it mean to hold someone responsible (this will be referred to as "holding-responsible"), and can holding-responsible be thought in such a way that it is not indebted to the concept of accountability? I wish to examine "holding-responsible" because the question of what it means to hold-responsible is different from the question of responsibility and is often neglected in analyses of responsibility. That is, the term itself remains obscure.

Holding-responsible is assumed to entail accountability and to be situated in questions of moral responsibility; however, I will claim that responsibility can be conceptualized in a broader ethical sense and need not necessarily entail accountability at all.[1] I will do this by rethinking holding-responsible in a Heideggerian fashion to be consistent with François Raffoul's conception of responsibility from his book, *The Origins of Responsibility*. I will ultimately define "holding-responsible" as the attempt to make Dasein transparent to itself in its being-

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[1] By "broader ethical sense," I am referring to a sense of holding-responsible that relates more to responses to the world and authenticity (as Heidegger understands the term) and away from the holding-responsible discussed in morality (such as the determinism debate, Kantian ethics, virtue ethics, etc.).

responsible and claim that Dasein is held to transparency itself. In the process I will also define

a related term, liability, as holding the being-responsible of a Dasein to the demands of the they.

This is because I will claim that the two terms are simply two modes of appearance of the same

phenomenon, with "holding-responsible" as the authentic mode and "liability" as the inauthentic

mode.

I am attempting to make holding-responsible consistent with Raffoul's conception of

responsibility because his conception does not assume accountability. Accountability here

"designates the capacity of an agent to be the cause and ground of its acts."[2] This can also be

thought of as authorship, as being the author/cause/ground of some act. Raffoul has attempted to

rethink responsibility "away from an ideology of subjectivity, free will, and power," that is, away

from the accountability of the free agent.[3] This keeps the analysis grounded by showing that

such a conception of responsibility is possible, and provides a springboard to ask whether

holding-responsible is coherent on such an account. Without such an assumption from which to

begin, the possibility of thinking responsibility away from accountability would need to be

shown, and this would require a thesis, if not a book (such as Raffoul's), to explain adequately.[4]

Heidegger will also be utilized because his work on Dasein does not presume an accountability

of the subject, and thus his phenomenological investigation into being will be instrumental in

rethinking holding-responsible so that accountability is not assumed.

Thus, the goal of this thesis is twofold: 1) to conceptualize holding-responsible in a way

that assists in understanding how we can hold responsible without holding accountable, and 2) to

conceptualize holding-responsible so that it is consistent with Raffoul's conception of

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[2] François Raffoul, *The Origins of Responsibility* (Bloomington, IN: Indiana University Press, 2010), 6.
[3] Raffoul, *The Origins of Responsibility*, 1.
[4] For an in-depth discussion of this subject, see Raffoul's book, *The Origins of Responsibility*.

responsibility. Though these are listed as two goals, they are actually the same goal due

Raffoul's rethinking of responsibility as apart from accountability.

This will be a phenomenological investigation. Before I can begin, however, I must

explain some terms.   First, I will explain Raffoul's conception of responsibility, as it will

provide a basis for my investigation into holding-responsible. Next, I will investigate our current

colloquial conception of holding-responsible, as it is a conception I am working against and its

investigation will orient the rest of the thesis.

1.1 Raffoul's Conception of Responsibility

What, then, is Raffoul's conception of responsibility? Raffoul comes to the conclusion

that responsibility is "the responding-to this inappropriable event of the other, and will always

arise from its unpredictable, futural arrival."[5] This is a very complex definition, with many more

implications and nuances than can be reasonably discussed here, so instead a rough and brief

interpretation of the definition will be given.

The first implication is that response is inescapable. That is, we must respond to the

situations that arrive; even an apparent lack of a response is a type of response. We, in this

sense, are not free—we cannot chose not to respond. Further, the events that arrive—what

happens—is in some sense inappropriable in that the event in some way exceeds my capacity to

receive it. My response is necessarily limited; in responding, I cannot take over the event of the

other; I cannot become its ground, its substratum. That is, agents lack complete control over

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[5] Raffoul, *The Origins of Responsibility*, 304.

what happens and, as such, have only limited ability in responding. The event is in excess to the

agent and cannot be fully appropriated by an agent's response.[6]

Another implication is that responsibility arises from something that is unpredictable and

futural. Raffoul's understanding of "unpredictable" is highly nuanced, and a full analysis would

be tangential to the subject of this thesis. Nonetheless, we can note that responses often occur to

unexpected events and may not be extensively pre-mediated. Also, "unpredictable" is against

standards and norms. Standards and norms imply either commonality or predictability, whereas

"unpredictable" implies the un-anticipatable. The futural distinction also exhibits a very

interesting implication. It implies that responsibility itself is something that is oriented to the

future, to what comes, while common conceptions of holding-responsible refer to actions already

taken, to what has already passed.

We thus have a conception of responsibility that is not presupposing accountability.

Moreover, there is clearly something correct about Raffoul's definition: we do have to make

responses to what arrives, and we are not in a position of power in this regard. Our ability to

respond is often limited by events that exceed my capabilities, as well as my temporality. Our

ability is limited both in scope and in duration, and this limited nature of responding is often

missed in accountability, which often places an undue amount of power on the person

responding.

This is the understanding of responsibility that will primarily be utilized throughout this

analysis, although a more colloquial understanding of the term will continuously appear

throughout. For ease of differentiation, I will always explicitly specify when referring to

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[6] This is approximates Heidegger's term "thrownness." For more information, see Martin Heidegger, *Being and Time*, trans. Joan Stambaugh, revised by Dennis J. Schmidt (Albany, NY: State Univeristy of New York Press, 2010) section 58.

Raffoul's understanding of the term. From this assumption, I now ask, "What is 'holding-responsible?'"

1.2 Colloquial Holding-Responsible

We can begin by answering this question colloquially. The colloquial sense is largely intuitive and involves what happens when responsibility expectations, even minor ones, are violated. Human agents are held to certain expectations: expectations of manner, comportment, politeness, and responsibility (among other things). We can define colloquial holding-responsible roughly as a justified negative (and usually normative) response by others towards a person or persons as a result of some action by said person(s), where the negative response can range from merely feeling insulted to criminal proceedings. "Justified" here indicates that the definition is based on the theory that the person(s) in question deserve the negative response due to some problem with the action preformed, and thus can be held accountable for it.

There are some assumptions behind this intuitive sense. The primary assumption, already mentioned earlier, is the accountability of the free agent. Raffoul provides insight in this regard when he notes that, generally and historically speaking, "Responsibility is simply assumed to mean the accountability of the free agent."[7] If an agent is seen as accountable, or judged irresponsible, it is because the agent has authored some act. That is, the agent is the cause of the action, the doer of the deed, and thus accountable for it.

Raffoul also claims that "The unceasing calls for responsibility in contemporary culture are always calls to such agency, to the position of a subject-cause."[8] The assumption underlying our colloquial understanding of responsibility is actually accountability—the ability of agents to

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[7] Raffoul, *The Origins of Responsibility*, 6.
[8] Raffoul, *The Origins of Responsibility*, 6.

be the cause of their actions—and thus their ability to be held responsible for them. Raffoul continues, saying, "thus the concept of a 'subject-cause' (along with its unavoidable accompaniment, a system of control and punishment), this 'ready-made,' guiding metaphysical interpretation of the concept of responsibility—namely, *accountability* as indication of the power of a masterful and willful subject—is left to rule exhaustively over the hermeneutic domain of responsibility."[9] The free agent, as master of its decisions and chooser of its destiny, is held accountable for its choices—is judged as responsible or not based on those choices—and this assumption dominates our conception of responsibility.

This has direct implications for holding-responsible. Accountability specifically has to do with our conception of justice: the just punishment coincides with a perceived equality between the degree of irresponsibility and the punishment applied. I will return to this later in my examination of Nietzsche.

The focus on accountability greatly influences our everyday social interactions. From simple matters such as hygiene, timeliness, and manner of dress to more complicated concerns such as interpersonal expectations of behavior (i.e. politeness and respect) and criminal activity, we view others as accountable for their actions. We assume wrong choices elicit some type of equal and opposite response, from mere mental disapproval to conviction and condemnation in a court of law. Indeed, we even view the willingness of a wrongdoer to accept punishment as responsible, to accept what is viewed as just as just, because we view an acceptance of accountability as a responsible act. To borrow from Peter Strawson, "the self-reactive attitudes are associated with a readiness on the part of the offender to acquiesce in such infliction *without* developing the reactions (e.g. of resentment) which he would normally develop to the infliction of injury upon him; i.e. with a readiness, as we say, to accept punishment as 'his due' or as

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[9] Raffoul, *The Origins of Responsibility*, 6.

'just.'"[10] We typically view this acceptance of apparently just punishment as an example of

moral rectitude in an offender, and, in contrast, an unwillingness to accept punishment as a sign

of immaturity. Unintuitively, guilt is less of an expectation; the willingness to pay what is due is

primary.

　　This idea of being held accountable—held responsible—for wrong action permeates our

society. Who we are, who we become, is in some sense a response to the expectations placed on

us by social structures, and those expectations include in a significant way a responsibility that

assumes the accountability of the free agent. Moreover, as humans living in a society, we are

constantly faced with a threat of what will happen to us if we do not live "responsibly." But

what is this threat? This threat is liability.

　　For the purposes of this thesis, "liability" roughly means our ability to hold people at

fault or to be held at fault by others for perceived inappropriate or irresponsible actions. The

apparent difference from colloquial "holding-responsible" is that holding-responsible involves

some question of the responsibility of a person, of a person's character, or being, and liability is

what other humans can justifiably hold a person to as a part of some social structure. In a

pragmatic sense, these may be synonymous.[11] Irresponsibility is based upon actions, and the

threat of liability is applied to these actions. In that sense, our being judged irresponsible is

based conceptually on what we are liable for. There are, of course, many cases of acquittal due

to insufficient evidence despite a general social condemnation (i.e. the O.J. Simpson trial), yet

such instances are often taken to be errors, where a person should have been held liable but was

not. In such cases, we typically view holding such a person liable as *justified*—the person is

indeed guilty and deserving of the prescribed punishment—even though the person was not held

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[10] Peter Strawson, "Freedom and Resentment," in *Perspectives on Moral Responsibility*, ed. John Martin Fischer and
Mark Ravizza (Ithaca, NY: Cornell University Press, 1993), 63.
[11] We will return to this idea in the chapter on Frankfurt.

liable and avoided paying what is due. In such cases, there is a sense of an evasion of responsibility in the fact that the agent was not held liable for wrongdoing.

In general, a person who is held responsible and deemed irresponsible is being held liable for some sort of error. That is, colloquial holding-responsible is essentially synonymous with liability; though they may diverge at times in practice, there seems to be a sense that liability is simply holding-responsible played out on a social scale and within preset rules and systems (such as the law) rather than personal judgment. Liability and holding-responsible appear as two terms for the same concept with a difference in the identity of the accuser(s): a society, where some action incurs a perceptually just punishment or debt, or an individual, where an agent decides or reacts personally with an evaluation of responsibility.

This colloquial, intuitive sense of holding-responsible, and perhaps also liability, is permeated with accountability. Thus, it is inadequate for the purposes of this thesis. Moreover, if Raffoul is right about the inappropriable nature of responses, then accountability cannot be unquestionably assumed for all agents at all times. The inappropriable and unpredictable nature of events and the limitations of time are of too much import to assume accountability. The limiting influence of world and time implies a dynamic relationship between agents and authorship, not a static one as is assumed in taking agents as the subject-cause of their actions. Thus, I would like to follow Raffoul and re-conceptualize holding-responsible such that it is consistent with his definition and not beholden to accountability.

We are thus left with the conclusion that the colloquial understanding of holding-responsible is inadequate. We cannot assume the accountability of the free agent. It misrepresents of the power of the average human being. Often times, events move beyond our control, and our responses are heavily influenced (perhaps even determined) by a variety of

mitigating circumstances, frameworks, and systems present in our factical world. This implies that colloquial holding-responsible is inaccurate due to the power it assumes agents to have over their choices.

In light of this, I will undertake a reorientation—ultimately a reevaluation—of holding-responsible. This reorientation will question the necessity of accountability to holding-responsible, for the prior mentioned reasons. A conception of holding-responsible will emerge that is ambivalent to the truth or falsity of the accountability of the free agent.

However, Raffoul's definition of "responsibility" alone does not provide an answer to the meaning of "holding-responsible." His definition is highly useful for illuminating the possibility of thinking responsibility away from accountability, but it is unclear where exactly holding-responsible fits into his definition. His is really a definition of "responsibility," not of "holding-responsible," and work will need to be done to show just exactly what "holding-responsible" means under his conception of responsibility.

With that in mind, I hope to ultimately uncover a conception of holding-responsible that is consistent with Raffoul's conception of responsibility, as consistency would signify avoidance of accountability. For ease of differentiation, and because it will be useful later when examining Heidegger, Raffoul's re-conception of responsibility will be considered a re-conception of being-responsible. That is, his conception has to do with what it means to be responsible, hence "being-responsible," and the subject of analysis here is what it means to hold responsible, hence "holding-responsible."

Thus, this thesis will attempt to re-conceptualize holding-responsible to be consistent with Raffoul's conception of being-responsible, which should result in extricating holding-responsible from accountability. This should also result in moving the conception away from the

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systems of power based on accountability, and this should eventually materialize in the following analysis.

This task will be undertaken phenomenologically. First, I will throw into question the historical origins and current justifications of holding-responsible and destabilize the phenomenon as it currently appears. Some work on the colloquial understanding has already been done, but the historical origins and theoretical justifications remain unclear. This lack of clarity is obscuring the phenomenon by leaving key supports behind the term hidden, and the analysis will be benefited by first moving the supports out of the way, to clear the ground, so to speak, in order to allow for a re-conceptualizing to take place. That is, they are the semblance of the phenomenon I am investigating, and I need to reorient our perspective so the phenomenon appears and not the semblance of the phenomenon.

I plan to question the historical origins through an examination of Friedrich Nietzsche's second essay in *On the Genealogy of Morals*, "Guilt, Bad Conscience, and the Like." Next, the primary theoretical underpinning for holding-responsible will be examined, the principle of alternate possibilities (PAP), and called into question. PAP is at the root of what is understood to make an agent responsible, and thus its destabilizing should result in an undermining of holding-responsible's theoretical justification. I will do this through an examination of Harry Frankfurt, who rejects PAP as false.

Next, I will move to Heidegger, as he provides an already ample phenomenological investigation of the human condition in *Being and Time*, and I will attempt to uncover the phenomenon of holding-responsible in Heidegger's examination of the authentic and the inauthentic, being-with, and, most importantly, solicitude. It is true that Heidegger is not specifically examining holding-responsible, but he is examining being-responsible, and I think

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an analysis of his work will greatly assist in a phenomenological uncovering of holding-responsible.

Also, there is the question of where liability fits into the analysis, and whether my rethinking of holding-responsible will still be essentially synonymous with it or not. Liability will continue to appear in the following investigation, but ultimately the two terms will not be considered merely synonyms.

Hence, I will be proceeding by first examining Nietzsche to examine the origins of holding-responsible, then Frankfurt to call into question the theoretical underpinning for holding-responsible, and finally Heidegger to provide the necessary groundwork for a new conception of holding-responsible to emerge. From there I will then attempt to uncover holding-responsible and answer whether the term can be thought away from accountability, or whether holding-responsible is inextricable from it. Lastly, I will attempt a brief look at the implications of my findings.

I turn first to Nietzsche, and the origins of holding-responsible, which, as should become clear, are also the origins of liability.

CHAPTER 2. NIETZSCHE AND RESPONSIBILITY

"SOCRATES: So, doing what's unjust is the second worst thing. Not paying what's due when one has done what's unjust is by its nature the first worst thing, the very worst of all."

- Plato, *Gorgias*

In what follows, I will analyze the second essay in On the Genealogy of Morals, entitled "Guilt, Bad Conscience, and the Like." The focus of the examination will be Nietzsche's claims about breeding an animal that can promise and the origins of responsibility in barter and trade. The end goal of this chapter is to bring to light the roots of holding-responsible in Nietzsche's analysis of the origins of responsibility.

2.1 Breeding an Animal that can Promise

Nietzsche begins the essay by stating, "The breeding of an animal that *can promise*—is not this just that very paradox of a task which nature has set itself in regard to man?"[12] Nietzsche, by beginning this way, shows the interrelatedness between being-responsible and being able to make and keep a promise. This will become more apparent as we proceed. But what does Nietzsche mean, specifically, by "promise?" Nietzsche explains when he says, "how thoroughly must man have first become *calculable*, *disciplined*, *necessitated* even for himself and his own conception of himself, that, like a man entering into a promise, he could guarantee himself *as a future*."[13] We can think of a promise, then, as a guarantee of an agent's future. The "I will" implies something to come, something which is predictable in some sense and which an agent can reasonably guarantee.

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[12] Friedrich Nietzsche, *On the Genealogy of Morals*, trans. Horace B. Samuel (New York, NY: Barnes & Noble, Inc., 2006), 29.
[13] Nietzsche, *Genealogy of Morals*, 30.

This guarantee requires what Nietzsche refers to as calculation and discipline, meaning that a promise necessitates self-control and an ability to accurately foresee what will come—accurate prediction. This is called "simply the long history of the origin of *responsibility*. That task of breeding an animal which can make promises," which, if the preceding analysis is correct, also includes "*making* man to a certain extent, necessitated, uniform, like among his like, regular, and consequently calculable."[14] The origin of responsibility for Nietzsche is the task of making a human into a being able to make and keep promises. This necessitates a sense of uniformity and calculability, for without such aspects the *expectation* of promise-keeping is incoherent.

Richard Schacht likewise points out that Nietzsche is examining

> the general significance of this 'tremendous process' [the breeding of an animal that can promise] for the understanding not only of moral phenomena such as 'guilt' and 'bad conscience' but also of our attained humanity—and further, of a higher humanity that it has made possible, of which account must likewise be taken in an adequate interpretation of our humanity.[15]

Nietzsche thinks the formation of a being capable of keeping a promise is crucial to understanding humanity itself. As a being capable of making promises, we can understand ourselves as a being that must undergo a process to become such.

But what does this promise-process imply for holding-responsible? If an agent can be trusted to give and keep a promise, to guarantee a certain future, then a violation of a given promise is a violation of trust. Depending on the circumstances, this violation may additionally imply a violation of responsibility. Broken promises, then, may provide a reason for calling the agent who gave the promise to account for breaking the promise, for being liable to any offended

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[14] Nietzsche, *Genealogy of Morals*, 30.
[15] Richard Schacht, "Of Morals and *Menschen*," in *Nietzsche, Genealogy, Morality: Essays on Nietzsche's Genealogy of Morals*, ed. Richard Schacht (Berkeley and Los Angeles, California: University of California Press, 1994), 437.

parties. Holding-responsible, then, has some relation to Nietzsche's promise-process, and has

some connection to calculation for its own justification.

2.2 The Sovereign Individual

Nietzsche says that "man, with the help of the morality of customs and of social strait-

waistcoats, was *made* genuinely calculable."[16] Human beings are molded by society and

morality and forged into something logically predictable. Nietzsche continues by saying, "at the

end of this colossal process […] we find as the ripest fruit on its tree the *sovereign individual*

[…] in short, the man of the personal, long, and independent will, *competent to promise*."[17] This

"sovereign individual" is, for Nietzsche, "the 'free' man, the owner of a long unbreakable will"

who "finds in this possession his *standard of value*" and has "his rod of chastisement ready for

the liar, who already breaks his word at the very minute when it is on his lips."[18] The sovereign

individual is a morally autonomous individual capable of making and keeping promises, and

looks down upon the liar, on those unreliable for keeping promises—those who are, in some

sense, irresponsible. The logical goal of responsibility is to create the sovereign individual, a

being that can be relied on to keep a promise.

Richard White writes that this sovereign individual is, for Nietzsche, "the proper *result* of

society […], and that this 'autonomous' individual is capable of commanding his own nature

because he has learned how to promise himself, in sustaining his will over time."[19] That is,

"such an individual can only emerge after a long process of social training in which the *slavish*

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[16] Nietzsche, *Genealogy of Morals*, 31.
[17] Nietzsche, *Genealogy of Morals*, 31.
[18] Nietzsche, *Genealogy of Morals*, 31.
[19] Richard White, "The Return of the Master: An Interpretation of Nietzsche's *Genealogy of Morals*," in *Nietzsche, Genealogy, Morality: Essays on Nietzsche's Genealogy of Morals*, ed. Richard Schacht (Berkeley and Los Angeles, California: University of California Press, 1994), 69.

qualities of memory and calculation are steadily branded into his soul."[20] The sovereign

individual is a responsible being capable of extending her will into the future—of keeping

promises. As autonomous, as a freely acting moral agent, forged in the fire of social training in

the ways of calculation and memory, the sovereign individual can be expected to make and keep

promises. Further incentive for keeping promises can be provided through the threat of

punishment (liability). Without such aid of memory, a being cannot logically be relied on to

keep a promise at all, or to remember giving it. As such, coercing such a being with the threat of

liability is impractical. That is, there is a difference in holding-responsible one who does not

remember as opposed to one who does.

> Nietzsche continues, saying,
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> The proud knowledge of the extraordinary privilege of *responsibility*, the consciousness of this rare freedom, of this power over himself and over fate, has sunk right down to his innermost depths, and has become an instinct, a dominating instinct—what name will he give to it, to this dominating instinct, if he needs to have a word for it? But there is no doubt about it—the sovereign man calls it his *conscience*.[21]

For Nietzsche, the goal of the history of responsibility has been the creation of beings not only

capable of promising but also who police themselves in their responsibility through a

"dominating instinct" Nietzsche calls a conscience. As Schacht points out, "we have made

ourselves into the type of creature we now are, with this prospect of further enhancement."[22] I

take "enhancement" here to mean the ability to promise, and to keep promises—in a word,

responsibility. Indeed, promise-keeping, especially over long periods of time, implies that one

must have something—some drive—to aid memory and ensure the promise is kept. A

conscience. To do otherwise would imply a lack of responsibility.

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[20] White, "The Return of the Master," 69.
[21] Nietzsche, *Genealogy of Morals*, 31-2.
[22] Schacht, "Of Morals and *Menschen*," 437.

In and of itself, an autonomous, moral, and responsible (sovereign) individual is laudable. Nietzsche writes, "The ability to guarantee one's self with all due pride, and also at the same time to *say* yes to one's self—that is, as has been said, a ripe fruit."[23] Nietzsche admires this "sovereign individual," and views this sort of a person as desirable. However, what retains Nietzsche's skepticism is the consequence of liability and what is to be gained by it. Nietzsche notes that "there was not a glimpse of such a fruit [sovereign individual] to be had—no one had taken it on himself to promise it, although everything was maturing for that very consummation."[24] Despite the logical potential and possibility for the arrival of the sovereign individual, Nietzsche claims such a being was not the true goal of responsibility and breeding an animal that can promise.

2.3 Mnemonics

Rather than crafting a sovereign individual, Nietzsche claims the goal was a question of memory: how can humans be forced to remember? To keep a promise, one must remember the promise. Justifying punishment of a broken promise is difficult without a prior reasonable expectation of the promise being remembered.[25] But then how do we force humans to remember? Nietzsche says that "there is nothing more awful and more sinister in the early history of man than his *system of mnemonics*. 'Something is burnt in so as to remain in his memory: only that which never stops *hurting* remains in his memory.'"[26] Nietzsche is claiming

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[23] Nietzsche, *Genealogy of Morals*, 32.
[24] Nietzsche, *Genealogy of Morals*, 32.
[25] This, I think, is because the case can be made that there was no intent to not keep or to break a promise, only a simple forgetting of the promise in the first place. That is, forgetting about and consequently breaking a promise does not justify punishment when the forgetting of the promise is the only reasonable expectation of the agent giving the promise in the first place.
[26] Nietzsche, *Genealogy of Morals*, 32.

that pain was seen historically as a highly useful aid to memory. How does one force humans to keep promises? By never letting them forget the pain of breaking one.

As a quick example, consider Hester Prynne from Nathaniel Hawthorne's *The Scarlet Letter*. Hester is publicly shamed and given a scarlet letter A for violating her marriage vows. Through the pain (though not physical) of public humiliation, Hester is expected to always remember her crime. Thus, she is influenced to keep her promises in marriage through the infliction of suffering.

Such a brutal mnemonic invites disturbance in modern sensibilities. Nonetheless, Nietzsche is claiming that this has been the historical progression. He says that, "When man thinks it necessary to make for himself a memory, he never accomplishes it without blood, tortures, and sacrifice; the most dreadful sacrifices and forfeitures […], the most loathsome mutilation […], the most cruel rituals of all the religious cults […]—all these things originate from that instinct which found in pain its most potent mnemonic."[27] Thus, pain has historically been a powerful tool for remembering. But why did it evolve so? Nietzsche says that

> It was by the help of such images and precedents that man eventually kept in his memory five or six "I will nots" with regard to which he had already given his *promise*, so as to be able to enjoy the advantages of society—and verily with the help of this kind of memory man eventually attained "Reason"! Alas! reason, seriousness, mastery over the emotions, all these gloomy, dismal things which are called reflection, all these privileges and pageantries of humanity: how dear is the price that they have exacted! How much blood and cruelty is the foundation of all "good things"![28]

Ironically, such practices were employed—immoral and devious though they appear—with the end result of improving humankind. This was not purely malicious, nor was it without some apparently positive result: a moral, reasonable, theoretically "better" person capable of enjoying the advantages of society. As Raffoul points out, Nietzsche's "origin of responsibility lies in the

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[27] Nietzsche, *Genealogy of Morals*, 32-3.
[28] Nietzsche, *Genealogy of Morals*, 33.

drive to punish, through guilt-assigning if not guilt-producing."[29] Utilization of punishment for

forcefully remembering pain is the origin of responsibility, and thus of holding-responsible as a

question of responsibility. Paradoxically, the very development of morality, where people

utilized such practices, is in retrospect apparently immoral on Nietzsche's account.

       With this in mind, we can see Nietzsche's task as an attempt to "question the ethicality of

ethics," or, perhaps to question the ethicality of the origin of morality—and responsibility and

accountability.[30] That is, Nietzsche is examining morality itself and asking whether the

standards it demands are consistent with its practices. However, inconsistency does not imply

morality or responsibility should be abandoned. In that sense, Nietzsche calls us to ask, "Are the

very principles we take for granted as ethical indeed so?" What happens when their foundations

are not, so to speak, moral? We should also not presume that responsibility's tainted roots

implicate a rejection of the concept; rather, they implicate a rethinking of responsibility, a

revaluing of the value of responsibility. By laying bare the origin of responsibility as something

that appears hardly worth valuing, Nietzsche is advocating a reevaluation of the concept and a

rethinking thereof. And inextricably tied to this origin and rethinking is the concept of holding-

responsible. Holding-responsible comes from a question of responsibility, of an agent's being-

responsible, and the roots of responsibility coincide with what agents ought to be held

responsible for, held liable for—and punished for.

       Nietzsche asks, "Have these current genealogists of morals ever allowed themselves to

have even the vaguest notion, for instance, that the cardinal moral idea of 'ought' originates from

the very material idea of 'owe'? Or that punishment developed as a *retaliation* absolutely

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[29] Raffoul, *The Origins of Responsibility*, 114.
[30] Raffoul, *The Origins of Responsibility*, 2.

independently of any preliminary hypothesis of the freedom or determination of the will?"[31]

Nietzsche is suggesting that the highly valued concept of moral obligation comes from a material

sense of owing. Moreover, he is suggesting that it arose independent of the idea that "'the

wrongdoer deserves punishment *because* he might have acted otherwise.'"[32] I will return to this

with Frankfurt later, as he specifically rejects this idea. But, as Nietzsche notes, and as Frankfurt

will attest, this is an idea that "is nowadays so cheap, obvious, natural, and inevitable, and that it

has had to serve as an illustration of the way in which the sentiment of justice appeared on

earth."[33] Nietzsche is saying that people assume that this principle, which Frankfurt will later

refer to as the "principle of alternate possibilities (PAP)," is such an important aspect in morality

that they overrate its importance in the rise of responsibility. Indeed, Nietzsche is claiming that

responsibility arose from a different source.

2.4 Creditor and Ower

Nietzsche writes,

Throughout the longest period of human history punishment was *never* based on the
responsibility of the evildoer for his action, and was consequently *not* based on the
hypothesis that only the guilty should be punished; on the contrary, punishment was
inflicted in those days for the same reason that parents punish their children even
nowadays, out of anger at an injury that they have suffered, an anger which vents itself
mechanically on the author of the injury—but this anger is kept in bounds and modified
through the idea that every injury has somewhere or other its *equivalent* price, and can
really be paid off, even though it be by means of pain to the author. Whence is it that this
ancient deep-rooted and now perhaps ineradicable idea has drawn its strength, this idea of
an equivalency between injury and pain? I have already revealed its origin, in the
contractual relationship between *creditor* and *ower*, that is as old as the existence of legal
rights at all, and in its turn points back to the primary forms of purchase, sale, barter, and
trade.[34]

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[31] Nietzsche, *Genealogy of Morals*, 34.
[32] Nietzsche, *Genealogy of Morals*, 34.
[33] Nietzsche, *Genealogy of Morals*, 34.
[34] Nietzsche, *Genealogy of Morals*, 34-5.

Nietzsche claims responsibility arises not from PAP but from the antediluvian conception of an eye for an eye, the idea that any injury can be paid in an equivalence of pain. As Ivan Soll points out, Nietzsche "derives the notion of guilt (*Schuld*) from that of debts (*Schulden*)."[35] That is, guilt itself comes from the idea that one is in debt. To give an ancient example of this, consider Plato's *Gorgias*. In the *Gorgias*, Socrates claims essentially what Nietzsche just said, that wrongdoing harms the soul, and that to heal that soul, the debt incurred by the wrongdoing must be paid, and that this payment involves suffering.[36] This is what Nietzsche is claiming responsibility—and, indeed, morality and liability—originates in: the idea that, like Newton's law of equal and opposite forces, a wrong has its equal and opposite debt that is incurred and can be paid through the infliction of suffering. This, of course, is accountability understood as the subject-cause—the idea that one has caused one's debt and therefore must pay it.

As Soll claims, "Punishment, [Nietzsche] argues, originated as a practice to compensate creditors for unpaid debts."[37] Therefore, the origin of responsibility is not in PAP but in the relation of debtor and creditor, of barter and trade—a very practical and not theoretical relation. If we assume (as Heidegger does) that humans are practical beings in the everyday, then it is logical to think that responsibility should have roots in pragmatics. This is practical not solely due to the usefulness of barter and trade, but also due to the usefulness of reliable promises in social relations.

The pragmatic nature of this concept does not indicate it as true. Soll, for instance, mentions that "To offer a genealogy of the idea that pleasure and pain constitute a universal

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[35] Ivan Soll, "Nietzsche on Cruelty, Asceticism, and the Failure of Hedonism," in *Nietzsche, Genealogy, Morality: Essays on Nietzsche's Genealogy of Morals*, ed. Richard Schacht (Berkeley and Los Angeles, California: University of California Press, 1994), 174.
[36] See *Gorgias* lines 478a-481b.
[37] Soll, "Nietzsche on Cruelty, Asceticism, Failure of Hedonism," 174.

currency is not to offer a justification of its claim to truth."[38] What Nietzsche is investigating is

not the truth of such an idea, but an examination of a highly prevalent and ancient idea that "has

long served a crucial function in legal and ethical theory and practice."[39] Nietzsche provides an

account of the roots of responsibility, holding-responsible, accountability, and liability, but he is

not positing that the roots, particularly the concept of an eye for an eye, are true. He is

identifying and describing them. Indeed, the brutal nature of an eye for an eye ought to arouse

our moral suspicions and possibly even motivate a rejection of the concept.

Nietzsche notes that, "The realization of these contractual relations excites, of course

[…], a great deal of suspicion and opposition towards the primitive society which made or

sanctioned them."[40] That is, the brutality of the ancient relation of credit and debit disturbs us

today (consider Shylock and the "pound of flesh" he demands to repay a debt in *The Merchant of

Venice*). Nietzsche says that "in this society the object is to provide the promiser with a memory

[…] so we may suspect, there will be full scope for hardness, cruelty, and pain."[41] As we have

noted, pain was historically used as a potent mnemonic. Nietzsche continues, saying, "especially

has the creditor the power of inflicting on the body of the ower all kinds of pain and torture—the

power, for instance, of cutting off from it an amount that appeared proportionate to the greatness

of the debt."[42] Once again, this illuminates the brutality inherent in an eye for an eye. Soll

points out that "The idea that quantities of any kinds of goods can be converted into

corresponding quantities of pleasure makes it possible for the creditor to be paid in pleasure for

the unpaid debt owed to him in other sorts of goods."[43] The resulting consequence of the

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[38] Soll, "Nietzsche on Cruelty, Asceticism, Failure of Hedonism," 174.
[39] Soll, "Nietzsche on Cruelty, Asceticism, Failure of Hedonism," 175.
[40] Nietzsche, *Genealogy of Morals*, 35.
[41] Nietzsche, *Genealogy of Morals*, 35.
[42] Nietzsche, *Genealogy of Morals*, 35.
[43] Soll, "Nietzsche on Cruelty, Asceticism, Failure of Hedonism," 175.

foregoing analysis is that the debtor is liable to the creditor because he made a promise and

remembers and thus is required to pay an equivalence in pain to the debt incurred.

As mentioned, this appears ethically suspicious. However, Nietzsche seems to believe

our suspicions are augmented by the motivation that drives the infliction of suffering. He notes

that the gain of the creditor is not mere theoretical fulfillment of debt payment but a certain sense

of satisfaction and pleasure. Nietzsche writes,

> The equivalence consists in this: instead of an advantage directly compensatory of his injury (that is, instead of an equalization in money, lands, or some kind of chattel), the creditor is granted by way of repayment and compensation a certain sense of *satisfaction*—the satisfaction of being able to vent, without any trouble, his power on one who is powerless, […] the joy in sheer violence.[44]

I do not think it is controversial to say that joy in violence and satisfaction in inflicting pain,

particularly in regards to the powerless, are not typically considered ethically acceptable

motivations. Martha C. Nussbaum points out that "Nietzsche […] holds that this way of looking

at things frequently leads on to a good deal of cruelty, as the one who had been put down by the

offense revels in the chance to put the offender down."[45] And there is something right about this

assessment. Even today, countless popular stories involve an offending immoral villain

ultimately made to pay for his (usually his) crimes by a hero who has, in some sense, come to

collect some sort of debt—personal, societal, or both—often through the infliction of some sort

of suffering, and the audience is awarded the satisfaction of watching the evildoer pay the debt.

Nussbaum adds that Nietzsche "is quick to point out […] that the interest in taking

revenge is a product of weakness and a lack of power—of that excessive dependence on others

and on the goods of the world that is the mark of the weak, and not of a strong and self-

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[44] Nietzsche, *Genealogy of Morals*, 36.
[45] Martha C. Nussbaum, "Pity and Mercy: Nietzsche's Stoicism," in *Nietzsche, Genealogy, Morality: Essays on Nietzsche's Genealogy of Morals*, ed. Richard Schacht (Berkeley and Los Angeles, California: University of California Press, 1994), 154.

sufficient, human being or society."[46] There is something undesirable in the revelry for revenge and the assumption that "debt" justifies it. Satisfaction from inflicting suffering does not appear virtuous, or in accord with the good will, although there may be some argument to be made in terms of utility.

For Nietzsche, responsibility is something that has been utilized historically to justify brutal punishments. He says, "It is then in *this* sphere of the law of contract that we find the cradle of the whole moral world of the ideas of 'guilt,' 'conscience,' 'duty,' the 'sacredness of duty,'—their commencement, like the commencement of all great things in the world, is thoroughly and continuously saturated with blood."[47] While Nietzsche does refer to these concepts as "great," Nietzsche considers their origins to be morally dubious. And there is a certain intuitiveness to the claim that the roots of holding-responsible, liability, and accountability reside in the concepts of guilt, conscience, and duty, which are unfortunately often used to justify brutality.

Nietzsche does note that "In my opinion it is repugnant to the delicacy, and still more to the hypocrisy of tame domestic animals (that is, modern men; that is, ourselves), to realize with all their energy the extent to which *cruelty* constituted the great joy and delight of ancient man."[48] He also adds that it is in some sense logical for ancient man to have found joy here, for "in punishment too is there so much of the *festive*."[49] Kathleen Marie Higgens writes that "awareness of our own guilt seems to be part of what Nietzsche is after. […] As readers we want to distance ourselves from the bloodthirstiness that he insists characterizes our ancestors and our

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[46] Nussbaum, "Pity and Mercy," 155.
[47] Nietzsche, *Genealogy of Morals*, 36.
[48] Nietzsche, *Genealogy of Morals*, 37.
[49] Nietzsche, *Genealogy of Morals*, 38.

species."[50] Indeed, Nietzsche seems to be attempting to repulse the reader with simple historical facts, and, in including himself in "modern men," he seems to include himself as repulsed. If this is correct, we should read this passage as something that should engender our revulsion, and convince the reader to—as Nietzsche frequently stressed—reevaluate the value that has been placed on responsibility, on holding-responsible, on liability, on accountability, and especially on punishment.

Nietzsche is quick to state that "I am […] fundamentally opposed to helping our pessimists to new water for the discordant and groaning mills of their disgust with life."[51] Consequently, while joy in cruelty should offend our modern sensibilities, we must take care in how we judge it. Nietzsche is especially concerned about drawing nihilistic conclusions. He says, "Nowadays, when suffering is always trotted our as the first argument *against* existence, as its most sinister query, it is well to remember the times when man judged on converse principles because they could not dispense with the *infliction* of suffering."[52] That is, suffering alone is not enough to claim that life is not worth living, or to justify pessimism. And pessimism—and its extreme conclusion, nihilism—is what Nietzsche fears in this investigation: the idea that because responsibility, guilt, conscience, duty, etc. are rooted in blood and cruelty that they should be outright rejected. And, indeed, if these are considered among the crucially important values of life, that life itself should be rejected.

For Nietzsche, we cannot reject life. We are always looking at life from the standpoint of life; all valuations about life are done from life itself; life values itself through us. Rejecting life would be tantamount to rejecting our own basis for which we are able to reject or value anything,

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[50] Kathleen Marie Higgins, "*On the Genealogy of Morals*—Nietzsche's *Gift*," in *Nietzsche, Genealogy, Morality: Essays on Nietzsche's Genealogy of Morals*, ed. Richard Schacht (Berkeley and Los Angeles, California: University of California Press, 1994), 56.
[51] Nietzsche, *Genealogy of Morals*, 38.
[52] Nietzsche, *Genealogy of Morals*, 38-9.

and for Nietzsche that cannot work. If Nietzsche is correct, then it follows that we cannot adopt an ethics that rejects life.

Where does this leave us in regard to holding-responsible and liability? In my view, it has not yet given us an answer. It has shown the origins of holding-responsible and liability by revealing the origins of responsibility in the relation of a creditor and a debtor and the need to breed an animal able to promise. Liability in particular appears implicated here. Indeed, as a threat to an agent that helps enforce socially sanctioned behavior, punishment and the breeding of a self-policing animal that can promise appear highly useful. But Nietzsche has raised questions and concerns and not provided answers. He is right that we should be concerned about the ethical origins of responsibility (and of holding-responsible), and he is right that those origins should upset us today. But he is not saying we should dismiss these terms; indeed, he even implies that they may be important to life itself, despite their blood-soaked history.

Subsequently, though the origins of holding-responsible may evoke moral suspicion and revulsion, the truth of our conception of the term remains in doubt. However, the reevaluation of the term has already begun. The historical basis of holding-responsible has been brought to light and appears morally suspicious. However, at least one major theoretical underpinning of holding-responsible remains intact. This underpinning is specifically what Nietzsche said was not part of the historical origin of the term, but it is what we frequently base the term on conceptually: the principle of alternate possibilities. In order to continue a phenomenological destabilizing of the phenomenon of holding-responsible, I now turn to Harry Frankfurt and his critique of PAP.

CHAPTER 3. FRANKFURT AND PAP

"Knowing there is crime in man, I could never have pointed it out; for I would have had to believe, as does my friend, that crime is a product of history and not of human beings."

- Czeslaw Milosz, *The Captive Mind*

3.1 The Principle of Alternate Possibilities

One of the primary foci of moral responsibility, which I am claiming is understood as a major theoretical underpinning of holding-responsible, is something Harry Frankfurt calls "the principle of alternate possibilities," or PAP from here on.[53] This is the idea that "a person is morally responsible for what he has done only if he could have done otherwise."[54] Thus, an agent can only be held responsible when other options were freely available but not chosen, implying accountability. Such an assessment is often crucial in holding-responsible, as actions where an agent was not free to do otherwise are typically viewed as coercion of some sort, thus annulling accountability and voiding justification for holding-responsible. The ability to do otherwise provides a justification for punishment, for paying what is due, and fits into the societal construct of the debtor and creditor.

However, Frankfurt rejects PAP as false. If Frankfurt is right, a major theoretical underpinning of holding-responsible may be inaccurate. In this section, I plan to evaluate the accuracy of PAP, determine what it means for holding-responsible and liability, and in doing so explore the similarities and differences between holding-responsible and liability. In questioning the accuracy of PAP, I hope to destabilize our conception of holding-responsible to assist in the coming reevaluation of the term.

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[53] Harry Frankfurt, "Alternate Possibilities and Moral Responsibility," *The Importance of What We Care About* (Cambridge, UK: Cambridge University Press, 1988), 1.
[54] Frankfurt, "Alternate Possibilities and Moral Responsibility," 1.

Frankfurt is concerned with the meaning of moral responsibility, and with what we are justifiably responsible for. Thus, he is concerned in a way with holding-responsible, especially in its relation to PAP. By evaluating PAP, Frankfurt is questioning whether someone accepting PAP "is thereby committed to believing that moral responsibility and determinism are incompatible."[55] The acceptance of PAP amounts to a rejection of the compatibility of moral responsibility and determinism. Frankfurt is trying to avoid the incompatibilist's conclusion that "If determinism is true, then whenever an agent performs an action he could not have done otherwise," and thus "no agent is responsible for any of his actions if determinism is true."[56] Frankfurt thinks that by rejecting PAP he can show that the inability to do otherwise does not necessarily annul an agent's responsibility, and thus we can still justifiably hold an agent accountable even if the agent was unable to do otherwise. Therefore, if "the Principle of Alternate Possibilities is false and thus moral responsibility does not require alternative possibilities, then compatibilism about causal determinism and moral responsibility becomes considerably more attractive."[57] Frankfurt claims that PAP is false and thus strengthens a compatibilist position.

This is Frankfurt's goal with the piece, but, for the purpose of this thesis, no deep analysis of determinism will take place. It will not be productive to examine determinism in relation to holding-responsible while the meaning of the holding-responsible remains obscure. Theoretically, the understanding of holding-responsible should suggest for itself any potential conflicts with determinism, after which compatibility may be more accurately evaluated. Doing such an analysis without having at clearer understanding of holding-responsible seems likely to

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[55] Frankfurt, "Alternate Possibilities and Moral Responsibility," 1.
[56] Robert Heinaman, "Incompatibilism without the Principle of Alternate Possibilities," in *Perspectives on Moral Responsibility*, ed. John Martin Fischer and Frank Ravizza (Ithaca, NY: Cornell University Press, 1993), 296.
[57] John Martin Fischer and Frank Ravizza, *Perspectives on Moral Responsibility*, "Introduction," ed. John Martin Fischer and Frank Ravizza (Ithaca, NY: Cornell University Press, 1993), 34.

result in findings that are either vague or likely to be overturned later as an understanding of holding-responsible itself evolves. Instead, I will remain focused understanding how Frankfurt's critique of PAP impacts our understanding of holding-responsible.

Frankfurt notes, as Nietzsche does, that "Practically no one, however, seems inclined to deny or even to question that the principle of alternate possibilities (construed in some way or other) is true. It has generally seemed so overwhelmingly plausible that some philosophers have even characterized it as an *a priori* truth."[58] As such, PAP is integral to how people understand holding-responsible, and is a widely accepted basis for accountability. Indeed, the very idea of PAP appears to be intuitive. As Eleanor Stump points out, "the reason we have strong intuitions supporting PAP is that in most ordinary circumstances there is virtually no chance that we are doing (or willing) what *we* really want to do (or will) unless it is possible for us to do (or will) otherwise."[59] It appears highly unlikely in everyday situations that a lack of choice accords with an agent's will and far more likely that the act is forced, that is, coerced. An inability to do otherwise is generally understood to coincide with not doing what one wants.

We must note that Frankfurt is concerned with coercion, as this is a common example of where PAP is utilized, as mentioned above. Coercion involves forcing an agent to adopt a response against her will. This implies that the response is not truly her own, and thus she bears no responsibility for it, and cannot be justifiably held accountable, or liable. The converse of this is an important assumption that if an agent is not coerced, then she can be held accountable, and liable. That is, PAP appears as a guarantee against coercion, and thus agents may be held accountable so long as PAP holds.

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[58] Frankfurt, "Alternate Possibilities and Moral Responsibility," 1.
[59] Eleanor Stump, "Intellect, Will, and Alternate Possibilities," in *Perspectives on Moral Responsibility*, ed. John Martin Fischer and Frank Ravizza (Ithaca, NY: Cornell University Press, 1993), 261.

Frankfurt, however, claims that PAP is not a guarantee against coercion. He claims that "the principle of alternate possibilities is false. A person may well be morally responsible for what he has done even though he could not have done otherwise."[60] This is because "A person may do something in circumstances that leave him no alternative to doing it, without these circumstances actually moving him or leading him to do it—without them playing any role, indeed, in bringing about that he does what he does."[61] Frankfurt is considering a possibility where an agent is not able to do otherwise but, if that agent were able to do otherwise, would still do exactly what she could not do otherwise than do. She would choose the "forced" choice. Thus, she is not coerced. Frankfurt's next task it to develop examples of this very idea, where an agent is not able to do otherwise but is not coerced, which will undermine PAP.

3.2 Counter-Examples to PAP

Frankfurt quickly develops some examples to show potential problems with PAP. Much of his point revolves around the idea that a person's "lack of moral responsibility is not entailed by his having been unable to do otherwise."[62] This means that PAP alone is not enough to guarantee moral responsibility if maintained or annul it if broken. To show why, Frankfurt crafts an example involving a man named Jones, where "Jones decides for reasons of his own to do something, then someone threatens him with a very harsh penalty (so harsh that any reasonable person would submit to the threat) unless he does precisely that, and Jones does it."[63] This provides an example of apparent coercion that still accords with the will of an agent.

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[60] Frankfurt, "Alternate Possibilities and Moral Responsibility," 1.
[61] Frankfurt, "Alternate Possibilities and Moral Responsibility," 2.
[62] Frankfurt, "Alternate Possibilities and Moral Responsibility," 2.
[63] Frankfurt, "Alternate Possibilities and Moral Responsibility," 3.

Frankfurt then lays out three possibilities, but only the third is an objection to PAP; thus the first two will be skipped. The third possibility is that "Jones was neither stampeded by the threat nor indifferent to it" but rather was "impressed" by it, "as it would impress any reasonable man, and he would have submitted to it wholeheartedly if he had not already made a decision that coincided with the one demanded of him."[64] Jones, then, is a reasonable man who would have acquiesced to the threat, except that he had already decided to do as the threat demanded. Frankfurt notes that in this third scenario Jones "was not actually motivated by the threat" and that "It was not the threat that led him to act, though it would have done so if he had not already provided himself with a sufficient motive for performing the action in question."[65] So, Jones here was genuinely motived by his prior decision despite the presence of the threat. The one thing the threat guaranteed, then, was that Jones could not have done otherwise, due to his being a reasonable man. But, in this case, he acted in accord with his will, despite the apparent impossibility of doing otherwise.

In this final case, Frankfurt claims that "we would be justified in regarding [Jones'] moral responsibility for what he did as unaffected by the threat even though, since he would in any case have submitted to the threat, he could not have avoided doing what he did."[66] This is because "the threat did not in fact influence his performance of the action. He did what he did just as if the threat had not been made at all."[67] Because the threat did not change Jones' action, despite introducing the impossibility of doing otherwise, his responsibility is not annulled. Thus, holding-responsible and liability would appear to apply. Thus, we have a potential problem for PAP: an instance of a person being unable to do otherwise yet still being responsible.

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[64] Frankfurt, "Alternate Possibilities and Moral Responsibility," 4.
[65] Frankfurt, "Alternate Possibilities and Moral Responsibility," 4.
[66] Frankfurt, "Alternate Possibilities and Moral Responsibility," 4.
[67] Frankfurt, "Alternate Possibilities and Moral Responsibility," 4.

However, Frankfurt anticipates an objection in defense of PAP. This objection is that "an intolerably harsh penalty does not mean that Jones, strictly speaking, *cannot* perform any action but the one he does perform. After all it is still open to him, and this is crucial, to defy the threat if he wishes to do so and accept the penalty."[68] This means that is not completely true that Jones could not have done otherwise, and PAP still seems to be intact. There is still a sense of a "could have done otherwise" in that "Jones' inability to resist the threat does not mean that he cannot do otherwise than perform the action he performs."[69] The problem, then, is that PAP can be held to much stricter standards than the third Jones scenario accounts for. Jones' inability to do otherwise is not so much based on a true incapability of doing otherwise but by an outcome of his own reasonable thought process and resulting decision. In that sense, PAP is not violated.

Frankfurt responds to this by modifying his example by introducing a man called "Black."[70] Black

> wants Jones to perform a certain action. Black is prepared to go to considerable lengths to get his way, but he prefers to avoid showing his hand unnecessarily. So he waits until Jones is about to make up his mind what to do, and he does nothing unless it is clear to him (Black is an excellent judge of such things) that Jones is going to decide to do something *other* than what he wants him to do. If it does become clear that Jones is going to decide to do something else, Black takes effective steps to ensure that Jones decides to do, and that he does do, what he wants him to do. Whatever Jones' initial preferences and inclinations, then, Black will have his way.[71]

What this scenario amounts to is a true instance of Jones being unable to do otherwise. Regardless of Jones' decision, Jones will perform the action that Black wants. Frankfurt even posits the possibility that Black is capable of mind-control or other exotic forms of manipulation

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[68] Frankfurt, "Alternate Possibilities and Moral Responsibility," 6.
[69] Frankfurt, "Alternate Possibilities and Moral Responsibility," 6.
[70] Frankfurt, "Alternate Possibilities and Moral Responsibility," 6.
[71] Frankfurt, "Alternate Possibilities and Moral Responsibility," 6.

in order to get his way.[72] The question then becomes, what if Black never has to show his hand because Jones decides to perform the action independently?

In this final instance, Frankfurt claims that "it seems clear, Jones will bear precisely the same moral responsibility for what he does as he would have borne if Black had not been ready to take steps to ensure that he do it."[73] That is, Jones made the decision on his own, and would have done the action regardless, so his being unable to do otherwise does not in this instance annul his moral responsibility. So it seems clear in this case that PAP does not hold. This leaves us with a case where PAP is false and holding-responsible is not necessarily tied to an agent's ability to do otherwise.

Finally, Frankfurt ends by evaluating the errors of PAP, and how PAP might be modified. He says that "the fact that a person could not have avoided doing something is a sufficient condition of his having done it" yet "this fact may play no role whatever in the explanation of why he did it."[74] This means that an agent's reasons for performing an act are important in assigning moral responsibility. This is because "The fact that he could not have done otherwise clearly provides no basis for supposing that he *might* have done otherwise if he had been able to do so."[75] The mere lack of alternative choices is not enough to assume coercion; the act one could not do otherwise than do may still accord with one's will.

In contrast, the concept of "would have done otherwise," meaning that an agent would have chosen a different choice had another choice been available, is capable, on Frankfurt's account, of altering moral responsibility for an action. Such an instance is adequately similar to coercion, where an action is done not because an agent desired it (the agent would have willed a

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[72] Frankfurt, "Alternate Possibilities and Moral Responsibility," 7.
[73] Frankfurt, "Alternate Possibilities and Moral Responsibility," 7.
[74] Frankfurt, "Alternate Possibilities and Moral Responsibility," 8.
[75] Frankfurt, "Alternate Possibilities and Moral Responsibility," 8.

different choice if possible) but because the agent was forced to enact it. This leads Frankfurt to amend PAP to state that "a person is not morally responsible for what he has done if he did it only because he could not have done otherwise."[76] John Martin Fischer and Mark Ravizza explain by rephrasing this slightly to say, "if a person acts only because he could not have done otherwise, then he is not morally responsible for his action."[77] Hence, if a person would have done otherwise but could not, then she is not morally responsible, in which case we can say holding-responsible and liability do not apply. Frankfurt is claiming that motivation is a key part of responsibility—the reasons why someone does something—and if our will accords with our actions, only then can we be justifiably held responsible.

3.3 Being-Focused vs. Action-Focused

This is a rethinking of the accountability of the free agent. For Frankfurt, if I will or desire or am motivated toward a certain outcome, and if my actions accord with my motivations, I am responsible for them, and can be held accountable for them. If my actions and motives do not accord, then I am not accountable. Thus, Frankfurt's conception of responsibility is still focused on accountability, but in a different understanding of the term. For the purposes of this thesis, the important aspect of note here is that, for Frankfurt's account of moral responsibility, mental states are primary. Actions are only important in how they relate to the agent in question—were they motivated by the agent or not—and this provides a window into the responsibility of the being in question. This creates a distinction between directing holding-responsible towards actions or towards the being of the agents themselves, and implies that an agent's being ought to be the primary focus. At this point, I would like to leave behind

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[76] Frankfurt, "Alternate Possibilities and Moral Responsibility," 10.
[77] John Martin Fischer and Mark Ravizza, "Responsibility for Consequences," in *Perspectives on Moral Responsibility*, ed. John Martin Fischer and Frank Ravizza (Ithaca, NY: Cornell University Press, 1993), 333.

Frankfurt's rethinking of moral responsibility and consider its implications for responsibility in the broader sense, closer to how Raffoul uses the term, for holding-responsible and liability.

Because of Frankfurt's analysis, holding-responsible as focused on actions appears problematic because an action may not connect back to the agent. This is exemplified in Jones' decision to perform an act despite his physical inability to do otherwise. If Jones performs the action and intends to, the action implies something about who he is as a being, whereas if he does not intend to perform the action but is forced to, then this says something different about his being. That is, the same action, even performed by the same person, can imply drastically varying inferences about an agent's responsibility, even in the broad sense, depending on the circumstances. This means that actions are only one piece of the much larger puzzle of being-responsible in Raffoul's sense of the term. This further implies that what is really at question in holding-responsible is the being of the being that is responsible. However, socially, we do often have to judge based on actions, and access to mental states (and other such concepts that would grant greater access to the being of an agent) are often an unknown factor in the decision.

The question then becomes what this potential difference between actions and being means for both holding-responsible and for liability. In terms of liability, actions are often still primary because access to the agents' being is unknown. Holding-responsible, in contrast, is entrenched in the character of the agent in question—an understanding of his or her actual being-responsible as Raffoul means it—and thus the mental states appear primary, as Frankfurt's analysis shows, as they are the best access to the true manifestation of an agent's being-responsible. In light of this, let us consider again Frankfurt's final (fourth) scenario for Jones, where Black is prepared to intervene if Jones does not decide to do what Black wants.

Let us imagine that such a case were presented before a court of law (or some socially agreed upon setting for determining fault), and Jones were to give a case that Black is the true mastermind behind the action, for no matter what Jones did, Black would have ultimately seen the action through. However, let us also assume that Jones admits that he would have done the action anyway. The question now becomes, who is to blame?

In terms of holding-responsible and Frankfurt's evaluation, the case seems clear. Both Jones and Black are responsible, as they both willed and brought about the deed performed. Liability, however, is obscure. Liability is not a state of my being an agent and is rather a threat to an agent—the threat that one will be held at fault for some inappropriate action. Responsibility (Raffoul's version) can also be oriented toward the future, and to the now, because it is in some sense about who I am and how I act in a given situation. Holding-responsible, as an evaluation of responsibility (Raffoul's version), is concerned with this. Liability, as concerned with an association between past action and social norms, is focused on what has passed.

Because the mental states are known in this instance, it might appear that liability and holding-responsible are equivalent. Both Jones and Black can be held liable for the action, and both are comparable in terms of holding-responsible. This is misleading and assumes that social norms accord with what one can justifiably be held responsible for. Furthermore, if Jones does not admit to willing the action, leaving his mental state unknown, justification in liability cannot be established because the evidence points to Black as the mastermind behind the act. That is, the admission alters our ability to justifiably hold him liable. However, he would bear the same responsibility (either version) as before, because he is a person who would perform such an act in such a situation. Moreover, he is also a person who would lie about it to a jury. This implies

that, in a theoretical sense, Jones' being-responsible (either version) is unchanged by social norms and established proof, whereas liability is changed.

Here we can see a divergence in liability and holding-responsible. Holding-responsible is constant no matter what Jones admits, as it is based on his being-responsible. This appears true for both Frankfurt's and Raffoul's version of responsibility, but I am no longer concerned with Frankfurt's version as it is still focused on agent accountability. As an evaluation of responsibility (Raffoul's version), holding-responsible is concerned with who Jones is and who he will become. His responsibility (either version) is not merely an indication of whether punishment can be justified but is in some sense a reflection of the character of his being. Liability, however, is concerned with what Jones can be socially held accountable for, and is socially malleable. Moreover, without access to the mental state of Jones, we are not justified in holding him liable, whereas (assuming, of course, that our proof of Black's involvement remains sound) we are so with Black.

What does this mean for holding-responsible and liability, then? At first glance, it would appear that the terms are not actually synonymous, and this is true. Holding-responsible is concerned with responses and decisions as a window into an agent's being, while liability is concerned with responses and decisions as they accord with social standards and the institutions that uphold them (i.e. the law).

Nonetheless, there is clearly a relation between these two terms, and they appear to be similar in the sense that they are both concerned with being-responsible, albeit in different ways. That is, holding-responsible is focused on an agent's being in being-responsible (broad sense), and liability is focused on an accord between being-responsible and society, which has not been shown to be reducible to legality.

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There is nothing to suggest from the foregoing analysis that evaluations of an agent's being in being-responsible as it pertains to this analysis *must* be explicitly moral, and the following chapters will continue to suggest otherwise. That is not to say that ethicality is not always an issue for holding-responsible, only that an inextricably moral consequence has not been established. That is, holding-responsible is ethical in the broad sense. This coincides with the adoption of Raffoul's conception of responsibility in the introduction, which similarly was less explicit in the moral nature of responsibility itself, and instead is intended to "question the ethicality of ethics, to engage a philosophical reflection on the meaning of ethics."[78] The analysis of holding-responsible here is ethically focused in that the question of ethicality is always an issue for it, but it itself has not revealed explicit answers to what is morally acceptable and what is not. This is visible in the preceding analysis of Frankfurt, which did not give explicit answers to specifics on the praxis of moral responsibility and instead revealed a key aspect of its meaning: that it is concerned with being, and not merely with actions.

In terms of liability, social demands, standards, and norms are clearly involved in legality in some way, but also exceed the legal aspect. For example, consider the case of a person practicing especially poor hygiene. An agent's especially poor hygiene choices can still provide insight into the character of the agent in question, and may even be deemed irresponsible, but need not be deemed immoral, especially if there is no harm to others (depending on the moral theory, of course). Likewise, such an agent's hygiene may not instigate any legal action, yet may nonetheless warrant some other type of disapproving or corrective social response, depending on the expectations and norms of the society in which the agent dwells.

Thus, holding-responsible is being-focused and liability is social-focused. As we shall see in the following chapter, this distinction reveals that holding-responsible and liability are

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[78] Raffoul, *The Origins of Responsibility*, 2.

different modes of the same phenomenon, and these modes are rooted in Heidegger's distinction of the authentic and the inauthentic. With this in mind, I turn now to Heidegger in an attempt to finish uncovering and reevaluating holding-responsible itself.

CHAPTER 4. HEIDEGGER'S AUTHENTIC AND INAUTHENTIC

"The same idea was expressed with even greater pregnancy by Rabbi Zusya when he said, a short while before his death: 'In the world to come I shall not be asked: "Why were you not Moses?" I shall be asked: "Why were you not Zusya?"'"

- Martin Buber, *The Way of Man*

Before we can clarify holding-responsible in relation to Heidegger's thought, we must understand the authentic and the inauthentic distinction. These are the two modes in which responsibility (either version) can appear, because they are the two ways in which Dasein can be in relation to its mineness: to choose oneself or to flee oneself. First, however, we must come to a preliminary clarification of Dasein itself.

4.1 Dasein

Heidegger writes, "Dasein is the entity […] which *is* in each instance *to be* it in my own way. This determination indicates the distinctive relationship of being which we 'have' to this entity: *to be it itself*, not in the manner of an entity of nature, solely to apprehend it, to have it available in some way."[79] Dasein is an entity that I am always being in my own way. By "being" here I do not mean a static noun, or object—a thing in space like a rock or a glass—but a verb, a happening, a becoming. "To be it itself" refers to my always being Dasein itself, that is, always becoming Dasein itself, and since I am Dasein, I am always becoming myself.

Continuing on, Heidegger mentions that "This designation 'Dasein' for the distinctive entity so named does not signify a *what*. This entity is not distinguished by its what, like a chair in contrast to a house. Rather, this designation in its own way expresses *the way to be*."[80] This means that Dasein is not simply existing as some static object in the world; instead, Dasein's

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[79] Heidegger, *History of the Concept of Time*, 152.
[80] Heidegger, *History of the Concept of Time*, 153.

essence lies in its "to be," that it is always becoming, and thus specifically is *not* static. Heidegger's choice of the term "Dasein" was "a matter for him of seizing the human being no longer as subject but in terms of the openness of being as such, and only in this respect."[81] Dasein's being is not a basis for its existence like the existence of the rock, or the chair, or of the static "what," but a disclosure of its being, of its possibilities to be. If we want to use the term essence at all, then we must say that the essence of Dasein is not static but dynamic and rooted in possibilities and conditions of possibility rather than *a priori* determined actualities.[82]

In this "to be" there lies another possibility. We should also note that "The being of this being is always *mine*."[83] That is, Dasein is "concerned *about* its very being," and the being it is concerned about is my own (as Dasein).[84] Dasein exists as a possibility to be, a happening, and is in some mode of concernful relation to its being as a possibility to be, and, as I am Dasein, this is in some sense a statement about my being concerned with my own being. As Heidegger says, "Dasein is my own, to be always in this or that way."[85] I am always existing as a possibility of myself, and this possibility is not merely an attribute of Dasein; rather, "Dasein *is* always its possibility."[86] I am my own possibility; that is the ontological character of Dasein.

However, there is a further implication here. Frank Schalow notes that

Dasein both constitutes the "there" of disclosure and yet as a being (ein seinendes) requires that openness in order to encounter itself. Given this tension, the self cannot seize hold of its identity as the pure presence of the cogito, but must instead develop its uniqueness in heeding what is most other. The otherness re-orients Dasein's identity toward wider limits, turning the self away from its narcissistic closeness and re-establishing the distance necessary for self-disclosure.[87]

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[81] Raffoul, *The Origins of Responsibility*, 243.
[82] Of course, this is not to say that Dasein has no pre-determined facts about its existence. Heidegger refers to these pre-determined, inappropriable facts of one's existence as "thrownness," which will be discussed shortly.
[83] Heidegger, *Being and Time*, 41.
[84] Heidegger, *Being and Time*, 11.
[85] Heidegger, *Being and Time*, 42.
[86] Heidegger, *Being and Time*, 42.
[87] Frank Schalow, "Language and the Social Roots of Conscience: Heidegger's Less Traveled Path," *Human Studies*, Vol. 21, No. 2 (Apr., 1998), pp. 141-156, 143, JSTOR, 5 March 2012 <http://www.jstor.org/stable/20011190>

As existing as my possibilities, I need space to encounter those possibilities. I not only need a "there" to encounter beings but to encounter and understand myself in my relations. As a possibility, I am a relational being, and I understanding myself and what I encounter as always already entrenched in some relational mode.

Dasein always exists as "thrown." This means that Dasein "is never existent *before* its ground, but only *from it* and *as it*. Thus being the ground means *never* to gain power over one's ownmost being from the ground up."[88] Dasein exists as a possibility, but the possibilities presented are always beyond Dasein's power. The facts of Dasein's existence constitute Dasein's possibilities yet those facts are beyond Dasein's control. This is similar to the inappropriable from Raffoul's understanding of responsibility discussed in the introduction. That is, Dasein is not in a position of power in regard to its possibilities. It tries to take over the ground of its thrown possibilities (appropriate them), but it cannot—and thus cannot be the subject-cause on which accountability is based.

Subsequently, Dasein "operates with a preontological understanding of Being," meaning that Dasein, as always already existing in a world as a thrown entity, has "a distorted or buried grasp of the a priori conditions that, by underpinning the taking-as structure, make possible particular modes of Being."[89] This means that Dasein itself has some understanding of its being, but, in its everyday mode of being, this understanding is distorted, and likely appearing as semblance. This means that many investigations of Dasein will begin with the vulgar (everyday), distorted image of Dasein's structure, and then phenomenological work will be done

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[88] Heidegger, *Being and Time*, 273.
[89] Michael Wheeler, "Martin Heidegger," *Stanford Encyclopedia of Philosophy*, par. 17, 6 March 2012 <http://plato.stanford.edu/entries/heidegger/>

to uncover the underlying phenomenon and to move beyond semblance.[90] Simply put, Dasein

always has some understanding of itself.

4.2 Authenticity, Inauthenticity, and Mineness

There is a further implication here. Heidegger says, "because Dasein is always

essentially its possibility, it *can* 'choose' itself in its being, it can win itself, it can lose itself, or it

can never and only 'apparently' win itself." Inherent to the possibility of Dasein is some

understanding, some choosing, of being itself or of, in some sense, choosing against itself. Both

these possibilities are part of the being of Dasein. It might be tempting to think of this along the

lines of autonomy, where autonomous choices involve choosing oneself, but even this can be

misleading. Heidegger notes that, "[Dasein] can only have lost itself and it can only have not yet

gained itself because it is essentially possible as authentic, that is, it belongs to itself."[91] The

reason autonomy might be misleading here is because autonomy arises out of the conditions of

possibility which make up Dasein's being, while the authentic and inauthentic appear to be

within those conditions of possibility rather than arising from them. That is, Dasein exists as

authentic or inauthentic always—they are built into the very conditions of Dasein's to be, which

is not true with autonomy.

Heidegger goes on to say that

The two kinds of being of *authenticity* and *inauthenticity*—these expressions are
terminologically chosen in the strictest sense of the word—are based on the fact that
Dasein is in general determined by always being-mine. But the inauthenticity of Dasein
does not signify a 'lesser' being or a 'lower' degree of being. Rather, inauthenticity can
determine Dasein even in its fullest concretion.[92]

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[90] I will utilize this method to at least some extent in my analysis of holding-responsible.
[91] Heidegger, *Being and Time*, 42.
[92] Heidegger, *Being and Time*, 42.

Both of these terms, then—authenticity and inauthenticity—are tied to the being of Dasein and are part of the way Dasein is as a possibility of itself. Specifically, both are also tied to mineness. This relation may appear peculiar. Raffoul notes this when he writes, "This is a surprising proposition, given that inauthenticity is defined as 'not-Being-oneself,' and that authenticity—being properly one's own—is already included in the definition of mineness itself" and that "Being-mine means Being *properly* or *authentically* oneself, or having a relation to one's *own* Being."[93] The oddity occurs in the claim that both the inauthentic and the authentic arise out of mineness when it appears that mineness is nearly equivalent with the authentic, which terminologically appears to be the opposite of inauthenticity. How, then, can the inauthentic arise from mineness?

We should note, as Raffoul does, that "Inauthenticity is thus essentially characterized by a *loss*, a loss *of* oneself if not of *the* self."[94] The inauthentic is not merely a not-choosing-oneself but a losing-oneself. We can say that the inauthentic "is thus a loss of oneself resulting from a fleeing in the face of oneself."[95] Dasein flees from itself as a happening potentiality to be itself. The authentic and the inauthentic appear to be part of Dasein's concernful relation to itself; authentically, Dasein recognizes itself as a possibility to be itself, and chooses itself as such. In such a choice lies some form of responsibility similar to Raffoul's conception of the term (I have chosen myself, chosen what I cannot in some sense help but be). Inauthentically, Dasein flees from itself as a possibility to be itself, and, as such, flees from the burden of having to always become itself in a continuum of happening possibility.

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[93] François Raffoul, *Heidegger and the Subject*, trans. David Pettigrew and Gregory Recco (Amherst, NY: Humanity Books, 1998), 237.
[94] Raffoul, *Heidegger and the Subject*, 238.
[95] Raffoul, *Heidegger and the Subject*, 238.

But then where does mineness factor into inauthenticity? If "the inauthentic relation to oneself indicates that we do not constantly understand ourselves from our ownmost possibilities, but from the things with which we are concerned in everydayness, *and which do not have our mode of Being*," then it would appear that the inauthentic is in some way an attempt to avoid what is truly, so to speak, "mine"—that is, my own being.[96] However, "it is still *ourselves* we understand […] when we exist inauthentically."[97] The attempted flight from oneself is an impossible flight; one cannot escape oneself. As Raffoul notes, "one can only attempt to flee what one *cannot escape*."[98] This means that it is only through mineness, through the fact that I am this being Heidegger has called Dasein, that I can attempt to flee from it. But, because I am this being, I can never truly flee from myself, only attempt to, and thus I am still caught within mineness in inauthenticity. I can only *attempt* to flee; I can never truly succeed. That is, mineness possibilizes both the inauthentic and the authentic in that it is only because I am in this way that I can choose myself or I can flee from myself. As Steven Crowell mentions, "in 'possibilizing' them I render them *accessible in their inaccessibility*."[99] This means that mineness possibilizes the inauthentic and the authentic by being the very structure that makes them accessible.

Dasein has its being which is its own, which thus gives rise to the possibility to choose that being or to flee from that being. But, in any attempt to flee from itself, Dasein is still itself, because Dasein cannot get beyond its own being (otherwise it would not be Dasein). This means that "Authenticity, choosing oneself, and inauthenticity, fleeing oneself, are *both* possible on the

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[96] Raffoul, *Heidegger and the Subject*, 241.
[97] Raffoul, *Heidegger and the Subject*, 241.
[98] Raffoul, *Heidegger and the Subject*, 242.
[99] Steven Crowell, "Measure-Taking: Meaning and Normativity in Heidegger's Philosophy," *Continental Philosophy Review* (2008) 41/3:261-276, Published Online: 11 September 2008, Springer-Science and Business Media B.V. 2008, 269, crowell.rice.edu, 5 March 2012 <http://crowell.rice.edu/uploadedFiles/Publications/Measure%20Taking%20Meaning%20and%20Normativity%20in%20Heidegger%27s%20Philosophy.pdf>

basis of primordial selfhood [mineness], which is therefore *neutral* with regard to them."[100]

Mineness is the condition for the possibility of the authentic and the inauthentic; it does not

prioritize one over the other. Both make up the fundamental constitution of Dasein.

The implication for the current investigation is that there are two possible modes of

responsibility: authentic and inauthentic. Recall Raffoul's conception of responsibility,

mentioned in the introduction as "the responding-to this inappropriable event of the other, and

will always arise from its unpredictable, futural arrival."[101] I take this to be a clarification of

being-responsible, of clarifying how I am responsible. Being-responsible, then, in some way

belongs to mineness and is part of my being and my relation to my being and the response I

make in answer to what comes. But how does this apply to holding-responsible, and liability?

Given such a conception of responsibility, is it possible to authentically hold-responsible at all?

As authentic and inauthentic, holding-responsible must be caught up in some way with

mineness. But holding-responsible appears to be entangled in relations to other Dasein, while

authenticity appears to be entrenched in a relation to myself. Crowell claims that "authentic

existence is not simply a matter of resolute commitment to some particular way of life but

involves accountability, answerability: I must be prepared to give an account of myself."[102]

What, then, does it mean to be "answerable?" Does this imply an answerability to others and, if

so, does this imply holding-responsible as well? Crowell considers answerability to be "the

practice of reason-giving."[103] Does this imply that, in being-held-responsible, I am asked to give

reasons for my responses? To answer this, I must provide some examination of the Heideggerian

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[100] Raffoul, *Heidegger and the Subject*, 243.
[101] François Raffoul, *The Origins of Responsibility*, 304.
[102] Crowell, "Measure-Taking," 268.
[103] Crowell, "Measure-Taking," 268.

concept that appears to be inextricably caught up with holding-responsible, that of being-with and, derivatively, solicitude.

CHAPTER 5. HEIDEGGER AND BEING-WITH

"I concern others and they concern me. There we have an irreducible truth."

-   Simone de Beauvoir, *The Ethics of Ambiguity*

5.1 Being-With

Being-with arises from Heidegger's observation that "an isolated I without the others is in the end just as far from being given initially" and that "'the others' *are* always already *there with us* in being-in-the-world."[104] That is, part of the constitution of Dasein is some sense of being-with—that there are other Dasein in the world. As W. R. Newell points out, for Heidegger "our access to this world is always co-experienced with others."[105] The other is always there in the world, even if encountered only as an absence. Indeed, even the possibility of being alone stems only from a more originary structure called being-with. Being-alone is merely a negative mode of being-with, and being-with is the more primordial phenomenon.

We should also note that "others" are not encountered as "other than me." Heidegger writes, "'Others' does not mean everybody else but me—those from whom the I distinguishes itself. Others are, rather, those from whom one mostly does *not* distinguish oneself, those among whom one also is."[106] In being-with, Dasein is recognizing other Dasein and encountering other Dasein as Dasein—as having the same essential being as me. I encounter others like me, and the perceived differences have to do with differing actualized possibilities of other Dasein, and nothing to do with encountering entities of a different being (like that of a rock, or a squirrel). Thus, Heidegger writes that "The world of Dasein is a *with-world*. Being-in is *being-with* others.

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[104] Heidegger, *Being and Time*, 113.
[105] W. R. Newell, "Heidegger on Freedom and Community: Some Political Implications of His Early Thought," *The American Political Science Review*, Vol. 78, No. 3 (Sep., 1984), pp. 775-784, 777, JSTOR, 5 March 2012 < http://www.jstor.org/stable/1961843>
[106] Heidegger, *Being and Time*, 115.

The innerworldly being-in-itself of others is *Dasein-with*."[107] Dasein is essentially being-with,

and exists as a being that is open to encountering other Dasein—other beings like itself.

But how are these others encountered? Heidegger writes that "They are encountered

from out of the *world* in which Dasein, heedful and circumspect, essentially dwells."[108] He goes

on to say that "they are not encountered as objectively present thing-persons, rather we meet

them […] primarily in their being-in-the-world" and thus "The other is encountered in his

Dasein-with in the world."[109] We encounter others as happening—as Dasein—not as objects.

Newell points out that "'Being-in' a world and 'being-with' others are inseparable and

irreducible."[110] This means that they occur together and are co-existentially inextricable. The

other is encountered as in a world as another being like me.

But what occurs when the other is not encountered? This, Heidegger thinks, is only a

possible concern on a misunderstanding of being-with. He writes that being-with "does not

intend to ascertain ontically that I am factically not objectively present alone, rather that others of

my kind also are. […] Being-with existentially determines Dasein even when an other is not

factically present and perceived. The being-alone of Dasein, too, is being-with in the world. The

other can be *lacking* only *in* and *for* a being-with."[111] We must remember that Heidegger is

describing the conditions of the possibility of Dasein. Dasein has being-with as part of its

fundamental conditions of possibility. Thus, Dasein is always capable of encountering and

recognizing another Dasein in its being-in-the-world. This possibility does not necessarily imply

that Dasein will do so, only that such an encounter is always a possibility—a fundamental

possibility—of Dasein's being. If Dasein were not being-with, it would never be able to

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[107] Heidegger, *Being and Time*, 116.
[108] Heidegger, *Being and Time*, 116.
[109] Heidegger, *Being and Time*, 117.
[110] W. R. Newell, "Heidegger on Freedom and Community," 777.
[111] Heidegger, *Being and Time*, 117.

encounter other Dasein, which would mean that it has no possibility whatsoever of being-alone. Being-alone only makes sense for a being that can experience the other as a lack, which implies the more primordial being-with, for without that capacity to encounter the other, the other cannot be lacking. This means that "Being-alone is a deficient mode of being-with, its possibility is a proof for the latter."[112] That is, being-alone actually is further evidence that being-with is correct.

As Dasein is always in some concernful relation to its being, and being-with is fundamentally a part of its being, it follows that Dasein is always in some concernful relation to being-with, and thus is also in some concernful relation to others. Heidegger writes, "If Being-with remains existentially constitutive for being-in-the-world, it must be interpreted […] in terms of the phenomenon of *care* which we used to designate the being of Dasein in general."[113] Heidegger uncovered care as essentially the being of Dasein, and he thus believes that being-with must be understood in terms of care. He goes on to say that, "The being to which Dasein is related as being-with does not, however, have the kind of being of useful things at hand; it is itself Dasein. This being is not taken care of, but is a matter of *concern*."[114] Dasein is indeed in some concernful relation to others in the world as part of its existential constitution of being-with.

5.2 Solicitude

There are both negative and positive modes of concern. The negative mode is some iteration of indifference, or neglect. As for the positive modes, Heidegger writes, "concern has two extreme possibilities. It can, so to speak, take the other's 'care' away from him and put

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[112] Heidegger, *Being and Time*, 117.
[113] Heidegger, *Being and Time*, 118.
[114] Heidegger, *Being and Time*, 118.

itself in his place in taking care, it can *leap in* for him."[115] These two extreme modes are termed

solicitude. The "leap in" version approximates paternalism, of making a choice for another.

Heidegger writes, "Concern takes over what is to be taken care of for the other. The other is thus

displaced [...]. In this concern, the other can become someone who is dependent and dominated

even if this domination is a tacit one and remains hidden from him."[116] This mode of concernful

being-with thus represents the domination of the other. Jonathan Salem-Wiseman writes of this

mode that "one Dasein steps in for another and takes over that which was the object of

concern."[117] Instead of letting the other be, Dasein tries to respond for the other in the place of

the other.

> The other extreme possibility of the positive modes of concernful being-with is
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> the possibility of a concern which does not so much leap in for the other as *leap ahead* of him in his existentiell potentiality-of-being not in order to take 'care' away from him, but rather to give it authentically back as such. This concern which essentially pertains to authentic care—that is, it pertains to the existence of the other, and not to a *what* which it takes care of—helps the other to become transparent to himself *in* his care and *free for* it.[118]

This possibility treats Dasein as Dasein—as a being with care and concern for its being-in-the-

world. Salem-Wisemen writes that "the effect of the leap-ahead [...] is not to be discerned in

what Dasein is circumspectly engaged but in how Dasein understands its own being."[119] The

leap-ahead is focused on Dasein understanding itself—on authenticity. Salem-Wiseman claims

that, in this instance, "one Dasein helps another to grasp itself not in terms of that with which it

is presently concerned but in terms of its own existence."[120] This suggests that Dasein

understands itself through a relation in which the other is implied. If we are to find some

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[115] Heidegger, *Being and Time*, 118.

[116] Heidegger, *Being and Time*, 118-9.

[117] Jonathan Salem-Wiseman, "Heidegger's Dasein and the Liberal Conception of the Self," *Political Theory*, Vol. 31, No. 4 (Aug., 2003), pp. 533-557, 551, JSTOR, 5 March 2012 < http://www.jstor.org/stable/3595671>

[118] Heidegger, *Being and Time*, 119.

[119] Salem-Wiseman, "Heidegger's Dasein and the Liberal Conception of the Self," 551-2.

[120] Salem-Wiseman, "Heidegger's Dasein and the Liberal Conception of the Self," 552.

authentic sense of holding-responsible, it will be in this mode of being-with and not the former

mode; that is, to be authentic, holding-responsible must treat other Dasein as Dasein in being-

with.

Therefore, "As being-with, Dasein 'is' essentially for the sake of others. This must be

understood as an existential statement as to its essence."[121] Authentic holding-responsible must

be a part of being-with that implies a "for the sake of others." It is for the sake of others, then,

that I am in the mode of holding-responsible. But what does this imply about holding-

responsible? Am I caught within a mode of concern for the good of the other, or, authentically,

is there some reflection or sign in the being of the other that points me towards my own being?

To help illuminate this, we must first examine the inauthentic mode of co-being called "the

they."

5.3 The They

Heidegger writes, "this distantiality which belongs to being-with is such that, as everyday

being-with-one-another, Dasein stands in *subservience* to others."[122] Dasein exists largely in that

prior extreme possibility of being-with, as dominated by others, in which its care and its choices

are largely influenced and perhaps even made for it by a collective group. As Heidegger writes,

"[Dasein] itself *is* not; the others have taken its being away from it. The everyday possibilities of

being of Dasein are at the disposal of the whims of others. These others are not *definite* others.

[…] The 'who' is the neuter, *the they*."[123] As being-with, Dasein is constantly under the

influence of others. Its very being is always already caught up with others within the they, and

the they exerts its influence on any given Dasein. Fred R. Dallmayr writes that the they is the

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[121] Heidegger, *Being and Time*, 120.
[122] Heidegger, *Being and Time*, 122.
[123] Heidegger, *Being and Time*, 122-3.

"inauthentic type of co-being or togetherness […] where the individual [is] submerged in societal anonymity and the sway of public opinion."[124] Dasein here is not simply existing with others but existing with others inauthentically—that is, not choosing itself. Under the sway of the they, Dasein is, in some sense, under the influence of society at large.

Inauthentic co-being—the they—distills Dasein into average norms, which are set in some inauthentic togetherness mode of being-with. This results in a moderating effect on Dasein that leads to averageness and conformity within a set of social norms, customs, or expectations. As Dasein, I recognize and influence other Dasein, but, also as Dasein, others (individual and the masses) recognize and exert their influence on me. This grandiose, nameless, unidentifiable mass of others—the they—constitutes the crux of inauthentic being-with. We should note, however, as Dallmayr does, that "what needs to be considered is the ontological rather than merely ontic or empirical status of 'the They.'"[125] We need to think of the they as part of inauthenticity itself, and thus as part of the being of Dasein.

Dallmayr goes on to note that the they "denotes neither an outgrowth or product of 'subjects'—in the sense of an aggregate of individuals or a 'subject-writ-large'—nor an empirical collectivity into which individuals are leveled; rather it implies an ontological-existential condition, a mode of Dasein's being-in-the-world."[126] In brief, the they must be thought of as an ontological phenomenon and not merely an ontic one. The they is not merely a group of individuals (a society or community) that exerts influence on its individual members in the sense of societal pressures or norms (although such things may of course be involved), but a mode of Dasein's existence. The they is part of the structures of Dasein's being, and thus a part

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[124] Fred R. Dallmayr, "Heidegger on Intersubjectivity," *Human Studies*, Vol. 3, No. 3 (Jul., 1980), pp. 221-246, 236, JSTOR, 6 March 2012 < http://www.jstor.org/stable/20008763>
[125] Dallmayr, "Heidegger on Intersubjectivity," 242.
[126] Dallmayr, "Heidegger on Intersubjectivity," 242.

of how Dasein exists in-the-world as being-with. Dallmayr goes on to say that "although regularly inauthentic, everyday existence is not only a defect to be remedied, but a mode of being-in-the-world; as such it is implicitly open to Being and contains within itself at least the anticipation of genuine existence and authentic co-being."[127] Because everyday existence, proximally and for the most part entangled in the they, is a part of Dasein's being, and because Dasein's being has at least the possibility of authenticity, everyday existence and the they point toward the possibility of authentic co-being-in-the-world.

Dallmayr seems to think that this authentic co-being has to do with the leaping-ahead type of solicitude mentioned earlier. He writes, "while other forms of solicitude characterize deficient or exploitative modes of human interaction—the same section adds—the emancipatory variety is linked with genuine co-being devoid of egocentric jealousies and oppression."[128] This is the type of solicitude that leaps ahead and frees another Dasein for its being. Dallmayr claims that this carries "normative implications," and appears to suggest that it is consistent with Kant's "kingdom of ends" and with respect.[129] He writes that, "Authentic co-being […] is distinguished by respect for others in their *Dasein* and their 'potentiality for Being' rather than in their role as moral goals."[130] What I take Dallmayr to mean here is that, in authentic co-being, Dasein must let other Dasein be and not take over their object(s) of concern for itself.[131]

Dallmayr concludes his piece by noting that "*Dasein* is authentic only to the extent that it orients itself in the modes of concern and interhuman solicitude centrally toward its potentiality

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[127] Dallmayr, "Heidegger on Intersubjectivity," 243.
[128] Dallmayr, "Heidegger on Intersubjectivity," 244.
[129] Dallmayr, "Heidegger on Intersubjectivity," 244.
[130] Dallmayr, "Heidegger on Intersubjectivity," 244.
[131] I would alter Dallmayr's wording slightly to remove the word "moral" because I do not think inauthentic co-being is limited to dominating others in the pursuit of moral goals, but rather any goal—although it often may involve an attempt at moral justification, or may be done in pursuit of a goal that is claimed to be moral.

for Being, rather than toward the possibility of 'the They.'"[132] I take this to mean that Dasein is authentic when it chooses itself—when it orients itself towards its own being. This occurs even in being-with, in the leaping-ahead mode of solicitude in which Dasein leaps ahead of other Dasein and frees their being for it. That is, Dallmayr appears to be claiming that authentic Dasein is still being-with, and can even assist other inauthentic Dasein in being authentic. This implies that what is showing up in authentic co-being is not answerability but assistance—assistance in being authentic.

As being-with is an irremovable aspect of Dasein's being, authentic Dasein still must be being-with in some mode or other. This mode, as Dallmayr suggests, may still involve the active interaction with Dasein as leaping-ahead solicitude. With this in mind, I turn now to a more direct analysis of the phenomenon of holding-responsible. In doing so, I hope to answer a few questions: we know from the analysis of Frankfurt that holding-responsible and liability are not synonymous, but, if there are two modes of holding-responsible (authentic and inauthentic), is the inauthentic mode actually synonymous with liability? Conversely, is authentic holding-responsible possible, and, if so, is it caught up within the leaping-ahead mode of solicitude, as Dallmayr appears to imply? And where does mineness fit in?

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[132] Dallmayr, "Heidegger on Intersubjectivity," 246.

CHAPTER 6. HOLDING-RESPONSIBLE

"Quis custodiet ipsos custodes?"

- Juvenal, *Satires*

In this chapter, I will provide a brief summary of the previous chapters in an attempt to coalesce the prior analyses into a synthesis, and in the process I will show that inauthentic holding-responsible is essentially liability. From this synthesis, I will then define authentic holding-responsible as an attempt to make Dasein transparent to itself in its being-responsible, and will claim that what Dasein is held to authentically is transparency itself. From there I will consider whether this authentic definition is consistent with Raffoul's definition of "being-responsible," and if it indeed assists in understanding holding-responsible without accountability. Lastly, I will briefly explore the implications of my definition of "authentic holding-responsible."

6.1 Summary

In Nietzsche, we saw responsibility arise from the breeding of an animal that can promise—an animal that can give its word and be expected to keep it, and be punished for not keeping it. Indeed, this desire to justify festively morbid punishments seems to be Nietzsche's conclusion about the primary drive behind this goal, but it also had the other goal of creating the sovereign individual, which Nietzsche believes (and I agree) is far more laudable. In Frankfurt we saw a difference between what I can be justifiably held to (my actions) as opposed to what sort of person I am in truth (my mental states). In Heidegger we saw inauthentic and authentic aspects of Dasein rooted in mineness, and one of the necessary conditions of possibility of the

being of Dasein called being-with, which involves solicitude, the inauthentic of which implies domination (leaping-in) and the authentic of which implies freedom for being (leaping-ahead).

After the examination of Heidegger, the following question arises: when I hold Dasein responsible, what am I doing? I am, in some sense, making an inquiry into responsibility (Raffoul's version)—is this Dasein, in some understanding of the word, responsible? I am making an inquiry into the being-responsible of Dasein. When I hold a person liable, what am I doing? I am asking if I can prove—am I justified—in utilizing some sort of punishment (corrective or otherwise) by holding the responses of Dasein to demands of the they.

Liability implies domination and control. It is less theoretically concerned with the content of one's character as with one's actions and their resulting consequences, and whether those actions and consequences coincide with demands of the they. Liability is focused on an attempt to ensure that a Dasein is not violating certain norms or mandates of the they. This likewise implies the inauthentic, and leaping-in, and mineness in the way it is focused on what I have done. How have my actions infringed upon the they and how am I to pay for the debt incurred? Holding-responsible, concerned as I have defined it with my being-responsible, inquires into the content of one's character. Who am I? Holding-responsible still has a focus on actions, but this focus is the orientation towards Dasein generated in actions (in Frankfurt we might think of mental states) as they are manifested in being-responsible. A Dasein-centered focus implies the possibility of something authentic, of leaping-ahead, and of mineness in that these are my responses as Dasein. Holding-responsible has the possibility of freeing Dasein for its being in allowing access to Dasein's being in its being-responsible through its responses.

6.2 Synthesis

But what synthesizes the prior analyses of holding-responsible? Is there any theme that runs through Nietzsche, Frankfurt, and, in terms of holding-responsible, Heidegger as well? In all these analyses, the connecting theme is inquiry into the being-responsible of a Dasein (any particular Dasein). In Nietzsche, for responsibility, the question is, "Is this a being who can keep a promise?" Paradoxically, the answer "no" is used to justify the use of pain, the very mnemonic used to create the being capable of promising in the first place. But in this case, or in the case of barter and trade, the question is not a question of my being in the sense of possibility. Such a question may arise in the search for the sovereign individual. Instead, responsibility in barter and trade involves a question of what I have become in prior actualized possibility. Have I become a liar, a being that must be punished in order to force it to remember to keep its word? But, nonetheless, inquiry is involved in some way, and it is an inquiry into my being-responsible—what I am (the sovereign individual or not) and/or what I have become (a liar or not).

In Frankfurt, the idea of inquiry into the being-responsible of a Dasein is less apparent but still present. His piece involves an inquiry into Jones, and goes through the process of asking whether we can hold him responsible as a free agent or not. He comes to the conclusion that mental states and decisions still imply responsibility, even if one is physically unable to do otherwise. The concern with mental states implies an inquiring into the character of Jones, what he actually wills to occur over what actually occurs, as it appears in his being-responsible; thus the theme of an inquiry into being-responsible still holds.

Heidegger is more complicated. He is not specifically investigating holding-responsible, but he is investigating being-responsible. The question becomes how his topics relate to

holding-responsible, and whether they relate in a way that still implies that holding-responsible itself (and liability) is an inquiry into the being-responsible of a Dasein.

If holding-responsible is an inquiry into the being-responsible of Dasein, it is an inquiry into my being-responsible as Dasein. As Dasein, the inquiry is focused on my being-responsible and my responses; they belong to me in mineness. Likewise, liability is an inquiry into my responses as a responsible, as Raffoul means it, being (becoming a possibility of myself) and what I have become in my responses. As Dasein towards which holding-responsible and liability are directed, these responses are in each case mine.[133]

Authenticity and inauthenticity appear to be modes of the inquiry. The authentic is an inquiry into my being-responsible, into myself as Dasein; the inauthentic is an inquiry into my prior responses as Dasein, as what I have become in becoming a possibility of myself, and how those responses accord with the they. The authentic, then, focuses on my being, the being of Dasein, and the inauthentic is approximately liability. Therefore, inauthentic holding-responsible is proximally and for the most part liability, as it is concerned with the cares of the they and not with my being specifically; its concern is whether or not my responses can be shown to coincide with demands of the they.

Being-with is the condition for the possibility of the inquiry in the first place. Without being-with, the possibility of inauthentic holding-responsible, liability, is certainly impossible, as the entirety of inauthenticity is impossible without being-with. From this we can conclude that authenticity would also be impossible, for there is no choosing myself. Without being-with, there is no choice involved as there is nothing to choose against; thus, we can logically conclude

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[133] But not in the sense of autonomy. I am only saying that the responses are mine in that they are the responses I have made, but they may have been necessitated by a prior thrown facticity. They are my responses in that they are attributed to me; that I am their sole author is not guaranteed.

that holding-responsible is not possible without being-with. Beings that are not being-with cannot, ontologically speaking, hold-responsible.

Solicitude is again manifest in the goal of the inquiry. Is the inquiry simply concerned with punishment, with payment of a debt, or is it concerned with understanding the being-responsible of the Dasein in question? Moreover, is it concerned with the understanding of the Dasein in question towards its own being? The former is leaping-in, the second leaping-ahead. In all these modes of care and of being, holding-responsible is revealed as a mode of inquiry into the being-responsible of Dasein.

Hence, the synthesizing aspect of the investigation of this thesis is one of inquiry into the being-responsible of Dasein. This involves an inquiry authentically into the being-responsible of Dasein as it relates to the being of Dasein itself and inauthentically in how the being-responsible of Dasein has generated responses which do or do not accord with the demands of the they. In Nietzsche, both modes appear: the authentic appears in the search for the sovereign individual and the being capable of promising, and the inauthentic appears in the justifying of a myriad of morally dubious punishments in the name of debt payment. Both are present in Frankfurt as well, albeit less clearly. Frankfurt's emphasis on mental states indicates an inquiry into being-responsible, and his dismissal of PAP for actions implies a preference for holding-responsible over liability, although he is still strongly focused on accountability.

Here we see the importance of Raffoul's conception of responsibility. Without it, our conception of responsibility would be too entangled in accountability, and the nature of Dasein's being-responsible as a being not free to not make a response to what comes becomes obscured. An inability to extricate the free agent from responsibility in turn obscures holding-responsible as a concept irremovable from accountability. As this is an attempt at a phenomenological

inquiry, we are attempting to remove obscurity and to let the phenomenon show itself as itself.

Without Raffoul's conception of responsibility to orient us away from accountability, the

authentic mode of holding-responsible would likely be too obscured to investigate at all.

That said, what is the authentic side to holding-responsible? It has been touched on

briefly. First we must understand it as a mode of inquiry into the being-responsible of Dasein.

But with what end? The end of Dasein understanding its own being so that it may choose that

being in its being-in-the-world. That is, in its responses (through its being-responsible), the

being of a particular Dasein is made manifest. It can be seen as appearing as something, as

having become something, as appearing in some mode of possibility. To help us understand this,

recall the following quote from Heidegger on leaping-ahead solicitude:

> the possibility of a concern which does not so much leap in for the other as *leap ahead* of
> him in his existentiell potentiality-of-being not in order to take 'care' away from him, but
> rather to give it authentically back as such. This concern which essentially pertains to
> authentic care—that is, it pertains to the existence of the other, and not to a *what* which it
> takes care of—helps the other to become transparent to himself *in* his care and *free for*
> it.[134]

Quoting the same passage twice is unorthodox but utilized here to emphasize a key

understanding of authentic holding-responsible. Specifically, the key is in the last line, that

leaping-ahead solicitude "helps the other to become *transparent* [my emphasis] to himself *in* his

care and *free for* it." Holding-responsible, then, has as its end the transparency of Dasein to itself

in its being-responsible.

6.3 Authentic Holding-Responsible

Authentic holding-responsible, then, is the attempt to make Dasein transparent to itself in

its responses. Phrased alternately, it is an attempt to make the being of Dasein transparent to

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[134] Heidegger, *Being and Time*, 119.

Dasein through an inquiry into the being-responsible of Dasein. But then what is Dasein being "held" to? Where does the "holding" in holding-responsible enter? The answer is simply that Dasein is held to transparency itself. In order for holding-responsible to work, Dasein must appear as transparent. An opaque manifestation of Dasein in its being-responsible distorts the being of Dasein, and, if understanding the being of Dasein is a goal here, then a non-distorted image of Dasein is going to be highly beneficial, and thus transparency is key. The attempt is to make Dasein transparent, and thus transparency is what Dasein is held to. Rephrased as a question, "Is the Dasein that shows up in these responses an accurate representation of this particular Dasein?" The manifestation is held to accuracy as uncovered and transparent or not, and from there judgments or evaluations of Dasein are made. In that sense, the "holding" applies to the manifestation, and not to the Dasein itself.

We should note that this is prior to evaluation and judgment as they relate to any sort of normative claims about a Dasein. Indeed, the primordial basis for evaluation and judgment is some sort of manifestation—we need some manifestation of Dasein to appear in order to judge or evaluate it normatively. This implies that the attempt to make Dasein transparent to itself in its being-responsible is not, in and of itself, normative. It serves as a basis for normative claims, and implies a need for transparency to make accurate normative evaluations.[135] But there is a further implication that it would serve as a basis for non-normative evaluations as well. For example, the judgment of whether a person is introverted or extroverted may carry with it no normative preference, but it may still be reliant on an accurate representation of a Dasein made manifest in its responses.

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[135] Excepting luck, and assuming that in the work it would take to make an accurate normative evaluation of an opaque manifestation of a Dasein, Dasein would ultimately be made transparent.

In that sense, what I have defined as the authentic mode of holding-responsible appears consistent with Raffoul's conception of responsibility and is also not indebted to accountability. In terms of Raffoul's conception of responsibility, my view of authentic holding-responsible involves a Dasein that cannot help but make responses to what comes (what I am calling being-responsible). These responses are inquired into and transparency of Dasein is sought in its being-responsible. In terms of systematics of power, no specific demand is placed on Dasein aside from transparency. Dasein is not held to a standard, nor is it *a priori* evaluated for any sort of normative purpose. If we think of Nietzsche and the barter-trade-debt system as a systematic of power, a clear demand is placed on an individual to coincide with certain standards of other Dasein (i.e. failure to pay a debt results in punishment). In my conception of authentic holding-responsible, no *a priori* demand is placed on the Dasein itself. Indeed, this conception intrinsically asks nothing of the Dasein in question; only an attempt is made to make its manifestation from its being-responsible transparent in showing the being of that particular Dasein to itself. That is, the demand is made of the manifestation, that the appearance of Dasein be uncovered and transparency achieved, and the opposite is true in systematics of power, as seen in Nietzsche's examination of the barter and trade system.

That holding-responsible involves an inquiry into the being-responsible of another Dasein *other than me* and helping *that* Dasein to become transparent to itself in its care may appear a logical conclusion from the foregoing analysis. However, nowhere has this explicitly been stated. We must not forget that, even alone, Dasein is being-with. Indeed, such an inquiry as holding-responsible is still possible when directed at oneself. There may be an inherent difficulty in attempting to make oneself transparent to oneself due to the nearness of the subject

matter, but holding oneself responsible is certainly not outside the realm of the possibilities of Dasein.

Where does this leave us? I have attempted to reevaluate holding-responsible in light of three things: Raffoul's rethinking of responsibility, Nietzsche's investigation of the origins of responsibility, and the inaccuracy of PAP as it is commonly viewed. This reevaluation was done through Heidegger and Dasein, mineness, the inauthentic and authentic, being-with, and solicitude. It resulted in a definition of inauthentic holding-responsible which is essentially liability (an attempt to evaluate Dasein in its being-responsible in light of demands of the they), and a definition of authentic holding-responsible as the attempt to make Dasein transparent to itself in its being-responsible. This authentic definition is prior to normative evaluation and judgment and, as placing the demand on the manifestation of Dasein and not on Dasein itself, is itself not caught within systematics of power. It does also allow for subsequent normative claims to be made, however.

The primary difference between this conception of holding-responsible and the more colloquial version is that this conception is focused on accuracy based on the being-responsible of Dasein and the colloquial on evaluation based on accountability. Authentic holding-responsible is focused on the manifestation of a Dasein and the accuracy with which this manifestation represents a Dasein, whereas the colloquial sense is aimed at the Dasein itself and not on its manifestation.

Subsequently, the colloquial sense is making a misleading claim. It observes a manifestation of a Dasein and extrapolates that the manifestation is the Dasein itself (that is, the manifestation is a fully accurate representation) without the adequate prior work to establish such

a claim. Without such work, the assertion can be true via luck, but not established analysis. Ironically, this runs contrary to other social concepts, such as "innocent until proven guilty."

The main conclusion is that authentic holding-responsible is not indebted to accountability. Instead, accountability, or even gradations thereof, are not presupposed. That is not to say that accountability *cannot* be made manifest in holding-responsible, but authentic holding-responsible does not guarantee it, nor does it presume it. Authentic holding-responsible does not assume a Dasein is accountable and search for Dasein's accountability in its being-responsible; rather, it lets any possibility of accountability arise from out of Dasein's being instead of positing accountability in Dasein's being. Indeed, authentic holding-responsible still holds even if no accountability is found. Thus, we have a conception of holding-responsible that is ambivalent to agent accountability.

6.4 Implications

One implication that the preceding analysis does suggest, however, is that true transparency is of great assistance in any subsequent evaluation or judgment of Dasein, whether normative or not. It suggests further that opacity risks obscuring the being-responsible of Dasein, and, as such, risks altering in an inaccurate way the evaluations and judgments of said Dasein. When accountability is assumed, a metaphysical attribute has been posited about Dasein's being, and the irremovable influence of thrownness and the inappropriable excess of events are obscured. This means that presumptions about the being of Dasein and a neglect of transparency risks introducing impurities and inaccuracies into the perceived manifestation,

which subsequently bleeds over into the evaluation and judgment and potentially compromises its justification.[136]

In re-conceptualizing holding-responsible, I am not only rethinking the term. I am also shifting the focus. In emphasizing a focus on accuracy, I hope to avoid the problems that arose historically with responsibility that Nietzsche reveals, as well as the preoccupation with the physical sense of PAP. That is, the shift in focus is from accountability for actions to how actions as an expression of being-responsible represent the being of a Dasein. This is because the transparency of the being of Dasein is the goal in authentic holding-responsible, and the actions are examined as a means to that goal. Such a goal may appear minor, but minor shifts may have significant consequences, particularly for concepts that permeate our everyday existence. As a being that is being-with, we hold-responsible other Dasein on a daily basis in a variety of ways.

There is a further, perhaps less intuitive, implication as well. Responsibility and holding-responsible need not be inextricably entrenched in authorship, as is implied in agent accountability. As a being that must make a response, these responses may or may not coincide with assessments of moral or social "responsibility." These responses may in turn clarify my being as a being that is "responsible" in some normative or social sense. However, assessing the being of Dasein in its being-responsible is a separate inquiry to assessing Dasein as the author of its acts. Thus, authentic holding-responsible, in not presupposing accountability, is not presupposing authorship. That is, it is not, as Raffoul's conception of responsible is not, presuming Dasein to be the ground or substratum of its acts—the subject-cause.

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[136] This may connect back to Nietzsche in some sense, in that a preoccupation with punishment and with sating one's drive for the infliction of suffering appears to have not only morally dubious intent but also to be at risk for compromising the accuracy of the evaluation. This is because the focus is not on accuracy itself but on an evaluation that can be justified and maintained within a given social context.

With a theoretical basis for holding-responsible that is not entrenched in the assumption of the free agent, holding-responsible is not rendered incoherent by a lack of authorship. We are left with little reason to assume that equivocating over questions of authorship annuls authentic holding-responsible so long as the assumption of authorship is not built into the theoretical understanding of the term itself.

Therefore, the shift in focus is twofold. One, the focus is shifted to accuracy in transparent manifestation, which appears to be a potential way to alleviate a problem where evaluations are undermined by inaccurate assessments of Dasein's being. Two, the focus is shifted away from questions of authorship to questions of responsibility (Raffoul's version), where instead of asking whether an agent is the author of her actions, we ask how her responses represent her being. There is also a shift away from the necessity of systematics of power by using a definition that itself is not reliant upon them. This also appears to imply a reorientation from a focus of justifying punishment based accountability to an understanding of Dasein's potential for accountability, and questions the incongruity of punishing Dasein as if Dasein is accountable without establishing that fact initially.

Ultimately, however, what we are left with is an understanding of holding-responsible which helps free Dasein by making it transparent to itself in its care. Consequently, if Dallmayr is right about leaping-ahead solicitude as authentic co-being implying respectful existing with other Dasein (similar to Kant's kingdom of ends), then shifting the focus to this understanding of holding-responsible should, hopefully, make for a more respectful (even if simply in the sense of freeing someone for their being) society.

VITA

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