

Workshop

Dimensions of Liability and Responsibility

Legal, Ethical, Political

Thursday 15 May 2025 9:00 > 17:30

Speakers:

Françoise AUVRAY, Professor - KU Leuven

Benjamin DE MESEL, Assistant Professor - KU Leuven

Attila MRÁZ, Assistant Professor, SMOS-IN Fellow –
ELTE Eötvös Loránd University & Université Catholique
de Lille

Andrei POAMA, Assistant Professor – Leiden University

Anna RÉZ, Assistant Professor – ELTE Eötvös Loránd
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Emmanuel VOYIAKIS, Professor – London School of
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Program & Schedule

Could our legal, social, or political practices do without the concept of responsibility? If so, should they? How central is responsibility-attribution to liability in the different branches of law, in our everyday moral practices, or in political life? How would a less responsibility-heavy legal environment re-orient our thinking about the values of social practices and relationships? What kind of ethical values survive responsibility-attribution in legal, social and political domains? This event aims to explore a wide array of related conceptual and normative questions about responsibility, liability, accountability, and answerability, from an interdisciplinary perspective that includes philosophy (legal, moral, political), law, and political science.

- 9:00-9:10** **Registration**
- 9:10-9:20** **Welcome by Malik BOZZO-REY** (Director, ETHICS EA 7446) **and Máté PAKSY** (Professor, ETHICS EA 7446)
- 9:20-10:20** **The Moral Justifications of Vicarious Liability**
Emmanuel VOYIAKIS (LSE)
- Theorists have struggled to provide a moral justification for the doctrine of vicarious liability in the law of tort. On the one hand, none of the attempts to provide a single and unifying justification seem to fit all situations in which the imposition of such liability seems justified. On the other hand, pluralist accounts cannot succeed if their strands turn out to be mutually competing. My aim is to sketch a pluralist account that avoids this problem. I identify three justifications for requiring one person, A, to make repair for the torts of another, B, against the claimant, C. The differences between them emerge when we ask to whom A owes a moral duty to bear the burden of repair for B's torts. The first applies when imposing that duty on A is required to make the terms of the relationship between A and B fair. The second applies when C has entrusted a task to A, or when A has led C to expect that A will bear the burden of repair for B's torts in the execution of that task. The third applies when the imposition of liability is a fair requirement of some institution or rule that confers special benefits or advantages to A. The three justifications may occasionally overlap, but they are not competing because each identifies a different reason for imposing vicarious liability on A.
- 10:20-11:20** **Discussions on the Preventive Function of Belgian Extracontractual Fault Liability**
Françoise AUVRAY (ULB & KU Leuven)
- Belgian extracontractual fault liability was long anchored in Article 1382 of the Civil Code, a provision dating back to 1804. This article established a clear and enduring principle: anyone who causes harm to another through their fault must compensate for that harm. The recent reform of the Belgian Civil Code preserves this foundational rule but introduces a significant evolution by addressing a long-standing debate in Belgian legal scholarship: Can extracontractual liability serve purposes beyond compensation? Specifically, should it also play a preventive role? After all, most victims would prefer their harm had never occurred. With the emergence of complex modern risks—such as environmental damage, defective products, and exposure to toxic substances—prevention has gained urgency, particularly when liability of public authorities is involved. The newly adopted Book 6 of the Civil Code embraces the shift, formally recognizing the preventive function of extracontractual liability. We will explore how this evolution took shape and the (dis)advantages of its implementation.
- 11:20-11:40** **Coffee break**
- 11:40-12:40** **Strict Moral Liability**
Anna RÉZ (ELTE)
- Contemporary debates about moral responsibility frequently engage with cases where responsibility-related practices, emotions, and attitudes—such as blame, guilt, apology, or compensation—appear justified despite the involved actions falling short of full moral agency in some respect. These cases are diverse and varied: they may include residual obligations arising in the wake of moral conflicts and dilemmas (McConnell 1996), the phenomenon of agent regret (famously introduced by Bernard Williams) for causing harm in a blameless manner (Williams 1981), or even vicarious guilt and the corresponding duty to offer compensation on behalf of others. In my presentation, I will first briefly summarize and categorize the existing attempts to justify such seemingly paradoxical moral responses. Following this, I will explore whether the concept of strict moral liability or answerability (Duff 2009, Kiener 2024) can offer a unified theoretical framework capable of accounting for these diverse cases. Finally, I will draw some tentative conclusions regarding the prospects of developing a coherent justificatory framework for these varied moral phenomena.
- 12:40-14:00** **Lunch break**

14:00-15:00

How Emphasizing Responsibility Practices Favors Compatibilism

Benjamin DE MESEL (KU Leuven)

P.F. Strawson's emphasis on our responsibility practices in 'Freedom and Resentment' has been thought to favor compatibilism, but this idea has come under attack. 'Strawsonian incompatibilists' agree with Strawson that holding responsible may be unavoidable and a good thing overall, while claiming that this does not entail that we are responsible if determinism is true. My aim is to explain how a Strawsonian emphasis on responsibility practices favors compatibilism. I rely on two key ideas. First, compatibilists and incompatibilists disagree about the meaning of responsibility. Second, we can shed light upon the meaning of responsibility in an indirect way, by starting from the idea that our practices and concept of responsibility have a point. Combining these key ideas, we can ask whether compatibilist or incompatibilist analyses of the meaning of responsibility come out best in the light of Strawson's hypothesis about the point of having the concept and practices of responsibility, which is roughly that they manifest a basic human demand for good will. Strawsonian incompatibilists are challenged to make sense of the connection between (1) the meaning of responsibility and (2) the point of having the concept of responsibility and the practices structured by it.

15:00-16:00

What's Wrong with Dirty Hands? An Analysis

Andrei POAMA (Leiden)

Most philosophical analyses of the wrong-making feature(s) that distinguish(es) dirty hands dilemmas from other moral dilemmas or moral problems tend to focus on the content of the wrongs at play in getting one's hands dirty (e.g. committing a deontic wrong, an evil action or an action that violates core moral values). While insightful, these analyses neglect the practical role that process plays in motivating persons to get their hands dirty, and the analytical contribution that process considerations have in specifying the wrong(s) of dirty hands. Here, I argue that (self)deception constitutes a morally wrong-making, as well as a practically necessary or practically salient feature of paradigmatic dirty hands cases. Unlike current analyses of dirty hands cases, (self)deception points to the ethical significance of how people get their hands dirty, as compared to what moral dirt consists in.

16:00-16:30

Coffee break

16:30-17:30

Citizens' Liability and Responsibility in Non-Democratic Political Regimes

Attila MRÁZ (ELTE & UCLille)

Non-democratic regimes often wage aggressive wars, unjustifiably threaten other states, and commit grave injustices against their own citizens. Such wrongs intuitively call for moral responses ranging from blame and sanctions to duties of compensation and rehabilitation (Pasternak 2019). The citizens of these regimes often share in these burdens, incurring blame (cf. Lawford-Smith 2019) as well as the material costs of sanctions and compensation (Fabre 2018). However, it is precisely non-democratic states that allow their citizens limited or no political agency. This leaves us with a puzzle: intuitively, it is justifiable to impose sanctions on and extract compensation from states whose citizenry enjoy the most limited opportunities to influence their own government's policies. In this paper, I propose a solution to this puzzle. First, I show that, based on a responsibility-based conception of liability, citizens in non-democratic regimes cannot be liable for bearing these burdens (cf. McMahan 2009, 2022). Second, I examine the proposal that even though citizens are not responsible for the wrongdoings of their non-democratic states, they should take responsibility for them (cf. Enoch 2014), owning the normative consequences of these wrongs (Sliwa 2024). I argue that—in contrast to citizens of democracies—citizens of non-democratic states typically cannot be under a duty to take responsibility for their government's wrongs any more than non-citizens can. Third, however, I argue that citizens of non-democratic states have a special moral reason to take responsibility for their government's wrongs. Notably, in circumstances of democratic transition, such an act of taking responsibility should be seen as an act of radical political reconstitution addressed to future generations of the polity and to the international community. This act aims to (re)establish adequate relations among fellow-citizens domestically and between the wrongdoing state and other polities—and it may ground liability.

17:30

Closing remarks by Attila MRÁZ (ELTE & UCLille)



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