



## **Chapter V**

# **Reflective Responsibility**

What is “reflective responsibility”? The idea behind it is to see whether the concept as discussed so far is applicable to itself and what consequences result from the self-application. It is an attempt to clarify the notion by referring to the term itself without using any other theories. The self-application of concepts is an old tool used by philosophers for centuries, sometimes with great success. The probably best-known example which demonstrates that reflexivity can be highly successful and plausible is the refutation of scepticism. Scepticism, understood as the doctrine that there is no truth, has been part of the philosophical discourse ever since humans started discussing truth. Given the difficulties of defining truth and the obvious fallibility of our knowledge, it is an attractive position that allows the speaker to avoid many pitfalls. However, scepticism has one big problem, which becomes obvious as soon as one applies the idea onto itself. If scepticism is true and consequently there is no truth, then scepticism cannot be true. Scepticism can thus be shown to be self-contradictory. Self-reference on the other hand is also a dangerous game to play because it can create serious logical and practical problems. One example is the mathematical class of all classes that contain themselves. This has led to logical problems that have kept the mathematicians in work for a greater part of the 20<sup>th</sup> century. A rather practical problem is that of self-fulfilling prophecies. These are created by applying a theory to itself, and they can have a considerable social impact (cf. Watzlawik, 2001b).

In the case of reflective responsibility, what we want to do is firstly try to distil some features of responsibility that are shared by most of the theories. In a second step we will then reflectively apply the features to the theories discussed so far. Finally, we will analyse the theoretical and especially practical consequences that arise from these observations.

## COMMON FEATURES OF RESPONSIBILITY

There are three fundamental features that most of the theories of responsibility discussed so far share: openness, affinity to action, and consequentialism. These three features are well-suited to act as the foundation of the reflective use of responsibility. Before the reflexivity of responsibility is explored, however, the three features should be described and their relevance to responsibility should be highlighted.

The first feature is openness. We have seen that responsibility is a moral term that stands in competition with other moral terms. Some of the contents of responsibility can be expressed in terms of duty, for example, or of virtue. Unlike these traditional moral concepts, however, responsibility is less clearly suited for the prescription of certain acts or characteristics of agents. Responsibility is open in the sense that it contains something like a “surplus” that precludes its clear determination (cf. Picht, 1991, p. 28). This uncertainty of the concept, the openness in the sense that it leaves open what exactly is the right or necessary thing to do, is the reason why it has gained relevance in those areas where the traditional means of behavioural control fail: in the case of risky tasks, this can only be solved by high competence and flexibility (Bayertz, 1995b, p. 46; Kaufmann, 1995, p. 88). This may explain why we tend to call those positions “responsible” that require a high measure of openness, that are characterised by tasks which are not always foreseeable and programmable. Examples might be leading positions in the economy or administration such as CEOs, judges, or politicians. In these roles the agents are unable to know and often even to estimate what will happen, and they therefore need certain personality traits which are not shared by everybody.

Openness of responsibility is a characteristic that most, if not all sorts of responsibility share. There may be different amounts of openness in different sorts of responsibility, but it still pervades all of the applications. In the case of legal responsibility, the amount of openness is certainly less than in moral responsibility simply because the law is written and there are clear and calculable traditions of interpreting it. Nevertheless, a judge always has the freedom to take certain facts into consideration or refrain from doing so. She

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