



# EMOTIONS AND PUNISHMENT

THE CONFERENCE

*"/-\'", Jone Bengoa, 2015*

MIND

SAP Society for Applied Philosophy

ANALYSIS

University of Kent

# Wednesday, 19 June

Time	Sibson Lecture Theatre 2	Sibson Seminar Room 5
9.30	<b>WELCOME &amp; COFFEE IN THE SIBSON ATRIUM</b>	
10.00	Plenary Session 1: Lecture Theatre 2 <i>In defence of vengeful anger</i> <b>Krista Thomason</b> (Swarthmore College)	
11.15	<b>Mercedes Corredor</b> (University of Michigan) <i>Policing unintentional slights: bad sex and moral disapproval</i>	<b>Costanza Porro</b> (King's College London) <i>State blame for criminal wrongdoing: a skeptical view</i>
12.15	<b>LUNCH IN THE SIBSON ATRIUM</b>	
13.15	Plenary Session 2: Lecture Theatre 2 <i>A hope standard for punishment</i> <b>Kimberley Brownlee</b> (University of Warwick)	
14.30	<b>Daniel Telech &amp; Leora Dahan Katz</b> (Van Leer Jerusalem Institute, Polonsky Academy) <i>Punitive disappointment</i>	<b>Jake Wojtowicz</b> (King's College London) <i>Agent-regret and punishment</i>
15.30	<b>COFFEE IN THE SIBSON ATRIUM</b>	
16.00	<b>Manuela Irrarrázabal</b> (University College London) <i>Punishment, pleasure, and pain in Greek tragedy</i>	<b>Andreas Carlsson</b> (University of Oslo) <i>Guilt, blameworthiness, and the point of blame</i>
17.00	Plenary Session 3: Lecture Theatre 2 <i>Suffering and punishment</i> <b>Michael Brady</b> (University of Glasgow)	
18.15	<b>WINE RECEPTION IN THE SIBSON ATRIUM</b>	
19.30	<b>CONFERENCE DINNER</b>	



Time	Sibson Lecture Theatre 2	Sibson Seminar Room 5
10.00	<b>Craig Agule</b> (Rutgers University-Camden) <i>Being sympathetic to bad-history wrongdoers</i>	<b>Aleksandra Świderska</b> (University of Warsaw) <i>The benefit of looking harmed: Injured robots may appear more human-like and less uncanny</i>
11.00	<b>COFFEE IN THE SIBSON ATRIUM</b>	
11.30	Plenary Session 4: Lecture Theatre 2 <i>Punishment and sympathy in times of 'bubbles'</i> <b>Sabine Roeser</b> (TU Delft)	
12.45	<b>LUNCH IN THE SIBSON ATRIUM</b>	
13.45	<b>Lilith Newton</b> (University of Edinburgh) <i>Blameworthiness and punishment for the right reason</i>	<b>Kirstine la Cour</b> (University College London) <i>Threats and Protests</i>
14.45	Plenary Session 5: Lecture Theatre 2 <i>Moving between frustration and anger: Punishing, empowering, but not trusting</i> <b>Mary Carman</b> (Wits University)	
16.00	<b>COFFEE IN THE SIBSON ATRIUM</b>	
16.30	<b>SYMPOSIUM</b>	
17.30	<b>END OF CONFERENCE &amp; FAREWELLS</b>	



## Organising Team

**Alexandra Couto** (University of Kent)  
A.Couto@kent.ac.uk

**Alexandra Trofimov** (University of Kent)  
A.Trofimov-692@kent.ac.uk

**Lubomira Radoilska** (University of Kent)  
L.V.Radoilska@kent.ac.uk

**Lauren Ware** (University of Kent)  
L.Ware@kent.ac.uk

## Local Volunteers

Alyx Robinson, Daniel Auker-Howlett, Joel Yalland, Joe Jones, James Rothwell, William Levack-Payne, Sam Holden, Evgenia Kim, Hugh Robertson-Ritchie, and Stefan Abram

Far Left: "??", Jone Bengoa, 2015.

Left: *Méthode pour apprendre à dessiner les passions*, Charles Le Brun, 1698.

**Plenary Session 1: In defence of vengeful anger****Krista Thomason** (Swarthmore College)

Vengeful anger has a particularly bad reputation. Adages and proverbs warn that desiring revenge “digs two graves” and that an “eye for an eye” leaves everyone blind. We characterize the vengeful person as too quick to anger, as taking slights too seriously, and as holding grudges she should let go. Additionally, vengeful anger supposedly betrays morally problematic views of other people. To seek retaliation is to view the offender as a villain or enemy to be destroyed and to enjoy her suffering at the moment of revenge. Yet as often as vengeful anger is derided and lamented, we seem loath to give it up. Revenge tales in books and films are popular and satisfying. Further, philosophers and legal scholars have long noted the close connection vengeful anger bears to justice. The idea that a wrongdoer ought to pay for his crimes or “get what’s coming to him” is at the heart of both the desire to see justice done and the desire for revenge. In this paper, I offer a defense of vengeful anger. In particular, I will argue that the wish for payback that is central to vengeful anger is neither irrational nor vicious. At the core vengeful anger is a wish or desire for what I will call forced empathy. Contrary to the claim that the payback wish is an irrational desire to turn back time or a simple desire to hurt the wrongdoer, I argue that payback is a wish that the wrongdoer be forced to appreciate how her actions affected the victim. I then examine the appropriateness of the role of vengeful anger in punishment.

**Policing Unintentional Slight: Bad Sex and Moral Disapproval****Mercedes Corredor** (University of Michigan)

The goal of this paper is to address how we ought to go about morally disapproving of those who unintentionally commit harms and who do so as a consequence of their existence in social contexts that set them up for moral ignorance and consequent wrongdoing. Often this debate is addressed from the perspective of those who have received a *poor* moral upbringing and concerns the extent to which these individuals might be excused on the basis of their suboptimal social conditioning. My concern here is not so much with those who have had difficult upbringings, riddled with strife and hardship, but rather with those who are beneficiaries of privilege, and who have turned out morally worse because of it. Importantly, my concern is not with privileged wrongdoers of times past, but with existing wrongdoers who are shaped by current and pervasive ideologies that are responsible for providing the shape and frame of all of our moral outlooks.

I hone in on questions of responsibility for those for whom acting morally is made more difficult by the fact that what it is to act morally is still in the process of being worked out, including by those on the frontlines who are most committed to the pursuit of achieving moral knowledge. I call these *transitional contexts* and I seek to motivate that our current practices of blaming, and of calling-out and piling-on shame in particular, might both be morally and prudentially uncalled for in such contexts. Transitional contexts, on my view, are ones in which a subset of the moral community develops knowledge about how all members of the moral community are likely to be morally fallible given that our habits have been shaped by oppressive structures which we jointly perpetuate. This knowledge needn’t have an exculpatory dimension; indeed, part of what the subgroup comes to learn is that even these questions—questions of blame and responsibility—are, at least for the time being, genuinely open questions. To elucidate this, I look at cases of ‘bad sex behavior’, such as that described in Kristen Roupenian’s ‘Cat Person’ case, and suggest that with this new analysis in mind, a turn towards calling-in shame, which has reconciliation as an aim, is a fitting social strategy.

**State Blame for Criminal Wrongdoing: a Skeptical View****Costanza Porro** (King’s College London)

It is generally believed that censure is a distinctive aspect of criminal law and the many who hold expressivist and communicative theories of punishment argue that punishment is *pro tanto* justified precisely because it expresses censure for criminal action and blame towards criminal offenders. In this paper, I challenge the view that blame should play a central role in the criminal domain. Both those who advocate for the centrality of criminal blame and the few who question it tend to adopt a similar line of reasoning to that adopted when reflecting on moral blame, assuming that whether blame on the part of the state is justified in the criminal case largely depends on whether and under which conditions blame is the appropriate response to wrongdoing in interpersonal cases. For this reason, one criticism of criminal blame is that

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*Being Sympathetic to Bad-History Wrongdoers (Cont.)***Craig Agule** (Rutgers University-Camden)

it is fitting to sympathize with the bad-history wrongdoers, because of their bad history. Accordingly, we have reason to blame, and we have reason to sympathize. However, we cannot fully and simultaneously do both. Blame's characteristic motivations are in tension with sympathy's characteristic motivations, and the attention partially constitutive of blame is in tension with that partially constitutive of sympathy.

Because blame and sympathy conflict, we cannot do both. Some of our reason to act will go unsatisfied. Moreover, our reason to blame gives us reason not to fully sympathize, and our reason to sympathize gives us reason not to fully. Thus, no matter how we resolve the conflict, we will act against some serious *pro tanto* reason that we have. This explains why the bad-history cases are distinctively and persistently discomfiting, and it does so without committing us to any particular account of moral responsibility.

*The benefit of looking harmed: Injured robots may appear more human-like and less uncanny***Aleksandra Świdorska** (University of Warsaw)

Will increasingly autonomous machines become regarded as moral subjects in the future? If so, might human-like robots be granted moral rights? The present work aims to empirically investigate how apparent infliction of harm may change human perception of robotic minds, and how we relate to visibly injured artificial entities. In moral psychology, a human-like mind is theorized to comprise two distinct dimensions, experience (capacities related to sensations and feelings) and agency (abilities linked to cognition). Humans tend to spontaneously attribute both types of mental states to non-human and even non-living entities. Being perceived as capable of experience and agency is closely tied to the ascription of moral status. Appearing mindless reduces moral standing and equates an entity with a mere object deprived of all emotional experiences. Further, perception of a human-like mind elicits the ascription of moral rights and responsibilities. A moral patient is generally seen as capable of experience, especially of suffering, and deserves to be protected from harm. A moral agent, in turn, is perceived to possess the means to inflict harm. Together, moral patients and agents constitute a dyad, in which moral interactions unfold. This dyad is often understood as a foundation for the agent to be entitled to punishment for malevolent behavior.

As recently discussed, an examination of moral patiency may provide a revolutionary alternative to the moral philosophy of machine ethics, by re-examining how we think about the moral status of other entities from the perspective of a relational turn (e.g., Gunkel, 2018). Thus, when we ask who can suffer, and who can be blamed, we should consider such processes of basic human cognition before proceeding to examine their role in practices of punishment. More specifically, the question arises in earnest, how humans perceive harm to robots, and how observing injury and (apparent) pain may shape what/who we perceive as having a mind, as human-like, or alien and uncanny. Currently, we conducted a study to investigate how facial wounds shaped attributions of mind to male and female human-like and robotic avatars (2 x 2 x 2 between-subjects factorial design). The results revealed that harmed entities were perceived as more capable of experience than their unharmed counterparts. This effect, termed in prior research the harm-made mind, may emerge from the entity's assumed participation in a moral interaction, whereby it is automatically cast in the role of a moral patient and imbued with corresponding mental capacities. Surprisingly, harmed avatars were evaluated as more affiliative and less uncanny, which may indicate that visible harm rendered the entities more friendly and socially-oriented. In contrast to previous findings, this suggests that increases in perceived experience may be associated with reduced uncanniness of anthropomorphic robots, at least if the type of wound is similar to the way a human would be injured. We will discuss the implications of our results from a relational standpoint, and outline how future work could shed more light on how humans construe the minds and suffering of human-like machines.

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*Threats and Protests***Kirstine la Cour** (University College London)

Consider the following familiar sequence of phenomena from moral life: 1) Someone wrongs me; 2) I blame them; 3) They apologise; 4) I forgive. In "Articulating an Uncompromising Forgiveness" (2001), Hieronymi proposes that we conceive of these phenomena and the relations between them as an interplay between threat and protest. In short, by wronging me, you make a threatening claim against me, and by blaming you, I protest and reject that claim. By apologising, you diffuse your threat, thereby removing my need to continue protesting, rendering me instead ready to forgive.

Hieronymi's proposal is interesting for several reasons. While all the phenomena mentioned above have received considerable philosophical consideration, less attention has been paid to articulating the relationships between them. By offering an account of the whole chain, the threat-and-protest proposal enables us to attend to and explain a number of significant features of our accountability practices, which, I hold, remain under-explored or insufficiently well-understood in the philosophical literature. Amongst these, I focus on the following two: the distinctively interpersonal, other-directed character of these practices, and their temporal duration. Both features appear productively illuminated by likening the string of phenomena to the moves in a conversational exchange. The account seems both to explain how blame can be a form of "moral address", itself inviting a response from its target, and to make sense of the possibility and propriety of continued blame and its eventual cessation.

My objective in the paper is to argue that this appearance is misleading, and that the proposal in fact accounts satisfactorily for neither of these. Specifically, I show that if, as Hieronymi proposes, blame is understood as a protest against and repudiation of a wrongdoer's threatening claim, apology cannot have the function of diffusing the threat, thereby paving the way for forgiveness, for what the protest signifies is precisely that the threat cannot be sustained. Unless the victim's protest is somehow undermined or otherwise unsuccessful—something I argue we should not accept—Hieronymi's own construal of these terms should not allow for the possibility of the coexistence of threat and protest. The upshot of this is that the account fails to explain both the continuation of blame and its cessation. Moreover, while the account instructively captures certain important aspects of the communicative, other-directed character of our practices, it is insufficiently discriminating about who gets to do the talking and how. I end by suggesting some routes for amelioration.

*Plenary Session 5: Moving between frustration and anger: Punishing, empowering, but not trusting***Mary Carman** (Wits University)

Anger has been widely defended as an emotion that can have political and moral value. While it may be a punishing emotion – in our own experiences and for those we are angry with – there are good arguments to think that it can nevertheless be an empowering one. Yet, many cases of political anger arise out of frustration, particularly frustration in response to a lack of change. That frustration can move into anger after some catalysing event, then revert to frustration. Take, for instance, the recurring student protests in South Africa since 2015 against the lack of access to tertiary education in the country. This can be seen as frustration at a perceived lack of political will to bring about meaningful change in pursuit of justice, but which flares into anger after a catalysing event, such as the financial exclusion of returning students from impoverished families in 2019. After emotion-fuelled protests and still no substantial change, the anger simmers down but frustration remains. Frustration, however, is not open to the same kinds of philosophical defences that are available for anger: where anger can be punishing but empowering, frustration is plausibly only punishing. Can we learn anything by highlighting the role of frustration in many cases of political anger? In this paper, I offer a philosophical analysis of frustration as a political emotion and argue that the movement between frustration and anger (and back) draws out the centrality of a break-down of trusting that can get lost if one only focuses on anger. Reframing the frustration-anger movement within a context of trusting potentially has implications for how we respond to—indeed, if we punish—the associated anger and expressions of that anger.

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# Map of Campus & Venues

## FINDING YOUR WAY AROUND THE CAMPUS



University of  
**Kent**

Sibson Building, University of Kent,  
Park Wood Rd, Canterbury CT2 7PE