

The Responsibility Theory of Punishment

Peter J. Markie

University of Missouri-Columbia

Professor Charles Howell has provided us with an interesting outline of a promising approach to a very difficult question. The question is the following: What justifies subjecting students to the regime of blame, scolding and punishment (the ordeal, as Professor Howell terms it) that sometimes accompanies their learning?

Professor Howell's answer to the question is the Responsibility Theory (RT). The central feature of the RT is that it seeks to justify subjecting students to the ordeal by appealing to students' duty to learn and teachers' responsibility to hold them to it. Professor Howell argues that the RT has some notable advantages. It provides a successful answer to the related question of what conditions count as excusing conditions relative to the ordeal. It links the justification of the ordeal to a factor central to the justification of much of what's involved in public education. We cannot, he claims, justify truancy laws and school tax assessments without appealing to students' duty to learn.

The Responsibility Theory is, I think, very promising. Nonetheless, as Professor Howell presents it, it faces some major challenges. Let's get the theory before us and see what they are.

I.

The RT makes three elements central to the justification of the ordeal. First, the children to be subject to it must have a duty to learn. Second, the rules of behavior to be enforced through the ordeal must specify a routine that is necessary for the students to learn the subject matter. Third, those rules must specify a routine that is sufficient for the students to learn the subject matter. According to Professor Howell, "provided that the two [necessary and sufficient] conditions are satisfied and children do have the duty, it looks as if a certain significant part of 'the ordeal' is justified."

The central claim of the theory is, then, the following:

RT: If the students have a duty to learn the subject matter and some set of rules defines a routine such that the students' following it is necessary and sufficient to their honoring their duty, then the teacher may use some form of the ordeal relative to those rules for those students.

A couple of preliminary points are worth noting about RT. First, RT gives a sufficient condition for the justification of the ordeal. It is not clear whether Professor Howell takes that condition to be necessary as well.

Second, in many cases where the ordeal is justified, the routine specified by the rules is not necessary for learning. Students are capable of learning the material through other routines specified by other rules. The existence of these cases does not conflict with RT, since it does not say that the ordeal is justified *only if* the students have a duty to learn and the rules are necessary for learning. Nonetheless, the more

cases there are in which the ordeal is justified but the rules are not necessary for learning, the more cases there are in which the ordeal is justified but RT does not explain the source of its justification. Moreover, if we strengthen RT so it states necessary as well as sufficient conditions for the justification of the ordeal, these cases will be direct counterexamples to it.

Professor Howell responds to this problem, clarifying just how the routine specified by the rules must be necessary for learning: “Of course, they [students] could learn through a different routine or from a different teacher. But this is not one of their options: they have this routine and this teacher, or none at all.” RT is to be more clearly stated, then, as follows: “RT (modified): If the students have a duty to learn the subject matter and some set of rules defines a routine that is the only way provided to the students of honoring their duty, then the teacher may use some form of the ordeal relative to those rules for those students.” The demand that the rules specify a routine necessary to the students’ honoring their duty is simply the demand that the rules specify the only way of doing so afforded to the students by the instructor.

Given this understanding of RT, let’s take a closer look at the implication it claims. How does the fact that the students have a duty to learn and a particular routine provides the only option they have for honoring their duty justify the teacher’s use of the ordeal? Professor Howell doesn’t explicitly answer this question. I believe, though, that he intends the antecedent and consequent of RT to be linked by the following reasoning.

1. If the students have a duty to learn the material and the rules define a routine that is the only way provided to the students of honoring their duty, then they have a duty to follow the rules.
2. If the students have a duty to follow the rules, then the teacher is justified in using some form of the ordeal relative to those rules for them.
3. Therefore, RT.

As Professor Howell tells us, RT appeals to the students’ duty to learn and the teacher’s duty to hold them responsible.

II.

Now that we have the main aspects of the theory before us, I want to raise two concerns. One concerns the implication presented by RT. The second concerns Professor Howell’s account of the student’s duty to learn.

Consider the following situation. I have a duty to keep a promise I have made to my son. We may assume that a particular set of rules specifies a routine that is in fact my only way of effectively doing so. I, then, have a duty to follow those rules. Certainly, however, it does not follow that my next door neighbor is justified in applying some form of the ordeal to me if I fail to follow the rules. So what makes my relation to my next door neighbor in this case different from the students’ relation to their teacher? Why does their duty to learn ultimately justify the teacher’s applying some form of the ordeal to them when they don’t follow the routine that is

their only available way of honoring their duty, when my duty to keep my promise does not justify my neighbor's applying some form of the ordeal to me when I don't follow the routine that is my only available way of honoring my duty?

We can put the point more directly as a challenge to the Responsibility Theory. We clearly should not adopt the following line of reasoning which parallels that given by the Responsibility Theory.

1. If I have a duty to keep my promise to my son and some rules crafted by my neighbor define a routine that is my only way of honoring my duty, then I have a duty to follow the rules.
2. If I have a duty to follow the rules, then my neighbor is justified in using some form of the ordeal relative to those rules for me.
3. Therefore, if I have a duty to keep my promise to my son and some rules crafted by my neighbor define a routine that is my only way of honoring my duty, then my neighbor is justified in using some form of the ordeal relative to those rules for me.

In particular, we should not accept the second premise. Why, then, should we accept the parallel reasoning offered by RT? Why, in particular, should we accept the second premise in that reasoning?

The intuitive answer, of course, is that the two situations are quite different. A teacher has authority over his or her students and their learning; my neighbor has no authority over me and my relations to my son. The problem for RT, as Professor Howell has presented it, is that it offers us no account of the teacher's authority. Indeed, Professor Howell seems to down play this important component in favor of stressing the students' duty to learn. He tells us the following. "Before there were classrooms, children had no moral obligation to sit in particular seats or have a pencil within reach. Presumably the teacher's decree can't generate a duty *ex nihilo*. If not, where does it come from?" He then locates the justification for the ordeal simply in the students' duty to learn and the rules' support of learning. What is missing is another crucial element: the teacher's authority to make and enforce rules. It is the element that distinguishes the case of the students and their learning from me and my obligations to my son. We need to know its source and just how it combines with the other elements (the students' duty, the rules connection to learning) to justify the teacher's adoption of some form of the ordeal. Moreover, there's an interesting question hanging in the background here. Once we expand RT with an account of the teacher's authority to make rules will we still need to appeal to the students' duty to learn in order to justify the teacher's application of some form of the ordeal, or will all the justification required come from the account of the teacher's authority?

Let's take a closer look at Professor Howell's treatment of the students' duty to learn. He presents this duty as a responsibility derived from the duty of parents to see to their children's education. He indicates two forms the derivation can take. One form links the students' duty to their parents' through a relation of dependency: the parents cannot fulfill their duty to see to their children's education unless the children do their part.

Derived responsibility is familiar in everyday life: we can take on some or all of another person's duties by marrying, making a promise, becoming a friend, accepting employment. Typically, the other person's duty becomes our own if she cannot fulfill her obligation unless we do our part....It seems plausible that parents have a duty to ensure, as far as they can, that their child has a decent start in life. In a society like ours, a decent start includes a good education....Parents can't see to it that the child learns if the child won't cooperate. Thus, if there were no derived duty, parents couldn't insist on cooperation, and some would be left with a duty they couldn't fulfill.

I have two concerns with this reasoning. First, RT requires that students have a duty *to learn*. The theory offers the students' duty to learn as the driving element in the justification of the ordeal: the students have a duty to learn which generates a duty to follow the rules since the rules specify the only available way the students can actually learn. Can the parents' duty to promote their children's education generate a duty to learn for the children? Certainly not, at least not in the way Professor Howell indicates. The children's actual learning is not a prerequisite of parents honoring their duty. Parents can honor their duty to see to the child's education, even if the child never actually learns very much. Indeed, the dependency relation here is just the opposite of what derived duties require. Parents need to take certain actions to promote their children's learning. Children don't need to learn in order to promote the parents' ability to take those actions.

This may seem terribly picky. Let us just modify the students' duty to one more plausibly derived from their parents' duty to see to their education. Let us say that students have a duty to engage in activities supportive of their parents' attempts to honor their duty. Students have, for example, a duty to go to class, to do their assigned homework, and so on. They have, in general, a duty to follow the rules that specify the available routine that will lead them to learn. All this is quite plausible. Yet, note that we have significantly changed the RT. We are no longer appealing to the student's duty to learn in order to generate a duty for them to follow the rules, which will then justify the application of the ordeal when they fail to do so. We are, instead, appealing to the parents' duty to promote the children's education to generate a duty for them to follow the rules, which will then justify the application of the ordeal when they fail to do so.

Second, if we are going to derive the students' duty to follow the rules from someone else's duty, why not just appeal to the teacher's duty to promote the students' education? Just as parents have a duty to promote their children's education, so too teachers have a duty to promote their students' education. If the parents' duty is dependent upon the students following the rules and thereby generates a duty for them to do so, the same holds true for the teacher's duty. Once again, the duties and authority of teachers appears to have a greater role here than Professor Howell indicates.

Professor Howell's second way of deriving a duty to learn for students is to appeal to the likelihood that they too will be parents someday and so need to be prepared to honor the duty they will then have to provide for their own children's education. As he tells us, "children are potential parents. If they have children of their own, they take on the duty to give them a good start in life. Getting a good education themselves will greatly increase the likelihood of their being able to do this." One

concern with this approach is that it applies only to those students likely to be parents. A greater one is that it only covers some kinds of subject matter. Suppose a class is studying some very esoteric subject or one likely to be hopelessly out of date by the time the next generation attends school. Even if the students have a duty to prepare themselves to be good parents, particularly good promoters of their future children's education, it is hard to see how that gives them a duty to learn that subject matter, which can then give them a duty to follow the rules specifying the only available routine for doing so.

III.

I do not claim that any of the points I have raised is a good reason to scrap RT. It remains a promising contender. I do believe, however, that Professor Howell and other fans of the theory need to do more in two areas. First, they need to provide room for the role played by the authority of teachers. Second, if they want to continue to base their account on the students' duty to learn, they need to improve their derivation of that duty. Attempts to derive it from the duty of parents to see to their children's education are problematic at best.