



TRANSLATION

## Selected Translations from Paul Fauconnet's *Responsibility*

*A sociological study*

---

*Translated from the French by Jane I. Guyer.*

---

### Preface

Emile Durkheim treated responsibility in four lessons in his Course on the Theory of Sanctions, given at the Faculty of Letters in Bordeaux in 1894. When he proposed to me to take up this subject again, he gave me the manuscript of his lessons. I owe to Durkheim, in addition, my entire education in sociology. This is to say that whatever one can find of value in this book, directly or indirectly, comes from him. But the authority of his name does not cover the faults in the work. We were supposed to pick it up and improve it together. The war and his premature death did not permit it.

I owe much to the advice of Marcel Mauss, Director of Studies at the École des Hautes Études, who was willing to read my manuscript.

The manuscript was finished in 1914. With one or two exceptions, I have not cited books that have appeared since then.

### Appendix: The sentiment of responsibility and the sentiment of liberty

The metaphysical problem of liberty is completely foreign to our research. But we have evoked above [in the main text—trans.] the collective belief in liberty as a

---

Editor's note: This article contains selections (preface, appendix, and annotated table of contents) translated from Fauconnet, Paul. 1920. *La responsabilité: Étude de sociologie*. Paris: Librairie Félix Alcan. We are grateful for Jane Guyer's detailed translation.



This work is licensed under the Creative Commons | © Paul Fauconnet's.  
ISSN 2049-1115 (Online). DOI: <http://dx.doi.org/10.14318/hau4.1.023>

factual proof in support of our theory of subjective responsibility. Here, we would like to indicate how this theory can contribute to the psychological and moral analysis of the idea and the sentiment of liberty.

We will analyze the intimate sentiment of liberty under three successive rubrics: belief in the moral efficacy of effort, the sentiment of contingency, the idea of liberty as a state of emancipation, in opposition to servitude to the passions. In each of these three aspects, which meanwhile distinguish themselves poorly from each other, there seems to us to be implicated the sentiment of responsibility, the clear or confused perception of the fact of responsibility as we have described it.

That which constitutes first of all, in the collective consciousness, the content of the idea of free will (*libre arbitre*) is the *belief in the moral value and efficacy of effort*. Determinism appears to its adversaries less as an error of doctrine than as an immorality; we reproach it for preaching that man should make the least effort. The partisans of free will protest against determinism in the name of duty; it is sound; it is obligatory to feel oneself to be free; the belief in liberty has something of the sacred about it; to dispose of it is to dispose of morality itself in its entirety; since morality presupposes effort, struggle, whereas struggle would be absurd if victory was impossible, and effort would be useless if the result was predetermined. Whatever the response that determinism could make to these criticisms, we will not contest that there is a certain practical determinism, fatalistic and lazy, to which the moral ardor of the man who believes in the constant possibility of self-renewal and self-elevation through effort opposes itself. And this antagonism of two practical attitudes is certainly not foreign to the speculative antagonism of the philosophical doctrines. However, what we know of responsibility explains and justifies in large measure the common leaning towards indeterminacy.

Pure spiritual responsibility has for its condition the presence, in the field of conscience, of a system of sacred things, moral values, with which the I-who-wills enters into contact. But to make an effort is, properly, to will [*vouloir*; possibly "be willing"—trans.]. Moral effort is therefore one of those interior events that generate the responsibility of which we have spoken. When I make the effort to set aside temptation, to drive away seductive images and retain attention to representations of duty, I will [am willing—trans.] in a manner that is, doubtless, more or less temporary and uncertain, but after all I am willing goodness; just as when welcoming temptation, making oneself complicit in the game of seductive images, it is already to will evil. From a completed wrong, but also from the preparatory acts of will that engendered it, are born *properties* that, by transfer, spread back to me; the immorality engendered by the wrong reflects on the willing subject, changes his moral value, soils him: and it is there [that resides—trans.] unworthiness (*le démerite*) or responsibility. In the same way, from virtuous will, and the efforts that prepare it, are born the properties that, transferred onto the subject, raise his moral value: therein lies the worth (*le mérite*). The effort generates the worth: from the moral rule with which my will is identified, I have taken on a moral character that I did not possess to the same degree; to make a worthy effort is to communicate with the Good. Virtuous will and effort have all the effects of a rite well executed.

If then to believe in liberty is to believe in the efficacy of effort, the belief in liberty will appear to us, from this point of view, to be well founded, that is to say, as an interpretation of moral facts as they actually happen. It is necessary to believe in the efficacy of effort in order to strive; it is obligatory to strive, therefore to believe in the efficacy of effort and in liberty. And this belief is not vain, since, if through this, effort becomes possible, the agent will be immediately modified by it and fortified for a new effort. We said already that the idea of liberty was a powerful idea (*idée force*); but this doctrine remains insufficient as long as we do not notice from whence proceeds the force inherent in the idea. In consciousness, there is a system of representations tied to powerful sentiments, collective representations invested with properties possessed by moral things. They are of the individual, and in the individual, and yet they are other and more than him. He can, in identifying his own will with the collective will that dictates imperatives to him, and in identifying himself with sacred things lodged in his consciousness, augment his value and moral power, make his own these impersonal forces that allow him to surpass himself. To see the reality of this process of borrowing or transfer, is to have the sentiment of one's responsibility, of merit and demerit. And to believe that one will merit or demerit, according to whether one makes an effort or not, is, in part at least, what we call believing in oneself or feeling free. From this point of view, the classical argument that proves liberty by responsibility is not without value.

Another element of the notion of liberty is the idea of the contingency of the act that we are considering. Philosophers have analyzed this idea and posed the problems that it brings up. But they generally neglect to analyze the common belief in contingency and its relation with action. To feel free is different from speculatively asserting the contingency of futures. It is, notably, to believe that one will be changed, oneself, by the act that one is about to accomplish. For determinism, the will is only a product. We admit that it brings external consequences and becomes a cause in turn through the intermediary of the movements it launches. But the importance of its reaction on the will from which it emanates is not well known nor sufficiently appreciated. In relation to this will, wanting appears above all as a sign, a symptom. Schopenhauer, in agreement with the Italian School, admits that temperament and natural inclinations (*indoles*) are given once for all; conduct expresses it but does not modify it; when conduct changes, our judgment on the subject also changes, but only because new facts allow us to rectify, little by little, the idea of its nature that had been made on incomplete observations. This *symptomological* concept of conduct is essentially determinist: the temperament and natural inclinations (*indoles*) of the subject implicitly contains the series of acts that he will accomplish in the given circumstances; past conduct permits prediction of the conduct to come, with the same approximation as the diagnosis of illness, and the knowledge of the doctor to put forward a prognosis. We have seen that, if judgments of value made about acts had this character, there would be no really speaking of sanction, or responsibility. And we have tried to establish that the act had within itself a value, that the judgment of sanction referred to this, first of all, and not to the agent, and that the judgment of responsibility expressed the modification of the agent by the act, the acquisition by the agent of properties engendered by the act, and reverberating around him on the actors. This critique of determinist theory of responsibility is in accordance with one of the affirmations

implied in the belief in free will. Here again, responsibility and liberty appear solidary. An exact description of the process of responsibility shows to what this belief in contingency corresponds. The internal event is just as real as the material event, and, like that, is clearly distinguished from the actor who participates in it; it is so little confounded with the person of the subject that it presupposes the existence, in the face of this subject, of a moral reality, a reservoir of forces that the act puts at liberty. The moral event is only partially the work of the person; the latter contributes to it, but does not pull it entirely from within himself. Its "moral" character comes from elsewhere; the event is only "moral," for good or bad, because it puts into relationship a being who is bound and a system of sacred things. So there is in the act something altogether other than the natural inclinations (*indoles*) of the actor; within and through this act, forces are engendered that will have an effect on the agent himself. He will be other, afterwards, than he was before; the event in which he participates modifies him, augments or diminishes his value and his previous moral power.

The moral character of an agent is therefore not something immutable, given once for all. He transforms himself by his conduct, at the same time as it expresses him, reacts on him, and alters him. We do not have, congenitally, a value nor a moral power that are given; it is our acts that make them vary, lift up and debase them; we go from falls to risings, we become really better or worse, we are what we do to ourselves. More, this conviction that the moral act reacts on character seems to us to constitute what is essential and generative in the belief in contingency. The logical problem posed by the philosophers is not the one that disturbs moral consciousness. What the latter doubts is the influence of a determinist doctrine that would make of man a spectator to his own conduct, just being present at this gradual revelation of his congenital character. Without pretending to explain how our actions insert themselves in the universal determinism, it affirms to us that we will be otherwise, according to whether we would wish this or that; our future wishes remain events that are partly indeterminate, where our character will encounter itself with another thing than itself, and from which it will exit changed. It is encouraging to believe that we can modify ourselves, otherwise stated, that future acts are, relative to what I am today, in some measure contingent. At the base of this confidence, we rediscover this conception of the internal moral event of which our study of responsibility has made us recognize the truth.

The word liberty has, in philosophical language, two senses: it signifies free will, ambiguous possibility, the power of choice, contingency, indeterminacy; but also the domination of will over sensibility, emancipation from slavery to inclinations. In the second sense of the word, the state of liberty is an ideal towards which we tend. As such, liberty is defined as altogether different from the liberty of indifference; it confounds with perfect morality. This liberty we all partially conquer in the measure to which we become better; every meritorious act increases moral power within us, just as each fault demoralizes us, and subjects us more deeply. It is, therefore, thanks to a generative mechanism of responsibility that we become free, by meriting it. Deliberation is like an alternating of contrary acts that overlap each other: to examine the diverse parties is to weigh diverse decisions. To deliberate whether one will obey duty or not, is thereby to oscillate between virtual volitions,

some of which generate merit and others demerit. Notably, it is to receive, each time one attaches oneself to the virtuous party, an afflux of forces, which can create a balance with animal inclinations. Emancipation, the state of liberty that confers little by little the practice of virtue, a single virtuous impulse, the examination of the possibility of a virtuous party, already confers it, to some degree.

To feel within oneself something partially exterior to oneself, from which one can borrow force; to feel that one is not, in the present moment, what one will be soon, whether one changes for the better or the worse, according to the oscillations of the will; to feel that the eventual result depends in part on the intensity, relative to these external forces, whose energy is impossible to predict; to feel what I will call in a moment “I” or “word”, is not the *indoles*, the bundle of tendencies already constituted, but a synthesis that is in the process of making itself, a new being that will result from the action of the forces released by the forces released by imminent volition and by the rehearsals that prepare it; to feel finally that all this passes in a sphere of moral things, and that ambiguity, far from being a state of indifference, is the result of a sort of inhibition, a suspension of the natural course of things, that operates as introduction in a series of temporal representations and profane images invested with transcendent properties; is it not this, for a good part, what we call, communally, to feel emancipated from inclinations?

We do not pretend at all to take on ourselves a theory of free will. It concerns us only to show how certain moral beliefs that express more or less faithfully the indeterminacy philosophy, can come from actual experiences and correspond to realities. Responsibility—if our theory is right—is engendered in conditions that are precisely some of those of which we affirm the existence when we declare that men possess free will. In sum, liberty would not be, as people say, the precondition of responsibility but much rather, the consequence. It is not because man is free, because his volitions are logically indeterminate, that he is responsible. It is because he is responsible that he believes himself to be free. A man's behavior seems to him contingent in relation to his character as already realized; effort seems to him efficacious because the moral act brings out something that reacts on the agent and alters him, morally. If the process of transfer analyzed by us here failed to produce itself any more, if the event, ceasing to be judged in itself and to react on the culprit was no longer considered to be a revelatory symptom of a given character, man would no longer believe himself to be morally free because he could no longer find outside himself, to modify himself, by himself, moral forces capable of making a balance with his animal nature, between the source of all value and himself, the channel would be severed. Spiritualism teaches that responsibility and liberty are solidary terms and that the idea of liberty implies in some way responsibility. Under this form, the proposition has seemed to us inexact. But the interdependence of the two concepts, and the realities they designate, can be admitted, from another point of view. The sentiment of liberty would result, like that of responsibility, from the relations established between man and moral reality, between individual and society. We ordinarily admit that man is responsible, because his conduct is his own work, because he cannot disavow what proceeds from himself, from his free spontaneity. Following us, to the contrary, man feels himself responsible and free because his moral personality is not a closed system within which nothing new can intervene, once it is constituted; that personality makes itself ceaselessly, borrowing

one of its essential elements from a reality that surpasses it, while still identifying itself in certain ways with that reality.

**Responsibility:** A sociological study

Table of contents

## INTRODUCTION

I. Responsibility is not generally studied as a reality amenable to observation. There are, however, facts of responsibility, and these are social facts. Object of the book.

II. Definition of the Rules and judgments of responsibility. Classification of kinds of responsibility.

III. Posing the problem: societies choose, for the imposition of sanctions on them, certain beings that appear to them to have an exclusive aptitude to submit them. What is the mechanism of this choice? In what does this aptitude consist? What are the forces that prompt, and the representations that direct, societies in their judgments?

IV. Method for resolving it: comparative history, proper for explaining the evolution and the variable character of responsibility, can also give an account of its elementary and universal characteristics. The latter will be the principal object of research. The group of facts studied. The plan of the book.

## FIRST PART

### DESCRIPTION OF RESPONSIBILITY

Grouping of the facts in two tables:

1. Responsible subjects
2. Situations that generate responsibility.

## CHAPTER I

### RESPONSIBLE SUBJECTS

I. The normal adult man. In our societies, his capacity is exclusive (to him, tr.). But this limitation is not universal

II. The child. Penal responsibility. Mixed responsibility

III. The madman. Penal responsibility

IV. The cadaver. Penal responsibility. Two principal cases: 1. The suicide; 2. More serious crimes against the State or religion. —Condemnation as against memory.

V. The animate and the inanimate. Responsibility in the case of vendetta, noxal abandon. Penal responsibility.

VI. Collective subjects. Definition of collective responsibility. Reminder of known facts in mixed responsibility. Penal responsibility. Confiscation as collective punishment; demolition of one's house. Collective responsibility in religion.

Conclusion to this report: All beings are virtually qualified to become responsible parties. The responsibility of a subject does not flow from properties that are inherent in him (it), but from the situation in which he finds himself engaged.



## CHAPTER II

### SITUATIONS THAT GENERATE RESPONSIBILITY

- I. The most common situation in all societies: active and voluntary intervention in the perpetration of crime.
  - II. Voluntary intervention in the internal act: purely subjective responsibility
  - III. Active, but non-voluntary, intervention in the external act: objective responsibility.
  - IV. Passive intervention in infraction: passive violation of ritual prohibitions.
  - V. Indirect intervention: communication of religious fault, defilement. Substitution of culprits.
- Conclusion: The five situations must have a virtue in common, which is the elementary principle of all responsibility. The necessity of first examining the doctrines by which responsibility derives from causality.

## SECOND PART

### ANALYSIS OF RESPONSIBILITY

#### I. PRINCIPAL FACTOR AND FUNDAMENTAL FORMS

## CHAPTER III

### CRITICAL EXAMINATION OF DOCTRINES

Philosophical doctrines and historical doctrines. Their potential commonality: responsibility reduced to causality.

- I. Two philosophical conceptions of causality and responsibility: indeterminism and determinism.
- II. That determinism does not succeed in bringing responsibility back to causality.
- III. That indeterminist spiritualism also fails
- IV. Of the doctrine that attaches itself above all to the exemplary function of punishment.
- V. The insufficiency of philosophical doctrines. How they misrecognize the complexity and the social character of responsibility. Evolutionary doctrines take account of facts that philosophers ignore. How these attempt to reduce the facts defined as aberrant to facts considered normal.
- VI. First procedure of reduction: purely verbal. Second procedure: moral immutability, intellectual aberrations. Examination.
- VII. Third procedure: moral aberrations. Examination.
- VIII. Fourth procedure: religious aberrations. Examination
- IX. Conclusion: There are no aberrant facts. The fundamental and permanent characteristics of responsibility are not of another order than its secondary and variable characteristics.

## CHAPTER IV

### WHY THERE IS AN INSTITUTION OF RESPONSIBILITY

- I. The partial indetermination of responsibility. It is in relation to the crime, not in relation to the culprit, that the sanction is first oriented.
- II. Demonstration of this proposition. The necessity of substituting for the crime a symbol that represents it.

- III. The choice of this symbol is largely indeterminate. Study of the facts of vendetta where this indetermination is at a maximum.
- IV. The judgment of responsibility in its own individuality. There has to be a body of rules that constitute the institution of responsibility.

## CHAPTER V NATURE OF RESPONSIBILITY

- I. Fundamental fact: transfer of emotions stirred up by crime
- II. Characteristics of judgments of responsibility: judgments of value, synthetic, a priori, obligatory. Relations among the phenomenon of emotional transfer, judgment, rule. Role of reflection.
- III. Analysis of relations that the responsible party upholds with the crime. Contiguity and resemblance.
- IV. The relation of the author to the act. Responsibility and causality.

## CHAPTER VI FUNCTION OF RESPONSIBILITY

Sense of the term: function. Purpose of the chapter.

- I. Exceptional cases where this function is very apparent: responsibility is artificially created to permit repression to be exerted.
- II. Affirmation of responsibility is the more energetic as the need for repression is more intense.
- III. The trial for sorcery: the need for repression determines the belief in imaginary crimes and their imputation.
- IV. Characteristics of the penal process. It is organized with a view to assuring at any price repression and affirmation of responsibility. Ordeals, torture, the privileges of accusation.
- V. Function of responsibility. Moral value of this function.

## THIRD PART ANALYSIS OF RESPONSIBILITY

### II. SECONDARY FACTORS AND FORMS

Object of this third part.

## CHAPTER VII REACTION OF THE CULPRIT ON THE SANCTION AND THE SANCTIONED ACT.

- I. The culprit designated to suffer the punishment, is the object of sentiments that hold responsibility in check. The penal process of accusation manifests the existence of these individualist sentiments. They are combined with the sentiments stirred up by the crime. Complication of the fact of responsibility.
- II. The nature of the reaction that the representation of the culprit exercises on the sanction and on the act sanctioned. Attenuation of responsibility.
- III. Responsibility and measures of special prevention: the individualization of punishment.



- IV. Diverse forms in which the reaction stirred up by the representation of the culprit combines itself with the reaction that proceeds from the crime.
- V. The reaction stirred by the representation of the culprit is the principle factor in the evolution of responsibility.

## CHAPTER VIII INDIVIDUAL RESPONSIBILITY

How does responsibility, communicable and collective by nature, become individual?

- I. The extension of responsibility is never undefined. Conditions that favor it and conditions that counteract it: vendetta, religious sanctions, punishment, moral merit and demerit.
- II. New forms, in our contemporary societies, of collective and communicable responsibility: responsibility of moral persons, of the criminal crowd; solidary responsibility of the entire society.
- III. Individual responsibility is an extenuated form of collective and communicable responsibility.

## CHAPTER IX THE SPIRITUALIZATION OF RESPONSIBILITY

How can responsibility, objective by nature, become subjective?

- I. First aspect of spiritualization: psychological analysis as a principle of irresponsibility. Exceptional case: the attempt. Explanation of spiritualization thus defined: its relations with the individualization of responsibility.
- II. Second aspect of spiritualization; the internal fault, subjective equivalent of the material crime. Religious and moral formalism. Subjective situations that engender responsibility: characteristics of moral volition.
- III. Nature of *culpa* or fault by negligence
- IV. Combinations of subjective responsibility and objective responsibility. In what sense responsibility remains always objective.

## APPENDIX THE SENTIMENT OF RESPONSIBILITY AND THE SENTIMENT OF LIBERTY