

# Attention, Responsibility, and Control

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What is the relationship between  
**attention,**  
**responsibility,**  
and **control?**

Impact in the legal sphere:

**ADHD**—Attention Deficit Hyperactivity Disorder, characterized by diminished attention and increased hyperactivity

“Adolescent children diagnosed with DSM-III **ADHD** were 4 to 5 times more likely to be arrested...than controls” (Young et al. 2011)

## Case Study: R. v. McGoran, 2004

teenager with ADHD on cocaine and methamphetamines killed a man in the course of a robbery with a single, impulsive blow to the temple of “no great force”

“the impulsivity that is seen in individuals with attention deficit disorder” cited by the judge as a reason to give a lighter sentence, on the condition that the teenager take the appropriate ADHD medication

So does diminished attention always lead to diminished responsibility?

**No**

In fact, under some conditions, diminished attention can correspond with greater responsibility.

# Outline

- 1 Definitions and Background
- 2 Two Forms of Control
- 3 Application to Responsibility

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## Attention

“Attention is involved in the **selective directedness** of our mental lives. The nature of this selectivity is one of the principal points of disagreement between the extant theories of attention” (Mole 2013)

*a process of selection that is sensitive to the current interests of the subject or organism (see Jennings 2012)*



## Action

“Donald Davidson asserted that an action, in some basic sense, is something an agent does that was ‘**intentional under some description**,’ and many other philosophers have agreed with him that there is a conceptual tie between genuine action, on the one hand, and intention, on the other.” (Wilson 2012)

*a movement of the body that results from or is based in the agent's intention*

## Responsibility

“to be morally responsible for something, say an action, is to be **worthy of a particular kind of reaction**—praise, blame, or something akin to these—for having performed it.” (Eshleman 2014)

*the basis of praise or blame for one's behavior from within a social system or community*

a popular view:

**action and responsibility require attention**

One reason: assumption of **dual process theory**, which splits psychological phenomena into two separate processes:

- implicit/explicit
- reflexive/intentional
- bottom-up/top-down
- involuntary/voluntary
- unconscious/conscious
- automatic/controlled

my view:

**attention is not necessary for responsibility or action**

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One person who supports the popular view is **Wayne Wu**. Wu argues that attention is necessary for action because:

1. action requires solving a many-many problem
2. only attention can solve a many-many problem

“To see the necessity of the Many-Many Problem for agency, consider a world whose creatures do not face the Problem. The presentation of possibilities is denied them. To the extent that they exhibit bodily behaviors in response to the environment, this must be driven by **preset one-one mappings** between stimulus and response....If these creatures are in possession of a variety of preset stimulus-response mappings, they may exhibit a certain complexity in behavior over time. Nevertheless, their behavior does not count as action for they are driven by what are **essentially a set of reflexes**, and these, I take it, never exemplify agency.” (Wu 2011, 54)



“Action requires that the Many-Many Problem be solved by reducing the many-many set of options to a specific mapping between target and response. Throughout the execution of action, the agent must continue to **perceptually select, and hence attend to**, relevant information so as to guide the execution of specific movements. Since perceptual attention is a necessary part of solving the Many-Many Problem, it is a necessary part of action.” (Wu 2011, 50)

So Wayne Wu's argument is, again:

1. action requires solving a many-many problem
2. only attention can solve a many-many problem

This supports a popular view in which all behavior either benefits from the agent's attention or is just reflex. **I reject this "dual process" view, arguing against both 1 and 2.**

Against 1 (action requires solving a many-many problem):

**Action does not require flexibility.** I take this to have been established by Frankfurt.

“Jones could decide against murdering Smith; but murder is the path of least resistance for him, and deviating from it would require a certain mental effort...Imagine then a mechanism that blocks neural pathways...but owing to a fantastic coincidence the...single pathway that remains unblocked is precisely the route the man’s thoughts would be following anyway.” (Hunt 218)

Against 2 (only attention can solve a many-many problem):

**Flexible selection can occur without attention.** One example of this is skilled behavior.

“Diane and John appear able to copy words, detect relations among words, and categorize words for meaning, while reading as effectively and as rapidly as they can read alone...[Solomons and Stein] suggested that one learns to read and write simultaneously by training attention away from one of the tasks...considered their writing to be automatic when they ceased to be aware of it...[Diane and John] sometimes reported that they thought clearly about each dictated word...on other occasions, however, they said that they were unaware of even writing.” (Spelke, Hirst, and Neisser 1976, 226-8)

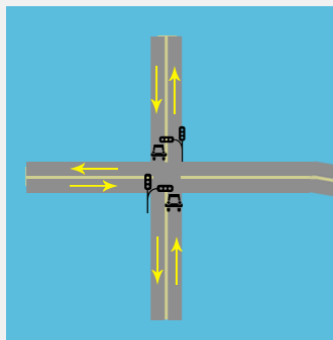
My thesis: There are forms of action that do not require attention, such as action through **skilled behavior** (see also my paper with Bence Nanay in *Analysis*, 2016).

While attention is necessary for novice behavior, as one becomes more skilled in a behavior it uses **less attention**, until that behavior is fully automatic. At that point attention is no longer required for the performance of that behavior. Yet that behavior is still under the control of the agent and responds flexibly to the environment.

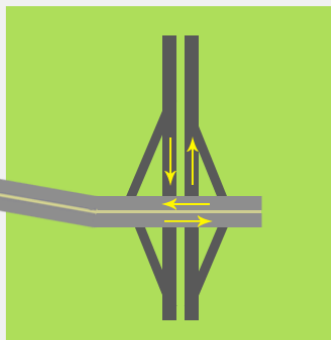
For these reasons and others, I reject dual-process theories in favor of a **hierarchical model** of control. In this model, the reason-based control of novices can give way over time to the skill-based control of experts. Once an expert, one can intentionally initiate a process through reason that then proceeds automatically without the requirement of attention, under the control of the automatized skill. I thus propose two types of control: **reason-based control** and **skill-based control**.

Reason-based Control

Skill-based Control



HIGHWAY



FREEWAY





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A hierarchical model of control should also yield a hierarchical model of responsibility. Thus, we are not only responsible for behaviors under our reason-based control, but also behaviors under our skill-based control.

Thus I propose that there are two forms of responsibility:  
**reason-based responsibility** and **skill-based responsibility**.

Take the example of someone who kills an opponent with a single punch to the temple.

Case 1) The killer is a professional boxer in the ring (e.g. Sugar Ray Robinson and Jimmy Doyle in 1947).

Case 2) The killer has no boxing skills and simply punches someone in the street (e.g. Kyle Major and Paul Walker in 2015).

The responsibility of the professional boxer might be captured by the legal concept of **negligence**.

“A failure to behave with the level of care that someone of ordinary prudence would have exercised under the same circumstances. The behavior usually consists of actions, but can also consist of omissions when there is some duty to act (e.g., a duty to help victims of one’s previous conduct).” (Wex Legal Dictionary)

The current foundation for negligence is shaky: “the fact that negligence is characterized by the absence of certain conscious mental states, rather than by any positive feature, poses a deep and general problem to any theory of responsibility” (King 2009).

Joseph Raz offers a “**negligence standard**”—we are responsible for the proper functioning of our powers of rational agency.

I would add: we are also responsible for the proper functioning of our powers of skilled agency.

Back to ADHD:

High functioning adults with ADHD may seem to have as much responsibility as others, due to the use of medication and psychological skills that counteract the disorder, but imagine someone with **Super ADHD**. This is someone who has no powers of attentional control, who cannot direct his or her own mind. Imagine that such a person causes an avoidable fatality through distraction. Is this person responsible?

In my view, the Super ADHD case reveals the importance of attention for agency, even if attention is not required for every instance of agency.

## Summary:

- Essential to any particular case of action and responsibility is intention and control, not flexibility and attention.
- Skilled behavior can have the characteristics of action without those of attention, and we are responsible for such behavior.
- Skill-based responsibility is distinct from reason-based responsibility, but the former is ultimately based in the latter.