

Moral Responsibility And Choice

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Discussion of moral responsibility has traditionally centred around actions and the possibility of alternative actions. In this short paper I take a different approach and focus on choices rather than actions. I argue that a person is morally responsible directly for their choices and only indirectly for resulting actions. This subtle shift helps to clarify many issues such as moral luck, thwarted choice and coercion.

Introduction

Many discussions of moral responsibility begin with some version of the Principle of Alternate Possibilities (PAP). In its basic form, this maintains that a person is only responsible for their actions if they "could have done otherwise". The apparent simplicity and elegance of this principle has been undermined in various ways, notably by Harry G. Frankfurt⁽¹⁾ who proposed a variety of 'edge cases' (now called the Frankfurt Cases). Others have followed Frankfurt with even more extreme thought experiments.

Partly to counter this, the original definition of PAP has been extended in various ways. One of the most widely used is to say that a person is morally responsible for their actions iff they "could have done otherwise had they so chosen" (the 'conditional analysis'). This view (which I shall refer to as the 'extended PAP') is one that many people accept but which I have always found unsatisfactory. It contains too many loopholes and gives rise to what, in my opinion, are some perverse results.

Responsibility For Choice

I propose that it is not the 'action' but the 'choice' part of the extended PAP that matters for moral responsibility: a person is morally responsible directly for their choices and true choice requires the ability to choose otherwise. Whether or not that choice could be implemented in practice does not affect the moral responsibility for the choice.

This 'responsibility for choice' principle gives a different and, I contend, clearer approach to determining moral responsibility: people are responsible for their choices, actions are simply a consequence of these choices.

It's important to stress that what is being discussed here is responsibility. Whether a choice is praiseworthy or blameworthy, and to what degree, is a separate issue which I shall refer to as 'judgement'. The 'responsibility for choice' principle determines whether a person *can* be judged, not *what* that judgement should be. For the sake of clarity I make a few comments on judgement in this paper, but it is

not my purpose here to assess right vs wrong. The focus of this paper is responsibility, not judgement.

Anchoring moral responsibility on choices rather than actions helps to clarify the moral difference between (say) myself and a volcano. It does so in a logically consistent way that also appeals to the everyday view of moral responsibility: I have choices, a volcano does not. With no choices, there is no moral responsibility. The extended PAP fails to capture this difference and, in the case of a volcano, effectively asks us to consider what could have happened if an impossible event had occurred. To ask whether or not a volcano could have done otherwise if it had so chosen is logically meaningless in our world. It is much clearer to say that a volcano cannot choose and hence cannot have moral responsibility.

Moral vs Causal Responsibility

Moral responsibility and causality are two different things, although they are often conflated in everyday discussion. The fact that I was 'responsible for' an event in the causal sense does not necessarily mean that I am morally responsible for that event.

If I press a doorbell without realising that it has been rigged to cause an explosion then I clearly have a degree of causal responsibility for the explosion, but no moral responsibility.

In general, if my choices cause an event to occur but I was unaware that would be the consequence, I cannot be held morally responsible for the event. I may be responsible for reckless action or for deliberate ignorance, but I did not make a choice knowing it would cause the event.

The position described here means no longer asking 'who caused the event?' but rather 'what choices were made by those involved?' Recognising that there may be causal responsibility without moral responsibility is a shift of approach that some may find difficult.

Actions

Meaningful choices result in actions, so a person is still responsible for their actions but only indirectly, via their choices. A person is morally responsible for a choice, and hence the chosen action, iff they could have chosen otherwise. (Note that in the case of the rigged doorbell described earlier the action is pressing the bell. The explosion is a subsequent reaction and a consequence of my action that I did not choose.)

Hence:

1. A person is morally responsible for a choice iff they could have chosen otherwise.
2. A person is morally responsible for an action iff they chose that action and could have chosen not to perform that action.

3. A person is morally responsible for the consequences of an action if they were aware of those consequences and could have made a choice that they believed would not result in those consequences.

A couple of points to note:

- The definition of "choice" could be debated. Here I am using it in the intuitive, everyday sense of *actively deciding* between alternatives. Thus it is true choice as opposed to mere selection and requires the ability to choose otherwise
- A person is responsible for their own choices, not those of others. This is discussed later under 'consequent actions'.
- Note the inclusion of the word 'believed', this is addressed later in the discussion on epistemic considerations.
- As mentioned previously, even if a person is not morally responsible for the consequence of their action due to ignorance, they may still be responsible for reckless action or for deliberate ignorance.
- Deliberately refusing to make a choice is itself a choice; unknowingly failing to make a choice is not a choice.

People choose to take actions, but it is at the point of choice rather than action that they become morally responsible. There is a huge difference between choosing to perform an action and actually performing an action; *either one may occur without the other*. This gives an important result of the 'responsibility for choice' principle:

Choice without action still results in moral responsibility. Action without choice does not result in moral responsibility.

Thus choice is necessary and sufficient for moral responsibility.

Case Analyses

Separating choice from action and responsibility from judgement greatly clarifies the situation and avoids many of the difficulties that have confounded PAP.

The rest of this paper will consider some particular cases and discuss how the 'responsibility for choice' principle can be applied to them.

The Trolley Problem

No discussion of moral responsibility and choice would be complete without mentioning the trolley problem, so I will begin with that. This well known question was discussed in depth by Judith Jarvis Thomson⁽²⁾. Thomson provides numerous variations on the theme, here I shall just consider the basic setup with which I assume all readers are familiar: the driver of a runaway trolley can either allow it to proceed and kill five people, or switch it to another track where it will kill one.

According to my position, whether the driver turns the handle or does nothing he is responsible for that choice. He is responsible for choosing whether or not to save five people by killing one. However he is not responsible for the situation, nor is he

responsible for the fact that at least one person will die - he has no choice that can avoid that. (Arguably he has a third choice, to spend his remaining time struggling to derail the trolley, but that option can be removed by changing the setup.)

So the 'responsibility for choice' principle makes it very clear that the driver does have responsibility. However it provides no insight on which of the available choices is most praiseworthy/least blameworthy. The original question as to how we judge on killing vs letting die is a separate issue.

Epistemic Considerations

Unexpected Harm

Is a person morally responsible when they choose to act in a way that causes harm without realising that harm will ensue?

Say I buy something in a shop and pay with a forged banknote. If I am unaware that the banknote is a fake, am I morally responsible for passing forged currency? I would argue 'no'. I did not make a choice to 'pay with forged currency', I simply chose between 'paying' and 'not paying'. However, if I obtained the note in dubious circumstances then I could be considered morally responsible for not choosing to check the note. This, I suggest, would carry a lesser judgemental penalty than deliberately passing forged currency.

In another example, two muggers separately attack with violence two victims chosen at random. In one case, the victim is hurt but survives. In the other, the victim has a serious, non-visible medical condition and dies after the attack. Is the second attacker morally responsible for the death? This is a trickier question. He is clearly responsible for a reckless act that led to the death, however there was no intent to kill. So yes, he is morally responsible for making a choice to attack in a way that could cause serious harm. His actions had a causal effect leading to the death, but he did not choose to kill. Hence he is causally responsible for the death and morally responsible for violent assault, but not morally responsible for murder.

Should the the second attacker be judged more harshly than the attacker whose victim lived? No, since both attackers made entirely the same choice with the same (lack of) information. However, we may decide that the possibility of such an attack causing death means that violent assault should carry a harsh judgement and punishment regardless of the actual outcome.

Another epistemic case occurs where a person is unaware of what choices they actually have. This can take one of two forms: ignorance of available options or incorrect belief that unavailable options are available (impossible choices).

Ignorance of Options

The first form of option ignorance is where someone is unaware of a possible choice. They face a situation where the only options they are aware of lead to negative outcomes - the trolley problem is a classic example. But, unbeknown to them, there

is another option - perhaps a hidden button that will stop the trolley. Can the driver be held responsible and judged blameworthy for not pressing the button? No, since that option was not available to them as part of their choice process. (Had they chosen to skip the training session at which the button was discussed, they would be morally responsible for *that* choice).

So ignorance is an excuse when assessing moral responsibility. However there might be moral responsibility for the reasons behind such ignorance.

Impossible Choices

How do we judge moral responsibility if someone chooses to do or refrain from doing something that, unbeknown to them, is impossible? This is the opposite situation to that described above: the person believes they have choices that cannot actually be fulfilled. I contend that a thwarted choice which does not result in action is still a choice and carries moral responsibility.

Assume I sincerely believe that I have the power to kill someone just by thinking about it. I decide to use this power and genuinely try to think someone to death. Obviously I fail. Am I morally responsible for attempted murder? Yes. I chose to try to kill someone and I am morally responsible for that choice. Of course, judgement is likely to be lenient, not least because there is no public interest in punishing me as a deterrent to others.

Take a more realistic example. Consider a medical worker who tries to save the life of a patient. Unbeknown to the worker, the patient is beyond saving. Is the person morally responsible for trying to save a life? Absolutely. The fact that their attempt could not possibly succeed does not prevent them from being responsible for a praiseworthy choice.

What about the situation where a person believes such an impossible option is available but does not choose it? I would argue that they are still morally responsible for their choice, even if the alternative was not in fact possible.

In the case of the trolley problem, assume the driver decides not to turn the handle and divert the trolley. However, unbeknown to them, the handle was actually jammed and any attempt to turn it would have failed. Is the driver still responsible for their choice not to divert the trolley? By the 'responsibility for choice' principle the answer is 'yes' - our judgement of the driver should be unaffected by the impossibility of turning the handle. What matters is the choice. Note that this is the opposite conclusion from that produced by the extended PAP since he could not have diverted the trolley even had he chosen to do so.

Moral Luck

In the earlier example of the two muggers, the first attacker could be said to have been lucky, as was his his victim. The second mugger and his victim were unlucky. How does luck affect moral responsibility in general?

Consider another case where there is an attempt to cause harm. Two attackers each attempt to shoot and kill a victim. One succeeds, the other has his shot blocked by a passing vehicle. How do we assess these attackers?

According to the 'responsibility for choice' principle, both are responsible for attempted murder; both made the choice to kill. The fact that one of them was unlucky and failed does not remove his responsibility. What about judgement? In many modern Western legal systems, there is a distinction between 'attempted murder' and 'murder'. However both attackers made the same choice and there appears no good moral reason to judge the failed assassin more leniently than the successful one. (There may be other practical reasons such as lack of evidence, retribution, deterrence etc).

Thomas Nagel⁽³⁾ proposed four categories of moral luck: constitutive, current circumstantial, antecedent circumstantial and resultant. I contend that in all four cases a person is equally responsible for their choices, however the first three forms of moral luck may affect our judgement of those choices.

Predicating moral responsibility on choice does away with many of the problems of moral luck. Whatever the circumstances, responsibility for choice is maintained. The question of how moral luck should affect judgement remains, however we have simplified it by deconflating the issues of responsibility and judgement.

Coercion

Many of the Frankfurt style cases that have been proposed are based around some form of coercion. Is a person morally responsible for an action if they were coerced into performing it? What if they would have performed that action anyway?

The principle is the same: a person is responsible for their choices.

If the person has already chosen to perform an action and is later 'coerced' into doing it, then the 'coercion' is irrelevant; the person is morally responsible for their choice. What if a person has not chosen to perform an action but, on being 'coerced', decides that it is a good idea and they will perform the action willingly? That extra detail does not affect their responsibility for their choice but could affect our judgement of them.

In both cases, the person is responsible for their choice to perform the action demanded of them. Their willingness to make that choice does not affect their responsibility but may affect our judgement - though in reality we are (in the absence of unethical truth extraction techniques) unable to know their thinking.

Most real world forms of coercion still leave the victim with a choice: agree to what is being demanded or accept the consequences. We may decide that the threat means the coerced is deserving of clemency, but the person is still morally responsible for their choice, albeit between two bad outcomes (this is a similar situation to the trolley problem, discussed earlier). The coercer is morally

responsible for having chosen to create the situation in which one of the bad outcomes must occur.

We also need to distinguish between different forms of coercion, for example bribery, threat, deceit and the theoretical situation of absolute control. A person is morally responsible in the first three of those cases but not the last as they have no choice. In the cases of "threat" and "deceit", the person is morally responsible for their choice but the coercion may affect our judgement of that choice and allow for mitigation of punishment; we do not expect everyone to be an omniscient hero. In the case of "bribery", our judgement and punishment is likely to be harsher.

Consequent Action

I use the term consequent action to describe the 'if you do that, I'll do this' situation, which is a form of coercion. Essentially it is an indirect threat.

Consider a hostage situation. The hostage taker says 'Unless you do x, I'll kill a hostage'. If you believe the hostage taker, refuse his demands and he kills a hostage, are you morally responsible for that death?

No. There may be an indirect causal link between your choice and the death, but you did not make the choice to kill. That choice was made by the hostage taker. He is responsible for the killing and cannot put that responsibility on anyone else.

However, you did make the choice to risk the life of the hostage rather than acquiesce to the demands. There may be judgement - especially self-judgement - of that choice, but I would argue that your blameworthiness is far less than that of the killer.

Illusionary Choice

A more subtle form of coercion occurs in the theoretical situation where a person's neural (or other) processes are controlled to ensure they arrive at a particular 'choice'. In this case, I would argue that the person's apparent choice is an illusion. Their 'choice' is forced and hence not a choice at all, thus there is no moral responsibility. We can discuss what they might have done without the external control, but that counterfactual does not affect the lack of actual responsibility. Belief in having choice is not the same as having choice, however it feels.

What if the neural control does not force a particular choice but simply makes it easier and hence more likely? This is a more complicated situation. I suggest that there would still be moral responsibility since there is still a choice, however the degree of blame or praiseworthiness would be less. It is an open question how difficult a choice must be before it no longer counts as a choice.

Ultimate Responsibility

Galen Strawson⁽⁴⁾ argues that *ultimate* moral responsibility is impossible. In highly simplistic terms, the thrust of Strawson's Basic Argument is that whenever we act, we do so because of *how we are* - which is a result of historic and external influences outside of our control.

Whilst accepting the Basic Argument in principle, I contend that it is irrelevant. 'How we are' may affect what choices we have available and the relative difficulty of selecting them. However, responsibility for our actual choice remains with us. Regardless of our *ultimate* responsibility, we still have *present* responsibility for that choice. The historical and external influences may affect how our choice is judged, but they do not remove responsibility for the choice.

Some would argue that the 'way we are' ensures that we can only make one choice. I find that unconvincing. The way we are may eliminate certain choices but rarely if ever leaves only one option open. Were that to be case though, there would be no present moral responsibility as there would be no choice.

Summary

The 'responsibility for choice' principle provides a (theoretically) clear method to determine moral responsibility (though lack of knowledge may hinder its application in practice). It eliminates many of the ambiguities and loopholes in the extended PAP.

However it says nothing about the judgement and possible reward/punishment that should follow from responsibility. Although that might be construed as 'ducking the issue', I would argue that it is actually a positive step forward. Before we can assign praise or blame, it is first necessary to determine for what one is responsible. The 'responsibility for choice' principle allows for such determination. Judgement can then follow (and will always be influenced by social, practical and situational factors). Separating the elements allows for greater clarity regarding both.

Choice is a prerequisite for moral responsibility and moral responsibility is a prerequisite for judgement.

It is our choices in life that matter.

References:

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- 3) Nagel, Thomas (1979). 'Mortal Questions'. Cambridge University Press
- 4) Strawson, Galen (1994). 'The Impossibility of Moral Responsibility'. *Philosophical Studies* 75 (1-2):5-24