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Responsibility Without Choice

*A First-Person Approach*¹

Introduction

Individuals are generally held to be morally and legally responsible *only* for actions carried out freely and deliberately, that is to say, for actions that result from our free choice. However, there is a quite widespread view that all of our actions are the result of the scientific laws that govern our physical bodies. If this should prove to be the case, then human choice would be an illusion, and therefore — on the generally accepted principle just stated — personal responsibility would be a meaningless concept and blame and punishment would be inappropriate responses to wicked or criminal acts. In this paper I shall argue that we need to disentangle ‘responsibility’ from ‘choice’. I shall also outline reasons for holding that responsibility is ultimately a first-person matter — *I am* responsible if *I feel* responsible, irrespective of choice — and I shall briefly consider some of the consequences of this approach.

The ‘freewill’ debate

As I have said, in the ‘freewill’ debate it is commonly assumed on all sides that responsibility implies choice. Consequently, out-and-out determinists like neuroscientist Colin Blakemore (1988) and philosopher Ted Honderich (1993) draw the conclusion that — since all things are physically determined — there is no choice and therefore no personal responsibility. On the other hand, defenders of genuine freewill, like philosopher Robert Kane (1996) and High Court judge David Hodgson (1991), argue in the reverse direction. They claim that, since personal responsibility underpins our whole system of ethics and law, it cannot be abandoned and that therefore determinism must be false. In the middle — or

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rather on both sides simultaneously — are the compatibilists. They accept the fact of physical determinism but still maintain — in the words of one of their chief advocates, Daniel Dennett — that ‘holding people responsible is the best game in town’ (Dennett, 1984, p. 162).

My position is a form of compatibilism, insofar as I wish to maintain the reality of personal responsibility even if it should turn out that determinism is true (in my view the jury is still out on this at the moment). But against all these positions that I have outlined, including compatibilism as it is usually presented, I want to disentangle responsibility from choice. I am assuming for argument’s sake that both these terms are meaningful and practical, even if they should ultimately turn out to be illusions. I shall proceed first by imagining two hypothetical — but quite plausible — situations in which a question of responsibility arises. Then I shall turn to consider the role of the conscious agent in causing things to happen.

I: Case Studies

Case 1

Consider first a case of accidental death. A child runs out in front of a car and is killed. The driver did not choose for the child to run out and no action he might have taken could have prevented the accident. An inquest finds that the car was well-maintained and being driven in an entirely safe manner for the location and conditions prevailing at the time. Objectively no blame attaches to the driver. Yet the cause of death was the impact between the vehicle and the child: the accident would not have happened if the car had not been there. In such circumstances it is common for the driver to blame himself for the death.

Textbooks of ethics distinguish between guilt as a legal concept and guilt as a feeling (see e.g. Macquarrie & Childress, 1986). In the case under discussion, there is no legal guilt because there was no positive choice on the driver’s part, nor was there any detectable negligence. Let us call this a situation in which there is no choice, and no third-person blame. But he feels guilty none-the-less. Let us call this a situation in which there is no choice, but there is first-person blame.

Case 2

Now consider a case where (assuming for argument’s sake that ‘choice’ is a meaningful term) a choice is definitely made. Suppose there is an outbreak of a deadly disease. Without inoculation there is a ninety per cent chance that a child will die. There is a one per cent chance that the treatment itself will prove fatal. A parent chooses to have her child inoculated but it turns out to be the one-in-a-hundred who dies of the treatment.

The parent’s positive choice has led directly to the death, and yet — given the odds — no court would find her legally responsible for that death. Call this a situation in which there is choice leading to a bad outcome, but no third-person blame. However, the parent is most likely to blame herself for the child’s death, because it was her positive decision to give the fatal injection. So we have a

situation where there is choice leading to a bad outcome, and there is first-person blame.

For the case I am making, it is not necessary to claim that these scenarios would always obtain, only that they might in some cases. Nor is it necessary to claim that there is never a link between choice and culpability, only that there does not have to be such a link. I believe that my two examples are sufficient to demonstrate that third-person innocence and first-person guilt are both possible with or without an element of choice being present. The view that responsibility entails choice, and vice versa, is thus false.

II: Agency and Causality

My second line of attack against the common assumption that choice and responsibility are mutually entailed concerns the role of the conscious agent in causality. David Hume pointed out long ago (Hume, 1748) that, even if in nature event B consistently follows event A on every observed occasion, to say that event A *causes* event B is to go beyond observation. It is to make up a human story about the two observable events. In short, causality is a function of psychology, not of physics. It is our way of interpreting events, not a feature of events in themselves. In general, however, the world has gone its merry way in blissful ignorance of David Hume.

The reason is not far to seek. Suppose for a moment that Hume is right. Suppose the idea of a causal chain of events — whether purely physical or physical and mental — is after all just a story we tell ourselves to explain and predict how things happen. The fact remains that our imaginary causal chain exactly matches the way things go on out there in the world. It matches so well that we never spotted that it does not really exist. So who cares? If the story is that good, and that accurate, as a guide to what kind of event B is likely to follow event A, who cares whether B really is the consequence of A, or just a never-failing (but causally unrelated) accompaniment to A? So Hume has been ignored — except by professional philosophers, and I suspect that even they ignore him when it comes to any practical consideration. Their day-to-day actions, like everyone else's, are carried out on the basis of what some would call 'folk psychology' and others might call common sense. We live in a world where letting go of plates means they fall to the floor; where china hitting a hard floor smashes; and therefore where dropping plates means they break. And if you dropped them deliberately, then *you* broke them.

Recently, however, a new story has begun to be told. The common-sense view that conscious actions are the result of an ordered sequence of events — perceiving, thinking about, deciding, intending, acting — is being widely questioned by a whole range of people: philosophers, psychologists, physiologists and researchers in many disciplines (see, e.g., Claxton, 1999; Walter Freeman, 1999; Hurley, 1998). No longer is causality being presented as a fragmented and linear chain of events — A-leads-to-B-leads-to-C, etc. — but as holistic and circular (Rosch, 1994).

Eleanor Rosch has carried out a careful analysis of our logical treatment of causality, which supports the view that causality has a built-in circular dimension. She says:

Any coherent event or event sequence can be conceived in terms of three parts: a *ground* out of which an event can be seen to arise, something that *happens*, and an *outcome*. The happening is a connecting link between the ground and the outcome (Rosch, 1994, p. 51; original italics).

She shows, by reference to magic tricks, that we are flummoxed if any one of these three elements is missing. The ‘rabbit out of the hat’ trick is only effective if we did not see the animal put into the hat — in other words if the *ground* was missing. The ‘woman sawn in half’ illusion only works if the anticipated *outcome* — the lady’s body divided — is vitiated by her standing up unharmed at the end. And a host of ‘mind reading’ tricks depend for their effect upon the *connecting link* — the passage of information between magician and client — being absent (Rosch, 1994, p. 52).² She then goes on to argue that, for an event to be perceived as coherent or ‘causally bound’, it is not sufficient merely for all three elements to be present. There is an additional requirement that the outcome is seen to be already present in the ground. Hence the suggestion of ‘circular causality’.

In an earlier paper (Anthony Freeman, 1999) I have myself made a contribution to this trend, arguing against the traditional description of a voluntary action as a sequence of (1) ‘decision to act’, (2) ‘putting decision into effect’ and (3) ‘consequent action’. There I claim that introspection supports the view that decisions are not firm intentions made in advance of an action, but rather a monitoring after the event of what I call ‘decisive action’ itself.

In this new picture actions are no longer seen as the intended consequence of a choice or decision; action and intention are all bound up in a single movement. It is perhaps misleading to call it ‘new’, since it has clear links with work done in the early- and mid-twentieth century by such notable researchers as American psychologist J.J. Gibson (1979), with his concept of ‘affordances’,³ and the continental phenomenologist Maurice Merleau-Ponty (1942), who spoke of ‘action-perception cycles’. Be that as it may, whether new or not, this is a different story from folk psychology’s and it is a different story from David Hume’s. If right, it throws right back into the melting pot the whole business of whether and how choice, decision, freewill, determinism, etc. ‘cause things to happen’.

Yet another development in our understanding of decision-making is the role increasingly seen for emotion alongside — possibly even as an integral part of — rational deliberation in the guiding of human behaviour. Antonio Damasio, in his widely-read book *Descartes’ Error* (1994), not only claims that an emotional response is fundamental to our behavioural choices, but links this emotional

[2] Rosch notes: ‘Most so-called paranormal psychology deals with ‘missing links of this kind.’

[3] Joseph Goguen notes also the influence of Heidegger: ‘It was Martin Heidegger (1927) who pioneered the discussion of human being (which he termed “Being-in-the-world”) without the subject-object split. His well-known notion of “ready-to-hand” is a close relative of Gibson’s affordances, more sophisticated philosophically, but with less empirical content’ (Goguen, 2000, p. 159).

capability specifically to that physical area of the brain which is known as the prefrontal cortex (see further below).⁴

So the common-sense view of free agents making choices leading to actions is under fire on all sides. This is making it increasingly difficult to make sense of the principle with which we began, that individuals are to be held morally and legally responsible only for actions carried out freely and deliberately. However, none of these developments alters the fact that we still feel a sense of responsibility for what we have done: there is first-person responsibility, with or without choice.

III: Responsibility as a First-Person Reality

The emphasis in this paper has been on responsibility as a subjective first-person attitude to one's own actions. It has been, if you like, the view from the confessional — as you might expect from one who is a priest — rather than from the law court or the philosopher's study. I make no apology for this. Drawing on my background in Christian ethics, I would say that responsibility is always ultimately a first-personal matter. As the old textbooks said: conscience is always to be followed, even when an objective third-person judgement would say that it is in error (cf. Kirk, 1920, p. 179).

Up until now, accepting the distinction between guilt as a legal concept and guilt as a feeling, the implication has always been that the third-person concept was the 'real' one. If the law said you were guilty, then you really were responsible, whatever you felt about it yourself. And if the law said you were innocent, then you really did bear no responsibility, no matter how badly you felt about it. It now seems to me that many of the difficulties we have been looking at in this paper could be resolved if we turned that presumption on its head. Give the first-person view priority. Say rather that if you feel responsible then you really are responsible, whatever opinion the law might have in the matter. And — more controversially, I dare say — if you really do feel that you bear no responsibility, then you bear no responsibility, and no amount of huffing and puffing by the law can alter the fact.

What would be the practical consequences of this change of stance? My examples at the beginning both related to situations in which there was a personal sense of guilt, but no third-person blame. In situations such as this, the important thing is to recognize the reality of the first-person sense of responsibility, and my approach would clearly do this. It would be essential, of course, to provide adequate means — religious, psychological, practical — for the person to come to terms with and work through the consequences of their responsibility.

More controversially, what about the opposite case? What should be done when the judgement of one's peers or of a court of law is that one's actions have indeed been blameworthy, even though one considers oneself innocent of any offence? In this situation it needs to be remembered a person is never an isolated individual but an individual-in-community, whose good is intimately bound up with the good of the society to which they belong. The abuse of that principle by

[4] See also Damasio (1999) and Panksepp (1998); both are discussed by Watt (1999; 2000).

totalitarian states should not be allowed to blind us to its truth. Putting the emphasis on the first-person nature of responsibility, as I have done, has in its religious setting always entailed that first-person judgements should be made as competently as possible. And that means that the individual must take into account the informed third-person judgement of others as well as any information gained by introspection. Conscience is to be obeyed, but one's conscience needs also to be educated (Kirk, 1920, ch. 8). It is to be hoped that in most cases the first- and third-person judgements concerning the matter would be in agreement, and acceptance of any sentence handed down by the courts would be an appropriate part of the guilty party's penance.

There will inevitably be cases, however, where a person continues to deny responsibility, despite a court's opposite judgement. If we are insisting that the first-person apprehension of responsibility (or absence of it) is to be the primary factor in determining responsibility, then to go ahead with a punishment in such a situation might look like a threat to individual liberties. However, the reality of the first-person sense of responsibility of the accused, in relation to the alleged offence, has to be considered alongside the first-person sense of responsibility of the judge and jury and all others concerned, in relation to the whole judicial process. This is another aspect of the social, inter-subjective, dimension of all this, which has already been touched on in relation to the education of the individual conscience. First-person reality is not to be isolated, with each person living out their own individual life cut off from everyone else, but to be integrated into a socially coherent whole.

In what I have just written, I have in mind people with 'normal' moral outlooks, who in general are willing to accept responsibility for their actions, but who in the particular case in point believe themselves to be blameless. A special problem is posed by those individuals labelled psychopaths or sociopaths, who appear to be quite amoral and to lack any sense of ethical or social responsibility. Damasio (1994) draws a parallel between 'naturally occurring' psychopathy and the personality and behavioural changes resulting from injury to the prefrontal cortex, citing both the historical case of Phineas Gage⁵ and also patients of his own. If he is right (and he has been challenged),⁶ this would tie moral responsibility tightly to a specific physical site in the brain, but my approach is unaffected by the precise physical basis of personality. Whatever the cause of the psychopathic condition, and whatever, more broadly, should prove to be the relation between brain states and moral consciousness, my proposal remains that the reality of personal responsibility depends upon the individual's first-person sense of it. If certain individuals lack both the personal and social awareness that could give them this sense of responsibility, then so be it. That lack should not be ignored or denied. It

[5] Phineas Gage underwent a personality change (but almost no other obvious ill effects) following an industrial accident in 1848, in which an iron bar passed right through his skull. Despite his horrific injury, he retained consciousness and speech, and was able to walk away from the scene of the accident. Only later did the change in character, which Damasio blames on severe damage to the prefrontal cortex, become apparent.

[6] E.g. by Blair and Cipolotti; see Sutherland and Hughes (2000) for references and discussion of some political aspects of Damasio's claims.

forms part of the total experience to be incorporated into what I have called the ‘socially coherent whole’, which alone can form the context for a practical and socially acceptable first-person approach to responsibility.

This is largely uncharted territory and exploring it will not be easy; nor in the view of some will it be entirely ‘safe’. Nonetheless, given the enormous obstacles in the path of more traditional approaches, it is surely worth the effort — and the risk — of exploration.

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