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Spring 2015

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PEPPERDINE UNIVERSITY

WORD COUNT | 4674

TOBIN WILSON

A FRAMEWORK OF RESPONSIBILITY AND ABSOLUTION

PHILOSOPHY 580.01 | FREE WILL

Suppose we have a choice between *A* and *B*, and that both options are morally reprehensible. If we were forced or tricked into making a decision, would we still be responsible? The answer is usually quite easy to find, but the question of *why* we are responsible seems much harder to discern. In any discussion about moral responsibility, it seems there needs to be a system of necessary and sufficient conditions. However such requirements tend to exist in a hazy philosophical space, so it is not surprising that we often confuse them. Thus, my paper will attempt to create a framework of moral responsibility so that we might address our initial concern: When and how are we freed of our moral obligations?

We will now start with an overview of the overall argument, the goal of which is to understand absolutism¹ through a framework of moral responsibility. Within this framework I posit responsibility and absolutism emerge from a common point; however a simple, yet counterintuitive, mechanism allows them to diverge:

1. *M* if and only if C_1 and C_2
2. *A* if and only if C_1 and C_3
3. If *M* or *A* is merely weakened, *M* and *A* can exist simultaneously
4. If C_3 outweighs C_2 , *M* is weakened
5. If C_2 outweighs C_3 , *A* is weakened
6. Therefore whether *M* or *A* obtains is contingent upon the weight of C_2 and C_3

Here *M* and *A* correspond to moral responsibility and absolutism, while the C-variables correspond to three ingredients we need to complete our formula. They include the *capacity to form moral beliefs* (C_1), the *power to consent* (C_2), and *constraint* (C_3). And so given that one has the relevant moral capacities, I suggest consent and constraint can plausibly exist in a state of tension. If correct, this would allow absolutism and responsibility to coexist in situations where responsibility is shared or merely weakened.

¹ To be clear, I have defined absolutism to mean the agent should have been responsible by virtue of their moral capacities.

The bulk of this paper will be spent detailing the finer points of this mechanism as it relates to moral responsibility, and we will start by debunking a popular misconception known as Harry Frankfurt's Principle of Alternative Possibilities. Following this, we will have found our first ingredient, the capacity to form moral beliefs. The second phase will explore consent and constraint, where we will debunk the claim that one can only be consenting if she possesses knowledge about the facts. Because our having the relevant moral capacities and consent are the most plausible criteria for moral responsibility, we will then begin looking into moral absolution, which requires a different set of criteria. Finally, we should arrive at a much clearer picture of how one might be freed of her moral responsibilities.

Thus our first step into moral responsibility requires that we debunk a popular misconception: Frankfurt's *Principle of Alternative Possibilities*, or PAP. This model suggests we can only be morally responsible if we have the power to do otherwise (Kane 2005: 82) and it seems to be quite attractive. However Frankfurt also suggests there are many scenarios which threaten to weaken PAP. These scenarios are known as Frankfurt cases, and to see how might work, consider the classic railroad thought experiment where *L* and *R* entail the use of a lever:

- *S* can do *L* or *R*
- If *L* or *R*, then *S* is morally responsible

In this scenario, *S* has several options at her disposal. Either she can do nothing, and let the train run over what it may, or she can make a decision and control who it will kill. If *S* pulls the lever *left*, the train will kill at least one-hundred people. But if *S* pulls the lever *right*, only one person will die. Thus, the correct response is obvious: *S must* pull the lever right. We mentioned earlier that *S* has access to three options, but it seems that these options can be divided into two classes, *robust* and *binary* options.

We know that according to PAP, someone can only be responsible if she has the power to do otherwise. Therefore having options is a necessary condition under this view. But if there are two

classes of options at play, it seems the supporter of PAP must specify what *kind* of options are required for the model to succeed. Thus we might say that if the agent cannot abandon the lever and leave it to chance, nor can she willingly choose to pull the lever left, she must lack *robust options*. Meanwhile if the set of possible options are restricted to a single option, such as *R* or *not-R*, her only option would be *binary*.

Under a broad interpretation of PAP, one might say the Principle of Alternative Possibilities requires robust options to succeed. But if this is true, it fails by virtue of the fact that *S* is powerless when it comes to choosing between *L* and *R*. Now compare this to a narrow interpretation, where PAP only requires binary options to succeed. If we find that *S* is morally responsible with just a single option *R*, we encounter a problem: The railroad case is not capable of eliminating options completely, so PAP succeeds in this specific example. Therefore if it is possible to deprive the agent of both robust and binary options and still allow moral responsibility to obtain, it seems we must construct a different sort of scenario wherein the agent has no access options whatsoever.

Now let us imagine that citizens are morally obligated to vote for public officials. The voters believe they have a choice between candidates *A* or *B*, but they fail to realize the winner has been predetermined by corrupt officials. And so until the voters become aware of this fact, it seems plausible that they each have moral responsibility despite not having access to options. Therefore given that this model does not require options to succeed, it holds a distinct advantage over PAP and appears to be more compatible with moral responsibility. However there is a major concern. If we say that moral responsibility requires belief in the relevant options, what happens during cases of negligence or manipulation? In what we might call *no-belief cases*, it is possible to imagine that an agent should be moral responsible, even without beliefs about the facts.

For example, suppose *S* owns a cat. One day, *S* flies overseas for work, but forgets to feed the cat before she leaves. She then checks into the hotel and proceeds to go about her business, never once considering this incident. In this situation, *S* is not responsible by virtue of her beliefs because they have yet to be formed. In the same vein *S* cannot be responsible by virtue of her options because they do not exist. Instead *S* is morally responsible because she possesses the *capacity* to form the relevant set of beliefs. That is, if the relevant facts presented themselves, *S* would become aware that she was morally responsible all along. This conclusion may seem counterintuitive, but it convincingly debunks the Principle of Alternative Possibilities and is more plausible than a model of responsibility based on belief. Moreover there are at least two other supporting arguments which strengthen the plausibility of no-belief cases.

The first supporting argument relies on the claim that no one can be morally responsible without the capacity to form beliefs. For the sake of clarity, consider the following propositions:

- All persons are agents
- All agents can be held causally responsible
- Persons are predicated by a set of essential agent-related features
- Only persons can be held *morally* responsible

These propositions can be arranged into a rather simple syllogism. Unless we have the capacity to form moral beliefs, we cannot be thought of as persons. And unless we fulfill the criteria for personhood, we cannot be held accountable for our moral responsibilities. Therefore moral responsibility requires that we have the potential to form moral beliefs. This all seems rather obvious, and there are certainly fringe cases in the form of infants (who will *eventually* gain this capacity) and mentally challenged persons (who have limited use of this capacity). However it seems we are not required to say that belief-forming capacities are the *only* requirement for personhood, and so the first ingredient looks plausible.

The second supporting argument employs something known as John Martin Fischer's *flicker of freedom* strategy. To better understand what this entails, let us visit one of his examples:

Black inserts a mechanism into Jones' brain which enables Black to monitor and control Jones' activities. Jones, meanwhile, knows nothing of this... If Jones were to show any inclination to vote for Bush, then the computer, through the mechanism in Jones' brain, intervenes to assure that he actually decides to vote for Clinton and does so vote (Fischer 1994: 131-132).

Like the other Frankfurt cases we visited, Jones does not have access to robust options. But we should note this case is interesting because Black has limited control over Jones (Fischer 1994: 136-138). As soon as Jones considers voting for Bush, the mechanism will trigger and he will no longer have the power to do otherwise. The result is that no matter *how much* control Black has over Jones' brain, he cannot prevent Jones from *considering* an alternative outcome. This means that any time an agent makes a decision, there must be a flicker of freedom, and the only way to prevent this from happening is by destroying the very feature that makes Jones a person. Therefore if only persons can be morally responsible and our belief-forming capacities can never be removed from the overall formula, our hopes for the first ingredient seem promising indeed.

Nevertheless, the flicker of freedom strategy does not escape objections. Though he acknowledges its attractiveness, Fischer ultimately rejects it on two accounts. In the first, he posits having a flicker of freedom is enough to say that one has options (which would substantiate PAP). In the second, it seems the mere impulse to perform an action cannot generate robust moral responsibility (Fischer 1994: 140-142). These critiques are rather formidable. Simply by having the capacity to think, it seems plausible that binary options are created for the agent. They may not lead anywhere if the relevant constraints are in place, but they are *options* in the weakest sense. Another interesting feature of this discussion is

that if one endorses Fischer's second objection, then options cannot be snuffed out, but neither side has much to gain either. Because the flicker of freedom strategy only generates a small amount of freedom and moral responsibility, this theory appears quite underwhelming. Thus it looks as if our best course of action would be to abandon the strategy entirely, as we can still rely on the first supporting argument to support the claim that responsibility requires our moral capacities.

Our next task, then, will be to demonstrate how consent forms the second component for moral responsibility. The reasoning behind this requirement is rather simple: Unless an agent performs some action willingly, the capacity to form moral beliefs is not of much use to us. Not only is this conclusion plausible, it would explain some of the difficulties we encountered with the flicker of freedom strategy. If an agent has the capacity to form moral beliefs, but lacks the will or freedom to employ that capacity, it seems the extent of one's moral responsibility ends there. In *Responsibility and Control*, Fischer and Mark Ravizza echo this sentiment and write that for every framework of moral responsibility, we must account for two features. First is the epistemic condition—which relates to the agent's knowledge about the facts—while the second is the freedom-related condition—which pertains to the agent's power of will or consent (Fischer and Ravizza 1999: 13). Since these conditions are not encapsulated by our first ingredient, it appears we should be able to place them within consent without much trouble.

Before moving on, there is an anecdote I would like to make. One might worry that by rejecting the Principle of Alternative Possibilities, it would be unfair of us to say that moral responsibility requires freedom of will. However I argue the freedom-related condition is distinct from having options. PAP claims that in order to be morally responsible, we need access to robust or binary options. A loose interpretation of PAP would require that robust options obtain, while a strict interpretation would require that we have binary options such as *A* or *not-A*. Now compare this to the freedom-related

condition, which claims that in order to be morally responsible, we need to be consenting with regard to the actions we choose. Thus we find there several key differences.

First off, the goal of PAP is to describe the nature of normativity with regard to the external world. Meanwhile the purpose of the freedom-related condition is to explain how consent, an agent-related capacity, permits us to be morally responsible. Second, consider the intuition that having the freedom or power to choose is another essential feature of personhood. Options, in contrast, having no bearing on one's status as a person and are situational with regard to moral responsibility. Finally, PAP does not succeed within the context of no-belief cases, whereas the freedom-related condition appears no worse for the wear. Thus, it appears we can safely endorse freedom as a requirement for consent without worrying about its seeming conflict with PAP.

Onto the next phase. Earlier we explained that consent and the capacity to form moral beliefs make ideal candidates for responsibility, expressed by the following proposition:

- M if and only if C_1 and C_2

But what makes consent so interesting is the interaction between itself and constraint. The exact nature of this relationship will be made clear in our discussion about absolution, but for now our project will involve looking at two things: the knowledge criteria for consent and how it survives in cases where the agent lacks knowledge about the facts. By doing so, we should arrive at another controversial conclusion: Consent does not require knowledge to obtain, only that one has access to the relevant freedoms. If one is hesitant to accept this conclusion, know that this concern is well-founded. It is attractive to think we can only consent if we have awareness about our actions, however we should not hold fast to this idea if the relevant counterexamples prove otherwise.

Now let us suppose that in order to consent, the agent must have knowledge (about the relevant constraints) and freedom of will. In the following segment, we will explore four cases that test this

assumption, three of which are described by Joel Feinberg in *Harm to Self* (Feinberg 1986: 269).

Interestingly, two of the examples suggest that this assumption is true, while two more indicate our assumption is false. Following Fischer, we might refer to this situation as a *dialectical stalemate* (Fischer 1994: 83). But what then? If we cannot proceed on this route, it seems we must assess the conditional from another angle. The epistemic condition will prove useful here. If we can show how one of the criteria is sufficient, but another is necessary, we might find a way to resolve this seeming conflict.

The first example involves coercion. Imagine that *S* is an employee of the bank, which is suddenly attacked by thieves. The thieves demand that *S* follow their instructions or many people will be harmed in the process. Here it seems obvious that *S* has no choice but to do as they say, and no matter what happens, it is highly unlikely that she can be held responsible. Therefore if we endorse the claim that consent requires both freedom and knowledge, this scenario works because *S* has been deprived of freedom.

The second example which relates to consent is lying, and it seem to work because the agent is deprived of knowledge but not freedom. Suppose *A* is a mean-spirited co-worker who convinces *B* to spy on *C*. *A*, being the suspicious type, presumes that that *C*'s weekend activities are worthy of some concern. Thus, *A* begins spreading plausible rumors to *B* so that *C*'s reputation might be damaged. Clearly *B* does not have knowledge because *A* has concealed them, so this scenario seems to support our assumption about consent.

The third consent-related case involves deficient information, and this example proves interesting because it serves as a foil to the examples we explored so far. Previously we isolated both knowledge and freedom, coming to the conclusion that consent cannot exist without them. But if this example succeeds, we might have grounds to doubt the knowledge requirement. Now suppose that *S* arranges a meetup and tells *P* to meet her nearby. However, *S*'s instructions are unclear and *P* gets lost along the

way. So who is to blame? In the previous examples the right answer is obvious, but this scenario appears much less distinct in terms of winners and losers. The most plausible conclusion is that *S* and *P* are both blameworthy, and therefore both consenting. However it is not clear whether *S* and *P* pass the test, as it seems they may not even have knowledge. Therefore if we endorse the thought that knowledge is present, this example poses little threat to our assumption. Meanwhile if we support the more likely possibility—that *S* and *P* consented without genuine knowledge of the facts, we run into a problem.

Our final scenario relates to negligence, which is the last factor that might damage one's consent. For this we can revisit two examples, the first being *S*'s starving cat. But let us imagine that instead of being overseas, *S* is a just few minutes away, visiting a friend. Here it is attractive to think *S* is fully responsible because she *could have known otherwise*, and this too lends support for the idea that consent does not require knowledge. But, one might object, what about the case of Jones and Black? It is evident Jones does not have knowledge about all the facts, yet we are led to the opposite conclusion. If Jones did not consent at the time of his operation, it must be the case that he is free of moral responsibility.

At this junction it is clear we can go no further, and we now have just as much cause to reject the criteria for consent as we do to endorse them. However I would like to point out that our discussion thus far has failed to account for a key element, *constraint*. Without exploring this feature, it seems we cannot know for certain the requirements of consent. An explanation of this feature is still underway, but for now, let us consider first Fischer and Ravizza's description of the epistemic condition so that we might attack this stalemate from another angle.

The first condition, which may be termed the "epistemic condition," corresponds to the excuse of ignorance. It captures the intuition that an agent is responsible only if he knows both the particular

facts surrounding his action, and acts with the proper set of beliefs and intentions (Fischer and Ravizza 1999: 13).

To review, our model of consent requires both the epistemic condition and the freedom-related condition. We have already discussed how freedom is a plausible ingredient, but now we must take a similar approach with knowledge. And so this passage can be plausibly construed to mean that knowledge is a necessary condition for moral responsibility, and therefore consent. But before we retreat back into the dialectical stalemate, consider this additional passage from Feinberg on risk and consent:

To take a job in California is to become subject to increased risk of an earthquake; to live in a big city is to become more vulnerable to street crime; to work in certain industries increases one's statistical chances of cancer (Feinberg 1986: 278-279).

Feinberg seems to imply that having knowledge about the relevant constraints grants one a greater degree of moral responsibility. Yet when taken in conjunction, it is plausible we can take this conclusion further. Perhaps knowledge about the facts always *increases* one's level of responsibility. This conclusion does not definitively prove that knowledge is necessary for consent, but it is attractive. In many cases, it seems knowledge tends to heighten our moral responsibilities, and it is fair to say the sort of no-belief cases we discussed are the exception and not the norm. But however convincing this example, we must not lose sight of the fact that this is only a model, one which happens to conflict with no-belief cases with regard to knowledge.

To see where this conflict might lie, consider this no-belief case originally posed by John Locke (Kane 2005: 83). A man sits inside a room, enjoying the company. He does not know the exit has been locked, but decides of his own free will that he would prefer to stay inside than try to leave. We can

intuit that the man is morally responsible, but this case is interesting because instead of increasing his responsibility, it seems knowledge about the door *decreases* his overall freedom and thus, his ability to consent. Thus we are left with two conflicting intuitions: either the epistemic condition is false or no-belief cases cannot succeed. And unless we can reconcile these two claims about knowledge, another stalemate seems inevitable.

From where we stand, it appears neither side will give way. However it may be possible to slip out of this standoff if one of our components can be weakened. That is, if the epistemic condition and no-belief cases cannot be reconciled in their current state, it is plausible we can overcome the stalemate by adjusting the criteria for the epistemic condition. Because no-belief cases are not themselves a rule, but an analogue to the world we live in, it appears the explanatory burden should rest on one who supports the traditional version of the epistemic condition.

Therefore let us start with a proof from contradiction. Any time we refer to the epistemic condition, we endorse the belief that consent requires knowledge of the relevant facts and constraints, and that this knowledge automatically boosts one's level of moral responsibility. This view seems innocuous, if not for the following:

- Constraints are not always present
- Constraints do not always prevent an agent from acting freely

By itself, the first proposition seems to leave the epistemic condition unscathed. But to understand how the pair might threaten this view, consider the possibility that *S* is at home when she forgets to feed the cat, or that the mechanism in Jones' brain is faulty and only works half the time. It seems in many cases, knowledge *does* increase one's overall level of responsibility—but in no-belief cases such as these, knowledge also has the potential to lessen responsibility or leave it unchanged. Therefore given that

these conclusions are cogent, it seems we arrive at a weaker version of the epistemic condition, one that can plausibly obtain alongside no-belief cases.

No longer burdened by the threat of the epistemic condition, it is now clear that knowledge of the facts can either increase or decrease one's level of responsibility. Thus our next task will be to determine whether knowledge is a necessary condition for consent. Fortunately, the legwork has been done for us, and we can now employ no-belief cases without worrying about their plausibility. So let us keep in mind the example of Jones and Black. Because it is evident that knowledge is not necessary for consent, it must be the case that knowledge is merely sufficient for moral responsibility, the upshot being that consent only requires freedom of will to obtain. The structure of the argument might go as follows:

1. Moral responsibility requires consent and the relevant moral capacities
2. Consent requires the ability to act freely
3. Therefore moral responsibility requires the relevant moral capacities and the ability to act freely

To better substantiate this argument, let us revisit the cases involving coercion, lying, negligence, and deficient information. If we presume that freedom is the necessary condition for consent, while knowledge is merely sufficient, it looks as if responsibility acts in accordance with our model. For the bank heist, *S* is not responsible because she has been deprived of freedom. In the co-worker scenario, *B*'s freedom is retained and we would consider her morally responsible. In the case of the faulty instructions, we raised doubts about knowledge, but it is evident that freedom still obtains. Finally in the case of *S*'s starving cat, *S* is morally responsible because she too has freedom and no knowledge, and Jones' responsibility cannot be determined due to the nature of the example. Therefore it seems quite clear that the only requirement for consent is freedom of will.

As for the third phase of the paper, most of our time has been spent justifying the first premise,

1. *M* if and only if C_1 and C_2
2. *A* if and only if C_1 and C_3

3. If M or A is merely weakened, M and A can exist simultaneously
4. If C_3 outweighs C_2 , M is weakened
5. If C_2 outweighs C_3 , A is weakened
6. Therefore whether M or A obtains is contingent upon the weight of C_2 and C_3

but we now have the equipment to discuss how one might be freed of their moral responsibilities. Of particular importance here is constraint (C_3), as it seems we can intuit that it is a requirement of absolution. And since I have defined absolution to mean the agent should have been responsible, it makes sense that absolution also requires we have the relevant moral capacities. Thus, it appears we can endorse the second premise without much hassle, but we must now explain the mechanism through which responsibility and absolution diverge.

The third premise is rather counterintuitive, and it emerges from the sort of case where moral responsibility is weakened, but not lost. Take, for example, the case of S 's bad directions, where both agents are to blame. Clearly S and P are not totally absolved, but neither one holds all the responsibility either. For this to be plausible it must be the case that absolution and responsibility coexist in a state of tension. If this were not the case, responsibility and absolution could not obtain at the same time and we would have to make the implausible assertion that either S and P are both fully at fault, or neither is to blame.

As for the last three premises, these can be easily understood by understanding how knowledge interacts with freedom and constraint. Like a seesaw or a set of scales, responsibility and absolution exist on an axis supported by our moral capacities. Whether we are responsible or ultimately absolved simply depends on how much weight is involved. If the relevant constraints outweigh one's ability to act freely, then absolution obtains. Likewise if the constraints do not pose a problem for the agent, then the agent is probably responsible in a moral sense. I use the word *probably* because we should hesitate to employ moral judgment too quickly. To say that an agent has the relevant moral capacities and the

ability to act freely does not necessarily entail that she is morally responsible, even though the reverse is almost certainly true. So while knowledge of the relevant freedoms and constraints are not necessary for this mechanism to work, they are necessary if one is to determine whether one is responsible or ultimately absolved.

In conclusion, we have explored the requirements for absolution by creating a framework for moral responsibility. By exploring no-belief cases and rejecting the Principle of Alternative Possibilities, we have avoided the trap created by binary options. Then, moving past a dialectical stalemate, we were able to reconcile no-belief cases and the epistemic condition, which allowed us to evaluate four cases involving freedom and knowledge. From this we found despite popular belief, consent does not require knowledge to obtain, but the will to act freely. Following this, we established two ingredients for moral responsibility and used the remaining sufficient conditions to clarify when and how absolution obtains.

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