THE ETHICS OF OMISSION

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In society, power and responsibility are often linked, supporting the idea that with great power comes great responsibility. I assert that this link between power and responsibility is a form of the Act–Omission Distinction, a principle in ethics that there is a morally relevant distinction between doing something and omitting to do something, e.g. a difference between killing someone and letting someone be killed. As such, using trolleys, elected spider-men, and real-life cases such as R v Stone & Dobinson*, I contest this casual relationship between power and responsibility and argue the relationship to be correlative as both power and responsibility are often simultaneously caused by consent.*

A trolley worker in Victoria London is near the tracks when he sees a runaway trolley barrelling down. On its current path, it will kill three people tied to the tracks. Seeing a lever, the worker can deviate the trolley's path to one where only one person is tied down. The worker must make a decision, to kill a person or to let three people die.

This thought experiment is a classic opener to the field of Normative Ethics, which focuses on determining the morality of decisions. This is because the trolley problem highlights the difference between the two main ethical theories, Deontology and Utilitarianism, which are best known in the form championed by Immanuel Kant and John Stuart Mill, respectively.

Kant's Deontology, which focuses on inviolable, categorical rules, argues against pulling the lever because killing is always wrong. Under this theory, the three people who

doi:10.1017/S1477175618000404 © The Royal Institute of Philosophy, 2019
Think 51, Vol. 18 (Spring 2019)

https://doi.org/10.1017/S1477175618000404 Published online by Cambridge University Press

would die do so as a result of the worker's omission and are consequently not the worker's fault. However, if the worker pulls the lever then that one person's death would have been the worker's fault because that death was a direct result of the worker's action.

Alternatively, Mill's Utilitarianism, which focuses on maximizing good, argues that the worker should pull the lever so that one person dies instead of three. Under this theory, each life is regarded as equal regardless of whether it is ended by act or omission.

Thus, the validity of Deontology is contingent on there being an Act–Omission Distinction. If the Act–Omission Distinction doesn't exist, then there would be no difference between killing one person and letting one person die, meaning that Deontology achieves nothing in the Trolley problem except three times more death than Utilitarianism.

This Act–Omission Distinction, whether having the power to act is the moral equivalent of acting, was first assimilated into popular culture in 1962 when comic writer Stan Lee wrote that 'with great power comes great responsibility'. In the comic, Spider-man learns this lesson when a burglar, whom Spider-man chose not to stop earlier that day, kills his Uncle Ben. Afterwards, Spider-man feels that he killed his Uncle Ben by refusing to act, and the fact that he killed Uncle Ben by omission brings Spider-man no solace.

This sounds plausible. But suppose that Spider-man had not received his powers by chance. Rather, the citizens of New York held an election to appoint their protector. After receiving the same power as the randomly selected Spider-man, the Elected Spider-man chooses to let the burglar escape. It seems that this Elected Spider-man would be more blameworthy for omitting to stop a burglar than the randomly selected Spider-man, suggesting that power alone is not a direct contributor to responsibility.

Additionally, suppose that someone is driving a car when a pedestrian appears in front of her. Failure to hit the brakes would be an omission; however, it seems odd not to hold the driver accountable for hitting the pedestrian. This

https://doi.org/10.1017/S1477175618000404 Published online by Cambridge University Press

is where intuition seems to contradict itself, as in the Elected Spider-man and Crashing Car scenarios the omitter seems more culpable than the randomly selected Spider-man, despite committing the same omission; suggesting that there is something wrong with Spider-man's plausible-sounding argument after all.

Normative Ethics tends to be abstract and difficult to conceptualize, so an easier way to explore this conflict further is by examining the application of these moral concepts in the real world. This application of Normative Ethics is commonly known as a separate field, Applied Ethics. One area of application for the Act–Omission Distinction is Law, where it is referred to as the Actus Reus–Omission Distinction. In this, 'Actus Reus' refers to a physical action, opposed to 'Mens Rea', or mental action. Legally, Actus Reus does not equate to Omission except in three types of situations.

The first situation is when the defendant had assumed responsibility for the care of dependents. This was seen in *R v Stone & Dobinson*, when Stone and Dobinson had agreed to care for Stone's anorexic sister. They were convicted of manslaughter because they had assumed responsibility for her.

The second situation is when the defendant has created the danger. This solves the Crashing Car dilemma. Despite not hitting the brakes constituting an omission, the driver is still responsible for stopping because the driver is the one who caused the situation in the first place.

The third is when the defendant is required under contract to act. Should a bodyguard agree to protect someone, then by omitting to do so that bodyguard may be held legally culpable.

Having secured this understanding of the Actus Reus–Omission Distinction in Applied Ethics, its implications can be translated back over to Normative Ethics. However, while deriving the underlying, driving moral concepts from rules, it is important to note situational differences. Law, for example, is also bound by governmental constraints,

https://doi.org/10.1017/S1477175618000404 Published online by Cambridge University Press

whereas the goal of this article is to establish a more universal ideal rather than something to be enforced by a specific actor. This becomes relevant as universal ideals can call upon someone to be a Good Samaritan, someone who goes out of their way, at some cost to themselves, to help those in need. However, it would be highly coercive should a government demand that people help others at a cost to themselves.

Now peering beyond these actor-related constraints to find the underlying ethic, it is apparent that omission doesn't default to omission except in the three scenarios described above, so the question is what makes those circumstances special. One common trait is that each omission was preceded by an act. Before Stone and Dobinson's omission to care for Stone's sister, there came the act of accepting responsibility for her. Before the omission to hit the brakes the driver had to take the action of pressing the accelerator. Before the bodyguard's omission to protect his client, there came the act of accepting to protect the client.

However, the issue with equating omissions preceded by an act with acts is that every omission is preceded by an act. Since birth, people take actions and those actions determine where and when they are, meaning that every time a person is in a position to engage in omission their presence there can be traced back to an action. Thus, it becomes necessary to look at the second common trait in the three scenarios, that there is a connection between the victim and the omitter. This connection can be contractual, such as with the bodyguard, it could be verbal, such as with Stone and Dobinson, or it could be physical, such as with the driver, but there must be a connection.

So Spider-man's great power doesn't come with great responsibility at the time of Uncle Ben's death as there was no connection between Spider-man and the burglar that he let escape. It was only afterwards, when Spider-man made a commitment to protect New York, that he became obligated to help when he is able. Thus, should the exact scenario occur, now that Spider-man has declared himself

https://doi.org/10.1017/S1477175618000404 Published online by Cambridge University Press

New York's protector he would be morally responsible for omitting to stop the burglar.

This interpretation of the Act–Omission Distinction does not absolve groups such as the government from the obligation to act. Just like the Elected Spider-Man, governments only have great power for the purpose of aiding their citizens. Thus, when policymakers (or elected spider-men) accept their position, they accept responsibility to use that power for the public's benefit. This means that they are responsible for their omissions to do so.

Great responsibility doesn't inherently come with great power. But when power allocation is purposeful, great power is given for a great purpose. Whether this takes the form of being a caretaker, policymaker, or elected spider-man, accepting that power means accepting the responsibility to fulfil that purpose. Spider-man's premise is an easy one to accept, because power comes with responsibility so often that it's hard not to correlate the two. But it is important to recognize that power doesn't spawn responsibility. Rather, power and responsibility come from the same source: consent. Ultimately, the root of responsibility is consent.

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https://doi.org/10.1017/S1477175618000404 Published online by Cambridge University Press