HOORAY! WE'RE NOT MORALLY RESPONSIBLE!

Gerald Harrison

Being morally responsible means being blameworthy and deserving of punishment if we do wrong and praiseworthy and deserving reward if we do right. In what follows I shall argue that in all likelihood we're not morally responsible. None of us. Ever.

Unlike others I don't assume this is a bad thing. I believe it's a positive conclusion that should be welcomed. The required changes in our attitudes and practices will make for a safer society and will also contribute to making us happier, less angry individuals.

I

It looks likely that we are just biological machines whose choices are determined by our heredity and environment. If this is so our choices are ultimately a matter of luck and as such it would be radically unfair to think that we can *deserve* praise or blame, punishment or reward for the decisions we make. It would be as unfair as blaming us for our height or skin colour or gender.

There is a slim possibility that our choices are not wholly determined by heredity and environment. Maybe when we make a choice there is a genuine possibility that we could decide otherwise. But even if this turns out to be true it is hard to see how it would render our choices any less lucky. Rather than being determined by our heredity and environment our choices would now be to some extent random or chancy. It is just as unfair to blame us for choices that were chancy as it is for choices that were determined (just as it

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would be unfair to blame us for our height if it was chancy what height we would attain).

Some think that it may be possible that we possess a special brand of control over our decisions – a brand of control which involves having genuine alternative possibilities but which does *not* result in pure randomness or chance. It used to be the case that possession of this type of control was associated with possession of an immaterial soul. Nowadays philosophers tend to talk about 'agent causation' to indicate that possession of this type of control means being a special kind of cause – an original cause. Either way, these kinds of views are murky and mysterious and hard to reconcile with a modern scientific outlook. But even if we cannot categorically rule out possession of this type of control, and even if it could be reconciled with a modern scientific outlook, there's absolutely no positive evidence that we actually possess such control (there's no positive evidence that we possess a soul, and no positive evidence that we are agent-causes). This means that at best there remains a reasonable doubt about whether we possess this type of control.

In a court case if there is a reasonable doubt about a defendant's guilt we err on the side of caution and assume innocence. Moral responsibility is about guilt or innocence more fundamentally. If there is a reasonable doubt about whether we have the kind of control needed for moral responsibility then we should in practice assume that no one is morally responsible. To do otherwise, in the hope that we possess the dubious kind of control mentioned above, is extremely reckless. It is as reckless as convicting someone just because one has a hunch that they are guilty or because one would very much like them to be.

II

So, we should reject moral responsibility. Is this conclusion worrying? Should we be panicking? I don't think so.

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The sooner we realise the recklessness of holding people morally responsible, and revise both our attitudes and practices, the better.

Most people are going to have some serious reservations. Let me start by addressing one of the commonest concerns. As things currently stand our criminal justice system gives some quarter to moral responsibility. Part of the rationale for incarcerating criminals is that it is a deserved punishment for their wrongdoing. If we are to take the idea that nobody is morally responsible seriously does this mean that all criminals have to be released? After all, if criminals are innocent, it would surely be grossly unjust to continue to confine them.

If no one is morally responsible we do have to revise many of our attitudes towards criminals. But luckily we do not have to release them all. As the philosopher Derek Pereboom suggests, criminals can be thought of as analogous to carriers of infectious diseases (see Derek Pereboom, *Living Without Free Will*. Cambridge University Press, 2001). It is justifiable to quarantine someone who carries an infectious disease irrespective of how they came to catch it. Someone who carries an infectious disease poses a danger to others and can be justifiably incarcerated on those grounds. Similarly, even if criminals are not ultimately at fault for possessing and acting on criminal dispositions, we can still incarcerate them on grounds of public safety.

Nevertheless there would have to be some radical changes to the conditions in which we incarcerate criminals. We would have to make prisons much nicer places just as we might make quarantine as pleasant as possible for those unfortunate enough to find themselves with an infectious disease. We would also have to focus far more on *curing* the prisoner of their 'ailment' than is currently the case. But these changes are, to my mind, to be welcomed.

Once we reject moral responsibility protecting public safety and rehabilitating the criminally disposed can become the *sole* concerns of our justice system. This does mean that some who are currently incarcerated need to be

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released but it also means that others need to be kept in beyond the point where they would be released under the current system. Prisoners who no longer pose a threat should be released, just as we do not incarcerate someone with an infectious disease longer than is necessary. But prisoners who continue to pose a threat will need to be kept incarcerated until such time as they no longer do (or until the threat level had diminished to a tolerable level). It would make no sense to release them at any other time just as it makes no sense to release someone who is still carrying an infectious disease. As already mentioned, every effort should be made to 'cure' these unfortunate individuals, but until such time as they are cured, they need to be confined (in as pleasant conditions as possible).

Far from threatening public safety the rejection of moral responsibility is therefore likely to increase it. To the extent that a criminal justice system assumes the reality of moral responsibility it will be concerned not with protecting public safety but with giving criminals what they deserve. This means releasing prisoners when they have had their just deserts irrespective of whether they continue to pose a danger. If we reject moral responsibility we remove such obstacles to public safety.

But one might have a different concern about safety. One might be concerned that if moral responsibility is widely rejected then people will be more likely to act immorally. After all, to reject moral responsibility is to believe that one is neither blameworthy nor praiseworthy. There is, therefore, a sense in which one is licensed to behave as one wants, for one can get away with it. The philosopher Saul Smilansky calls this the 'Present Danger of the Future Retrospective Excuse' (2000, p. 314). If people know now that in the future they will have an excuse for whatever choice they make that might affect their choosing.

Common though this concern is in one form or another I think it is overstated. Firstly, whilst there's a sense in which one can get away with wrongdoing, there's another sense in which one cannot. For, as I have already

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mentioned above, criminal activity is still going to result in incarceration – and may result in incarceration for far longer than under the current system. So there exists as great, and possibly a greater, incentive to do one's best to avoid engaging in criminal activity.

Secondly, there are many religious people who believe something relevantly similar to the absence of moral responsibility, namely that God will forgive us and grant us entry to heaven no matter what we have gotten up to down here. For believers of this kind we're all going to get away with our wrongdoing. Yet there does not seem to be any stronger inclination to act badly amongst religious believers of this sort than amongst the hell and damnation sort. If anything the opposite seems true.

It should also be pointed out that the absence of moral responsibility does not prevent us devising other methods of keeping people on the moral straight and narrow. Positive encouragement of good behaviour is, after all, not ruled out by anything that I have argued above and it was probably always a better strategy for dealing with wrongdoers.

The above is, however, just armchair speculation. Maybe the rejection of moral responsibility will lead some to act immorally where otherwise they wouldn't. Maybe this would happen on a larger scale than I imagine and maybe alternative methods of controlling behaviour will not be as effective. But even if this is right, it wouldn't necessarily justify retaining moral responsibility. In a court case we judge it better to risk letting the guilty go unpunished than risk punishing the innocent. If we accept that principle then even if the rejection of moral responsibility would tempt some to immorality; this is simply a cost that must be borne. Better that than punishing the innocent.

III

Some might be concerned that in the absence of moral responsibility we face the 'danger of worthlessness'

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(Smilansky 2000). In the absence of moral responsibility we will lack true praiseworthiness for our moral achievements and that this is something to be regretted. Indeed, it might be thought to damage the sense of value and meaning in our lives. We cannot, after all, earn true moral worthiness.

But what does true praiseworthiness *really* add to one's moral achievements? In the absence of moral responsibility one's achievements remain something that one did. The effort that one invested, the difficulties one faced, these all remain as real as ever. Your actions remain just as impressive or unimpressive. Your character remains what it was. The only matter that has changed is that one is not praiseworthy for those achievements, not praiseworthy for one's character. That is a loss, certainly. But it is not plausibly the kind of loss that could transform the worthwhile into the worthless. Note also that if one acted as one did in order to earn praise this detracts from the moral quality of what one did anyway. So, those who think they have something to lose (those who want to be truly praiseworthy, that is), do not actually have much to lose. And those who do have something to lose – those who do the right thing for the right reason – will not mind the loss.

IV

So far I have pointed out that one advantage to taking seriously the rejection of moral responsibility is that we will probably be safer, for our institutions of criminal justice can focus fully on safety and rehabilitation. But there are other advantages at a more personal level. Firstly, and rather prosaically, given that most of us have done some wrong in the past it is surely rather good news to find out that, chances are, one is not morally responsible? (A piece of good news that is likely to compensate for the bad news that one is not praiseworthy for the good things that one has done).

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Relatedly, if we reject moral responsibility one is less likely to beat oneself up about one's past wrongdoing. Of course, one still *cares* about one's wrongdoing. One still *cares* about doing right and avoiding wrong. And if one has done wrong in the past, one resolves to try hard to avoid wrongdoing in the future, learning whatever lessons need to be learned. Nothing about rejecting moral responsibility suggests that one should do anything other than this. Rejecting moral responsibility is not synonymous with rejecting morality and not synonymous with rejecting respect for another's rights and so forth. But whilst there is no reason to think that rejecting moral responsibility means giving up on morality, the rejecter of moral responsibility is less likely to dwell on their past misdemeanours.

Some might think this lack of dwelling is one of the ways in which the rejection of moral responsibility invites morally reckless behaviour. But I think it is more likely that dwelling on the past leads to intransigence and is actually an obstacle to reform. Moral responsibility drags you down. In the absence of moral responsibility you've always got a blank slate on which to start over. With the rejection of moral responsibility comes a new kind of freedom – freedom from your immoral past. It is plausible that this is something to be welcomed rather than feared.

With the rejection of moral responsibility we also get the possibility of freedom from resentment. It only makes sense to resent what someone has done to you if you presuppose that they are a morally responsible agent. In the absence of moral responsibility resentment is irrational. It would be akin to resenting the wind for blowing sand into your eye or resenting the dog for taking your doughnut. To the extent that we can free ourselves from resentment (by coming to see others as non-responsible biological machines) we are likely to have far pleasanter lives. For we are all sometimes wronged by others. This is unpleasant. However, resenting what someone has done to you is an additional unpleasantness. It is something that victims of wrongdoing suffer in addition to the immediate harm of the original wrong.

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Better to consider others blameless. If someone treats you badly, well, that was just a bad experience. You're robbed. You're upset. But you are not so angry now. After all, the robber couldn't help what he/she did. It was just one of those things. But if someone treats you badly and you consider them morally responsible you'll have a bad experience *and* you'll suffer resentment – something which will only serve to extend and intensify your bad experience. Better to always keep in your mind that, ultimately, we are all big stupid clocks. You'll resent less, be angry about less, beat yourself up over less. If we reject moral responsibility we're still likely to be wronged on occasion (though if I was right earlier then the chance of being seriously wronged will be reduced thanks to changes in the focus of our criminal justice system), but if we are we'll be better able to cope.

Rejecting moral responsibility can also make one feel closer to the rest of humanity. For it encourages us to recognise that if we were in the other person's shoes we'd have done exactly as they did. This means that one can take a certain pride in the achievements of others, and feel greater sympathy for their failures, whilst at the same time making one humbler with respect to one's own achievements. Others are, in a very real sense, different versions of yourself. They represent how you'd have turned out had your luck been different.

V

There's a widespread feeling that moral responsibility – the idea that we deserve blame and punishment for what we do – is precious and needs to be preserved. This breeds panic amongst many philosophers who desperately try to show how moral responsibility can be consistent with what we know about how the universe operates. They are driven to extremes, either trying to face down the rank unfairness of blaming someone for something that was ultimately out of their control, or having to conjure up

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mysterious types of causation. I have argued that all this panic is misplaced.

The truth is that whatever view one takes about the type of control needed for moral responsibility there remains a reasonable doubt about whether we have it. As such there's a strong case for saying that in the absence of further knowledge it is reckless to continue to consider others morally responsible. But the rejection of moral responsibility is not to be feared for it is likely to have positive consequences.

Moral responsibility is an obstacle to public safety when it calls for the release of those who continue to pose a danger, and it is an obstacle to personal happiness when it fastens us to our past wrongdoing and breeds anger and resentment at the wrongdoing of others. That's why we should rejoice at our non-responsibility. So, hooray! We're not morally responsible![1]

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Note

[1] Much of what I have said here is inspired by the work of two philosophers: Derek Pereboom, who also thinks that the demise of moral responsibility might not be such a bad thing, and Saul Smilansky, who thinks that the demise of moral responsibility would be very bad (Pereboom 2001; Smilansky 2000).

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