

Agent Causation and Moral Accountability: **A Proposal of the Criteria for Moral Responsibility**

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Introduction

One of the most crucial and propaedeutic issues for Ethics is a meaningful account of what it means to be morally accountable or responsible. To be morally accountable is to be worthy of praise or blame in reference to one's decisions and actions regarding a morally significant issue. What are the criteria or requirements for moral responsibility? In this paper, I will propose seven criteria (most of which have been widely suggested)¹ that I believe are essential requirements for a meaningful account of moral responsibility. Although the explication of these criteria is my primary task, the application of these criteria may shed some light on the discussion of the fruitfulness in real life of compatibilist and libertarian freedom accounts of human freedom.

The Criteria for Moral Accountability

I am proposing the following seven criteria as necessary and sufficient conditions for moral accountability. All seven of these requirements must be present for a person to be praiseworthy or blameworthy for a moral action.

(R¹) *The Mental Competence Criterion*— In many legal cases, the determination of whether or not persons are mentally competent to aid in their own defense is necessary for them to stand trial. Persons who are not mentally competent due to some physical, mental, or psychological defect are judged incapable of moral decision making. Mentally incompetent adults who commit crimes (such as sociopaths or kleptomaniacs) normally are institutionalized in psychiatric facilities rather than in normal prison facilities. A mentally incompetent person cannot be held morally accountable.

(R²) *The Moral Reflection Criterion*— In order to be morally responsible, one obviously must be capable of moral reflection. All persons who fall short of the Mental Competence Criterion will also fall short of the Moral Reflection Criterion. Richard Swinburne argues that “an agent with free will but no moral beliefs could not be morally responsible for his actions,” but instead, moral accountability is judged by the persons' personal choice regarding “moral

¹ For example, see <http://plato.stanford.edu/entries/moral-responsibility/>.

beliefs in accord with which he may choose to act or against which he may rebel.”²

In addition to mentally incompetent persons, those with mental defect, this level of moral reflection is normally not attributed to young children. The theological corollary of the Moral Reflection Criterion is “the age of accountability,” or perhaps more accurately, a “state” of being accountable. However, apart from mentally challenged individuals, this state of accountability is associated normally with a “coming of age” sometime in adolescence. There is no single age of accountability, since individual children mature at different paces from each other. In my own Southern Baptist confessional tradition, all three versions of the *Baptist Faith and Message* (1925, 1963, and 2000) affirm that children become morally accountable for their own actions “as soon as they are capable of moral action.”³ Baptist confessions are largely silent on original sin, and deny inherited guilt. The doctrine of the age of accountability is foundational for related doctrines such as believer’s baptism, soul competency, and the gathered church. However, from both a theological and an ethical perspective, without the capacity for moral reflection, one is not morally accountable.

To be clear, this criterion is about having a *capacity* for moral reflection; it does not require that the person necessarily reflect correctly with regard to the moral choice. The person might choose the wrong action for the wrong reasons at the wrong time and with the wrong spirit, but none of these possibilities impact the focus of this criterion. In fact, in some cases, the person may believe that he is right about the action, even though in fact he might be wrong. In some instances, something that is legal (or illegal) might be wrong (or right). For example, in the Nuremberg Trials, Nazis were held accountable because they did not arise above the German law to a higher moral law. On the other hand, during the Civil Rights Movement the civil law was violated intentionally in order to appeal to the higher law. But these examples go beyond the Moral Reflection Criterion. To meet it, the individual must simply have the capacity for moral reflection.

(R³) *The Epistemic Criterion* – Agents must be aware of pertinent information in order to make informed choices. After one has performed due diligence, the possibility remains that the agent may not be aware of extraneous circumstances which were beyond her reasonable diligence. For example, a driver may look carefully through the rear view mirror in the car and on both sides of the car, but not see the neighbor’s cat before running over it while backing her car down the driveway. Humans are fallible, and even diligent humans overlook some factors. Agents are usually not held fully accountable for actions when they were ignorant (through no fault of their own or lack of due diligence) of key factors relevant to the decision. For Aristotle, deeds done “in ignorance” were involuntary, and thus the agent is not morally accountable for

² Richard Swinburne, *Responsibility and Atonement* (Oxford: Clarendon Press, 1989), 51.

³ *The Baptist Faith and Message*, Article 3, “Man.” Comparison of the three *Baptist Faith and Message* statements and other Baptist doctrinal confessions is available at <http://baptistcenter.com/confessions.html>.

these actions.⁴ Of course, persons will not know all there is to know about the ethical choice they are making. But in order to meet the Epistemic Criterion, they must not be totally ignorant of the basic knowledge regarding their moral action.

(R⁴) *The Due Diligence Criterion* – As a complement to the Epistemic Criterion, the agent must not be content in ignorance, but must seek relevant information with due diligence. For agents to be virtuous, they must practice due diligence in at least two ways: (a) to ascertain the facts of the matter and applicable moral implications, and (b) to apply epistemic virtues in moral decision making. Legally, ignorance of the law is no excuse; one is expected to investigate the facts of the matter. Again, however, the issue is not that persons must be experts in ethical theory or that they know all the facts about any moral issue. Due diligence is evaluated on somewhat of a sliding scale – one is accountable to know “enough” to make an informed decision. However, we are accountable to practice due diligence to reach an “all things considered judgment” about the best course of action. Agents who do not practice due diligence are morally accountable because they did not fulfill that crucial responsibility.

(R⁵) *The Intentionality Criterion* – To be morally accountable in a primary sense, the agent must choose an action intentionally. We are not accountable for unforeseeable consequences of our actions, but for things we consciously choose to do. This criterion of intentionality was central to Thomas Reid’s understanding of moral accountability:

[W]hatever is done without his will and intention, cannot be imputed to him with truth In morals, it is self-evident that no man can be the object either of approbation or of blame for what he did not. But how shall we know whether it is his doing or not? If the action depended upon his will, and if he intended and willed it, it is his action in the judgment of all mankind. But if it was done without his knowledge, or without his will and intention, it is as certain that he did it not, and that it ought not to be imputed to him as the agent.⁵

(R⁶) *The Volitional Criterion* – According to the Volitional Criterion, only those who freely choose an action can be held morally accountable for that action. To be free entails the ability to choose from various limited options available to the agent, or at a minimum to choose to do or withhold from doing an action. As Richard Swinburne explains it, “Moral responsibility (and so openness to praise and blame) belong to the agent only if he has ‘free will’ in the

⁴ The primary passages in Aristotle are in the *Nicomachean Ethics*, 3.1, 1110a-1111b-1152. All Aristotelian quotations are from the translations in Jonathan Barnes, ed., *The Complete Works of Aristotle*, 2 vols. (Princeton: Princeton University Press, 1984); *NE* will be used as an abbreviation for *Nicomachean Ethics*.

⁵ Thomas Reid, *Essays on the Active Powers of Man* (Edinburgh: John Bell, 1784), 38.

traditional and obvious sense, and that his will is free from necessitating causes.”⁶

(R⁷) *The Origination Criterion* – To fulfill the Origination Criterion, the choice of an action must originate within the individual agent. For someone to be morally accountable, it would seem obvious that the person being held accountable must play at least some role in bringing about (or not bringing about) a particular moral response. Aristotle required what might be labeled a control condition: the action must have its origin in the agent.⁷ That is, it must be up to the agent whether to perform that action – it cannot be compelled externally. This criterion is consistent with the action theory known as “agent causation.” Agents themselves originate or cause their actions; the actions were not imposed from without by external causes. Swinburne stipulates that “moral responsibility belongs to an agent only in so far as his contribution has its beginning in himself and is not made inevitable by other causes.”⁸

Many real life situations are “mixed,” as Aristotle labeled them,⁹ between personal accountability and external compulsion. Moral decisions are never made in a vacuum – situational factors, physical realities, desires, cultural mores, emotional reactions, and rationality all cry out for our attention in the decision making process. In mixed cases, we often excuse or mitigate the accountability of the decision maker who is under duress. The degree of mitigation normally corresponds to the degree of duress experienced by the agent. One who is totally under the control of a compulsion is morally excusable, but in most situations the duress falls short of total compulsion.

Cases of compulsion that I believe may excuse the decision maker from moral accountability may be grouped under two categories: *psychological compulsion* (including clinically diagnosed irresistible psychoses and phobias of mental illness such as obsessive compulsive disorder, Stockholm syndrome, multiple personality disorder, narcolepsy, and kleptomania), and *physiological compulsion* (such as surgical brain stimulation, forced physical movement of limbs against one's will, chemical imbalance which causes mental illness, and drug-induced states caused by drugs given against one's will). Each of these involves judgments which should be made by professionals to distinguish a milder *resistible* case from an *irresistible* case. Most people face milder examples of each of these categories. For example, most people experience lesser forms of psychological compulsion such as mild depression from time to time in their lives, but they are still held accountable for their actions. However, even persons being held at gunpoint have a *choice* to do or not do what they are being pressured to do, even though the alternatives are very unpleasant. We feel pity for persons who are victimized by being forced

⁶ Swinburne, 51.

⁷ *NE*, 3.1, 1109-1152.

⁸ Swinburne, 51.

⁹ Aristotle, *NE* 3. 1., 1109b30-1110ba15; *NE* 3. 1., 1113b23-27.

to comply against their will, but we blame the person who could have resisted. Any resistible case cannot be counted as compulsion. There is no middle ground, I believe, between compulsion and choice; in the final analysis one either wills or one doesn't. But for an agent to be morally accountable – for the “buck” to stop with him – he must be the originator of the action, rather than his being forced to do so by other events or persons.

Implications of the Criteria for Agent Causation/Libertarian Freedom and for Compatibilism/Determinism

My own account of human freedom is a soft libertarian view of freedom best described as agent causation.¹⁰ Agent causation is expressed in a rudimentary form in the ethical writings of Aristotle,¹¹ but is articulated more clearly in the thought of Scottish Common Sense Realist Thomas Reid.¹² More recent advocates of this position are Roderick Chisholm,¹³ Randolph

¹⁰ For a more complete description of this position, see Steve Lemke, “Agent Causation, or How to Be a Soft Libertarian,” a paper presented at the March 2005 Southwest regional Evangelical Theological Society meeting in New Orleans, available online at <http://www.nobts.edu/Faculty/ItoR/LemkeSW/Personal/libertarian%20agent%20causation.pdf>.

¹¹ Aristotle, *NE* 3.1, 1110a-111b4.

¹² See Thomas Reid, *Essays on the Active Powers of Man* (Edinburgh: John Bell, 1784).

¹³ See Roderick Chisholm, “Agents, Causes, and Events: The Problem of Free Will,” in *Agents, Causes, and Events: Essays on Indeterminism and Free Will*, ed. Timothy O'Connor (Oxford: Oxford University Press, 1995), 95-100; “Freedom and Action,” in *Freedom and Determinism*, ed. Keith Lehrer (New York: Random House, 1966), 11-14; “The Agent as Cause,” in *Action Theory*, ed. Myles Brand and Douglas Walton (Dordrecht: D. Reidel, 1976), 199-212; *Person and Object: A Metaphysical Study* (LaSalle: Open Court, 1976), 53-88; and “Human Freedom and the Self,” in *Free Will*, ed. Gary Watson (New York: Oxford University Press, 1982), 24-35.

Clarke,¹⁴ Robert Kane,¹⁵ Alfred Mele,¹⁶ and Timothy O'Connor.¹⁷ In brief, agent causation (in contradistinction to event causation) affirms that persons are capable of originating events themselves. Of course, many events in our universe are caused by other physical events. However, from a Christian perspective, all events flow ultimately from a divine Person. Human beings are powerfully influenced by physical, social, economic, cultural, emotional, and psychological factors, but the person takes all these factors into account and makes the final decision. As Leibniz famously put it, these external influences “incline the will without necessitating it.”¹⁸ Agent causation meets all seven criteria for moral responsibility.

Agent causation (with concomitant libertarian freedom) is usually contrasted with compatibilism, which holds that freewill is consistent with determinism. Advocates of compatibilism include positivists such as A. J. Ayer¹⁹ and Gilbert Ryle;²⁰ New Atheists such as

¹⁴ See Randolph Clarke, “Toward an Agent-Causal Account of Free Will,” in *Agents, Causes, and Events*, 201-215; “Indeterminism and Control,” *American Philosophical Quarterly* 35, 125-138; “Agent Causation and Event Causation in Production of Free Action,” *Philosophical Topics* (Fall 1996), 19-48; and *Libertarian Accounts of Free Will* (Oxford: Oxford University Press, 2003).

¹⁵ Robert Kane, “Agency, Responsibility, and Indeterminism: Reflections on Libertarian Theories of Free Will,” in *Freedom and Determinism*, Topics in Contemporary Philosophy, ed. Joseph Campbell, Michael O'Rourke, and David Shier (Cambridge: MIT Press, 2004), 70-88.

¹⁶ See Alfred Mele and John Heil, eds., *Mental Causation* (Oxford: Clarendon Press, 2003).

¹⁷ See Timothy O'Connor, “Indeterminism and Free Agency: Three Recent Views,” *Philosophy and Phenomenological Research* 53, no. 3 (1993), 499-526; “Agent Causation,” in *Agents, Causes, and Events*, 173-200; *Persons and Causes: The Metaphysics of Free Will* (Oxford: Oxford University Press, 2000); “Thomas Reid on Free Agency,” *Journal of the History of Philosophy* 32, no.4 (1994), 605-622; “Why Agent Causation?” *Philosophical Topics* 24 (1996), 143-158; and “Freedom with a Human Face,” in *Midwest Studies in Philosophy* 29 (2005): Free Will and Moral Responsibility, ed. Peter A. French, 207-227.

¹⁸ G. W. Leibniz, *Theodicy*, sec. 336, in *Die Philosophische Schriften*, ed. Carl Gerhardt (Hildesheim: Olms, 1978), 6.314. He used a similar phrase in his letter to Clarke, letter 5, sec. 8, in *Schriften*, 6.390.

¹⁹ A. J. Ayer. “Freedom and Necessity,” in *Philosophical Essays* (London: Macmillan, 1954), 271-284.

²⁰ Gilbert Ryle, *The Concept of Mind* (London: Hutchinson, 1949).

Daniel Dennett,²¹ Sam Harris,²² and Richard Dawkins,²³ and theological determinists including most Islamic theologians,²⁴ and Calvinistic Christian thinkers such as Jonathan Edwards,²⁵ Paul Helm,²⁶ and John Feinberg.²⁷

The discussion about compatibilism has been muddled sometimes when some theologians define compatibilism as something that it is not – that is, the compatibility of human freewill with divine sovereignty or God’s will.²⁸ In any standard definition, compatibilism

²¹ Daniel Dennett, *Elbow Room: The Varieties of Free Will Worth Wanting* (Cambridge: MIT Press, 1984); “I Could Not Have Done Otherwise — So What?” *The Journal of Philosophy*, 81, no. 10 (1984): 553–67; “On Giving Libertarians What They Say They Want,” in *Brainstorms: Philosophical Essays on Mind and Psychology* (Cambridge: MIT Press, 1981); and *Freedom Evolves* (New York: Penguin, 2004).

²² Sam Harris, “It’s an Ancient Artifact,” in *The Myth of Free Will*, vol. 1, ed. Cris Evatt (Princeville: Café Essays, 2007), 36-38; *The End of Faith* (New York: W. W. Norton, 2005), 272-274.

²³ Although Dawkins does not explicitly and consistently advocate compatibilism, his account of genetic determinism appears to be consistent with compatibilism. See Richard Dawkins, *The Selfish Gene* (Oxford: Oxford University Press, 1976).

²⁴ Donald Borchaert, ed., *Encyclopedia of Philosophy*, 2nd ed., s.v. “Theological Determinism,” by Shams Inati (New York: Thomson Gale, 2006), 3:23-24; and s.v. “Determinism, A Historical Survey,” by Richard Taylor, 3:15-23.

²⁵ Jonathan Edwards, *Freedom of the Will* (New York: Cosimo, 2007).

²⁶ Paul Helm, *The Providence of God* (Downers Grove: InterVarsity, 1994); “Classical Calvinist Doctrine of God,” and in *Perspectives on the Doctrine of God: 4 Views*, ed. Bruce Ware (Nashville: Broadman and Holman), 5-75.

²⁷ John Feinberg, *No One Like Him: The Doctrine of God*, Foundations of Evangelical Theology (Wheaton: Crossway, 2001), ch. 14, 677-776; and “God Ordains All Things,” in *Predestination and Free Will: Four Views of Divine Sovereignty*, ed. David and Randall Basinger (Downers Grove: InterVarsity, 1986), 17-60.

²⁸ For example, see D. A. Carson, *How Long, O Lord? Reflections on Suffering and Evil* (Grand Rapids: Baker, 1990), 200-204; Bruce A. Ware, *God’s Greater Glory: The Exalted God of Scripture and the Christian Faith* (Wheaton: Crossway, 2004), 73-85, and in “A Modified Calvinist Doctrine of God” in *Perspectives on the Doctrine of God*, 98-99. Paul Helm points out Ware’s inconsistent use of these terms in *Perspectives*, 44. An example of a compatibilist who avoids these confusions is John Feinberg in *No One Like Him*, 635-639.

affirms the compatibility of freewill and determinism.²⁹ Compatibilism is *not* the compatibility of human freewill and the sovereignty of God. An open theist, an Arminian, and even a Pelagian would affirm the compatibility of human freedom and God's sovereignty. *Nor* is compatibilism the compatibility of human freedom with God's will. Again, an open theist, an Arminian, and even a Pelagian would affirm the compatibility of human freedom and God's will. The compatibility of God's sovereignty and/or God's will with human freedom is noncontroversial and commonly accepted. That is not the issue of compatibilism, however. True compatibilism affirms the compatibility of human freedom with determinism. Ironically, many who defend compatibilism are in fact incompatibilists – that is, they affirm determinism and deny a meaningful account of freedom (i.e., libertarian freedom or agent causation). Therefore, since they are affirming that determinism is incompatible with libertarian freewill, they are actually deterministic incompatibilists rather than compatibilists.

Furthermore, it appears that the term “soft determinism” is oxymoronic. It is fine to use “soft” or “hard” with reference to many views – I have done so myself on some issues. But determinism, like pregnancy, does not admit of softness or degrees. The laws of identity, noncontradiction, and the excluded middle apply here. Events are either determined or they are not. If all actions are not predetermined, then “determinism” is not an appropriate description of the perspective, because some things are outside of the chain of event causation.

Compatibilism does not fulfill the necessary standards for moral accountability because although it fulfills criteria R¹ through R⁵, it fails to meet (R⁶) the Volitional Criterion, and (R⁷) the Origination Criterion. Compatibilism does meet the (R⁵) the Intentionality Criterion, because the agent does desire what through causes outside himself he is predetermined to desire, but compatibilism does not meet (R⁶) the Volitional Criterion because it does not affirm an adequate view of human freedom. Jack Cottrell states that compatibilism does not meet the standards of freedom because if God has unconditionally decreed everything that will happen, such a divine decree “logically entails determinism, which logically excludes freedom.”³⁰ As Richard

²⁹ Edward Craig, ed., *Routledge Encyclopedia of Philosophy*, s.v. “Free Will,” by Galen Strawson (New York: Routledge, 1998), 3:743-753; *Concise Routledge Encyclopedia of Philosophy*, s.v. “Free Will,” by Galen Strawson (New York: Routledge, 2000), 293-295; Simon Blackburn, *The Oxford Dictionary of Philosophy*, s.v. “Free Will” (Oxford: Oxford University Press, 1994), 147; Robert Audi, ed., *The Cambridge Dictionary of Philosophy*, s.v. “Free Will,” by Tomis Kapitan (Cambridge: Cambridge University Press, 1999), 326-238; Borchert, *Encyclopedia of Philosophy*, s.v. “Determinism and Freedom,” by Ted Honderich, 3:24-29; Thomas Mautner, *A Dictionary of Philosophy*, s.v. “Compatibilism” (Cambridge: Blackwell, 1996), 76; *Stanford Encyclopedia of Philosophy*, online at <http://plato.stanford.edu/entries>, s.v. “Compatibilism,” by Michael McKenna, and “Arguments for Incompatibilism,” by Kidri Vihvlin, accessed 10/27/09.

³⁰ Jack Cottrell, “The Nature of Divine Sovereignty,” *The Grace of God, the Will of Man* (Grand Rapids: Baker, 1979), 102. Peter van Inwagen makes a similar point in “The

Swinburne has suggested, compatibilism does not understand free will “in the traditional sense,” and thus does not produce a meaningful account of moral responsibility.³¹

Compatibilism does not meet (R⁷) the Origination Criterion because in this view, moral choices do not originate within the personal agent. Moral choices originate with God’s decree (theological determinism) or with other previous events or causes outside the individual (physicalistic determinism or event causation). In theological determinism, God irresistibly imposes His will on the individual such that the person’s desires suddenly change into alignment with God’s will. In physicalistic determinism, physical events external to the individual irreducibly cause desires within the individual. The person has no choice but to conform to his greatest desire that was produced by external causes.

Postmodernist thinker Richard Rorty expresses the radical contingency with which persons’s lives are shaped by previous events and causes in the determinism he advocates: "Our language and our culture are as much a contingency, as much a result of thousands of small mutations finding niches (and millions of others finding no niches), as are the orchids and the anthropoids."³² So, for Rorty, “for all we know, or should care, Aristotle's metaphorical use of *ousia*, Saint Paul's metaphorical use of *agape*, and Newton's metaphorical use of *gravitas*, were the results of cosmic rays scrambling the fine structure of some crucial neurons in their respective brains. Or, more plausibly, they were the result of some odd episodes in infancy--some obsessional kinks left in these brains by idiosyncratic traumata.”³³

For Richard Swinburne, then, no account of decision making compatible with determinism could produce moral accountability:

If every event has a cause, then our actions will be caused by our brain states and those by previous brain states or environmental circumstances and those ultimately by the genes which we inherited from our parents and the state of the society into which we were born; and so ultimately they will be caused in all their detail by states of affairs long before we are born. Why should a man be praised or blamed for actions which were totally determined to occur by circumstances holding long before the man was born? Determinism, if true, rules out moral responsibility. In a deterministic universe, actions

Incompatibility of Free Will and Determinism,” *Philosophical Studies* 27 (March 1975), 185-199; reprinted in *Free Will*, Hackett Readings in Philosophy, ed. Derk Pereboom (Indianapolis: Hackett, 1997), 184-198.

³¹ Swinburne, 51.

³² Richard Rorty, *Contingency, Irony, and Solidarity* (New York: Cambridge University Press, 1989), 16.

³³ *Ibid.*, 17.

will still be good and bad, right and wrong. . . . But a man would not be punished because he deserved to be punished. The punishment of a criminal would be deserved no more than would be the punishment of a man for a crime which he had not performed”³⁴

Therefore, if these criteria are necessary prerequisites for moral accountability, compatibilism does not produce an adequate account of moral accountability. Only a view of action theory consistent with libertarian freedom is sufficient for a meaningful account of moral responsibility.

³⁴ Swinburne, 58.