



# Edited transcript of a lesson: Conceptual analysis

In Chapter 9 of *How to Write Your Undergraduate Dissertation* we worked through the stages involved in analysing the implications of concepts. To make the process even clearer you may find it helpful to read through a transcript of a tutorial in which I get a student to analyse the concept of ‘omissions’ in the following question. I have edited the tutorial in the extract below, but if you want to read the whole transcript I have also put that on the website. As you read through the transcript you may find it helpful to have by your side the structure in Chapter 9 that outlines the stages of analysing a concept. You will also find on this website the same structure as it applies to this concept.

**Question:** ‘Are we right to assume that, while we should be held morally responsible for our actions, we have no moral responsibility for our omissions?’

## Step 1: Gather your typical examples

Try to think of three or four examples of omissions where you could argue that it wouldn’t be reasonable to blame anyone for what occurred simply because they omitted to act in one way or another.

In the tutorial it was agreed that the best examples of blameless omissions were the non-voter, the non-contributor, and the non-petitioner:

- 1 You can’t be held responsible for the increase in poverty in the country simply because you omitted to vote in the last election, which produced a government committed to reducing welfare payments to the poor. It would be unreasonable to argue that one person carries any meaningful responsibility for this.
- 2 If I fail to contribute to a charity working to save the lives of children starving in the Third World, I can’t really be held to blame for the deaths of those children who could have been saved if more funds had been raised.
- 3 You live near a fast and dangerous road, which has claimed numerous lives over recent years. Local residents believe the only solution is a by-pass, but the council is unlikely to approve such an expensive project, unless there is clear and overwhelming support for it. A petition is organised at the local supermarket, but, although you pass it a number of times, you are always too busy to stop and sign it. In the event the councillors turn the project down, because they claim too few people support it. Soon after, a child is knocked down and killed as she crosses the road. Do you bear any responsibility for your omission?

## Step 2: Analyse your examples

### 1. Only indirect responsibility – no direct causal connection

**Student:** ‘I suppose the most obvious characteristic that we’ve already begun to mention is that in all these cases the individual has only indirect responsibility for what occurred. I mean if I were the



non-contributor to the Third World charity, I would argue that I did nothing to harm the children in the Third World, I didn't create the famine, I just didn't stop and put some coins in the collection boxes when I saw them. The same goes for the non-voter: I did nothing to make the poor poorer. I didn't go out and take money from their pockets. I just didn't make sure my vote counted at the polls. And, of course, the same goes for the non-petitioner. I didn't kill the young girl, because I was speeding. And I didn't refuse to support the building of the by-pass. I just didn't have time to sign the petition.

**Tutor:** Good. So what you're saying is if we could establish a direct causal connection between your omission and the event, then things would be different? If we can show that your omission caused the event, you would accept responsibility?

**Student:** Yes.'

## 2. Only collective responsibility – no personal responsibility, because I had no effective opportunity to influence events myself

**Student:** 'OK. The point is in all these cases I can claim I had no personal responsibility. There was only collective responsibility. It was shared by all of us who failed to come out and vote. One extra person coming out to vote is unlikely to have changed anything. But if we had all come out to vote then things would have been different. The same goes for the Third World charity. If everyone were to contribute then this would make a significant difference, but just one person deciding to contribute would make no significant difference at all. The same goes for the petition. If all those of us who failed to sign it had done so, things may have been different. The road might have been built. But my failure to sign it is neither here nor there.

**Tutor:** Right, so in effect what you're saying is that you simply had no opportunity to influence the situation effectively, and without that you can hardly be held responsible for not acting. Given a situation that you *can* influence effectively and you *can* be held responsible. But without such an opportunity it's unfair to blame you. As long as there seems no point in acting, you can't be blamed for not acting.'

## 3. I can't be held responsible, because it wasn't my intention to cause harm

**Student:** '...if other people have suffered because I omitted to act in a particular way, I can't be held morally responsible, because it wasn't my intention. Whereas if by not giving to the Third World charity my aim had been to worsen the suffering of those in the Third World, then I'm morally responsible. Although, as we've already argued, you still have to show that my omission was causally connected to the event, and that I had the opportunity as an individual to influence the situation. But if it wasn't my intention to worsen their suffering, I cannot be held responsible.'

### Step 3: Test your concept

#### 1. Borderline cases

**Tutor:** 'Here's an actual example that occurred in the Netherlands a few years ago. On a bright, sunny day in late August 1993 families gathered around the edge of a popular lake in a park near



Rotterdam to enjoy one of the last days of summer. Children swam and played in the water. An inflatable canoe was being gently buffeted by the light breeze. On shore dogs and children chased balls across the grass, while their parents unpacked the picnic. It was the sort of day that most children would remember all their lives, but there was more to remember on this day.

There were about two hundred people around the lake, some playing football or throwing Frisbees, while others tucked into sandwiches as they looked out across the water. Suddenly, the canoe capsized spilling two young girls aged eleven and nine into the water. The nine-year-old, unable to swim, thrashed about in the water, while her friend screamed for help as she tried desperately to keep the drowning girl's head above the water. Those on shore stopped and stared, poised in the middle of their games for just a moment. Others put down their sandwiches and moved to the shore to get a better view. But no one helped.

There are other similar examples we could all conjure up. A child sitting at the dinner table begins to choke on something. If you were to fail to get up and help, and the child were to die, would you be morally responsible for his death? In these cases we're not so sure that omissions don't count. I suspect we all share some feelings of contempt for those who stood by and did nothing.

So, if that's the case how do our three characteristics stand up against examples drawn from the other end of the spectrum of responsibility?

**Student:** Clearly they had all the opportunity they needed to make a difference and it didn't depend on group influence as it did in the first three examples. One individual could have made all the difference. He could have saved the little girl's life irrespective of what other people did or didn't do.

**Tutor:** So, you think in terms of our second characteristic, that the individual must have the opportunity to influence events effectively, that this sort of omission at this end of the spectrum does carry moral responsibility?

**Student:** Yes, without doubt.

**Tutor:** OK. Now that we've subjected the characteristics to the first test, we're clearer about where our doubts lie. We've shown that the second, the opportunity to exert effective personal influence, is not absent in all omissions, that there are those at the responsible end of the spectrum, where individuals have every opportunity to influence events. So, not all omissions have this characteristic and we should not treat them as if they do. In the example of the girl in the lake, the onlookers could have made effective attempts to save her.

But while we are clearer with the second characteristic, the other two leave us with serious doubts. We're not really certain that we can claim that the onlookers were the cause, or even *a* cause, of the girl's death, and it's difficult to argue that their intention in not acting was to bring about the girl's death. So, in the next test we must use examples that will force us to examine both of these problems.'

## 2. Contrasting cases

**Tutor:** 'OK, let's look at intentionality...The problem here is that we're not convinced that it would be right to argue that the onlookers' intention in not helping the drowning girl was that she should die...So, can you think of an example where someone fails to act, like the onlookers on the



shore of the lake, and consequently allows a situation to develop? Now he argues this was not his intention, but we need to think of an example where we can argue he is wrong in thinking this. Perhaps it's his unconscious intention that he's simply unaware of.

**Student:** ...He might say it wasn't his intention to cause the death of the girl by standing around doing nothing, but he has accepted that this is a likely outcome. So, implicitly this is his intention, because if it wasn't he would have done something. Do you see what I mean? In a sort of negative sense he has to accept this as his intention, because he could have produced a different outcome and, unless he's really thick, he would have seen that her death is a likely outcome if he does nothing. He had different outcomes to choose from and he chose the one particular outcome which included the girl's death. So you *can* say this was his intention.

**Tutor:** ...What you've described is a broader definition of intentions, which includes what you refer to as likely outcomes, foreseen consequences. If you're right about this we ought to revise the narrow definition of intentionality and produce a larger concept that avoids what you think is an unconvincing distinction between intentions and foreseen, yet unintended, consequences...The example I was going to use is this. If I decide, in order to reduce my expenses, that I will only check the oil in my car once a year, it's not my intention to seize up my engine. But, unless I'm incompetent and unaware of the possible consequences, it is my intention to accept this as a likely, a foreseeable, consequence. If my intention was to exclude this as a foreseeable consequence, then obviously I would check it monthly.

**Student:** ...an intention not only includes those consequences we directly intend to bring about, but also those we only unconsciously intend or just foresee.

**Tutor:** ...this means, then, that we're responsible not only for those things we do with the direct intention of bringing them about, but for all those consequences that we voluntarily and deliberately bring about. It's not necessary for us to have desired or wanted the consequences, just that we've deliberately chosen this as a likely outcome...Which brings us back to the people around the lake. If you're right, we must conclude...that they are responsible, because it's not just their conscious intentions that count, but the consequences they could foresee if they refrained from acting. If I choose to bring about a situation that I can foresee, either by acting or refraining from acting, then this is intentional and I am responsible. So, it seems, we *can* argue that it was their intention to see the girl drown, because they could foresee this as a likely consequence of not acting and they chose this as the most desirable outcome, otherwise they would have acted to bring about a different outcome.

**Student:** ...But doesn't that mean that an individual bears equal responsibility both for his actions and for his omissions, that there's no intrinsic difference between an act and omission?

**Tutor:** Well, in terms of two of our three characteristics, it does. But it remains to be seen whether we can argue that an omission can be said to be the cause of an event in much the same way as an act. We've still got to establish that there was a direct causal connection – that an individual's action or his omission could have made all the difference.

**Student:** Well, that's not difficult to prove with the onlookers around the lake. Any one of the competent swimmers could have waded out and swam to the girl and made a difference.

**Tutor:** Yes, that's perfectly true, but we may find this is also the case in a far wider range of examples than we're normally inclined to accept. What those at the shore of the lake no doubt



argued was that the girl's death was just an accident – it was just that certain conditions conspired to bring it about. There was no cause, so nobody can be held responsible. In other words, the canoe might have been inherently unstable, the parents failed to exercise sufficient control over them at that particular instant, may be the wind blew up at that moment and caused the boat to tip slightly, and the onlookers failure to do anything is just another one of these conditions. So, without a cause, nobody can be held responsible.

And no doubt all of us who argue that our omissions are quite different from our actions, in that unlike our actions they carry no moral responsibility, argue the same. We're inclined to say that our omission is just one of the many conditions that conspired to bring about the event. If we kill someone we are the cause of his death, but if we merely allow him to die, say of a treatable disease or from drowning, then it's nature that has killed him – in other words it's the background conditions, that are responsible.

Now, if we're going to test this assumption we must think up another contrasting example, one that seems to show that these conditions, that are supposedly non-causal, can in fact be described as the cause.

**Student:** Well, if your car seizes up because it's run out of oil, we wouldn't have much doubt that the cause of this is your negligence in not checking it. If you were then to explain that the cause of your car seizing up is just that it ran out of oil, we wouldn't find this very convincing. We would still be left wondering, '...but why did it run out of oil?' Until we've answered this, we can't really be said to have explained it. In other words we'd still be looking around for the cause.

**Tutor:** Yes, I think that works well. So what do you conclude from that about causes and conditions.

**Student:** Well, it wasn't just that your car ran out of oil that was the cause of your car seizing up, it was that you failed to do something that we would normally expect you to do – in other words, you didn't check the oil regularly enough and top it up. And that's where the cause lies.

**Tutor:** So, what you're saying then is that when we look for the cause of any event we should be looking for something that has changed in the environment, in the background conditions – something that is not as we normally expect it to be? We should be looking for what's gone wrong with the normal background conditions?

**Student:** Yes. Yes, that's right.

**Tutor:** This means, then, that conditions include normal expectations and if an act is omitted that can normally be expected to be done, then this disruption of normal functioning is what we would normally describe as the cause. Causes represent deviations from normal expectations, functions and conditions. If this is true, then omissions do have causal consequences, when they represent a deviation from normal expectations. If I fail to put oil in my car and it seizes up, or if I fail to water my plants and they die, the cause is my omission, my departure from normal expectations.

**Student:** Which means that those who just stood and looked from the shore as the girl drowned were the cause of the girl's death, because it's a normal expectation that people will try to help when someone's in trouble, certainly when they're fighting for their lives.



**Tutor:** ...this does highlight the crucial distinction in all this. On the basis of our argument so far there seems to be no distinction between the causal significance of acts and omissions. Deliberate interventions and deliberate non-interventions both have causal status as long as they disrupt normal expectations. Both indicate that something in the background conditions has changed: these might be natural factors, or they might be deliberate acts or omissions. But there's no reason to believe that all omissions have causal status. And in this they're no different from acts. Not all acts have causal status...The distinction between omissions that have causal status and those that do not, as you've said already, lies in the distinction between abnormal and normal functioning. But this is where those who believe there is a difference between acts and omissions go wrong. They tend to believe that normal functioning is what's natural and abnormal functioning is everything else, including when we try to intervene in the natural working of things.

**Student:** Yes, it's like failing to go to someone's aid when they're having a heart attack. Then they die and we say they died of a heart attack, where in fact it's more accurate to explain the cause of their death as our failure to help them, when our help would have saved their life. And this is the same for the onlookers who failed to help the little girl drowning in the lake. The cause of her death was, of course, drowning, but it might be more accurate to say that this was the consequence of the real cause – the onlookers' failure to help.

**Tutor:** Yes, I think you may be right. What this means then is that normal functioning doesn't imply what's natural. When we believe this we're ready to argue it's right to allow nature to function freely, for nature to take its course. Whereas in fact it's quite likely to comprise of those things we do as a result of habit, custom or convention. In fact, as we know, nature is often harmful, so it's been normal for man to develop techniques, methods and routines to combat nature. When such man-made conditions are established, any deviation from these normal expectations, whether an act or an omission, we would regard as exceptional and the cause of any harm that results.

For example – and this is the example I thought of using in this step of the process – if I were to return home thoroughly soaked, after a day of torrential rain, my wife would probably ask me why I was in such a pitiful condition. If I were to explain that it had been raining, she is sure to look at me rather sardonically, assuming that this was yet another wearisome example of my rather obscure sense of humour. But if I were to explain that I'd forgotten to take my umbrella or my raincoat with me, then she would be satisfied with my explanation, knowing that she'd identified the cause of my wretched condition.

What this shows is that normal functioning under normal conditions involves agents performing certain actions. Failure to perform those actions represents the cause of any harm that results. When we search for causes we seek out and select those actions and omissions that deviate from expected standard behaviour. So, this is why you're probably right about the cause of the girl's death in the lake. Our normal expectation is that an onlooker who's fit and a competent swimmer will try to save the drowning girl... In our societies, most people generally accept that we have a responsibility to save lives, to minimise pain and to help others, whenever we're given the opportunity.

**Student:** So, we've shown then through this that we are responsible for our omissions, if they meet our three characteristics as we've defined them here?

**Tutor:** Well, only if we can show that the individual had the opportunity to exert an effective influence; if we can show that it was his intention to bring about a situation or allow it to develop,



the consequences of which he could clearly foresee; and if he failed to act in terms of normal expectations in that particular situation. Then, it seems, we can say he is responsible equally for his omissions as he would be for his acts.'

### 3. Doubtful cases

**Tutor:** 'Imagine a case in which a doctor is asked by his dying patient to end her life because she is suffering from unbearable pain and having to endure conditions and treatment that she feels are unacceptable and undignified. For example, Lillian Boyes was suffering unbearably from the pain of severe rheumatoid arthritis, which left her unable even to bear being touched. She pleaded to be allowed to die with dignity. Her family also pleaded with her physician, Dr. Nigel Cox, to spare her more pain and bring her life to an end. Estimating that she only had a few days to live he agreed, injecting her with a lethal dose of potassium chloride. In the event Dr. Cox was convicted of attempted murder.

Compare that example with one in which a patient, who has made the same request to be allowed to die, is granted his request by his doctor, who does so by not providing the treatment that would be necessary to keep him alive.

Although, we might be right in concluding that there's no conceptual difference between acts and omissions in these types of cases, there is still a significant difference between being directly responsible for pulling the switch or injecting the lethal dose, and just allowing nature to take its course. A doctor could quite reasonably argue that at least he was not the cause of anyone's death, couldn't he?

**Student:** Yes I think that's true. At least a doctor can say I took no part in actually taking a life, all I did was just walk away and let nature take its course. Allowing a patient to die is impersonal – a doctor's not involved, as in a lethal injection. It is the disease that kills. This is obviously where the force of the argument for omissions lies. They can go on to claim that the doctor can feel no guilt or responsibility.

**Tutor:** Yes, but what we've got to consider in this is whether this is just a psychological problem, the way we feel about it, which might not indicate any moral distinction between an act and an omission. The fact that we *feel* guilty may not be evidence that we *are* in fact guilty, or that we've acted wrongly. Feelings of guilt are very often irrational. We may feel guilty when we've done nothing wrong. So, we must first decide whether or not we've acted wrongly...before we can judge whether our feelings of guilt are, in fact, justified. If we've not acted wrongly, then our guilt feelings are unjustified.

**Student:** But I can see that the feelings of guilt are very strong. It's difficult for most of us to deny them.

**Tutor:** Yes...And in this lies the reason why the issues are so fiercely argued by either side. In normal circumstances the last thing we want to do is to bring about the death of someone, because we generally consider death to be a great evil. But when death is no greater evil than the unbearable pain and indignity a patient is suffering from a terminal illness, you might be right in arguing this no longer applies. If a patient has only a few days of life remaining full of unbearable pain, you can certainly sympathise with them, their family and the doctor who agrees to help bring about the death of his patient. In these cases feelings of guilt might be quite unreliable.



**Student:** So in fact we might just be confusing our moral beliefs with our psychological reactions?

**Tutor:** In the case of the omissions of doctors, there is probably more to it, but nevertheless that still might be the case. For our purposes we've shown through our analysis of the concept of omissions that on the basis of our three core characteristics there is no distinction between acts and omissions in terms of their moral implications.'