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Am I My Brother's Keeper? On Personal Identity and Responsibility

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Abstract

The psychological continuity theory of personal identity has recently been accused of not meeting what is claimed to be a fundamental requirement on theories of identity - to explain personal moral responsibility. Although they often have much to say about responsibility, the charge is that they cannot say enough. I set out the background to the charge with a short discussion of Locke and the requirement to explain responsibility, then illustrate the accusation facing the theory with details from Marya Schechtman. I aim some questions at the challengers' reading of Locke, leading to an argument that the psychological continuity theory can say all that it needs to say about responsibility, and so is not in any grave predicament, at least not with regard to this particular charge.

Introduction

The psychological continuity theory of personal identity (PCT) has recently been accused of not meeting one of the fundamental requirements on theories of identity. That requirement is to explain personal moral responsibility. While psychological continuity theories like that of Parfit often have much to say about responsibility, the charge is that they cannot say enough. Although they take their inspiration from Locke, they fail to grasp a central insight of Locke's and as a result fail to meet the requirement. I will set out the background to the charge with a short discussion of Locke and his insight regarding responsibility, then I will illustrate the accusation facing the PCT with details from Marya Schechtman. I will then aim some questions at the proposed reading of Locke, ending up with an argument that the PCT is not in anything like a grave predicament, at least not with regard to this particular charge.

Section 1: Locke, the Responsibility Requirement and Appropriation

Locke's discussion of personal identity has probably been more influential than any other in the literature, and it has had a significant influence on what are taken to be the requirements on a theory of personal identity - on what any theory of personal identity must provide. One of these requirements appears to be that the theory must explain personal responsibility. Although Locke does not set this out explicitly, a number of things he does say suggest that he thinks it is indeed a requirement.

His clearest statement concerns the term 'personal identity'. It, says Locke, 'is a Forensic Term, appropriating Actions and their Merit' (1975: 346). That certainly appears to imply a conceptual connection between identity and responsibility or desert. He continuously stresses the advantage of his theory in meeting a requirement like this. Arguing against the notion that personal identity could consist in sameness

of material substance, he presents the case of a prince's consciousness getting into the body of a cobbler. 'Every one sees,' he says, 'that he [the person in the cobbler-body] would be the same Person with the Prince, accountable only for the Prince's Actions' (1975: 340). Note how he juxtaposes identity and accountability. His theory - that identity lies in 'sameness of consciousness' - explains this accountability. The theory works in the case of other thought-experiments as well, and he appears to support his conclusions with appeal to matters related to responsibility. He writes, 'tis plain consciousness, as far as ever it can be extended, should it be to Ages past, unites Existences, and Actions, very remote in time, into the same Person, as well as it does the Existence and Actions of the immediately preceding moment. So that whatever has the consciousness of present and past Actions, is the same Person to whom they both belong. Had I the same consciousness, that I saw the Ark and *Noah's Flood*, as that I saw an overflowing of the *Thames* last winter, or as that I write now, I could no more doubt that I, that write this now, that saw the *Thames* overflow'd last Winter, and that viewed the Flood at the general Deluge, was the same *self*, place that *self* in what Substance you please, than that I that write this am the same *my self* now whilst I write (whether I consist of all the same Substance, material or immaterial, or no) that I was Yesterday. (1975: 340-341)

Kenneth Winkler adds, 'He supports this conclusion by observing that I am as "concern'd" for an action done a thousand years ago as I am for one done a moment ago, provided the ancient action has been "appropriated to me now by this self-consciousness"' (Winkler 1991: 205).

Passages like those just quoted lead Winkler and others¹ to ascribe an 'appropriation theory' of personal identity to Locke. Your experiences and actions are those you appropriate to yourself, understanding Locke's term 'appropriate' in the sense of 'to take possession of for your own' (OED meaning 3). The following passage from §26 is presented as the final confirmation of this reading of Locke:

This personality extends *itself* beyond present Existence to what is past, only by consciousness, whereby it becomes concerned and accountable, owns and imputes to *itself* past Action, just upon the same ground, and for the same reason, that it does the present. (1975: 346)

Reading Locke's account as an appropriation theory is consistent with Locke's preoccupation with responsibility in his discussion of identity and offers the explanation of responsibility that I alluded to above. If you were not aware of past actions as your own, you would not feel responsibility for them and there would be something infelicitous about holding you responsible for them. It is by consciousness that I am '*myself to myself*' (1975:345) and this grounds my responsibility.

¹ Notably Mackie (1976) and Curley (1982).

Section 2: How the Psychological Continuity Theory fails to meet the requirement

Marya Schechtman also picks up these trends in Locke's thought and, although she disagrees with many aspects of Locke's view, sees them as recommending that view. It is precisely these trends that she wishes to capture in her own narrative theory (which she later calls the 'self-understanding view') of identity. And it is these trends that she sees contemporary psychological continuity theories missing in Locke and not themselves capturing, to their detriment.

The PCT presents personal identity as being a matter of overlapping psychological connections - causal connections like those between intentions and later actions, experiences and memories, continuing dispositional states (beliefs, desires, etc) and so on. There do not need to be direct connections between x at time t and y at $t+n$ for x and y to be the same person, as long as there is a continuous chain of overlapping connections between them. Unlike Locke (or, at least, Locke as his view was characterised above), continuity theorists accept that there can be cases of experiences and actions that are mine even though I no longer have any conscious awareness of them. As long as there are enough overlapping connections that form a chain back to that action,² it was mine.

Schechtman concedes that Locke's theory is too strong. Insisting that I must have conscious awareness of a past experience for it to be mine would rule out many formative, but forgotten, or central, but unconscious, features of my identity. The PCT avoids this consequence; but Schechtman contends that in dropping the demand for direct awareness, it loses the capacity to explain responsibility.

They [experiences of which we are conscious] are also, at least according to Locke, tied to responsibility in this way, because we can know them to be our actions or experiences, we have a responsibility to and for them that we could not otherwise have. The Lockean insight thus seems to rest on the special relation we have to experiences while we are conscious of them. According to the psychological continuity theory, however, there are many experiences - even whole life phases - that are counted as mine even though I no longer have any consciousness of them at all. They are no more connected to my present consciousness than they would be by a sameness of substance view. The original appeal of Locke's theory is thus lost on this view. (Schechtman 2005: 16)

Locke can explain our responsibility through consciousness: 'because we can know them to be our actions' we can take responsibility for them. The PCT has no such explanation to offer; overlapping psychological connections forming an indirect link back to an action account at best for *causal* responsibility - not the *moral* responsibility that is at stake. The difference is between 'it occurred because of you' and 'it is your *fault*'.

² That is, a chain of the right sort of pattern. See Beck 2011.

For Schechtman, identity is a matter of self-understanding. Her alternative theory (the self-understanding theory or SUT) is 'a view that develops Locke's idea that to be a person is to understand oneself as a persisting being in terms of the demands we make that our lives be intelligible' (Schechtman 2005: 20). According to this view, an action or experience is mine if it fits meaningfully into my life story - if I understand it as mine - or, in the case of an unconscious state, if it has to be posited in order to make sense of my life (2005: 20). Instead of demanding, like Locke, that we must *know* actions to be ours, we must *understand* them as ours. It is that empathic understanding which offers the explanation of moral responsibility that the PCT fails to provide.

From what Schechtman writes elsewhere, we should see an additional irony here. She points out in *The Constitution of Selves* (Schechtman 1996: 15-16) that the PCT makes much of its ability to explain responsibility as a strong point in its favour. It parades this virtue as an advantage over physical continuity or animalist theories. And yet in its efforts to avoid the difficulties facing Locke, this promise ultimately appears to be empty. It may well correctly ascribe identity and responsibility in many cases, but it fails to meet the crucial requirement of *explaining* responsibility.

Section 3: The discomfort of an appropriation reading

I will return in Section 4 to the question of how much damage this criticism actually causes to the PCT. In the meantime, I wish to focus attention on Locke and the issues with which we began. Paying attention to the appropriation theory and its motivation that were outlined above will set the stage for discussion of the responsibility requirement on theories of personal identity.

As the passages cited in Section 1 illustrate, some things Locke says suggest he is proposing an appropriation theory. The matter is not at all straightforward, however. First, Locke uses the term at the centre of this theory in what is clearly a different sense from that envisaged by appropriation theorists. Although this usage has now disappeared, in the seventeenth century the verb 'appropriate' had a number of meanings distinct from the sense of 'to take to oneself' that features in the theory. One is 'to make appropriate to', another 'to assign or attribute as properly pertaining to' (OED meanings 7 and 8 - note the inclusion of *properly* pertaining - the appropriation theory only includes what we appropriate, not what we *should* appropriate). Locke uses the word three times in his discussion³ and two of those uses are obviously in these archaic senses. He says the term *personal identity* 'appropriat(es) Actions and their merit'. That is the archaic sense - it cannot mean 'to take to oneself. Elsewhere he says, 'And therefore whatever past Actions it (the self) cannot reconcile or appropriate to that present *self* by consciousness, it can be no more concerned in, than if they had never been done' (346). Once again, the sense of 'appropriate' is the archaic one of 'attribute as properly pertaining to'. It makes no

³ He uses it only these three times in the whole of Book II of the *Essay*.

sense to read it as 'take to oneself'. And that means there is no special reason to see Locke in these passages suggesting that actions are yours in your deeming them to be your own - it is at least as plausible (far more so) to understand him as saying that if actions are not properly linked to you by consciousness (i.e., you cannot remember them), then you cannot see yourself as responsible for them. This would fit with other things he says as well. 'Consciousness unites Existences, and Actions, very remote in time, into the same Person' (1975: 340) - only a strong desire to enforce an appropriation theory can lead you to see consciousness as an active subject here, claiming actions as its own. Locke's third application of the term is the one cited by Winkler above. The passage runs, it matters not whether this present *self* be made up of the same or other Substances, I being as much concern'd, and as justly accountable for any Action was done a thousand years since, appropriated to me now by this self-consciousness, as I am, for what I did the last moment.(1975: 341)

Winkler reads Locke as saying that I am concerned with the past action once I actively take ownership of it. But given what we have seen of Locke's other uses of 'appropriate', there is no reason to see Locke as requiring consciousness to be active in this way. More plausibly, he is saying that if I am conscious of having performed a past action, then I can be concerned about it; being conscious of it makes it properly attributable to me - that is, appropriates it to me in the old sense. This is much the kind of claim Locke has traditionally been understood as making and as his contemporaries understood him, fitting the model of a 'memory theory' rather than an appropriation one. As a result, these passages provide us with no real reason to try and understand Locke anew. And once we see them in the way I am suggesting, the other evidence for taking Locke to be an appropriation theorist appears anything but convincing.

This leads us to my second point about the appropriation theory as a reading of Locke. Not only does Locke use the term in a different sense from appropriation theorists, but the proposed theory is also at odds with other things Locke says about identity and personal identity. On the appropriation view, 'the self has a certain authority over its own constitution' (Winkler 1991: 206). This would mean that a theory providing the persistence conditions for persons would be of a kind utterly different from all those that Locke discusses before he gets to persons. Those are all objective principles of individuation, with different kinds of things having different particular objective principles. Locke distinguishes between *man* and *person* and insists that the persistence conditions for persons are distinct from the persistence conditions for human beings, but offers no suggestion that the game has changed altogether at this point and that we are no longer concerned with the same sort of persistence conditions at all. His presentation of the persistence conditions of persons fits exactly the previous models:

For since consciousness always accompanies thinking, and 'tis that, that makes everyone to be what he calls *self*; and thereby distinguishes himself from all other

thinking things, in this alone consists *personal identity*, i.e. the sameness of a rational Being: And as far as this consciousness can be extended backwards to any past Action or Thought, so far reaches the Identity of that Person. (1975: 335)

There is no hint here of any notion of self-constitution or authorship. There is self-consciousness, but we have already learned from Locke that self-consciousness is an essential feature of persons, just as being an organism is an essential feature of animals, and thus it is not surprising to find it appearing in the objective persistence conditions and it brings in no implication of self-construction. Persons, for Locke, are not substances (as humans are); but they are presented as things in their own right, or 'real existences' with their own persistence conditions, and not as the self-constructs presented by appropriation theorists.

Shelley Weinberg points to a grave inconsistency between appropriation theory and Locke's commitments, grave at least in Locke's eyes (Weinberg 2011: 398-9). His concerns about responsibility have a strong theological aspect. In the passage where he suggests a link between the concept of personal identity and the appropriation of actions and their merit, his mind is on God's final judgement of us, and 'divine rectification'. For justice to be done, God can surely not rely on my fallible memory of what I have done - I may well have forgotten things for which I should be punished or rewarded and may 'remember' things I did not do (these latter points are raised by Locke himself). Since Locke is committed to divine rectification, he is committed to God's having objective knowledge of my identity; if God were to restore my forgotten memories He would need to use a criterion independent of my awareness in order to identify those memories as properly pertaining to me. That means there is an objective fact about the continuity of consciousness *independent of their own awareness* - and which is not a fact about substances - in the case of each person.⁴ And that is at odds with any appropriation theory.

Section 4: Against the responsibility requirement

Even if an appropriation theory is not the view to ascribe to Locke, that does not mean it does not have independent merits. At least in the worked-out form of Schechtman's self-understanding view, it still stands to be an improvement on the rival 'Lockean' theory, the PCT. I have argued elsewhere (Beck forthcoming) that narrative theories like the SUT are not as well motivated or attractive as their proponents would have us believe, but that need not concern us here. The crucial point in the current case between the SUT and the PCT is Schechtman's claim that by remaining true to Locke's insights regarding responsibility and identity, her theory can explain responsibility whereas the PCT cannot. This is the issue on which this section will focus. I will argue that even if Schechtman is correct that her theory succeeds in offering an explanation of responsibility, this neither counts for her view nor against the PCT as a theory of

⁴ Weinberg points (2011: 404-5) out that Locke uses 'consciousness' in two senses. One refers to 'a mental state inseparable from the act of perception by means of which we are aware of ourselves as perceivers'. The other refers to 'the ongoing self we are aware of in these conscious states'. Appropriation theorists emphasise only the first, but the second is even more important in the current context.

personal identity. My central contention will be that Locke's requirement for an explanation of responsibility should not be seen as a requirement at all.

The starting point of this paper and what led us into the discussion of the appropriation theory was the implication by Locke that any theory of personal identity must, as well as providing the conditions under which a person remains the same person over time, provide an explanation of personal responsibility. From the discussion of Section 3, you might already have begun to be wary of simply accepting what Locke sees as requirements on theories of identity. While much of what he says makes good sense, part of the case against an appropriation reading turned on his rather questionable requirement that a theory of personal identity must also meet the demands of divine rectification. There may well be good reasons for wanting an objective third-personal criterion of identity, but divine rectification is not a serious contender. So we should not simply accept Locke's word on requirements - including that of explaining responsibility.

On the face of things, it is not immediately clear why a theory of personal identity should be tasked with explaining responsibility. It is after all, at least following the way that Locke sets things up, a theory of what makes a person the same individual over time (a '*principium Individuationis*' (1975: 330)). Since none of the principles he suggests for other kinds of things have any intimations of morality, this feature would be peculiar to this one kind of thing. Locke is clear that the persistence conditions of a thing will depend on what kind of thing it is, and that seems intuitively correct; so it is to the nature of *personhood* that we must look. And one of the widely agreed points (certainly between narrative theories and the PCT) is that, at a fundamental level, persons are *agents*.

Being an agent means you are a moral *subject* as well as a moral object, which implies the capacity for moral responsibility. So there is indeed a conceptual link between personhood and responsibility. This much is accounted for in the PCT. It offers persistence conditions for the sort of thing that is appropriate as a bearer of moral responsibility, highlighting in them sophisticated psychological states which would include second-order attitudes of the kind that allow ascriptions of responsibility. But it does not go the distance of making a stronger link between personal identity and responsibility as demanded by Schechtman and appropriation theorists. The point is that it does not follow from there being a conceptual link between personhood and responsibility that there is any such link between *personal identity* and responsibility, at least not one that would require a theory of personal identity to explain responsibility. The inference fails to go through because, while the distinctive features of a kind might well appear in its persistence conditions, those conditions do not have to concern all - or indeed any - distinctive features. For example, every electron must have a particular spin, but spin will not be mentioned in the persistence conditions of electrons. So, personal identity need have nothing to do with responsibility simply because persons must have the capacity for responsibility.

You may be concerned that this response turns on a technicality. Even if it does not follow necessarily that identity must explain responsibility, there are independent reasons to think that it should. As we saw earlier, there are proponents of the PCT who themselves propose this as a feature that recommends their theory. But there is no general agreement to be found here, even among theorists of personal identity. Eric Olson presents a theory of identity that eschews responsibility entirely. On his theory (Olson 1997: 52), if your cerebrum were transplanted into another body, leaving your body that of 'a brainless being that can still breathe, digest, and do whatever a human being can do without being conscious', you would be that brainless being and not the psychologically functioning being who thinks they are you. The thinking being would be responsible for your actions, but would not be you. It might be objected that Olson has changed the subject, and that his persons are not persistents that are necessarily moral agents and are thus not *persons* at all, but something else. That sounds like a reasonable point to me, but it remains that the issue of whether personal identity must have a link to responsibility is moot. It is not as if Olson's contention that you are not the thinking survivor is obviously incoherent,⁵ as the claim for a conceptual link between personal identity and responsibility seems to require: to insist on such a link would be, in the circumstances, to beg the question.

Perhaps a more important point concerns the vagaries of responsibility. If there is a conceptual link between identity and responsibility it will be through the principle that you are responsible for all and only your actions. But this principle is a questionable one, to say the least - and that is because responsibility is much more complex and messy than the principle allows. It is obvious that you are not responsible for all of your actions - those you were forced to do being the prime example. You are not responsible for actions that were not autonomous, but they are still your actions.

That you are not responsible for *only* your own actions is less obvious. Schechtman considers cases of parents being held responsible for their children's actions or of people being responsible for things that others do as a result of their actions. She rejects these as counter-examples to the principle on the grounds that there is, in these cases, a primary ascription of an action or omission to the agent in question and that is really where the responsibility falls, leaving the model unaffected (1997: 14 fn15). But even if you find that convincing, there are other counter-examples that are not so easy to dismiss. A central tenet of Christianity is that Jesus takes responsibility for the sins of (some) humans - his sacrifice absolves those who performed the actions by taking the responsibility on himself. He is not simply receiving the punishment on their behalf, but taking the responsibility away from them. You might not believe that this works, but it is by no means incomprehensible and it marks the concept of responsibility as more complex than the proposed principle acknowledges. Nor are

⁵ The same sort of claim is made by Peter Unger in the context of a non-animalist theory of personal identity (Unger 1992: 162).

these complexities only evident in religious thought. Many young white South Africans feel responsibility for Apartheid and its consequences even though they had no causal role in it whatsoever, just as some post-war Germans feel for Nazi atrocities. In the South African case this feeling is widely seen by others as appropriate.⁶ You might argue that it is misguided, or should be seen as based in something other than responsibility. Whatever the case may be, commonsense morality appears to allow for a range of vagaries when it comes to responsibility, where responsibility and personal identity come apart.

Where does this leave the issue of what is required from a theory of personal identity? It means that the requirement that Schechtman and others ascribe to Locke and use as a tool against the PCT is not a legitimate one. Personal identity does not necessarily even coincide with moral responsibility, so there cannot be a requirement on a theory of identity that it go even further and *explain* responsibility in the sense of what it is that makes you responsible. The most that could be asked of such a theory is that it explain why it is *you* that is responsible when you are in fact responsible, and that is precisely what it does: it offers (like Locke) an account of the persistence of an entity that is the appropriate subject of judgements of moral responsibility. This acknowledges that there is a relationship between responsibility and personal identity, but (rightly) does not require that to be any sort of necessary connection. The theory should not be asked to account for all cases of responsibility and what it certainly cannot be asked to do is explain why you are *responsible*. That also seems to be part of what Schechtman argues that the PCT fails to do. Not only does this go beyond what a metaphysics of identity should offer, but it also confuses the demand to explain normativity with the requirements of a metaphysics of persistence. On these grounds, at least, no case has been presented that should move anyone from a psychological continuity theory to any other view of identity.⁷

⁶ See the discussion on Samantha Vice's work on this topic in the special edition of the *South African Journal of Philosophy* 30(4), 2011.

⁷ I am grateful to Olga Yurkivska, Thad Metz and an anonymous referee for comments on an earlier draft.

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