

## HOW MUCH FREEDOM DOES MORALITY NEED? (cf. TYE pp 24-39)

### **Notice what moral language is not claiming:**

- It does not claim that we are absolutely free.
- It does not claim that we are free to choose without any influence upon that choice. It would be difficult to make sense of moral dilemmas unless there were some external constraints upon us: I struggle to know what is the right thing to do just because there are conflicting rules, loyalties or values, and I have to choose between them.

### **What it does claim is that:**

- Whatever may happen in terms of the mechanical side of life, we experience ourselves as free agents who can make genuine choices.
- Even if I admit the existence of external moral pressure to conform to some rule, I am acting morally only if I am in a position to think about and either conform to, or reject, the pressures upon me.
- Other people, observing my behaviour, may come to conclusions about my personality and general attitude towards life. Having done so, they may predict accurately what I will do in any given circumstance. That element of prediction, however accurate, does not in itself prevent me from making a free choice.

### **CASE STUDY**

#### **John Demjanjuk**

*In July 1993 an Israeli court found John Demjanjuk innocent of being 'Ivan the Terrible', a concentration camp guard who was reported to have taken a personal delight in the deaths of 900,000 Jews in the Treblinka death camp during the Second World War. His identity was not proved, and there was conflicting evidence. Although he may not have been Ivan the Terrible, it was clear that Demjanjuk had been captured by the Germans, and had worked for them.*

'To what extent was he acting as a free man?' Here are some points raised at the time by Barbara Amiel, a British journalist:

*'John Demjanjuk was 19 years old when he was pushed into Stalin's Red Army to fight the Nazis. His education had been rudimentary. His family had suffered desperately under Stalin's man-made famine that deliberately starved to death 20 million Ukrainians. When captured by the Nazis in 1942, it seems Demjanjuk was offered a chance to work for them. What did he know of Nazi ideology? Auschwitz was in the Nazi mind, but had not yet been activated. Jews themselves did not believe in it. What would you do to get an extra crust of bread and live?'*

*'When Demjanjuk had the chance in the early 1950s to get out of the displaced persons camp in which he was, he lied to the American authorities. He did not mention that he had worked for the Nazis. To have mentioned it would have made him ineligible for an American visa and he would have been sent back to the USSR. To have told the truth in 1952 would have meant certain execution by Stalin.'*

She mentions also those Jews in the death camps who were given food and a chance to live a little longer in exchange for cleaning out the gas chambers. In such an horrific situation, she asks what she would have done, and is grateful that she was never put to that test.

She then makes a point that is central to the issue of freedom and morality:

*'How can you judge in freedom what a person does who exists in an unfree and indecent society?'*

The Demjanjuk case highlights a central point in all ethical discussion — 'To what extent are any of us free?' and 'To what extent are any of us able to judge the choices made by others, without experiencing directly the pressures and restriction on their freedom?'

## Mitigating Circumstances/ Diminished Responsibility

Consider the following cases of homicide:

1. A thief shoots and kills a bank clerk in the course of a raid.
2. A husband or wife kills his or her partner after years of provocation and unhappiness.
3. A young man rapes and kills a girl whom he has not met before, on account of his particularly violent sexual urges.
4. A psychopath, unwisely released from a secure hospital to live in the community, kills someone for no apparent reason, does not attempt to conceal the crime, and shows no remorse when apprehended and charged with murder.

***All four have killed another human being. But are they all equally guilty in a moral sense?***

- It is assumed that the bank robber freely chooses to carry a weapon. Even if the actual shot were the result of being startled by a sudden movement, for example, that does not detract significantly from the general view that his act was murder, because he exercised freedom of the will in deciding to carry a loaded weapon.
- With domestic murder, there may be a significant element of provocation. In that case, especially if the murder takes place in the course of a heated argument, it might be argued that the victim contributed to the situation that brought about the crime, or that (if sufficiently provoked) the murder took place while the person concerned was temporarily deranged. He or she might be charged with manslaughter on the grounds of diminished responsibility.
- The issue in the case of the sexual murder is one of the freedom of the murderer to decide whether or not to act

on his sexual impulses. If it can be shown that the condition is such that the young man is not in control of himself in certain situations, then psychiatric reports would be relevant evidence to bring before the court.

- In the case of the psychopath, it is recognised that he or she is not in control of his or her actions, and does not respond to the normal inhibitions and rational constraints that apply to those who are sane.

### Freedom and 'Freedom of Will'

There are extreme situations, of course, where the pressure on a person is so great, that he or she feels that there is no freedom to act otherwise. Unlike the psychopath, he or she is fully aware of the implications of the choices involved, but the need to act in a particular way is overwhelming. This is a loss of freedom, but not of freedom of the will. An extreme example of this is where it concerns life and death.

#### ***An example:***

*Survivors of a plane crash in the Andes realise that they will die unless they get food. The only possibility is to eat the flesh of those of their number who have already died. Some refuse, and die. Others, reluctantly, eat the flesh, and many of them survive.*

The fact that some of them are able to make the choice not to eat shows that the survivors can still exercise freedom of the will.

- But if the only option is death, then, in practical terms, freedom is severely limited.
- In these circumstances, can cannibalism be regarded as a morally acceptable choice?