

# J.L. AUSTIN ON EXCUSES: SOME CONSEQUENCES FOR ETHICS

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Austin's discussion of excuses<sup>(1)</sup> contains a number of very important insights which can throw light on a number of connected problems in ethics. In particular, Austin's distinctions are of great value in discussing the traditional problem of responsibility. In this short article I would like to look a bit more closely at two of Austin's examples and try to show their relevance to ethical debate.

Towards the end of Section I of 'Three Ways of Spilling Ink' Austin considers the case of a man who foresees the rather tragic consequences of his action but should not be held responsible for those consequences.

"For example, I realize that by insisting on payment of due debts I am going to 'ruin' my debtor – that is he will be ruined as a consequence of being compelled to pay. I have absolutely no wish to ruin him, even wish not to: but maybe if I don't get payment both I and others are going to suffer severely; and very likely I think he has been faintly improvident. So I demand payment".<sup>(2)</sup>

Austin insists that, although it may be said that I have ruined the man deliberately, I have not ruined him intentionally.

"At no time did I intend to ruin him; it was never any part of my intention".<sup>(3)</sup>

And he concludes:

"This, if it be admitted, is an especially interesting case: for plainly I am *not* here responsible for his ruin".<sup>(4)</sup>

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1. J.L. Austin, "A Plea for Excuses" and "Three Ways of Spilling Ink", in *Philosophical Papers*, Oxford University Press, 3rd edition, 1979, pp. 175–204; 272–87.
2. *Philosophical Papers*, p.278.
3. *ibid.*, p.279.
4. *ibid.*

This example is not as uncontroversial as Austin thinks, for, apart from the fact that many could feel rather unsure about Austin's distinction between 'ruining the debtor intentionally' and 'ruining him deliberately', failure to make a very important philosophical distinction in the notion of responsibility leads to some confusion.

In spite of what Austin says, it is not at all *plain* that I am not responsible for the man's ruin. The well-known problem with 'responsible' is that it may be used to convey two ideas: (1) causality, (2) blame. What role is the notion of 'responsible' playing in Austin's case? Is he asking whether it is right to blame me, find fault with me, hold me to account, and so on? Or is he simply asking: did I cause it? The notion of responsibility straddles these two areas, and it is important to distinguish clearly between them. In the causal sense, we speak of hurricanes being responsible for a lot of deaths; of inflation being responsible for the constant rise in prices; of an area of low pressure being responsible for rain. I think that there is absolutely no doubt whatsoever that in this sense I *am* responsible (i.e. causally responsible) for the man's ruin.

"I realize that by insisting on payment of due debts I am going to 'ruin' my debtor — that is, he will be ruined as a consequence of being compelled to pay".<sup>(5)</sup>

I demand payment — and he is ruined as a consequence of my demand. That is enough to establish my causal responsibility for his ruin. But am I to blame for his ruin? There are, of course, lots of things for which I am causally responsible without deserving blame, e.g. the good things I do, obviously. But what about the present case? I caused his ruin, and I caused it deliberately. Would I be held legally responsible for his ruin? Should I be made to pay damages? It is hard to conceive how this could happen in the circumstances of the case as described. Creditors have a right to demand payment of due debts; and the creditor in Austin's story is perfectly entitled to ask for his money back. We should note that he has this right *independently of what will happen to the debtor*. So what about moral responsibility? Is the creditor to be held morally responsible for the debtor's ruin? Is he to be blamed for this unfortunate consequence of his action? This may be the hardest question of the lot, but Austin gives us enough hints to enable us to answer it in the negative.

"I have absolutely no wish to ruin him, even wish not to: but maybe if I don't get payment both I and others are going to suffer severely".<sup>(6)</sup>

5. *Philosophical Papers*, p.278.

6. *ibid.*

Austin portrays the creditor in a sympathetic light: he is not a Shylock demanding his pound of flesh. The debtor may have been 'faintly improvident'; and the creditor and his business associates genuinely need the money.<sup>(7)</sup> We may conclude that, legally and morally (though not causally), the agent in this case is not to be held responsible (i.e. should not be blamed) for the foreseen but undesired (arguably perhaps foreseen but unintended) consequences of his action.

Of course the reverse is also possible: for one can be held responsible before the law for the consequences which he did not foresee (and, therefore, did not intend) but which he *should* have foreseen. A man may dig a trench in the middle of the road for the rain to flow into his garden and water his thirsty geraniums. There is no doubt that the man will be held responsible for any accident which might occur as a result of his unorthodox irrigation methods. It will be futile for the man to protest in this case (as the other man did in the previous case) that he did not intend the accident to happen; or that the accident was never part of his intention; or that he wished it did not happen; or that if he did not dig the canal the geraniums would wither away and die; or even that he did not know (did not imagine) that such a terrible thing would (might) happen. None of this will diminish, let alone eliminate, the man's responsibility for the accident.

Twice in 'A Plea for Excuses' Austin claimed that his discussion could throw light on ethics. Austin himself was, however, rather reluctant to spell out the moral implications of his analysis. Indeed in some cases he avoids considering issues of great philosophical interest and concentrates instead on linguistic distinctions about which one doesn't always feel sure. In the case of the man who, on his way to the scene of the riot, drives over the girl's go-cart,<sup>(8)</sup> we may stipulate, as a bit of useful legislation, that what we should say is that the man smashed the go-cart deliberately but not intentionally. (Austin admits that this may sound rather, or quite, 'odd').<sup>(9)</sup> Here again, however, as in the creditor's case just discussed, there is a more important distinction to be made between the foreseen but undesired consequences of my actions and the things I have to do, or can't avoid doing, in order to execute my plans. Driving over the go-cart is, as it were, an incidental aspect of driving without stopping, which is what I intend to do. This case can be contrasted with the different case when I wanted to use a part of the go-cart as a weapon to quell the riot with. Here, smashing the go-cart counts as part of the means that I actually take in order to achieve my end; whereas in the former case the event of the go-cart being

7. Such considerations make a lot of difference as to how we evaluate the debtor's action morally. Our judgement would change radically if we were told, for example, that the creditor deliberately set out to ruin his debtor.

8. *ibid.*, p.278.

9. *ibid.*

smashed is seen by me as an undesired side-effect of my action of driving to quell the riot.

A relevant question here would be: could my action (of quelling the riot) have been successful if this undesired result (the go-cart getting smashed) had not occurred? In Austin's case the answer is yes; in the other the answer is clearly no. Suppose a gust of wind blew the go-cart out of the way. In Austin's story I would have gone on driving without stopping – the fact that the go-cart was now out of the way wouldn't have made the slightest difference to my plan. But in the other case I would have stopped to smash the go-cart with my own hands to use part of it as a weapon with which to quell the riot.

If we are interested in moral issues, clearly these distinctions are important. I may drop a bomb on military targets and, as an unwanted side effect, kill civilians. This case is to be distinguished from the other case where killing civilians is part of my plan to intimidate the enemy and force him to surrender. Again, if I accept that my killing of civilians must be – and must be seen by me to be – only an undesired side-effect of my bombing of military targets, it would seem to follow that I should take all the necessary measures to ensure that the harm to civilians be kept to an absolute minimum. I couldn't just refuse to consider whether fewer or more would be killed if the attack was carried out one way rather than another. Moreover, if I accept the premis, would it ever be morally right or even permissible for me to use weapons of mass destruction, whose devastating effects simply cannot be controlled?

Austin does not deal directly with such moral problems. However, although in the two papers I have been considering Austin prefers to talk about donkeys, penguins, snails, flies, go-carts, cream-jugs, vases and trays, rather than about soldiers and civilians being killed and people suffering or having to make difficult moral choices, we should not allow the humorous quality of the examples to mislead us into thinking that there is no connection between them and our genuinely moral predicaments and concerns; or that any such connection as there might be is necessarily either merely co-incident or far-fetched.