

# Responsibility and Personal Identity<sup>1</sup>

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**ABSTRACT.** A theory of personal identity over time relevant to questions of responsibility for past actions should be a psychological theory because of the mind impregnated character of human actions. Psychological theories, however, are generally hard-pressed for delivering a strong conception of personal identity. The best they can do is to provide a notion of identity as connectedness and continuity of mental contents over time. This can be accounted for in terms of causal connections in and through the brain. But such connectedness should at least be complemented by narrative connectedness and continuity. The main point of the paper is that a fundamental break in a life's narrative indicates the birth of a new self – a new person – numerically distinct from the person before the break.

**KEY WORDS:** conversion, Karla Faye Tucker, moral and legal responsibility, narrative theory, personal identity over time, psychological theory, the bodily criterion

## 1. Introduction

When faced with the question what conditions are necessary for holding a person justly responsible for the result of an evil action, most of us are strongly inclined, I suppose, to mention at least the following two conditions. Firstly, the particular person – and not someone else – must have done it; and, secondly, she must have been free – in some sense – in doing it. By far most of the literature relevant to the topic deals with the latter condition. Different senses of 'free' have been proposed, attacked and defended. On the other hand, hardly any attention has been devoted to the former condition. And why

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should it be discussed in the first place? Nobody in his right mind (apart, perhaps, from a consistent utilitarian)<sup>2</sup> would dispute the matter. Holding someone responsible – blaming or punishing her<sup>3</sup> – for evil she did not do is a paradigm of injustice. I agree.

But now consider the case of Karla Faye Tucker. This American woman was executed in a Texan prison on February 4, 1998, in spite of the fact that she had become a person fundamentally different from the one she was at the time – fifteen years earlier – when she committed the capital crimes. She had changed from an impulsive, hard drugs using, violent, cruel and selfish human being into a self-controlled, kind and considerate ‘born again’ Christian.<sup>4</sup> If the Karla Tucker of 1998 is another person than the Karla Tucker of 1983 – if the two Karla’s are not identical – why should we not consider her execution to be an injustice? What I will try to establish in this contribution is that this is precisely what we should do.

The procedure is as follows. First, two approaches to the question of what personal identity consists in will be distinguished. One, focusing on the human body, is strong as far as the criterion of identity is concerned, but relatively weak with regard to its applicability to an intentionally acting, morally responsible human person. The other – psychological – approach is weaker on identity but has a better fit with our intuitions about what it means for such a person to be the same person in a life-time. Then it will be argued that there is no need to assume that the adequacy of a conception of personal identity should be measured to the degree that it can account for our moral and legal practices; that is the practices of holding people responsible for their past actions. It will be shown that there is reason, rather, for embrac-

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<sup>2</sup> J.J.C. Smart argues that holding someone responsible for another person’s evil action may be justified. See Smart/Williams (1973, pp. 69-71). An action being justified, however, is not, as such, equivalent to it being just.

<sup>3</sup> There is a conceptual relation between responsibility, in the sense of imputability, and blame or punishment (blame being the moral equivalent of the more legal notion of punishment). Responsibility is a necessary condition of blame and punishment. It makes a wrongdoer liable to blame or punishment.

<sup>4</sup> See *The Economist*, February 7, 1998, pp. 58-59. Dutch newspapers reported more extensively on the fundamental moral and religious change of Karla, which was also evidenced in a moving documentary film I happened to see on television.

ing the reverse relation. From a historical point of view, our practices seem to be sensitive to changing ideas about agency and personal identity. Thirdly a case will be presented to the effect that Karla Tucker at the time of her execution is in the relevant sense not identical to the Karla at the time of her crimes. Central in the argument is the idea that a qualitative discontinuity of a human life's narrative marks the birth of a new person. The case being established, Karla Tucker's execution is to be regarded as an injustice. Finally, a few objections to this seemingly far-reaching conclusion will be discussed.

## **2. Personal identity: the bodily criterion**

There is a sense in which it is plausible to hold that the Karla who committed the murders in 1983 is identical to the Karla who was punished and executed in 1998. One and the same body was acting subject in – was causally responsible for – the 1983 murders and passive object of the 1998 punishment and execution. The conception of identity concerned here is that of numerical identity. It should be distinguished from the notion of qualitative identity. Karla might be qualitatively identical to a monozygotic twin sister, but there is no question here of numerical identity. Karla and her (fictive) twin sister are two distinct persons and two distinct bodies, not one. The same is true of two white billiard balls which are exactly alike. They are qualitatively, not numerically identical. If one of them is painted red today, it is no longer qualitatively identical to yesterday's white coloured ball. Nevertheless, today's red painted ball is numerically identical to yesterday's white ball. It is one and the same ball.<sup>5</sup>

As the example already suggests, issues of numerical identity are primarily at home in the area of concrete particulars such as physical objects (and abstract particulars such as numbers). Is the old garden bench I recently got from my parents still the one and the same bench they bought for themselves some thirty years ago? Note that the question concerns the constitutive, metaphysical, and not the evidential criterion of identity over time. It is not about how we come to

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<sup>5</sup> The billiard ball example is Parfit's; see Parfit (1984, p. 201).

know whether it is one and the same bench, but about what identity necessarily consists in.

Such a question has traditionally, at least since Leibniz, been answered with reference to the principle of the indiscernibility of identicals, or rather its converse, the non-identity of discernibles.<sup>6</sup> If physical object A does not have the same essential properties as physical object B, then A cannot be numerically identical with B. Suppose that my garden bench is green while my parents' bench used to be white. So they have different properties. Are they on that ground numerically non-identical? The answer is no, for the simple reason that the properties concerned are accidental and not essential. The essential properties of a physical object are those properties of it without which it cannot be that particular concrete thing. Furthermore, my garden bench cannot be a particular concrete thing without being constituted by a particular heap of matter. Now, my bench happens to have had a great number of its original planks replaced by new ones. Does this change it into a numerically distinct bench from that of my parents? Not necessarily. It depends on how radical and abrupt the replacement was executed over time.<sup>7</sup>

So it seems that a coherent account can be given of the numerical identity of Karla at the time of her execution and the Karla at the time of her capital crimes. As physical objects, that is, as living bodies, they have the same essential properties. For example, they were born from the same mother at exactly the same time. In particular, they were constituted by the same structured lump of matter that developed gradually, first into the body that was causally responsible

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<sup>6</sup> See, for example, Sidney Shoemaker in Shoemaker/Swinburne (1984, pp. 72-74).

<sup>7</sup> Cf. Swinburne, *ibid.*, pp. 5-6. Another way to account for the identity of a physical object over time which is compatible with its change is to introduce tensed properties. If A and B are identical leaves and A is green in the summer and B is yellow in the fall, it should be taken to mean that if A is green in the summer then B is green in the summer, and if B is yellow in the fall then A is yellow in the fall. Leibniz principle tells us that "whatever property A has at a time, B must have at that time, and conversely" (Shoemaker, *ibid.*, p. 73). It is possible to construct puzzle cases concerning the identity of physical objects. Circumstances can be presented which make us uncertain about the identity of a particular physical object over time; cf. Noonan (1989, pp. 21-22).

for the killings of 1983, and then into the body that was killed by a lethal injection in a Texan prison on February 4, 1998.

One might object at this point that it was Karla, and not her body, who committed the 1983 murders. Granted that her body at the time of the execution was strictly, i.e. numerically, identical to her body at the time of her crimes, it is still an open question whether the Karla of 1998 was strictly the same as the Karla of 1983. There is an important truth in the objection to which I shall return. But first I want to emphasise that one cannot separate a human agent from his body. When a person P is responsible for an action of his, say the killing of Q, the action is generally taken to imply a movement of his body. Take for example the following action sequence (in reverse order): P killed Q by shooting him. He shot him by pulling the trigger of his gun. And he pulled the trigger by moving his forefinger. Human actions in the world entail bodily movements. On the other hand, when a human being acts in the world, even if it cannot be denied that his body moves, one should not overlook the fact that it is he who moves his body. An acting human being is more than a moving body. P moves his finger because he wants to shoot and kill Q and knows that he can do it by moving his finger. He wants to shoot and kill Q because he thinks it is the only way to get at Q's money. The money, he believes, will make his life more comfortable and happy. That is what he aims at, what he intends to accomplish. P's moving his body is guided by his thinking, his wants and beliefs, his values. Human actions are mind impregnated.<sup>8</sup> Although a human person is inseparable from her body – she is an embodied being – she is much more than a mere body, she is a self-conscious mind.

### **3. The psychological theory and its problems**

It is therefore not surprising that accounts of personal identity over time have been presented which are focused on consciousness and other mental phenomena, such as memory, intention, persistent beliefs and preferences. Instead of locating the identity of the person in her

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<sup>8</sup> Cf. Hampshire (1982, p. 206).

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