

## Responsibility and Justice in Aristotle's Non-Voluntary and Mixed Actions

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### Introduction

Aristotle develops his theory of moral responsibility mainly in part III of the *Nicomachean Ethics*, where he claims we are held responsible for our voluntary actions and thus liable to either praise or blame, whereas for our involuntary actions we may be liable to either pardon or pity. However, he recognizes how difficult it is to present general criteria allowing a clear-cut distinction between voluntary and involuntary actions. That is why he presents two other types of action that are somehow in-between voluntariness and involuntariness: non-voluntary and mixed actions. Notwithstanding, he fails to state exactly what should be the appropriate response to such moral actions. In this article, the author tries to show that the only way to effectively make sense of moral responsibility in non-voluntary and in mixed actions is to consider the ensemble of praise, blame, pardon and pity as constituting not two pairs of alternative responses to voluntary and involuntary actions, respectively, but rather one single scale in different degrees of the same kind of moral responsibility – with praise at the top, pity at the bottom, and several grey areas in-between. Moral responsibility in non-voluntary and mixed actions is set in those grey areas.

Aristotle develops his theory of moral responsibility mainly in book III of the *Nicomachean Ethics*, where he claims we are held responsible for our voluntary actions and thus liable to either praise or blame, whereas for our involuntary actions we may be liable to either pardon or pity. The distinction between voluntariness and involuntariness in actions determines whether we are morally responsible for an action and helps determine the most appropriate social response to an action.

However, Aristotle recognizes how difficult it is to formulate a clear, general distinction between voluntary and involuntary actions. Some actions, he says, do not seem to be neither voluntary nor involuntary. That is why he presents two other types of action that are somehow in-between voluntariness and involuntariness: non-voluntary and mixed actions. Further, he fails to state exactly what the appropriate response to

such moral actions should be. Are they liable to praise, blame, pardon, pity, or none of the above?

The following argument will try to show that the only way to make sense of responsibility – mainly, moral and legal responsibility – in non-voluntary and in mixed actions is to consider the ensemble of praise, blame, pardon and pity as constituting not two pairs of alternative responses to voluntary and involuntary actions, respectively, but rather one single scale in different degrees of the same kind of responsibility – with praise at the top, pity at the bottom, and several grey areas in-between. Responsibility in non-voluntary and mixed actions is set in those grey areas. Section I will simply mention some problems with Aristotle's criteria for distinguishing voluntary from involuntary actions; section II shall deal with non-voluntary actions; and section III will approach moral responsibility in different kinds of mixed actions, all of them highly problematic.

### *1. Problems in-between voluntariness and involuntariness*

When Aristotle first approaches the subject of moral responsibility (in *NE* III.1), he tries to determine the criterion by which moral actions should be followed by certain positive reactions or by their contraries. Thus, moral responsibility is relevant in two different realms, since reactions differ from one realm to another: the moral and the legislative (*NE* III.1.1109b30-5). Aristotle is particularly interested in studying moral responsibility because it involves the study of virtue and vice; and since the legislative cannot be detached from the problems of virtue and vice, his treatment of moral responsibility consists in the search for what is morally worthy of positive or negative reactions, both in a strictly moral perspective and in a legal one. In the moral realm, he calls positive reactions to moral actions *praise* and negative reactions *blame* – in the legislative, praise becomes *reward* and blame becomes *punishment*. The criterion for assessing praise or blame and rewards or punishments to human actions will be exactly the same. For Aristotle, that criterion is voluntariness.

He sets out to describe the defining features of voluntariness precisely in order to determine which actions should be praised or blamed and which should not, always in view of the appropriate response to actions. That is why those actions which ultimately do not pass the test of voluntariness will not be immune to responsibility. Instead, they

will be subject to other kinds of responsibility, namely pardon or pity. Aristotle distinguishes between voluntary [*hekousia*] and involuntary [*akousia*]<sup>1</sup> actions in order to state clearly that voluntariness as a relevant criterion entails praise or blame, whereas involuntariness (or at least some cases of involuntariness) entails pardon or pity. Hence, the problem of determining whether a given action is voluntary or involuntary is not a problem of determining whether there is responsibility or not for that specific action, but rather of determining to which kind of responsibility is the agent subject to: in voluntary actions, the agent is a candidate for praise or blame (which does not mean that praise or blame will necessarily be attributed), whereas in involuntary actions the agent is a candidate for pardon or pity.

Full responsibility requires that an action be voluntary, that is, free from constraints and self-determined. But often the circumstances of one's actions and personal qualities induce one to act as one does; yet this does not necessarily exonerate the agent altogether from being considered responsible for his action, that is, from being subject to some form of praise, blame, pardon or pity. This means that there is some sort of responsibility even when actions fail the test of voluntariness. However, in those cases, responsibility involves neither praise nor blame (thus being a very weak kind of responsibility), and the question remains only whether they are worthy of pardon or pity.

In order to determine which kind of responsibility is suitable for a given action, Aristotle distinguishes between voluntary and involuntary actions. At first glance, the appropriate responses seem to be correlative to the two different kinds of responsibility: for instance, praise would be correlative to blame, that is, good voluntary actions are

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<sup>1</sup> On the problem of translating Aristotle's *hekousion* and *akousion* as 'voluntary' and 'involuntary', see Hardie (1968), pp. 152-3; Joachim, (1951), p. 97; Kenny (1979), p. 27. It is true that 'voluntary' connotes an act of will, and that modern (especially post-Kantian) discussions of the power of reason over passion have tended to revolve around the 'problem of the free will', which is not at all similar to Aristotle's notion of *hekousion* since he admits that the term applies equally to the unforced acts of animals and children, as well as to human acts motivated by desire and anger. Joachim's suggestion that *hekousion* and *akousion* should be translated as 'willing' and 'unwilling' does seem to make some sense, even though it retains the connotation with 'will'. David Charles's now famous suggestion of translating *hekousion* and cognates by 'intentional' (Charles, [1984], pp. 61-2, 256-61) is indeed much closer to Aristotle's actual usage of the concept. But since most translations still contain the more traditional usage, and there is no actual possibility that someone discussing voluntariness in Aristotle might confuse it with Kantian conceptions of the will, I will continue to treat *hekousion* and *akousion* here as 'voluntary' and 'involuntary'.

praised whereas bad voluntary actions are blamed. According to this superficial view, once the criteria for assessing voluntary actions and their correlatives were set, it would be fairly easy to determine which type of responsibility is applicable.

However, the issue is much more complex than this, since this view does present some serious problems, many of which Aristotle acknowledges. Firstly, pardon and pity cannot be called correlative in the same sense that praise and blame, since they represent two different moral responses bestowed upon those involuntary actions that would be considered necessarily *bad* actions had they been done voluntarily. Aristotle never really speaks of any kind of responsibility to ‘morally good involuntary actions’, perhaps because he does not believe they exist. It is one thing to say that involuntary actions would be morally good had they been done voluntarily, and another to say that they are inherently morally good actions. This will be made clearer further on, when Aristotle’s distinction between doing a ‘just act’ and ‘acting justly’ will be addressed.

Secondly, Aristotle presents explicitly only two ways of drawing the distinction between voluntary and involuntary actions: whether they come about by force or not; and whether they occur due to ignorance or involve some knowledge of the circumstances of the action (*NE* III.1.1109b35-1110a1). However, the two paradigms fail to provide a clear-cut distinction between what is voluntary and what is not. The first paradigm seems to require that an action can only be liable to praise or blame if the agent has no external determination whatsoever to act in such a way, with no reluctance or feeling of constraint on the agent’s part. And the second paradigm seems to say that as long as the agent knows what is actually going on, the action should count as voluntary.<sup>2</sup> This means that many of our daily actions that seem to us liable to praise or blame might fail this test of voluntariness, and also that many of our daily actions seem to be simultaneously voluntary according to one paradigm and involuntary according to the other. That is why, as Aristotle says, there are disputes about whether such actions are voluntary or involuntary (*NE* III.1.1110b7-8).

Hence, there seems to be some degree of involuntariness in certain actions, and yet they are somehow still praised or blamed; and there seems to be some degree of voluntariness in some other actions, and yet they cannot be praised or blamed simply as if they had been done entirely for their own sake. They represent *hard cases* for

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<sup>2</sup> Cf. Meyer (2006), pp. 141-2.

distinguishing between voluntary and involuntary actions. In order to overcome these hard cases, Aristotle says that some actions cannot simply be deemed either voluntary or involuntary, since they are of an entirely different nature. Thus, he presents two alternative types of actions liable to responsibility: mixed [*mikta*] actions and non-voluntary [*ouk hekousia*] actions. Together, they represent a special type of liability to responsibility since they assume that praise and blame cannot simply connect respectively to (morally or legally) good voluntary actions and (morally or legally) bad voluntary actions, but must also connect to actions that are not entirely voluntary in nature. The correlativity between praise and blame thus seems to fade away.

Thirdly, just as there are hard cases when determining whether a given action is voluntary or involuntary, there are also hard cases when determining whether a given action is mixed or non-voluntary. For Aristotle, an action that fails the test of voluntariness must also produce subsequent pain and repentance in the agent in order to be considered an involuntary action – otherwise, it will be non-voluntary. Moreover, outside of cases in which one is forced to choose between the lesser of two evils, an action that is neither done under compulsion nor in ignorance of its particulars but which the agent would not have chosen for its own sake is simultaneously voluntary and involuntary. Aristotle claims that such an action is more like a voluntary action in terms of responsibility, which would probably ascertain its liability to praise or blame. If a series of actions leading to a certain result are done neither under compulsion nor in ignorance of their means, ends and consequences. Then, they would be voluntary, as would their result. Suppose, for instance, that an oncologist is a frequent smoker, which leads him to a self-diagnosis of lung cancer. On the one hand, he does not fail Aristotle's test of voluntariness; on the other hand, it is not plausible to claim that he is liable to moral blame rather than pity. Yet, whenever he lit up a cigarette, he did not seem to be choosing the lesser of two evils. Thus, it is neither simple to make him liable to responsibility for voluntariness nor to simply insert him into that grey area of mixed actions. How is one to overcome this problem?

Fourthly, there seem to be some cases in which Aristotle states clearly what kind of action we are dealing with, but which seem to conflict with his idea of responsibility in the first place. Thus, for instance, he says that children and animals perform voluntary actions (*NE* III.1.1111a25-35), but at the same time he does not seem to believe (as our common sense and penal practices also show) that they are liable to

praise or blame as if they were human adults. Would this mean that voluntariness by itself is not sufficient, after all, for determining liability to full responsibility?

Fifthly, when Aristotle sets out to discuss justice in book V of the *NE*, he claims that men perform just or unjust acts only voluntarily. When they act involuntarily, they can be said to perform just or unjust acts merely by accident (*NE* V.8.1135a15-17) – in which case they can be said to ‘act justly’, though not to perform a ‘just act’, since the latter involves voluntariness whereas the former does not. According to such claims, Aristotle establishes a connection between justice in actions and responsibility. A ‘just act’, then, would be liable to praise; an ‘unjust act’ would be liable to blame; a man simply ‘acting justly’ would be liable to neither praise nor blame; and a man simply ‘acting unjustly’ would be liable to pardon or pity. This seems simple enough. But what happens to justice in hard cases, as Aristotle himself recognizes them in those grey areas he calls non-voluntary and mixed actions? Is a mixed action that does not conform to justice necessarily a vicious action? When a ship’s captain decides to throw his cargo overboard to avoid a shipwreck, what kind of justice or injustice can one find in his actions? Aristotle does not discuss grey areas when approaching justice in actions; but, ultimately, the problem of responsibility in hard cases might also be important for attributing a new dimension to his conception of justice.

## *2. Non-voluntary actions*

One of the main characteristics to be found in voluntariness consists in assessing both criteria for involuntariness (compulsion and ignorance of particulars) *in the moment of action* (*NE* III.1.1110a12-14). If the action fails the test in both criteria, it can be termed a voluntary action. But this does NOT mean that if it passes the test in at least one of those criteria it can be termed an involuntary action. In fact, Aristotle claims that full involuntariness can only be assessed beyond the moment of action, namely when the agent is somehow pained and he repents his action (with regard to actions due to ignorance, even though pain and repentance can also occur with regard to actions performed by force). This means basically that even though voluntariness can only be determined in the moment of action, involuntariness can only be determined subsequently to the moment of action.

Hence, when the action is due to ignorance, it can only be fully liable to pardon or pity when it fulfils the following conditions:

- (1) The state of ignorance in which the agent lies with regard to the particular relevant circumstances in the moment of action must be overcome, that is, the agent must acquire the knowledge he lacked at the moment of action;
- (2) The agent must be pained in consequence either of the action itself or of the knowledge he subsequently acquired concerning the action's particular circumstances;
- (3) The agent must repent his action.<sup>3</sup>

If even one of these conditions is not satisfied, Aristotle says that the agent cannot be said to have acted involuntarily – and is thus not liable to pardon or pity – but only in a non-voluntary way. Besides voluntariness, then, Aristotle distinguishes between *akousion* and *ouch hekousion* – the involuntary and the non-voluntary.<sup>4</sup> In terms of responsibility in the absence of voluntariness, that is, in terms of pardon and pity, these different kinds of action will probably have different kinds of response. Aristotle, however, fails to specify exactly how this is to occur.

In fact, even a quick look at the remaining criteria for involuntariness shows how the distinction between involuntary and non-voluntary is still important for assessing responsibility. When Aristotle says that the agent must repent his action, it is not altogether clear what he actually means by it. In the Christian tradition, repentance as Aristotle uses it (*metameleia*) could be interpreted as some sort of internal guilt or psychological self-punishment – the agent now knows the circumstances in which he acted wrongly and mistakenly; he is pained by his mistake; he regrets intimately to have acted in the way he did and pain is regarded by him as an appropriate consequence to what he did.

For Aristotle, however, *metameleia* seems to be something more than this. Surely, repentance matters primarily to the individual's own proper way of relating to

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<sup>3</sup> As J. O. Urmson (1988), p. 58, rightly says, the requirement of repentance for involuntariness is indicative that the action liable to pardon or pity was not only done in ignorance of particulars, but also that knowledge of the particular would have made a difference in the action's performance. Thus, condition (3) somehow helps specify condition (1).

<sup>4</sup> T. Means (1927), p. 76, says that the Greek term *akousion* used by Aristotle in this context includes involuntary actions strictly speaking and actions that are simply absent of voluntariness, that is, non-voluntary actions. One should note, however, that Aristotle says clearly that they are different and hence should be called differently (*NE* III.1.1110b22-24), which means that one should be careful about how to use *akousion* in Aristotelian terminology.

his actions. After all, the distinction between involuntary and non-voluntary actions oftentimes makes no difference whatsoever legally, though it makes a huge difference in terms of how one regards one's moral character. Notwithstanding, if the discussion of voluntariness and involuntariness is necessary for the study of virtue *and* useful for the enactment of proper legislation (*NE* III.1.1109b30-35), it might often be required that certain people (such as legislators and judges, for instance) are able to assert whether the agent actually repents his actions or not. Otherwise, involuntariness loses its moral-legal significance except insofar as it is merely the absence of voluntariness, in which case it becomes irrelevant with regard to responsibility. And this is something Aristotle is clearly opposed to, since he states specifically that there are appropriate responses to morally and legally involuntary actions, chiefly pardon or pity.

In order for an agent who acted due to ignorance to be liable to pardon or pity, then, oftentimes his subsequent pain and repentance must be publicly evidenced. There is no other way for involuntariness to entail legal responsibility. And the only way to make pain and repentance public is to consider repentance a public action of retraction rather than a merely emotional reaction. Even though men's choices determine voluntariness, it is from men's actions that their characters are revealed (*NE* III.2.1111b5-6; *EE* II.11.1228a13-17).<sup>5</sup> In evident contrast with subsequent guilt-cultures<sup>6</sup>, Aristotle makes involuntariness *qua* element of responsibility (including, therefore, pardon and pity) depend upon a voluntary and deliberated action of retraction subsequent to the first action. Ultimately, praise, blame, pardon and pity all seem to depend equally on some measure of *voluntariness*: they all form different sorts of responsibility because they all require some measure of voluntariness either at the moment of the first action or at the moment of a second action of retraction.

In terms of responsibility, it is not possible to claim that, whether or not the agent repents his actions caused by ignorance, he will not be liable to praise or blame but only to pardon or pity. If one was to accept this view, there would be no difference whatsoever between involuntary and non-voluntary actions with regard to the responsibility they imply: no blame could ever be bestowed upon an agent who acted caused by ignorance. This, of course, will not do. Aristotle distinguishes between

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<sup>5</sup> However, this does not necessarily entail that virtuous characters and dispositions can never perform unjust acts. Cf. Furley (1977), pp. 47-60.

<sup>6</sup> See, with regard to the distinction between shame-cultures and guilt-cultures, Dodds (1951).



involuntary and non-voluntary actions precisely because they differ in terms of responsibility. But how can blame be attributed to an action that is not voluntary in the first place?

Let us suppose that one man wrongs another, but that his action is caused by ignorance of at least one of its relevant particular circumstances (as listed in *NE* III.1.1111a2-20). According to Aristotle's criteria for determining voluntariness/involuntariness, his action cannot be considered voluntary. In order to determine whether that action can be considered involuntary, and thus liable to pardon or pity, it must be able to fulfil the additional conditions of involuntariness. Let us suppose that condition (1), as stated above, is fulfilled and that the state of ignorance, in which he was with regard to the action's particular relevant circumstances in the moment of performance, is in fact overcome. Let us further suppose that he does not display any sort of pain or repentance to the public eye – he does not fulfil conditions (2) and (3) for full involuntariness. According to Aristotle, the action in question is neither voluntary nor involuntary. But would this mean that it is not liable to blame, pardon or pity?

For Aristotle, a man may be considered unjust when he does unjust acts by choice, and just when he does just acts by choice, insofar as these choices follow from his dispositions. He thus associates responsibility with deliberation.<sup>7</sup> When one man wrongs another, he may do so through deliberation and choice, but if he acts caused by ignorance of some relevant circumstance, he cannot have full responsibility for it since his deliberative process was faulty. But in order to determine whether he can be immune to any kind of responsibility whatsoever, he must acknowledge subsequently how his deliberations and choices were faulty and correct them by a new deliberation with a publicly observable choice. From the moment the agent acquires the knowledge he lacked at the moment of action, his action acquires a new relevance in the realm of responsibility since, from that moment on, liability to one response or another can be assessed. It is as if the action done due to ignorance – and thus not voluntary in the first place – acquired a new dimension of voluntariness. It is as if it were possible that the action became voluntary again.

Faced with the information he lacked in the first place, the agent is now expected to bring closure to his action. It is closure that will determine its responsibility status.

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<sup>7</sup> Cf. T. H. Irwin (1980), p. 130.

And since choice discriminates characters and dispositions even better than actions do (NE III.2.1111b5-6), his choice of either retracting or not retracting will eventually determine the responsibility he will be subject to. If he retracts by means of an action of retraction, he can be pardoned or pitied; if he does not retract at all and does not act in any way that can show pain and repentance, he can be blamed not for the action but for his character and disposition with reference to the action. Of course, in this sense, if he decides not to retract his action, that is, if he does not show *metameleia*, he is liable to blame not in virtue of the action caused by ignorance but in virtue of the decision of not retracting the action caused by ignorance. Once he acquires full knowledge of the circumstances of the action, he is expected to deliberate, and, in case he acts unjustly, he is expected to deliberate in a certain manner. Eventually, responsibility will always depend upon a certain level of voluntariness, even with regard to involuntary actions: pardon and pity can only be bestowed upon those who display certain voluntary actions retracting their previous involuntary actions. Consequently, non-voluntary actions by themselves are viable candidates for being liable to blame and punishment, since the responsibility they entail can only be assessed in the moment of deciding whether to retract the action or not.<sup>8</sup> Here is a case in which *akousion* involves praise or blame, as if it were *hekousion*.

In the case of actions that come about by force, they are said to be involuntary even if the agent is well aware of all of the action's particular circumstances, including the fact that he is being forced. From this setting, one could state that additional requisites for assessing responsibility in a moment subsequent to the moment of action would not apply to actions induced by force. But this is not the case. In fact, the exact same subsequent conditions for being liable to pardon or pity seem to hold also for actions done by force. The only main difference is that additional requisite (1) for assessing full involuntariness is no longer the acquisition of some knowledge lacking in the moment of action, but rather the cessation of force, that is, the suspension of the condition determining involuntariness. If one man is physically compelled to do

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<sup>8</sup> When an action is caused by ignorance, the distinction between involuntary and non-voluntary actions only becomes relevant when the agent's state of ignorance is overcome. Until then, if the agent did not know what he was doing, and still is not aware, nor is he able of being aware, then the action must be considered involuntary insofar as its deliberative process has not found closure yet. Voluntariness has not yet re-entered the equation at this point – therefore, no responsibility can yet be assessed.

something that wrongs another, he is liable to responsibility once he regains control of his own actions. From then on, what is expected of him is exactly what is expected of a man who wrongs another due to ignorance: he is supposed to be pained and to repent his actions (or the actions he was forced to be a part in). Aristotle assumes that those who act under compulsion and unwillingly, that is, those who act against what they would choose to do, act with pain (*NE* III.1.1110b10-12). Consequently, they are also expected to repent these actions and their respective consequences. Only then can they be liable to pardon or pity; only then can they be immune to praise or blame. Otherwise, they will continue to be liable to praise or blame once voluntariness has re-entered the equation. The upshot of the argument is that *akousion* continues to involve responsibility.

### *III. Mixed actions*

Aristotle acknowledges that some actions done in knowledge of all the relevant circumstances and unforced are not fully liable to praise or blame. He claims that when an agent performs actions due to circumstances beyond his control that he would never choose to perform if it were not for those circumstances, he cannot be said to have acted voluntarily. Aristotle says these are mixed actions from the viewpoint of responsibility: they are more like voluntary actions since they are neither performed by force nor due to ignorance, and their moving principle lies in the actual agent; but they are also somewhat involuntary since the agent would never have chosen them for their own sake (*NE* III.1.1110a5-20). Some of these mixed actions seem liable to praise, others to blame, and others still to pardon (*NE* III.1.1110a20-30). In other words, responsibility is determined case by case rather than generally – sometimes it might equal voluntariness's responsibility, whereas in other occasions it might equal involuntariness's responsibility.

However, the fact that the moving principle can be found in the agent in order to determine its liability to praise or blame might present certain problems. Aristotle seems to think of mixed actions as actions that might be liable to praise or blame even though they are not willed in themselves, but only chosen in view of certain adverse circumstances. They are more like voluntary actions revealing a choice for the lesser of two evils. Thus, actions that fail the test of involuntariness, and are neither caused by

force nor done by ignorance, can be liable to praise or blame even if not actually willed by the agent. The test still makes sense in this case, since sometimes it is difficult to determine which is the lesser of two evils – which is why Aristotle criticises Alcmaeon’s reasons for slaying his own mother (*NE* III.1.1110a27-30). But, if that is the case, what are the reasons for bestowing pardon upon some of these actions? And, more importantly, how can the fact that the moving principle is in the agent be the determinant criterion for assessing voluntariness-like responsibility, when all actions that can be termed *actions* must have an agent’s moving principle (otherwise, they would probably not be his actions, but simply someone else’s by which he was affected – not something he did, but rather something that happened to him)?

The problem with Aristotle’s mixed actions in terms of moral responsibility is that they seem to allow liability to praise or blame in some actions that we usually deem closer to involuntariness, whereas he seems to attribute immunity to praise or blame in other actions that he deems closer to voluntariness. In addition, even though he states clearly that mixed actions are more like voluntary actions, he seems to treat them in the context of justice more like involuntary actions. These difficulties should be approached separately.

#### *Involuntary-like situations liable to praise or blame*

In book V of the *NE*, Aristotle seems to provide one further criterion for determining involuntariness: actions not done in ignorance or forced can also be involuntary if they are not up to the agent (*NE* V.8.1135a31-b2). In this sense, an action might be called voluntary if its cause is internal to the agent and if it is up to him to perform it or not, that is, if it depends on his deliberations rather than on his biological nature. Thus, some natural processes such as growing old or dying are not involuntary since they are neither done in ignorance nor by force; but they are also not voluntary since the agent does not have the choice to not perform them. Aristotle seems to claim that an agent only acts involuntarily if he could perform such actions voluntarily on some other occasion.<sup>9</sup>

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<sup>9</sup> In this sense, see Irwin (1980), p. 147.

Natural processes such as growing old or dying seem to appear as a new kind of *akousion* beyond involuntary and non-voluntary actions. They cannot be called mixed actions, since these are more like voluntary actions. In fact, they seem to be situations, not actions. And both voluntariness and involuntariness apply to actions, not to situations. Thus, they must form some other kind of *akousion* that expresses immunity to evaluations of moral responsibility.

However, the criterion according to which an action is connected to voluntariness if the agent could have acted otherwise may also present some hard cases, especially when natural processes that are situations are brought about by voluntary actions, that is, when they would not occur if the agent had acted otherwise. For instance, actions whose cause lies outside the agent are not usually deemed voluntary, but Aristotle also admits that some actions seem somewhat compelled and yet are determined by the agent's beliefs, desires and decisions. One cannot simply say that an action is not voluntary if it is not desired in itself, since the desire for the end for which it is a means is the action's actual cause. That is precisely why Aristotle says that mixed actions are more like voluntary actions in the first place.

In the case of the smoking oncologist suffering from cancer, his sickness is a natural process and it is not in one's own hands to simply affirm one's state of health or sickness. In connection with what Aristotle says about growing old and dying, it would appear that his sickness would seem like a new kind of *akousion*, that is, immune to praise, blame, pardon and pity. In this sense, it is his action of taking up and continuing smoking that is to be assessed as voluntary (at least up to the point where he became addicted, after which the action of continuing smoking might become mixed). Thus, he is responsible for taking up and continuing smoking; it is not the situation in which he is now (sick of cancer as a result of smoking) that is to be assessed as voluntary or involuntary, for such evaluators do not apply to that situation.

Nevertheless, it is possible to claim that some natural processes not only come about as a result of the agents' beliefs, desires and decisions, but also that they come about as if they were actions. In such cases, praise and blame seem compatible with natural processes. For instance, dying is a natural process; but it is often subject to moral evaluations insofar as it is the end of a deliberate action (or series of interrelated voluntary actions). Suicide is a kind of death particularly prone to moral judgements; Aristotle is to be included in the large number of people who reproached it morally, for

the reason that a person who kills herself by cutting her own throat acts unjustly toward the state and voluntarily (NE 1138a4-16). It is not the act of cutting open one's throat that constitutes a blameable action toward the state, but rather the act of cutting open one's throat with the intent of inducing death together with the actual subsequent death. But what if one is somewhat compelled to cut open one's throat for the production of one's death, but still retains the choice to do it or not? Cato, the younger, killed himself as a protest against the established authority; Seneca, on the other hand, killed himself because he was ordered to do so by the established authority. Both physical actions are the same: dying from the slashing of one's wrists. However, both seem liable to different kinds of moral evaluation. In a sense, the same goes for deaths by lung cancer. Sickness that comes about due to past actions, desires, beliefs or deliberations is somewhat different from sickness that comes about for no apparent reason.

Hence, some situations are not voluntary, involuntary, non-voluntary, or mixed, but rather natural processes which are more like involuntariness (whereas mixed actions are more like voluntary actions) and yet still somewhat liable to some kind of blame or pity if some moments of voluntariness intervened in their development somewhere along the way. People in these situations cannot be blamed as if they had performed a voluntary action or a mixed action, but they cannot also be pitied as if they had not contributed through some past desires or deliberations to their present active state. It is as if they acted involuntarily, and yet can somehow still be blamed for it.<sup>10</sup> Blame and pity do not seem entirely incompatible at this stage.

#### *Voluntary-like actions immune to praise or blame*

In the previous case, there seemed to be a type of *akousion* liable to praise or blame. The plot thickens when one realizes that there are actions which Aristotle presents explicitly as voluntary, and yet do not seem liable to praise or blame. Let us

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<sup>10</sup> Stephen Everson (1990) develops a curious solution to this problem by distinguishing 'between those occasions on which we are affected simply as humans and those where how we are affected by the world is determined by our individual states of character' (270). In this setting, the non-smoking oncologist's lung cancer would be something which would affect him simply as human, and hence pitied, whereas the smoking oncologist's lung cancer would be somewhat determined by his individual state of character, and hence somewhat blameable. Full pardon seems to be attributable only when actions are such that they overstrain human nature entirely: in this sense, see also Warne (2006), p. 56.

recall the example of what he says about actions performed by children and animals (*NE* III.1.1111a25-35).

Aristotle seems to have difficulties in assuming that actions of which the moving principle is in the agent who is aware of its particular circumstances might be termed involuntary, since in fact such actions fail his test of involuntariness. Therefore, actions performed due to anger or appetite cannot exclude some degree of voluntariness and liability to praise or blame. However, children and animals are said to act exclusively due to anger or appetite. By following the same line of reasoning, they would not be excluded from voluntariness and liability to praise or blame. But does it make sense to impose responsibility on children and (perhaps even more strangely) on animals? Is that what Aristotle actually intends to claim?

The problem in terms of responsibility should be set once again in what is actually more praiseworthy or blameworthy. For Aristotle, characters and dispositions are the actual subjects of responsibility: intention and voluntariness matter for determining responsibility precisely because they are expressions of an agent's character and dispositions (*EE* II.11.1228a14-17)<sup>11</sup>. Actions can also be praiseworthy or blameworthy, but mostly insofar as they constitute physical evidence of mental dispositions and deliberations. The fact that an action only finds closure when the agent is aware of all its circumstances or free from compulsion, and hence able to reassess or retract his action, only proves that actions are secondary to characters when dealing with responsibility.

What is actually praiseworthy or blameworthy is how the agent's character relates to the action he performed. If someone performs an action that can be termed 'unjust', he can be liable either to blame or to pardon and pity. In order to determine the adequate response to his action, one must await how he reacts subsequently to that action. If he is pained and repents it, he shows that he merely acted unjustly and has a firm and just character, which entails liability to pardon and pity; if he is not pained and does not repent it, he shows that he actually performed an unjust act and has a deliberately unjust character, which entails liability to blame.

In this sense, children and animals seem to act voluntarily insofar as they act toward some end and for the sake of some good, even though they fail to deliberate on

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<sup>11</sup> In the words of Sarah Brodie (1991), p. 126., actions matter to determine responsibility because they are as windows to the agent's character.

the choices they make. However, those actions are not really expressions of moral characters, either because they have not formed a character willingly at this point (they have not set a habit of acting in a certain way in regard to certain problems) or because they simply have no character. Their actions are voluntary, but insofar as they do not express any characters or mental dispositions, they cannot be liable to responsibility. In fact, children and animals may be the cause and moving principle of an action of which they are aware of the main particular circumstances, but they are not the cause of the *kind* of action they performed, since they did not decide whether or not they should form a character liable to being moved by the kind of feeling or appetite that actually moved them. Thus, for Aristotle, it will not make sense to attribute responsibility to voluntary-like actions that are not expressive of characters – any kind of responsibility, one should add, including pardon and pity. The extent to which praise, blame, pardon and pity should be bestowed on agents is coextensive with the way characters can be assessed.

Such actions can only be called mixed if one adds that, like most mixed actions, they are more like voluntary actions, but, unlike most mixed actions, they do not seem at all liable to any type of social response. These actions form a new kind of relationship between some sort of voluntariness and responsibility – they refocus the subject of voluntariness and involuntariness in terms of responsibility precisely in the notions of virtue and vice.

*Justice in mixed actions: voluntary-like or involuntary-like?*

When Aristotle approaches the subject of justice in actions in book V of the *NE*, he only mentions voluntary and involuntary actions. This would probably direct the reader to make a simple connection between justice and voluntariness in the same sense that he could make it between responsibility and voluntariness based on a superficial view of book III: just acts would be voluntary and praiseworthy; unjust acts would be voluntary and blameworthy; acting unjustly could be liable to pardon and pity. Notwithstanding, there are too many problems with a simplistic connection between responsibility and voluntariness (as opposed to involuntariness), which also entail several problems with a simplistic connection between justice and voluntariness in actions.



Aristotle never really mentions mixed or non-voluntary actions in his discussion of justice in book V. If the connection could be maintained, one could say that inasmuch as mixed actions are more like voluntary actions in terms of responsibility, they would also be more like voluntary actions in terms of justice – a mixed action would be a just act or an unjust act; justice or injustice could not be considered to appear merely in an incidental way in those actions. However, he does state clearly in book V that a man may return a deposit involuntarily (*akon*) and moved by fear of some evil, in which case he cannot be said to have done a just or unjust act, but only to have acted justly or unjustly in an incidental way. Also, a man subject to some kind of pressure (*ananke*) who fails to return a deposit seems to act involuntarily (*akon*), in which case he has acted justly or unjustly in an incidental way (*NE* V.8.1135b2-9). Fear of some greater evil and psychological pressure – *ananke* here seems synonymous with ‘acting under necessity’ – are exactly those characteristics that Aristotle identifies in some actions not willed by their agents for the sake of themselves, but which are more like voluntary actions in terms of responsibility. They are mixed actions. How can he claim now in book V that they can only be just or unjust in an incidental way?

What is mostly at issue in this problem is the status that should be attributed to ‘acting under necessity’ (*ananke*) in the realm of moral responsibility. In book III, *ananke* seems to describe exactly what Aristotle calls mixed actions, whereas in book V *ananke* seems to relate to involuntariness, and thus to justice or injustice only in an incidental way. The disparity between books III and V with regard to *ananke* may be explained in terms of the text’s structural order: books V, VI and VII of the *NE* are shared with the *EE* – hence, though these passages on justice may help elucidate the subject of responsibility, one must not expect that they will coincide coherently throughout the text.<sup>12</sup> And the same can be stated of other works in the Aristotelian corpus dealing with *ananke*.

In fact, a mere superficial look at other works in the Aristotelian corpus shows how *ananke* is always treated as an element of involuntariness, except in book III of the *NE*. In the *EE*, acts under necessity (*ananke*) have the same status as acts done by force (*bia*), and both are called involuntary (*akon*) for not resting with the agent (*EE*

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<sup>12</sup> Also in this sense, see. Irwin (1980), p. 118. As W. K. C. Guthrie says, disparities and contradictions in the *NE* can sometimes be explained simply in view of its writing process, inasmuch as it forms an unrevised course: cf. Guthrie (1981), p. 358.

II.8.1225a16-19). In the *Rhetoric*, *hekousion* is clearly described as that which is not done with *ananke* (*Rhetoric* I.10.1368b9-10), whereas in the *Magna Moralia* a voluntary action is defined as that which is doable without *ananke* (*MM* 1187b34-36). Only in the *Metaphysics* does *ananke* appear to have a somewhat different status, inasmuch as it is synonymous with necessity in the sense that it cannot possibly have been otherwise (*Met* VI.2.1026b28). This last sense of *ananke* has absolutely nothing to do with how Aristotle regards *ananke* in mixed actions, since the choice in favour of the lesser of two evils is not willed for its own sake, but still constitutes a contingent action subject to deliberation and choice. That is exactly why the captain's choice to throw away his cargo in order to avoid a shipwreck seems closer to voluntary actions, since Aristotle does not say that everybody would choose the same thing no matter what, but rather leaves implicit that a vicious and greedy captain could probably have chosen differently. The dilemma, then, is between *ananke* as synonymous with mixed actions closer to voluntariness as presented in book III of the *NE* and *ananke* as synonymous with compulsion closer to involuntariness as presented in other Aristotelian works.

Aristotle does not mention mixed actions in book V probably because the notion of *ananke* he is using is synonymous with involuntariness, and thus cannot be claimed to be more like voluntary actions in terms of responsibility. When Aristotle recognizes mixed actions in book III, what he is actually assessing anew is not only that there are hard cases between voluntariness and involuntariness, but mostly that some actions done under some kind of psychological pressure or necessity are sometimes liable to praise, blame or pity. In other words, he intends to do something he had not thought of before: to subject *ananke* to responsibility, thus presenting an entirely new attenuated sense of *ananke*. But if one is to maintain that actions performed under *ananke* cannot be just except incidentally, how can they be subject to praise or blame? Are we to reject book V altogether in order to explain responsibility and justice in mixed actions?

The idea that responsibility represents a scale of different responses to different kinds of voluntariness in actions rather than a pair of correlative responses (praise-blame; pardon-pity), which ultimately entails regarding some involuntary-like actions as liable to responsibility and certain voluntary-like actions immune to responsibility, can probably help explain justice in Aristotle's mixed actions. Even though mixed actions are deemed closer to voluntary than to involuntary actions in terms of responsibility,

they still cannot be confused entirely with voluntary actions. They are more like voluntary actions because

(1) They are not done by force or due to ignorance of relevant particular circumstances, and

(2) They are sometimes reasonably subject to public reactions of praise or blame.

On the other hand, they also seem to express some degree of involuntariness, since

(1) The agent is pained for performing such actions,

(2) No agent would choose them for their own sake without being somewhat pressured into them,

(3) They can hardly be praiseworthy and full virtuous actions, and

(4) They are sometimes reasonably subject to pardon.

In the context of responsibility, full voluntariness involves exclusively either praise or blame, whereas mixed actions can sometimes be liable to pardon. What makes mixed actions distinctive is the fact that they can be pardoned, albeit resembling voluntary actions. Obviously, this does not mean that actions done under *ananke* as Aristotle understands it in mixed actions are to be necessarily pardoned. Otherwise, it would not make any sense to say that they can also be praised or blamed inasmuch as they are decided and performed while expressing just or unjust characters. What can actually be stated is that actions done under *ananke* should be somewhat associated with some sort of pardon – even though certain actions are so morally awful that death is preferable to any other alternative, as Alcmaeon’s case shows. In other words, *ananke* in book III implies responsibility; but, in book V, it implies the possibility of pardon. Some coherence must be found between book III’s voluntariness-like *ananke* and book V’s involuntariness-like *ananke* if both *ananke* and pardon are associated in terms of responsibility.

The fact remains that *ananke* in the sense used by Aristotle seems to be amenable to degrees: in involuntary actions it is complete and therefore counts as complete compulsion; in mixed actions, it has a more attenuated sense. And just as *ananke* is arranged in degrees, the corresponding responsibility to be assessed will also be arranged in degrees.

Within this frame of reference, pardon does not seem entirely incompatible with blame, for instance. A certain action may be considered unjust but, if done under

threats, it happens only incidentally – it is not an unjust act by itself. However, since it constitutes a mixed action, it is liable to blame while simultaneously subject to some sort of pardon. This attempt at harmonizing books III and V with regard to *ananke* reintroduces the notion of grey areas in the scale of responsibility: blame or punishment, in certain actions for which full responsibility cannot be attributed, must be attenuated by pardon. Responsibility is thus compatible with actions done under necessity, albeit praise and blame are inevitably to be attenuated (rather than eliminated) by pardon. In the example of the man who failed to return a deposit because he was threatened by another (*NE* V.8.1135b6-9), one can say he committed an unjust act in an incidental way for which he will still be blamed, albeit in an attenuated manner.

#### *IV. Concluding remarks*

Aristotle discusses voluntariness and involuntariness in actions precisely because he is concerned with assessing the most appropriate response to those active means expressing virtuous and vicious characters. With that intention in mind, he presents criteria for distinguishing between voluntary and involuntary actions, and their corresponding responses. Nevertheless, he soon realizes that his own established criteria give way to many hard cases. One could say he does not seem to tackle with those hard cases directly and leaves too many ‘incoherencies’ and ‘contradictions’ precisely for failing to gaze steadily at what *are* actions in the first place.<sup>13</sup> Notwithstanding, not only does he concede that hard cases originate other types of actions that are somewhat in-between voluntariness and involuntariness, he also presents additional criteria for evaluating actions’ voluntariness or involuntariness – namely, by maintaining that each action is left open to responsibility judgments until each agent has been given a chance to reiterate or retract his actions.

It is true that he never really gives a clear definition of what an action is, and he does not seem to solve entirely the problem of responsibility for these hard cases. But there is a reason why Aristotle cannot simply say that such hard cases are liable to praise or blame, and those other hard cases are liable to pardon or pity: it is the fact that these two pairs do not form two different parallel realms in which the frontier is

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<sup>13</sup> That is exactly what is sustained by Ackrill (1980), p. 100.

somewhat blurry and hard to distinguish – rather, there is no frontier between them at all since they form simply different kinds of responsibility to different degrees of voluntariness in actions.

The only way to make sense of responsibility in non-voluntary and in mixed actions is to consider the ensemble of praise, blame, pardon and pity as constituting one single scale in different degrees of the same kind of responsibility – with praise at the top, pity at the bottom, and several grey areas in-between. The arguments here presented – such as equating repentance with an action of retraction, sustaining responsibility for non-voluntary actions, maintaining responsibility to some actions that are *akousia*, withdrawing responsibility to some actions Aristotle deems voluntary, and advancing the possibility of mixing blame with pardon through the idea of attenuation of blame – only demonstrate that responsibility relates to voluntariness as if it were one single colour scaled in different shades, with the lightest on one end and the darkest on the other. Not only does this seem to make more sense of Aristotle's theory of responsibility, but it also says something quite relevant about our everyday actions, since in fact any action chosen as a means to some end seems to meet the conditions for pertaining to these grey areas, one way or another.

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