

KILLING AND DUCKING
SELF-DEFENCE AND MORAL EQUIVALENCE

Abstract

Consider the following cases.

Killing You are trapped at the bottom of a deep well and cannot move. An innocent person is, through no fault or choice of their own, falling down the well. If they land on you, they will survive, but you will be killed. You can only survive by vaporising the falling person with a ray gun.

Ducking You are trapped at the bottom of a deep well. An innocent person is, through no fault or choice of their own, falling down the well. If they land on you, they will survive, but you will be killed. You can only survive by stepping aside to allow the person to fall to their death.

According to *the moral responsibility account of liability to defensive killing*, it would be wrong to kill the falling person in the first case, on the grounds doing so is morally indistinguishable from killing an innocent *bystander* in the course of defending one's life. Instead, you must allow yourself to be killed by the falling threat.

By contrast, some proponents of this account plausibly maintain that it is permissible to evade the threat to your life in the second case, even though you foresee that an innocent person will be killed instead of you. On the face of it, these two positions appear easy to reconcile; after all, there are clear moral differences between the two cases. In the first case, you kill an innocent person by creating a new and distinct harmful sequence which violently imposes on the victim. In the second case, you allow an innocent person to die as a side-effect of redistributing harm, without even touching the victim.

However, I believe that, contrary to appearances, the two judgements cannot be easily reconciled by the lights of *the moral responsibility account*. I defend this scepticism by arguing for the following claim.

The moral responsibility account maintains that killing an innocent *threat* in self-defence is morally indistinguishable from killing an innocent *bystander* in self-defence. If this is so, then both killing an innocent threat and killing an innocent bystander in self-defence are, in terms of permissibility, indistinguishable from *ducking* a threat.

I shall defend this central claim on the grounds that on the grounds that, by the lights of *the moral responsibility account*, there is no moral feature which is both (a) essentially present in ducking but typically absent from defensive killing, and (b) makes a difference to the permissibility of acting in self-defence.

If this central claim is true, then it shows that *the moral responsibility account* reaches a counterintuitive conclusion. This would give us a good reason to suspect either that *the moral responsibility account* is mistaken in some way, or, less plausibly, that the intuitive judgement about the permissibility of ducking a threat should be revised.