**I DIDN’T THINK OF THAT**

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Sometimes an agent has good reason to do a certain thing, but she does not so much as think to do it. Imagine that one Sunday afternoon my neighbor struggles to push a broken washing machine up her concrete driveway to the curb for Monday pickup. I find the loud scraping noise annoying. It doesn’t occur to me to offer help. This is an “I didn’t think of that” case.

In a somewhat different case, the agent considers an option and chooses against it, choosing well in light of what occurs to her; but given a consideration that *didn’t* occur to her, she has far better reason to choose otherwise. Imagine: a doctor deliberates about which of two medications to prescribe for a patient, and she chooses one of them. The choice is rational in light of all that occurs to the doctor during her deliberation, but it slipped her mind (she had previously been informed) that the patient has an underlying condition given which the other medication is the far better choice.

We sometimes, too, forget to do things that we intend to do. I decide to stop on the way home to get milk, but I forget; a parent intends to drop her child at daycare on the way to work but arrives at work with the child still strapped into the car seat. These are not cases of “I didn’t think of that” but rather of “I forgot.” The agent possesses an intention to do a certain thing, but that intention doesn’t become occurrent or operative when needed, it doesn’t enter into or engage with her agential processes as it must for her to act on it.

Was I able to offer help to my neighbor? Was the doctor able to prescribe the right medication? Was the parent able to drop the child at daycare? In ordinary cases of these kinds, we commonly judge that such agents were so able. Barring unusual agential or circumstantial conditions—pathology, extreme stress, great fatigue, the distraction of a grave emergency—we will usually judge that I could have thought to offer help, the doctor could have recalled the patient’s condition, the parent could have remembered to drop off her child. These are ordinary human capacities, and (let us take it as stipulated) the agents in question are ordinary human agents, in ordinary circumstances.

What kinds of “coulds” and abilities do we affirm here? Ones that preclude excuse. In cases of these kinds, “I didn’t think of that” and “I forgot” are not excuses. They may be offered in mitigation, to establish that the failures were not of a worse kind, reflecting malice or cold indifference. But the claims do not establish that one is not at fault.

My aim here is to clarify and defend judgments that, it seems to me, we ordinarily make in cases of these kinds. Some philosophers reject these judgments, sometimes making claims that I find peculiar and unconvincing. Still, the cases raise interesting questions about agents’ abilities, and indeed, I think, about what an agent is, about where the boundary between oneself as agent and one’s environment lies. They are worth attending to.

A note before proceeding: some readers might hold that agents are *never* able to do things they do not in fact do; others might be unsure about the matter. But most of us take it for granted that commonly we are able to do things we don’t in fact do, and here I take this view as an assumption. Assuming that it is generally so, what should we say about the kinds of cases under consideration?

1. Abilities to Act

Philosophers distinguish several kinds of ability to act. A *general ability* consists of certain competences, know-how, strength, agility, and so forth needed to do the thing in question. These are grounded mostly in features intrinsic to the agent in question.[[1]](#endnote-2) Despite having tried several years to play guitar, I’m unable to play the instrument with any proficiency. In contrast, many others—Richard Thompson, for example—are quite able. Thompson has a general ability that I lack.

But even Thompson can’t play when no guitar is available. On such an occasion he lacks what is called a *specific ability* to play right there and then. With no guitar available, he has no opportunity. Things that provide (or preclude) opportunity are generally things (or absences of things) in one’s environment or circumstances. But intrinsic conditions, too, can deprive one of a specific ability to do a certain thing. When Thompson is sound asleep, he lacks a specific ability to play at that very moment, despite retaining his general ability to play, and even if a guitar is present.[[2]](#endnote-3)

J. L. Austin maintained that ‘can’ has an “all-in, paradigm use,” in which it can be employed to assert that an agent “really actually *fully can* here and now, having both ability and opportunity,” do a certain thing (1979, p. 230). As I understand what is meant by a specific ability, having a specific ability to A is equivalent to its being the case that one all-in can A. And I take it that commonly when we judge that an agent is able to do a certain thing, we believe that she all-in can do it, that she really, actually, fully can, in her actual circumstances and on the occasion in question, do that thing. Our judgment is not always or even usually that the agent generally can do that kind of thing but cannot do it there and then.

In the kinds of cases introduced at the start, what kind of unexercised abilities to do the indicated things do we commonly attribute to agents? It seems to me that we commonly judge them to have specific abilities, to be really, actually, fully able to do those things right there and then. We are not inclined to think: I generally can offer to help when it would be easy to help, but on that occasion I was unable to do so; the doctor generally can prescribe the right medication to such a patient but was unable in that case to do so; the parent generally can drop off her child at daycare but could not do so on that day. I was not struck with vocal paralysis; the doctor did not suffer cognitive malaise; the daycare center was not closed. We commonly think: on the occasions in question, in the circumstances they were in, such agents could have done, were able to do, these things that they did not do.

We think, moreover, that they could have *intentionally* done these things, for we think they could have thought to do them, or remembered to do them, and carried out intentions to do them, without the need of undue luck to succeed. And we think they could have *rationally* done these things, for we think that they could have thought of and reasonably judged to be sufficient reasons to do them, and then done these things for those reasons.

To clarify, note a distinction in scope of an agential modal, ABLES, which can be defined as prefixing “S was able to bring it about that” to the sentence that follows it. Distinguish:

1. ABLES (S did not think to A & S intentionally A-d); and
2. S did not think to A & ABLES (S intentionally A-d).

What we commonly affirm in cases like the first “I didn’t think of that” case or the “I forgot” case, I say, is an instance of (ii), not of (i). We don’t judge that I was able to bring it about that I intentionally offered help without even thinking to do so; on the contrary, we would sensibly deny that claim. Still, I say, informed that I didn’t think to offer help, we will happily add that I was able to bring it about that I intentionally offered help.

The same distinction, mutatis mutandis, can be made with respect to the ability rationally to A. Suppose that thinking of the patient’s underlying condition was needed if the doctor’s choice of the right medication was to be rationally made, that she could not have both rationally made the right choice and not even thought of that consideration. Call this consideration R. Distinguish:

1. ABLES (S did not think of R & S rationally A-d); and
2. S did not think of R & ABLES (S rationally A-d).

It is an instance of (iv), not of (iii), that I say we will affirm.

The clarification might help to dispel amazement at the idea (the fact, as I see it) that we commonly make such judgments. But skepticism about the judgments may remain. I will see what I can do to remove the doubts.

1. Necessary Conditions

Suppose that C is a necessary condition for your performing a certain action, A-ing, by time t: you cannot A by t unless C obtains by t. Suppose that C *does not* obtain and *will not* obtain by t. Are you nevertheless able to A by t?

Of course, that depends on how you stand with respect to C. If you can easily bring it about that C obtains in time for you to A by t, then C’s absence does not itself preclude your being able to A by t. A simple example: suppose that you cannot change the light bulb within the next minute unless there is a ladder under the bulb by then. No ladder will be so positioned. But there is one leaning against the wall in the room with you and the bulb, and you can easily move it under the bulb in time to change the bulb in the next minute. The absence of a ladder under the bulb does not itself preclude your being able to change the bulb in the next minute.[[3]](#endnote-4)

On the other hand, obviously the absence of a necessary condition for an agent’s A-ing *can* be part of what precludes the agent’s being able to do so. If the presence of a ladder under the bulb were necessary, no ladder were going to be so present, and you were utterly unable to get one into position, you might well be unable to change the bulb.

Let us call any condition that is necessary for an agent to A by t and that will not in fact obtain in time for the agent to A by t a *missing necessary condition*. Here ‘A’ designates an act-type, one that can be more or less complex. Thus, for example, A-ing can be *intentionally* doing a certain thing, or *rationally* doing a certain thing. There can be missing conditions that, even if not necessary for doing a thing of a certain kind, are necessary for intentionally or for rationally doing anything of that kind.

However, even when thinking of A-ing, or recalling a prior intention, is a necessary condition for the *exercise* of an ability intentionally to A, it is not thereby a necessary condition for the *possession* of that ability. Likewise, even if on some occasion thinking of a consideration R is a necessary condition for an agent’s *exercising* an ability rationally to A, that is not to say that it is a necessary condition for her *possession* of that ability. The absence of such necessary conditions does not itself preclude agents’ having specific abilities to do the things in question.

Still, when A-ing is intentionally or rationally doing a certain thing, and when thinking of some option or some consideration, or recalling some prior intention, is a missing necessary condition for A-ing, it is plausible that for an agent to have a specific ability to A, it must be that she all-in can think of that option or consideration, or all-in can recall that prior intention. The required capacity here is not itself an ability to act, since having a thought come to mind, or recalling a prior intention, is not performing an action. We might say that it is a *specific capacity*: to have it is for it to be the case that one really, actually, fully can, in the situation she is in, think of or recall the thing in question. How might we understand such a capacity?

1. Agential Capacities

Rational agents have numerous capacities that constitute and underlie our capacity for rational agency. We must be capable of forming beliefs on the basis of evidence and by inference, taking ourselves to have good reason to believe what we believe. We require perceptual, cognitive, conative, and emotional capacities to recognize considerations that provide reasons for action, and to recognize practical reasons *as such*. We must be capable of conceiving of possible courses of conduct as options open to us, and capable of deliberating and choosing rationally among such options. We require capacities for assessing reasons for and against options, for judging options best, better, or good enough on the basis of our assessments; and we must be capable of choosing on the basis of our deliberations, including our judgments of options. And, of course, we must have, for many of the options we consider, the intelligence, know-how, strength, stamina, agility, and so forth to carry out our choices.

Fruitful deliberation requires powers of imagination in conceiving of possible ends and means to those ends, and in foreseeing likely consequences of options under consideration. It requires working memory; one can’t deliberate well if one can’t keep in mind considerations that occurred to one just moments earlier. A capacity to think of considerations relevant to one’s deliberative task, and to see them as such, is required if one is to be a competent deliberator.

Further capacities are required to coordinate one’s own action through time, and to coordinate with the activities of others. We decide many things in advance, commonly retaining prior intentions in a dormant state, and relying on capacities to employ them in action at the appropriate times. We must be capable of making this transition from dormant to operative intention on cue, and we must commonly manifest this capability. Our prior intentions must tend to be stable; we must not be prone to wanton reconsideration of matters already decided. And we must be adept at impulse control and avoiding and resisting temptation, via learned technique as well as sheer will power.

Capacities are commonly possessed even when not manifested, and agential capacities are no exception. An agent with an unmanifested capacity to do a certain thing *can* do that thing.

Like abilities to act, capacities are powers, and, of course, powers commonly can be removed or diminished. Even when retained and undiminished, powers can be masked, their manifestations preempted even in their normal stimulus conditions. Great fatigue, extreme stress, or grave emergency might diminish or mask a capacity required for rational agency, and such conditions are sometimes taken to excuse agents who fail to manifest capacities that they (at least generally) possess. In some such circumstances, we might attribute a general capacity—diminished or not—but deny a specific one.

But absent such conditions, might it be that sometimes an agent all-in can manifest an agential capacity that she does not in fact manifest, one whose manifestation is not itself action? We make such judgments about abilities to act: these, we think, sometimes go unexercised even when the agents really, actually, fully can, right there and then, exercise them. It is not clear why agential capacities whose manifestations are not actions should be thought to differ from abilities to act in this respect.

When an agent possessing a capacity fails to manifest it, no doubt *something* causes her to do what she does instead. But the same, mutatis mutandis, is true of abilities. If we do not take such causes always to preclude specific abilities to act, it is not clear why we should take them always to preclude specific capacities of the kind in question.

Of course, thinking of an option, or of some consideration, in the sense at issue—having the thought of it come to mind—or remembering to do what one intends is not something that is done at will. It is not by or in performing an action that one manifests a capacity to do such a thing. But we do such things, and we have capacities to do them. Why think that the capacities cannot be specific, that sometimes even when we do not manifest them, we all-in can do so?

Consider the evidence that we might have that an agent has such an unmanifested capacity on some occasion. It might be that in many situations like the one I am in that Sunday afternoon, when it is evident that help would be welcome and I can easily provide it, the thought of offering help occurs to me. The doctor might always in the past have recalled the relevant patient history when prescribing medication. I might almost always remember to stop on the way home for milk when I intend to do so. Further, we might find in these cases no condition, such as great fatigue, extreme stress, or grave emergency, that we take to excuse agents when they fail to manifest the capacities in question. Our evidence concerning the specificity of the capacity in these cases might be as good as is our evidence concerning the specificity of abilities to act when we attribute the latter.

It might be said: the ‘can’ employed when we judge that agents can manifest capacities whose manifestations are not actions is not the all-in ‘can’ but rather one expressing an epistemic modality. Prior to the outcome, we judge that *for all we know*, the agents will manifest the capacities in question. After the fact, we confirm that *for all we knew*, they would do so.

In reply, unless we insist on the same with regard to abilities to act—denying that we commonly judge that agents all-in can perform actions they do not in fact perform, opting instead for a similar epistemic construal of our judgments of ability—it is unclear why we should insist on the epistemic construal here. If we accept an ontic modality in the one case, why deny it in the other?

1. Determinism or Chance

If determinism is true, then whenever an agent does not in fact think to do a certain thing, or think of a certain consideration, or remember to do something that she has a prior intention to do, it is settled by the past and the laws of nature that she not do so. For her to do so, either the distant past or the laws would have to have been different. But these are not up to her; she has never been able to make it the case that either of them is other than what it actually is. So, a hard determinist might reason, she could not have thought to do that thing, or thought of that consideration, or remembered to act as she intended.[[4]](#endnote-5)

But, of course, the hard determinist will equally deny that we ever have specific abilities to perform actions that we do not in fact perform. As the hard determinist sees things, we never all-in can do otherwise.

Few of us in our day-to-day lives see things this way. As I observed at the start, we commonly judge that agents can do things that they leave undone. And I suggested that it is the all-in ‘can’ that we commonly employ in these judgments. I further stated as an assumption of this paper that such judgments are commonly correct. If we take this as an assumption, we’ve set aside hard determinism. And having set aside that view’s position on abilities to act, we must reject its influence on our judgments about whether agents can manifest capacities that they do not actually manifest, when the manifestations would not themselves be actions.

Compatibilists reject the reasoning of the hard determinist with regard to abilities to act. The truth of determinism, they hold, would be no reason to deny that we are often able to perform actions that we do not in fact perform. Unless some relevant difference can be identified, it appears that compatibilists should reject as well the idea that determinism precludes capacities to do things left undone, when the doings would be thinking to act, thinking of a consideration bearing on choice, or remembering to do what one intends to do.

Suppose that determinism is false. More specifically, in the cases under consideration, suppose that until some relevant moment there remains a chance (less than certainty) that the agent will think to do the thing in question, think of the relevant consideration, or remember to do what she intends. In that case, it is tempting to think that it is just a matter of luck whether the agent thinks to do the thing in question, thinks of the relevant consideration, or remembers to do what she intends. But note that the same temptation can arise with respect to abilities to act. When an agent does not perform a certain action, if there remains until some moment a chance that she will, we might be tempted to say that it is just a matter of luck whether she performs that action by that moment.[[5]](#endnote-6)

Libertarians—those who think that free will requires indeterminism and we have free will—have sought to relieve us of this temptation. If their proposals succeed with respect to abilities to act, why think that similar proposals cannot succeed with respect to capacities to do things the doing of which is not itself action?

Some libertarians appeal to agent causation in response to the problem raised by indeterminism. When it is undetermined whether an agent will perform a certain action at a certain time, it is said, the agent’s freely doing so is a matter of her causing something—such as a motion of her body—where her free action consists in her causing that effect.[[6]](#endnote-7) But if agents can cause motions of their bodies, why think that they cannot cause the occurrence of their thoughts or intentions?

It might be replied: acting is doing something intentionally. Agents cause things only when they do things intentionally. But why think that this is so? Thinking to do a certain thing, thinking of some relevant consideration, and remembering to do what one intends are doings of things; and they are agents’ doings of things, even if they are not intentional doings.

In any event, it is not entirely clear that the libertarian’s appeal to agent causation solves the problem raised by indeterminism. Just as it remains chancy whether the agent will perform the undetermined action, so it remains chancy whether she will cause something, her causing which will constitute her performing that action.[[7]](#endnote-8) As it remains unclear whether the invocation of agent causation helps address the problem of luck with respect to undetermined action, so it remains unclear that agent causation must be invoked to address a similar problem which respect to thinking to do things, thinking of relevant considerations, or remembering to act as one intends.

1. The Agential Self

Our capacity for rational agency, I observed, relies on the functioning of various capacities whose manifestations are not themselves actions—capacities, for example, to think of options and relevant considerations, and to remember to do what we have earlier decided to do. One’s possession of such capacities figures in one’s practical identity. As Joseph Raz puts it: “our sense of who we are, which underpins our self-esteem, as well as our inclination to take or avoid risks and therefore our aspirations and ambitions, is tied up with our success in establishing a domain within which our powers of rational agency are securely reliable” (2011, p. 245), powers, he says, that are “more extensive than just our rational capacities (powers of reasoning, of decision, etc.)” (p. 227). Elaborating on the point, Gary Watson remarks that

our conception of ourselves as natural agents must acknowledge the deep ways in which the exercise of our reflective agential capacities…[is] inescapably bound up with the non-reflective exercise of a repertoire of competences that are engaged in virtually all action, including deliberation itself. Our morally responsible agency depends upon and to a large extent consists of systems of responsiveness that are “automatic” or second nature, processes and habits upon which we necessarily rely in our negotiations with the world…. Their success is our success. By the same token, their failure is our failure. (2022, pp. 116-117)

I find these comments apt. My confidence in my competence at various aspects of rational agency figures importantly in my conception of myself. My understanding of who I am is in large part one of what I can and cannot do. And my understanding of what actions I can perform relies on a conception of my capabilities to do numerous things the doing of which is not performing an action.

What one does—what one can claim as something one has done—includes not just what actions one performs but also manifestations of numerous capacities that together constitute or underlie one’s capacity for rational agency, including capacities whose manifestations are not themselves actions. *I* thought of that, *I* saw its significance, *I* remembered that. Powers to do these things are encompassed within one’s self, lying within the boundary dividing self and environment. They contribute to making oneself who one is, and to making it the case that one can do this and that. To disown the capacity to do what they empower one to do is to misunderstand who and what one is; it is to exhibit a curious alienation from oneself. And to own the manifestations is to own as well our failures to manifest these powers, when nothing out of the ordinary excuses such failure.

1. Opportunity and Ability

It would be odd, then, to contend that when one fails to think to do a certain thing, or to think of a consideration relevant to one’s deliberation, or to remember to carry out a prior intention, one’s

failure deprives one of opportunity to perform the action in question. But that is the view of Dana Nelkin and Samuel Rickless (2017) concerning cases of this last kind. The main question they address is one of moral responsibility, not ability to act, though in answering the former they take a position on the latter.

Nelkin and Rickless hold that a certain kind of ability to do the right thing for the right reasons is required for responsibility for one’s conduct; they call it an *interference-free ability*. To have an interference-free ability to A, one must have “the capacities, skills, talents, and knowledge required to A” (2017, p. 118). Further, for an agent’s ability to be interference-free, it must be that “nothing actually prevents her from exercising it, that is,… she has the opportunity to exercise it, which means that the situation is sufficiently amenable” (p. 118). To have such an opportunity, “one must be able to employ one’s skills, talents, and so on in the actual situation” (p. 118). In sum, “one must have the relevant skills and competence on the one hand, and also the cooperation of the situation on the other” (p. 118; see also Nelkin, 2011, pp. 66-71).

Nelkin and Rickless maintain that when an agent does not remember to do what she intends to do, her “lack of awareness that she is failing to so act deprives her of the *opportunity* (even if not the *ability*) to do otherwise” (p. 119). (Perhaps what they allow here is that the agent retains a *general ability* to do what she fails to do.) Agents cannot, then, bear basic (non-derivative) responsibility for failing to carry out prior intentions when they forget to do so. For they then lack an interference-free ability to perform such actions.[[8]](#endnote-9)

Nevertheless, Nelkin and Rickless accept that agents are commonly responsible for their failures in these cases. As they see it, commonly the agents’ responsibility can be traced back to their responsibility for earlier omissions when they were aware that failure to do one thing or another at that earlier time would risk subsequent failure. For example, suppose that my wife has called just as I am about to leave work. We need milk, she says. No problem, I reply, I’ll stop on the way home and get some. During the drive, before I reach the turn to the store, I begin thinking about a paper I’m working on. When I arrive home, I realize that I’ve forgotten to get the milk. Nelkin and Rickless fill in the case as follows:

Aware of the fact that his mind is beginning to stray from its present focus (on driving to the store to purchase milk), and aware of the fact that the way to the store is similar (up to a point) to the way home (which is burned by habit into his brain as one of several “rat-runs”), Randy knows that by straying into the kind of intellectual activity that demands intense focus he is running a not-insignificant risk that he will forget about his task and simply fall into the “home” rat-run by inveterate habit. At this point, he has the opportunity to raise the chances of remembering by taking some simple and easy steps: he could tell himself that he should keep his mind on task instead of getting sucked into deep philosophical thoughts (and return to his focus on driving to the store), or he could set his phone alarm to beep just around the time he expects to stop at the store (thereby shocking him out of his philosophical reverie). The problem is that Randy does neither of these things. Instead, he allows his mind to wander while doing nothing to prevent it from getting completely sucked into the kind of mental activity that will likely distract him from his obligation. It is for this reason that Randy is responsible for his omission to stop for milk on his way home from work. (2017, pp. 121-122)

Suppose, instead, that the idea that thinking about my work might cause me to forget to stop for milk never occurs to me. After all, I routinely think about my work, or other matters, while driving, almost always without any mishap at all. (Driving a routine route, after all, is not very interesting.) I might well *know* that doing such things can be distracting, but that knowledge might itself remain non-occurrent, inoperative, disengaged from my current mental processes.

I venture that this alternative scenario is far more common than the one described by Nelkin and Rickless. Just as a prior intention can remain non-occurrent when its engagement is needed, so knowledge that thinking of other things while driving risks mishap can remain non-occurrent, unengaged with one’s current activity.[[9]](#endnote-10) If the kind of scenario Nelkin and Rickless describe is in fact rare, then rarely will responsibility for failing to do what one retains a prior intention to do trace back, as they suppose, to responsibility for an earlier omission when one was aware that present inaction risked later failure. For they will have to deny the opportunity at the earlier time to take measures to avoid such risk, and denying such opportunity, they must deny that the agents possessed the required ability to take such measures. Their tracing view, then, will require them to reject many of the attributions of responsibility that we commonly make.

As Nelkin and Rickless see it, if as I begin to think about my work, it does not occur to me to do something to avert the risk of later forgetting to get milk, I lack opportunity to take such action, and am thus unable to do so. If “ought” implies “can,” then it is not the case that I ought to take any such measures. Similarly, if I am later unable to make the stop for milk, then it is not the case that I ought to do so. Nelkin (2011, pp. 108-115) endorses an “‘ought’ implies ‘can’” principle, suggesting that the relevant “can” consists of having an interference-free ability. Hence, her position appears to imply that on what I venture is the more ordinary variant of the case, I do not fail to do anything that I ought to do. That seems to me mistaken; I promised to get milk and I ought to have done so.

Returning to the question of ability, might it be that thinking about my work prevents me from remembering to stop for milk? If it does, then I might be said to lack an interference-free capacity to remember to get milk. Undoubtedly, thinking about my work might be a cause of my failure to remember. But not everything that causes one not to do a certain thing—a suggestion, an incentive, the attraction of doing something else—renders one incapable of doing that thing.

If determinism is true, then my thinking of my work is among things that determine that I not remember to get milk. But Nelkin is a compatibilist. The truth of determinism, she holds, would not preclude its commonly being the case that we *can*, in the sense required for moral responsibility, do things that we do not in fact do (2011, pp. 72-76). It has not been made clear, then, why the agent in this kind of case cannot, in the relevant sense, remember to do what she retains an intention to do.

Nelkin and Rickless remark that “remembering is not something that Randy *does*; it is, rather, something that happens to him…. He cannot simply will himself to remember” (2017, pp. 127-128). But the things we do are not limited to the actions we perform or to what can be done at will. In this case, the doing in question would be manifesting an agential capacity my possession of which figures in my identity as a rational agent. Indeed, even forgetting is something I do; I’ve done it once or twice.

They agree that there is a sense in which the agent in such a case *can* remember to act as intended, but they suggest that in the relevant sense the agent *cannot*.

While Randy is in the depths of intense philosophical focus…he may not, in fact, be *specifically* capable of recalling his earlier promise, even though he hasn’t lost the *general* ability to recall it. Thus, we would need more explanation of the grounds for claiming that Randy can retain control in the relevant sense without either awareness at the time, or awareness at an earlier time of the risk of a failure to be aware later. (2017, p. 128)[[10]](#endnote-11)

I mentioned earlier the sorts of evidence that can support judgments that agents all-in can manifest capacities whose manifestations are not themselves actions, and can do so even when they do not in fact do so. An agent’s history might reveal that she almost always does so, the situation may not differ in any discernible way from those on numerous occasions when the agent has succeeded, and so forth. It seems to me that we do commonly justifiably judge that agents all-in can do such things. If we are mistaken in so judging, I do not see that it has been shown that this is so.

Unlike Nelkin and Rickless, George Sher rejects a requirement of awareness for basic, underived responsibility. As he sees it, agents in the kinds of cases I have been considering can be responsible for their failures to act, and their responsibility for these failures need not trace back to responsibility for earlier actions or omission. Curiously, however, Sher holds that agents can bear basic responsibility for not doing a certain thing even when they are incapable of recognizing and responding to reasons to do that thing (2017, p. 16).[[11]](#endnote-12) A general capacity to recognize and respond to reasons is required, but one can bear basic responsibility for a failure to act, he maintains, even if one “is incapable of recognizing or responding to whatever reasons obtain in his particular situation” (p. 16). Apparently, the view is that it need not be the case that one all-in can recognize and respond to the reasons that one has.

On this point, I side with Nelkin and Rickless against Sher. But unlike Nelkin and Rickless, I do not see good reason to deny that agents in the cases under consideration all-in can remember to do what they intend to do. In such situations we almost always do, even when we have other things on our minds.

1. Ability Rationally to A

As I near the turn-off to the store, am I able *rationally* to stop for milk? I think we should say that I am. I can remember to do so, and so remembering I can rationally carry out my intention to get milk.

Neil Levy (2017), discussing a different case, suggests that responsibility for such a failure to act requires here that I can remember *by a reasoning procedure* to stop for milk. He considers a case (from my 2017) in which Ann does not see a stop sign, drives though the stop, and collides with another car. Ann’s attention on her driving was not as it should have been. I suggest that Ann could have kept her attention sufficiently focused on her driving. Levy agrees, but he maintains that she is not to blame because she could not have done this by a rational procedure, since doing so would have required first having the idea that her attention needed directing, and she did not have any such idea.

But could she not have had that thought? Presumably, if she had, it would not have come to her on the basis of reasoning; it would simply have occurred. Why think that responsibility requires more?

Consider Bob, who remembers and carries out his prior intention to stop for milk on the way home. He does not remember to stop by reasoning that he should so remember; he simply remembers at the point in his drive where he needs to turn to get to the store. He can be responsible for getting the milk. Thus, he can remember to do so (he *does* remember to do so) in any sense of ‘can’ required for him to be responsible for getting the milk. The required sense, then, does not require that one can remember by a reasoning procedure. Since there is no such requirement, we have no objection here to the claim that in my own case, I can stop to get milk, and can in any sense required for me to be responsible for failing to make the stop.

Levy claims that “it is reasonable to expect [an agent] to do something only if she can do it by some kind of rational procedure” (2017, p. 255). I can stop for milk by such a procedure, but perhaps I cannot remember to stop by such a procedure. Activating a non-occurrent prior intention does not typically work that way; when one does it, one simply does it. Does it follow that it is not reasonable to expect me to remember to stop?

If what is at issue is epistemic justification for believing that I will remember, the justification might be plentiful. I remember to carry out my prior intentions to stop for milk almost without fail, often when I am thinking about my work as I drive. Perhaps what is meant is that there is nothing normatively amiss in my failure to remember. I disagree. I had said I would get milk. I could and should have remembered to do so; it is morally faulty of me to forget.

1. Intentions and Desires

Having certain intentions or desires might sometimes be necessary conditions for intentionally doing a certain thing. Arguably, having some relevant intention is a necessary condition for intentionally A-ing (even if an intention to A is not be required).[[12]](#endnote-13) Similarly, having some A-supporting desire—a desire to A, a desire to do something that one sees A-ing to be a means to doing, or a desire to do something that one sees will result in one’s A-ing—might be a necessary condition for intentionally A-ing. Indeed, having A-supporting desires of sufficient motivational strength might be necessary. If one has A-opposing desires that have much stronger motivational strength than one’s A-supporting desires, one might be missing a necessary condition for intentionally A-ing.[[13]](#endnote-14)

Sometimes an agent does not do what she should do because she just doesn’t care. Such an agent might be missing a necessary condition for intentionally doing that thing. But we do not typically let such agents off the hook. “I don’t care” is not an excuse.

Perhaps we think that the agent who just doesn’t care *can* care enough to intentionally do the things she should. But we cannot desire at will; forming a desire is not an action. We do not take this fact to establish an inability in this kind of case.

Things are more complicated with intention. Sometimes intention-acquisition is not action. When I see my dog bounding toward me, my acquisition of an intention to reach out and pet him might be no more an action than is my acquisition of the belief that here he comes. But we also form intentions in making decisions, and decisions are intentional actions. Perhaps like other intentional action, a decision to A must implement an intention, one to make up one’s mind whether to A, or something of that sort. A regress is avoided since the acquisitions of intentions implemented in deciding need not be actions.[[14]](#endnote-15)

In lacking a relevant intention, then, one can be missing a necessary condition for intentionally doing a certain thing. Fulfilling that condition might require doing something the doing of which is not performing an action, namely, non-actively acquiring an intention. But, again, we commonly think that an agent missing such a necessary condition all-in can intentionally do the thing in question. We do not take the lack to be disabling.

There is a difference, of course, between not having an intention or desire, on the one hand, and not thinking to do a certain thing, not thinking of a certain relevant consideration, or forgetting to do something, on the other hand. We commonly do come to intend or desire by practical reasoning. But engaging in such reasoning can itself require that we do things—think of various things—the doing of which is not based on reasoning procedures. The capacity for practical reasoning itself depends on capacities to think of and remember various things. To be able to do most anything, we have to be able to do these latter things. If we all-in can desire or intend things we don’t in fact desire or intend, we all-in can think of things we don’t in fact think of.[[15]](#endnote-16)

**Notes**

1. Though not entirely. As Reed (2022) points out, insofar as mental content depends on history and environment, general abilities to think about certain things or decide to do various things will not be wholly intrinsic. [↑](#endnote-ref-2)
2. General and specific abilities are distinguished by Mele (2006, pp. 17-18) and Maier (2020). Fischer (2011, p. 262), too, writes of general abilities. Berofsky (2011, p. 155) uses ‘type ability’ and ‘token power’ to draw the same distinction. Vihvelin (2013, p. 11) distinguishes between narrow and wide abilities. Although her wide ability is equivalent to specific ability, her narrow ability involves more than general ability; Thompson asleep would have the latter but not the former. Whittle (2021, pp. 33-35) distinguishes between global, local, and all-in abilities, with the last equivalent to specific abilities. For further discussion of these several distinctions, see Clarke (2015). [↑](#endnote-ref-3)
3. Indeed, if we failed to see this point we might get suckered into fatalism by a very bad argument for that view. Suppose that you will not A at t. A necessary condition for your A-ing at t is that you A at t: you cannot A at t unless you A at t. By supposition, that condition will not obtain. But this fact alone is no reason to deny that you are able to A at t. For discussion, see Conee and Sider (2014, pp. 34-39). [↑](#endnote-ref-4)
4. As intended here, a hard determinist holds that determinism is true and its truth precludes our ever being able to do other than what we actually do. [↑](#endnote-ref-5)
5. For this worry about indeterminism, see Mele (2006, pp. 7-9). [↑](#endnote-ref-6)
6. See, for example, O’Connor (2000, Chapter 4). [↑](#endnote-ref-7)
7. This point is emphasized by van Inwagen (2000, pp. 10-18) and Mele (2006, pp. 63-75). [↑](#endnote-ref-8)
8. Rather than say that such agents lack opportunity, one might say that they lack some condition distinct from both general ability and opportunity. For example, an agent with a general ability to A and in circumstances propitious for A-ing might lack an interference-free ability to A at the moment if he is sound asleep. However, I do not find this alternative any more compelling than the view expressed by Nelkin and Rickless. While awake, we routinely make the transition from non-occurrent to occurrent intention, suggesting that commonly we all-in can do so; we never make this transition while sound asleep. Failure to do it on some occasion when one is wide awake is thus importantly different from a failure when sound asleep. [↑](#endnote-ref-9)
9. At several points (e.g., 2017, pp. 120, 126), Nelkin and Rickless say that it is awareness of the risk that is required for opportunity to take measures to avoid it. It is precisely such awareness that is commonly lacking in cases of the kind under consideration. [↑](#endnote-ref-10)
10. In fact, my thinking about my paper was not all that deep or intense. [↑](#endnote-ref-11)
11. He says this about a different kind of case, one of mistaken belief, but if I read him correctly, he would say it as well about cases of the kinds considered in this paper. [↑](#endnote-ref-12)
12. So claims the Single Phenomenon View; see Bratman (1987, Chapter 8). [↑](#endnote-ref-13)
13. For support for a more carefully formulated principle of this kind, see Mele (2003, Chapter 7) [↑](#endnote-ref-14)
14. Mele (2017, Chapter 2) sets out a view of deciding in line with the claims here. [↑](#endnote-ref-15)
15. For comments on earlier drafts of this paper, many thanks to Michael McKenna, Al Mele, and an audience at the 2023 Pacific Division Meeting of the American Philosophical Association.

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