

Omissions, Responsibility, and Symmetry

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If we are morally responsible for anything, then actions such as making a decision, walking about, and raising one's arm are among the things for which we're sometimes responsible. But omissions to act are surely included as well, and a comprehensive account of responsibility will cover omissions as well as actions.¹ It will address, among other questions, whether responsibility for an omission can be basic, or whether instead it must derive from responsibility for some action from which that omission results. And it will take a stand on whether an ability to do otherwise is required—or not—equally for responsibility for omissions and for actions, or whether instead there is an asymmetry here, with the requirement falling on responsibility for one of these things but not the other.

One of the few accounts of responsibility to offer such a comprehensive view is the one advanced by John Fischer and Mark Ravizza (1998).² My focus in the early sections of this paper will be on their treatment of responsibility for omissions. After outlining their account, I'll describe some cases on which, I submit, it yields the wrong verdict. I'll then venture a programmatic sketch of an alternative view of what is required for responsibility for omissions. I'll close with a brief discussion of why what is required in the case of omissions might differ from what is required in the case of action.

1. Guidance Control

Fischer and Ravizza's fundamental idea is that what they call guidance control is all the control required for responsibility, whether it is

¹ Omissions, or omissions of certain types, are sometimes called "negative acts." I'll use 'actions' in a way applicable only to "positive actions," to things such as deciding, walking, or raising one's arm.

² Zimmerman (1988) also covers omissions. I'll discuss a feature of his view in section 7.

responsibility for an action, an omission, or a consequence of either of these.³ One exercises guidance control in performing an action just in case that action issues from one's own moderately reasons-responsive mechanism. Making a mechanism one's own is, in large part, a matter of accepting that one is properly held responsible for actions resulting from processes of that type (1998: ch. 8). The requisite responsiveness is a matter of the mechanism's being appropriately receptive and reactive to reasons for acting otherwise; among possible scenarios in which there is sufficient reason for doing otherwise and that mechanism operates (and the actual laws of nature hold), there must be an understandable pattern of situations in which the agent recognizes such reasons—including moral reasons for doing otherwise—and in at least one of these situations the agent must act otherwise on the basis of that recognition (1998: ch. 3).

Importantly, Fischer and Ravizza hold that guidance control of an action, and hence responsibility for so acting, doesn't require that the agent could have done other than perform that action. I'll describe below their argument for this claim.

Building on their account of what's required in the case of action, Fischer and Ravizza offer a view on which "the *same* basic ingredients employed in the account of guidance control of actions are used in the accounts of guidance control of consequences and omissions" (1998: 254). In these cases, too, guidance control is said not to require a certain type of alternative possibility; one can be responsible for omitting to perform a certain action even if one is unable to perform that action, and one can be responsible for a state of affairs that results from one's action or omission even if one couldn't have prevented that state from obtaining. Fischer and Ravizza thus present a unified and systematic account, and they take its systematic nature to be a virtue. "That the complex and apparently disparate phenomena of moral responsibility can be explained in terms of a relatively simple set of ingredients," they maintain, "adds considerably to the cogency of the theory" (255).

It will of course be a good thing if significant unification can be achieved in a comprehensive account of the control required for moral responsibility. But systematicity should not be purchased at the cost of a radical clash with some quite clear judgments about individual cases. And as it stands, Fischer and Ravizza's view produces such a clash.

³ Guidance control, Fischer and Ravizza hold, is the "freedom-relevant" requirement for moral responsibility. They allow (1998: 12–13) that there might be a further epistemic requirement, such as that one have been aware (or that one could reasonably have been expected to be aware) that one was doing the thing in question.

2. Frankfurt Cases

The core of Fischer and Ravizza's argument that responsibility for actions doesn't require an ability to do otherwise focuses on cases of preemptive overdetermination of a sort deriving from Harry Frankfurt (1988a). In such a case, an agent performs a certain action on his own, but in conditions that ensure that he would be made to do that thing anyway, if he didn't do it on his own. Given the ensuring conditions, he couldn't have done other than perform that action. But since, we suppose, he's unaware of the ensuring conditions and they play no role in bringing about his action, he can nevertheless be responsible for what he does.

Here is one such case, a variant of one that Fischer and Ravizza (1998: 124) call **Hero** (I'll call this variant the same):

Matthew is walking along a beach when he sees a child struggling in the water. He believes that the child will drown unless he saves him. Matthew decides to save the child, he jumps into the water, and he rescues the child. Unbeknownst to Matthew, had he given serious thought to not saving the child, someone monitoring his thoughts would have intervened and made him carry out the rescue. The intervention didn't occur; it wasn't necessary. Matthew decided and acted on his own.

Apparently, Matthew might be responsible for saving the child even though he couldn't have done other than save him.⁴

A number of interesting observations have been made about such cases. It has been noted, for example, that there is *something* that the agent didn't do but could have done—in **Hero**, Matthew didn't give, but apparently he could have given, serious thought to not saving the child.⁵ And it has been observed that the agent in such a case possesses a general capacity—a type of ability—to do otherwise that isn't in fact removed and that he isn't in fact prevented from exercising, even if that capacity would have been removed or blocked if, for example, the agent had shown any sign that he might exercise it. Matthew, for example, retains a general capacity to remain standing where he is, a capacity that isn't in fact destroyed and that he isn't in fact prevented from exercising, even if one or another of these things would have

⁴ Fischer and Ravizza (1998: 124) say that Matthew *is* responsible for saving the child. Apparently they take it for granted that, bracketing the monitor's readiness to intervene, all that is needed for responsibility is present. In judging this and subsequent cases, I'll similarly assume that any responsibility-undermining factors have been explicitly mentioned in the presentation of the case.

⁵ Fischer (1994: 134) calls such open alternatives "flickers of freedom." He argues (134–47) that they aren't sufficiently robust to ground responsibility.

happened had he thought seriously about staying put.⁶ Though these points are correct and important, there's a plain sense in which Matthew isn't able to do other than rescue the child. Responsibility for actions doesn't require that one be able to do otherwise in this sense.⁷

What about responsibility for omissions? Consider a case that Fischer and Ravizza (1998: 125) call **Sharks**:

John is walking along a beach when he sees a child struggling in the water. He believes that the child will drown unless he saves him, but John decides not to bother. He watches as the child drowns. Unbeknownst to John, several sharks are patrolling the water between the shore and the child. They would have eaten John had he jumped in and swum toward the child.

As Fischer and Ravizza see it—and I agree—John isn't responsible in **Sharks** for not saving the child. He might be responsible for deciding not to bother, and for not trying to save the child. But it looks as though he's not responsible for not saving the child because he couldn't have saved him.

Comparison of **Hero** and **Sharks** might suggest an asymmetry between actions and omissions, that while an ability to do otherwise isn't required for responsibility for actions, an inability to do what one omits to do precludes responsibility for not doing it. But things aren't so simple. As Frankfurt (1994: 620) has pointed out, we can imagine a variant of **Sharks** that is more closely analogous to **Hero**, and in this case the agent seems to be responsible for omitting to do something that he couldn't have done. Call this case **Sloth**:

John is walking along a beach when he sees a child struggling in the water. He believes that the child will drown unless he saves him, but John decides not to bother. He watches as the child drowns. Unbeknownst to John, had he given serious thought to saving the child, someone monitoring his thoughts would have intervened and prevented him from deciding to do that (or acquiring any intention that might have led to his doing that), thus ensuring that John would not save the child. The intervention didn't occur; it wasn't necessary. John omitted on his own to rescue the child.

⁶ See, for example, Fara (2008), Smith (2003), and Vihvelin (2004).

⁷ As is commonly done, I allude here to someone's being able or unable *in a sense* to do a certain thing. The point is that there is a type of ability that the agent has or lacks. I don't mean to claim that the words 'able' or 'ability' are ambiguous.

In **Sloth** (we are to suppose), nothing would have prevented John from saving the child had he decided to do so. And nothing made him decide not to or actually prevented him from deciding otherwise. Here, Fischer and Ravizza's judgment—and mine—is that John can be responsible for not saving the child, even though he couldn't have done what he omitted to do. What sort of control, then, is required for responsibility for omissions?

3 Fischer and Ravizza's Symmetrical Approach

To handle the variety of cases, Fischer and Ravizza propose that we distinguish two types of omission. On the resulting account, an ability to do what one doesn't in fact do isn't required for responsibility for either type of omission. The account is thus symmetrical in rejecting a requirement of an ability to do otherwise for responsibility for actions as well as for omissions.

A simple or bodily omission is said to be a failure to move one's body in a certain way, such as a failure to raise one's hand. Such an omission, Fischer and Ravizza contend, is fully constituted by "the way one actually moves one's body" at the relevant time, "where this can include simply keeping the body still" (1998: 132). A complex omission, such as John's not saving the child, involves the way the agent actually moves his body and a relationship between that bodily movement and some relatively finely specified state of affairs, such as the child's not being saved by John, that he thereby brings about.⁸ We

⁸ Where I've referred to a state of affairs that results from the way one moves one's body, Fischer and Ravizza refer to "a relatively narrowly specified negative consequence-universal" (1998: 134). They stipulate that while "the actual causal pathway to a consequence-particular is an essential feature of it, so that if a different causal pathway were to occur, then a different consequence-particular would occur...., the same consequence-universal can be brought about via different causal antecedents" (96). Agents and their behavior, they maintain, can cause or bring about consequence-universals.

Universals can be construed as abstract entities, not in space or time, or as immanent repeatables, capable of being wholly present at many places at once. In neither case are they good candidates for causal relata. One might cause redness to be instantiated, in which case one causes a certain instantiation of redness; but one does not cause redness, which is either eternal or in any case exists independently of what one does.

What Fischer and Ravizza call consequence-universals are, I think, better taken to be concrete particulars of a certain sort. Those that figure in complex omissions are, I take it, relatively finely specified states of affairs.

It might be denied that what one actually does when one omits to act is what brings about the consequence in question. Sartorio (2009) argues that one's *not* doing a certain thing is what causes such a consequence. Even if that claim is correct, there remains a sense in which, for example, the child's not being saved by John results (even if not causally) from his remaining on the beach, for his standing on the beach at a certain time *t* precludes his saving the child at *t*. For further discussion of this point, see Clarke 2010: 171.

may fruitfully think of a complex omission, Fischer and Ravizza suggest (134), as a bringing about of such a result.

According to the proposed theory, one has the control required for responsibility for a simple omission just in case “one’s actual bodily movement ... (which fully constitutes the omission) issues from one’s own, moderately reasons-responsive mechanism” (1998: 133). More precisely, suppose that someone’s omitting to *A* is constituted by the actual movement of his body in a certain way *B*, which issues from a mechanism of kind *M*.

It must be the case that, holding the operation of *M* and the natural laws fixed, there is a suitable range of scenarios in which the agent recognizes sufficient reasons (some of which are moral reasons) to move in some alternative way *B**, and in at least one scenario in which the agent has a sufficient reason to move in way *B**, he does so (for that reason), and his doing so would count as his doing *A*. (133)

For example, imagine that I omit to scratch my head, instead leaving my hand at my side. Assuming that the mechanism issuing in my leaving my hand at my side is my own, what is required is that, holding fixed the laws and the operation of this type of mechanism, there’s an understandable pattern of scenarios in which I recognize sufficient reason to move my hand in a certain other way, some of the recognized reasons are moral reasons, and in at least one of the scenarios in which I recognize sufficient reason to move in that alternative way, I do so, for that reason, and my so doing is my scratching my head. Fischer and Ravizza’s treatment of responsibility for simple omissions, they remark, is a special case of their treatment of responsibility for actions.

Guidance control in the case of complex omissions is a two-stage affair. It requires that one’s actual bodily movement issue from one’s own, moderately reasons-responsive mechanism, and that the subsequent state of affairs that one thereby brings about be suitably sensitive to one’s failure to move one’s body in a certain alternative way.⁹ Regarding the latter sensitivity, suppose that someone, *S*, moves his body in way *B* at time *T*, with the movement issuing from a mechanism of type *M*, and *S*’s moving his body in way *B* at *T* brings about some state of affairs *C* at *T*+*i* by way of process *P*. The resulting state

⁹ Fischer and Ravizza sometimes (e.g., 1998: 133) state the sensitivity requirement this way, as requiring sensitivity to a failure to move otherwise. At other points (e.g., 1998: 135) they say that what is required is sensitivity to the agent’s bodily movements. I take it that condition (2), which follows in the text here, clarifies what is meant. For ease of expression, I’ll generally use the second formulation.

of affairs is appropriately sensitive to how *S* moves his body just in case there is a suitable range *R* of scenarios in which an *M*-type mechanism operates (and the actual laws hold), and a way *B** of *S*'s moving his body, such that:

- 1) *S* recognizes what can be seen as an understandable pattern of reasons for action (in the scenarios that compose *R*), some of which are moral; and there is some possible scenario in *R* in which *S* has reason to move his body in way *B** at *T*, and *S* does move his body in *B** at *T* (for that reason)....
- 2) If *S* were to move his body in way *B** at *T*, all other triggering events (apart from *B**) that do *not actually* occur between *T* and *T+i* were *not* to occur, and a *P*-type process were to occur, then *C* would not occur. (1998: 135)

The second condition here is the same as one that figures in Fischer and Ravizza's account of responsibility for consequences, reflecting a required sensitivity of consequences to how one behaves. Responsibility for complex omissions, on their view, is a special case of responsibility for consequences.

The account employs the notion of a triggering event, which Fischer and Ravizza take to be an event that initiates, or would (if it occurred) initiate, a causal chain leading to some consequence, where the idea of initiation is said to be a commonsense one.

So, for example, if a lightning bolt hits a house and there is a resulting fire, the event of the lightning's hitting the house could be said to initiate the sequence leading to the destruction of the house. And this is so—in our view—even if there were certain atmospheric events that antedated the lightning bolt and which led to it via a causally deterministic chain. (1998: 114)

As we'll see, in many cases it is far from clear how this notion is to be applied. For now, however, we can operate with a rough conception guided by the example.

Let's return to the two cases of complex omission. In **Sharks**, presumably, the bodily movement that John actually makes issues from his own, moderately reasons-responsive mechanism. But there's a problem at the second stage. Had John jumped in to save the child, the sharks would have eaten him. (Fischer and Ravizza [1998: 136, note 19] deny that the sharks' sensing that John has jumped into the water would count as a triggering event whose nonoccurrence must be held fixed. It would itself be triggered, they say, by John's jumping into the water and so wouldn't count as initiating a causal sequence.) The

child's not being saved by John is thus not suitably sensitive to John's bodily movements. John isn't responsible in **Sharks** for not saving the child. His lack of responsibility can be explained by the lack of guidance control at the second stage, and without appeal to John's inability to save the child.

The symmetrical view likewise yields the correct verdict about **Sloth**. In this case, because of the would-be intervention, John can't move his body in a way that would result in his saving the child. Nevertheless, we may again presume that his actual bodily movement issues from his own, appropriately responsive mechanism, since the would-be intervention doesn't figure in that mechanism. Presumably, in various scenarios in which the monitor is absent, and in which the actual mechanism operates, John decides to save the child and makes an effort to do so. And in this case, there *is* the required sensitivity at the second stage. Had John moved his body in a certain alternative way identified by condition (1), the child's not being saved by John would have been averted.¹⁰ John is responsible for not saving the child despite the fact that, given the presence of the not-actually-active ensuring condition, he couldn't have done so.

4. Some Remarks on Omissions

Several features of Fischer and Ravizza's characterization of omissions warrant comment. Consider, first, the claim that a simple omission is constituted by the way one actually moves one's body at the relevant time. It is allowed that the way one actually moves one's body "can include simply keeping one's body still" (1998: 132). But more than this needs to be allowed. On some occasion when one omits to do a certain thing, one might neither move one's body nor keep it still. One's body might be moved by someone or something else, and not by oneself. Or it might remain still without one's keeping it still; one might be sleeping soundly at the relevant time. (I might omit to meet a friend for a late drink because I've fallen asleep.) The notion of a bodily movement that is employed in the account would need to be relaxed to include each of these possibilities.

Even so emended, the view faces several difficulties. One is to say just what relation of constitution is being invoked. Apparently it must be something other than identity. I might omit several things at one time, for example, to scratch my head and to touch my nose. If these

¹⁰ Fischer and Ravizza require that, in this alternative scenario, the same type of process by which the agent's movement brought about the actual result would operate. It is in fact difficult to see how this could be so; I'll discuss this point in the next section.

omissions are things at all, they aren't one thing—they aren't identical. (The first might comply with a request by Ann, the second fulfill a command from Carl.) The way my body actually moves at the time evidently isn't identical with either.

In fact, constitution of familiar sorts seems to be the wrong relation here. Anything wholly constituted by a material object is, it seems, an object, and anything fully constituted by a neural event is an event. But consider a case in which, when omitting to raise one's arm, one is moving it in some other way, for example, waving it about at one's side. If the omission were wholly constituted by this bodily movement, then, it seems, it would itself be a movement. But that seems wrong; the omission is the failure to make a certain movement. Further, if the omission were fully constituted by the actual movement of one's arm, then, it seems, it would inherit certain properties of that movement. Suppose that one starts moving one's arm about rapidly, slows down, and then finishes with more rapid movements. It would be wrong to say that one's omitting to raise one's arm was first fast, then slowed, then became fast again.

Locations and causal relations would also, it seems, be inherited. Consider the first of these. The following principle seems to correctly characterize familiar forms of constitution:

If something *x* fully constitutes something *y* and *x* has a location, then *y* has that same location.

(If this matter fully constitutes this table, and if the matter is here, then the table, too, is here.) Since the movements (or stillnesses) said to constitute omissions have locations, the constitution view would seem to locate omissions. But its assignments of location will in many cases be mistaken.

Suppose that you omit to go for a swim in the ocean at noon. (Perhaps you'd promised to join me for a swim, but you forgot, or you decided that hiking would be more fun.) On the suggested view, it seems, this omission will count as a bodily omission; performing the omitted action would require no more than that you complete certain movements of your body in a certain place at a certain time.¹¹ That bodily omission will be said to be fully constituted by the movement of your body at the relevant time. But you might be miles from

¹¹ Fischer and Ravizza discuss a case in which an agent walking along a beach sees a child struggling in the water but refrains from jumping in to save the child. They count the agent's "failure to jump into the water and head toward the struggling child" (1998: 136) as a simple, bodily omission. Your not swimming in the ocean is an equally good candidate.

the ocean at noon, hiking on a distant mountain. Your omitting to swim at noon is then, apparently, said to be located far from the ocean. If omissions are located, that seems the wrong location to assign this one.¹² The omission might have immediate effects—such as my disappointment—right there on the beach; in contrast, any impact that your movement on the mountain has on the beach will come a bit later.

If constituting entities are causes and effects, then it seems that the constituted things are as well. The following principle seems plausible:

If something x fully constitutes something y , then any cause of x is a cause of y , and anything caused by y is caused by x .¹³

(If my brain activity fully constitutes my thinking, then what causes my brain activity causes my thinking, and what my thinking causes is caused by my brain activity.)

However, suppose that while hiking at noon you encounter a bear and turn around to run. The appearance of the bear causes your actual bodily movement at noon, but it doesn't cause your omission; the bear is irrelevant to your failure to go for a swim. And if your not swimming has effects, one of them might be my disappointment in having to swim alone. But your turning around to run isn't a cause of my disappointment.

With regard to the time at which the constituting movement takes place, we might think that this is easily enough identified with the time of the omission. But what is the latter? Sometimes there is a lengthy period during all of which one neglects or intentionally omits to do a certain thing. One might neglect to pull the weeds all summer, or refrain for years from running because of one's fragile knee. It doesn't seem right to say that all of what one's body actually does during such periods constitutes such omissions; but there seems no principled way of selecting only some that does.

The preceding might be accepted; one might think, never mind whether how one's body actually moves (or remains at rest) *constitutes* a simple omission, the point is that responsibility for the omission hinges on whether the actual disposition of one's body (its motion or rest)

¹² Dowe (2009: 33) reports that "The Australian Police Force records failures to attend [assigned court sessions] as occurring where the attending should have occurred."

¹³ Why not: if x fully constitutes y , then x and y have the same causes and effects? Were such a principle plausible, nonreductive materialism about the mental would easily escape the exclusion problem; in fact it doesn't so easily escape.

during some interval issues from an appropriately reasons-responsive mechanism. As I've just argued, selecting the relevant interval will not always be an easy task. I'll argue in the next section that, even setting this problem aside, responsibility for a simple omission doesn't hinge on the nature of the mechanism that produces one's actual movement.

On Fischer and Ravizza's view, responsibility for complex omissions requires a kind of sensitivity of some resulting state of affairs to one's bodily movement. We are to consider the process by which one's actual movement causes that state of affairs and whether a certain other movement by the agent would avert that result, with the same process operating.

There are several objectionable features here. First, the process in question would not seem to be a causal process. Suppose that in **Sloth** the child can't see or hear John, and imagine that what John does is simply continue strolling along the beach. There are several reasons to think that his doing so doesn't cause the child's not being saved by him. For example, that result would seem to be utterly insensitive to how John walks, or whether he instead stops and watches, or whether he sits down and eats a sandwich, or whether he sings the national anthem. Causal effects are not commonly so insensitive to alterations in their causes (particularly where there is no overdetermination, which seems to be the case here).

Suppose that we can nevertheless make sense of there being some type of process *P* by which John's actual bodily movement brings about the child's not being saved by him. In **Sloth**, if John had jumped in and tried to rescue the child, his movements would have resulted in the child's being saved by him. There would then have been a causal process connecting certain of his movements with that result. But it would have been too different from process *P* to plausibly count as one of the same kind. Yet Fischer and Ravizza require that the same type of process operate in both the actual and the alternative scenario.

Finally, note that a large class of omissions is apparently left out of Fischer and Ravizza's two categories: neither covers omitted mental actions. I might promise to think about what you've said but fail to keep my promise; you might intend to make up your mind well before the deadline whether to attend a conference but realize when the time comes that you haven't decided the matter. Much of our intentional activity is mental, and many of our omissions are omissions of mental actions. An account of responsibility for omissions should cover these. They are surely not what Fischer and Ravizza call complex omissions, but neither do they fit the characterization of bodily omissions. While one's body might well move when one omits some mental action, no overt bodily movement constitutes such an omission. It might be

proposed that certain internal changes within one's head constitute it; but I see no good way of saying which such changes constitute one's *not* thinking about a certain thing.

While Fischer and Ravizza distinguish between simple and complex omissions, there are some other distinctions that, I'll suggest below, need to be made. Some omissions are intentional, and some aren't. I might plan to buy milk on my way home but then forget to do so. My omission isn't intentional. On the other hand, if I abstain from voting on a certain occasion, I intentionally do not then vote.

Intentional omissions at least generally result from one's having an intention with some relevant content, such as an intention not to vote. Intentions are sometimes actively formed in making a decision to do or not do a certain thing. Other times intentions are nonactively acquired. While walking in the woods, one might see a sprig of berries and spontaneously reach out and break it off. One's action is intentional, and one intends to break off the berries, but one need not have decided, or otherwise have actively formed the intention, to break them off. One might have come to have that intention in the same way in which one came to have the desire to break off the berries (Audi 1993: 64). Intentions not to act can be similarly nonactively acquired.

Omissions, then, can be intentional or not, and when intentional, they can result from an actively formed intention or from one that was nonactively acquired. What an account of responsibility says about omissions will have to vary depending on these variables.

5. More Cases

With respect to both simple and complex omissions, I contend, Fischer and Ravizza's theory of responsibility gets things wrong. Consider first a case of simple omission, which I'll call **Itch**.

My head itches. I consider scratching it but decide not to. I omit to scratch my head, leaving my arm at my side. Nothing forces me to so decide and omit; I do so on my own. But unbeknownst to me, Sue is standing behind me, and had I tried to scratch my head, she would have grabbed my arm and prevented me from scratching.

The case is similar to **Sharks** and, more closely, to a case that Fischer and Ravizza (1998: 126) call **Flat Tire**:

You're a small-time criminal who spots an expensively dressed man sitting in his Mercedes, which has a flat tire, on a dimly

lit street in a deserted part of town. Although tempted to rob him, you decide not to. Unbeknownst to you (and to the driver as well), the Mafia has put drugs in the trunk of the Mercedes, and five thugs are watching the car from nearby. Had you attempted to rob the driver, they would have killed you.

In **Flat Tire**, you omit on your own to try to rob the driver, and you might be responsible for not so trying. But had you so tried, someone would have prevented you from succeeding. As Fischer and Ravizza see it (and I agree), you're not responsible for not robbing the driver.

All of this applies equally to me in **Itch**. I might be responsible for not trying to scratch my head, but I'm not responsible for not scratching it. Had I tried to scratch it, someone would have prevented me from doing so.

Yet Fischer and Ravizza's theory apparently yields the verdict that (for all that has been said about the case) I perfectly well *could be* responsible. The mechanism that issues in my keeping my arm at my side is, we may presume, my own. And we may also presume, it seems, that there is an understandable pattern of possible scenarios in which that type of mechanism operates, I recognize sufficient reasons (some of which are moral reasons) for moving in a certain alternative way, and in at least one such scenario I do move in that alternative way, for such a reason, and my so moving is my scratching my head.

Of course, scenarios in which I scratch my head will be those in which, for example, Sue is absent or not committed to preventing me from scratching. But Sue is no part of the mechanism that issues in my actual movement. Recall that to judge the first stage of guidance control in **Sloth**—the stage concerned with whether one's actual movement issued from an appropriately reasons-responsive mechanism—we looked to scenarios in which the not-actually-acting ensuring condition was absent. It seems we would do the same in **Itch**. At least, nothing that Fischer and Ravizza say explains why the mechanism issuing in the actual movement in **Sloth** is appropriately responsive while the mechanism issuing in the actual movement in **Itch** isn't. Further, their remark that their treatment of responsibility for simple omissions is a special case of their treatment of responsibility for actions suggests that, in judging whether the mechanism issuing in my actual movement in **Itch** is appropriately responsive, we may consider scenarios in which Sue is absent. For that is what we would do, on Fischer and Ravizza's view, in making the parallel judgment about a case in which Sue was poised to force me to perform an action that, in fact, I performed on my own.

I've said that **Itch** is similar to **Flat Tire**, and that we should judge the two cases the same way. But, of course, the former is a case of

what Fischer and Ravizza call simple omission, and the latter a case of complex omission. And they might defend different judgments about the two cases on the grounds that there are different control requirements for these two different kinds of omission.

However, in **Flat Tire** there's also a bodily omission for which, it seems, you're not responsible. Suppose that the mafia thugs would have shot and killed you by the time you had taken your second step toward the Mercedes. You fail to take three steps. It does not seem that you're any more responsible for that omission than you are for not robbing the driver.

In applying their theory to **Flat Tire**, Fischer and Ravizza say that it is at the second stage that guidance control is lacking: the driver's not being robbed by you isn't sensitive to your bodily movement. But, as we've seen, control might be lacking at the first stage as well, and with the same result for your responsibility for the complex omission. Indeed, it might be only at the first stage that control is lacking. Suppose that the thugs would have a clear shot at you only in your first two steps. If you had managed to get beyond that point, you would have succeeded in robbing the driver. It still seems correct to say that you aren't responsible for not committing the robbery.

Fischer and Ravizza's distinction between simple and complex omissions is adapted from a similar one drawn by Frankfurt (1988b: 101–2). The distinction might seem appealing because it allows an account on which responsibility for omissions falls into special cases of responsibility for actions or responsibility for consequences, thus yielding the desired systematicity. However, as far as I can see, the distinction between simple and complex omissions tracks no difference in what is required for responsibility for various kinds of omissions.

To drive the point home, consider another case of simple omission, **Steel Bars**:

My head itches. I consider scratching it but decide not to. I omit to scratch my head, leaving my arm at my side. Nothing forces me to so decide and omit; I do so on my own. Unbeknownst to me, some steel bars are so positioned around my arm that, had I tried to scratch my head, they would have prevented me from doing so.

Here it seems plain that I'm not responsible for not scratching my head. But I don't see that Fischer and Ravizza's account agrees. It might be that in no scenario with the bars in place do I make a movement that constitutes my scratching my head. But what in the account limits our consideration to these scenarios? Again we may presume that

there's an understandable pattern of scenarios absent the bars in which I respond to sufficient reasons to scratch my head by doing so. And the removal of the bars is unconnected to the mechanism that produces my actual movement. That mechanism, then, can operate in the absence of the bars. It may thus be presumed to be suitably responsive.

Fischer and Ravizza, then, fail to state sufficient conditions for the control required for responsibility for a simple omission. They fail as well to state necessary conditions. Consider a case we can call **Spasm**:

I decide not to scratch my head. Upon noticing my decision, a mad scientist who is monitoring my thoughts causes my arm to flail about in a spasm. Had I come to intend to scratch my head, he would have left me to do it. Indeed, if I now or subsequently come to intend to scratch my head, he'll end the spasm, and I'll succeed. I'm aware that this is so. I don't so intend, and the scientist has nothing to do with that failure.

Here the mechanism that generates the actual movement of my arm isn't one by which I exercise control. Moreover, there is no scenario in which that same type of mechanism operates and it issues in my performing an action of scratching my head. Nevertheless, I can be responsible for not scratching my head on this occasion. All I have to do is try, and I'm perfectly capable of doing that.

The nature of the mechanism that issues in how one's body actually moves, then, is not what determines whether or not one is responsible for omitting to do something. This finding stands in mutual support with the earlier suggestion that a simple omission isn't constituted by one's actual bodily movement.

Turning to complex omissions, consider a further case that Fischer and Ravizza (1998: 138) discuss, one that they call **Penned-In Sharks**:

John is walking along a beach when he sees a child struggling in the water. He believes that the child will drown unless he saves him, but John decides not to bother. He watches as the child drowns. Unbeknownst to John, a bad man wants to ensure that the child isn't saved. He has trapped several sharks in a pen and will release them, if necessary, to prevent the success of anyone who might attempt the rescue. Had John jumped in, the bad man would have released the sharks and they would have eaten John before he reached the child.

Their judgment is that, in this case, John *is* responsible for not saving the child. John's actual movements are presumed to issue from his

own, appropriately responsive mechanism. And the child's not being saved by John is, according to Fischer and Ravizza, suitably sensitive to his failure to move his body in certain alternative ways identified by condition (1). For in judging that sensitivity, we must hold fixed the existence of the pen and its closed gate. The bad man's opening the gate is apparently taken to be a triggering event, one whose non-occurrence has to be held fixed. And supposing that the gate remains closed, had John jumped in and tried to save the child, he would have succeeded.

Penned-In Sharks is a case of preempted prevention: the bad man would have prevented John from saving the child, but the prevention is preempted by John's not making the attempt. Consider now a case of preempted facilitation, which I'll call **Baited Sharks**:

John is walking along a beach when he sees a child struggling in the water. He believes that the child will drown unless he saves him, but John decides not to bother. He watches as the child drowns. Unbeknownst to John, several sharks are patrolling the water between the shore and the child. However, a marine biologist has built a pen and plans to entice the sharks into the pen with bait sometime in the near future. Had John attempted to save the child, the biologist would have seen the need to act promptly, and she would have ensured John's safety. John would have succeeded. (Unfortunately, the biologist is unable to see the child.)

If we are to hold fixed the lack of intervention by the bad man in **Penned-In Sharks**, then it seems we should likewise hold fixed the lack of intervention by the biologist in **Baited Sharks**. And holding that condition fixed, it seems that the child's not being saved by John isn't suitably sensitive to his failure to try to save the child. With the sharks still free, they would have eaten John had he swum toward the child. Fischer and Ravizza's account, then, seems to imply that John isn't responsible in this case for not saving the child.

But that judgment is surely mistaken. (At least, for all that has been said, John might well be responsible for this omission.) John didn't believe, and he had no evidence for a belief, that he couldn't save the child. He decided on his own not to bother. Had he decided otherwise and made the attempt, he would have succeeded. And he was perfectly able to try.

In fact Fischer and Ravizza are surely wrong about **Penned-In Sharks**. John isn't responsible in that case for not saving the child. Consider a variant, which I'll call **Poorly Penned Sharks**, in which no

one is monitoring the gate of the shark pen, but had John tried to save the child, the sharks would have escaped when one of them, excited by John's entry in the water, rammed against the gate. Here it seems that our verdict should be the same as that in **Sharks**, concerning which Fischer and Ravizza judge John not to be responsible for not saving the child. And it doesn't seem to make a difference that, in **Penned-In Sharks**, the gate would be opened by a man rather than a shark. Further, adding a detail to **Flat Tire** will make it parallel to **Penned-In Sharks**, but without making it a case in which you're responsible for not robbing the driver. Suppose that, had you started over to the car, the Mafia thugs would have had you killed by opening the gate of a pen of vicious dogs. (Call the case so elaborated **Mafia Dogs**.) Adding this detail doesn't affect the plausibility of the judgment that you're not responsible for not robbing the driver.

Finally, consider two variations of John Locke's (1975: II.21.10) case of a man carried while asleep into a room, where he wakes to find a good friend, with whom he remains in conversation. In the first version, **Locke**, the door isn't actually locked, but it will quickly be locked if the man tries to exit. His attempt would then fail. In the second version, **Unlocke**, the door is locked, but it will quickly be unlocked should the man try to leave. His attempt would succeed. It seems clear that in **Locke** the man isn't responsible for not leaving the room, while in **Unlocke** he is. It isn't at all clear what Fischer and Ravizza's account implies about the two cases, for it isn't clear whether the change in the door is to count as a triggering event whose nonoccurrence is to be held fixed. What does seem clear is that our judgments about these cases shouldn't depend on whether the change is produced by a man or by a machine.

6. Toward an Alternative Theory: Part 1

Omissions are themselves a difficult topic, and responsibility for omissions is perhaps an even harder problem. I don't have a fully developed theory of the latter to offer. In this section and the next, I'll make some programmatic suggestions, which are motivated partly by consideration of the cases examined so far. In the final two sections I'll comment on the methodology I've employed and the degree of uniformity we should expect to find in a theory that covers responsibility for actions as well as omissions.

I'll couch my suggestions here so as to remain neutral on the question of the compatibility of responsibility and determinism. If the sketch I offer is promising, it can be filled in so as to accord with compatibilism or, alternatively, to accord with incompatibilism. I want

also to remain uncommitted on whether omissions can be causes and causal effects. With some of my criticisms of Fischer and Ravizza above, I followed their assumption that omissions can be; the assumption was fair in that context. And certainly a theory of responsibility for omissions might be set out in these terms. However, the question of whether omissions can be causes or effects is difficult and contested,¹⁴ and it seems preferable to have a theory of responsibility that doesn't rely on one or another answer to it. In any event, I think it likely that if any causal account is correct, it will follow the contours of the suggestions offered here.

To get to it, then, let's review the omission cases we've examined. Supposing the cases properly filled in, the agents seem to be responsible for the omissions in question in **Sloth**, **Spasm**, **Baited Sharks**, and **Unlocke**. The agents seem not to be responsible for the omissions in **Sharks**, **Itch**, **Flat Tire**, **Steel Bars**, **Penned-In Sharks**, **Poorly Penned Sharks**, **Mafia Dogs**, and **Locke**. What kind of requirement can account for these differences?

In all of the cases in which the agent is responsible for the omission, the following is true: if the agent had intended to do the thing in question, he would have been able to do it. In all of the cases in which the agent isn't responsible, that conditional doesn't hold. As a first thought, then, we might take the following to state a necessary condition for responsibility for an omission:

INTAB An agent is responsible for omitting to *A* only if, had the agent intended to *A*, he would have been able to *A*.

We can strengthen support for this suggestion by noting the difference that is made by a minor change in **Itch**. Suppose that Sue's would-be interference was of this sort: she was monitoring my thoughts, and if I had shown any sign of intending to scratch my head, she would have prevented me from so intending. However, if she had failed to prevent me from so intending, she would have given up on trying to prevent me from scratching. Call this case **Switch**. The change seems to move us from a case (**Itch**) in which I'm not responsible for not scratching to one in which I am responsible for that omission. (In this respect, the difference between **Itch** and **Switch** parallels the difference between **Sharks** and **Sloth**. The parallel provides further support for the conclusion that the distinction between simple and complex omissions tracks no difference in what is required for responsibility.) As in **Itch**, in **Switch** Sue doesn't actually intervene at all. I decide on my own not to

¹⁴ For a couple of competing views, see Beebe (2004) and Lewis (2004).

scratch. Nothing actually prevents me from deciding otherwise, and had I decided otherwise, I would have been able to scratch. The change alters the truth value of the indicated conditional.

However, **INTAB** requires restriction, revision, and refinement. Deciding to *B* is itself performing an action, that of actively forming an intention to *B*. (One might perform this action long before one performs the action of *B*-ing, and indeed without ever performing that second action.) But it hardly makes sense to intend to decide to *B*. Before so deciding, one might intend to make up one's mind what to do, or intend to decide whether to *B*; but one wouldn't intend to decide to *B*.

Where *A*-ing is making such a decision, then, the requirement imposed by **INTAB** would be vacuous. I'll regard **INTAB** as restricted to responsibility for actions (including mental actions) that aren't themselves decisions; I'll return to the case of decisions below.¹⁵

To see the need for revision, consider a case called **Planted Sharks** (from Sartorio 2005: 469). Yesterday I released sharks into the water, intending thereby to ensure that should any child find himself at risk of drowning, no one would save him. Today, a child is struggling in the water, and I refrain from jumping in to save him. It is false that if I intended to save him, I would be able to do so. Nevertheless, I might be responsible for not saving him.¹⁶

In **Planted Sharks**, I'm responsible for the fact that the relevant conditional is false. Thus, **INTAB** apparently needs to be revised: an agent is responsible only if either the relevant conditional is true or the agent is responsible for its being false. In what follows, I'll take **INTAB** to be so revised.

Finally, where **INTAB** requires an ability conditional upon intending to *A*, it needs to make the requirement conditional upon having some pertinent intention, but not necessarily one to *A*. Suppose that on some occasion I omit to tie my right shoe. There are certain motions of my hands and fingers that I omit then. But in tying my shoe, I wouldn't intend to make those movements, except perhaps under the description, "to tie my shoe." I might be responsible for omitting to make those movements if I would have been able to make them had I intended to tie my shoe; and I might be so responsible even if I wouldn't have been able to make those movements had I intended to make them. (Intending the latter might in fact mess me up.) **INTAB** needs to be refined, then, in its characterization of the pertinent intention. It is, however, difficult to see how to be more precise in this matter than saying that

¹⁵ I'm grateful to Michael Zimmerman for pointing out the need for this restriction.

¹⁶ Thanks to Carolina Sartorio for pointing this out to me.

the pertinent intention must have some content suitably relevant to *A*-ing.

Taking **INTAB** to be appropriately restricted, revised, and refined, what more is needed for an account of the freedom-relevant requirement for responsibility for omission? The details of an answer depend, I believe, on whether the omission in question is intentional or not, and on whether, if it is intentional, the agent decided–actively formed an intention–not to perform the omitted action. But despite differences in details, there are some common general features applicable to all cases.

Consider, first, the case of intentional omissions in which an intention not to act is actively formed in the making of a decision not to perform the omitted action. If the agent isn't responsible for making that decision, that fact would seem to undermine his responsibility for the omission, even if **INTAB**'s requirement is satisfied. If we imagine that (for some reason not made explicit in the earlier description of the case) John in **Sloth** isn't responsible for deciding not to save the child, then it no longer seems that he's responsible for not saving the child.

Suppose an agent decides not to *A*, is responsible for making that decision, and as a result of so deciding intentionally omits to *A*. Does all this, together with the satisfaction of **INTAB**'s requirement, suffice for responsibility for the omission? It seems not. For the agent might have lacked a capacity or power to intend to *A*; and if he did, that fact would seem to undermine his responsibility for the omission.

A power of this sort is like a disposition. A disposition can be finicky, subject to being eliminated in precisely the circumstances that would ordinarily trigger its manifestation (Martin 1994). For example, a wizard might stand ready to render a fragile glass non-fragile, should it be struck. And a disposition can be masked, prevented from being manifested despite continuing to exist in circumstances that ordinarily trigger its manifestation (Johnston 1992; Bird 1998). An ingested poison's disposition to kill might be masked by an ingested antidote that alters the stomach rather than the poison.

Frankfurt cases can be cases of would-be finks or cases of masks. The ensuring condition might be one that would eliminate the agent's power to do a certain thing, should he show any sign of being inclined to do that thing, or it might be one that would leave that power in place but prevent its manifestation.

Alternatively, a power to do something might actually be lost. A power to decide to *A*, or to acquire an intention to *A*, might be eliminated. An agent who decides not to *A* might have had his power to intend to *A* removed (perhaps only temporarily). That loss might have nothing to do with the making of the actual decision. In such a case, perhaps the agent can be responsible for making the decision not to

A despite lacking the power to make the alternative decision. If so, the agent might be responsible for deciding not to *A* but not responsible for not *A*-ing. If, in **Sloth**, John's power to intend to save the child had in fact been eliminated, that would seem to preclude his being responsible for not saving the child.

Note that an agent who is responsible for deciding (on some occasion) not to *A* has a power then to intend not to *A*. And since he is responsible for the decision, he determines—in the way required for responsibility—that that power be exercised then. If he also has then a power to intend to *A*, then he has then both these powers and he determines that one of them be exercised then. He thus exercises a significant kind of control over what he decides.

Suppose that all this is true of an agent on the occasion of his omitting to *A*, and that **INTAB**'s requirement is also satisfied. Does this suffice for the agent's being responsible for not *A*-ing?

In **Sloth**, **INTAB**'s requirement is satisfied; had John intended to save the child, he would have been able to do so. Further, we may suppose, John is responsible for deciding not to save the child. Moreover, he apparently has a power to intend to save the child. (Had John given serious thought to saving the child, the would-be intervener would have either eliminated his power to so intend or left that power in place but prevented its manifestation. But the would-be intervener did neither of these.) It is difficult to imagine how, with all of this so, John might—for some freedom-relevant reason—yet fail to be responsible for not saving the child.

Hence, for cases of intentional omission in which the actual intention not to act is actively formed in making a decision, we might consider the following to provide jointly sufficient conditions for the control required for responsibility for omitting to *A*:

- i-a) The agent is responsible for deciding not to *A*;
- ii-a) The agent possessed a power to intend to *A*; and
- iii-a) Had the agent intended to *A*, he would have been able to *A*.

A partial theory along these lines yields the right verdict about **Sloth**. It likewise correctly yields the verdict that the agent is responsible for the omission in question in **Spasm**, **Baited Sharks**, and **Switch**.¹⁷

¹⁷ Again, the agent is responsible in these cases on the assumption that there aren't present any responsibility-undermining conditions that aren't explicitly mentioned in the descriptions of the cases.

Further, it explains the verdict that the agent is not responsible for the omission in question in **Sharks**, **Itch**, **Flat Tire**, **Steel Bars**, **Penned-In Sharks**, **Poorly Penned Sharks**, and **Mafia Dogs**, for in all of these cases, the third condition is unsatisfied. (The suggestion doesn't guide us on **Locke** and **Unlocke**, since it isn't specified whether in those cases a decision is made to remain in the room.)

The proposal concerns only the control or freedom-relevant requirement; there might be some kind of epistemic requirement as well, perhaps that the agent be aware that should he intend to *A*, he would be able to *A* (or, alternatively, that he lack a belief to the contrary). And as promised, what is proposed is neutral on the compatibility question, for it does not say whether indeterminism is required for responsibility for deciding not to *A*.

Let's return to the case in which the omitted action, *A*-ing, is itself the making of a decision, say, the decision to *B*. As I noted, such a decision might be preceded by an intention to make up one's mind what to do, or an intention to decide whether to *B*. Suppose we take some intention of this sort to be what is relevant in the case of an omission to decide, and consider whether a so-worded variant of **INTAB** is then correct with respect to such omissions: does responsibility for omitting to decide to *B* require that, had one intended to decide whether to *B*, one would have been able to decide to *B*?

In **Sloth**, John fails to satisfy such a condition with respect to his omission to decide to save the child; and in **Switch**, I fail to satisfy it with respect to my omission to decide to scratch my head. Are John and I nevertheless responsible for these omissions to decide?

While it seems clear to me that (supposing no unspecified responsibility-undermining conditions are present) John is responsible for not saving the child, it doesn't seem clear that he is responsible for not deciding to so act. I don't have a strong judgment one way or the other about the latter. (Likewise, *mutatis mutandis*, regarding **Switch**.) I'm not prepared, then, to abandon the suggestion made two paragraphs back.

It might strike one as passing strange that John in **Sloth** can be responsible for not saving the child and yet lack responsibility for not deciding to save the child. But, first, it does seem clear that he might bear responsibility for the former. Second, the fact that he is (we are presuming) responsible for deciding not to save the child, and that the other two conditions identified above are satisfied, provides an explanation of why he is so responsible. Finally, if he isn't responsible for not deciding to save the child, the fact that the suggested variant of **INTAB** isn't satisfied with respect to that omission offers an explanation for that lack of responsibility.

As I said, I find it unclear whether agents in some of these cases are responsible for not making certain decisions. I'll thus have to leave unsettled the question of what is required for responsibility for omitting to decide.

7. Toward an Alternative Theory: Part 2

When it comes to cases in which either the agent intends not to perform the omitted action, without having actively formed that intention, or the agent has no relevant intention, we face a fundamental choice about which way to go. It is widely held that all responsibility for omissions of either sort must derive from responsibility for some prior action(s) (see, for example, Zimmerman 1988: 92–95). If we follow this line, we might say that responsibility for either type of omission requires that one be responsible for some prior action(s), and that the omission result, in some way to be specified, from that action (or those actions).

Imagine all the omission cases discussed so far to be cases in which the agent's intention not to act is nonactively acquired, rather than formed in the making of a decision. What sort of account will give us the judgments that seem correct about these cases? It seems that **INTAB** (with the indicated restriction, revision, and refinement) is still applicable; in order for the agent to be responsible for the omission in question, it must still be the case, roughly speaking, that had he so intended, he would have been able to so act.

What more must the account require? Perhaps that the agent's intending not to perform the action in question result, in a certain way, from prior action(s) for which he is responsible. In what way? Perhaps (again roughly) such that the prior action(s) caused, in some unproblematic way, his coming to intend not to so act, while he possessed a power to intend to so act.

For example, suppose that in **Sloth**, upon seeing that the child was in danger, John immediately judged that there was nothing at all to be said in favor of helping him, and he just as quickly came, nonactively, to intend not to save the child. No one and nothing made him settle on this intention; he did that on his own. And certain prior actions of John's, which helped form him into a monstrously callous individual, caused his coming to have this intention. He nevertheless, we may suppose, possessed a power to intend to save the child. (The monitor would have eliminated that power, or blocked its manifestation, had John given serious thought to saving the child, but John didn't, and the monitor left John with that power.) And had he so intended, he would have been able to save the child. Perhaps these conditions jointly suffice for his being responsible for not saving the child.

The proposal for this second kind of case, then, on the assumption that responsibility in such a case must derive from responsibility for prior action(s), is that the following conditions suffice for the control required for responsibility for omitting to *A*:

- i-b) The agent is responsible for some action(s) that caused, in some unproblematic way, his coming to intend not to *A*;
- ii-b) The agent possessed a power to intend to *A*; and
- iii-b) Had the agent intended to *A*, he would have been able to *A*.

Much is left sketchy here, particularly what can count as an unproblematic way in which prior action(s) caused the coming-to-intend. Roughly, the idea is that this process involves no responsibility-undermining factors. Again, it is allowed that there might well be some further epistemic requirement. Such a requirement is especially plausible in this case, as it would seem to be required that the agent foresee, or could have reasonably been expected to foresee, that the prior action(s) in question might result in his coming to intend things of this sort. And again, the account remains neutral on the compatibility question, as it does not say whether indeterminism is required for responsibility for the prior action(s).

What of cases of omissions that aren't intentional? Suppose I plan to buy milk on the way home but forget to do so. Suppose that nothing makes me forget; it just slips my mind. I lose my intention to buy milk, though I don't lose my power to so intend. I might be responsible for forgetting to buy milk and for ceasing to intend to buy it. But if unbeknownst to me the store is in fact out of milk, I'm not responsible for not buying milk (though I might be for not trying to buy it). Sticking to the assumption that all responsibility must trace back to responsibility for actions, we might consider the following to be sufficient conditions for omitting to *A* in such a case:

- i-c) The agent is responsible for some action(s) that caused, in some unproblematic way, his forgetting his plan to *A*;
- ii-c) The agent possessed then a power to intend to *A*; and
- iii-c) Had the agent intended to *A*, he would have been able to *A*.

Condition (i-c) will need to appeal to something other than forgetting if the account is to altogether avoid commitment to absences as causal

effects. Perhaps the way to go is to require that the agent be responsible for some action(s) that caused, in some unproblematic way, his thinking of what he was in fact thinking of at the pertinent time. Further, there can of course be cases of omission without intention that don't involve forgetting; there can be cases in which the idea of doing the thing doesn't even occur to the agent (but perhaps it should have). Again, perhaps what the first condition should require in this sort of case is that one be responsible for some action(s) that caused, in some unproblematic way, one's thinking (at the pertinent time) of what one was in fact thinking of. In either case, of course, the notion of an unproblematic sort of causal process would need to be spelled out. And again, the account is neutral about whether responsibility for the prior action(s) in question requires indeterminism.

There is a further type of unintentional omission that needs to be considered. A novice surgeon might intend to make a certain cut right away but for a brief interval do nothing, failing for that time to act on the intention. The failure might be due to weakness of will, in which case the surgeon might be responsible for it. What is required for responsibility for omitting to *A* in such a case? If all responsibility for omissions must trace back to responsibility for actions, perhaps what is required is that the agent be responsible for some prior action(s) that led, in an unproblematic way, to his trait of weakness, or at least to this episode. Earlier remarks about additions and refinements apply here as well.

It seems to me less than obvious that responsibility for omissions not involving decisions has to trace back to responsibility for prior actions. Perhaps responsibility for not doing the thing in question can be direct or basic. Again, suppose that in **Sloth**, John's intention not to save the child is nonactively acquired. Perhaps, given that the process of thought leading to that intention is an unproblematic one, that John has then a power to intend to save the child, and that had he so intended he would have been able to so act, he can be responsible for not saving the child. Likewise, in the case of my forgetting to buy milk, perhaps, provided that the process leading to the forgetting involves no hanky-panky, that I have at the pertinent time a power to intend to buy milk, and that had I so intended I would have been able to so act, I can be responsible for not buying the milk.

It might be objected to this suggestion that, if action for which one is responsible isn't required for responsibility for omissions of these type, then it shouldn't be required, either, for responsibility in a case in which one omits to *A* because one decided not to *A*. In the latter case, then, it shouldn't be required that one be responsible for the decision. But that does seem to be required. Hence responsibility for prior action(s) should be required in the other cases as well.

It can be responded that, in case an intentional omission was one that one decided upon, if one wasn't responsible for the decision, then there would be some responsibility-undermining factor in the process leading to the decision. That there be no such factor leading to one's actual intention or other state of mind is required in the other cases. The requirement, then, is uniformly imposed in all three kinds of case.

There are several theorists who take action to hold no special position in a theory of responsibility. On their views, given that one is generally rational, one can be responsible for any attitude, or absence thereof, that should reflect one's evaluative judgments (Adams 1985; Scanlon 1998: 21–22; Smith 2005). On such a theory, one can be directly responsible for feeling envious, or for forgetting a friend's birthday, independently of how one's actions did affect or could have affected one's attitude.

The suggestions made four paragraphs back are not nearly so radical. They don't claim that one can be directly responsible for nonactively coming to intend, or for forgetting. They do hold that one can be directly responsible for not performing a certain action, when certain conditions are in place. What one is assigned direct responsibility for is something that can be directly avoided by action—by performing the action question. The proposal, then, though a departure from the widely held view, remains far closer to it than it is to the position described in the preceding paragraph.

The suggestions offered here differ in their details depending on what kind of omission is at issue. But evidently there are some common general features. In all cases, in order to be responsible for omitting to *A*, it must be the case either that had one had some pertinent intention, one would have been able to *A*, or that one is responsible for such a conditional's being false. And in all cases, it suffices for responsibility that there are no responsibility-undermining factors leading to what one in fact decided, intended, or thought at the pertinent time, that one had a power to intend to perform the omitted action, and that **INTAB**'s requirement (or, in case the omitted action is itself a decision, that of an appropriately worded variant of **INTAB**) was satisfied.

8. Method

I've proceeded by first offering judgments about a variety of cases, and then seeking a theory that best explains the judgments. My judgments about the cases are, I think, relatively undirected by prior commitment to a theory of responsibility for omissions. The judgments predated my

having any ideas about how such a theory should go, and they've survived through various attempts to work out a theory.

It is common to call judgments of this sort "intuitions." And there is much skepticism these days about the philosophical value of intuitions. I think it's misleading to use the term here, for it suggests something mysterious and uncommon. We make moral (and other normative) judgments about concrete, real-world cases on a routine basis. It does not strike me as mysterious that we can do so. We can similarly judge imagined cases, with similar confidence, at least if they don't depart too far from the ones we actually encounter. Some of the cases discussed here are rather unrealistic, but none seem to depart so far from the normal as to befuddle judgment. None are more far-fetched than standard Frankfurt cases involving actions.

Fischer and Ravizza apparently disagree (or did disagree) with me about some of these cases; perhaps I've been able to change their minds. Other readers as well might disagree. I ask only that one try to consider the cases free from pressure to fit responsibility for omissions into the mold of some idea about the control required for responsibility for actions. As I'll suggest in the next section, there is reason to think that omissions don't fit neatly into any such mold.

What if we—all we reasonable thinkers—can't in fact agree in our judgments about these cases? And what if we can't agree on which of the disagreeing judgments are biased and how? Then perhaps we simply can't settle on any theory of the control required for responsibility for omissions. I'm not yet convinced that we're in that position.

I should note that I haven't relied solely on judgments about individual cases. I've also offered rationales for the judgments, rationales that then led to theoretical suggestions. Further, as I'll suggest below, the fact that the requirements suggested here differ from those that might apply for responsibility for actions fits well with an appealing view about what omissions are and how they differ from actions. There is, I think, a reflective equilibrium here, one not unduly biased by prior theoretical commitments.

9. System and Symmetry

Can there, then, be no unity in a comprehensive theory of responsibility? In fact, I think the suggestions offered here cohere with several of the fundamental unifying principles of responsibility endorsed by Fischer and Ravizza. One such principle has us focus on the actual sequence, or the actual process leading to some occurrence. The suggestions here are consistent with applying that idea to an account of what's required for responsibility for decisions, and for responsibility for actions, from which

responsibility for omissions might derive. On the suggestion floated toward the end of section 7, according to which responsibility for an omission need not derive from responsibility for prior action(s), again the nature of the actual sequence leading to one's state of mind is emphasized.

The idea that some sort of sensitivity of outcomes is required is also retained, as expressed in **INTAB**. The difference from Fischer and Ravizza's view is that what is required, on the suggestion made here, is sensitivity to what one intends, rather than sensitivity to one's bodily movement. Examination of the cases seems to support this change.

The theory sketched here, like Fischer's and Ravizza's, affirms an important kind of symmetry between actions and omissions: just as responsibility for performing an action doesn't require that one be able to do otherwise, so responsibility for omitting to perform a certain action doesn't (in every case) require that one be able to perform that action. Still, **INTAB** imposes a requirement concerning ability that, if Frankfurt is right, has no parallel in the case of action. The symmetry is imperfect; there is a significant asymmetry as well.¹⁸

In a paper arguing for the symmetry, Frankfurt (1994: 621) asks, "What is supposed to account for the difference in the sorts of control that actions and omissions require?" The challenge might as well be raised to the view suggested here, for this view affirms a point of asymmetry.

Alison McIntyre explains the asymmetry as follows: "Actions involve the exercise of a physical ability that is under the agent's deliberate control. In contrast, omitting to perform an action is omitting to exercise such an ability" (1994: 487–88).¹⁹ The explanation can, I think, be deepened by the recognition that garden variety omissions are profoundly different from actions.

An action is an event, an event of an agent's exercising control in bringing something about. Are common omissions also events, of this sort or another? I raised doubts in section 4 about whether omissions of bodily actions are identical with actual bodily movements, or are constituted by such movements. Omissions, then, don't seem to be

¹⁸ Indeed, in some cases, responsibility for not *A*-ing might require an ability to *A*. Suppose that responsibility for omission does not have to derive from responsibility for an action. Consider a case, like that of the novice surgeon, in which an agent intends to *A* but does not. Such a requirement might hold for this case. It might hold also when *A*-ing is itself the making of a decision.

¹⁹ For cases of omissions that result from a decision not to act, McIntyre offers a view very similar to the one suggested here (and my suggestions owe much to her paper). She does not consider other sorts of cases examined here.

events of these types. What else might they be? Might they be, rather than havings-of-positive-properties, not-havings-of-positive-properties, or havings-of-negative-properties? I think there are good reasons to be doubtful that any such things exist.²⁰ Perhaps, then, garden variety omissions aren't events at all.

There is an attractive alternative that takes omissions (at least most of them) to be absences, and absences not to be things, but rather absences of things.²¹ Many objects, properties, and events are absent from the world. Arguably, absences of these things aren't peculiar sorts of entities; they are simply absences of entities. Seen in this light, omissions are absences of certain events—in particular, certain actions. For me to omit to scratch my head now is for there not to exist an action by me of scratching my head now.²² Such a view gives us truth-assessability for attributions of omissions without taking omissions to be among the beings of the world.

Should it then seem odd that it can be an important question whether someone is responsible for a certain omission? No more so, I think, than that it can matter whether someone is responsible for a lack of food. Absences matter, even if they aren't beings, and it can matter whether a certain absence is attributable to a certain individual.

If such a view is correct, it is to be expected that there might well be major differences between what is required for responsibility for actions and what is required for responsibility for omissions, for an omission, unlike an action, is not an agent's exercising control in bringing something about. Responsibility for omissions will not be a special case of responsibility for actions, for omission isn't a special case of action (any more than the absence of a lion is a special kind of animal or the absence of red a special kind of color).

I've done no more here than suggest this view of omissions. That should suffice, though, to weaken the expectation that we will find a neat systematicity in a comprehensive theory of responsibility that covers both actions and omissions. Unity within such a theory is desirable, but we should expect no more than the subject matter allows.²³

²⁰ See Armstrong (1978: 23–29) for arguments against negative properties.

²¹ For this view of absences, see Kukso (2006: 29) and Lewis (2004: 282).

²² I've developed a view of intentional omissions along these lines in Clarke 2010. In the case of an omission that isn't intentional, there may have to be some applicable norm that calls for the performance of the action in question. For more on this point, see Clarke forthcoming.

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