

LETTING HAPPEN, OMISSIONS AND CAUSATION

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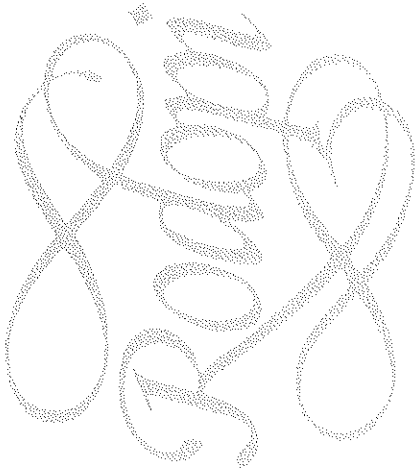
Summary

In this paper I consider whether it's possible to cause an event *by letting it happen*. I argue: (i) that sometimes an agent who lets an event happen causes it; (ii) that whether an agent caused an event that he lets happen depends partly on whether he had an obligation to do what might have prevented that event, as well as on considerations about the agent's control over what they omit to do; and (iii) that the use of the word "cause" here is genuinely causal. I suggest that resistance to accept these claims depends often on an excessively narrow view of the concept of causation.

I

Letting an event happen and causing an event seem to be very different things. The difference is one that informs our everyday thinking; and it also plays a role in jurisprudence, case law and ethics. But although the distinction is fundamental and intuitive, on reflection things turn out to be more complex because it appears that there are circumstances in which letting an event happen amounts to causing it. In this paper I want to explore this slightly perplexing thought. In particular I want to consider whether it is possible to cause an event *by letting it happen*, i.e. by not doing something that would have prevented it. The following question encapsulates the problem:

Q1. In what circumstances, if any, can we say that someone who lets an event *e* happen causes that event?



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Some philosophers have argued that it is possible to let an event happen *by doing something*, for example, by removing an obstacle that would have prevented it from happening. I'm not sure whether I agree with this view. But in case it turns out to be right, let's modify Q1 to read:

Q2. In what circumstances, if any, can we say that someone who lets an event happen *other than by doing something* causes that event?

If one cannot let an event happen by doing something, the clause "other than by doing something" is superfluous, but harmless. I take it that an agent lets an event happen when, roughly, the agent intentionally, but not necessarily willingly, does not do something that, *ceteris paribus*, would have prevented the event from occurring, and the agent has *some* awareness of his not doing what would have prevented the occurrence of the event he lets happen.

II

The question has been discussed by metaphysicians, action theorists, moral philosophers and legal theorists. Metaphysicians have often discussed it in connection to the notion of causation, and in particular as a special case of, or in any case in connection with, the question of whether absences and lacks can be said to cause events. Action theorists have generally been concerned with the question of whether the distinction between acts and omissions is the same as that between doing and not doing and causing and letting happen, and whether anything can be learnt about the nature of human action from the answer to that question.

Moral philosophers have sought to determine whether the distinction between causing an event and letting it happen has moral significance, and if so when and why. The answer to that question is thought to have implications for the cogency of some doctrines, e.g. consequentialism and the doctrine of double effect.

For legal theorists the question is relevant because of its bearing on the question of on what grounds, if any, people should be liable

for the harm they let happen. The question arises in connection to two kinds of case. One is cases when someone's letting some harm happen is clearly an instance of negligence given the responsibilities arising from the particular role, office or position they occupy. It has been argued that people should be liable for harm they let happen because, in certain circumstances – which crucially include the agent's having an obligation to prevent that harm – their letting that harm happen amounts to their causing that harm. The second kind of case is so-called "Bad Samaritan" cases, where what is at issue is precisely the existence and the extent of the agent's moral obligation to prevent the harm they let happen, given that neither their role nor office puts an obligation on them to prevent it. Some theorists have argued that, since Bad Samaritans clearly cause the harm they let happen, they are morally responsible for it and, perhaps, should be liable for it. Others have argued precisely the converse: since Bad Samaritans clearly do not cause the harm they let happen those who argue that bad Samaritans are morally responsible for that harm need to find arguments in support of their contention that do not depend on the claim that Bad Samaritans *cause* harm.

It is, therefore, clear that philosophers disagree about the correct answer to (Q2). In general, two answers to (Q2) have seemed plausible to philosophers; first: "In no circumstances"; and second: "In some circumstances". I'll say something about each of these answers *in turn*.

III

Typically, philosophers who think that letting an event happen never amounts to causing it defend their view by talking about metaphysical considerations – by talking about the nature of causation, or about the nature of actions, or both. I shall call this the "metaphysician's" view or the "metaphysical" argument.

Concerning causation, the metaphysical argument goes as follows. The claim that someone who lets an event happen can sometimes be said to have caused that event implies that a *non-event* – the agent's *not* doing something – can be the cause of an event. But, on the view that only events can cause other events, this can't be right.

an agent's not doing something is not an event and hence it cannot cause anything. Moreover, if the occurrence of an event can be explained by citing the "positive" causal factors that conspired to make it happen, adding "negative" causal factors cannot add to the explanation; and in any case, given that it is possible to list an indefinite number of negative causal factors, the choice of one particular negative causal factor as "the" or "a" cause is bound to be arbitrary.

The metaphysical "agency argument" is closely related to the point about causation. We normally attribute causal responsibility for an event to an agent when it is possible to trace the event in question back to the agent along a chain of causally related events that runs from the event to an action of the agent's – normally, some movement the agent makes. This is not possible when an agent lets an event happen because the chain of events which runs from the event towards its causal origins misses the agent out altogether.

These arguments may be countered with two kinds of consideration. The first concerns intentionality and depends on the fact that it is possible intentionally to omit to do something so that some event will come about.¹ The thought is that whatever we do intentionally is an action, and actions are events, therefore, someone's intentionally omitting to do something is an action and, hence, an event that can cause other events. This response may well seem an *ignoratio elenchi* to the metaphysician, for it fails to address the point about the causal chain of events. But in any case, there are two responses open to the metaphysician. The first rests on the thought that *not doing something* is not *doing something*, and hence intentionally *not doing something* is not intentionally *doing something*, and hence not an action.

The second, related response, is that although intentionality is often crucial for attributions of agency, it does not follow that it is the hallmark of agency: doing something intentionally is neither necessary nor sufficient for performing an action. It is not necessary because, arguably, there are many things we do unintentionally which

1. I write omit without square quotes to mean simply "not do", and put it within square quotes: "omit" to mean that what the agent omits to do is an "omission" in the slightly technical sense outlined in section VI, whenever the context requires that I mark the distinction.

are actions, even if it is true that we can only do such things *in, by* or *through* doing something else intentionally. (This points depends on rejecting the "identity view" about the "by-locution". See Alvarez & Hyman, 1998, section 2.) And it is not sufficient because, arguably, there are things we do intentionally that are not actions, e.g. make up our minds to act.

The second kind of consideration that is thought to undermine the metaphysician's position is also related to the individuation and identity of actions. Although the agent's not doing some thing of a kind is not an event, what the agent does *instead* of doing that thing is an event, and hence it can enter into causal relations with other events. This view is associated with either (i) a stronger claim that an agent's not doing one thing is, generally, identical to his doing another; or (ii) a weaker claim entailed by (i), that if *p* results from someone's not ϕ ing, then *p* results from whatever one does instead of ϕ ing (for a defence of this view see Bennett, 1965/6, and Williams, 1995.) However, to quote Anscombe's famously brief response to Bennett, "while there may be much to be said for this view it does not seem right on the face of it" (Anscombe, 1965/6, 25).

There are at least two reasons why the weaker claim (and hence the stronger claim, as the latter implies the former) seems false. The first one is that an agent who 'omits' to do a thing of a particular kind may do nothing instead. The second is that the agent may do many things instead of doing what he 'omits' to do. When the agent does *nothing* instead of doing what he 'omits' to do, the problem of whether someone's *not doing something* can cause an event is simply replaced by the problem of whether someone's doing *nothing* can cause an event. It has been argued, in connection to this, that "A is not doing anything" is, literally taken, hardly ever true" (Williams, *op. cit.*, 57). However, even if it is hardly ever true, in the few cases where it is true, the objection stands. On the other hand, when the agent does many things instead, it seems absurd to suggest that the event in question results from his doing those things. Suppose I didn't visit my grandmother during the last five years of her life, an omission that caused her great sadness. It seems absurd to suggest that it was my doing all the other things I did instead, from brushing my teeth to paying my taxes, that resulted in her sadness. Perhaps among those things I did instead of visiting her were some things

that made her happy – say, sending her a Christmas card or encouraging my sister to visit her. Clearly, if anything results in the event, it is not my doing something *else* but my *not* doing what I didn't do.

But, it may be objected, there may be a few cases where what the agent does instead of doing what he omits to do is a simple action and in these cases it seems plausible to argue that the event the agent lets happen results from his doing that other thing instead. (The usual examples in the literature are: drinking coffee instead of operating on someone, or reading a book instead of shutting a gate.) But this clearly won't do as a response to the objection that someone's not doing something cannot cause an event because the causal chain of events leading from the event in question towards its causal origins bypasses the agent altogether. It won't do because if it is the case that the chain of event bypasses the agent, it will do so whatever the agent was doing instead.

There seems to be something systematically implausible in any response to the objection that seeks to find an event to play the causal role the metaphysician requires. Should we, then, conclude that the metaphysician is right and that the answer to (Q2) is "In no circumstances"? We need not, because it is possible to argue that the problem with the response is that it concedes too much to the objection, for it assumes that the metaphysician is right to claim that only events can be properly said to cause events. But this is not obviously true. Therefore, someone who wants to argue that, in some circumstances, someone who lets an event happen can be said to cause it, need not show that not doing something is, or is identical with, an event; he may, instead, apply pressure on the claim that only events can cause events. I return to this in section IX. Now, I turn to the *positive* reasons why it has seemed to philosophers that the answer to Q2 is "in some circumstances".

IV

Generally, the reasons for this answer are related to the fact that, in practice – both in every day descriptions of our goings on and also in formal legal contexts – we ascribe causal responsibility to agents for events that they "merely" let happen by omitting to do something.

So, for example, someone can be said to have caused an accident by failing to lower a barrier, or it is said that a small party in a coalition brought down the government by abstaining in a vote of confidence. And it's not only the things we find ourselves saying that support this view. Some of the things that happen in courts of law do too. Imagine, for example, that a parent neglects to feed a baby and the baby dies of starvation – let's suppose the parent was aware of the situation and just let the baby starve. Well, s/he can certainly be convicted of infanticide or murder, depending on the jurisdiction. But infanticide is killing; and killing is causing death. So the law seems to imply that there *are* circumstances in which someone who lets an event happen causes it. If we read about this sort of case in the papers, we may find it astonishing that such a thing is possible. But what we find astonishing is not that someone can *cause* a death by not doing something, e.g., by not feeding a baby. What we find astonishing is that a parent can be so callous.

Defenders of the view that letting happen is never causing respond by saying either that these claims are simply false and confused, or that they are elliptical ways of saying something else. If the word "cause" is used or implied in these contexts, they argue, this is either false or a figure of speech (as when we say that the sun rises);² or it is merely a dramatic way of saying that the agent is morally blameworthy or liable for that event.

V

So there's a difference of opinion about letting happen and causing. And it looks very much like a classic sceptical problem such as, e.g., the problems of knowledge. On the one hand, when we try to define knowledge in general and abstract terms, the necessary conditions seem so hard to meet that it seems as though nobody ever knows anything. On the other hand, we talk and we conduct our lives in ways which imply that people know all sorts of things. Likewise, theoretical considerations seem to rule out the possibility that letting

2. Or, if it is true, this is only because there were some actions of the agent's that made positive causal contributions to the event.

an event happen can amount to causing it. On the other hand, we talk and conduct our lives, including parts of lives in which important moral and legal issues are at stake, as if there are circumstances in which someone who lets an event happen *does* cause it.

How should we solve this problem? I shall try to solve it by making and examining a proposed answer to (Q2) which is, in some sense, a kind of compromise. I shall argue that those who say that the answer to the question must be "in some circumstances" are right but that is not because not doing something is or can be an event. So, those who claim that the causal claims we make when we say that someone caused an event by "omitting" to do something do not express a relation between events are also right.
My proposal is as follows:

(P1) Someone who lets an event happen can be said to cause it only if the event is a consequence of an "omission" of his.

An event is a consequence of an "omission" of an agent's only if, had he done what he "omitted" to do, then, *ceteris paribus*, the event would not have happened.

Thus,

(P2) Someone who lets an event happen can be said to have caused it only if (i) his not doing something was an "omission" and, (ii) had he done that what he "omitted" to do, then, *ceteris paribus*, the event would not have happened.

(P2) clearly relies on a somewhat technical sense of "omission", so I shall devote the following section to trying to clarify what this notion might be.³

VI

The term "omission" can be used to mean simply someone's not do-

3. A similar, if more loosely expressed, suggestion is canvassed but not discussed in detail in Quinn, 1989, 292.

ing something. In *this* sense, my not swimming the Channel or my not wearing platform shoes are omissions. But there is another, narrower sense of the term "omission", which we encounter in everyday use, and which is related to normative considerations, and in particular to the concept of neglect. In this sense, my not swimming the Channel or my not wearing platform shoes are *not* "omissions". This is the sense which is relevant to (P2) and on which I elaborate below under (O). (Of course, I am circumscribing the use of the term "omission" in a way that involves some regimentation and more fine-tuning than its everyday use involves.)

(O) An agent "omits" to do something (i.e. his not doing something is an "omission") when he does not to do some thing of a kind – e.g. locking a gate, watering a plant, feeding a child, switching on a signal, etc. – in circumstances which include a *normative expectation* that the agent do a thing of that kind.

Clearly, (O) does not state a *sufficient* condition for an "omission". Some conditions concerning the agent's ability and opportunity to do what he omits to do, and some conditions concerning the agent's awareness of the particulars of the situation – including his own abilities and opportunities, and the normative expectations – must be met. I shall say something about each of these things.

What is meant by a "normative expectation"? I've borrowed the term, though not the account of its meaning, from Bernard Williams. First, "normative expectation" is not a psychological notion; that is, it has nothing to do with what someone expects an agent to do either because of the agent's psychological traits (e.g. that the agent is mean, or strong-willed), or because of those of the person who has the expectation (e.g. that they are apt to mistrust others, or are naive).

Second, normative expectations have to do with norms. In *Norm and Action* von Wright (von Wright, 1963) says that "norm" is a heterogeneous term with vague boundaries. He distinguishes three main types of norms: rules, prescriptions, and directives or technical norms; and three minor groups of norms: customs, moral principles and ideal rules. But he acknowledges that this is not an exhaustive account. Norms, of whatever kind, provide a background against which certain expectations about people's conduct are justified. Of course, things other than an agent's psychological traits and norms can justify expectations about people's conduct. For example, fash-

ion or routines create expectations about how people will dress or what they'll do. However, my not wearing purple this season is not an "omission", nor is my not going for a swim tomorrow morning an "omission", even if I am in the habit of doing so daily. The reason is that the kind of expectation that these sorts of conventions or habits create are not prescriptive, but predictive. They may allow us to predict what people will do but, because they are not normative expectations, they do not prescribe what people *should* do. So a violation of the courses of action dictated by things such as fashion or habit does not amount to an "omission".

"Omissions" are often connected to the sort of normative expectations that arise out of duties, obligations, responsibilities, commitments, etc. belonging to what Hart calls a person's "role responsibility".

whenever a person occupies a distinctive place or office in a social organization, to which specific duties are attached to provide for the welfare of others or to advance in some specific way the aims or purposes of the organization, he is properly said to be responsible for the performance of these duties, or for doing what is necessary to fulfil them (Hart, 1998, 213).

But normative expectations need not be related to formal or official norms. They can also arise out of promises, informal agreements, implicit undertakings, etc, for example, my promising to water my neighbour's plants while she's away. Although a promise doesn't give rise to a norm, it is normative in character, in the sense that it prescribes something that, given the promise, the agent ought, *ceteris paribus*, to do.

What about the conditions I mentioned relating to ability, opportunity and awareness? I shall not try to spell these out in detail. Briefly, ability relates to what the agent can do in virtue of his talents, aptitudes, training, mental and physical capacities, etc. Opportunity, on the other hand, relates to the circumstances that make it possible or impossible for the agent to exercise his abilities (for a fuller discussion see Kenny, 1975, ch. 7). And in addition, an "omission" requires that the agent have some awareness of the normative expectations that weigh on him and some notion of his abilities, and of the opportunities open to him. These brief remarks don't exhaust

the niceties of the conditions for an "omission", but I'll leave the issue here and move on to say something about the notion of causation involved in the claim that sometimes agents can *cause* events through their "omissions".

VII

Before I return to the question of whether "omissions" have consequences, however, I want to say something more about what the agent does instead of what he "omits" to do, because the discussion in section III may appear to suggest that what the agent does instead of what he "omits" to do is irrelevant while in fact it is an important part of the story. Its importance, though, is not that what the agent does instead is the "omission", or *has* the consequences we ascribe to the "omission". Its importance lies elsewhere.

First, knowing what the agent did instead can help us to establish whether the agent's failure to act was an "omission", by providing information about her abilities and opportunities (e.g. someone has been locked in a room, or rendered unconscious). Second, knowing what the agent does instead can tell us how blameworthy the "omission" was, either because it shows that normative considerations that defeat the one under discussion weighed on the agent – for example, when someone does not feed the neighbour's cats as promised because she has to take her child to hospital; or because it offers a background against which to judge my "omission". There is a difference between canceling a seminar in order to see a friend who is moving to another country and canceling it in order to go to the movies. In both cases my not giving the seminar is an omission but the first kind of case seems less reprehensible than the second. Finally, and connected to the previous point, knowing what the agent does instead can provide information about the agent's character, habits, values, preferences, etc.

VIII

Having examined the notion of an "omission", let us recall (P2) and

see how successful it is as an answer to (Q2):

(P2) Someone who lets an event happen can be said to have caused it only if (i) his not doing something was an "omission" and, (ii) had he done that what he "omitted" to do, then, *ceteris paribus*, the event would not have happened.

Now, (P2) seems to fit our case of the callous parent above: s/he let the child die by not feeding him, which in the circumstances would have prevented the event, and his/her not doing so was an "omission"; s/he had a role-responsibility to feed his child, and we can assume that s/he was not prevented from doing so. Cases of failing to water one's neighbour's plants, failing to close a ship's door, or failing to feed the other neighbour's cat, etc. which result in the death of some plants, the sinking of a ship and an ill cat respectively, also seem to fit this principle. Suppose that because of a promise or my position, there was a normative expectation that I should water the plants, close a door and feed the cat. Suppose also that I could but did not do those things, and that, had I done those things, then *ceteris paribus*, the plants would not have died, the ship would not have sank, nor the cat got ill. Then it follows that I caused the death, the sinking and the illness.

But does (P2) provide necessary and sufficient conditions for establishing when someone who lets an event happen other than by doing something can be said to have caused that event? It may seem that (P2) fails as a necessary condition. For suppose I save someone's life by not saying where he is hiding, and suppose further that I was under no obligation to reveal his whereabouts. In this case, although my not doing something was not an "omission", i.e. condition (i) is not met, it seems nonetheless true that I *caused* an event to happen by not doing something. So (P2) does not provide necessary conditions for causing an event by not doing something. A possible response to this objection might be that, contrary to appearances, this is not a case where I *cause* an event by not doing something. Sure enough, the example shows that it is possible to do something by not doing something else, *viz.*, save a life by not revealing a secret; but it is not clear that what I do is *cause* an event; rather, what I do is *prevent* the occurrence of an event (the person's death). I'm

not sure I find this argument cogent, although the difficulty in specifying what exactly the event I am supposed to have caused is (is it the saving of a life? But surely this is what I do, not what I cause), lends this response some plausibility. Be that as it may, the objection fails because the example is not one where it can be said that the event I am supposed to have caused (e.g. the saving of someone's life) is an event I also *let happen*, and (Q2) is concerned with the question of whether, and if so when, I can be said to cause an event that I let happen.

What about sufficient conditions? (P2) does not purport to provide sufficient conditions nor does it. There are cases where the conditions stated in (P2) are met but where we'd not say that the person guilty of the "omission" *caused* the event; for example, a lifeguard who lets a swimmer drown is *not* typically said to have caused their death, even if their not attempting to save the swimmer is an "omission", and even if it were the case that, had they attempted to save the swimmer, the latter would not have drowned. What (P2) shows, which is my general claim, is that when someone lets an event happen, we shall only say that they caused that event if the conditions in (P2) are met, and that, the more strict their obligation to do something that might have prevented the event, the more inclined we are to say that the agent caused the event.

A more compelling objection not merely to the letter but to the spirit of my proposal is that, although (P2) may spell out the conditions under which it *seems* appropriate to say that an agent who lets an event happen *causes* it, the use of the verb "cause" in those contexts is either mistaken, elliptical for something else, or figurative. In the following section I examine this objection in some detail.

IX

In section III, I outlined some metaphysical arguments and said that they rest on the view that only events can cause events (a view defended among others by Davidson, (Davidson, 1967); and Lewis (Lewis, 1973)). This view is clearly at the heart of the objection that causal statements involving omissions are either false or not genuinely causal. Thus, it is argued that "A caused B's death through her

omission" is false, unless it is a misleading way of saying "B died because of A's omission" or "A's omission explains B's death". "A caused B's death through her omission" is false, according to the metaphysician, because it is a "causal-relational claim" and omissions, not being "events" cannot enter into causal relations. And the "because" or explanatory statements may be true but are not genuine causal. I shall examine these two claims in turn.

Although it seems right that statements such as "A's omission caused B's death" are not statements that relate events, this does not show that they are false. We shall find this compelling only if we accept the view that the concept of causation is properly applied only when it appears in statements that express relations between events, or statements that can be paraphrased into statements that express relations between events. (Thus, "A caused B's death through her actions" is acceptable to the metaphysician because it can be paraphrased into "A's action [an event] caused B's death"; but "A caused B's death through her omission" is not so paraphrasable and hence it is not acceptable.) But I know of no persuasive reason to accept this view and indeed the ubiquity of causal claims involving omissions seems to provide substantial evidence against it. Moreover, there are a number of causal claims that do not involve omissions, where the verb "cause" is not flanked by event-referring expressions and such that they cannot be paraphrased into statements that relate events. Thus, we say that failures, lacks and absences cause events. For example, we may say that lack of oxygen caused damage to B's brain, or that lack of vitamin C causes scurvy, or that the failure of the timer caused the cake to burn. These statements do not express causal relations between events because a lack of oxygen, a lack of vitamin C, or the failure of the timer are not events (they may be facts, or states). But the fact that these statements do not express causal relations between events does not imply that they are false.

In any case, even if one accepted that view that causal relations obtain only between events, it does not follow that statements where the word "cause" appears are not genuine causal statements; at most it would follow that they are not genuinely *relational* causal statements, that is, that although they express causal truths, they do not express causal relations.

This brings us to the second claim, *viz.* that causal statements involving omissions are not genuinely causal but are ways of saying something else, for example ways of ascribing moral or legal responsibility for an event to an agent. Thus, in an article published in 1980, E. Weinryb (Weinryb, 1980) argues that the view that omissions can have consequences rests on a confusion between "grounds for responsibility such as roles and obligations, on the one hand, and on the other the causal basis for ascription of responsibility that exists whenever the consequences of actions are in question" (Weinryb, *op.cit.*, 17). How plausible is this suggestion?

The fact that there are causal claims about absences and lacks involving, say, inanimate substances that are analogous to causal claims about omissions alone suggests that Weinryb's view cannot be right. On the one hand, it would be nonsense to suggest that the former are not really causal claims but rather they are ways of ascribing moral or legal responsibility to those substances. But on the other, if causal claims involving absences and inanimate substances are not genuinely causal nor, clearly, ascriptions of moral responsibility, what do they express?

My view is that both claims involving omissions and those involving absences and lacks in inanimate substances are genuinely causal statements, because the application of the concept of causation in these statements is governed by considerations that are closely related to the considerations that govern its application in cases of action or of "positive" causation. Of course, the grounds on which omissions are said to have consequences, and therefore the grounds on which people are said to cause events through their omissions are not the same as the grounds on which actions are said to have consequences or people to cause events through their actions. But they overlap. Causal statements involving actions and their consequences constitute the paradigmatic case of the application of the notion of causation in reports of human behaviour. Typically, an agent is said to be causally responsible for an event if, among other things, the agent does something such that, had the agent not done what he did, then, *ceteris paribus*, the event would not have occurred; and also when the agent had some control over what he did. Because some of the criteria for the application of the concept of causation in relation to actions are also relevant to its ap-

plication in the case of omissions, we can intelligibly extend the application of the concept of causation to omissions and their consequences. Thus, just like claims about actions and their consequences support counterfactuals, claims about omissions and their consequences do as well: an event is said to be the consequence of an omission if, had the agent done what she neglected to do, the event would not have occurred. Another common feature is the fact that the agent must have a substantial degree of control over the occurrence of the action and the omission. An event is attributed to an agent as a consequence of an action, only if his doing what he did was within the agent's control; likewise, an event is attributed to an agent as a consequence of an omission, only if his not doing what he omitted to do was within the agent's control. Attributions of causal responsibility to an agent for events he lets happen depend partly on the meeting of these criteria.⁴

Thus, causal claims involving omissions are genuinely causal even though the use of the concept of causation here is an extension of its use in the paradigmatic case of action. Because of this, causal claims about omissions can contribute to the causal explanation of an event: they explain why the event occurred by reference to the causal conditions that made it possible. But this contribution, like all other contributions to causal explanations, is more or less relevant depending on circumstances, including normative considerations. As has been said often, *which* facts we cite in a causal explanation is a matter of which facts, given the circumstances, are salient. When someone's not doing something is a salient fact in relation to the occurrence of an event, salient because of the normative consider-

4. Thus, normally it is only when both normative and some causal criteria are met that certain kinds of responsibility (e.g. moral and some kinds of legal responsibility) for an event seem justified. If this were not so, the question of whether the agent could have done what he failed to do, or could have prevented the event from happening by doing what he failed to do, would be irrelevant for attributions of moral and legal responsibility. But although vicarious and strict liability do not require that the subject have control over the occurrence of the event, most other cases of responsibility do. Moreover, in cases of vicarious or strict liability although people are held to be legally responsible for certain events on precisely the grounds Weinryb mentions, that is, roles and obligations, they are never said to have caused them.

ations we have mentioned, then it will be one of the causes of the occurrence of the event – perhaps one of the causal conditions that made the event possible, and will be cited in the causal explanation. This does not mean that anybody's not doing what the agent "omitted" to do will also contribute to the causing of that event: considerations about their obligations, capacities and control will determine whether they did and, if so, how substantial their causal contribution was. But it does mean that we may find borderline cases where either it is not clear how salient the agent's not doing something was, or where intuitions about obligations, capacities, etc. differ, as in cases of Bad Samaritans. But in general, the stricter the agent's obligation to do what he "omits" to do, the more salient his not doing so, and the more salient his not doing so, the greater its contribution in the causal explanation of the event.

Before finishing, I shall consider one final objection to my suggestion. It may be, the objection goes, that causal statements involving absences and lacks are both true and genuinely causal, inasmuch as they contribute to causal explanations of events. However, this is implausible in the case of omissions because *norms* are not the sorts of things that could be *causes*, and hence normative considerations cannot determine causal facts. This alone makes the causal status of claims involving omissions highly suspect. This objection, however, depends on a *non sequitur*. It is true that norms cannot be causes, certainly not in the sense in which events or substances can. However, from that it does not follow that normative considerations cannot determine causal facts. In other words, it does not follow that when we select from among the conditions or events in order to provide a causal explanation of an event, the existence of norms cannot be among the pragmatic considerations we bring to bear when deciding which among the preceding events or conditions (including the actions and omissions of agents) we should include in a causal explanation. Explanations are constrained by pragmatic considerations and the relevant normative facts belong among such pragmatic considerations.

Conclusion. I hope to have shown that (i) in some circumstances we can say that an agent who lets an event happen causes that event; (ii) that whether someone caused something that she lets happen depends partly on whether the agent had an obligation, and if so how strict, to do certain things that would have prevented that event from occurring; as well as on a number of considerations that determine the extent to which it was within their power to do what might have prevented the event; and (iii) that the use of the word "cause" here is genuinely causal. I have suggested that the resistance to accept these claim depends on metaphysical considerations about causation that are based on an excessively narrow view of the concept of causation.

A detailed discussion of the implications that these conclusions have for the metaphysical, moral and legal debates noted at the beginning is something I must leave for another occasion. But I shall note two general thoughts that seem to emerge from the foregoing discussion. One is that the notion of causation is much less tidy and regimented than it is often claimed. The second is that, contrary to what many of the arguments advanced in this dispute imply,⁵ the dispute about the moral responsibility of the Bad Samaritan must be settled before settling the question of whether the Bad Samaritan causes harm, and not *vice versa*.

5. See, e.g. Harris, 1982 and Weinryb, *op.cit.* I would like to thank John Hyman, Alex Neill, participants at the May 2000 Manchester conference on Action, and at the September 2000 Bielefeld conference "Agents and their Actions" for comments on earlier drafts of this paper.

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