
DOING AND ALLOWING, THREATS AND SEQUENCES

BY

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Abstract: The distinction between doing and allowing appears to have moral significance, but the very nature of the distinction is as yet unclear. Philippa Foot's 'pre-existing threats' account of the doing/allowing distinction is highly influential. According to the best version of Foot's account an agent brings about an outcome if and only if his behaviour is part of the sequence leading to that outcome. When understood in this way, Foot's account escapes objections by Warren Quinn and Jonathan Bennett. However, more analysis is required to show what makes a relevant condition part of a sequence. Foot's account is promising, but incomplete.

The doctrine of doing and allowing states that it is morally important whether an agent does harm or simply allows harm to occur. This idea seems firmly entrenched in common moral and legal practice. We see some actions as forbidden because they would involve doing harm even if we think we are permitted to allow the same harm to occur for the same reasons. To take a simple example, I am not permitted to knock people over as I rush to an important meeting, but I need not stop to catch someone and stop them falling. We cite the difference between doing and allowing when defending our moral judgments in particular cases; many who oppose euthanasia claim that mercy killing must be forbidden because it involves actively bringing about death.¹

Yet, the doctrine of doing and allowing is the subject of ongoing philosophical controversy. Several have tried to discredit it.² Valiant attempts have been made to defend it.³ Given the important role the doctrine is given by common-sense morality, we certainly have reason to investigate it. After all, on reflection, it is not clear why the difference between doing and allowing should possess moral significance. When we act in such a way that harm comes to others, and we could have acted so that they were not harmed, why should it matter whether the harm is done or 'merely' allowed?

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I think that we are most likely to discover whether the distinction between doing and allowing is morally significant if we first consider the nature of that distinction. If we know what makes the difference between doing and allowing harm, we will find it easier to see what, if any, moral significance this distinction has. However, as yet, the nature of the distinction between doing and allowing is unclear. The vital task of providing an analysis of this distinction has yet to be completed.

In this paper, I explore a highly influential analysis of the doing/allowing distinction, the 'pre-existing threats' account. This account was first put forward by Philippa Foot, and has been seconded in some form by several others.⁴ First, I will explain Foot's account and argue that the original account requires some modification. Second, I shall discuss the most plausible way in which to interpret Foot's account. I shall argue that some previous critics have failed to understand Foot's account in the most fruitful way. Third, I shall consider Warren Quinn's putative counter-example to Foot's account. I shall argue that although Quinn's case does not provide a decisive counter-example to Foot's account, it does demonstrate that further analysis is needed. Foot's account, although promising, is incomplete.

Pre-existing threats

In the first formulation of the account, Foot proposes that whether a person has done or allowed harm to occur depends on whether the victim was under a pre-existing threat of harm. If the victim was under a pre-existing threat of harm, then the agent allowed harm. On the other hand, if the agent initiated a new threat, he has done harm. Consider the Push and Stayback cases described by Jonathan Bennett.⁵ In Push, a vehicle stands unbraked at the top of a slope; Agent pushes the vehicle and it rolls over a cliff edge to its destruction. In Stayback, the vehicle is already rolling down the hill; Agent could interpose a rock that would halt the vehicle, but he does not do so and the vehicle rolls over the cliff edge to its destruction. In Stayback, the vehicle was under threat of destruction before Agent had his opportunity to intervene; so we say Agent merely allowed the vehicle to be destroyed. In Push, Agent initiated the threat of destruction; so we say he destroyed the vehicle.

Foot's proposal is an attempt to distinguish between different ways in which an agent can be relevant to an event. This distinction is independent of the question of *what type* of fact about the agent is relevant to the event. The focus of Foot's discussion is the doing/allowing distinction, not the distinction between acts and omissions. As Foot notes, an actor who fails to turn up for a performance will spoil a performance rather than merely allowing it to be spoiled.⁶ We can think of the actor as

initiating, by his omission, a very short sequence that leads to the performance being spoilt.

Indeed, Foot describes two different categories of allowings. One type of allowing involves forbearing to prevent: 'For this we need a sequence thought of as already in train, and something the agent could do to intervene. (The agent must be able to intervene but does not do so.)'⁷ There is also another type of allowing, which Foot describes as roughly equivalent to enabling; 'the root idea being the removal of some obstacle which is, as it were holding back a train of events.'⁸

For Foot, the crucial common feature of these two classes of allowing is that in both cases the vital sequence, the chain of events leading to the effect in question, is not initiated by the agent. The agent merely allows a previously existing threat to continue. Thus both forbearing to prevent and enabling count as allowings for Foot, although forbearing to prevent requires an omission while it may be that enabling always involves action. Clearly, Foot's interest is in the doing/allowing division rather than the act/omission distinction.

Foot's account is intuitively plausible. It seems to capture the idea behind the doing/allowing distinction. However, it faces several challenges.

First, a minor reformulation is needed. Foot's analysis is most frequently discussed in the context of harm or death. Thus it is usually appropriate to describe it in terms of pre-existing *threats*. However, as Jonathan Bennett notes, the doing/allowing distinction can be applied to good or neutral outcomes as well as bad ones.⁹ The distinction does not have the same kind of moral force in all cases. Unsurprisingly, when the outcome is not morally significant, whether it is done or merely allowed is also morally insignificant. There are interesting questions about the significance of the distinction in cases where the outcome is beneficial; we do seem to praise agents for benefiting others when we would not praise them for allowing the same benefit. However, we can certainly apply the distinction to such cases. When considering good or neutral outcomes, talk of pre-existing threats is not appropriate. Even if we generally talk in terms of threats, we should remember that a different, wider term might be needed for the general case.

In addition, we should note that the fact that a victim was under a pre-existing threat of *harm* is not enough to mean that the agent merely allowed harm. We need the victim to have been under an antecedent threat of *the harm in question*. Consider Kagan's example in which a King stops his Queen from choking and simultaneously stabs her in the thigh.¹⁰ The Queen was under an antecedent threat of harm. In fact, she was under an antecedent threat of a harm that would have been far more serious than the mere flesh wound she received. Yet the King has stabbed the Queen and not merely allowed her to be harmed.

The lesson from this example is that we must not think of doing and allowing harm in terms of counterfactual increases or decreases in overall welfare. Instead we need to consider particular harms. The King brings about the leg wound and does not merely allow it to occur, because the Queen was not under an antecedent threat of suffering that particular harm.

In fact, consideration of the generality of the doing/allowing distinction should show that we are not concerned with general levels of harm or benefit. As noted above, we distinguish between doing and allowing not only when the outcome in question is harmful, but also when it is beneficial or neutral. When we draw the distinction between doing and allowing, we say that a person brought about rather than allowed a particular outcome: she made X occur. Thus when we are applying Foot's account to whether an agent has done or allowed a given harm, we will clearly be interested in pre-existing threats of that harm occurring, rather than threats that the victim will suffer just any kind of harm. This does bring us to the problem of how we are to distinguish different harms. In most cases it is easy to say intuitively whether a given counterfactual involves the same harm or not. Yet, we are in need of some principle of individuation. There is not space to fully discuss this problem here. However, when applying the doing/allowing distinction, we usually pick out the relevant harm by picking out something about the state of the victim (or his possessions). I suggest that if harm A and harm B make the same facts about the victim's situation true, then they are the same harm. Thus 'being stabbed in the knee' is a different harm than 'being stabbed in the foot.' However, 'being stabbed by Alan' is the same harm as 'being stabbed by Bryan' unless the stab wounds differ.

Unfortunately, the analysis as it stands faces further problems. Sometimes an agent seems to have done harm even though he has not initiated a threat. The agent seems to 'move forward' a chain of events that he did not actually start. Consider:

Rock: As the result of a rockslide, a heavy round rock is rolling down a tunnel. There is a fork in the tunnel. The rock might roll down Fork A, where Victim is trapped, or it might roll down Fork B, which is empty. There is a hole above the fork. Jones reaches through the hole and pushes the rock, ensuring that it rolls down Fork A. Victim is crushed to death.

Jones seems to bring about Victim's death in *Rock*. His action contributes to Victim's death. He moves the fatal sequence of events forward. He does not merely remove a barrier or refrain from interfering. Yet he does not seem to initiate the threat. Victim was under a pre-existing threat of being crushed to death by the rock; he might have still been crushed even if Jones had not acted. This presents a problem for the pre-existing threat

account in its original form. In its original form, the pre-existing threat account holds that an agent brings about harm H if he initiates the threat of H. Reformulation of the account seems necessary.

The focus on initiating is part of Foot's original account. In her 1984 article, 'Killing and Letting Die,' Foot states: '... we can pick out the fatal sequence and go on to ask who initiated it.'¹¹ However, once we recognise that an agent can contribute to a threatening sequence without initiating it, it becomes clear that this account is too narrow, we should not think exclusively in terms of the initiation of sequences. In a later article, 'Morality, Action and Outcome,' Foot draws attention to this problem in a footnote. She states: 'In some cases the agent will not start a sequence but rather keep it going when it would otherwise have come to an end. Then he initiates a new stage of the sequence rather than the sequence itself.'¹²

It should be noted that we have replaced talk of threats with talk of sequences or chains of events. This is not so much a modification, as a return to Foot's original formulation. When Foot sets out her account in 'Killing and Letting Die,' she does so in terms of sequences:

The idea of agency, in the sense that we want, seems to be composed of two subsidiary ideas. First, we think of particular effects as the result of particular sequences, as when a certain fatal sequence leads to someone's death ...¹³

We now have four ways an agent may be related to a sequence of events: the agent may initiate the sequence, sustain it, allow it to proceed, or enable it to proceed. To initiate a sequence is to set it in train, while to sustain it is to keep it going when it would otherwise have stopped.¹⁴ Allowing and enabling were discussed above. In her modified account, Foot groups initiating and sustaining harmful sequences together, as ways of doing harm. As before, allowing and enabling are grouped together as ways of allowing harm.

Replacing 'threats' with sequences and allowing that an agent may bring about an outcome by sustaining a sequence, we acquire the following reformulation of the account:

An agent brings about a harm H if he initiates or sustains the sequence leading to H. He allows H to occur if H is the result of a pre-existing sequence that the agent allows or enables to continue.

This reformulation allows us to deal with pre-emption cases such as:

Double-Assassination: Baxter is about to assassinate Victor by shooting him. However, before he can do so, Sassan shoots Victor. Victor dies at exactly the same time from exactly the same type of wounds he would have received from Baxter.¹⁵

Victor was under a threat of death before Sassan's action. Moreover, as the manner of death would have been the same whether he died by Sassan's hand or Baxter's, I suggest that Victor was under a threat of *exactly the same harm* before Sassan's action. The original pre-existing threats account would thus (apparently) classify Sassan as allowing Victor to die. However, it is clear that Sassan kills Victor. Our modified account can explain this. In Assassin, there are two sequences that could have led to the same harm (Victor's death). Victor actually died because Sassan shot him; the sequence that actually led to Victor's death moves from Sassan pulling the trigger to the bullet hitting Victor and finally to Victor's death. If Sassan had not pre-empted Baxter, Victor would have died because Baxter shot him; the fatal sequence would then run from Baxter's pulling the trigger to the bullet hitting Victor etc. Sassan counts as killing Victor because he initiated the sequence that actually led to Victor's death.

Being Part of a Sequence

The reformulated account gives rise to two questions. First, how are we to distinguish between sustaining a harmful sequence and simply enabling one to occur? At least at first sight, the idea of initiating a sequence, setting it in train, seems both readily understandable and easily identifiable. We also seem to have a good grasp of what it is to simply refrain from preventing an existing sequence from continuing. However, the distinction between sustaining and enabling is less clear; how do we distinguish between cases in which, but for an agent's action, a sequence would have stopped, and cases in which, but for an agent's removal of an obstacle, the sequence would have been stopped? What does Foot mean when she says that when an agent sustains a sequence that would otherwise have stopped, she 'initiates a new stage of the sequence'?

This leads to the second question: what do the cases in each of the categories have in common? Why is initiating placed with sustaining? Why does allowing go with enabling? In the original account, allowing and enabling were linked because neither involves the agent initiating a threat. The new account adds a new kind of doing, sustaining. Although Foot claims that this also involves initiation, but initiation of part of a sequence rather than the sequence itself, we need to be clear why this is so.

Cases of initiation and cases of sustaining do seem to have something in common. Roughly speaking, in both these types of cases the sequence is in some relevant sense *dependant* upon the agent. In contrast, in cases of allowing or enabling, the sequence seems to be in some relevant sense *independent* of the agent. If we can make sense of these notions of dependence/independence, then we will have identified a feature that

distinguishes the type of cases Foot classifies as doings from those she classifies as allowings. In doing so, we will have found an answer to the first question raised above, the question of how to distinguish sustaining from enabling.

For my conduct to be relevant to a sequence, it must be the case that I could have behaved in such a way that the chain of events would have been broken and (unless there was over-determination) the specified outcome would not have occurred. If I have either allowed or brought about an outcome, then the chain of events leading to that outcome will (excluding over-determination) be counterfactually dependant on my conduct. Thus we cannot understand the notions of 'dependence' and 'independence' described above in terms of counterfactual dependence. If we understand the claim that a sequence is dependent on an agent to mean that the specified outcome would not have occurred if the agent had acted differently, then any non-over-determined sequence to which an agent is relevant will be dependent on that agent. Clearly this will not provide the necessary contrast between doing and allowing.

Jonathan Bennett gives a different interpretation of Foot's proposal.¹⁶ He takes the idea of an independent threat to involve a high probability that the specified outcome will occur.¹⁷ He suggests we understand the claim that there is an independent threat of U to mean: 'U's occurrence is probable relative to (i) the facts of the non-human situation conjoined with (ii) the proposition that the agent will not exercise his agency.'¹⁸ As Bennett himself notes, this account needs to be altered to accommodate cases in which an agent allows the continuation of a threat that another agent has produced. However, there are more serious problems with his interpretation.

As Bennett notes, under his interpretation, the threat account reduces to what he calls the active/passive distinction.¹⁹ The active/passive distinction is an analysis of the distinction between acts and omissions. However, as noted above, Foot's distinction is not intended to match the acts/omissions distinction. She places enabling, which involves the active removal of a barrier, on the allowing side of her line. So we should not expect Foot's distinction to reduce to the active/passive distinction.

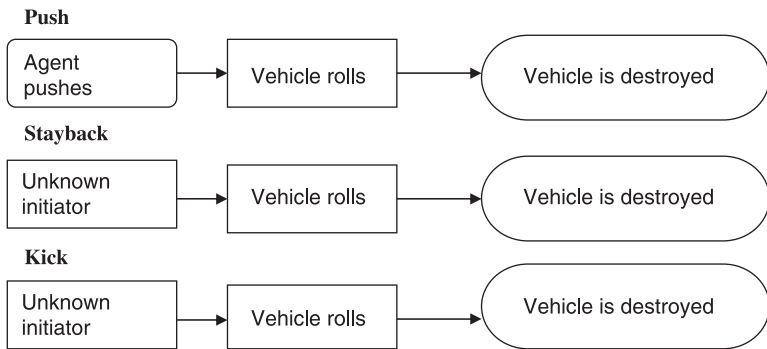
If we are to give Foot's account the hearing it deserves, we must not focus on notions of counterfactual dependence or probability. To do so is to neglect the key idea of Foot's approach, the idea of a sequence. To repeat Foot's words: 'we think of particular effects as the result of particular sequences.'²⁰ This seems to be true. Let us consider some examples of sequences leading to particular effects. Consider the Push, Stayback and Kick examples discussed earlier. Recall:

Push: The vehicle stands, unbraked, on the slope; Agent pushes it; and it rolls over the cliff edge to its destruction.²¹

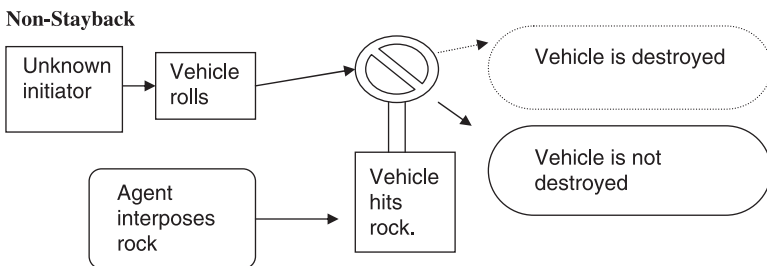
Stayback: The vehicle is already rolling; Agent could but does not interpose a rock that could stop it; and the vehicle rolls to its destruction.²²

Kick: The vehicle is rolling to a point where there is a rock that can bring it to a halt. Agent kicks away the rock, and the vehicle rolls to its destruction.²³

In each of these examples, we can pick out the sequence that leads to the vehicle's destruction.

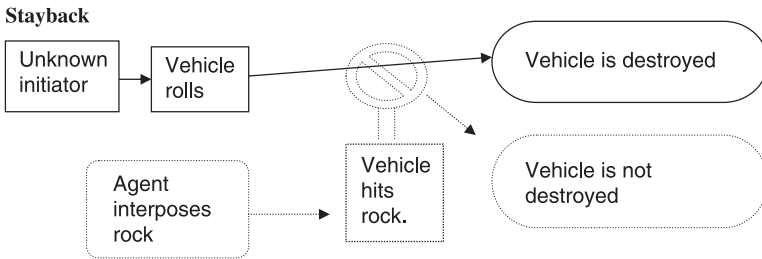


In Push, Agent's conduct is part of the sequence of events that leads to the vehicle's destruction. However, Agent's behaviour is not part of the sequence in either Stayback or Kick. We can draw more complicated diagrams showing how Agent's behaviour is relevant in Stayback and Kick. In Stayback, Agent could have interposed a rock, which would have prevented the vehicle from being destroyed. This diagram represents what would have happened if Agent had interposed the rock:

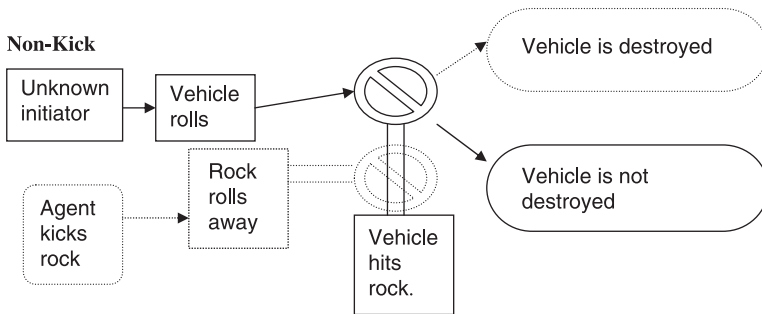


In this case the rock, interposed by Agent, blocks the sequence from continuing. The dotted lines represent possible states of affairs that do

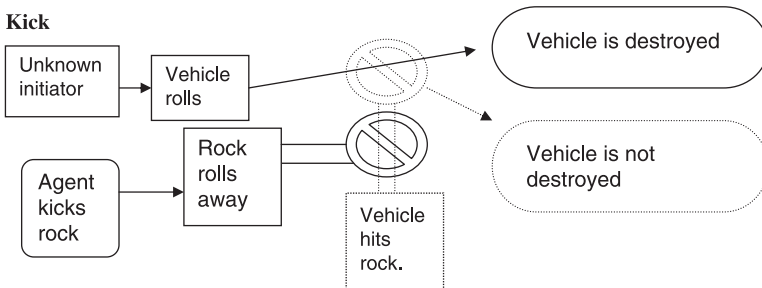
not take place. In the actual Stayback case, Agent does not interpose the rock, so the vehicle does not hit the rock and the sequence continues. We thus have:



We can construct a similar diagram for Kick. In Kick, if Agent had not kicked away the rock, then the vehicle would have been brought to a halt. This diagram represents what would have happened. Again the dotted lines present states of affairs that could but did not obtain.

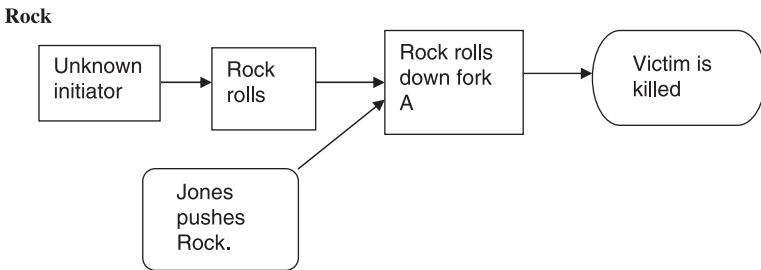


In this case the rock blocks the sequence from continuing, so the vehicle is not destroyed. However, if Agent does kick the rock and the rock rolls away, this barrier is itself prevented from working. We get the following course of events, in which the unobstructed sequence leads to the vehicle's being destroyed.



In this case Agent's kick prevents the rock from blocking the sequence.

The sequences above are linear. The initiating cause produces an intermediary effect, which leads to the end result. However, sequences need not be simple linear chains. When an agent sustains a sequence, his action moves forward a sequence that would otherwise have stopped. In this case, the overall sequence is more complicated. Consider the sequence that leads to Victim's death in the Rock example discussed above. In this example, some unknown initiator has set a large steel ball rolling and Jones gives it the extra momentum required to crush and kill Victim. We have the following sequence:



Although not part of the initial chain, Jones' conduct forms part of the sequence leading to Victim's death.

The diagrams suggest that when an agent initiates or sustains a sequence, his behaviour is part of that sequence, but when he merely allows or enables the sequence his behaviour is not part of that sequence. This gives us a way of understanding the notions of independence and dependence discussed above. A sequence is independent of an agent if his conduct is not part of that sequence, even if whether or not the sequence continues will be affected by how the agent acts. A sequence is dependent on an agent if his conduct is part of that sequence, either because he initiated the sequence or because he sustained it when it would otherwise have stopped.

This leaves us with the final formulation of the pre-existing threats account:

An agent brings about a harm H if he is part of the sequence leading to H, either because he initiates the sequence or because he sustains it. He allows H to occur if H is the result of a sequence of which the agent is not part but which he allows or enables to continue.

Quinn's Freezing Neighbour Objection

Warren Quinn has put forward the following counter-example to Foot's account:

Freeze: I have always fired up my aged neighbour's furnace before it runs out of fuel. I haven't promised to do it, but I have always done it and intend to continue. An emergency arises involving five other equally close and needy friends who live far away. I can save them only by going off immediately and letting my neighbour freeze. I do so and he dies.²⁴

Quinn argues that the agent's behaviour in *Freeze* is clearly an allowing, but that it is not classified as such by the account because there is no threatening sequence that is already in train before the agent goes on his rescue mission. Quinn notes: '[The neighbour] was not already freezing or even, in some familiar sense, in danger of freezing before the emergency arose. Or we might think that if he was in danger, that danger was partly constituted by what I might fail to do.'²⁵

However, as Samuel C. Rickless has pointed out, commonsense does not seem to agree with Quinn's intuitions.²⁶ The neighbour's death *does* seem to be the result of a pre-existing threat that the agent had been helpfully staving off until he was called away. The progressively worsening weather, the neighbour's vulnerability to cold and his inability to fire up the furnace himself combine to produce the threatening sequence that leads to the death. The agent's failure to fire the furnace does not seem to be part of this sequence.

Note that we should not focus on whether or not the threatening sequence *pre-exists* the agent's actions; chronological order is not the issue here. Given the reformulation of Foot's account given above, we should ask whether the agent's behaviour is part of the threatening sequence or simply a relevant condition for the sequence's continuing.

However, responding to Quinn's example by simply producing contrary intuitions dismisses his point too quickly. Quinn suggests that we might think that the threat to the aged neighbour in *Freeze* is 'partly constituted by what I might fail to do.'²⁷ I agree with Rickless that we do not think that the agent's failure to fire up the furnace is part of the fatal sequence. But the question remains: *why* do we not see the agent's failure as part of the threat? Is there a principled way to distinguish behaviour that is part of a sequence from behaviour that is a mere condition of it?

As Quinn notes, 'We might simply stipulate, of course, that any fatal sequence that appears to arise from a *failure* to help someone is really the continuation of a pre-existing sequence. But then we seem to be falling back on the notion of inaction as fundamental.'²⁸ As explained above, Foot explicitly states that her distinction is not the same as the distinction between action and omission – or in Quinn's terms 'inaction.' Thus any stipulation that had the effect of reducing Foot's account to the act/omission distinction would be highly unwelcome.

It might be thought that we can use the notion of causation to explain why in some cases an agent's behaviour counts as part of the sequence and in other cases it does not. The causal account claims that an agent's behaviour counts as part of a sequence if and only if his behaviour is part of the causal chain that leads to the specified outcome. In our everyday speech, we distinguish between relevant conditions that are part of the causal chain and those that simply form the general situation within which the causal chain operates. We call the parts of the causal chain 'real causes,' whereas the others are seen as 'mere conditions.' Thus according to the causal account, an agent will have brought about an outcome only if his conduct was a real cause, not a mere condition of that outcome. This seems to give us a simple, clear solution to the problem of when an agent's behaviour should count as part of a solution.

However, there are two reasons why the causal account cannot provide us with a simple solution. First, it is not clear that we can help ourselves to the real cause/mere condition distinction. There are three main approaches to the analysis of causation: variations on Mackie's INUS account, variations on Lewis' counterfactual account and process accounts of causation.²⁹ According to both counterfactual accounts and INUS accounts which of the relevant conditions count as a real cause is a matter of the context of enquiry. Roughly speaking, these accounts do not leave us with a difference between real cause and mere condition based on the nature of causation. Instead, they suggest that we identify as 'real causes' the conditions that are particularly interesting or significant to us. Given the lack of consensus about causation, when analysing the doing/allowing distinction we should not assume that one particular account of causation is correct. As only one of the approaches to causation provides a basis for the real cause/mere condition distinction, we should not assume that we can use this distinction without further investigation. We need to ask what makes something a cause rather than a mere condition.

An additional problem for the causal account of the doing/allowing distinction is that, as Bennett notes, the distinction also applies to non-causal consequences of behaviour. A non-causal consequence of an agent's behaviour is a state of affairs that occurs as a result of the agent's behaviour, but that is not causally connected to the agent's behaviour. Consider a situation in which an agent has promised not to sit down. If he sits down, his behaviour does not cause his promise to be broken; the connection between his sitting and the breaking of the promise is not a causal one. Rather, in sitting down he breaks his promise. The fact that he sat down when conjoined with the fact that he has promised not to sit down makes it the case that he has broken his promise. Bennett gives a general account: 'C is a non-causal consequence of Agent's ϕ -ing if and only if: C is entailed by (Q and Agent ϕ 's), but not by either conjunct

alone, where Q is a contingent fact that does not entail any causal laws.³⁰

Bennett gives an example in which we apply the contrast between doing and allowing to non-causal consequences of behaviour. Consider the difference between 'She put them in danger by reporting them to the Gestapo' and 'She left them in danger by not lying the Gestapo about where they were hiding.'³¹ In each of these cases, the fact that the victims are in danger is a non-causal consequence of the stated fact about the agent's behaviour. Note that the victims' being in danger is not the same as the victims' being captured by the Gestapo (the former could occur while the latter did not). The victims' capture by the Gestapo may be a causal consequence of the agent's behaviour. However, the danger of the victims is not caused by the agent's behaviour. Instead, the agent's behaviour, added to the circumstances that the Gestapo wish to capture them and harm them, brings to completion the state of affairs that the victims are in danger. The danger is a non-causal implication of the agent's action. Yet the agent brings about the victims' peril in one case and merely allows it in the other. Thus the doing/allowing distinction can be applied to cases involving sequences that contain non-causal links.

Foot's account is in this way superior to the cause/condition account, for it accommodates the non-causal cases. Foot's account of the doing/allowing distinction picks out the general contrast between being part of the sequence that leads to a given consequence and being related to that sequence but not part of it. In the causal case this is the mere condition/cause distinction; in non-causal cases it is another analogous distinction. Thus Foot's distinction can be seen as an extension of the idea behind the cause/condition account to a broader range of cases. However, in both the causal and the non-causal cases, there remains a need for an explanation of why some relevant conditions are counted as part of the sequence while others are not.

Two other apparently hopeful suggestions will also have to be rejected. First, it might be suggested that an agent's behaviour counts as part of the chain leading to X if he is relevant to X through a chain of facts that are in some sense positive i.e. facts about what is the case rather than what is not the case. Alternatively, we might base our account on the transfer of energy: in this case, the agent would count as part of the sequence if there were a chain of progressive transfers of energy from him to the victim.³² Both these suggestions can be ruled out by counterexamples involving what Jonathan Schaffer calls 'causation by disconnection':³³ for example, an agent removes a safety net from under a falling acrobat,³⁴ an agent pulls the trigger on a gun, disconnecting the sear so the spring uncoils, propelling the bullet towards his victim.³⁵ In such cases, the agent brings about the outcome by removing something, a safety net or a sear. This means that he is relevant to the outcome

through a negative fact (a fact about what is not there) and there is no transfer of energy from him to the victim. However, he still counts as doing X. As Schaffer has shown, many paradigmatic cases of causation involve disconnection. Jeff McMahan has also argued convincingly that many cases of doing harm involve the removal of a barrier to harm.

Some (such as McMahan) see such cases as counterexamples to Foot's sequence account. However, I suggest that they merely show that in some cases an absence can be *part of* the sequence leading to an upshot. In the above examples, the absence of the safety net would count as part of the sequence leading to the acrobat's death; the absence of the sear counts as part of the sequence leading to the gunslinger's victim's death.

Why do these absences count as part of the fatal sequence? An entire paper (at least) is required to give and defend a full answer to this question. However, my suggestion is that these absences count as part of the sequence because they involve the removal of barriers which (a) do not consist of the agent's own resources and (b) are in use to prevent or delay the sequences in question. The function of a sear is to prevent the gun going off. The safety net has been provided to catch falling acrobats. Thus in removing these barriers, the agent is interfering with the plans of others. Such interference counts as the kind of substantial fact that can be part of a sequence. In general, I suggest that an agent will count as relevant to but not part of a sequence if and only if his behaviour is only relevant to the sequence through some negative fact (some fact about what was not there or what he did not do) that does not involve the removal of a barrier which (a) does not use his resources and (b) is in use to prevent the sequence. He will then count as allowing the outcome of the sequence.³⁶

Conclusion

Foot's sequence account provides a promising starting point for the analysis of the doing/allowing distinction. The most fruitful way to understand Foot's account is to claim an agent brings about an outcome if his behaviour is part of the sequence that leads to that outcome, while an agent allows an outcome if his behaviour is not part of the sequence leading to the outcome, although he could have prevented the outcome. We naturally distinguish conditions that are part of a sequence leading to an outcome from conditions that are relevant to, but not part of, the sequence. When Foot's account is understood in this way, it can withstand the criticisms levelled by Quinn and Bennett.

However, the account as it stands is incomplete. It depends upon the presence of general agreement about whether a particular condition counts as part of a sequence or not. Although analysis needs to stop

somewhere, this is not the right place to stop. Further understanding of why we see some relevant conditions but not others as part of a sequence is desirable. It may be that we cannot find such understanding. However, we can certainly try to find deeper principles behind the general agreement. Foot's account therefore represents a beginning of analysis, rather than a successful completion. I have made some tentative suggestions about how Foot's account could be developed.

As stated in the introduction, the moral significance of the doing/allowing distinction is deeply ingrained in common moral and legal practice. If further analysis gives a satisfactory underpinning for Foot's account, then it could play an important part in a defence of this doctrine. For Foot's account allows us to make sense of the idea that agents are specially connected to the things they do. If I do X, my behaviour is part of the sequence leading to X. Suppose that an argument can be provided to show that we should not treat all consequences of our conduct equally but must differentiate between these consequences in some way and pick out some as our special responsibility.³⁷ The sequences account suggests that the doing/allowing distinction is a good place to draw that line.³⁸

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NOTES

¹ However, see Steinbock, B. (1979). 'The Intentional Termination of Life' *Ethics in Science and Medicine* 6, pp. 59–64 for an argument that the American Medical Association's moral distinction between euthanasia and allowing a patient to die through cessation of treatment depends on the distinction between intended and foreseen harm rather than a distinction between doing and allowing.

² Prominent examples include: Rachels, J. (1975). 'Active and Passive Euthanasia' *New England Journal of Medicine* 292, pp. 78–80; Tooley, M. (1995). *Abortion and Infanticide*. Oxford: Clarendon Press; Bennett, J. (1995). *The Act Itself*. Oxford: Oxford University Press.

³ Cf. Foot, P. (1967). 'The Problem of Abortion and the Doctrine of Double Effect,' *Oxford Review* 5, pp. 5–15; Quinn, W. S. (1989). 'Actions, Intentions, and Consequences: The Doctrine of Doing and Allowing,' *The Philosophical Review* 98, pp. 287–312; Kamm, F. (1996). *Morality, Mortality*. New York: Oxford University Press; and, more recently, Scheffler, S. (2004). 'Doing and Allowing' *Ethics* 114, pp. 215–239.

⁴ Foot, P. (1967). 'The Problem of Abortion and the Doctrine of Double Effect,' *Oxford Review* 5, pp. 5–15; (1984). Foot, P. (1984). 'Killing and Letting Die,' in J. Garfield and P. Hennessy (eds) *Abortion and Legal Perspectives*. Amherst: University of Massachusetts Press; Foot, P. (1985). 'Morality, Action and Outcome,' in T. Honderich (ed.) *Morality and Objectivity: A Tribute to J. L. Mackie*. London: Routledge. Also see Kamm, F. (1996). *Morality, Mortality*. New York: Oxford University Press; McMahan, J. (1993). 'Killing, Letting Die, and Withdrawing Aid,' *Ethics* 103, pp. 250–279. Both Kamm and McMahan propose amendments to Foot's theory. Kamm takes Foot's account as one of several

definitional properties of letting die. McMahan's offers some amendments to Foot's account.

⁵ Bennett, 1995, p. 67.

⁶ Foot, P. 'The Problem of Abortion and the Doctrine of Double Effect' in B. Steinbock and A. Norcross (eds) *Killing and Letting Die*, 2nd edn. New York: Fordham University Press, pp. 266–279 at p. 273. Originally published in: (1967). *Oxford Review* 5, pp. 5–15.

⁷ Ibid.

⁸ Ibid.

⁹ Bennett, 1995, p. 123.

¹⁰ Kagan, S. (1989). *The Limits of Morality*. Oxford: Oxford University Press, p. 97.

¹¹ Ibid.

¹² Foot, 1985, p. 37.

¹³ Foot, P. (1994). 'Killing and Letting Die,' in B. Steinbock and A. Norcross (eds) *Killing and Letting Die*, 2nd edn. New York: Fordham University Press, p. 282. Originally published in: (1984). J. Garfield and P. Hennessy (eds) *Abortion and Legal Perspectives*. Amherst: University of Massachusetts Press.

¹⁴ What if the sequence would not have come to a halt had the agent failed to act, but where its outcome would be less than certain? For example, suppose that without agent's intervention, there would be a fifty per cent chance that the rock would kill the victim, but no matter of fact about what would happen. In most such cases, the agent seems to have done, rather than simply allowed harm. However, this will depend on two factors: (a) whether the agent makes its outcome certain when it would otherwise have been uncertain or simply prevented something from making the sequence uncertain; (b) how uncertain the outcome of the sequence was. There is much to say about sequences where the outcome is indeterminate. (See for example, Kagan, 1989, pp. 87–91.) I believe that the account given in this paper can be extended to deal with such sequences. I thank the anonymous referee who pressed me on this point.

¹⁵ This is a modified version of Frances Howard-Snyder's 'Sassan' case in Howard-Snyder, F. (2002). 'Doing vs. Allowing,' in E. N. Zalta (ed.) *Stanford Encyclopedia of Philosophy*, p. 7 URL = <<http://plato.stanford.edu/archives/sum2002/entries/doing-allowing/>>.

¹⁶ Bennett, 1995, p. 125.

¹⁷ Bennett refers to the original account and hence speaks of a pre-existing threat rather than an independent one.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Foot, 1994, 'Killing and Letting Die,' p. 282.

²¹ Bennett, 1995, p. 67.

²² Ibid.

²³ Ibid.

²⁴ Quinn, 1989, p. 298. I have slightly altered Quinn's wording.

²⁵ Ibid.

²⁶ Rickless, S. C. (1997). 'The Doctrine of Doing and Allowing,' *Philosophical Review* 106, p. 561.

²⁷ Quinn, 1989, p. 298.

²⁸ Ibid.

²⁹ For an overview see Schaffer, J. (2003). 'The Metaphysics of Causation,' *Stanford Encyclopaedia of Philosophy*: <http://plato.stanford.edu/entries/causation-metaphysics/>

³⁰ Bennett, 1995, p. 38.

³¹ Ibid, p. 127.

³² See Howard-Snyder, 2002.

³³ Schaffer, J. (2000). 'Causation by Disconnection,' *Philosophy of Science* 67, pp. 285–300.

³⁴ I thank the anonymous referee who provided this example. It is a succinct variation on McMahan's Burning Building case. (McMahan, J. (1993). 'Killing, Letting Die, and Withdrawing Aid.,' *Ethics* 103, 250–279 at p. 254.)

³⁵ Schaffer, 2000, p. 287.

³⁶ This suggestion is influenced by, but differs importantly from, McMahan's analysis of when removal of a barrier counts as doing (McMahan, 1993).

³⁷ Samuel Scheffler has argued that our moral system presupposes 'some distinction of this sort.' See Scheffler, S. (2004). 'Doing and Allowing,' *Ethics* 114, pp. 215–239.

³⁸ I would like to thank Brad Hooker, John Cottingham and an anonymous referee for helpful comments on this paper.