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## Replies to Critics

Carolina Sartorio

I am very grateful to my critics for their comments. I really appreciate their taking the time to think about the ideas in the book and for discussing them with me. They have encouraged me to reflect more deeply about my views. In what follows I include my reactions to some of their main points. For the most part I respond separately to each critic, but when there is overlap (and there is some) I note so.

### REPLY TO WHITTLE

Ann Whittle raises an interesting and important question: How should we understand the relation between causation, freedom, and the abilities of agents? Her view seems to be that our abilities are, ultimately, what makes us free and responsible. Although she says she thinks it's plausible that facts about freedom are only grounded in actual causal facts and their grounds, this is only, on her view, because the grounding facts are facts about our abilities. Thus abilities, not actual causes, play the most fundamental role in grounding freedom.

Despite some differences between our views, I think they aren't as radically opposed to each other as Whittle seems to think. At least, they needn't be. My view is basically the schema of a view, one that can be filled in in more than one way. According to ACS, facts about freedom are exclusively grounded in facts about the actual causal sequence *and whatever facts may ground those facts*. I intentionally left open what those grounding facts are, for a couple of reasons. One is that I am not sure exactly how to fill that in, since this would require knowing what the right theory of causation is. Another is that I actually want the view to be as neutral as possible so that it will be appealing to more people. So, I believe that, at least in principle, it's possible to construct an ability-based account compatible with ACS. It would have to be an account according

to which the relevant facts about actual causes are always grounded in facts about abilities (where those facts about abilities could in turn be grounded in yet more basic facts).

Let me use an example discussed by Whittle to illustrate. Imagine that John saw a child drowning but made no attempt to save him and the child died. Imagine that John is able to swim in those kinds of waters and he could have easily saved the child by exercising those abilities (imagine, in particular, that there are no sharks in the water or any other obstacles to his rescuing the child). We want to say that John is morally responsible for the child's death. Assuming omissions can be causes, ACS entails that John's moral responsibility for the child's death is exclusively grounded in the fact that his omission to attempt a rescue caused the child's death, and whichever facts may ground that fact. But now imagine that one believes that the fact that John's omission caused the child's death is grounded in the fact that John was able to save the child. Then the grounding structure would look like this:

Ability fact  $\Rightarrow$  Causal fact  $\Rightarrow$  Freedom/responsibility fact.

As a result, one would end up with an ability-based account that is compatible with ACS.

Now, Whittle seems to think that, if something like this is the correct account of the grounds of freedom, it is misleading to think of it as an actual-causes account, for this obscures the fact that it is fundamentally an account based on abilities. But I don't see why we should think this. I don't regard the actual-causes account as necessarily opposed to an account in terms of abilities (although of course it is possible to have an actual-causes account that doesn't appeal to abilities). The way I see the debate, the main rival to the view that I propose is a view according to which freedom is grounded in something *beyond* the facts about actual causes and their grounds. Generally, this missing ingredient is thought to be alternative possibilities of a robust kind, which is typically taken to involve more than facts about the actual causes and their grounds. Whittle suggests that this is not how some "dispositional" compatibilists like Vihvelin and Fara think about the ability to do otherwise [p. 75, note 1]. I am not sure about this; I don't think it's clear from what they say how they think about the connection between the ability to do otherwise and the actual causal history.<sup>1</sup> At any rate, I think it's a fair representation of a more traditional conception of the ability to do otherwise such as van

Inwagen's (van Inwagen understands the ability to do otherwise in terms of the existence of possible worlds that are accessible to the agent when he acts; see his (1983), chapter 3).

Now let me turn to those aspects where Whittle and I do seem to disagree. One concerns, again, the role that abilities play in grounding freedom. As we have seen, Whittle thinks that abilities are bound to be at the bottom of the grounding hierarchy. But it strikes me that there is an alternative to this picture that is at least as initially plausible, a "common ground" structure of the following kind:

Common ground  $\not\Rightarrow$  Causal fact  $\Rightarrow$  Freedom/responsibility fact  
 $\not\Rightarrow$  Ability fact

If this picture is right, abilities don't actually play a role in grounding freedom; instead, the common grounds do. Plus, one could appeal to the fact that there is a common ground structure of this kind to explain away the appearance that abilities ground freedom.

Imagine, for instance, that a counterfactual account of causation is true.<sup>2</sup> In that case the grounding facts will include some counterfactual facts. But, in principle, those same counterfactual facts could ground the facts about abilities (without being identical to them). Let's illustrate again with the example of the child drowning. The counterfactual "If John had attempted a rescue, he would have saved the child" plausibly grounds the causal fact [John's failure to attempt a rescue caused the child's death]. But it also plausibly grounds the ability fact [John was able to save the child]. So at least in principle it seems that the grounding structure could look like this:

Counterfactual fact  $\not\Rightarrow$  Causal fact  $\Rightarrow$  Freedom/responsibility fact  
 $\not\Rightarrow$  Ability fact

On this view, abilities don't play a role in grounding freedom, although the counterfactual facts in which they are grounded do.

My view has the advantage that it doesn't force us to decide this issue. If the causal facts end up being grounded in facts about abilities, that's not a problem for the view; if they don't, that's also not a problem for the view. What's distinctive about the view is that the causal or actually explanatory facts play the more direct grounding role. We can em-

brace this idea without committing ourselves to any particular view about the grounds of causation.

Now, there is a related concern that Whittle hints at in her comments. The worry is that, if the facts about causal histories are grounded in modal facts, it is not clear how the freedom and responsibility facts are a matter of what happens in the actual world, as opposed to only what happens in other possible worlds. As a result, it is not clear how my view fares any better than a view like Fischer and Ravizza's (Fischer and Ravizza (1998) spell out the concept of reasons-sensitivity in counterfactual terms).

But, again, note that on my view counterfactuals are *only* relevant to the extent that they help ground facts about what's actually causally efficacious or actually explanatory. Fischer and Ravizza's view doesn't have that ambition. On Fischer and Ravizza's view, counterfactuals are relevant even if they don't help ground the causal or actually explanatory facts. (Not coincidentally, this is my main complaint about their view, that it fails to respect the original insight by Frankfurt, according to which freedom is just a function of what actually explains or causes the behavior.) So, when I say that, for example, the absence of a reason R is part of the actual causal history of an agent's behavior, and thus is part of what makes the agent sensitive to reasons, I intend this to go beyond the mere statement of a counterfactual claim. If counterfactuals play a role, then this is only because they help determine the actual causal history or the actual explanation of the behavior. This more ambitious view respects Frankfurt's insight about what's relevant to freedom, and I think it's independently well motivated.

Imagine that Ann is a prudent driver, who on one occasion is driving her car down the road as she usually does: she respects the traffic laws, she is vigilant and careful, etc. It seems clear that when Ann does this she is responding, even if unconsciously or unreflectively, to a number of facts concerning her environment. Some of these factors are positive in nature and some of them are negative in nature. As an example of a positive fact, Ann is being sensitive to the existence of a road that continues on ahead. The role played by the existence of the road might not be as immediately obvious as other more salient causes of her behavior, but on reflection it seems undeniable that it plays such a role. In turn, as an example of a negative fact, Ann is being sensitive to the absence of a speeding emergency vehicle in the vicinity (such as a fire truck or an ambulance with the siren on). And notice that this isn't just to say that Ann is disposed to act differently in some possible world, one where there is

no road or one where there is a speeding fire truck (although of course this is something that could be entailed by such a claim). Rather, it's a claim about the *actual* world and what is going on in it. When we say that Ann is being sensitive to factors of that kind, we don't (just) mean to say that in a nearby possible world Ann acts prudently by slowing down or stopping altogether. Arguably, we mean to say that in the actual world she acts prudently because her act of driving is partly happening in response to the absence of those facts.

My view is that something similar happens when an agent acts freely and is morally responsible for what she does. Even a simple act like taking a step in a certain direction can illustrate this kind of actual sensitivity to factors that may not be clearly recognizable at first sight, because it can be the upshot of the agent's responding to the absence of certain reasons, including moral reasons. For example, if Ann is a morally considerate person, her taking a step in a certain direction is sensitive to my foot not being in the way. And, here too, this isn't (just) to say that, in a nearby possible world in which my foot is in the way, she acts in a morally considerate fashion by not taking the step in that direction. Rather, it is to say that in the *actual* world she acts in a morally considerate fashion when taking the step, because in taking the step she is responding to the fact that people are not in the way, among other facts.

Now, Whittle seems to think that this view is not easily reconcilable with some accounts of omissions, such as Bernstein's view (2014) according to which omissions "just are possibilities" [Bernstein (2014), p. 17]. But, first, it is important to note that, even on an account like Bernstein's, omissions aren't *just* possibilities. Bernstein's view combines the actual and the possible: an omission is a three-part entity consisting of an event at the actual world, another event at a possible world, and a transworld counterpart relation between those two events. The reference to an actual event helps anchor causation involving omissions to the actual world. More generally, it seems to me that any plausible view of causation by omission that appeals to possibilities cannot say that it's all *just* possibilities all the way down, because there will always plausibly be some constraints on the actual facts. For example, for me to be responding to the absence of a moral reason, I at least have to exist (obviously), and there are plausibly other constraints on the actual facts, such as, notably, I have to be psychologically constituted in a certain way. So, even if possibilities played a role in grounding causation by absences, any plausible account would arguably have to rely on some actual facts.

Finally, I'd like to comment on Whittle's intriguing discussion of the difference-making principle. She asks us to consider the following scenario:

**Wiley Frank:** Everything is the same as in the Frank and Furt scenario except that Frank becomes aware of the presence of the neuroscientist and decides to use it to his advantage. He refrains from making the decision to kill Furt on his own, and instead waits for the neuroscientist's device to kick in. That way, he thinks, if he gets caught, he has the perfect excuse to get him off the hook. When the device goes off, he kills Furt as a result [p. 69].

According to Whittle, Wiley Frank is morally responsible for killing Furt in this case. In fact, Whittle believes that, given his bad intentions, Frank is morally responsible for killing Furt regardless of what he does: if he decides to kill Furt on his own or if he doesn't (and instead decides to wait for the device to kick in). If so, this is a counterexample to the difference-making principle that I appeal to in my defense of ACS.

I find this very puzzling. I think it's just a basic fact about the grounds of responsibility that doing something and failing to do it can never make you responsible for the same thing.<sup>3</sup> So I feel like I cannot really argue for it. But at least I can discuss what Whittle has to say about this, and then offer another example that might prove illuminating.

Whittle suggests that what makes Wiley Frank deserving of blame in both cases is his murderous intent. In the absence of that murderous intent, he wouldn't have been in the position of being blameworthy for Furt's death regardless of what he does, but given his murderous intent he is [pp. 69-70]. However, we know that murderous intent is in general not enough to make you responsible for a death; you also have to be successful in bringing about the death. (Otherwise there would be no problem of resultant moral luck; for example, attempted murder would automatically make you just as responsible as successful murder...) So, murderous intent by itself doesn't give us any reason to think that Wiley Frank is blameworthy; it also has to be clear that he caused the death.

Now consider this other case: an assassin, Assassin 1, is about to shoot a victim when he notices the presence in the vicinity of a backup assassin, Assassin 2. Assassin 1 realizes that, if he were to refrain from shooting, then Assassin 2 will shoot (and there's nothing he can do to stop him). Although Assassin 1 really wants the victim to die, he also wants to avoid being blamed for his death, so he decides to not shoot

and let Assassin 2 shoot instead. It seems clear to me that in this case Assassin 1 succeeds in avoiding blame for the victim's death (although of course he can still be blameworthy for his murderous intent). Only Assassin 2 is blameworthy for the death in this case. But the example of Wiley Frank seems to be structurally analogous to this in all the relevant respects. So, if Assassin 1 isn't blameworthy for the victim's death, then Wiley Frank isn't blameworthy for Furt's death either.

In any case, I want to close by emphasizing something that I note in the book, which is that, strictly speaking, my views on causation needn't all be true for ACS to be true. There are other ways of supporting the main claims about causation, including fully developed theories by other philosophers that have similar results to the principles I endorse (although in some cases maybe not all the same results). The main thesis I argue for in the book is the claim that facts about freedom and responsibility depend on facts about causation in a way that hasn't been sufficiently appreciated in the literature on free will, and especially assuming an actual-sequence based framework of free will. What those causal claims are, exactly, and how to support them, is a somewhat different story, which I only tried to partially address in the book. Again, part of the reason for this is that I wanted my account to remain as neutral as possible in order for it to have wider appeal.

#### REPLY TO MOYA

Carlos Moya raises three main issues, which I'll discuss in turn. Since there is some overlap with Whittle's comments, at one key point I'll rely on my earlier response to Whittle in my response to Moya.

First, Moya's view is that absences cannot be causes, and he argues that this raises a problem for my view (in particular, for my account of reasons-sensitivity, which emphasizes the role played by absences of reasons). Moya seems to side with theorists who believe that absences can be explanatorily relevant without being themselves causally efficacious [see, e.g., Beebe (2004)]. For example, the lack of a sprinkler can contribute to explaining why there was a fire in a room but it isn't a cause of the fire. If so, the causal history of the behavior of an agent, just like the causal history of anything else, will not include absences but only positive events.<sup>4</sup>

In the book, I addressed the issue of absence causation in chapter 2. I claimed that the possibility of absence causation is *not* a necessary assumption of my view (although I pointed out that it makes the view considerably simpler to formulate, and thus in the rest of the book I adopted

it as a simplifying assumption). In that chapter I also briefly explained how I think that the main theses of the view could be reformulated if absence causation were not possible. (See especially section I.1.)

Let me expand a bit on this here. My main example of a non-causal conception of omissions was Dowe's "quasi-causal" account [Dowe (2001)] (but it is worth noting that Beebe's causal explanation account would work in a similar way, since like Dowe's it appeals to possible causal relations). Roughly, Dowe's idea is that absences can enter in quasi-causal relations, where quasi-causation is a relation that is defined in terms of a combination of events and causal relations that obtain in the actual world as well as other possible worlds. For example, the claim that the absence of a sprinkler quasi-caused the fire is understood as: in the actual world, some positive event (say, an electric malfunction) caused the fire, and in the closest possible worlds where there is a sprinkler, the sprinkler prevents the fire (by causally interacting with the process involving the electric malfunction, which led to the fire in the actual world). Note that nothing in this account commits us to an absence entering in a causal relation with anything else. But this way we can still capture the idea that the absence of the sprinkler is *relevant* to the occurrence of the fire in a way that, for example, the absence of a stuffed animal wouldn't be.

Importantly, Dowe notes that the relation of quasi-causation works just like causation for the purposes of explanation, decision-making, and issues about moral responsibility. This is important for me because it suggests that it's legitimate to use causation as a simplifying assumption or a proxy, without taking any significant risks. And we know that *some* metaphysical relation must be playing that role (if not causation itself, maybe quasi-causation or some other relation in the vicinity). For we know that some absences are explanatorily relevant and some aren't, and we know that some absences help ground our moral responsibility and some don't.

So, in the end, my view is that although the truth could be slightly more complicated than ACS itself (depending on the metaphysics of absences and absence causation), if it turned out that absences cannot be causes, it shouldn't be hard to find a suitable replacement that would capture everything that we wanted to capture with ACS. Thus, although I agree with Moya that the account of reasons-sensitivity that I propose *may* not end up being a purely causal account, I think that, even in that case, something very close to that would still be true.

Now, you might be wondering whether it's legitimate for an actual-sequence account of freedom like mine to appeal to a relation like quasi-causation, which involves counterfactuals or modal claims. This brings



me to Moya's second point. Moya's second main comment concerns my account of reasons-sensitivity and my claim that an agent's sensitivity to reasons is a function of the actual causal explanation of the agent's behavior (developed in chapter 4 of the book). In his discussion, Moya uses an example that I will adapt for present purposes: Carlos really wants to have a book from the library and one day he decides to steal it. But he is otherwise sensitive to reasons, for example, he wouldn't have done it if he had had reason to believe that stealing the book would probably result in the ruin for his family. As Moya notes, according to my view, the fact that Carlos is sensitive to reasons is represented by the fact that his decision to steal the book is caused<sup>5</sup> by the absence of the relevant belief (the belief that stealing the book would probably ruin his family).

Moya thinks that there is a different analysis of the case that is more plausible than this. Namely: Carlos has certain capacities (for practical reasoning, deliberation, etc.), and those capacities ground *both* the actual causal fact (he is responding to the absence of the belief that stealing the book would ruin his family) *and* the counterfactual fact (had he believed that stealing the book would ruin his family, then he wouldn't have stolen the book). So those capacities (or, if capacities are grounded in categorical bases, then the categorical bases), not the actual causal facts themselves, are at the bottom of the grounding hierarchy. Note that this is very similar to Whittle's suggestion, which I discussed before. Accordingly, my response to this part of Moya's comments is very similar to my reply to Whittle.

Moya cites the following paragraph from my book:

Once we recognize the relevance of the absence of reasons to refrain, and how those absences figure in the causal history of the actual behavior, it is natural to see the counterfactual facts as not at all explanatorily fundamental. That is to say, the relevant counterfactual facts can still obtain, but, when they do, it's by virtue of what the actual sequence is, or how it is constituted (in particular, in virtue of the fact that the actual sequence contains certain absences of reasons), *or by virtue of the grounds of those actual-sequence facts themselves* [Sartorio (2016), p. 133; added emphasis].

As this passage suggests, I want to make room for the possibility that the capacities that Moya has in mind could be acting as the grounds of the actual-sequence facts (as well as the counterfactual facts). Again, my view is consistent with this claim, because it recognizes that actual-sequence facts could in turn be grounded in other facts. And, in principle, these other facts could be facts about abilities or capacities, as Moya thinks.

Finally, Moya's third main comment concerns the role of the epistemic dimension in the concepts of freedom and responsibility. Moya discusses the Squeaky Button case (from chapter 1 in the book), where I press a button wanting to hear the squeaky sound it makes; in one scenario (the Unaware variant) I do it not knowing that it will also result in a village's destruction, and in another scenario (the Aware variant) I do it knowing this. My claim in chapter 1 was that I am responsible for the village's destruction in the Aware scenario but not in the Unaware scenario, although the difference in responsibility between the two scenarios is grounded in a purely epistemic component of responsibility (having to do with awareness or foreseeability), and not in facts about the causal chain. Moya suggests that the same considerations apply to freedom: I freely bring about the village's destruction in one case but not in the other, but the difference in freedom between the two scenarios is purely epistemic, and thus is not reflected in facts about the causal chain. If so, freedom (like responsibility) isn't just a matter of facts about the actual sequence.

This is an interesting suggestion. In fact, this is partly why, in chapter 1 (section 3.2.2), I explained how the view could be adjusted if it turned out to be the case that freedom too, not just responsibility, has a purely epistemic component (see especially footnote 53). I explained that I was following the tradition of assuming that responsibility has two markedly different components, a metaphysical component that tracks freedom and control, and a separate epistemic component that tracks the epistemic state of the agent. However, this conception has been challenged [see, e.g., Mele (2011)], and if it turned out to be misguided, one would have to reformulate the central thesis of my book as a thesis about the non-epistemic component of responsibility.

Since I wanted to remain neutral on this issue, I left matters there. In fact, I am not sure how I would go about this myself. There is an interesting recent discussion of this point raised by Moya in the Flickers of Freedom blog (the post is "Moral Responsibility: Freedom Conditions & Epistemic Conditions," 12/13/2012, by Mele). Looking at the comments thread there, people seem to be divided on this issue. On the one hand, there are those who think like Moya that freedom has a purely epistemic component, and they base that claim on intuitions about cases of a similar kind. On the other hand, there are those who disagree. Among other things, those that disagree note that, although perhaps it sounds wrong to say, at first, that I freely caused the destruction of the village in a scenario like the Unaware variant of the Squeaky button case, it sounds equally wrong to say that I did so *un*freely (Sripada pushed this sort of

line in the discussion on the blog). After all, nobody forced me to do it, I wasn't under the influence of a powerful drug, etc. If so, perhaps we shouldn't put that much weight on the intuition about the Unaware scenario. Maybe all that's going on in those cases is that there is a linguistic infelicity of some kind in stating that an agent freely did something that had an unforeseen consequence as a result.

Anyway, I agree with Moya that there is an interesting question that arises when thinking about these cases, and that there is at least *some* reason to think that freedom also has an epistemic component. But, in the end, I am just not sure what is the best way to decide this issue.

#### REPLY TO GRAHAM

In his comments, Peter Graham draws attention to an interesting puzzle about omissions, one that I didn't have the space to discuss in the book. He first notes that it is possible to imagine Frankfurt-style cases involving omissions. In order to do this, he takes the Phones case that I discuss in chapter 2 and adds the presence of a backup neuroscientist. So, imagine that an agent, call him Pete, witnesses an attack on an innocent person and decides on his own not to call the police. The neuroscientist doesn't want the police to be called, so he has inserted a chip in Pete's brain and would have activated the chip to force him to make that same decision, if Pete hadn't done so on his own. Surely, Graham thinks, if agents are in control and morally responsible in Frankfurt-style cases involving actions, they are also in control and morally responsible in Frankfurt-style cases involving omissions, like this one. So, surely, in this case, Pete is responsible for not calling the police, despite the fact that he couldn't have called the police.

But, as Graham notes, this raises a problem. In a nutshell, the problem is that there is a tension between saying that Pete is responsible in this case but is not responsible in a different case where the neuroscientist's intervention, or the intervention of the attacker's accomplice, would have consisted in cutting off the lines if Pete had tried to call the police. For, why would the accomplice's particular method of intervention matter to Pete's responsibility? In fact, I think that the problem is more serious than this, because if Pete is responsible in the Frankfurt-style version of the case, or in the scenario with the accomplice who would have cut off the phone lines, it's not clear why he wouldn't also be responsible when the lines are *already* cut off, as in the No Phones case I discuss in chapter 2. (Why would it matter whether the phone lines are already cut

off or would have been cut off?) But he doesn't seem to be responsible in the No Phones case. So, this makes for a very interesting puzzle.

I have discussed this puzzle elsewhere [see Sartorio (2005), (2017)].<sup>6</sup> Here I'll briefly explain how I think it should be resolved; however, before doing that, I would like to (also briefly) discuss Graham's proposed ways of tackling it. First, as Graham also notes, all I am strictly committed to given my belief that freedom is exclusively grounded in actual causes is the claim that the moral responsibility facts track the causal facts. So, whether the agent is responsible for failing to call the police in cases of this kind ultimately comes down to whether he brings about the fact that the police aren't called. The specific claims I make about the causal and responsibility facts in each case could be altered while still respecting what's essential to the view. So, in this sense, I'm in complete agreement with Graham: one could in principle revise the claims I make about cases like No Phones, or the accomplice version of No Phones, or other cases, while remaining faithful to the spirit of the view.

I also agree that another way out of the problem would be to simply reject the intelligibility of the concept of moral responsibility as applied to outcomes, and to restrict the domain of things that we can be morally responsible for to basic actions. The reason I'm not particularly drawn to this solution is that, once again, I want to be as ecumenical and neutral as possible (see my response to Whittle and Moya). I want my view to be attractive to those who believe that our responsibility extends to outcomes too. In particular, I want my view to be attractive to those who think that resultant moral luck is a real phenomenon, perhaps on the basis of observations made by Nagel (1979) and Williams (1981) that suggest that, for example, we tend to blame a drunk driver who injures somebody as a result of his drunk driving significantly more than another drunk driver who is lucky enough not to injure anybody (because nobody happens to be crossing the street at the time when he drove by).

So, although my view doesn't presuppose that we can be responsible for outcomes, it also doesn't presuppose that we cannot be. In developing the view, I explained how it could be extended to account for responsibility for outcomes, by appeal to a causal condition as well as some other conditions, from our responsibility for more basic things. Again, I take it that an important virtue of the view is the fact that it can in principle be extended in this way to account for responsibility for outcomes. So, this is why I don't want to take this way out of the puzzle suggested by Graham.

Given my commitment to the idea that the moral responsibility facts are grounded in the causal facts, I think that the only way to really solve the puzzle while remaining open to the possibility of responsibility for outcomes is to get our hands dirty in the “morass” of causation (as van Inwagen put it in his (1983), p. 65), and to figure out what the causal structure of the cases is. What I’ve come to believe is that all of these cases of omission share the same causal structure. In some respects, that causal structure is like that of a standard Frankfurt-style case (a “positive” one involving actions), but in other respects it’s not. The sense in which it’s like a standard Frankfurt-style case is that it involves some decision-making by the agent (Pete deliberates and this results in his choice not to pick up the phone to call the police). So far, then, the reasoning is completely parallel to that involving positive Frankfurt-style cases: it doesn’t matter if the decision involves doing something or failing to do something; either way, it seems that the agent is responsible for making the decision in question, despite the fact that, given the presence of the neuroscientist, he couldn’t have failed to make that decision.

So, in the end, it all comes down to whether Pete’s deciding not to pick up the phone actually causally results in his failing to call the police. And you might think that, given that in a Frankfurt-style scenario the neuroscientist would have intervened *before* the decision is made (that is to say, he would have made sure that Pete made the decision, but he wouldn’t have interfered in any way with his bodily movements or with the state of the phone lines), then this means that Pete’s decision not to pick up the phone resulted in his not calling the police. After all, there was nothing to stop this process once it got started (in particular, the phone lines were in working order). And, if Pete is responsible for the decision, and the decision resulted in his not calling the police, it seems to follow that he’s also responsible for his not calling the police. (This style of reasoning about Frankfurt-style omission cases can be found in Clarke (1994) and McIntyre (1994).)

But here’s where I think that the difference between the causal structure of action and omission cases becomes relevant. It’s important to distinguish between Pete’s *decision not to* pick up the phone and Pete’s *failing to decide* to pick up the phone. The former is a positive mental act, and the latter is a mental omission. Clearly, the parallel with standard (positive) Frankfurt-style cases only takes us as far as the positive mental acts. As I said, it’s hard to deny that Pete is morally responsible for his decision not to pick up the phone. However, once we have distinguished between the mental act and the mental omission, the question arises:

Which one is relevant to an assessment of Pete's responsibility for his failing to call the police? In Sartorio (2005) I argued that it's not the mental act but the mental omission. Pete failed to call the police *as a result of failing to decide to pick up the phone*, not as a result of deciding not to pick up the phone. Therefore, Pete would only be responsible for his failing to call the police if he were responsible for his failing to decide to pick up the phone.

Is Pete responsible for his failing to decide to pick up the phone? I submit not; after all, given the presence of the neuroscientist, this is the omission of something that he couldn't have done. If Pete is not responsible for failing to call the police when the phone lines are down (as in No Phones) then, it seems that, similarly, Pete is not responsible for failing to decide to call the police when the neuroscientist wouldn't have let him make that decision. At the very least, the parallel with standard Frankfurt-style cases doesn't suggest that he is responsible for his failure to make the decision, because standard Frankfurt-style cases involve actions, not omissions.

So, this is, very briefly and roughly, my take on the puzzle. A virtue of this solution is that it gives a principled and uniform account of all of the cases we have described: Pete is not responsible for failing to call the police in any of those scenarios (although he is responsible for a positive event: his making the decision not to pick up the phone). It doesn't matter if the phone lines are already down, or if the accomplice would have cut them off, or if the neuroscientist would have intervened even earlier, at the level of decisions. Intuitively, all of these cases should go together, and my proposed solution to the puzzle has that result. Moreover, it does that while remaining faithful to the spirit of a view of freedom and responsibility based on actual causes, because it appeals to the causal structure of the cases and to the role that causation plays in the transmission of moral responsibility from basic acts (or omissions) to outcomes.<sup>7</sup>

*Department of Philosophy  
University of Arizona  
Social Sciences 213  
1145 E South Campus Drive  
Tucson AZ 85721-0027, USA  
Email: sartorio@arizona.edu*

## NOTES

<sup>1</sup> Whittle herself argues against dispositionalist compatibilism [Whittle (2010)]. But presumably she believes that freedom is still grounded in abilities, just not necessarily the ability to do otherwise. It is worth noting that, even if Whittle is right to think that the ability to do otherwise is largely grounded in the intrinsic properties of the agent (as she claims on pp. 3-4), only a few of the intrinsic properties of agents are actually causally efficacious on an occasion when she acts. So, it's not the case that every fact about the intrinsic properties of the agent is a fact about the actual sequence in the sense intended by ACS.

<sup>2</sup> Clearly, this would have to be more than the idea that causation is simple counterfactual dependence, because there are serious problems with that idea. But there are more sophisticated and thus more plausible accounts that take causal facts to be grounded in counterfactual facts. For discussion, see Paul and Hall (2013).

<sup>3</sup> In fact, I think that this probably derives from a general feature about the grounding relation [see Comesaña and Sartorio (2014)]. Note that this is consistent with claiming that, if earlier on you put yourself in the position where you cannot prevent evil from happening regardless of what you do, then you can be responsible for the evil regardless of what you do. For what makes you responsible in that case is the fact that you put yourself in that position to start with.

<sup>4</sup> According to Moya, it will not even include some positive events that we would be inclined to regard as background conditions instead of triggering causes. Of course, this is a contested issue. Many theorists embrace different views about causation, and, in particular, about the possibility of absence causation. For discussion, see, e.g., Paul and Hall (2013).

<sup>5</sup> I would add: or quasi-caused, or... (plug in whatever relation takes the place of causation, if needed).

<sup>6</sup> In the book I briefly raise the question about Frankfurt-style omission cases in chapter 3, section 1.

<sup>7</sup> In his comments Graham also raises other important questions that I don't have the space to discuss in detail here. One concerns the contrast that I want to draw between the accomplice case and a standard Frankfurt-style case involving only actions. How could one justify the claim that the causal structures of those two cases are different? In particular, why aren't both scenarios of "causal preemption," in which the agent is the actual preempting cause, and the backup mechanism (the accomplice or the neuroscientist) is only a potential (preempted) cause? Briefly, I think that the structure of the omission case is different in that it doesn't involve preemption but collective causation of a disjunctive kind. For a development of this view, see Sartorio (2017).

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