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## Randolph Clarke, OMISSIONS: RESPONSIBILITY, AGENCY, AND METAPHYSICS

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*Omissions: Responsibility, Agency, and Metaphysics*, by Randolph Clarke. Oxford: Oxford University Press, 2014. Pp. 240. \$49.95 (hardcover).

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Randolph Clarke's book *Omissions* investigates three questions: "What kind of thing is an omission (or instance of refraining)? What is it to intentionally omit (or refrain)? When is someone morally responsible for an omission (or instance of refraining)?" (2–3) The ultimate aim is to shed light on an "interesting facet of our agency" (1) and to make "significant progress in understanding human agency" (3). Clarke is certainly right that what we omit to do is often just as important or interesting as what we successfully do. Clarke aims to highlight these areas of importance and interest in a manner both sweeping and terse. In the following review I will provide a brief outline of the major conclusions of each chapter and then assess the strengths and weaknesses of the arguments therein.

The book divides, roughly, into four parts. The first part (chapters 1 and 2) deals with the metaphysics of omissions. Chapter 1 argues that no theory of omissions that attempts to identify or link every omission to a positive doing or "commission" succeeds. A number of action theorists try to explain what an omission is by appealing to a prior commission of the agent. While Clarke agrees that these theories successfully explain certain cases of omission, they also fail to be fully general. One example where such a theory would fail goes like this. Suppose you promise to buy milk on your way home from work. While driving home, your mind wanders and you forget your promise. You drive right past the store, all the way home, with no milk. You omit to buy the milk. But what is *the omission*? There's no commission of yours that is identical to your omitting to buy milk. Clarke thinks that this counter-example undermines the generality of such theories (16, 21, 28).

Clarke's dissatisfaction with current theories of omissions leads, in chapter 2, to the claim that most omissions are "absences." That is, many times when one omits there is nothing that *is* one's omission (35). Thus, in those instances when one's omission is not equivalent or connected in some sense to a corresponding action (as in cases of intentional omission), Clarke thinks that the omission is nothing at all. This, of course, has puzzling consequences. One can talk sensibly about omissions; some omissions seem to be causes; one can omit for certain reasons; and, sometimes, people are morally responsible for their omissions. How can this be the

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case if an omission is literally nothing? Clarke addresses the linguistic and causal problems related to some of these concerns in chapter 2 and leaves the other issues for later chapters.

The second part (chapter 3) offers an account of what it is to intentionally omit. Clarke identifies some necessary conditions on intentional omissions while denying that other conditions are necessary. Deciding to omit to *A* is not a necessary condition on intentionally omitting to *A*. Actively intending to omit to *A* (i.e., forming an intention to omit to *A*) is not a necessary condition, either. For Clarke, to intentionally omit to *A* one must minimally come to have a relevant intention not to *A* *and* that intention must play some causal role in the agent's omitting to *A* (63). This differs from other theories of intentional omission that claim that intentionally omitting requires some active contribution (like *making* a decision or *forming* an intention) on the part of the agent. Thus, on Clarke's view, intentional omissions are not necessarily actions of some sort (64). The rest of chapter 3 discusses the role of reasons and the place of intentional omissions in human agency.

The third part (chapters 4–7) investigates moral responsibility for omissions. Here things get a bit more complicated and a bit more speculative. Chapter 4 looks at what sort of abilities one needs in order to omit. Clarke offers the following. In order to omit to *A* (where *A* names a description of some behavior), an agent must (a) possess some ability to *A*; (b) have the opportunity to *A*; (c) be free in omitting to *A* (though Clarke denies that omitting requires the kind of freedom that depends on the presence of some sort of indeterminism [92]). Generally, one will be under an obligation or norm to perform the action that one omits, though this is not a necessary condition on omitting. As Clarke puts it, "one seldom if ever counts as having omitted to do something unless there was some norm, standard, or ideal that called for one's so acting" (29).

Clarke also rejects that one must possess a disposition to believe that one has the ability or the opportunity to perform the omitted action. Discussing the case of a novice chess player who fails to castle at an opportune moment, Clarke claims that "if the novice chess player omits to castle, it appears that one needn't be disposed to have *any* belief about one's ability to do what one omits, nor about having an opportunity to do it" (94).

In chapter 5 Clarke discusses the conditions under which one is directly morally responsible for one's omissions. There, Clarke proposes that an agent is directly morally responsible for omitting to *A* on some occasion just in case she freely omits to *A* then (116). One freely omits to *A* when one has (a) the ability to *A*, (b) the opportunity to *A*, (c) one freely decides not to *A* or is free in nonactively coming to have an intention not to *A* or is free in *B*-ing where *B*-ing precludes *A*-ing, and (d) one is aware at some time that one is omitting or will omit to *A* (117–118; this last condition will not apply in the case of free unwitting omissions, which case Clarke discusses in chapter 7). Clarke suggests that the proposal probably needs to be "fleshed out" to fit with some antecedent theory of freedom and causation (118, 134).

Chapter 6 examines whether moral responsibility for one's omitting to *A* requires the ability to *A*. Clarke tries to construct a Frankfurt-style case where some agent is culpable for omitting to *A* despite being unable to *A*. If successful, the case would show that culpability does not always require a corresponding ability. Of all the chapters, Clarke is at his most hesitant here and conjectures more than he concludes. Chapter 7 tackles the tricky topic of culpability for unwitting omissions. For Clarke, an unwitting omission to *A* is one where the agent lacks awareness of her failure to *A*. Clarke thinks that we can be directly morally responsible even for such omissions. He offers the following sufficient condition on culpability for unwitting omissions:

Provided that the agent has the capacities that make her a morally responsible agent, she is blameworthy for such an [unwitting] omission if she is free in failing to doing [*sic*] the thing in question and if her lack of awareness of her obligation to do it—and of the fact that she isn't doing it—falls below a cognitive standard that applies to her, given her cognitive and volitional abilities and the situation she is in. (167)

I will return to this position in my critical remarks below.

The fourth part of the book (chapters 8 and 9) applies some of Clarke's observations about omissions to legal and applied ethical issues. Chapter 8 argues that the distinction between doing and allowing does not overlap exactly with the distinction between action and omission (184). Chapter 9 looks at omissions in the context of the criminal law and uses the account of culpability for unwitting omissions developed in chapter 7 to ground criminal liability for negligence (197–198).

A book like Clarke's is sorely needed. He is correct when he says that "There's been only piecemeal philosophical treatment of omitting and refraining" (2). Thus, it is time for someone to pull the various strands together. While Clarke makes an important contribution to this task there are still some lingering issues that need to be addressed.

Before I make any critical remarks, I want to note that this book has a number of virtues. Clarke displays a keen awareness of which issues need further treatment, and some of the specific treatments of particular topics are extremely valuable (e.g., the discussion of the semantics of sentences that refer to absences [48–49] is, I think, Clarke at his best). He also does an excellent job noting the various problems with certain theoretical positions. In that sense, Clarke provides a great map of where *not* to go with one's theory of omission.

A great map of where not to go, however, is not always a great map of where to go. Clarke's book draws many conclusions, two of which are especially ambitious. The first is that most omissions are absences in the sense that for most omissions there is *nothing* that is "the omission"; the second is that we can be basically morally responsible for unwitting omissions. Clarke does not, however, provide enough material to support either of these rather large claims.

Clarke aims to support the first claim by eliminating all views that try to identify an ontological kind to which omissions might belong. However, many of Clarke's arguments against these competitor positions are inadequate or incomplete. Consider one example. Clarke considers the view that omissions belong to the ontological kind of "negative facts" (38–39). Clarke's criticism of this view amounts to the following syllogism:

- (1) Omissions are absences
- (2) All facts are truthbearers
- (3) No absence is a truthbearer
- (4) No absence is a fact
- (5) No fact is an omission

It's not clear that proponents of the "negative facts" view would accept (1). Instead, they would claim that omissions are just certain ways of characterizing some bit of behavior.<sup>2</sup> Take the milk example from earlier. On a negative facts view, what is the omission in the example? The behavior of the agent makes true the sentence "It is not the case that Agent buys milk." The omission just is that particular way of describing the behavior. Omissions are a semantic, rather than ontological, phenomenon. Thus, anyone who claims that an omission is a negative fact will also claim that omissions are not absences. Clarke would need to show that this view is either inconsistent or disturbs reflective equilibrium in some way. Absent this sort of treatment, I do not see why the negative facts view is more implausible than Clarke's "absences" view of omissions.

Clarke tries to get his second big claim by offering culpability conditions on basic moral responsibility for unwitting omissions (found in the passage that I reproduced above). I have two concerns with this. First, Clarke merely states that some agent is morally responsible (and, more specifically, culpable) for an unwitting omission when that agent freely omits and the agent's level of awareness of relevant practical and normative facts that bear on the agent's circumstances is substandard. But all this tells us is that there's a line between culpable unwitting omissions and blameless unwitting omissions marked by a cognitive standard; no indication is given as to where or how to draw the relevant demarcating line or what the line is (what is a "cognitive standard," for example?). The second problem is that it presumes that all unwitting omissions are alike. Even if that is ultimately correct, it is not a point that one should presume. For example, is omitting to buy milk the same sort of omission as omitting to see a certain moral reason for acting? Is omitting to remove one's child from the hot car the same sort of omission as omitting to reflect on one's patterns of behavior toward members of the opposite gender? The lurking danger is that if all unwitting omissions are not alike, then we might need

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<sup>2</sup>See, for instance: Jonathan Bennett, *Events and Their Names* (Indianapolis: Hackett, 1988), 218–221; Jonathan Bennett, *The Act Itself* (Oxford: Oxford University Press, 1995), 85–92.

to develop distinct cognitive standards to explain one's culpability for different kinds of unwitting omissions. It might be the case that Clarke's proposal applies equally to these cases, though that is a substantive point that remains to be shown.

In addition to this, there is little discussion of some literature that, while not directly on the topic of omissions, overlaps with certain features of Clarke's account in significant ways. Relevant material by George Sher, Nomy Arpaly, Neil Levy, and Manuel Vargas receive little or no treatment here (and Angela Smith's influential position on responsibility for attitudes receives only superficial attention).<sup>3</sup> Of course, one cannot discuss everything in one book, but I was disappointed to see that Sher's recent (and magnificent) book was discussed nowhere in the main text.

When Clarke does engage the views of others in this space the critical remarks are often not fully persuasive. Both Michael Zimmerman<sup>4</sup> and Gideon Rosen<sup>5</sup> argue (independently of one another) that the lack of awareness characteristic of unwitting omissions implies lack of control over behavior that results from an unwitting omission; hence, in most cases of unwitting omission the agent will not be morally responsible for the omission because, in some sense, the agent lacks the relevant control needed to be morally responsible. Clarke says that lack of awareness does not imply lack of control, and hence lack of awareness need not excuse as long as the lack of awareness is substandard (culpable), as measured by the aforementioned cognitive standard. Even if we grant that the "cognitive standard" view that Clarke proposes has enough content to support this response, it is not clear to me that this blocks either Zimmerman's or Rosen's argument. Clarke would need to say more on the conditions that govern the application of the standard to agents in various morally significant contexts. If we cannot fix the reference of the standard without appealing to epistemic states of the agent or the epistemic norms that govern our epistemic practices, then Zimmerman's and Rosen's arguments would still go through because we would need to appeal, in some sense, to the agent's awareness in order to determine whether the agent is culpable.

This book is written for professional philosophers with a working knowledge of metaphysics, action theory, and ethics. Those that have little

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<sup>3</sup>Nomy Arpaly, *Unprincipled Virtue: An Inquiry into Moral Agency* (Oxford: Oxford University Press, 2003); Neil Levy, "The Good, the Bad, and the Blameworthy," *Journal of Ethics and Social Philosophy* 1 (2005): 1–16; George Sher, *Who Knew: Responsibility without Awareness* (Oxford: Oxford University Press, 2009); Angela Smith, "Responsibility for Attitudes: Activity and Passivity in Mental Life," *Ethics* 115 (2005): 236–271; Manuel Vargas, "The Trouble with Tracing," *Midwest Studies in Philosophy* 29 (2005): 269–291.

<sup>4</sup>Michael Zimmerman, "Moral Responsibility and Ignorance," *Ethics* 107 (1997): 410–426; Michael Zimmerman, *Living with Uncertainty: The Moral Significance of Ignorance* (Cambridge: Cambridge University Press, 2008).

<sup>5</sup>Gideon Rosen, "Culpability and Ignorance," *Proceedings of the Aristotelian Society* 103 (2003): 61–84; Gideon Rosen, "Skepticism about Moral Responsibility," in *Philosophical Perspectives* 18 (2004): 295–313.

or no prior experience with any of these (particularly metaphysics and action theory) will, I think, have a hard time making it through this book.

This will not be the last book on omissions. While Clarke does an admirable job laying out the broad outlines of various debates pertaining to omissions and offers a wide variety of interesting examples to chew on, it does not deliver a full-orbed, positive theory of omissions. Perhaps, however, this is the most that we can (and should) expect from a book that tries to make a substantive contribution to a largely disorganized field of research.

*Miracles: The Credibility of the New Testament Account*, Volumes 1 and 2, by Craig S. Keener. Grand Rapids, MI: Baker Academic, 2011. Pp. 1210. \$65.00 (hardback).

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In his two-volume magnum opus, *Miracles*, Biblical scholar Craig Keener engages in a philosophical analysis of the reliability of miracle claims. Although the book's subtitle and the author's specialization might suggest an exegetical focus, the two central themes of the book are scrutinizing and critiquing David Hume's anti-supernaturalism and presenting an astonishing collection of eyewitness claims of miracles in antiquity as well as in the modern era. For this review I will concentrate on his philosophical argumentation.

Keener's main interest in writing a book on miracles is "challenging the Western anti-supernaturalist readings of the Gospels and Acts" (2). He realizes that this challenge cannot be undertaken without taking into account non-Biblical miracle claims in order to maintain coherent rationality criteria for historiography. Keener names his two central theses right at the beginning: "eyewitnesses do offer miracle claims" and "supernatural explanations . . . should be welcome on the scholarly table along with other explanations often discussed" (1). Keener's second thesis is thus rather weak: Instead of arguing for "supernatural theism," he merely claims that it should not be ruled out a priori (8): "[I]f one presupposes neither theism nor nontheism, one must examine evidence for particular miracle claims inductively to see if a pattern emerges" (161).

In the first part of the book, Keener presents early Christian evidence for miracle claims (21–34) and miracle claims outside Christianity (35–65), afterwards comparing both sides (66–83), most notably Early Christian and Jewish miracle accounts (71–72). Here, Keener evaluates the *genre question* as critical: while miracles are often presented "to make a homiletic point concerning a teaching," New Testament miracles intend to "validate