

Omissions: Agency, Metaphysics, and Responsibility, by Randolph Clarke. New York: Oxford University Press, 2014. Pp. x + 227. H/b £32.99.

Although philosophers are often quick to look to omissions to provide difficult cases and counterexamples, we rarely consider just what omissions are on their own. And what little work there is on the nature of omissions tends to focus solely on what omissions are and not how what they are should influence our theories in other subfields. This book does a wonderful job bridging this gap. It begins by carefully considering what view of omissions we should have, and then, once the theory is in hand, it spans out to consider how we should think about adjacent issues in the philosophy of action and law.

In the first two chapters, Clarke argues for a disjunctive view of omissions. Most of our omissions are simply a matter of our not performing certain actions (e.g. my not picking a friend up from the airport after promising to do so). That is, most omissions are absences of action. Now, it is a further matter just what absences are, but Clarke argues for the reasonable position that they are nothing at all – that there is no thing that is an absence. So, since most omissions are absences of action, most omissions are nothing at all.

Sometimes, however, Clarke thinks we cannot avoid identifying omissions with certain of our actions, and he provides clear cases in which there is a specific action to which the omission seems to be identical. For instance, while playing hide-and-seek, one's 'not moving' might just be one's act of 'holding still.' Although this seems to work well for some omissions, it's implausible to think that every omission is identical to some action or is some action negatively described. Thus, Clarke is led to this disjunctive account of omissions, on which omissions are typically absences of action (and so nothing at all), but sometimes they are identical to actions. Despite having a view of omissions on which most of them are mere absences of action, Clarke adamantly maintains that we can still say all that we typically do say of omissions: we can pick out which absences are omissions, omit intentionally, omit for reasons, be free in omitting, and be responsible for omitting.

It pretheoretically seems as if we can intend to omit and intentionally omit to do certain things. If most omissions are absences of action, however, this seems to be a difficult thesis to maintain, especially if we accept, as Clarke does, the common thought that things done intentionally must involve something's being caused by a relevant intention. Clarke interestingly solves this worry by showing how in all cases of intentional omissions, we still have relevant intentions, and those intentions still cause *something* compatible with our omitting, even if the omission itself isn't something to be caused. Our intention to omit may cause a decision to omit or even something entirely unrelated, but all that's necessary to meet this causal condition on intentional omissions is that our intention causes some subsequent thought or conduct that is compatible with our not performing the action in question.

When approaching the subject of how we might omit freely, Clarke avoids taking on a particular conception of freedom and instead discusses several respects in which omissions could be thought of as done freely. So, our omission may be free, for instance, if our decision to omit was made freely, or if our intention to omit played the right causal role. Even if we omit unintentionally, our freedom might in part consist in our being free from various factors that are standardly taken to undermine our freedom (e.g. compulsion or madness). Clarke also discusses how we can be free to do those actions that we in fact do not do.

Clarke shows how we can be responsible for omitting by tying our responsibility to our freedom in omitting. Having already shown how we can be free in various ways as we omit, he argues that our responsibility for these omissions can be grounded in that we

omitted freely. With this idea in hand and with a slew of subtle omission cases, Clarke argues that the account of responsibility given in Fischer and Ravizza (1998) will not work for omissions. Although Clarke claims that how their view is incorrect in part follows from their metaphysical view of omissions as constituted events, Clarke's primary charges against their view stem from a close examination of how their view is inconsistent or delivers the wrong verdicts in the cases he gives.

In the last four chapters, Clarke continues to be led to his views by careful attention to cases. His views here do not seem to stem as directly from his metaphysics of omissions, but they do seem to come directly from a preference for an overall view of omissions and inaction that ties them closely to action in important ways. He suggests that a good case can be made for thinking that there can be Frankfurt cases of inaction, and this would show that there is a surprising symmetry between cases of action and inaction. The idea would be that agents can be responsible for not acting even when the agent could not have performed the action in question, just as agents can be responsible for acting even when they could not have done otherwise. However, Clarke himself remains uncertain about whether this symmetry holds.

Since omissions figure heavily in cases of negligence, Clarke considers how we can be responsible and blameworthy in these cases. Though we often blame agents for acting negligently even if their negligence is a product of their ignorance, many philosophers have maintained that agents are not blameworthy in these cases unless they are responsible for doing something that led to their ignorance. Against this, Clarke maintains that an agent can be blameworthy even if she did not do anything that led to her ignorance as long as her ignorance falls below some appropriate cognitive standard to which we hold the agent in question. This fits nicely with Clarke's view that responsibility for our omissions needn't derive from our responsibility for actions that resulted in those omissions, as both are cases of direct responsibility that do not answer back to an agent's actions.

In the final two chapters, Clarke quickly clarifies other issues involving omissions in nearby subfields. He discusses the doing/allowing distinction, which is sometimes thought to be a morally important distinction. Clarke shows that agents can do things *by omitting* and can allow things *by acting*, and this challenges the assumption that a moral difference might be grounded in the association of doing with acting and of allowing with omitting. In the last chapter, Clarke endeavors to show that we can make sense of liability for omissions in the law. He admits that there are many cases where it is unclear whether an agent has omitted and whether she is responsible for that omission, but he adamantly and I think successfully maintains that omissions can be appropriately distinguished, and that we can at times be liable for them.

It is fascinating that Clarke maintains that most omissions are nothing at all, and this plausible view might leave us with not much more to say about them, yet Clarke is able to adduce powerful reasons to think that we can still say everything we want say about omissions. Thus, he tries to give us everything we want without the ontological commitment. For the remainder of this review, however, I want to think more deeply about the fact that Clarke's view of omissions is disjunctive, and I want to question whether it really needs to be.

While Clarke's disjunctive account is well motivated, it is surprising to conclude that omissions are not just one kind of thing. Every view of omissions that Clarke rejects claims that omissions are just one kind of thing (whether they are thought to be events or facts or possibilia, etc.), so there is reason to expect a unified account of omissions to be correct.

Simplicity aside, it would be more intuitive to treat omissions all on a par when it comes to thinking about how they can be intentional or how we can be responsible for them.

Given this, how hard would it be for Clarke to instead claim that omissions are only actions negatively described or only absences of actions? Notice that because his account is disjunctive, if omissions could be shown to be only ever one of the disjuncts, then Clarke could still maintain everything else that he says concerning how we can be free and responsible for omitting. So it seems that the only thing stopping his embracing a unified account are the arguments he gives against thinking that omissions can always be identified with actions or only absences of actions. However, I think we can cast doubts on these arguments from either direction.

Consider again the view that omissions are only actions negatively described. Clarke's strongest reasons for not accepting this kind of view is that omissions seem to come apart from the agent's actions in many ways: we can act for different reasons and our actions can have different properties from our omissions. This is a compelling reason to reject any kind of all-encompassing act-identification thesis. Notice, however, that this reason seem harder to accept specifically for Clarke, because he maintains that these omissions that are not actions are absences and so nothing at all. If omissions really are nothing at all, if there is nothing that is an omission, then how can omissions have different properties from one's actions? Perhaps they just lack the properties had by one's actions as one omits, but Clarke does think that they can be done for different reasons. So, it's not clear to me that Clarke has the resources needed to give the best argument against the act-identification view of omissions.

Fixating instead on the idea that most omissions are absences, Clarke rejects the idea that all omissions are absences precisely because he is convinced that there are some simple cases that can't be ignored in which the omission really does seem to be identical to some action of ours. Nevertheless, if there is no thing that is an absence, then it seems open to Clarke to say that even though certain actions can be given negative descriptions, they will not be identical to certain omissions, because omissions are simply not things out in the world to which things can be identical. For example, the act of standing still might admit of the negative description of 'not moving,' but it may nevertheless not be identical to the agent's omitting to move precisely because the absence of moving is not a thing that can be identical to the agent's standing still.

Even if Clarke were to adopt a different view of what absences are, he might still be able to avoid ever identifying omissions with actions. Clarke crucially distinguishes omission from inaction. Whereas an instance of inaction involves an agent's merely not performing some action, Clarke claims that the agent must have been able to perform the act in question in order for it to count as a case of omission. So, omissions will always differ modally from instances of inaction, because it will always be possible for the omitting agent not to have been able to do the thing that she in fact did not do. Given this, it seems open to Clarke to maintain the unified thesis that omissions are always absences of action, although in some cases they may sound similar to instances of inaction.

There is much more in *Omissions* that is worthy of discussion, and which I am responsible for omitting to discuss. Let me conclude, however, by saying that I highly recommend *Omissions* to any who work on questions of responsibility, negligence, or philosophy of action or law more generally. Clarke's metaphysically grounded approach offers both a view worthy of consideration and a great example of how our metaphysics can influence our other views.

Fischer, J. and Ravizza, M. (1998) *Responsibility and Control: A Theory of Moral Responsibility*,
Cambridge: Cambridge University Press.