

Negligence and Causalism
(forthcoming in *Crítica: Revista Hispanoamericana de Filosofía*;
please cite published version)

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Abstract: This discussion focuses on three points about Sartorio's causalism about basic and non-basic responsibility. The first point is that Sartorio's view, as it stands, does not account for cases of negligence, or cases in which an agent acts without reasonable care. The second point is that Sartorio's view has trouble accounting for deviant causal chains, or cases in which an agent brings about an intended outcome, but via a causal path that is not intended. The third point is that cases of large-scale overdetermination can be accounted for in much the same way as small-scale cases of overdetermination, which makes such cases less of a challenge to causalism than feared.

Keywords: causalism, negligence, overdetermination, responsibility, action

Resumen: Esta discusión se centra en tres puntos sobre el causalismo de Sartorio, específicamente sobre la responsabilidad básica y no básica. El primer punto es que la propuesta de Sartorio, tal como está, no puede dar cuenta de casos de negligencia, o casos en los que un agente actúa sin cuidado razonable. El Segundo punto es que la propuesta de Sartorio tiene problemas para dar cuenta de cadenas causales desviadas, o casos donde un agente produce un resultado intencionado, pero vía una cadena causal no intencionada. El tercer punto es que casos de sobredeterminación a gran escala pueden explicarse del mismo modo que casos de sobredeterminación a pequeña escala. Esto hace que tales casos sean un reto menor de lo que el causalismo temía.

Palabras clave: causalismo, negligencia, sobredeterminación, responsabilidad, acción.

In her rich paper, Carolina Sartorio provides a comprehensive causalist theory of basic and non-basic moral responsibility. There are at least three causalisms about work: about action, about free action, and about responsibility for outcomes.

According to causalism about action, something is an action rather than a mere behavior if it has the right kind of causes. (p. 6) Originally articulated in Davidson (1963), the idea is that actions authored by an agent are different than mere bodily movements.

According to causalism about basic responsibility, free actions are those that have the right kinds of causes. (p. 13) Being the right kind of cause is a matter of having the right kinds of reasons. More formally, an agent acts freely when their reasons-sensitivity is manifested in the

causal history of their acts, which contains relevant incentives and absences of a range of counterincentives to act. For example, if I consume an orange because I want more Vitamin C, my action (eating the orange) is caused by a particular reason (that I want more Vitamin C.) According to Sartorio, the action is also caused by numerous absences of reasons *not* to consume the orange-- for example, it being the last orange in the house and my friend wanting it, or my having an allergy to oranges. These absences of reasons are incentives to perform a particular action.

According to causalism about non-basic responsibility, someone is responsible for a particular outcome when they are responsible for the action leading to the outcome, including the anticipated relation between action and the outcome, and their action causes the outcome. For example, if I throw a brick through a neighbor's window, I am blameworthy for the outcome in virtue of my brick-throwing, which also involves anticipation of the relationship between my brick-throwing and the shattering of the window, as well as the fact that my brick-throwing actually causes the breaking of the window. (Sartorio, pp. 24-25)

I will focus on two worries for Sartorio's view. First, I will suggest that the view has trouble accounting for responsibility for outcomes of negligent actions, actions that have negative consequences but without the relevant anticipation that features in Sartorio's causalism about non-basic responsibility. I will all discuss a related worry about deviant causal chains. Next, I will pose a worry for Sartorio's diagnosis of causal overdetermination in the causalist framework. I will discuss these issues in turn.

An action is negligent if it reflects a lack of reasonable care taken by an ordinary person in the same circumstances. Suppose that Jamani texts on her phone while she is driving, causing a collision. Jamani's action lacked reasonable care: it is common knowledge that texting while driving is dangerous and can lead to a collision. Intuitively, she is blameworthy for the collision, even though she neither intended for it to happen, nor anticipated the relationship between the action and the outcome. But if responsibility for outcomes requires anticipation of the relationship between the action and the outcome, Sartorio's view delivers the result that Jamani is not responsible for the collision, because Jamani did not intend for the texting to result in a collision. Moreover, it was the lack of care taken when driving, rather than the texting itself, that caused the collision.

Consider another example. Gina leaves the space heater with the old electrical wiring on while she is on a trip, which leads to a fire that destroys her house and several neighboring houses. Here, Gina failed to act with reasonable care-- turning off the space heater-- that an

ordinary person would have had in the same circumstances. We want to be able to say that Gina is blameworthy for the fire, even though she did not anticipate the relationship between her actions and the outcome.¹

There are several lines of response. The first is to hold that the relevant activities do not count as actions. As Sartorio points out (p. 6), action theorists have long distinguished between passive bodily movements and actions, and only certain activities rise to the level of actions. One might hold that Jamani's texting-while-driving and Gina's failure to switch off the space heater do not count as actions, but as mere behaviors.

However, Jamani's texting-while-driving and Gina's failure to switch off the space heater do not seem to be passive activities, like falling backwards after being struck. Jamani did intend to text, even if she did not intend to collide with another car. Intuitively, Jamani is blameworthy in part for failing to anticipate the causal relationship between the texting and the collision-- a feature not directly addressed by the details of causalism. And Gina's failure to switch off the space heater isn't a passive bodily action: it is an omission, and not straightforwardly reducible to positive actions undertaken when the switching off of the heater might have occurred. Moreover, Jamani and Gina are intuitively responsible for other outcomes of the same actions. For example, Jamani is responsible for her texts being hurtful, in addition to her being responsible for the vehicle collision. Denying that Jamani's and Gina's activities are actions seems to be an unpromising line of response.

Another line of response for the Sartorio-style causalist is to attempt to account for responsibility for outcomes of negligence by analyzing negligence in terms of sensitivity to incentives and counterincentives. In negligence cases, the initial action often reflects a failure to respond to counterincentives (such as well-known risks of texting while driving, and of leaving space heaters on for long periods.) The lack of reasonable care can be fleshed out as a set of incentives and counterincentives to which ordinary persons would have responded in the same circumstances. For example, Jamani failed to respond to incentives not to text while driving-- incentives to which other ordinary persons would have been responsive. And Gina failed to respond to incentives to be extra cautious with leaving generating-items on while travelling. This strategy incorporates sensitivity to incentives and counterincentives into the sequence leading to the initial action that precedes the negligently caused outcome.

This line of response to the problem of negligence is more promising than denying that

¹ For another recent discussion of causalism and negligence, see Loewenstein (2023).

the agents' activities are actions, and the strategy also incorporates a piece of the relevant causalist machinery into a possible solution. But there are several downsides as well.

First: a failure to respond to incentives is different from an anticipated relation between an action and an outcome. This difference creates a persistent asymmetry in how the causalist accounts for negligently caused outcomes versus other sorts of outcomes, since responsibility for other sorts of outcomes requires that the agent anticipates the relationship between the action and the outcome.

Second: not every negligently caused outcome is traceable to a precipitating positive action. Since Gina's failure to turn off the space heater is an omission, there is no easy answer to the question "For which event should Gina have had better responsiveness to incentives and counterincentives?" Merely turning on a space heater, for example, doesn't seem morally suspect. And reducing the omission to the events that Gina was doing in place of turning off the space heater (packing for the trip, for example) doesn't yield the correct result. Gina shouldn't necessarily have responded differently to incentives and counterincentives to pack for the trip; she should have been more mindful of the space heater. While Sartorio admits that omissions might be merely quasi-causal or explanatory (pp. 14-16), omissions pose a special problem for negligently caused outcomes, because there is neither an anticipated relationship between the action and the outcome, nor a precipitating event with the relevant features.

Another worry related to the relationship between the action and the anticipated outcome concerns deviant causal chains. While Sartorio recognizes these cases but sets them aside (p. 6, fn 3), it is worth mentioning the sort of challenge they pose to causalism. Roughly, there is a deviant causal chain where an agent brings about an intended outcome, but the outcome does not occur via the planned causal process. Suppose that Amos intends to shoot and kill Ken, but the shot misses Ken. However, the firing of the gun awakens a group of sleeping elephants, who then trample Ken to death. Amos brings about the intended outcome, but in a way different than anticipated.

Deviant causal chains raise the question of what, exactly, needs to be anticipated by the agent for them to be responsible for an outcome. An additional question is whether the agent must anticipate the causal route by which the outcome occurs.² If Sartorio-style causalism requires a match between the actual way Ken's death occurs and the way that Amos anticipated it

² See Bernstein (2019) for a discussion of the range of ways a deviant causal process can fail to adhere to an agent's plan.

occurring, then the result is that Amos is not responsible for Ken's death. However, this is a counterintuitive result: we want to be able to hold agents responsible for outcomes even in cases of deviant causation such as this one.

Finally, I will address Sartorio's discussion of overdetermination cases. Suppose that Billy and Suzy each press their own individual buttons, either of which is individually sufficient to bring about an explosion. The signals from the button-presses each reach the switch at the same time. Even if one assumes that both button-presses caused the explosion, how to diagnose causal responsibility in these cases is hotly contested. One question involves whether to hold the button-pressers individually responsible or collectively responsible as a sum. Another question involves *how* causally responsible to hold each button-presser in relation to other sorts of cooperative causal structures like joint causation.³

These sorts of overdetermination cases challenge causalism insofar as individual causal contributions do not have an easily demarcated causal connection to the outcome, which is normally a requirement for moral responsibility. So, Sartorio concludes, the metaphysical facts are not very helpful in guiding our moral judgments in these cases.

The situation is amplified in cases of large-scale causal overdetermination, as when millions of people contribute amounts of pollution, groups of which massively overdetermine holes in the ozone. In the cases where the causal connection between an individual's action and the outcome is weak, it is hard to establish moral responsibility based on causal responsibility: if one individual did not fly on a passenger jet, climate change would be no different. It is tempting to hold as Sartorio does (p. 29) that the causal facts are less relevant than the moral facts in these cases.

Sartorio gives up on the metaphysics of overdetermination too quickly. Overdetermining causes count as causes even when they are not individually necessary for an outcome to occur. And if overdeterminers are causes, then agents can still be held accountable for their shares. On this "No Cause Too Small" view, an agent is blameworthy for both the behavior and for their own minute share of the relevant outcome in virtue of this casual connection.⁴ This is the case even where the contributions of individual actors are parts of large groups that each overdetermine an outcome, as in climate change.

Consider a case in which three people administer a fatal drug to a victim, and where each

³ See Schaffer (2003) for a discussion of individualism versus collectivism. See Bernstein (2017) for more extensive discussion of proportions of causal and moral responsibility in cases of overdetermination and joint causation.

⁴ See Nefksy (2019) for an additional argument against this causal approach.

dose would have been individually sufficient to kill the victim. In this example, the natural intuition is to hold each individual morally responsible for the victim's death *because* each individual is causally responsible for the death, as well as each individual anticipating the relationship between the medication-administration and the death. Similarly, in a case of execution by firing squad in which each executioner is equipped with a real bullet, the natural intuition is that all of the executioners are morally responsible for the death because they are each causally connected to it in the right sort of way, as well as each anticipating the relationship between the shooting and the death.

Scaling up cases of causal overdetermination should not change this intuition. Larger numbers of overdeterminers do not make each overdeterminer any less of a cause. While the causal connection is "very feeble" (Sartorio, p. 30) in large-scale cases such as climate change, we should treat these cases like we treat the case of the drug-administration and the team execution. Given the causal connection between the overdeterminer and the outcome, adding more overdeterminers-- even massive amounts more-- does not change the blameworthiness of the agent. No Cause Too Small preserves our intuitions about the relationship between causal and moral responsibility, and gives the Sartorio-style causalist a path to accounting for cases of large-scale overdetermination.

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