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Causal Responsibility through Omission

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Abstract

Intuitively, agents can be causally responsible for outcomes through failures to act —forgetting to salt the soup makes me causally responsible for the soup's bland taste. At the same time, it seems that not all our omissions make us causally responsible for outcomes — my failure to wear pink whilst making the soup doesn't make me responsible for anything. It has proven difficult to find a systematic way to distinguish between those seemingly inert omissions and those that connect us to outcomes. A central aim of this paper is to identify the feature in virtue of which some omissions make us causally responsible and others do not.

Keywords: Causal Responsibility, Omissions, Causation, Norms, Robustness.

1. Introduction

Causal responsibility is thought to play a central role in assigning moral, legal and even criminal responsibility. Indeed, causal responsibility is widely accepted as a necessary condition on moral and legal responsibility. For instance, Julia Driver argues that "moral responsibility entails causal responsibility" (2008:423), and Michael Moore writes that "[...] criminal law and tort law on their face seemingly predicate legal liability on causal responsibility, among other things" (2009:3).[1] Not only is causal responsibility required for various moral and legal assessments, it also *grounds* these assessments. When an agent is morally or legally responsible for an outcome, the existence of causal responsibility partly *explains* the existence of moral and legal responsibility — the agent is morally or legally

[1] Others who endorse this view include Joel Feinberg (1970), Sher (2006), Scanlon (2008) and Matthew Braham and Martin Van Hees (2012).

responsible, in part, because she is causally responsible.[2] The centrality of causal responsibility to moral and legal evaluations is not reserved for the domain of actions, it also extends to omissions. To see this, consider a canonical example:

Hospital: Mr P is a critically ill patient in hospital whose care is the exclusive responsibility of Doctor Q. The nature of Mr P's disease is such that he will die if he is not given various medications. Doctor Q is aware of Mr P's state, Doctor Q fails to administer the medications and Mr P dies.

Barring any extenuating circumstances, many would want to hold Doctor Q blameworthy for the death of Mr P, and what partly explains her blameworthiness is the fact that her omission caused the patient's death.[3]

So, establishing when an agent is causally responsible is crucial for establishing and justifying moral and legal liability, however, identifying when an agent is causally responsible through omission is trickier than one might initially suppose. One the one hand, it seems intuitive that our failures to act can make us causally responsible for certain outcomes, as demonstrated by Doctor Q. On the other hand, there are an indefinite number of things each of us is not doing at every moment, but most of us would hesitate to say that each of these nondoings makes us causally responsible for something — my failure to wiggle my toes just now doesn't seem to make me responsible for anything. Those who need to identify causal responsibility through omission (perhaps for purposes of assigning moral and legal liability),

[2] This is how Carolina Sartorio (2007:750) characterises the 'standard' relationship between causal and moral responsibility.

[3] This intuition is reflected in tort law. The general rule in tort law is that there is no liability in respect of a 'pure omission', but various exceptions to this rule are recognised. For instance, where a person has assumed a responsibility to act, such as a doctor does with their patient.

face the challenge of finding a systematic way to distinguish between those seemingly inert nondoings and those that connect us to outcomes.

In what follows, I evaluate three strategies for determining when an agent is causally responsible through omission. I call these strategies *the simple counterfactual account*, *the normative account,* and *the robust account*. In Section 2, I introduce and then reject the simple counterfactual account on the grounds that the view is too permissive, producing far more attributions of causal responsibility through omission than intuition allows. In Section 3, I introduce and then reject the normative account on the grounds that it is too narrow, failing to attribute causal responsibility through omission when we think it should. Finally in Section 4 and 5, I introduce and defend the robust account. The guiding idea behind this view is that an agent is causally responsible for an outcome when the causal connection between the agent's omission and the outcome is causally robust. Roughly, a connection is causally robust if it would continue to hold under changes to the actual circumstances. I aim to show that the feature in virtue of which some omissions make us causally responsible and others do not is robustness.

One important comment on what's to follow. For the purposes of this paper, I take causal responsibility through omission to be a different concept to that of metaphysical causation. More precisely, I don't presume that one is causally responsible through omission just when one's omission metaphysically causes an outcome. There are two pragmatic reasons for this. Firstly, when theorising about causal responsibility, we operate under the stable assumption that one can be causally responsible through a failure to act. However, it's a live debate as to whether the metaphysical concept of causation should include omissions into its category of causes. Whilst some are happy to grant causal status to omissions (McGrath 2005, Honoré 1999), many have rejected the idea either on ontological grounds (Dowe 2004) or because assimilating omissions into theories of causation generates intractable problems for those theories (Beebee 2004, Varzi 2007, Paul and Hall 2013). So, whilst it's uncontroversial

to claim that Doctor Q's negligence makes her causally responsible for the patient's death, there is something controversial in claiming that Doctor Q's negligence metaphysically caused the patient's death. Secondly, as I'll discuss towards the end of the paper, it's intuitive to think that causal responsibility through omission comes in degrees, such that one can be more or less causally responsible relative to other omitters. But, again, this thought is not widely held when it comes to the metaphysical concept of causation. Many argue that talking about metaphysical causation as if it comes in degrees is misleading (Zimmerman 1985), illegitimate (Barker and Steele 2015) or an illusion that needs to be explained away (Sartorio 2020). Contemporary accounts of causation have typically reflected this thought by treating causation as a binary concept.

Whilst it's outside the scope of this paper to fully defend the conceptual distinction, these points of disagreement might suggest that causation and causal responsibility through omission are tracking different phenomena or perhaps that they have different explanatory aims. Of course, this is not to say that the two concepts are unrelated, as we'll see, many, including myself, use causal concepts to theorise about causal responsibility. Rather the point is that these concepts needn't be identical. In any case, I'll proceed under the assumption that being causally responsible through omission does not simply reduce to being a metaphysical cause.

2. The Simple Counterfactual Account

There has been relatively little discussion about the conditions which make an agent causally responsible through omission. However, there does appear to be consensus around the conditions one must meet to be causally responsible through *action*. This is evidenced by the fact that causal responsibility for action is typically identified by employing the counterfactual

analysis.[4] According to the simplest version of the analysis, an agent's action *c*, makes them causally responsible for some outcome, *e*, when there is counterfactual dependence between *e* and *c,* such that if *c* had not occurred, then *e* would not have occurred. For example, Suzy throwing a rock at a window makes her causally responsible for the shattered window because had Suzy not thrown the rock, *c*, the window would not have shattered, *e*.

We can apply the counterfactual strategy to determine causal responsibility through omission. When the relata representing *c* involves an omission rather than an action, one should consider what would have happened to the outcome had the non-occurrence of the omission occurred, that is, whether *e* would have occurred, had *not c* not occurred. A simpler way of putting this is to ask whether *e* would have occurred, had *c* actually *occurred.* To see the strategy at work, consider **Hospital**. To see whether Doctor Q's omission makes her causally responsible for Mr P's death, check whether Mr P's death would have occurred, had Doctor Q administered medical treatment. Given that Mr P's death would not have occurred in the closest worlds where Doctor Q administers the medicine, the counterfactual treatment determines that Doctors Q is causally responsible through omission for the patient's death. This verdict not only vindicates judgments about Doctor Q's causal responsibility but given the necessity of causal responsibility to moral responsibility, it also allows us to hold Doctor Q morally responsible for the patient's death should she meet other non-causal conditions related to moral responsibility.

However, there are serious problems with using the counterfactual analysis to determine causal responsibility through omission. One pressing worry is that the test attributes more instances of causal responsibility than intuition would allow. To illustrate, suppose that at the hospital where Mr P is being treated, there are many porters whose job it is to move patients, medicine and equipment around the building. Mrs R, a porter, omits to do exactly the same

[4] See for example Lagnado, D.A., Gerstenberg, T. and Zultan, R. (2013).

thing as Doctor Q — she fails to give Mr P medicine. According to the counterfactual analysis, Mrs R's failure makes her causally responsible for Mr P's death because had she given Mr P the medicine he would have survived. The problem is compounded once we notice that the same is true of any individual who fails to give Mr P medicine, since the closest worlds in which someone gives Mr P medicine are worlds where Mr P survives. In fact, there would be near infinite instances of causal responsibility through omission under the counterfactual test because for any given effect its occurrence will depend upon the absence of a whole host of events.

Peter Menzies (2004) recognised this problem when discussing the counterfactual analysis in the context of metaphysical causation, he argued that the test identifies too many causes for any given effect and the worry has since been referred to as the problem of profligate causes. Following Menzies, the problem of profligacy has been characterised as a concern for our metaphysical concept of causation, and it has received a healthy amount of attention in the metaphysics literature,[5] but as the above discussion demonstrates, it also raises issues when we use the view as a theory of causal responsibility through omission.

An advocate of the simple counterfactual strategy might respond to this worry by simply biting the bullet. One might be tempted to accept the problem of profligacy on the grounds that such permissiveness is not problematic from the perspective of assigning moral and legal responsibility. In the Introduction, I noted that causal responsibility is central to moral and legal responsibility insofar as holding an agent morally or legally liable for outcomes that result from failures to act requires establishing causal responsibility through omission. The response might go that the counterfactual account allows us to do precisely this. Given that the view connects nearly every one of our nondoings to outcomes, agents will likely satisfy the causal

[5] For discussions on omissions and the problem of profligate causes see, for example, Bernstein (2014), Dowe (2010), Rubenstein (2024).

responsibility condition on moral and legal responsibility, and insofar as the counterfactual account fulfils this function, we might wonder how significant the problem really is.[6]

I don't think we should bite the bullet here. This is because the view's permissiveness gives way to a deeper problem. The more serious worry is not that the counterfactual strategy identifies too many instances of causal responsibility through omission, but that some of these attributions appear to be false. We are prepared to assert that Mrs R is *not* causally responsible for Mr P's death. And our denial of causal responsibility suggests that Mrs R's omission is not necessary for Mr P's death, and so we might wonder whether the simple counterfactual account can adequately underpin the necessary condition on moral and legal liability after all. Regardless of how successful the simple counterfactual account might be in determining causal responsibility through action, it seems to fall short in correctly assigning causal responsibility through omission.

In the next section, I consider one way we might supplement the simple counterfactual account with the aim of producing attributions of causal responsibility through omission which are more in line with our commonsense judgments. I call this amended version the 'normative account', and although the view comes closer than the simple counterfactual account in determining attributions of causal responsibility through omission, I ultimately reject it on the grounds that it is too narrow, failing to ascribe causal responsibility when it should. And more surprisingly, it determines causal responsibility through omission on a basis which appears to be morally objectionable.

3. The Normative Account

[6] Thank you to an anonymous reviewer for raising this potential line of response.

The guiding idea behind the normative account is that to be causally responsible for some outcome through omission, the outcome must counterfactually depend upon the omission *and* the omission must violate a norm. We might formally lay out its conditions as follows:

The Normative Account: An agent is causally responsible for some outcome, E, through an omission, O, iff (i) E counterfactually depends on O, and (ii) O violates a norm.

The normative account is the formalisation of two popular strands of thought present in the philosophical literature on omissions. The first strand comes from the literature on causation. It is often observed that judgements about omissive causation are sensitive to normative considerations.[7] On this view, people are more likely to judge omissions which diverge from norms as causes than they are to judge omissions that conform with norms. We pick out the gardener's failure to water the plants as a cause of the plant's death, rather than the Pope's failure to water the plants, because the gardener's failure is an abnormal occurrence, whereas the Pope's failure is a normal occurrence. A few philosophers have gone further and argued that norms play a role not just in our selection of which omissions are causes but what in fact makes them a cause in the first place. For instance, Sarah McGrath argues that "causation by omission has a normative component" (2005:125) insomuch as only those omissions which would normally prevent the effect from occurring enter into causal relations. The second strand of thought motivating the normative account comes from the moral and legal responsibility literature. Many authors have invoked normative considerations to draw a line between the indefinite number of nondoings happening at every moment and those nondoings that are relevant from the point of view of ethics. For example, in *Responsibility and Fault*, Tony Honoré argues that "to omit implies one ought to have done what was not done […] an omission

[7] Halpern and Hitchcock (2009), Clarke et al., (2015) and Henne et al., (2017).

violates a norm" (1999:47). More recently, Randolph Clarke has argued that when it comes to separating morally relevant omissions from other nondoings, the difference between the two does not lie in what kind of entity exists in the two cases, but in whether an action of the sort that is absent was demanded by some norm. He writes that "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" (2104:33). Several others take up similar positions.[8] The normative account is a synthesis and formalisation of these ideas.

One clarification before putting the view to work. Those who have argued that norms play a crucial role in theorising about omissions, have taken both prescriptive norms and statistical norms to be relevant to their analysis. Accordingly, an omission would constitute a norm violation if it failed to conform to a statistical mode and/or it failed to follow a prescriptive rule, where these rules are constituted by the way things *ought* to be or are *supposed* to be.

With the view spelled out in more detail, let's evaluate it by returning to **Hospital**. As we previously saw, Mr P's death counterfactually depends on Doctor's Q's omission, hence Doctor Q meets condition (i) of the normative account. Doctor Q also meets condition (ii) of the account because her omission violates several norms. According to both contractual and legal norms, doctors are supposed to prevent patient deaths by administering medicine, treatment, care, advice, etc. And should they fail to do these things, they would not only violate prescriptive standards but also statistical standards. As a result, Doctor Q is causally responsible through omission for Mr P's death according to the normative account. What's more, not everyone's failure to administer treatment makes them causally responsible for Mr P's death because not every failure represents a norm violation. Although Mr P's death

[8] For example, Patricia Smith argues that whether something counts as an unconscious omission (as opposed to a mere nondoing) depends upon "contextual standards of reasonable expectation" (1990:163).

counterfactually depends on the porter's omissions, she is not causally responsible because there are no prescriptive or statistical standards according to which porters are supposed to administer healthcare. So, although Mrs R (the porter) meets condition (i) of the account she does not meet condition (ii), meaning that she is not causally responsible through omission.

Despite its initial success, however, an appeal to norms doesn't get to the intuitively correct verdict in every case. Sometimes an omission does not violate a norm, and yet commonsense suggests that the agent is nonetheless causally responsible for some outcome. To illustrate the problem, consider the following example:

Provocation: Whilst at the pub Cody is verbally harassed by a stranger. When Cody doesn't react, the stranger starts to push Cody, goading him into a physical fight. But Cody decides to refrain from retaliating, he remains silent and removes himself from the situation.

It's natural to think that Cody's decision not to retaliate makes him causally responsible for some good outcome, most plausibly the prevention of harm to himself and the stranger. The normative account, however, cannot accommodate for this thought because Cody's failure to retaliate does not violate a norm. There is no sense in which Cody ought to or is supposed to retaliate (assuming that he was in no real danger), and it is statistically normal for people to refrain from fighting strangers in pubs. Generally speaking, Cody behaved normally for someone in his situation.[9] The worry is not confined to this particular example, the account will fail to deliver intuitively correct attributions of causal responsibility in cases where the omission is praiseworthy rather than blameworthy. This is because when it comes to

[9] One might argue that failing to retaliate does represent a norm violation, possibly on the grounds that men are expected to fight back when provoked. Norms of masculinity do set standards of conduct, but it's unclear that these standards would demand that men physically fight their antagonists. In any case, we could merely stipulate that in Cody's world there are no such norms of masculinity.

praiseworthy omissions, there is no norm that calls for the agent to *act*, and thus when they fail to act there is no expectation from which they deviate.[10]

There is an avenue of reply open to the defender of the normative account. They might accept that the view cannot accommodate for the class of praiseworthy omissions but argue that this does not entail a wholesale rejection of the view. Instead, it might suggest that the account should be developed in such a way that it gives one treatment to blameworthy omissions (in terms of counterfactual dependence and norm violations) and a different treatment to praiseworthy omissions (perhaps merely in terms of counterfactual dependence).[11] I won't undertake an analysis of the bifurcation approach here, because even if it does allow the normative account to overcome this set of counterexamples, there are still reasons to prefer my proposed view of causal responsibly through omission — the robust account. In the next section, I'll demonstrate that the robust account can accommodate for instances of causal responsibility for praiseworthy omissions and blameworthy omissions using the same principle. In this respect, my proposal is syntactically simpler, and we might think that from a theoretical standpoint a more concise, elegant view of causal responsibility through omission is, other things being equal, to be preferred.

In any case, I have a second, deeper concern about the normative account which does not concern the view's unintuitive conclusions, but rather its lack of explanatory power. There are instances where we believe that an agent is causally responsible for an outcome through omission, and the omission represents a norm violation, but what *explains* the agent's causal responsibility does not seem to be the fact that her omission violates a norm. To illustrate, consider this case:

[10] The objection that commendable omissions do not violate norms has been argued for before by Carolina Sartorio (2007:756).

[11] Thank you to an anonymous reviewer for pointing out this potential line of response.

Uniform: Brenda and Bill live in a society where it's normal for women (and not men) to carry out the domestic labour. Brenda rejects this norm and does her best not to internalise it. One evening, Brenda notices that their son's school uniform has not been washed from the week before. In an effort to push back against the gender norm, Brenda asks Bill to wash it, but Bill has internalised the norm, so quietly dismisses Brenda's request. The next morning Brenda notices that the clothes have not been washed and is forced to send their son to school in a grubby uniform.

The normative account says that Brenda *and* Bill are causally responsible for the fact that their son attends school in a grubby uniform — a seemingly correct verdict. Both Brenda and Bill meet condition (i) since there is counterfactual dependence between their individual failures and the outcome — had either washed the uniform, the son would not be wearing grubby clothes. Furthermore, both meet condition (ii) insofar as failing to wash your child's school uniform violates a parental norm. However, Brenda's omission also violates a gender norm according to which women are supposed to carry out the domestic labour. What *makes* Brenda causally responsible, at least in part, is the fact that she is a woman and therefore is expected to wash her son's uniform. But deviation from this particular norm does not explain why Brenda is causally responsible, not even partly so. This is evidenced by the fact that it would be peculiar, even objectionable, to explain Brenda's causal responsibility for her son wearing grubby clothes by citing the fact that women are supposed to undertake the domestic labour. Much like **Provocation**, **Uniform** is not a gerrymandered example, comparable cases are likely to arise in contexts that are governed by similarly dubious norms.

There is a way to respond to this kind of counterexample. One could argue that Brenda's apparent gender norm violation might not provide *us* with an explanation of her causal responsibility, but it does provide those within her society with an explanation. Brenda's omission does not constitute a gender norm violation for us because (let's suppose) we reject

the gender norm governing the division of domestic labour. It stands to reason then, that we would also reject it as an explanation for her causal responsibility. In contrast, Brenda's omission does constitute a gender norm violation in her society because her society accepts this norm, consequently it wouldn't be peculiar for Brenda's husband to cite this information when explaining her causal responsibility. The underlying argument here is that facts about causal responsibility through omission depend upon normative judgements, hence it should come as no surprise that someone who rejects a particular norm may also disagree with the causal responsibility attribution it supports.[12]

How plausible is this line of defence? The first thing to note is that the response reverses the order of explanation we ordinarily believe holds between normativity and causal responsibility. The response maintains that facts about causal responsibility through omission depend upon our judgements of normativity, this implies that our normative judgements explain facts about causal responsibility through omission. But, as Carolina Sartorio has pointed out, the natural view is clearly the opposite (2007:754). Many of our normative assessments are thought to be explained by facts about causal responsibility. Take assessments about moral responsibility, for example. When determining moral responsibility, we generally proceed by giving an independent account of causal responsibility, and then we account for moral responsibility in terms of causal responsibility, precisely because we take assessments of moral responsibility to be partly grounded in facts about causal responsibility (Sartorio 2007:754). There might be a plausible argument to be made in support of the contrary but given that the current explanatory relationship is central to our understanding of these concepts, the onus is on the defender of the normative account to provide a story as to why the reverse order of explanation is more plausible.

[12] Thank you to the anonymous reviewers for raising this potential line of response.

4. The Robust Account

Thus far, I have considered two strategies for identifying when an agent is causally responsible through a failure to act — the simple counterfactual account and the normative account. I rejected both on the grounds that they do not produce attributions of causal responsibility that reflect our commonsense judgements and I further criticised the normative account because of its failure to adequately explain why an agent is causally responsible through omission. In this Section, I defend an alternative view which I call the 'robust account'. In short, the account says that an agent is causally responsible for an outcome when they fail to act if and only if the occurrence of the outcome counterfactually depended on the occurrence of the omission, *and* the connection between the outcome and the omission is causally robust. More formally:

Robust Account: An agent is causally responsible for some outcome, E, through an omission, O, iff (i) E counterfactually depends on O, and (ii) the relationship between the O and E is robust.

Like the normative account, the robust account amends the simple counterfactual test by adding a condition which aims to produce attributions of causal responsibility which are more in line with our commonsense judgments. But instead of appealing to normative considerations, the extra condition appeals to the non-normative notion of robustness.

4.1 Robustness

First introduced by David Lewis (1987) under the name "sensitivity", robustness has been explored by philosophers and cognitive scientists within the literature on causation and

causal inference, with its nuances developed in various ways.[13] Here I follow James Woodward's (2006) popular delineation of the concept. According to Woodward, the guiding principle when assessing for robustness is that we are to consider possible changes to the actual world once the cause occurs and then ask whether and in how many worlds the effect would also occur. In other words, we hold fixed the occurrence of the cause, wiggle the background conditions, and then look to see whether the effect would continue to occur in those altered circumstances. A causal relationship is robust if, given the occurrence of the cause, the effect would continue to occur under various sorts of changes to the actual circumstances. Conversely, a causal relationship is fragile if, given the occurrence of the cause, the effect would not continue to occur in circumstances that depart in various ways from the actual circumstances.

Robustness is characterised as a feature of some causal relationships. Two events (or omissions) can be in a causal relationship in virtue of one causing the other in the actual world, but it is another question as to whether that same causal relationship will continue to hold in alternative circumstances, and thus whether the causal relationship is robust.[14] To illustrate the concept, compare the following claims:

(1) Suzy throwing the rock at the window caused the window to shatter.

(2) The big bang caused the window to shatter.

According to the counterfactual test, both of these claims are true; had Suzy not thrown the rock, the window would not have shattered, and had the big bang not occurred the window would not have shattered. Still, we can ask a further question about whether these causal relationships are robust relationships. To determine whether (1) exhibits a robust causal

[13] For example, see Laura Franklin-Hall (2016), and Vasilyeva, Thomas Blanchard and Tania Lombrozoa (2018).

[14] To be clear, robustness is not a measurement of degrees of causation. Those who discuss robustness, such as Lewis (1987) and Woodward (2006), describe it as a 'special' feature of causal relationships, but this feature does not amount to being more of a cause, metaphysically speaking.

relationship, we hold fixed the cause event — Suzy throwing a rock at the window — then consider in how many close-by worlds the effect event — the window shattering — would continue to occur. Once we hold fixed Suzy throwing the rock, there will be very few none far-fetched scenarios in which the window would remain intact. Had Suzy been wearing different clothes, had she had brown eyes instead of blue, or had it been raining instead of snowing, the window would still have shattered. There will be certain changes in the background conditions that will break the causal relationship; for example, had the windowpane been made from a special type of reinforced glass then the window might not have shattered even though Suzy threw a rock at it. Still, it's hard to imagine many scenarios where the causal connection would be severed since in most contexts throwing a rock at a window will break the window. Hence, (1) exhibits a robust relationship.

In comparison to (1), there are many close-by worlds in which the causal connection in (2) would be broken. That is, there are many scenarios in which the big bang occurs, but the window does not shatter. These scenarios include those that would break the causal relationship in (1), but they also include any departure from actuality that occurred after the big bang that resulted in the non-existence of Suzy or the non-existence of that particular window. Given the enormous range and diversity of possible changes that would result in these scenarios we get the impression that the causal connection expressed by (2) would not hold in many close-by worlds, making it a fragile connection. So, whilst both claims (1) and (2) are true (at least according to the counterfactual test), (1) holds in many more worlds than (2) and is therefore more causally robust.

So that's the concept robustness applied to 'positive' events, let's now see how it can be applied to causal relationships involving omissions. Consider the following claim:

(3) The absence of nerve gas in the room caused me to read this book.

As before, the claim is true according to the counterfactual test for had there been nerve gas in the room I would not have read the book, and, as before, we can ask a further question about whether the causal relationship expressed by the claim is robust. To test for robustness we keep the cause fixed — the absence of nerve gas — then consider in how many close-by worlds the effect — reading that book — would continue to occur. Like (2), (3) is fragile. In those worlds where nerve gas is absent there are many relatively trivial chances that could stop me reading that book — I might not desire to read at that moment, I might desire it but lack the motivation to do it, I might take up another activity instead, I might not read *that* book, and so on. In a lot of not too far-fetched scenarios in which nerve gas is absent, I might not read that book, which suggests that while (3) expresses a true causal relationship, the relationship is nevertheless a relatively fragile one.

4.2 Robustness and Causal Responsibility through Omission

As mentioned, robustness has been identified as a feature which pertains to our concept of causation. But to my knowledge, none have talked about it as a condition on causal responsibility.[15] With the concept outlined in more detail, we can now see how the robust account fares as a theory of causal responsibility through omission. Let's begin with **Hospital**. As before, we want to identify Doctor Q, and no one else, as causally responsible for Mr P's death. Does the robust account vindicate this judgement? Yes. To see first that Doctor Q is causally responsible, recall that there is counterfactual dependence between her omission and the outcome hence she meets condition (i). Next to see if Doctor Q meets condition (ii) assess whether the causal connection between her omission and the outcome is robust, which entails asking in how many worlds Mr P would die given that Doctor Q failed to administer treatment.

[15] Through three experiments, Grinfeld et al (2020) show that our perceptions of robustness influence the degree to which we believe an agent is causally responsible, but this is an empirical claim, they do not argue that facts about causal responsibility depend upon facts about robustness.

Once we hold fixed the fact that Doctor Q does not treat Mr P, there are only a handful of none far-fetched scenarios where the patient survives. Namely, worlds where another doctor at the hospital, who is not responsible for the patient's care, notices the patient's state and administers treatment themselves. Barring these kinds of lucky cases, however, it's difficult to imagine many close-by worlds in which a critically ill patient does not receive treatment from their doctor but survives nonetheless. Thus, the causal connection between Doctor Q's omission and Mr P's death is relatively robust. Doctor Q satisfies condition (i) and (ii), making her causally responsible through omission.[16]

Furthermore, the view rules out seemingly irrelevant omissions, such as Mrs R, the hospital porter. Mrs R meets condition (i) because the death counterfactually depends on her omission, however, Mrs R does not meet condition (ii) because the causal relationship between her omission and the outcome is relatively fragile. When we keep fixed the fact that Mrs R does not treat Mr P there are many close-by worlds in which Mr P nonetheless survives. This is because doctors do in fact successfully care for their patients, the majority of close-by worlds will be ones in which Doctor Q fulfils her obligation to treat Mr P, meaning that Mr P will survive even given Mrs R's omission. Mrs R is therefore not causally responsible for the patient's death.

In addition to getting it right in cases like **Hospital**, where we want to assign responsibility for bad outcomes, the view gets it right when we're looking to assign responsibility for good outcomes. To see this, consider **Provocation**. I argued that the normative account is unable to capture the verdict that Cody's decision not to retaliate makes him causally responsible for preventing harm to himself and the stranger, the robust account, by contrast, is able to accommodate of this verdict. Firstly, Cody satisfies condition (i) since there's counterfactual dependence between the prevention of harm and Cody's refraining. He

[16] For a similar treatment of this case using the concept of robustness see Woodward (2006:27).

also satisfies condition (ii) because in most worlds nearby worlds where Cody does not react to the provocation the conflict subsides. There may be a handful of close-by worlds in which this is false, for example, worlds where Cody does not retaliate but the stranger has an unusually strong desire to fight, and so begins to physically harm Cody. But apart from these worlds there will be very few situations in which the conflict escalates even though Cody tries to prevent it from doing so. As a result, the robust account says that Cody is causally responsible through omission for the good outcome.

Finally consider how the account handles **Uniform**. I suggested that in this case, Brenda and Bill's individual failures to wash their son's school uniform makes them both causally responsible for the fact that their son has to attend school in grubby clothes. What does the robust account say about the case? As we've seen both Brenda and Bill meet condition (i). To see if Brenda meets condition (ii), keep fixed her failure to wash the uniform and consider in how many close-by worlds their son attends school in an unwashed uniform. There are a few scenarios that would break the causal connection between her omission and the outcome, the most salient ones being those in which someone else, namely Bill, washes the uniform instead. But, given that Bill has internalised the norm according to which women are supposed to perform the domestic labour, we can expect that he would continue to omit in most of the worlds closest to them. Consequently, in the majority of close-by worlds, Brenda's failure to wash the uniform will be followed by their son attending school in grubby clothes, making the connection between her omission and the outcome relatively robust. Hence, she is causally responsible.

Next to see if Bill's omission has a robust causal connection to the effect, consider in how many worlds their son would attend school in an unwashed uniform given that *he* doesn't wash it. As before, the worlds where the causal connection is most likely to break are those in which someone else, this time Brenda, does the washing. Although it might be more likely that

Brenda would wash the uniform given the gender norm, it is still overall unlikely in light of the fact that in their actual world, she made the decision to push back against the norm. If we suppose that this decision is a stable one, then Brenda will not wash the uniform in worlds similar to their actual world. Consequently, Bill's omission will be followed by the outcome in the majority of close-by worlds, making the connection between his omission and the outcome relatively robust. Hence, he is also causally responsible.

5. Further Virtues of the Robust Account

Not only does the robust account deliver seemingly correct attributions where other accounts do not, it can also make sense of two commonly held judgements people make about causal responsibility through omission. Firstly, it's plausible to think that causal responsibility through admits of degrees in the sense that when multiple agents bring about an outcome those agents can be more or less causally responsible relative to their fellow omitters. To support this idea, consider the following case presented by Alex Kaiserman (2018:4):

Committee: C1, C2, C3, C4 are members of an executive committee of a manufacturing company. Every committee member has one vote each, except C4, the chair of the committee, who has three votes. The committee is asked to vote on whether to replace the company's outdated equipment, a majority of at least three votes is required to enact the policy. On the day of the vote none of the committee members show up, the equipment later malfunctions, injuring an employee.

As Kaiserman points out, the scenario has an interesting causal structure because the injury is caused by an indeterminate plurality of omissions. Still, intuitively C4's failure to vote to replace the equipment makes them more causally responsible for the employee's injury than

do the failures of C1, C2, and C3. C4's weighted vote means they had more causal power to wield, plausibly making them more causally responsible when they omit to use that power. The robust account can make sense of this judgement. Let's suppose that had the members shown up to vote, they would have voted to replace the equipment. There are a total of seven votes, and the minimum votes needed for a majority to pass is three. Kaiserman points out that this means that there are five different combinations of events that will make a sufficient set for the committee to update the equipment. The sets are:

[C1, C2, C3], [C1, C4], [C2, C4], [C3, C4], [C4].

C4 makes an appearance in four of these sets, whereas C1, C2, and C3 make an appearance only twice. This highlights that there are more scenarios in which the employee gets injured once we keep fixed the fact that C4 did not vote, making C4's causal connection to the outcome the most robust. Another way of putting this is to say that, other things being equal, there are more worlds in which the following counterfactual is true: 'If C4 had failed to vote to replace the equipment, then it would be the case that the employee would get injured', compared to this counterfactual: 'If C(1-3) had failed to vote to replace the equipment, then it would be the case that the employee would get injured'. Thus, the causal connection between the employee's injury and C4's failure to vote is the most robust relative to other committee members. In this way, the robust account has the resources to track *the extent to which* an agent can be held causally responsible for some outcome through their failure to act.

A second potential virtue of appealing to robustness is its ability to accommodate for the thought that causal responsibility through omission is something which peters out over time. As Michael Moore (2009:102) notes, we tend to judge agents less causally responsible the more remote the initial cause becomes. Caesar's failure to conquer Britain may well be a cause of my writing this paper, in the sense that writing the paper counterfactually depends

upon his campaign failures, but so many other events have also contributed to my writing this paper that Caesar's causal responsibility through omission has long since fizzled out.

Although robustness does not necessarily equate to degrees of causal proximity,[17] it stands to reason that, by and large, the more remote the initial omission, the more likely it will be that the connection between the omission and the outcome is fragile. This is because there will be more intermediate steps in the causal chain and thus more chances for the causal connection to breakdown following changes in the background conditions. As a general rule, the more remote the initial omission the less robust the causal connection will be. The fact that degrees of robustness loosely tracks degrees of causal proximity means that the view is able to capture the intuition that causal responsibility through omission peters out over time; another benefit of appealing to facts about robustness.

6. Conclusion

In this paper, my chief aim has been to supply a theory of causal responsibility through omission. I defended the view that an agent is causally responsible for an outcome through a failure to act if and only if the occurrence of the outcome counterfactually depended on the occurrence of the omission, and the connection between the outcome and the omission is causally robust. The robust account was able to deliver seemingly correct attributions of causal responsibility where other accounts did not, as well as being able to track two commonly held judgements about causal responsibility. The view provides a systematic way to distinguish between those seemingly inert nondoings and those that connect us to outcomes, and if successful, can be used to help identify and ground moral and legal liability.

[17] It is possible for a remote cause to have a robust relationship to the outcome given the right intermediate causal steps. For instance, the causal relationship between my birth and my death is maximally robust — there's no alteration to the background circumstances which would mean my birth would not, at some point, be followed by my death. The causal connection here is robust, but the cause event is also relatively remote.

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