

RESPONSIBILITY, MECHANISMS, AND CAPACITIES

Randolph Clarke

Abstract: Frankfurt-style cases are supposed to show that an agent can be responsible for doing something even though the agent wasn't able to do otherwise. Neil Levy has argued that the cases fail. Agents in such cases, he says, lack a capacity that they'd have to have in order to be responsible for doing what they do. Here it's argued that Levy is mistaken. Although it may be that agents in Frankfurt-style cases lack some kind of capability, what they lack isn't required for them to be responsible for doing what they do. Differences between actions and omissions, and between the requirements for responsibility for these two, are also discussed.

Suppose that Connie decides on a certain occasion to vote for the Republican candidate. Suppose that conditions sufficient for an agent to be morally responsible for making a decision are satisfied by Connie with respect to making her decision. (Connie is morally competent, she's aware of what she's doing, she isn't compelled, brainwashed, or surgically manipulated, and so forth. If a decision for which one is responsible must be determined by the agent's deliberative process, then Connie's is so determined; if, on the other hand, a decision for which one is responsible must be undetermined, Connie's is undetermined. Etc.) By supposition, Connie is morally responsible for deciding on this occasion to vote Republican.

Now imagine a second case—a variant of the first—in which someone closely monitors Connie's thought process throughout her deliberation. The monitor wants Connie to decide to vote Republican, but he prefers that she do so on her own. If he sees any sign that she's about to do otherwise, he'll intervene and cause her to decide as he wishes; otherwise he'll do nothing.¹ As it happens, Connie shows no such sign, and the monitor does nothing except observe. Except for being in the monitor's presence (and anything that might be implied by being in that presence), Connie is the same in the second case as in the first case. In the second case, what actually produces Connie's decision to vote Republican (if anything does) is exactly what produces her decision in the first case.

¹ Imagine Connie to be such that, on this occasion, her attending to a reason not to vote Republican is a necessary but not sufficient condition for her not deciding to vote Republican. Her so attending could serve as the sort of sign for which the monitor is on the alert. Pereboom (2001, 18–19) presents a case involving a sign of this sort.

Scenarios of this second kind—Frankfurt-Style Cases, or FSCs—have been said to show that an agent can be morally responsible for doing a certain thing even if she isn't able to do otherwise.² Such cases are sometimes employed in arguing for the compatibility of responsibility and determinism. Much about these matters has been disputed. A frequent objection is that, unless it's supposed that determinism is true, the agent in such a case *can* do other than what she in fact does. She can, for example, show a sign that she's about to do otherwise, or she can do other than decide *on her own*, or she can refrain from voting Republican despite showing no sign that she's about to do so.³

I'll focus here on a different claim, one that Neil Levy (2008) has advanced. As he sees it, in the second case Connie isn't morally responsible for making her decision, no matter how we imagine her decision to have been produced, because the mere presence of the monitor with his readiness to intervene deprives Connie of some capacity that's required for responsibility.

The claim is *prima facie* implausible, and I'll argue that Levy offers no convincing argument for it. Rebutting Levy's claim doesn't require, as he suggests it would, denying that an agential capacity can depend on more than an agent's intrinsic properties.

1 REASONS-RESPONSIVENESS AND AGENTS' CAPACITIES

Levy focuses his attack on the account of moral responsibility offered by John Martin Fischer and Mark Ravizza (1998). On their view, one requirement for responsibility for an action is that one's action be produced by a mechanism that is suitably responsive to reasons. Levy construes Fischer and Ravizza as requiring that *the agent* have a certain capacity to respond to reasons. But capacities of an agent, he argues, can be lost due to the mere presence of a would-be intervener—someone or something with a readiness to intervene in what the agent does. The agent in an FSC loses the required capacity to respond to reasons, even without any actual intervention. The agent is thus not responsible for what she does.

It seems plain as day that in the second case Connie is morally responsible for her decision (given the supposition that in the first case she is). If it could be shown that something that Fischer and Ravizza require for responsibility is missing in this case, then so much the worse for their account of responsibility. The judgment that an agent in an FSC can be responsible for what she does would nevertheless remain secure.

But in fact, Levy's argument doesn't undermine Fischer and Ravizza's proposal concerning responsibility for actions. Their account focuses on *the mechanism that produces a given action* (the process by which, or the way in which, the action is produced). The responsiveness requirement is a requirement that *this mechanism* have a certain modal or dispositional property (Fischer and Ravizza 1998, 53). The requirement is not, in the first instance, a requirement

² The source of this argument is Frankfurt (1969).

³ A number of papers examining FSCs are collected in Widerker and McKenna (2003).

that *the agent* have a certain capacity. Thus, showing that some agential capacity is absent in an FSC wouldn't suffice to show that what Fischer and Ravizza require is missing. In order to do the latter, what must be shown is that the action-producing mechanism lacks the required dispositional property.⁴

Fischer (2002, 304) does accept, in passing, that in an FSC the agent retains a "general ability" to act otherwise.⁵ What's precluded in such a case, he says, is satisfaction of J. L. Austin's (1979) "all-in" sense of 'can'. A general ability to drive a car is one that can be retained even when no car is available, or when one's car would be disabled were one to try to start it. But in such circumstances it isn't true that one can, in the "all-in" sense, drive to the store.

What Levy calls a capacity is, it seems, at least roughly what Fischer calls a general ability. I'll refer later to what I call capabilities. Perhaps there are subtle differences between these three things, but I'll take it that they come to pretty much the same thing. All three are dispositional or disposition-like.

Fischer and Ravizza don't explicitly say that an action-producing mechanism's possession of the relevant responsiveness suffices for the agent's possession of some capacity to act, though perhaps they would accept that it does. They certainly don't say that for *every* capacity of an agent, possession of the responsiveness property by the agent's action-producing mechanism suffices for the agent's possessing that capacity. (Plainly, that claim would be mistaken.) Nor do they advance the view, which Levy (2008, 224) attributes to them, that "agents' capacities are entirely dependent upon their intrinsic properties." Contrary to Levy's suggestion, they aren't in the business of offering an account of agents' capacities.

But now, if agents can have capacities for the possession of which it doesn't suffice that their action-producing mechanisms have the responsiveness property, then (assuming that such capacities can be lost) an agent can lose a capacity without the loss of the responsiveness property by that agent's action-producing mechanism. Even if Levy shows that agents in FSCs lose *some* capacities just because of the presence of the would-be intervener, he doesn't thereby show that these agents' action-producing mechanisms lose the required reasons-responsiveness. An agent might lose some capacity without losing anything that Fischer and Ravizza hold to be required for moral responsibility.

⁴ "We contend that one very useful way to develop an actual-sequence approach to moral responsibility is to switch from a focus on the relevant *agents* and their properties, to a focus on the processes or 'mechanisms' that actually lead to the action. In other words, we infer from the Frankfurt-type cases (among other things) that it is better to take what might be called a 'mechanism-based' approach to moral responsibility than an 'agent-based' approach.

"As we pointed out, in a Frankfurt-type case the agent could not have done otherwise, and thus the *agent* is not reasons-responsive. But it is crucial to see that in these cases the kind of mechanism that *actually* operates *is* reasons-responsive, even though the kind of mechanism that *would* operate—that is, that does operate in the alternative scenario—is *not* reasons-responsive" (Fischer and Ravizza 1998, 38).

⁵ There is some tension between Fischer's acknowledgment that the agent in an FSC retains a general ability to do otherwise and Fischer and Ravizza's claim (quoted in the preceding note) that the agent in such a case isn't reasons-responsive. Still, any problem for Fischer on this point leaves in force the claim made here that Levy fails to show that what Fischer and Ravizza require for responsibility for action is missing in an FSC.

2 EXTRINSIC DISPOSITIONS AND FINKS

Some dispositions are extrinsic. An extrinsic disposition can come and go with a mere change in circumstances of the thing that gains or loses that disposition. For example, whether a city is vulnerable to enemy attack can depend on whether its defending army is camped nearby.⁶ The city is vulnerable when the army is far away. The arrival nearby of the defending army ready to intervene in case of attack can eliminate the city's vulnerability to attack.

However, dispositions can be retained despite the presence of something ready and able to remove them if need be to prevent their manifestation. This phenomenon is what we have on display in cases of finkish dispositions. A fragile glass might be protected by a sorcerer who stands ready to change the glass's molecular structure should it be struck, quickly enough that it wouldn't then break (Lewis 1997, 147). So long as the glass isn't struck, it remains fragile. The mere presence of the sorcerer ready to intervene doesn't eliminate the glass's fragility. (The sorcerer's presence might eliminate the glass's vulnerability to breakage, but it would do so by making a still-fragile glass invulnerable.)

Levy (2008, 227) accepts that dispositions can be finkish in this way. But given this fact, an action-producing mechanism can have a disposition that is retained despite the agent's coming into the presence of someone ready and able to remove that disposition if need be in order to prevent its manifestation.

Suppose that the mere addition to an agent's environment of such a would-be intervener can remove some sort of capacity from that agent. Then a capacity can be lost by an agent due merely to the presence of a would-be intervener. There might nevertheless be some disposition that's retained by the agent's action-producing mechanism. Indeed, it might be that in an FSC the agent loses some sort of capacity while her action-producing mechanism nevertheless retains its reasons-responsiveness.

There's excellent reason to think that this is in fact so. Suppose that, in the first case above, the mechanism that produces Connie's decision is suitably reasons-responsive. That mechanism isn't susceptible to losing its responsiveness should Connie display a sign that she's about to do something other than decide to vote Republican. Further (on the assumption that Connie can display such a sign), she's capable of showing that sign without having the responsiveness of her action-producing mechanism removed. In the shift from the first to the second case, Connie loses this latter capability. She can't any longer display the sign without having the responsiveness of her action-producing mechanism eliminated. She loses this capability due solely to some extrinsic change—the addition of the monitor with his readiness to intervene. But her action-producing mechanism doesn't thereby lose its responsiveness. It becomes *susceptible* to losing that disposition should Connie display the indicated sign. But since Connie doesn't in fact display that sign, the responsiveness property of her mechanism isn't in fact lost.

⁶ The example resembles one offered by McKittrick (2003). Another example that she gives: you'd weigh less on the moon.

With the addition of the would-be intervener in the second case, Connie changes with respect to an extrinsic disposition: she becomes vulnerable to having the responsiveness of her action-producing mechanism removed should she display the indicated sign. But the responsiveness of her action-producing mechanism is finkish. It isn't in fact lost, because the circumstance for its removal—Connie's displaying the sign—doesn't in fact arise. (A city might become vulnerable while yet retaining many of its dispositions, so long as it isn't attacked.)

No requirement imposed by Fischer and Ravizza's account need be unsatisfied in an FSC. Nor (unless responsibility is altogether impossible) is there any independent reason to think that the agent in such a case can't be responsible for what she does. It certainly seems that Connie can be responsible for deciding to vote Republican. In case two, she changes with respect to a certain extrinsic disposition, but there's no reason to think that her responsibility hinges on whether she has this disposition. Levy's argument that she isn't responsible relies on the claim that she loses something that Fischer and Ravizza require. As we've just seen, this claim is mistaken. We've been offered no good reason to deny that she's responsible.

3 ENABLING

Levy's argument that agents in FSCs lose capacities proceeds by way of first arguing that in what he calls Frankfurt Enabling Cases, or FECs, agents *gain* capacities due solely to circumstantial changes. I've shown that the loss of a capability in an FSC neither threatens Fischer and Ravizza's account nor challenges the judgment that the agent in such a case can be morally responsible for what she does. Nevertheless, Levy's discussion of FECs deserves attention.

Imagine that someone, Jillian, is walking along a beach when she sees a child in deep water at risk of drowning. Though Jillian swims well, she's pathologically afraid of deep water. She can try to rescue the child, and she knows this. She believes that she'd succeed, but about this she's mistaken; her phobia would prevent her. In any event, Jillian decides not to attempt the rescue, and the child drowns. Call this case three.

The fourth case is the same, except that unbeknownst to Jillian someone is monitoring her closely. If she decides to attempt the rescue, the monitor will intervene and dampen her fear, with the result that her attempt will succeed. But, again, Jillian decides not to make the attempt.

About the third case, we might say that although Jillian is blameworthy (and thus responsible) for her awful decision, she isn't responsible for not saving the child. Nevertheless, Levy argues, in the fourth case Jillian *is* responsible for that failure to act. The mere presence of the monitor with his readiness to intervene gives Jillian a capacity that she lacks in the third case. And given that she has this capacity, she can be responsible for not saving the child.

I agree with the verdict here. In the third case, let's imagine, Jillian can't do anything that would result in her gaining the capability to overcome her fear;

she lacks a second-order capability to do such a thing. In contrast, Jillian has this second-order capability in the fourth case. Levy is correct, then, that a mere circumstantial change can result in an agent's gaining a capacity (or capability).

Levy claims, further, that in an FEC this circumstantial change can make a difference to whether the agent is responsible for a failure to act. With this, too, I agree. In the fourth case, Jillian can be responsible for not saving the child. After all, she could have made the attempt, she believed that her attempt would succeed, and that belief was correct; had she tried to save the child, she would have succeeded.⁷

Istiyaque Haji and Michael McKenna (2011) dispute Levy's claim about Jillian's responsibility in case four. They take Levy's argument to rely on a claim that, had Jillian carried out the rescue, she would have been responsible for doing so. And they dispute this claim. I don't,⁸ but support for Levy's verdict about case four needn't rely on any such claim. One can simply argue, as I just did, that Jillian could have made the attempt, she believed the attempt would succeed, and she was right about that.

Consider a case that has a similar structure. There's a drawbridge leading to an island. The bridge operates differently from most drawbridges: it's standardly in the up position, and it's lowered by its operator only when road traffic approaches the bridge. Sam had promised to drive to the island on Saturday afternoon. He didn't. In fact, no traffic approached the bridge on Saturday afternoon; the bridge was up all afternoon.

Sam could have attempted to drive to the island, and as he believed, if he had made that attempt, he would have succeeded. His success would have depended on a change that was triggered by his attempt. Without that change, he couldn't have driven to the island. Still, he can be blameworthy—and responsible—for not driving to the island as he'd promised.

Levy is right, then, that whether a would-be intervener (the monitor in case four, or the drawbridge operator) is present can make a difference to whether someone is responsible for not doing a certain thing. But Levy offers no reason for thinking that this lesson transfers in its entirety to FSCs. It's true enough that in an FSC a mere change in circumstances can result in the loss of a capability. However, as was argued above, there's no reason to believe that the capability that's lost is required for moral responsibility.

⁷ Levy takes it that Fischer and Ravizza's account of responsibility for omissions yields the judgment that Jillian isn't responsible in this case. I don't find it obvious that this is so. Nevertheless, some other examples presented by Levy do, I think, undermine Fischer and Ravizza's account of responsibility for omissions.

Levy argues that their error regarding responsibility for omissions shows that they're mistaken as well about responsibility for actions. But in so arguing, he's assuming something that Fischer and Ravizza as well hold, viz., that the requirements in the two sorts of case are substantially the same. As I'll explain, that assumption is open to question.

⁸ Haji and McKenna suppose that the monitor's intervention would be to implant certain desires, beliefs, and other states into Jillian. Were the monitor to do this, they argue, the mechanism that produced Jillian's rescue wouldn't be "her own." But this isn't how Levy describes the case. As he puts it, what the monitor would do is just dampen Jillian's fear. If anything, weakening an irrational fear would seem to add to the authenticity of the agent's action.

With regard to FSCs and FECs, Levy (2008, 224) claims that “we should treat the cases alike.” But FSCs and FECs are importantly different. The former are cases of actions, whereas the latter are cases of failures to act or omissions. We should treat them alike if what’s required for responsibility for actions is exactly the same as what’s required for responsibility for failures to act. And if failures to act are exactly like actions, then we have good reason to think that the responsibility requirements in the two cases are the same. However, Levy offers no such reason (nor reasons of any other sort) to think that this is so.

In fact, there are obvious differences. In performing an action, one exercises one’s agential powers. That exercise of agential power is what constitutes the performance of the action. But a failure to act isn’t constituted by any such thing.⁹ Quite commonly, a failure to do a certain thing isn’t itself any kind of action at all.¹⁰ Think of the occasions on which you meant to do something but forgot to do it, or it didn’t even occur to you to do something that you ought to have done. These are instances of failure to act or omission. There isn’t any action you perform on such an occasion that is your failure or omission.

Jillian decides not to attempt the rescue. And her decision is an action, an intentional action of forming an intention not to make the attempt. But her decision isn’t her failure to make the attempt. The failure results from that decision.

Jillian’s not saving the child, then, isn’t an action that Jillian performs. Hence we shouldn’t assume that what’s required for responsibility for such a failure to act is exactly what’s required for responsibility for an action.¹¹ We should be careful, then, about reasoning from some conclusion about an agent’s responsibility in an FEC to the parallel conclusion about an agent’s responsibility in an FSC.

Levy takes it that one who wishes to resist his argument must claim that in judging the capacities of agents, we should bracket would-be interveners in FSCs but not in FECs, and thus deny the loss of a capacity in the former cases while acknowledging the gain of a capacity in the latter. But no such claim is required. Acknowledging the would-be intervener in both kinds of case, we may recognize the loss in the former as well as the gain in the latter. The point is that what is lost makes no difference to responsibility, while what is gained may very well make such a difference.

4 LOCATION

Levy considers that his conclusions might be resisted by defenders of what he calls “locational internalism” about the mental, the idea that mental states are located entirely within the skulls of the subjects whose states they are. Against such internalism, he recommends the extended mind thesis, “according to

⁹ As McIntyre (1994, 487–488) puts the point, “actions involve the exercise of a physical ability that is under the agent’s deliberate control. In contrast, omitting to perform an action is omitting to exercise such an ability.”

¹⁰ For extended argument for this claim, see Clarke (forthcoming).

¹¹ A number of authors argue that what’s required for responsibility for an omission differs significantly from what’s required for responsibility for an action. See, for example, Clarke (1994 and 2011), McIntyre (1994), and Sartorio (2005).

which mind consists in the set of mechanisms that enable us to perform cognitive tasks, and this set of mechanisms includes external elements—from symbols we manipulate, to marks on paper, to bit [sic] and bytes, and even other people” (Levy 2008, 237).¹² On such a view, he suggests, Connie’s capacities are constituted by an ensemble of her body and the monitor, and Jillian’s by an ensemble of her body and the monitor watching over her.

I’ve accepted that Connie loses a capability and that Jillian gains one. It didn’t take any view about where their minds are located to motivate this acceptance; it took only the recognition that the capabilities lost and gained depend in part on extrinsic features of the agents in question. Like the vulnerability of a city to enemy attack, such capabilities can come and go without intrinsic change of the objects gaining or losing them. At the same time, this possibility is consistent with the fact that some capacities are intrinsic. It’s consistent with the claim that there’s a capacity to act that Connie retains despite the presence of the would-be intervener, so long as he doesn’t intervene. We needn’t appeal to anything as sexy as locational externalism in order to draw the distinction. An old-fashioned distinction between intrinsic and extrinsic dispositions will suffice.¹³

Randolph Clarke
Florida State University
Tallahassee, FL 32306-1500 USA
E-mail: rkclarke@fsu.edu

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¹² The extended mind thesis is advanced by Clark and Chalmers (1998).

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