

Disconnection and Responsibility

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forthcoming in Legal Theory

Michael Moore's *Causation and Responsibility* offers an integrated conception of the law, morality, and metaphysics, centered on the notion of causation, grounded in a detailed knowledge of case law, and supported on every point by cogent argument. This is outstanding work. It is a worthy successor to Harte and Honoré's classic *Causation in the Law*, and I expect that it will guide discussion for many years to come.

Moore's main thesis is that there is a single notion of causation at work in the law, scientific explanation, and common sense thought. I am convinced, and will only dispute the details. In particular, I will dispute Moore's claim that this single notion of causation does not allow absences as causes or effects. I will argue that Moore's rejection of absence causation complicates and problematizes his otherwise plausible view. It complicates his view of legal and moral responsibility, since of course we attribute responsibility over absences (e.g. negligence). Moore is thus driven to a disjunctive account of the grounds of responsibility, with mere counterfactual dependence providing a second non-causal ground of responsibility, albeit responsibility of a diminished sort.

Two further problems then arise. The first is *the beheading problem*. Since the route from beheading to death involves the absence of blood flow to the brain, on Moore's view beheading someone cannot possibly cause them to die. The second problem is *the correlation problem*. Moore argues that there is counterfactual dependence between mere correlates of a common cause, and so on his view responsibility can arise from mere correlation with a crime.

Accepting absences as causal would allow Moore to simplify his view. He could treat causation as the sole ground of responsibility, and would no longer need a disjunctive account. He would avoid the beheading and the correlation problems. Beheadings can count as causes, and correlates will no longer bear responsibility, since correlation is not causation.

1. Substantiating Unity

I begin with an overview of Moore's position, to situate the issue of absence causation. As Moore (p. vii) says at the start: "The central idea that organizes the book is that causation as a prerequisite to legal liability is intimately related to causation as a natural relation lying at the heart of scientific explanation." What he means is that the core concept of causation at work in the law—once pruned of certain confusions—just *is* the core concept of causation at work in scientific explanation and common sense thought. Thus Moore's central idea can be characterized as:

(*Unity*) There is a single core notion of causation at work in the law, scientific explanation, and common sense thought

One might think that the notion of causation has many roles in the law, serving as a placeholder for a range of more specific notions.¹ Or one might think that the notion of causation has no role in the law, or that it has a single unified role in the law but one which is special and distinctive to the law. *Unity* is the denial of all of these thoughts.

¹ For instance, Stapleton (2008: 433) defends the view that the notion of causation in the law is used "to express diverse information about the world", leading her (2008: 439) to conclude: "Because the same causal language has been used to convey different types of information, it is futile for philosophers to search for a coherent freestanding metaphysical account of 'causation' unless a choice of underlying interrogation (blame, explanation, physical role, any sort of involvement etc) is specified *at the outset*."

Moore's central project in *Causation and Responsibility* is to substantiate *Unity* by detailing this single core notion of causation. Perhaps his primary commitment (C&R: ch. 20) is to a *singularist* conception of causation, which denies that token causal relations are grounded in laws of nature, counterfactuals, or any other other general features of the world. The contrast is with *generalism*, as seen in nomic sufficiency and counterfactual dependency accounts. Moore remains neutral as between versions of singularism, including those that reduce token causal relations to token physical processes such as energy flows, and those that treat token causal relations as metaphysically primitive.

Moore (C&R: 508) notes that most versions of singularism are committed to the claim that absences cannot feature in causal relations: "One of the great strengths of most singularisms... is that they get it right in how they classify omissions, preventions, and double-preventions as non-causal." This can be readily seen on an energy flow conception, assuming that absences are nothings (though see §4.2), as nothings cannot provide either sources or sinks of energy (c.f. Fair 1979: 246). Though it is not immediately obvious that primitivist singularisms must deny absence causation. But in any case, whether or not it flows from singularism, Moore independently endorses:

(*No Absences*) Absences cannot serve as causes or effects

No Absences is one of Moore's main tenets, defended repeatedly (C&R: chs. 3, 5, 6, 13, and espec. 18). And so *Unity* takes on substance. The one core notion of causation at work in the law, scientific explanation, and common sense thought is said to be the notion of a singularist relation which does not allow absences as relata.²

No Absences then drives Moore to a disjunctive account of legal liability and moral responsibility. He begins (C&R: vii) from the assumptions that legal liability must be grounded in moral responsibility, and that moral responsibility must in turn be grounded in objective natural features of the world.³ Causation, for him (C&R: 5), is the main natural ground of responsibility:

'[C]ause' is univocal... it refers to a natural relation that holds between events or states of affairs. Because moral responsibility is tied to such a natural relation, and because the law is tied to morality, the law also is tied to this natural relation... It thus behooves us to enquire after the nature of such a relation.

But there is an immediate tension looming between *No Absences* and the idea that responsibility must be grounded in causation, since—as Moore is well aware—the law and morality both manifestly ascribe responsibility in cases of negligence and others involving absences. This tension forces Moore (C&R: ch. 18) to retreat from the idea that causation is the one natural ground of responsibility, to a disjunctive account with mere counterfactual dependence providing a second natural ground for responsibility (albeit responsibility of a diminished sort):

(*Disjunctivism*) Legal liability and moral responsibility are grounded *either* in causation, *or* in relations of mere counterfactual dependence without causation (in which case the level of responsibility is diminished)

The issue of whether *No Absences* is a plausible claim about causation is thus connected to the issue of whether *Disjunctivism* is a viable view of the grounds of responsibility.⁴

² Other claims that Moore (C&R: 118-29) makes about this core notion of causation include the claim that causal relations come in degrees, peter out in long and complex causal chains, and be broken by free acts and 'acts of God'. See §5.3 for a potential application of the idea that causation can come in degrees. Though see Stapleton (2008: 467-8) for a critique of Moore's idea.

³ These are positions Moore defends elsewhere. See especially his 1997 and 2004.

⁴ There are concerns with *Disjunctivism* arising with issues like vicarious liability, where there seems to be legal liability without any causal or counterfactual relation to harm. Perhaps these are aspects of the law that Moore would recommend be pruned. At any rate I propose to ignore these issues in the main text. I am

I should note that *No Absences* on its own does not require *Disjunctivism*. Some of Moore's other commitments come into play. Strictly speaking, *No Absences* itself only requires that responsibility can obtain in negligence and related cases, even without causation. It is thus compatible with a purely non-causal (non-disjunctive) account of responsibility, though that would conflict with Moore's (C&R: ch. 2) guiding idea of the centrality of causation to responsibility. *No Absences* is also compatible with disjunctive accounts on which the second disjunct is not counterfactual dependence, but something else that covers negligence and related cases. Though it is not obvious what that other relation might be (c.f. C&R: 451-2). Finally, *No Absences* is compatible with disjunctive accounts on which mere counterfactual dependence (or some substitute) grounds responsibility at the same or even at an increased level as does causation. Though the idea that the level of responsibility is diminished fits with Moore's (C&R: 77) idea of causation as "the big dog" when it comes to grounding responsibility, and gets used by Moore (C&R: 447-9) to buttress the idea that there is a metaphysical difference between real causation and what happens when absences are involved (see §5 for further discussion). So *Disjunctivism* is in principle separable from *No Absences*, but given Moore's other commitments it is a natural concomitant.

Neither *Unity*, nor causal singularism, nor Moore's realist-naturalist background assumptions about the grounds of responsibility are in dispute. I propose to accept all of these claims *arguendo*. (For the record, I endorse *Unity*, am skeptical of causal singularism, and neutral as to the realist-naturalist assumptions about responsibility.) What are in dispute are *No Absences* and its concomitant *Disjunctivism*. The dispute concerns how best to substantiate Moore's own central thesis of *Unity*. For I will argue that the single core notion of causation at work in the law, scientific explanation, and common sense thought is a notion that embraces absence causation.

2. The beheading problem

My first argument against *No Absences* is that it mishandles paradigm cases of causation, such as cases of beheadings. Decapitation can cause death, if anything can. Yet death by decapitation belongs to a class of cases of *disconnections* (what Moore [C&R: 62], following Hall [2004: 241], calls "double preventions"), which involve absences as causal intermediaries. This class of cases turns out to include many other paradigm ways to cause death, including drowning, strangulation, and pulling the trigger on a gun. This class also turns out—when one looks at how muscles work—to include virtually all human actions.

The beheading problem is really a two headed monster, with both a causal and a moral aspect. The causal aspect stems from *No Absences*. Moore must deny that decapitation can cause death. Moreover, given that killing someone requires causing them to die (C&R: 5), Moore must deny that chopping off someone's head can kill them, or legally count as homicide. The moral aspect stems from *No Absences* together with *Disjunctivism*. For once Moore denies that decapitation can cause death, he must then deny that the beheader can be fully responsible for the fate of the beheaded. At most the beheader can bear the diminished level of responsibility due to mere counterfactual dependence. Indeed, in cases where a pre-empted backup is afoot, Moore will find neither causation nor counterfactual dependence, and so must grant the pre-empting axe wielding maniac complete legal and moral impunity.

I fear I may be belaboring the obvious by *arguing* that decapitation can cause death. But this is what is at issue.⁵

primarily interested here in comparing *Disjunctivism* to the purely causal requirement for responsibility that Moore could have had but for *No Absences*, so will ignore problems that afflict both. The reader who thinks that *Disjunctivism* and the purely causal requirement still fall short of covering vicarious liability and the like might still think that there is a certain aspect of liability (causal liability) at issue, and can compare *Disjunctivism* with a purely causal account as covering the grounds for this sort of liability.

⁵ This section summarizes arguments from Schaffer 2000 and 2004. The reader familiar with these arguments may skip ahead to my discussion of Moore's responses in §2.4. The reader unfamiliar with these arguments may look back to these articles for further discussion.

2.1 A provisional taxonomy

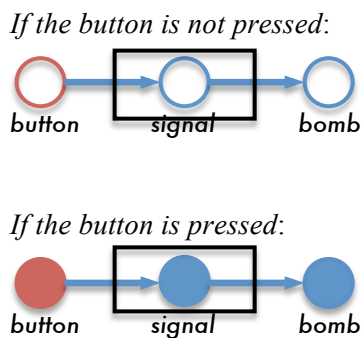
Say that *positive causation* relates a presence to a presence, *omission* relates absence to presence, *prevention* relates presence to absence, and *omission of prevention* relates absence to absence:

	<i>Cause</i>	<i>Effect</i>
<i>Positive causation</i>	+	+
<i>Omission</i>	-	+
<i>Prevention</i>	+	-
<i>Omission of prevention</i>	-	-

Disconnection then involves a step of prevention, followed by a step of omission. That is, disconnection involves a process running from a presence to an absence, and then on to a further presence: + - +. The absence in the middle—had it been present—would have prevented the effect, and so the cause prevents what would have prevented the effect. Thus the name “double prevention”. Just don’t be confused: there is only one step of prevention in a double prevention.

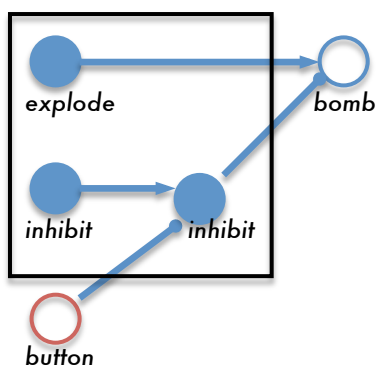
This is a provisional taxonomy, for it assumes a real metaphysical difference between presence (+) and absence (-). I will argue (§4.2) that in the cases at issue there is merely a linguistic difference between an event positively described and an event negatively described, and revisit the taxonomy at that point. But since Moore thinks that there is a real metaphysical distinction, I at least beg no questions against him by speaking in his terms.

To illustrate the difference between positive connective causation and disconnection, imagine a red button on a black box, with a wiring leading out to a bomb. The button is a detonator button. Though I have not yet said how the black box is wired. Perhaps pressing the button generates an electrical signal that travels to the bomb and triggers an explosion. That would be a connective wiring pattern:

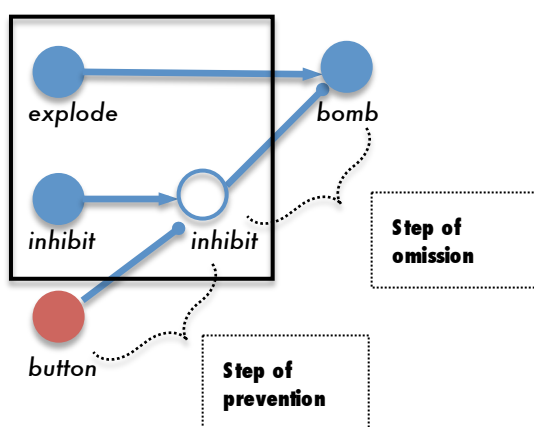


Or perhaps pressing the button cuts off what had been inhibiting an explode signal. That would be a disconnective wiring pattern:

If the button is not pressed:



If the button is pressed:

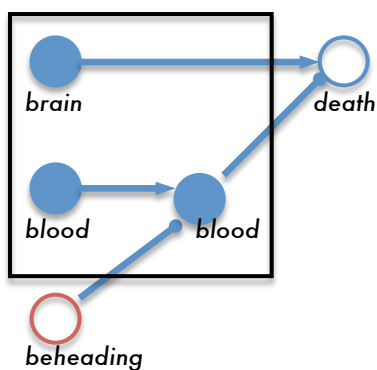


Both wiring patterns can be found in actual causal mechanisms. For instance, as Lewis (2004: 286) notes, when Passenger pulls the brake cord to stop the runaway train, if the train happens to be outfitted with vacuum brakes, the train will stop in a connective way. But if the train happens to be outfitted with air brakes, the train will stop in a disconnective way. Could it really matter for causation, which way the mechanism is wired? Could Passenger only cause the train to stop if it has vacuum brakes, but not if it has air brakes? If Terrorist pushes the detonator button, could she only cause the bomb to explode if it is wired by connection, but not if it is wired by disconnection?

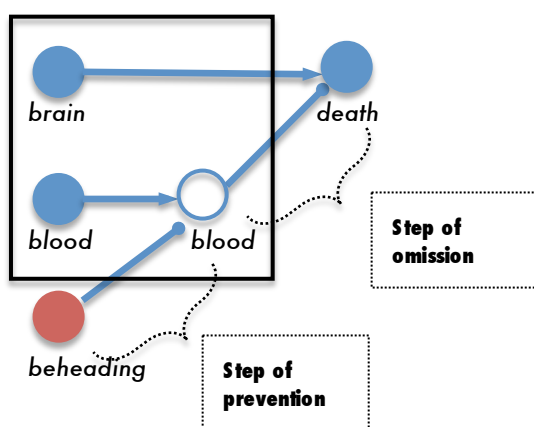
2.2 Beheadings and other disconnections

When Killer beheads Victim, consider the way in which this causes Victim to die. What happens is that the flow of oxygenated blood which was sustaining Victim's life has been disconnected. In other words, there is a step of prevention—the beheading causes the absence of blood flow to Victim's brain—followed by a step of omission—the absence of blood flow to Victim's brain causes death. In the terms I prefer (§4.2.4), what is salient is not a line of energy flow from Killer's axe to Victim's brain. Rather what is salient is that Killer's axe has interrupted an ongoing flow of energy (in the form of oxygenated blood) that was sustaining Victim's brain. Diagrammatically:

If Killer does not behead Victim:



If Killer beheads Victim:



Once one understands how disconnecting the flow of oxygenated blood can cause death, one is in a position to see that such disconnections feature in many other paradigm causes of death. These include drowning, suffocation, strangulation, asphyxiation, bleeding to death, cardiac arrest, and stroke, all of which cause death by preventing oxygenated blood from preventing brain death. It is important to appreciate that these cases are not deemed causal merely because people are unaware of how they work. Everyone understands how strangling someone can cause them to die. Likewise the Center for Disease Control (2010)—in full understanding of the way that heart failure can lead to death—declares: “Heart disease is the leading cause of death in the United States and is a major cause of disability.”

Once one understands the general pattern of causation by disconnection, one is then in a position to see that disconnections feature in all sorts of other paradigmatic causal mechanisms (not just air brakes and certain detonators). These mechanisms also include guns and muscles. With guns, pulling the trigger *disconnects a barrier* (the sear), which had been preventing the gun from firing (by blocking the spring, the release of which propels the hammer to strike the powder). In other words, there is a step of prevention—the pulling of the trigger causes the absence of the blockage—followed by a step of omission—the absence of the blockage causes the gun to fire. In the terms I prefer (§4.2.4), what is salient is not a line of energy flow from Shooter’s finger to the bullet. Rather what is salient is that Shooter’s finger has released a pent up reservoir of potential energy (in the spring, and also in the powder), which propels the bullet.

Muscles work in a similar way. According to the widely accepted *sliding filament theory*, muscle cells are composed of myosin and actin filaments. Contraction occurs when myosin binds actin and the filaments slide together. In the uncontracted state, myosin is ready to bind actin (the filaments are like coiled springs, ready to bind), but tropomyosin blocks the binding sites on the actin

(the tropomyosin is like the sear). Contraction requires disconnecting the tropomyosin barrier. What happens is that an electrical impulse from the nervous system generates a calcium cascade through the muscle fiber. The calcium then binds to troponin—attached to tropomyosin—pulling tropomyosin off the binding sites of the actin. This unleashes myosin to bind actin, and so the muscle contracts. Essentially, there is a step of prevention—the electrical impulse from the nervous system causes the absence of the tropomyosin blockage—followed by a step of omission—the absence of the tropomyosin blockage causes muscle contraction. In the terms I prefer (§4.2.4), the energy flow involved in muscle contraction does not actually come from the nervous system. Rather the nervous system signal serves to release a reservoir of potential energy stored in the muscle fibers.

Once one understands that muscles work by disconnection, one need only appreciate that every voluntary human movement involves muscle contraction, to appreciate that *every human action* involves disconnection. Hence if we human beings are ever to be held causally responsible, disconnections must be causal. To think otherwise is to make a mockery of causation in the law, since as Moore (C&R: 19) makes explicit: “[A]ll liability doctrines in criminal law and torts require that a defendant’s act cause something.” In short, Moore does not merely have a beheading problem, he has a human action problem.

2.3 Disconnections and the theoretical role of causation

Disconnections are not merely features of many paradigmatically causal sequences (and virtually all considered by the law), they are also suited to play the theoretical roles causation plays. Causation is often said to be among the most central of our concepts, and its centrality is found in its connections to a range of surrounding concepts, including counterfactuals, statistics, agency, explanation, and responsibility. Disconnections (and absence causation generally) sustain these connections, and so deserve to count as causal.

To begin with, disconnections display *counterfactual dependence*. For instance, if Terrorist had not pushed the detonator button, then the bomb would not have exploded. Likewise, if Killer had not beheaded Victim, then Victim would not have died. Such counterfactual dependence is sometimes thought to be constitutive of causation (Lewis 1973), and features in the standard *sine qua non* test used in the law. Thus counterfactual dependence is at least an excellent indicator of causal relatedness (one need not endorse the *identification* of causation with counterfactual dependence to recognize this fact). So the fact that there is counterfactual dependence provides excellent reason to think that disconnections are causal.

In disconnections, there is also *statistical relevance*. For instance, the following probabilistic inequality holds: the probability of the bomb exploding given the circumstances plus Terrorist’s pressing of the detonator button is greater than the probability of the bomb exploding given the circumstances but minus Terrorist’s pressing of the detonator button. Likewise, the probability of Victim dying given the circumstances and Killer chopping off his head is greater than the probability of Victim dying given the circumstances but without Killer chopping off his head. Such statistical relevance is sometimes thought to be constitutive of causation (Suppes 1970), and serves as the basis by which statisticians infer causal relationships in the world. Thus statistical relevance is also an excellent indicator of causal relatedness (again one need not identify causation with statistical relevance to appreciate the connection). So again there is excellent reason to think that disconnections are causal.

Further, disconnections provide *agential means* for their outcomes. For instance, an agent such as Terrorist whose sole end was to explode the bomb may press the detonator button as a means to her end. Likewise an agent such as Killer may behead Victim as a means to achieve the end of Victim’s death. Such agential means is sometimes thought to be constitutive of causation (Collingwood 1940; Menzies and Price 1993), and may be the original well-spring of our causal concept. So here is yet another excellent reason to think that disconnections are causal.

Disconnections also serve to *explain* their outcomes. For instance, if the FBI wants to explain why the bomb exploded, they would surely cite the fact that Terrorist pressed the detonator button. Likewise if Detective wants to explain why Victim died, then surely she ought to cite the fact that Killer chopped off his head. These explanations are causal explanations, and would not be possible unless disconnections were genuinely causal.

Indeed—to expand on the point about explanation—absences are routinely cited in actual scientific explanations, such as in the biological explanations of various diseases. For instance, absence of vitamin C causes scurvy, absence of vitamin D causes rickets, absence of insulin causes diabetes mellitus, and absence of growth hormone causes dwarfism. The way in which HIV causes death is by disconnecting the immune system—an absence of functioning CD4+ T-cells serve as causal intermediary, allowing opportunistic infections and cancers to spread unchecked. Thus consider the following discussion (Cáceres 2000: 173) of how Duchenne muscular dystrophy causes death:

Muscular dystrophy in the *mdx* mouse has been described as a mutation in a colony of C57B1/10ScSn mice, which results in the absence of the 427kDa membrane-associated protein dystrophin . . . A deletion on the human X-chromosome causes the absence of an analogous protein and leads to Duchenne muscular dystrophy (DMD) . . . The absence of dystrophin leads to the destabilization of [the transmembrane glycoprotein complex], yielding weaker muscle fibers that undergo progressive degeneration followed by massive necrosis. Ultimately, premature death of DMD patients occurs . . .

For one further example of absences in scientific explanation—this time from physics—consider the following discussion (Mason 2000: 4) of electron–hole pair generation in semiconductors:

When an electron (which is a negative charge carrier) is freed from the atom, it leaves behind a *hole*, or the absence of an electron (which acts as a positive charge carrier). Free carriers are generated when electrons have gained enough energy to escape their bonds to the atom and move from the *valence band* to the *conduction band*. This process is called “electron–hole pair generation”. Electron–hole pairs can be created by any mechanism which delivers sufficient energy to an electron, including absorbing energy from light (as in a photo diode) and thermal excitation (absorbing heat energy).

Such electron–hole pair generation is understood (Wall and Macdonald 1993) to be causal: “The electron absence created by this process is called a hole”, and: “These positively-charged holes can cause a catastrophic negative shift in the threshold voltage of the device” Evidently the notion of causation at work in scientific explanation has room for absences.⁶

Finally, disconnections create (full-fledged) moral responsibility for their outcomes. For instance, Terrorist is (fully) morally responsible for any harmful consequences of the explosion, and Killer is (fully) responsible for Victim’s death. Given that killing requires causing to die (C&R: 6-19), the commonsensical idea that beheadings, drownings, stranglings, and shooting (etc.) can all be killings *presupposes* that absences can be causal.

Indeed, if one looks at actual legal practice, one finds absences routinely recognized as causal in cases of negligence and breach of contract. These are aspects of the law that Moore (C&R: 139-2) suggests need ‘pruning’, but which a less revisionary approach must accept. In this vein, Hart and Honoré (1985: 2-3) note:

⁶ Here I agree with Stapleton (2008: 447), who warns against those who “seek to bathe their account of ‘causation’ in scientific respectability by reference to a crude push-pull concept of physics, one that ignores the role that comparisons and absences play in scientific accounts and understandings such as Newton’s First Law of Motion.”

There are frequent contexts when the *failure* to initiate or interrupt some physical process; the failure to provide reasons or draw attention to reasons which might influence the conduct of others; and the failure to provide others with opportunities for doing certain things or actively depriving them of such opportunities are thought of in causal terms.

Here is one of the many examples they (1985: 59-60) then cite: “So a failure to deliver to a manufacturer on time a piece of machinery... may... be held the cause of the loss of the profits which would have been made by its use.” It looks as if the notion of causation at work in the law has room for absences as well.

So I would conclude that science, morality, and law converge on a picture of causation that is unified in allowing for causation by disconnection, and absence causation generally. Any substantiation of *Unity* that upholds *No Absences* has thereby falsified the image of causation found in the law, scientific explanation, and common sense thought. Indeed my own opinion is that any view of causation that does not recognize disconnections as causal should be dismissed at the outset, for having the absurd consequence that beheading someone cannot cause them to die. The rest of the argument was just belaboring the obvious.

2.4 Moore on the beheading problem

Moore (C&R: 461-2), in response to my 2000 and 2004 presentations of the beheading problem, grants that beheadings, drownings, strangulations, shootings, and indeed all human actions are deemed non-causal on his account. But he tries to at least address the moral aspect of the problem. He (C&R: 461-2) begins by claiming that the real effect is “close” to the disconnective consequence. For instance, with the gun case, he (C&R: 462) says: “[W]hat A has caused—the movement of the sear—is close to the state of affairs which caused the bullet to fire, viz the spring behind the hammer moving.” He (C&R: 463) then suggests that full moral responsibility can be regained by “getting sloppy” about event individuation:

Decapitations and deaths are close enough that we should say that to intend the first is to intend the second. Analogously, we should say that to do an act causing the first is to do an act causing the second. In each case this is true irrespective of the actual metaphysics of event-individuation... Even if Herod did not literally either cause or intend John’s death, what he did cause and intend is close enough that his moral responsibility is that of an intender and cause of death.

I have three replies, the first of which is that I find Moore’s suggestion unclear. No explication of “closeness” is offered. Initially it sounds as if Moore might be using this term in a spatial sense. But in that sense decapitation and death may be relatively far apart (depending on the distance from neck to brain), and many non-causes (such as the speck of dust right next to Victim’s ear) may be much closer. Later it sounds as if he might be using it a logical sense, such as when he (C&R: 463) suggests that there is some sort of logical connection between decapitation and death. But obviously there is no such logical connection. Indeed it is not inconceivable that—with speedy action and sufficient technology—a decapitated head might be reattached and the person saved.⁷ So I do not think Moore’s response is sufficiently articulated to yet take seriously.

It might help to consider the case where Terrorist blows up the dam, flooding the neighboring city, and killing thousands of innocents. I trust that Moore would admit that Terrorist is fully responsible for these deaths, and would not say that Terrorist acts with impunity if there is a preempted backup afoot. Yet this case too is a disconnection, since what Terrorist is doing is

⁷ Another thing Moore might have meant is that disconnections are like causations *for all practical and epistemic purposes*, so we sometimes blur the line (Dowe 2001, Beebe 2004). In my view this response gets matters completely backwards. It essentially uses the premise that disconnections play all the practical and epistemic theoretical roles of causation, to argue that disconnections are not causal. But surely the fact that disconnections are suited to play all the theoretical roles of causation (§2.3) is excellent reason to consider them causal. See Schaffer 2004: 213 for further discussion.

removing a barrier—the dam—that was holding back a reservoir (pun intended) of potential energy. But in what possible sense is the collapse of the dam “close” to the thousand scattered deaths from the ensuing flood? Spatially these may be miles apart. Logically there is no necessary connection. So I fail to understand what Moore really means by “closeness”, and I fail to see how any of the loose associations of this notion are applicable in the dam case. Relatedly, I fail to see how “getting sloppy” about event individuation can lead us to conflate the event of the collapse of the dam, with the thousand scattered drownings miles downstream.⁸

Second, I fail to understand how getting sloppy can in any way help Moore to resolve the moral aspect of the beheading problem. Morally, what is wanted is that Killer be fully morally responsible for Victim’s death. But that Killer is not fully responsible for Victim’s death follows directly from *No Absences* and *Disjunctivism*. For *No Absences* has the (already absurd) consequence that Killer’s action does not cause Victim’s death, and *Disjunctivism* has the consequence that causation is required for full responsibility. Which thesis is Moore abandoning? Perhaps he is allowing that Killer’s action does cause Victim’s death, because he is suggesting that sloppy event-individuation alters the causal facts. But then accepting sloppy-causation is just a surreptitious way to abandon *No Absences*. In the context of the present dispute, that would be surrender.

Or perhaps Moore is allowing that there can after all be full moral responsibility without real causation. That is the way to abandon *Disjunctivism*. But then what becomes of Moore’s earlier insistence on the role of causation in morality?⁹ And what exactly is Moore’s view of the natural ground for legal liability and more responsibility then? Perhaps he is really advocating:

(Disjunctivism Revised) Legal liability and moral responsibility are grounded *either* in causation, *or* in relations of mere counterfactual dependence without causation (in which case the responsibility is diminished), *or* in relations of causation between the act and some outcome which is ‘close’ to one of its effects (in which case the responsibility may return to the level of full responsibility)

I see little attraction to this further descent into disjunctivity, with added unclarity and *ad hoc*ery.

Third, at most Moore is addressing the moral aspect of the beheading problem. He is not touching the causal aspect of the problem. Indeed he basically admits (C&R: 463) that by his lights the beheader “did not literally” cause death. So even if Moore could somehow resolve the moral aspect of the beheading problem, he would still face a clear counterexample to his account of causation. By my lights an account of causation that rules that decapitation cannot cause death does not deserve serious consideration.

3. The problem of correlates

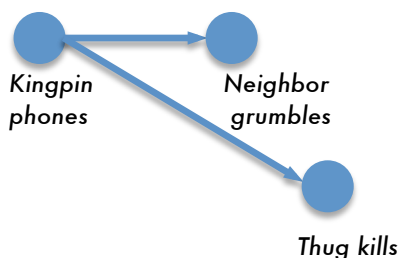
My second argument against *No Absences* is that it, at least when combined with *Disjunctivism* and Moore’s views about counterfactual dependence, attributes spurious responsibility to mere correlates, as well as to effects. For Moore (C&R: 400-9) argues that counterfactual dependence can hold not just between cause and effect, but also between correlates of a common cause, and between effect and cause. Granting *arguendo* that he is right about the extent of counterfactual dependence, he must be wrong about its moral implications, for evidently there is no moral responsibility due to correlation or effectuation.

⁸ Moore (C&R: 462) characterizes my cases as “micro-double-preventions”, in contrast to his “macro-level double-preventions”. I am not sure why it matters, but in any case the dam case is fully macro.

⁹ For instance, Moore (C&R: 33) claims: “What we feel, and rightly feel, is that when our culpability causes serious injury to others, we are much more blameworthy than when it does not.” So if Shooter’s culpability merely causes the movement of the sear and does not really cause the firing of the bullet or anything causally downstream from that, Shooter’s culpability has not really caused serious injury to anyone.

To illustrate, imagine that Kingpin phones Thug to order him to kill Rival. This causes Thug's phone to ring, which wakes Neighbor and causes him to grumble. It also causes Thug to receive the order and set off to kill Rival:

The fatal phone call:



Moore thinks (*contra* Lewis) that *Thug kills* counterfactually depends on *Neighbor grumbles*, and that *Kingpin phones* counterfactually depends on *Neighbor grumbles*.¹⁰ But evidently Neighbor is not morally responsible in any way for the crimes of Kingpin or Thug. This shows that *Disjunctivism* is false. Mere counterfactual dependence does not ground responsibility.¹¹

One possible reply to the problem of correlates would be for Moore to retract the claim that counterfactual dependence can hold in cases of correlation or effectuation. But for Moore to make such a move would be blatantly self-serving. Plus he would owe us an explanation as to why his own arguments to the contrary went wrong. Of course the philosopher who likes Moore's overall view but was never moved by Moore's claims about counterfactual dependence is welcome to take this line, but Moore himself in good faith cannot.

A second and more plausible possible reply would be to add further necessary conditions for responsibility unmet by Neighbor. The questions will then arise as to how plausible the further necessary conditions are, and whether the case of Neighbor can still be tweaked to satisfy them. For instance, Moore (C&R: 436) requires that the omission be a breach of a positive duty, and that the agent have the ability to satisfy the duty. But the case of Neighbor can be tweaked to satisfy these requirements. We need only imagine that Neighbor had (for some independent reason, perhaps to honor a promise) a positive duty to keep quiet, which grumbling breaches; and that Neighbor had the ability to stifle the grumble.

Moore might also impose some sort of requirement of intention on Neighbor. This too is plausible. But the case can easily be tweaked to satisfy these requirements as well. We need only imagine that Neighbor also had the intention to kill Rival, and perhaps even intended to kill Rival by that act of grumbling (due to bizarre background beliefs about the magical powers of grumbling).

Of course further requirements can be considered. But it seems that what Moore needs is an *in-principle* argument to the effect that no case of mere correlation or effectuation could possibly satisfy such a requirement. I think it is obvious what the right requirement is. The right requirement is *causation*. The reason why Neighbor cannot possibly be morally responsible for Kingpin's order or Thug's murder is that Neighbor did nothing to cause these outcomes. This provides an in-principle explanation for why mere correlates and effects cannot bear responsibility. But that is to abandon *Disjunctivism's* idea that mere counterfactual dependence can be an independent ground of

¹⁰ *Caveat*: It is not clear to me whether Moore thinks that counterfactual dependence is found between *all* correlates and between *all* causes and their effects, or whether he thinks this only happens in some select cases with special features. But I assume that even if this only happens in some select cases with special features, such features could easily be integrated into the case in the main text.

¹¹ When Moore (C&R: 435-67) later considers the prospect of mere counterfactual dependence without causation, he only considers absence causation, neglecting that by his own lights there are other cases of mere counterfactual dependence without causation, such as the case of mere correlation.

responsibility, and move to the view I am recommending on which causation is the sole relevant requirement.

Indeed it seems to me that even if some further requirements could somehow be added, which could not in principle be met by mere correlates or effects, it would still miss the point. For at least one reason why Neighbor is not responsible for Kingpin's order or Thug's murder is simply that Neighbor does not bear the right connection to these outcomes. This is true even if other reasons emerge which might also exonerate Neighbor. But that is just to say that where there is mere counterfactual dependence without causation, there is no legal liability or moral responsibility to be found. The law has it right, since as Moore (C&R: 3) notes, "Many of the liability rules of both criminal law and torts are framed explicitly in terms of someone (usually the defendant) causing something (usually a harm)." Mere counterfactual dependence cannot go it alone.

4. The problem of nothingness

I now turn to consider Moore's arguments for *No Absences*, beginning with what I take to be Moore's primary argument, which is the metaphysical concern that absences are *nothing*, and so cannot push anything around. Call this *the problem of nothingness*. I agree with Moore that there are metaphysical concerns about absence causation, but doubt that these are sufficiently concerning to override the kind of paradigm cases and theoretical role considerations cited above (§2). Rather my view is that, since it is obvious that absences can be causal, this fact can shed light on what absences are, and how the metaphysics of causation works. In other words, while Moore argues from certain semantic and metaphysical premises to the conclusion that decapitation cannot cause death, I would reverse the argument, and argue from the premise that decapitation can cause death, to the denial of some of Moore's premises.

G. E. Moore taught us, in his discussion of skeptical paradoxes, that no argument can be persuasive whose conclusion is less plausible than the negation of any of its premises. So in effect I am applying G. E. Moore's lesson to Michael Moore's main argument for *No Absences*. In particular I am suggesting that if one sees an argument whose conclusion is that decapitation cannot cause death, then one should question the premises.

4.1 *The premises involved*

The problem of nothingness can be understood as arising from the conjunction of a semantic and a metaphysical premise. The semantic premise is that omission claims (claims about absences, omissions, and failings, etc.) do not describe actual existents. Rather they denote negations of existential quantifications over events. Thus Moore (C&R: 53) first introduces the notion of an omission with: "an omission is literally nothing at all." He continues (C&R: 53; c.f. C&R: 436-44) by glossing the meaning of omission claims via negative existentials about event types:

An omission to kill is not some ghostly kind of killing. It is like an absent elephant, which is no elephant at all. An omission to kill is an absent event of killing; not the absence of any particular event of killing—it is not an absent act-token—for there are no 'negative events'. There are negative propositions about events, such as 'James omitted to kill Smith' meaning 'it is not the case that James killed Smith'. Such negative statements are negative existentially quantified ones: if there is an omission to kill, then what is true is that it is not the case that some instance of the type of event, killing, existed.

And so:

(*Semantic Premise*) Omission claims denote negative existential quantifications over events

To illustrate, I will assume—as per the Davidsonian tradition—that the positive "James killed Smith" serves to denote an event *e* such that *e* is a killing, with James as the agent and Smith as the patient of *e*:

$(\exists e)$ (Killing(e) & Agent(e)=James & Patient(e)=Smith)

Then *Semantic Premise* has it that omission claims such as “James’s omission to kill Smith”, “James’s failing to kill Smith”, and “the absence of James’s killing Smith” come out as:

NOT $(\exists e)$ (Killing(e) & Agent(e)=James & Patient(e)=Smith)

This is the negation of an existential quantification over an event, and it says that there is no event that is a killing by James of Smith.

The metaphysical premise is that only actual concrete entities (such as actual events) are eligible to serve as causal relata. Or at least, negations of existential quantifications over events are ineligible. Thus Moore (C&R: 445) concludes: “[I]t is baffling how there could be relata for singular causal relations involving omissions.” Or as he (C&R: 54-5) put the point earlier:

[O]missions cause nothing. ‘Nothing comes from nothing, and nothing ever can’ is good metaphysics, as well as catchy lyrics in musical productions. Absent elephants grow no grass by their absence; absent savings cause nothing, and certainly not the deaths they fail to prevent.

In short, Moore endorses:

(*Metaphysical Premise*) Negative existential quantifications over events cannot be causes or effects

After all, the fact that there is no event of a certain type hardly seems capable of pushing anything around.

I will question both *Semantic Premise* (§4.2) and *Metaphysical Premise* (§4.3). My official view is that *Semantic Premise* is false and *Metaphysical Premise* is controversial though still probably true.¹² My fallback position—if I am wrong about *Semantic Premise*—is that *Metaphysical Premise* should then be rejected. Overall it seems to me that there is something of a paradox brewing between the claim that decapitation can cause death, *Semantic Premise*, and *Metaphysical Premise*. One of these must go. I say *Semantic Premise* should be the first to go, and *Metaphysical Premise* the fallback. Moore’s position of denying that decapitation can cause death strikes me as the least plausible choice of the lot.

4.2 Against the semantic premise

Look again at the Davidsonian rendering of the positive “James killed Smith”:

$(\exists e)$ (Killing(e) & Agent(e)=James & Patient(e)=Smith)

There are many places where one could insert a negation. There is the option of giving the negation widest scope, as per *Semantic Premise*. But there are a range of alternatives in which the negation has narrower scope, such as:

$(\exists e)$ NOT (Killing(e) & Agent(e)=James & Patient(e)=Smith)

This says that there is an event (a positive presence) which is not a killing of Smith by James. Such is a rather truistic claim, though if we think of the existential quantifier as bearing a contextually given restrictor, it might in a given context impose stronger demands. A further example:

¹² For my own positive view—which is built around a contrastive conception of causation—see Schaffer 2005. For application of this view to issues of causation in the law, see Schaffer 2010.

$(\exists e)$ (NOT Killing(e) & Agent(e)=James & Patient(e)=Smith)

This says that there is something done by James to Smith which is not a killing—such would be true if for instance James kissed Smith instead of killing him. Again context might serve to further restrict the domain of quantification, making even stronger demands about what James did to Smith.

On all of the options other than the one where the negation takes widest scope, the absence claim is denoting a positive presence, but *describing it negatively*. For instance, the last example above describes a positive event of James doing something other than a killing to Smith. Any of these narrower scope options—if sustainable—would undermine *Semantic Premise*. Absence talk can be a way to describe something, as Hart and Honoré advocated:

The corrective here is to realize that negative statements like ‘he did not pull the signal’ are ways of describing the world, just as affirmative statements are, but they describe it by *contrast* not by *comparison* as affirmative statements do (1985: 38; c.f. Schaffer 2004: 212, Schaffer 2005: §2).

So which is the right semantics for omission claims? Does the negation take widest scope, or narrower scope? I think the answer is *it depends*. In particular it depends on what the speaker intends. The wide scope and the various narrower scope readings are all *perfectly legitimate semantic values*, which a speaker might intend to express through omission claims. This is just a familiar scope ambiguity in ordinary language. The metaphysical problem thereby disappears. When I truly claim that the gardener’s failing to water my flowers caused them to wilt, I need only be read as describing the cause with the negation taking some narrower scope, to be speaking of something. So I am advocating, as against the idea in *Semantic Premise* that omission claims can only have wide scope negation, the *pluralistic* idea that omission claims can have multiple interpretations with negations of various scopes, including both wide and narrower scope readings.

4.2.1 Evidence for narrower scope readings

To see how natural narrower scope readings can be for some omission claims, consider “Tom’s failing to pass the driving test”. On the wide scope reading Moore insist on, this yields:

NOT $(\exists e)$ (Passing(e) & Agent(e)=Tom & Theme(e)=driving test)

This does not require Tom to have ever taken a driving test, and indeed does not even require Tom to exist. Such a reading is possible but not very natural. A much more natural reading—indeed perhaps the most natural reading of this phrase without strong contextual cues to the contrary—has the following fairly narrow scope negation:

$(\exists e)$ (NOT Passing(e) & Agent(e)=Tom & Theme(e)=driving test)

This tells us that Tom indeed took a driving test (an actual event), but did not pass it. Likewise consider “Mary’s failing to score a goal”, which is naturally read as denoting an event in which Mary missed an attempt at the goal, and “Tom the tax cheat’s omitting to provide true information to the government”, which is naturally read as denoting an event in which Tom lied.

As further evidence that there are narrower scope readings available for omission claims, consider phrases like “the best thing that ever happened to me” or “the most embarrassing event of my life”. These phrases on surface denote actual events. And it is perfectly natural to identify these with omissions, absences, and failings, as in “The most embarrassing event of my life was my failing to close my zipper.” Indeed, here are a few of the many examples Google turns up:

The best thing that ever happened to me was not getting into the Peace Corps in 1973.
http://www.nationalservice.gov/for_individuals/current/stories_detail.asp?tbl_stories_id=97

The worst thing that ever happened to me was not getting an ass-pile of free money.
http://www.televisionwithoutpity.com/show/the_amazing_race_1/low_to_the_ground_thats_my_tec.php?page=2

The most critical event was the failure to close the bow doors before departure.
www.emsa.europa.eu/implementation-tasks/accident-investigation/download/499/516/23.html

The single most unfortunate event was the failure to raise interest rates during 2002-2003 after the Reserve Bank had engineered their fall as an antidote to the Dot.Com crash two years earlier.
www.aph.gov.au/SENATE/committee/hsaf_ctte/submissions/sub50.pdf

Some subjects also received an analogous visual discrimination task, or auditory tasks in which the rare target event was the omission of a tone, or the repetition of a tone within a series of alternating tones.
<http://www.ncbi.nlm.nih.gov/pubmed/7537196>

The most frequent event was the failure of S trust beneficiaries to timely file the elections required by Sec. 1361(d)(2).
<http://www.allbusiness.com/accounting-reporting/corporate-taxes/286178-1.html>

I'm in Atlanta at the 90th Annual Meeting of the American Meteorological Society, and the picture I'm getting from the presentations here is that the most significant weather event of 2009 was the failure of the summer rains in the Horn of Africa.
<http://www.wunderground.com/blog/JeffMasters/show.html>

Indeed it is amusing in this regard to note the following definition of “failure”, attributed to the author Steven K. Scott:

“An event in which you did not achieve your desired outcome (definition of failure).”
http://www.goodreads.com/quotes/show_tag?name=Failure

So I conclude that there are narrower scope readings of omission claims. Thus omission claims can be used to describe actual events.

4.2.2 Moore's three arguments against narrower scope readings

Moore (C&R: 437) takes his semantics of omission claims—on which these must involve wide scope negation—to be “in conformity with ordinary usage and the semantic intentions of ordinary speakers when they speak of omissions.” Note that I need not contest that wide scope negation readings are in conformity with ordinary usage and the semantic intentions of ordinary speakers *in some cases*. I am *not* contesting the claim that wide scope negation represents a perfectly legitimate semantic value, which a speaker could intend to express. All I am claiming is that there are *also* the narrower scope readings, which a speaker might also intend to express.

But Moore seems to think that only his wide scope negation reading is possible. He (C&R: 437) does say: “theorists sympathetic to omissive causation seek to substitute a different generic meaning for ‘omission’, a meaning that takes omission to be some actually existent particulars (and not just absence of types, as I contend).” Indeed, he (C&R: 438, fn. 24) explicitly notes my suggestion of moving the negation inside the scope of the quantifier, and offers three objections.¹³

¹³ Though Moore seems to treat my suggestion as the suggestion that only a particular narrower scope reading is possible, rather than the pluralistic suggestion that wide and narrower scope readings are all possible. So it is not clear to me that Moore's objections to the narrower scope readings were intended as objections to pluralism. If not, then I can only say that Moore has not yet offered any reason to prefer wide-scope-only semantics over pluralism, much less reason enough to reject absence causation.

Moore's (C&R: 438) first objection is: "What we do not typically do is use a property an event does *not* have to form a description with which to pick out that event." By way of reply, I think this is just false (and I wonder what evidence Moore had in mind for such a general sociological claim). There are plenty of contexts in which it is perfectly natural to pick out an event by a property it does not have, as evidenced by the Google quotes above (§4.2.1). Or think of how one might—in an appropriate context—refer to someone's wedding as "the event in which she failed to remember her vows", or (more playfully) "the event in which she failed to remain sober", or (imagining now a quite different wedding) "the event in which she failed to get drunk". Any speaker of the language will understand how this works, and be familiar with many examples of this sort.

The situation is no different with reference to individuals. For instance, I might describe a reliable friend as "the person who never let me down". Likewise, the phrase "the person not wearing pants" will—in an appropriate context—denote a real present person, not some negative spook (c.f. Schaffer 2005: 324). Overall natural language has the expressive resources to pick out actual events and individuals via descriptions (with or without negations), and it would be shocking if ordinary speakers could not make use of these resources.¹⁴

Moore's (C&R: 439) second objection to the possibility of narrower scope readings is the objection from "indeterminacy", since:

[W]hat is *not* going on at *t* when everything that is going on at *t* is going on, is very very large. True enough, there is no saving of Jones by me going on at *t*; but the Martians are not invading, the moon is not disintegrating, the flies are not buzzing at *t* too.

I offer two replies, the first of which is that language is sometimes indeterminate. The fact that a reading would make for indeterminacy simply cannot exclude that reading as a possibility.

My second reply is that this level of indeterminacy only afflicts the reading on which the negation is just inside the quantifier, and in which the quantifier goes unrestricted, as in:

$(\exists e)$ NOT (Killing(*e*) & Agent(*e*)=James & Patient(*e*)=Smith)

This is indeed highly indeterminate in reference, since it can denote virtually any event in the universe, as long as that event is not a killing of Smith by James. But the indeterminacy diminishes to the extent we find material in the scope of the quantifier that is not in the scope of the negation, as in:

$(\exists e)$ (NOT Killing(*e*) & Agent(*e*)=James & Patient(*e*)=Smith)

This makes a relatively more determinate claim that can only denote something James did to Smith.

The indeterminacy also diminishes to the extent we find restrictions on the quantifier. In a more developed representation, the existential quantifier over events " $(\exists e)$ " would be replaced by a contextually restricted quantifier " $[\exists e: e \text{ has } F]$ ", where *F* is a property supplied by context. Then—given a suitably restrictive value for the restrictor—even the reading with the negation just inside the quantifier could have quite determinate reference:

$[\exists e: e \text{ has the property of being done by James to Smith at midnight last night in the alleyway}]$ (NOT Killing(*e*) & Agent(*e*)=James & Patient(*e*)=Smith)

¹⁴ The key semantic resources are (i) restricted quantification, and (ii) definite descriptions. Restricted quantification allows speakers to work with only a handful of events in the domain of discourse. And definite descriptions—whether or not they happen to embed negations—can then successfully pick out a unique such event. Thus in context in which the quantification is sufficiently restricted, the definite description "the event at which Ann failed to remain sober" might well uniquely pick out her wedding night.

Likewise “the person not wearing pants” is not condemned to indeterminacy in reference due to all the people not wearing pants in the universe. In a suitable context where the domain of individuals is restricted to those in a given room, it might determinately denote the one and only person in that room wearing a dress.¹⁵

Moore’s (C&R: 439) third objection to the possibility of narrower scope readings is the objection from causal irrelevance:

[M]uch of what *is* going on (in the totality of states of affairs at *t*) is causally irrelevant to Jones’ death... On no plausible theory of the causal relation is my *conversing* a cause of Jones’ death, even in the situation where that was what I was doing rather than saving Jones.

Thus consider “Moore’s failing to save Jones”, and suppose it has the reading (as I say it has) with the negation bearing on the event being a saving of Jones:

$(\exists e)$ (Agent(*e*)=Moore & NOT (Saving(*e*) & Patient(*e*)=Jones))

This just requires that Moore did something that was not a saving of Jones. (That there is such a reading may be highlighted by noting the propriety of claims like: “Moore’s failing to save Jones was the worst thing Moore ever did.”) Context permitting, “Moore’s failing to save Jones” might co-denote with “Moore’s conversing with Schaffer”. In such a context—assuming that causal ascriptions are extensional—“Moore’s failing to save Jones” could only describe a cause of Jones’s death if “Moore’s conversing with Schaffer” equally described a cause of Jones’ death, and the objection says that the latter result is absurd.

In reply, I think that this latter result is completely fine and not at all absurd. It might help to shift the example slightly. Consider a context in which “Lifeguard’s failing to save Sinker” and “Lifeguard’s taking a nap” co-denote. I think it is quite clear that in such a context we may appropriately speak of “Lifeguard’s taking a nap” when listing causes of Sinker’s death. This is a straightforward case of negligence. It helped to shift the example, because it then became immediately evident how the cause could have made a difference to the effect. In the case Moore provides, it is not immediately evident how Moore’s conversing with Schaffer could have been among the causes of Jones’s death (it almost sounds as if Jones must have died of boredom with the conversation—which is of course nearly inconceivable). But once we move to a context where “Moore’s conversing with Schaffer” and “Moore’s failing to save Jones” are co-denoting, it becomes evident how Moore’s conversing with Schaffer made a difference to Jones’s fate. Indeed we need only imagine that Moore *is* Lifeguard, and that his conversing with Schaffer was just the way he whiled away his time while poor Jones (a.k.a. Sinker) flailed around and screamed for help.

4.2.3 A robust metaphysical distinction?

Not only does Moore think that omission claims must always involve the negation taking widest scope, he also thinks that some things that that look on surface like straightforwardly positive event nominals are—metaphysically speaking—absences in disguise. Thus he (C&R: 53) notes that “Smith’s survival just is the absence of his dying”, and continues: “We must penetrate the seemingly positive language (‘surviving’, ‘starving’, ‘keeping of the secret’, ‘ignoring the pleas of the drowning man’, etc.) to the underlying reality: to survive is not to die.” Later, he (C&R: 442) speaks of “the

¹⁵ It is possible that I have not properly understood Moore’s objection, for he does not seem concerned with any indeterminacy in which event could be denoted by a given absence claim, but rather he seems concerned with all the many negative features a given event or region bears (“the Martians are not invading, the moon is not disintegrating”). But I fail to see why this is problematic. There are equally many positive features that a given event or region bears (“the killing of Smith by James”, “the commission of a heinous crime”, “the brutal beheading of an innocent victim by an axe wielding maniac”, etc.). No indeterminacy arises as a result of these many positive features. We simply have a wealth of options as to how we might pick out the one event. Adding the option of picking out the one event by any of its many negative features just gives us more of the same.

most troublesome of this nest of conceptual worries”, asking “Is death an event, but not-dying its absence? Or is surviving the event, and not-surviving (ie, dying) its absence?”

I find Moore’s claim of a robust metaphysical distinction implausible, especially when combined with *No Absences*. For on Moore’s view, whichever one of dying/surviving is the disguised metaphysical absence cannot possibly have causes or effects. He (C&R: 442) opts to say that dying is the event and surviving the absence.¹⁶ He is thus committed to the claim that surviving cannot be involved in causal relations. So he must deny that when Doctor takes bold action to save Patient from death, Doctor’s action can cause Patient to survive. And he must deny that Patient’s surviving can cause Patient’s loved ones to rejoice. (Had Moore chosen surviving as the event, he would have been committed to denying that Killer’s action can cause Victim to die, and that Victim’s dying can cause Victim’s loved ones to mourn.)

Likewise, Moore opts to say that telling a secret is the event and keeping the secret is the absence. He is thus committed to the claim that keeping a secret cannot be involved in causal relations. So he must deny that when Gangster threatens Witness, Gangster’s threat can cause Witness to keep the secret. And he must deny that Witness’s keeping the secret can cause Gangster to be acquitted. (Had Moore chosen keeping the secret as the event, he would have been committed to denying that Gangster’s threat could have backfired and actually caused Witness to tell the secret, and that Witness’s telling the secret could have caused Gangster to be found guilty.)

Things get worse. If we stick to the standard neo-Davidsonian regimentation of action sentences, “Mary kept the secret” comes out as:

($\exists e$) (Keeping(e) & Agent(e)=Mary & Theme(e)=the secret)

On Moore’s view, it is then impossible for “Mary kept the secret” to come out true, no matter what Mary might have done or failed to do. For Moore countenances no such events. The absurdities mount: if Larry claims to know that Mary kept the secret, then—since knowledge is factive—Larry must be wrong (no matter what Mary might have done or failed to do, and no matter what evidence Larry might have).

Overall I would say that when Victim dies there is an actual event to be found involving Victim which—context permitting—can be denoted by “Victim’s dying” or by “Victim’s failing to survive”. These are just positively and negatively valenced *descriptions* of a single actual event. Likewise when Patient survives there is a single actual event to be found involving Patient which—context permitting—can be denoted by “Patient’s surviving” or by “Patient’s failing to die”. Similarly, “Mary’s keeping the secret” and “Mary’s not telling the secret” are both descriptions of a single event involving Mary, and “Mary’s telling the secret” and “Mary’s not keeping the secret” are both descriptions of a different sort of single event involving Mary. The key is recognizing the possibility of negative descriptions with narrower scope negation. This allows dyings, survivings, secret tellings, and secret keepings to all figure as possible causes and effects, and allows “Victim died”, “Patient survived”, “Mary told the secret”, and “Mary kept the secret” to all possibly be true.

Moore (C&R: 442) notes that one might be led to think that “the positive/negative valencing of events is a purely arbitrary feature of language, not a feature of the world itself.” But he goes on to offer two main reasons for thinking that there is a robust metaphysical distinction in play. The first reason (C&R: 443) is an appeal to science: “[W]hat is an actual event or state of affairs, and what is an absence, is a matter for science. It is up to our best science to tell us whether there are really dyings, or whether surviving is the actual event...” In reply, I must say that I find it hard to imagine a scientist wasting her time with this question, or devising an experiment that bears on whether dying or surviving is the real metaphysical presence (what exactly would she look for?). I am all in favor of

¹⁶ This choice seems arbitrary to me. There is a sense in which dying is a *change* and surviving is a mere *continuation*. Yet biologically speaking, the maintenance and continuation of life requires all sorts of ongoing processes, the cessation of which would cause death.

deferring to science in describing reality. I would only add that scientists—in my estimation—would disdain the distinction Moore needs.¹⁷

Moore's (C&R: 444) second reason for thinking that there is a robust metaphysical distinction in play comes from a purported parallel with objects: "There is no room for any plausible skepticism about the distinction between actual elephants and absent ones,..." This is true but besides the point. I absolutely grant there is a distinction between actual objects and absent ones, and a distinction between actual events and absent ones. There is a world out there. That is not in dispute. But what is in dispute is whether omission claims must always denote absent events (as Moore thinks), or may also denote actual events that are out there in the world (as I maintain).

4.2.4 Revisiting the issues

If omission claims can denote actual events—and do so in the context of causal ascriptions—what becomes of *No Absences*, the taxonomy of absence causation (§2.1), and the beheading problem? Two main revisions are in order. First—given that Moore and I disagree about what absences actually are—our dispute is best understood as a linguistic dispute over whether omission claims can denote causes and effects:

(*No Absence Talk*) Omission claims cannot denote causes or effects

Indeed there is a sense in which our earlier dispute over *No Absences* was partly verbal. For Moore understands this thesis as the claim that negative existential quantifications over events cannot be causes or effects (as per *Metaphysical Premise*), and I am non-committal on this thesis (§4.3). And I understand *No Absences* as the claim that events described in negative terms can be causes and effects, and Moore at least has no objection to events being causes and effects (even if he denies that they can be described in negative terms). What we most directly disagree about is the role of omission claims in causal ascriptions, as *No Absence Talk* properly captures.

Second, the taxonomy of absence causation and the statement of the beheading problem need revision. The distinction between positive and negative causation is not a difference in the metaphysical status of the relata, but rather a difference in the relation. In connective causation there is a *physical process* (such as a line of energy flow) connecting the events involved. In disconnection there is no process connecting the events. Rather what is salient in these cases is that there was a pre-existing process preventing the effect event, which the cause event disconnects (Schaffer 2000: 290-1). Thus in beheading cases there need be no energy flow from the beheading to the brain death of the victim. Rather what is salient is that there was a process preventing brain death—namely the process of oxygenated blood flow which had been sustaining the brain—and the beheading disconnects this pre-existing process.

So the underlying metaphysical dispute between Moore and I concerns whether there must be a physical process connecting cause and effect:

(*Connectedness*) One event can cause another only if the two events are connected by a physical process, such as energy flow

Disconnections show that there are other ways in which one event can cause another. *Connectedness* is a hasty generalization from colliding billiard balls.

Connectedness is a consequence of those versions of singularism that would reduce causation to physical processes such as energy flows (C&R: 500-3; c.f. Schaffer 2000: 289-91). Though it is not automatically a consequence of primitivist versions of singularism, and in that sense singularism is compatible with the denial of *Connectedness*.

¹⁷ I would also note *ad hominem* that Moore does not invoke any scientific considerations in saying that dying and secret telling are the real presences, and surviving and secret keeping the mere absences. Indeed one wonders what scientific considerations he could possibly have appealed to, had he tried.

In what follows I will stick with my policy of speaking in Moore's terms, and will continue to treat our dispute as centering on *No Absences*. But in my own terms our dispute is a linguistic dispute over *No Absence Talk*, coupled with a metaphysical dispute over *Connectedness*.

4.3 *The metaphysics of the causal relata*

So far I have argued that *Semantic Premise* should go. But suppose I am wrong, and that somehow natural language is not able to express claims about actual events by negative descriptions (or at least that natural language is not able to express such claims via anything like omission claims). Indeed, suppose that omission claims must always denote negations of existential quantifications over events, as Moore thinks. I would still say that absences can be causal. For there is also *Metaphysical Premise*, and it would seem to me—at that point in the dialectic—that I would have to choose between thinking that decapitation cannot cause death, and thinking that negations of existential quantifications over events cannot serve as causal relata. By my lights, the former claim deserves far more credence than the latter.

The metaphysics of the causal relata are highly controversial, and there are many respectable views available. For instance, perhaps the main alternative to thinking of the causal relata as events is thinking of the causal relata as *facts*.¹⁸ On the fact view, the causal relata are abstract entities that can be identified with—or at least are in correspondence with—true propositions. There are negative facts, for there are true negative propositions. So even if omission claims must always denote negative existential quantifications over events, on the fact view these can indeed serve as causal relata. Indeed, as Moore (C&R: 347) points out, one of the main arguments for the fact view over the event view is to better accommodate absences. Thus Mellor (1995: 132) maintains: “[T]he ‘*C*’ and ‘*E*’ in a true causal ‘*E* because *C*’ need not assert the existence of particulars. They may deny it... They are negative existential statements...”¹⁹

Moore's (C&R: 247) main objection to the fact view is the standard objection that facts are too other-worldly to stand in causal relations. As Bennett (1988: 22)—himself an advocate of the fact view—memorably puts the point:

Some people have objected that facts are not the sort of item that can cause anything. A fact is a true proposition (they say); it is not something *in* the world but is rather something *about* the world, which makes it categorically wrong for the role of a puller and shover and twister and bender.

Moore immediately suggests that the fact theorist should retreat from facts (understood as true propositions), and instead uphold the truthmakers for facts (what Mellor 1995 calls “facta”) as the causal relata. But at that point, as Moore (C&R: 352) notes, the fact theorist has lost her claim to saving absence causation: “Because facta... are real entities, there is no obvious sense to be assigned to the view that an absent thing... can be a singular cause. The advantage here seems to be only with linguistic facts, that is, true propositions.”

By way of reply, I do not think that the fact theorist should retreat from facts so easily, and lose her ability to accommodate absence causation so readily. I think that it is at least *defensible* for the fact theorist to stick to her view that the causal relata are indeed abstract proposition-like entities. To begin with, there are relations in the world which look clearly to involve propositions. For instance, if I believe that snow is white, then it looks as if I am standing in the belief relation to the proposition that snow is white. But my beliefs are clearly part of the world. So from the claim that causation relates propositions, it does not immediately follow that causation is other-worldly.

¹⁸ Advocates of the fact view include Bennett 1988 and Mellor 1995, *inter alia*.

¹⁹ Ordinary language seems if anything *pluralist* about the causal relata. For instance, the rock, the throwing of the rock, and the fact that the rock was thrown, might all be cited as causes of the shattering of the window.

I think that the key to understanding the belief case is to appreciate that beliefs are not fundamental entities. Rather, people stand in belief relations to propositions *in virtue of* certain deeper features. These deeper features might, for instance, be brain states which are physically interrelated in a way structurally isomorphic to the way certain propositions are informationally interrelated. It is then in virtue of their concrete and this-worldly brain states that a person may be said to believe a given proposition.

The fact theorist—to sustain a parallel idea about causation—need only maintain that causation is not a fundamental relation. Rather, she should think of causal relations as obtaining *in virtue of* certain deeper features.²⁰ These deeper features might, for instance, be just the global history of events (the Humean mosaic); or they might involve fundamental laws of nature, or irreducibly singular processes, etc. It is then in virtue of these concrete and this-worldly deeper features that one fact may be said to cause another.²¹

I am not defending the fact view, but only saying that it is not indefensible. If it came to choosing between giving up the controversial metaphysical thesis that true propositions are ineligible to play the role of the causal relata, and giving up the uncontroversial commonsensical thesis that decapitation can cause death, I would give up the controversial metaphysical thesis. (Of course if I am right about the semantics of omission claims, then no such choice need be made. This is a fallback position.)

5. Explaining the intuitive contrasts

Alongside the problem of nothingness, Moore offers three further arguments for *No Absences*, all of which center on intuitive contrasts. First, Moore (following Dowe 2000 and 2001, and Beebe 2004) claims a metaphysical ‘intuition of difference’ between the causation in presence cases, and what happens in absence cases. Second Moore maintains that there is a moral difference between presence and absence cases. And third Moore maintains that there is a causal difference between presence and absence cases that surfaces in overdetermination. The arguments then proceed by an inference to the best explanation. *No Absences* is claimed to provide the best explanation for these intuitive contrasts.

There is much to say about each of these arguments beyond asking “could anything here really establish that beheading someone cannot cause them to die?” But I will emphasize one line of reply, which is that *all of Moore’s ‘presence’ cases are actually disconnections* (his paradigm ‘presence’ cases are drownings and shootings). So whatever his intuitive contrast might turn on, *they could not possibly turn on the involvement of absences*.

5.1 The metaphysical, moral, and causal contrasts

To begin with, Moore (C&R: 461-4) reports a metaphysical intuition that the causation in some cases differs from what happens in some absence cases. As he (C&R: 447) explains:

[F]ailing to prevent something does not seem anything like causing that thing to exist. Suppose you hold someone’s head under water until they drown and I do not stop you. Have we each caused the victim’s death? The metaphysical intuition I find compelling: you caused the death, whereas I only failed to prevent it.

²⁰ One reason to think that causation is not a fundamental relation, but is only a relation which holds in virtue of certain deeper features, is Russell’s (1992: 202) point that causation seems to disappear from fundamental physics: “In the motions of mutually gravitating bodies, there is nothing that can be called a cause, and nothing that can be called an effect; there is merely a formula.” While Russell draw an eliminativist moral from this point, arguably the more plausible moral is merely that causal is not a fundamental relation.

²¹ Thomson 2003—in order to explain how absences can be causal—argues for a distinction between a more fundamental level of CAUSATION between events, and a less fundamental level of causation that can relate facts and other entities, in virtue of suitable relations to events in CAUSAL relations. On her view the deeper features that ground fact causation are CAUSAL features.

Moore then immediately offers *No Absences* as the best explanation of this metaphysical intuition of difference.

Second, Moore maintains that there is a moral difference between some cases and some absence cases. He does so by contrasting cases of drowning versus not stopping a drowning, noting that the drowner clearly bears a higher level of blame. He (C&R: 448) then rhetorically asks: “How are we to make sense of this moral distinction except with a metaphysical distinction between killing and not-saving, or more generally, between actions causing and omissions failing to prevent?” Here *No Absences* and *Disjunctivism* are jointly offered as the best explanation for the diminished level of responsibility found in the not stopping a drowning case.

Moore (C&R: 68) also offers the real case of Judge Tally, in which Tally found out that the Skelton boys were riding into the next town to kill a man named Ross who had seduced their sister, and found out that a telegram had been dispatched to Ross warning him to flee. Tally—siding with the Skelton boys in the dispute—ordered the warning telegram not to be delivered, and so the Skelton boys caught Ross and shot him dead. Moore (C&R: 68) rhetorically asks: “[C]ompare [Tally’s] responsibility to that of Ross’s actual killers, the Skeltons. Is Tally *as much* to blame as those who shot Ross to death?” The idea again is that Tally’s lesser level of blame can only be explained via *No Absences* plus *Disjunctivism*.

Third and finally, Moore maintains that there is a causal difference between presence and absence cases that surfaces in overdetermination. Thus Moore (C&R: 115-6) considers cases such as that in which two shooters inflict equally fatal wounds on the same victim at the same time, and notes that each individual shooting should be blamed for the death. He (C&R: 116-8; also 449-51) contrasts such cases with cases in which two absences yield equally fatal results, such as a case in which a fatal bus accident is preceded by the mechanic failing to fix the brakes, and the bus driver failing to apply the brakes. He (C&R: 450) claims that in such cases neither the bus driver nor the mechanic has caused the accident, offering *No Absences* as the best explanation for the causal difference. He (C&R: 450) also notes a concomitant moral difference, which he takes to be best explained by *Disjunctivism*: “[S]ince neither the bus driver nor the mechanic had the ability to prevent the accident, neither can be blamed for the accident.”²²

5.2 *The bearing on absence causation*

I propose to accept *arguendo* the existence of the metaphysical, moral, and overdetermination contrasts. My question is whether the existence of these intuitive contrasts provides any support for *No Absences*. Moore makes two assumptions about these cases. First, he assumes that he is always contrasting cases of purely positive causation, with cases involving absences. Second, he assumes that there is no other possible explanation of the contrasts other than the involvement of absences. I think both assumptions are manifestly false.

Starting with the first assumption, it might help to tabulate Moore’s contrast cases:

²² As Moore notes (C&R: 450, fn. 53), there are conflicting legal rulings on these sorts of cases. Though he earlier (C&R: 117) suggests that “the weight of authority in the United States” has it that neither omissive overdeterminer is legally liable.

	<i>The 'positive' side</i>	<i>The 'negative' side</i>
<i>Metaphysical contrast</i>	Drowning	Not stopping the drowning
<i>Moral contrasts</i>	Drowning; shooting	Not stopping the drowning; blocking a telegram which would have prevented the shooting
<i>Causal contrasts</i>	Two shooters	Two independent failures to allow the bus to successfully brake

But—as Moore himself admits when facing the beheading problem (§2.4)—*all the cases on his 'positive' side of the ledger involves absences* (§2.2). So none of these intuitive contrasts could possibly turn on the involvement of absences. So nothing here could possibly support *No Absences*. If anything, the fact that Moore has the metaphysical intuition of causation in the drowning case shows that by his own lights disconnections are causal.

Turning to the second assumption, there are many other possible explanations for these intuitive differences, and Moore does not consider even a single alternative. So even if (counterfactually speaking) he were right that his 'positive' cases are absence-free, he would still have hardly succeeded in making the case that *No Absences* was the best explanation of the intuitive contrasts observed. Indeed he would have hardly begun.²³

There are parallel intuitive contrasts between cases that are evidently independent of any presence/absence distinction. If White hands Black the weapon, and Black then uses the weapon to kill Red, there is a strong intuition that Black is more responsible than White. Likewise if White deals Red a minor blow at the same time as Black deals Red a major blow, and both blows together are just enough to kill Red, there is a strong intuition that Black is more responsible than White. So there must be intuitive contrasts explicable in terms other than *No Absences*.

It might help to display this wider array of moral contrasts:

<i>Higher level of blame</i>	<i>Lower level of blame</i>
Drowning	Not stopping the drowning
Shooting the victim	Supplying the gun
Providing the major blow	Providing the minor blow

Assuming that there is a single underlying explanation for these intuitive contrasts, it hardly looks as if the matter has anything to do with absences. Indeed it couldn't have anything to do with absences, since every one of these cases is a human action, and thereby involves disconnection (§2.2).

5.3 Explanatory speculations

So what does explain the intuitive metaphysical, moral, and causal differences Moore reports? I think this is an excellent question. Though it is an optional question for me, in my dispute with Moore. I am primarily concerned to rebut a style of argument for *No Absences*, which represents *No Absences* as the best explanation for these differences. Showing that *No Absences* cannot possibly explain these differences (since all the cases involve absences) suffices to rebut this style of argument. I need not come up with a better explanation myself, to rebut Moore's.

That said, I think that there are many, many differences between the cases Moore contrasts. They all involve absences, they are all disconnections, and by my lights they all involve causation. But the fact that all of these cases are similar in these three respects hardly entails that they are

²³ Moore (C&R: 449) mentions my distinction between connected and disconnected causation (§4.2.4), and points out that this does not provide a satisfying explanation of the intuitive contrasts. I certainly agree. After all, all of Moore's cases are disconnections, so this could not possibly be what is in contrast either. (Moore also calls my distinction a kind of "causal dualism", but that is a misunderstanding of my view. My view is the "causal monist" view that both connections and disconnections fall under a single unified notion of causation.)

similar in every respect. Moreover, it is not obvious that there needs to be a single underlying explanation for this range of contrasts.

Still, I want to suggest two possible lines of explanation that might hold some promise. The first possible line builds on Moore's (C&R: 118-21) own idea that causal relations are *scalar*, coming in degrees. He invokes this idea to address the issue of causal apportionment, suggesting that one way in which the law apportions responsibility is in terms of the degree of causal contribution (how substantial a given factor was in producing the effect). To illustrate, he (C&R: 120) offers the case of the shooter and the accomplice who drives the getaway car, saying: "[E]ven though the accomplice contributes to the victim's death in the sense that he makes it possible, his causal contribution is nowhere near that of the actual killer."

Granting *arguendo* that Moore is right that causal relations come in degrees, and that the degree of causality corresponds to the degree of culpability, then Moore himself has provided a straightforward style of explanation for the intuitive contrasts (which has nothing to do with absences). The explanation is that he is contrasting more and less substantial causal factors. Drowning the victim, shooting the victim, and providing the major blow would all count as major causes, while not stopping the drowning, merely providing the weapon (or driving the getaway car), and providing the minor blow would all count as minor causes. Thus there is a rival explanation for the intuitive contrasts *in Moore's own terms*.

A second possible line of explanation for the moral contrasts is to note that the cases involve *acts of different types*, with morality being sensitive to act type. Some act types—such as drowning and shooting—are prohibited in the strongest terms, while other act types—such as not stopping a drowning and driving a getaway car—meet with prohibitions of lesser strength. This is to presume a morality that is sensitive not just to consequences, but to the type of act that produced them. Some ways of causing death are worse than others, not because of any differences in the manner of death, but rather due to differences in the way the agent acts. This fits the law's conception of a crime, as defined by act type, and thereby facing prohibitions of various strengths (c.f. Stapleton 2008: 446). I should emphasize that this second line of explanation is primarily an attempt to explain the intuitive moral contrasts between the cases, and does not speak to any intuitive metaphysical or causal contrasts. (For the record the moral contrast is the only intuitive contrast I find clear.)

To summarize, the intuitive contrasts Moore notes simply cannot be contrasts between cases of positive causation and cases with absences, since *all* of his cases involve absences. This is no accident. Causation by disconnection features in all human actions, and virtually every case of causation considered by the law (§2.2). But I want to conclude this section by emphasizing that Moore has brought to light some interesting and seemingly connected contrasts. After one sees that *No Absences* cannot explain these contrasts, one is still left with the question of how to explain them, and I have offered only brief and inconclusive speculations.

6. Conclusions

As Sir Frederick Pollock (quoted in C&R: xiii) memorably advised, "the lawyer cannot afford to adventure himself with the philosopher on the metaphysics of causation." I think that Moore's quest to substantiate *Unity* was noble, but that the adventure has ended badly, in causal and moral absurdities.

The causal absurdities stem from *No Absences*, and emerge in the beheading problem, where Moore is committed to denying that decapitation can cause death. He is equally committed to denying that drowning or strangulation can cause death, and that pulling the trigger of a gun can cause death. Indeed he is committed to the result that human actions cause *nothing*. This is an ending to the adventure that the lawyer surely cannot afford.

The moral absurdities stem from *No Absences* plus *Disjunctivism*, and manifest in both the beheading problem and the problem of correlates. Moore is committed to denying that the beheader

is fully morally responsible for the death of the beheaded, and he is committed to complete legal and moral impunity for the pre-empting beheader. He is also committed to attributing spurious moral responsibility to mere correlates, as well as to effects. By his lights the defense can plea for a lesser sentence for the beheader, on grounds that it was only a beheading. And by his lights the prosecution can argue for liability due to mere correlation with a criminal act, on grounds of counterfactual dependence with the crime. Such adventures would of course be laughed out of court.

The fatal misstep that began this whole misadventure was *No Absences*. If absences are allowed to be causal, then the way is clear to admit the obvious truth that decapitation can cause death, and so straightforwardly resolve the beheading problem. The way is then clear to maintain a unified causal account of legal liability and moral responsibility (no causation, no blame), without descent into disjunctivity. This yields a straightforward solution to the problem of correlates, since correlation is not causation.

In short, the defender of *Unity* who rejects *No Absences* need not suffer the beheading problem nor the correlation problem, and thereby gains some opportunity to bring Moore's noble adventure to a happier ending.²⁴

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²⁴ Thanks to Alex Broadbent, Michael Moore, Guy Sela, Jane Stapleton, and the Oxford Jurisprudence Discussion Group for helpful feedback.

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