Philosophia (2008) 36:223–226
DOI 10.1007/s11406-007-9101-9

# Who's in Charge Here?: Reply to Neil Levy

**George Sher**

Received: 18 September 2007 / Accepted: 18 September 2007 /
Published online: 2 November 2007


**Abstract** In his response to my essay "Out of Control," Neil Levy contests my claims that (1) we are often responsible for acts that we do not consciously choose to perform, and that (2) despite the absence of conscious choice, there remains a relevant sense in which these actions are within our control. In this reply to Levy, I concede that claim (2) is linguistically awkward but defend the thought that it expresses, and I clarify my defense of claim (1) by distinguishing my position from attributionism.

**Keywords** Responsibility · Control · Neil Levy

In my essay "Out of Control,"[1] I argued that agents are often responsible for acts of whose wrong-making features they are unaware and over which they therefore do not exercise conscious control. Because I do think responsibility requires some kind of control, I went on to argue that the form of control it presupposes need not involve conscious choice. Instead, an unwitting wrongdoer can be said to exercise such control if his failure to realize that he is acting wrongly "is explained not by his lack of access to the facts that make his act wrong but rather by some subset of the other beliefs (desires, attitudes, etc.) that make him the person he is."[2] However, in "Restoring Control," Neil Levy argues that this form of control has nothing to do with responsibility. Because he thinks the only relevant form of control is conscious control, Levy maintains that the options are more stark than I take them to be. We can, he says, either reject the principle that responsibility requires control and settle for what he calls attributionism (i.e., the view that "an agent is responsible for an act (or omission) just in case it is expressive of the agent's identity"[3]), or else retain the

[1]George Sher, "Out of Control," *Ethics* 116 (January 2006), pp. 285–301.

[2]George Sher, "Out of Control," *Ethics* 116 (January 2006), p. 298.

[3]Neil Levy, "Restoring Control," doi:10.1007/s11406-007-9090-8.

G. Sher (✉)
Department of Philosophy, Rice University, 6100 South Main St., Houston, TX 77005, USA
e-mail: gsher@rice.edu

principle that responsibility presupposes control and accept the implication that agents are responsible for fewer acts than is generally thought. In this reply, I will explain what I think is wrong with this way of structuring the alternatives.

Let me begin with a concession. Although Levy doesn't mount a knock-down argument against my attempt to detach the notion of control from that of consciousness, his discussion effectively highlights what is awkward and counter-intuitive about that attempt. When we speak of agents as exercising control over their acts or omissions, we generally do take the relevant form of control to involve conscious choice. This is what gives force to Levy's rhetorical question, "In what sense… does [the fact that someone's failure to believe that he is acting wrongly is explained by the beliefs, desires, and attitudes that make him the person he is] make it the case that he exercises *control* over his action?" If ordinary usage is decisive, then my attempt to detach the relevant form of control from consciousness is simply a mistake.

It seems to me, however, that ordinary usage is *not* decisive here; for when we look more closely at our linguistic intuitions about control, we find that they are driven partly by an abstract understanding of the concept, but partly also by a specific and detachable theory of the agents to whom it applies. Understood in abstract terms, the concept is that of authorship or origination: to say that a certain feature of what an agent did was within his control is to say, at a minimum, that his performing an act with that feature can be traced back to *him* as opposed to some aspect of his situation or circumstances. However, to get from this abstract formula to any particular conclusion about who has exercised control over what, we must supplement the formula with a theory of the responsible self. The theory that combines most naturally with the formula to yield to our linguistic intuitions is, roughly, the view that responsible selves are essentially conscious centers of will, and that what connect them to the acts for which they are responsible are therefore their conscious choices. However, although this theory is very widely held, it is, in my opinion, indefensible. It is because I think we should adopt a different theory of the responsible self that I also think the best way of fleshing out the abstract notion of control is one that does not always capture our linguistic intuitions.

Because nothing of substance turns on how we use the word "control," I could simply cede that term to Levy. However, if I did this, and accepted his claim that genuine control requires conscious choice, then instead of disagreeing with him about what form of control is presupposed by responsibility, as I now do, I would disagree about the substantively equivalent question of whether what responsibility presupposes is *control* or whether it is some other version of the abstract relation to which I have referred as authorship or origination. Because this shift would be merely terminological, it would not advance the discussion at all.

However we formulate the disagreement about whether conscious choice is necessary for responsibility, the available positions are not, as Levy suggests, restricted to what he calls attributionism and volitionism. Levy takes these to be the only alternatives because he classifies my own view as a variant of attributionism. However, when we look carefully at the latter position, we discover, first, that it is structurally quite different from my own, and, second, that it is vulnerable to important objections that this structural difference enables my view to escape. To bring these points into sharper focus, I shall briefly elaborate each in turn.

Consider first attributionism, a view that Levy finds in the writings of Robert Adams, Thomas Scanlon, and Angela Smith. In another paper, Levy offers the following terse summary of that view:

> On the attributionist account, I am responsible for my attitudes, and my actions and omissions insofar as they express my attitudes, in all cases in which my attributes express my identity as a practical agent. Attitudes are thus expressive of who I am if they belong to the class of *judgment-sensitive attitudes*. Judgment-sensitive attitudes are attitudes that, in ideally rational agents, are sensitive to reasons…Insofar as we are rational agents, we are not simply "stuck" with our judgment-sensitive attitudes. Instead, they are the product and the expression of ourselves as agents. We can therefore appropriately be asked to justify them.[4]

Although this characterization is somewhat generic, there is no doubt that the position it portrays is an important and instantly recognizable feature of the current philosophical landscape.

Yet if we do define attributionism as the view that agents are responsible only for those features of their acts that reflect the judgments that in turn express their practical identities, then its reconstruction of an agent's relation to the unwitting wrong acts for which he is responsible will differ crucially from my own. Where attributionism is concerned, whether an agent stands in the relevant relation to a certain act will depend, perhaps inter alia, on whether the act is of a type that is *endorsed* by the attitudes or judgments that determine his practical identity. Because this account makes essential reference to the match or fit between the relevant feature of the act and the contents of the attitudes or judgments that determine the agent's practical identity, it takes the responsibility-conferring relation to contain an ineliminable semantic component. By contrast, the account of that relation that I sketch in "Out of Control" has no such implication. Although I do take agents to be constituted by concatenations of states that include desires, beliefs, and other attitudes with propositional content, the facts about these states that I take to bear on an agent's responsibility do not include the fit between the propositions they embed and what he does, but rather are exhausted by their *causal relations* to what he does. On my account, what renders an unwitting wrongdoer responsible is not that his failure to realize that he is acting wrongly expresses a cavalier attitude toward such wrong acts, but only that that failure of recognition can be attributed to some combination of his causally effective states that may or may not include such an attitude.

When an attributionist says that an unwitting wrongdoer is not responsible unless his failure to realize that he is acting wrongly expresses a cavalier attitude toward the relevant type of wrong act, it is reasonable to take him to mean that the agent's recognitional failure must both be appropriate to the propositional content of his cavalier attitude and must (somehow) be caused by that very appropriateness. Thus,

[4] Neil Levy, "The Good, the Bad and the Blameworthy," *Journal of Ethics and Social Philosophy* 1, 2 (June 2005), p. 4.

the attributionist view, no less than my own, can take an agent's relation to the unwitting wrong acts for which he is responsible to include a causal element. However, even if it does, the attributionist view will also impose the aforementioned semantic requirement, and so will take the responsibility-creating relation to hold in a smaller range of cases. This is, I think, a significant problem for attributionism; for the cases about which the two views differ include many in which the agents do seem responsible.

Consider, for example, the cases I have called *Hot Dog* and *Home for the Holidays*. In the first case, soccer mom Alessandra gets embroiled in a dispute while picking up her children at school and so forgets that she has left her border collie Sheba in the hot van; in the second, the fearful Joliet panics when she hears a sound and mistakenly shoots her son. If we accept the attributionist account, then we will have to attribute Alessandra's responsibility to a judgment that Sheba's safety doesn't matter much, or to a lack of good will toward the dog, and we will have to attribute Joliet's responsibility to a judgment that it is not important to take precautions against inflicting serious harm. However, although it is certainly possible to suppose that Alessandra and Joliet have made such judgments, their responsibility does not appear to depend on this. Alessandra would surely remain responsible if she cared a lot about Sheba but was simply distracted by the volume and intensity of the dispute, and Joliet would surely remain responsible if her panic had simply overwhelmed her judgment. To preserve our ability to hold both agents responsible under these suppositions, we must reject attributionism in favor of the view that what renders each of them responsible is just the fact that her failure to realize that she was acting wrongly can be traced to the interaction of the different elements of her own particular psychology.

In this response to Levy, I have argued that we need not accept either his claim that the only form of control that is relevant to responsibility is one which involves conscious choice or his claim that my alternative to volitionism is really just another form of attributionism. However, it is one thing to show that the options are not as restricted as Levy suggests, and quite another to show that any alternative approach to responsibility is superior to his volitional account. As I suggested above, I think this issue will turn in large measure on how we conceive the responsible self—a topic that in its turn raises deep questions about, among other things, the relative priority of the first- and third-person perspectives. I have addressed some of these questions elsewhere,[5] but there is obviously much more to say. In recent years, Levy has emerged as one of the most forceful proponents of a pure form of volitionism, and I eagerly await the further challenges to my position that his future work is sure to bring.

[5] See George Sher, "Kantian Fairness," *Philosophical Issues*, 2005, pp. 179–92, and "Responsibility and Practical Reason," in Joseph Campbell, Michael O'Rourke and Harry Silverstein, eds., *Responsibility, Ethics, and Action* (Cambridge, MA: MIT Press, forthcoming). I discuss the questions at greater length in my book *Who Knew? Responsibility Without Awareness*, which at the time of this writing is still in progress, but is nearing completion.