

What Is It to Do Nothing?

Constantine Sandis

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Ah pardon me. *You can't see them with the naked eye. Moreover, mine are principally negative. People's actions, I know, are for the most part the things they do — but mine are all the things I don't do. There are so many of those, so many, but they don't produce any effect. And then all the rest are shades — extremely fine shades.*

Gabriel Nash in Henry James', *The Tragic Muse*

*What is action,
What is non-action?
Even inspired seers
Are confused by this*

*He who sees action in non-action
Non-action in action
Is wise among men
Performing all actions he is disciplined*

Bhagavad Gītā, IV: 16 & 18¹

Abstract

We should reject any moral theory that rests on the metaphysical assumption that actions—or even their characterisations—can be neatly divided into positive acts of doing and so-called ‘negative’ acts of omitting, refraining, neglecting, and so on. This essay is an attempt to cut loose from the tenacious grip of such a picture and journey towards the elusive Bhagavadian view that all action contains inaction, and vice versa. Should it succeed, the repercussions for the doctrine of doing and allowing and related puzzles concerning moral responsibility are radical.

¹ As translated by W.J. Johnson (Oxford: Oxford University Press, 1994). But translations vary, especially in the last two lines which are also commonly rendered as ‘and he is in the transcendental position, *although engaged in all sorts of activities*’ (A.C.B.A Prabhupada, *Bhagavad Gītā As It Is*, 2nd edition (Los Angeles, CA: The Bhaktivedanta Book Trust, 1972).

Prologue

We're generally not very forgiving of the sort of behaviour captured in the following sensationalist *Daily Mirror* headline:

Tory MP *forgot* to declare £400k income, but *remembered* to claim 49p for milk [...] Geoffrey Cox *neglected* to *declare* his bumper payday within 28 days – but in the meantime he *put claims* in for milk and tea bags.²

We have no pre-theoretical problem grasping what it is to forget or neglect to do something, and may sometimes judge the latter more harshly than the former. But we begin to lose our confidence as soon as we start asking ourselves in what sense neglectful behaviour counts as *action*. Is it a doing of something or a mere lack or absence viz. a nothing? And isn't being responsible for nothing the same as not being responsible for anything at all?

If I do something such as send you an email, then it is not unreasonable to hold me responsible for what I did. But if *what* I did was nothing, does it follow that I am responsible for nothing? If so, then complete non-action would lay us off all hooks of responsibility. But this cannot be right, at least not for cases where there is a relevant sense in which I could have done something, but didn't — we are frequently right to hold people responsible for doing nothing. There is an apparent asymmetry here which would be problematic if real: when we act we are responsible for what we do whereas when we do nothing we are not responsible for *what* we do (viz. nothing) but for *doing* it.

It is tempting to think that the puzzle arises because of linguistic oddities that arise in our use of negative pronouns such as 'nothing' and 'nobody'. If so then perhaps there is no serious worry here, just fodder for clever wordplay:

"Cyclops," I said, "you ask my name. I'll tell it to you; and in return give me the gift you promised me. My name is Nobody [...]"

The Cyclops answered me from his cruel heart. "Of all his company I will eat Nobody last, and the rest before him. That shall be your gift" [...]"

I went at once and thrust our pole deep under the ashes of the fire [...] drove it's sharpened end into the Cyclop's eye {...} Hearing his screams they came up from every quarter [...] "What on earth is wrong with you Polyphemus?" [...]"

"O my friends, it's Nobody's treachery, not violence, that is doing me to death".

"Well then," came the immediate reply, "if you are alone, and nobody is assaulting you, you must be sick"³

² Mikey Smith in *The Mirror*, 6 Feb 2016; my emphasis.

³ Homer, *The Odyssey*, translated by E. V. Rieu, revised by D. C. H. Rieu, and P. Jones, (London: Penguin, 1946/2003), pp.119-21. The translators note: 'The Greek for "no one" is *me tis*, but run together as *metis* it means 'wily scheme, resourcefulness'.

- "Just look along the road, and tell me if you can see either of them."
- "I see nobody on the road," said Alice.
- "I only wish I had such eyes," the King remarked in a fretful tone. "To be able to see Nobody! And at the distance too!"⁴

We may of course think that something serious lurks behind these jokes, perhaps some awful paradox which takes us to the core of metaphysical psychology. Think of Funes the Memorioso, who quite literally forgets nothing in the eponymous story by Jorge Luis Borges, or of Oliver Sacks' patient Rose R, who explains in great depth how she goes about thinking about both 'positive' and 'negative' nothings.⁵ As the stranger in Plato's *Sophist* puts it:

[T]he nonexistent reduces even one who is refuting its claims to such straits that, as soon as he sets about doing so, he is forced to contradict himself.⁶

And so it is that Martin Heidegger famously asks:

However, what trouble do we take concerning this nothing? The nothing is rejected precisely by science, given up as a nullity. But when we give up the nothing in such a way do we not concede it? Can we, however, speak of concession when we concede nothing? But perhaps our confused talk already degenerates into an empty squabble over words [...] The nothing—what else can it be for science but an outrage and a phantasm? [...] Science wants to know nothing of the nothing.⁷

Either way, it may seem that whatever difficulties we encounter will have little to do with the philosophy of action and we must take a more general approach to overcoming them. Perhaps the problem isn't so much a linguistic one about the word 'nothing' but an ontological one about absences in general, of the sort evoked by Tyron Goldschmidt's 'A Demonstration of the Causal Power of Absences'⁸, whose 'content' is identical to Dennis Upper's 1974 paper 'The Unsuccessful Self-Treatment of a Case of "Writer's Block"'⁹. An absence of action, in such a case, would be no different

⁴ L. Carroll, *Through the Looking Glass*, (London: Macmillan, 1871), VII.

⁵ J-L. Borges, "Funes el memorioso", *La Nación*, June (1942); Cf. A. R. Luria, *The Mind of a Mnemonist: A Little Book About a Vast Memory*, translated by J. S. Bruner, revised edn., (Boston, MA: Harvard University Press, 1987); O. Sacks, *Awakenings*, revised edn., (New York, NY: Harper Collins, 1990), pp. 75-76, fn. 54.

⁶ Plato, *The Sophist*, translated by F. M. Cornford, (London: Routledge & Keagan Pail, 1935), 238d.

⁷ M. Heidegger, M., *What is Metaphysics?* [1929], tr. by D.F. Krell, in D.F. Krell (ed.), *Heidegger - Basic Writings* (San Francisco, CA: Harper Collins, 1977), p.96.

⁸ Goldschmidt, T., "A Demonstration of the Causal Power of Absences", *Dialectica* 70(1) (2016).

⁹ D. Upper, "The Unsuccessful Self-Treatment of a Case of "Writer's Block"", *Journal of Applied Behavioural Analysis*, 3(7) (1974).

from other absences, such as that of people. If so then whatever approach we take to their causes and effects should form part of a more general strategy. The simplest, and perhaps most popular since Parmenides denied that we can sensibly speak of the void, is that of David Lewis:

Absences are spooky things, and we'd do best not to take them seriously. But absences of absences are no problem.¹⁰

The things we do include doing 'doing nothing', but we must not confuse this activity with that of doing no thing at all. Whether or not something counts as doing some particular thing—or, indeed, doing nothing—depends on what we are contrasting it with. But there is no thing called 'inaction' that we do when we are said to do nothing. *What* we don't do is- ontological speaking – on a par with what we could or should have done.¹¹ So one thing I won't do in what follows is to indulge in thought concerning the absence of action.

The puzzle we began with, it shall transpire, has less to do with such matters and more to do with different conceptions of action. The question of whether negative actions are ontologically distinct from positive ones only makes sense as a question about doings and not things done. While doings may have both positive and negative descriptions, it makes no sense to conceive of things done in a similar fashion. We do, of course, talk loosely of being responsible for the things we do, this is but a colloquial way of expressing responsibility for our doings. *Mutatis mutandis*, when we do nothing, what we are responsible for is not nothing but *doing* nothing. The same goes for omitting, refraining, and so on.

The literature on negative actions or inactions fails to make proper use of this distinction between *what* one does, and one's act of *doing* it. This is partly explained by the sorry truth that most philosophers working in normative ethics have little interest in the philosophy of action *per se*. Although what follows focuses on 'negative actions', it forms part of a wider plea for taking philosophy of action more seriously when doing normative and practical ethics.¹²

I. Inaction in Action

Jeremy Bentham introducing the term 'negative acts' as follows:

¹⁰ D. Lewis, "Void and Object", in J. Collins, N. Hall, and L. A. Paul (eds.), *Causation and Counterfactuals* (Cambridge MA: MIT Press, 2004), p. 283. A related debate between B. Russell, "The Philosophy of Logical Atomism", in R. C. Marsh (ed.), *Logic & Knowledge* (London: Allen & Unwin, 1956), pp. 211-215, and Wittgenstein, L., *Tractatus Logico-Philosophicus*, revised translation by D. F. Pears, and B. F. McGuinness, (London: Routledge, 1961), 4.0621, surrounds the existence of negative facts.

¹¹ See the title story in A. Neuman, *The Things We Don't Do*, trns. (London: Pushkin Press, 2014).

Acts [...] may be distinguished, in the first place, into positive and negative. By positive (acts) are meant such as consist in motion or exertion: by negative, such as consist in keeping at rest; that is, in forbearing to move or exert oneself in such and such circumstances. Thus, to strike is a positive act: not to strike on a certain occasion, a negative one. Positive acts are styled also acts of commission; negative, acts of omission or forbearance.¹³

Eric D'Arcy offers a plausible objection to the thought that the conditions Bentham offers are sufficient, though he doesn't question their necessity:

To the question, 'What were you doing at two o'clock this afternoon?', any of the following could be appropriate replies: 'Taking a siesta', 'Relaxing in an arm-chair', 'Sun-bathing', 'Sitting for a portrait', 'Waiting for the Carfax traffic lights to change', 'Being X-rayed', 'Getting my hair cut', 'Sitting in Whitehall in Civil Disobedience', 'Hunger-striking'. Each of these replies would satisfy Bentham's definition of an omission as physical non-movement, keeping at rest; yet we should not call any of them an omission. Bentham's criterion is no doubt a negative necessary condition for an omission, but it is not a sufficient one.¹⁴

I return to why even the 'negative necessary condition' is problematic in due course. In preparation, it is worth examining Gilbert Ryle's use of "negative 'acts'" to refer to what he characterized as the "intentional non-performance of some specifiable actions".¹⁵ His own list of examples is curious, at best:

This class of negative 'acts' (if they *are* acts) includes *refraining, abstaining, postponing, shirking, neglecting, disobeying, overlooking, condoning, forgiving, acquiescing, ignoring, idling, pausing, resting, hesitating, omitting, enduring, waiting, remaining, permitting, letting, keeping (still or a secret), holding (one's tongue), sparing, economising, relinquishing, yielding, relying, trusting*.¹⁶

One puzzling thing about Ryle's list is that many of his own examples are not obviously ever intentional (forgetting, overlooking, hesitating) whilst many others seem like obvious examples of negative 'acts' regardless of intention (neglecting, ignoring, pausing, yielding, remaining, etc.)¹⁷ Another is that acts of forgiveness and trust are *prima facie* not negative at all. We must of course distinguish the actions of expressing trust or forgiveness from the trust or forgiveness expressed, but

¹² See C. Sandis, "The Doing and the Deed: Action in Normative Ethics", in *Royal Institute of Philosophy Supplement 80 – Philosophy of Action* (ed. A O'Hear, Cambridge University Press), 105-126.

¹³ J. Bentham, *An Introduction to the Principles of Morals and Legislation*, (London: Payne & Son, 1789), p. 72.

¹⁴ E. D'Arcy, *Human Acts: An Essay in Their Moral Evaluation*, (Oxford University Press, 1963), p. 41.

¹⁵ G. Ryle, "Negative Actions", *Hermathena*, 115(Summer) (1973), p. 81, emphasis in original.

¹⁶ Ryle, "Negative Actions", p. 82.

¹⁷ Many cases of forgetting are also instances neglecting, though Tory MP in the Prologue is only being said to have 'forgotten' in a sarcastic sense.

to the extent that the latter can be said to be acts they can be accorded a positive status. Presumably, Ryle believes that to forgive is to let go of a grudge or refrain from resenting and to trust to refrain from suspect, but one could equally think that to grudge is to fail to forgive and to suspect is to refrain from trusting.

We here have no obvious criterion for determining which description is the positive one and which the negative. Where there is action there is always inaction, and vice versa; hence the twist on the old adage, “don’t just do something, stand there!”¹⁸ and Schopenhauer’s insistence that it is evil which has positive existence in the world, good being nothing more than its negation.¹⁹ Philosophy treats the question of the relation of action to omission as a metaphysical problem to be solved with clever thinking and distinctions. But we must not shun the truth in perspectivism concerning what is positive and what is not.

Contrasting views on this are considered by the protagonist of Ian McEwan’s *The Children Act*. Fiona Maye is a judge who views her ruling on a past medical case as a condemnation of action by omission (killing a twin by refusing to separate it, thereby ‘obliterating the potential of a meaningful life’).²⁰ Those who subsequently sent her death threats, by contrast, saw her as condoning *neglect by action: ignoring* but equally *interfering with* both God’s will and the interests of the other twin, in advocating for the exercise of active separation. Fiona’s recollection of all this is neatly juxtaposed with a personal choice she has to make between *saving* her marriage by *accepting* an affair and *ending* it by *denouncing* it; her husband questions which one of them would be wrecking the marriage if she took the latter course.²¹ Indeed, the novel is replete with characters who remain standing, say nothing, refuse treatment, give up, conceal, forget, let go, etc. but in so doing are also said to be doing favours, acting kindly, taking risks, and committing suicide. Factual conceptions of positive and negative actions are shown to be deeply intermingled with evaluative ones:

Berner’s client was [...] a somewhat dreamy young man whose chief fault was a degree of *passivity*. And a *failure to keep* appointments [...] the father [...] was mostly *absent* from Wayne’s childhood, which was one of chaos and *neglect* [...] She *never hit* him [...] he *missed* a lot of school. He *left* at sixteen [...] *never claimed* unemployment [...] the police *declined to investigate*.²²

A third, connected, oddity with Ryle’s examples is that many of them don’t seem to be cases of acts at all (e.g. forgetting and trusting). Indeed, Ryle’s choice of examples betrays the fact that neither action nor intention are necessarily required for responsibility. This is not to say that their presence makes

¹⁸ Thanks to Brendan Larvor for bringing this to my attention. For earnest applications of the transformed dictum see M. Weisbord, and S. Janoff, *Don’t Just Do Something, Stand There: Ten Principles for Leading Meetings That Matter*, (San Francisco: Berrett-Koehler Publishers, 2007).

¹⁹ Schopenhauer, A., “Additional Remarks on the Doctrine of the Suffering of the World”, and, “Additional Remarks on the Doctrine of the Affirmation and Denial of the Will to Live”, in his *Parerga and Paralipomena*, translated by E. F. J. Payne, (Oxford University Press, 1974), vol. II, pp. 291-2.

²⁰ I. McEwan, *The Children Act* (London: Vintage, 2014), p. 29.

²¹ *Ibid.*, p. 22.

²² *Ibid.*, pp. 184-185, my emphasis. Elsewhere in the novel we are told of a divorcing husband who “was the sole director and only employee of an enterprise that made or did nothing” (p. 62).

no moral difference, but *that* question shall not detain us here.²³ What Ryle's examples actually mark is that there is a difference between merely not doing something and either *failing* to do or deliberately avoiding doing it. What is not done, in such cases, is something one was – for better or worse – expected to do, in some weakly normative sense. My not having finished this essay by a deadline imposed by myself or others is thus a negative doing in a sense in which my not having read the entire works of Jackie Collins isn't. As Kent Bach puts it:

[T]here is not much point in asking what it is not to do any of the countless things that you could conceivably be doing.²⁴

Bach and Ryle both maintain that negative 'doings' such as those listed by Ryle not actions proper.²⁵ In this they are opposed not only by me but also by Brand, Danto, Davidson, and Goldman.²⁶ The latter set mark the difference between merely not doing something and acting 'negatively' in the following sorts of ways:

Not doing ϕ vs doing *not-* ϕ
Not doing ϕ vs *not-doing* ϕ
Not ϕ -ing vs *not-* ϕ -ing
Intending not to ϕ vs *Intending to not-* ϕ ²⁷

Thus, for example, Brand writes:

²³ The number of discussions on the moral relevance (or lack thereof) of action and intention is legion. I don't wish to add to these but to instead ask preliminary questions about the very nature of negative doings.

²⁴ K. Bach, "Refraining, Omitting, and Negative Acts", in T. O'Connor, and C. Sandis, (eds.), *A Companion to the Philosophy of Action* (Oxford: Wiley-Blackwell, 2010), p. 50.

²⁵ Other advocates of this view are G. H. Von Wright, *Norm and Action* (London: Routledge & Kegan Paul, 1963), pp. 45-8, and Lewis, "Void and Object". I shall not concern myself here with detailing the differences between these four accounts, though it is worth remarking that von Wright is happy to stipulate the forbearances are 'actions' in a technical sense which includes both acts and their 'negative counterparts'.

²⁶ C. Sandis, *The Things We Do and Why We Do Them* (London: Palgrave Macmillan, 2012), p. 7; M. Brand, "The Language of Not Doing", *American Philosophical Quarterly*, 8 (1971); A. C. Danto, "Freedom and Forbearance", in K. Lehrer (ed.), *Freedom and Determinism* (New York: Random House, 1966); D. Davidson, "Reply to Bruce Vermazen", in B. Vermazen, and M. B. Hintikka (eds.), *Essays on Davidson: Actions & Events*, (Oxford University Press, 1985); A. I. Goldman, *A Theory of Human Action* (Princeton, NJ: Princeton University Press, 1970); and J. J. Thomson, "Causation: Omissions", *Philosophy and Phenomenological Research*, 66 (2003).

²⁷ Schopenhauer, "Additional Remarks", p. 312, similarly seems to distinguish between not willing and performing an act of not-willing.

The difference between refraining from performing an action and doing nothing at all with respect to performing an action is that, basically, refraining is itself a kind of action, but doing nothing at all is just doing nothing at all. The patrol man does something, namely, not shooting the fleeing youth.²⁸

Similarly, Davidson:

'One of the things I have done is fail to discuss the problem'; '[n]ot eating a persimmon is something I did'.²⁹

On Brand's view, the difference between the two kinds of cases is one of intention, but we have already seen that this doesn't cut at any helpful joints. Davidson and Vermazen, by contrast simply apply the Davidsonian vision of actions as events caused by rationalizing belief-desire pairs. It is debatable whether either account can capture things like forgetting, but so much the worse for forgetting one might think. A tougher problem for both views is that we may wonder when exactly these negative events meant to occur. Ryle presents the difficulty as follows:

A person who, hearing that the friend had for years never blabbed the secret, now asks 'How many blabbings did the friend not commit?' would be asking as ludicrous a question as 'How many inhabitants does the desert island not contain?' There is no counting what is not there.³⁰

Vermazen, in turn, responds with an example of a man who is meant to do something at precisely 2am but fails to do so because he has fallen asleep:

'[T]he omission took place when he was asleep'.³¹

Perhaps the right thing to conclude from all this is that *some* negative 'actions' (such as failing to do something at a particular time) may sensibly be said to have a spatio-temporal occurrence whilst others (such as not telling a secret) do not. But Ryle's worry is not merely temporal. In promising to not do something, for example, I don't promise to perform some act of *not-doing*, be it at some or at no particular time. There are, in any case, independent reasons for doubting that qualifying for the former is a necessary condition of being an action.³² More obviously, having a spatio-temporal

²⁸ Brand, "The Language", p. 46.

²⁹ Davidson, "Reply to Bruce Vermazen", pp. 217-8.

³⁰ Ryle, "Negative Actions", p. 89.

³¹ B. Vermazen, "Negative Acts", in B. Vermazen, and M. B. Hintikka (eds.), *Essays on Davidson: Actions & Events*, (Oxford University Press, 1985), p. 97.

³² Or so I argue in C. Sandis, "Basic Actions and Individuation" in T. O'Connor, and C. Sandis (eds.), *A Companion to the Philosophy of Action*, (Oxford: Wiley-Blackwell, 2010), pp. 14-15. If the argument laid out in §III below is right we might also add that there are some things we can be said to have done without there ever having been events of our doing them.

location cannot be a sufficient condition of being an action, for all sorts of events occur that are not even contenders for being actions.³³

This brings us to a bone of contention which divides those who think that negative actions exist into two distinct camps. The first maintains that negative actions are distinct events from positive ones:

[W]e must commit ourselves to at least some negative act-tokens: things like *S's not* turning his head (at *t*) or *S's not* raising his hand (at *t*) have as much claim to be considered basic act tokens as their positive counterparts.³⁴

By contrast the second takes the negativeness of an action to be a matter of description not ontology:

'[N]egative events do not, strictly speaking, exist'.³⁵

'[E]ven when a negative act exists, being negative is not a characteristic of the act but of the *characterization* of the act.'³⁶

This division brings the first set unexpectedly closer to Bach (who is happy to talk of negative events but not actions) than they are to those who agree with them that negative actions exist, but deny that they are distinct events.

The debate is curious, for each side has come up with convincing examples of both (a) negative 'actions' that cannot be re-described in positive terms and (b) ones that can. For example, my neglecting to send a birthday card to my mother need not be identical with some positive action (such as punishing her or taking a risk). At least it need not have positive descriptions under which the doing is *intentional*, for it will always be possible for one's not doing something to be re-described as their contravening some code or other, annoying someone, marking some statistical truth, or whatever. By contrast, my not buying a Kit-Kat on a particular occasion may be correctly re-described as my deliberately boycotting Nestlé. Some negative 'actions' have distinct existences from positive ones, and others do not. It matters not here whether the former (e.g. boycotting) are *actions*, but that they are doings with both a positive and a negative description.

II. Doing Doing, Done

We contrast acting to a number of things not mentioned so far including thinking, speaking, sitting, and standing still. But while one may say, in one register, things like 'actions speak louder than words'

³³ Bach, "Refraining, Omitting", p. 55.

³⁴ Goldman, *A Theory*, p. 47; see also Brand, "The Language"; Thomson, "Causation: Omissions".

³⁵ Vermazen, "Negative Acts", p. 100.

³⁶ Davidson, "Reply to Bruce Vermazen", p. 219; see also Vermazen, "Negative Acts".

or 'thought causes action', this can hardly be taken to disprove that there are such things as speech-acts or mental acts. To ask whether omissions etc. are actions is like asking whether sitting still or thinking is an action. The correct response is: "it depends why you're asking". To this extent the question also resembles that of, "are ice and steam both water?", though unlike water, actions are not candidates for natural kinds. As with the difference between action and inaction, we think of sitting down as both a case of something one does and a case of doing nothing. When one confesses to have 'done nothing all day'. this is a figure of speech rather than the favored 'strict-speak' of philosophers, but is talk of doing nothing ever *not* a figure of speech?

It is helpful here to consider the reception of Harvey Sacks' ethnomethodology in David Velleman's work on action. Sacks' work points to the range of things a person might consider doing is culturally constructed in the weak sense that there are various 'doables' (to use Velleman's term) that are only open to us conceptually because of the culture we inhabit: zoning out in front of the TV, hailing a cab, checking email, going to the cinema, cheating on one's taxes, preparing an anniversary meal, waiting for the bus, reading the Sunday papers, as well as brokering, joyriding, sulking, window-shopping, pub crawling, hustling, jiving, and so on.

According to Sacks, one of the things we might be do is *being* a certain way:

Among the ways you go about doing 'being an ordinary person' is to spend your time in usual ways, having usual thoughts, usual interests.....³⁷

In all these cases we are not pretending but taking on a culturally identifiable role, project, or action. Velleman suggests that one can do *being* a certain way by doing things that count as *ways* of being so:

[T]here are ordinary ways of doing 'being bored' – flipping unseeingly through an old magazine or staring un hungrily into the fridge – and when you are bored, you do it in one of those ways [...] What we call taking an action is actually making an action, by enacting some act description or concept.³⁸

One thing that we might do, on such a picture is *doing nothing*. In this case what one does or sets out to do is not nothing but the doing of nothing. To literally do *nothing* is to not do *any* thing, including *doing nothing*. The doing of doing nothing, by contrast, is the doing of something (viz. doing nothing). This could be a serious matter taking the form of an act of resistance, a way of punishing someone, or a mere game one is playing.

We can similarly play at sitting still, not smiling, or staying silent for as long as we can. Here *what* one is doing is not doing nothing but not doing some particular thing. Failing to shoot is different from doing *not shooting*. Variations on the theme of doing *not doing something* may include a

³⁷ H. Sacks, "On doing "being ordinary"", *In Structures of Social Action: Studies in Conversation Analysis* eds. J. Maxwell Atkinson & J. Heritage (Cambridge: Cambridge University Press, 1984) p. 415.

³⁸ J. D. Velleman, "Doables", *Philosophical Explorations*, 17(1) (2014), pp. 1-4.

sponsored silence, hunger strike, boycott, etc. The primary activity in vegan restaurants is that of *not eating animal-based products*. Similarly, in Carrie Fischer's autobiographical book *Postcards from the Edge*, what the rehab clinic inhabitants mainly focus on is not so much *not* doing drugs as *doing* not drugs:

Drug addicts without drugs are experts on not doing drugs. I talked to this girl Irene at lunch who's been here two weeks, and she said that in the beginning your main activity is a nonactivity in that you simply don't do drugs. That's what we're all doing here: *Not Drugs*.[...] Roger and Colin [...] They *really* know how to not do drugs now.³⁹

The narrator and other characters spend thirty days talking and thinking of such things as using up all the Not Cry, quitting, stopping, giving it up, commitment to not doing drugs, not playing an instrument, and almost doing something. One of them describes herself as 'a failed anorexic' to a date who's done some reading on Zen:

Of course, if you go by Zen it always comes down to, 'I could make the movie, *or not*,'. That whole 'or not' thing. It's like, how many Buddhists does it take to screw in a light bulb? Fourteen—seven to do it, and seven not to.⁴⁰

By contrast, someone who just happens to be eating an apple, or is just not eating or not doing drugs at all, is not *doing* not eating animal-based products or not taking drugs. Procrastination is another case in point: one thing I am doing when I am cleaning the house is 'not writing my paper'. This is a very different phenomenon from when I am (simply) not writing my paper because I am in the middle of lecturing. It is similarly possible to be *doing* avoiding, ignoring, refraining, neglecting, and so on, though once we reach *doing forgetting* we will have traversed from enacting to pretending.

Most cases of refraining and neglecting are *not* cases of *doing* these things, in the sense carved out by Sacks and Velleman. To build upon these negative beginnings of a taxonomy of 'inaction' we need to introduce the distinction between *what* one does and (the process or event of) one's *doing*; a distinction which has remained implicit throughout my discussion so far.

III. To Do or Not to Do

I moved from talk of actions as *doings* in §I to talk of them as *doables* in §II. The former, Anscombe and Davidson taught us, can have numerous descriptions. This renders plausible the supposition that a so-called negative act, e.g. one's delaying or refraining from doing something, may (but need not) be identical to one's doing something else. Such acts may be intentional under both descriptions, or not,

³⁹ C. Fischer, *Postcards from the Edge* (New York, NY: Simon & Schuster, 1987), pp. 10-12. I owe this reference to Lou Sarabadzic.

⁴⁰ Fischer, *Postcards from the Edge* 78-79.

and it is not always obvious which it is. Hamlet's notorious delay in exacting his revenge Claudius, for example, has been described as 'the very attempt to organise one's life through inaction' despite the fact that 'Hamlet himself does not know why he hesitates'.⁴¹

Both Anscombe and Davidson casually switch between descriptions of *what* one did and ones of (the event or process of)⁴² their doing it.⁴³ But suppose that we both pump water on different occasions and that *my* pumping the water – but *not yours* – can be described as poisoning the inhabitants. In such a case there is no answer to the question of whether what we did (viz. pump the water) can be described as poisoning the inhabitants.

Davidson develops an argument for why we need not postulate entities such as things done, maintaining that all our talk of them only requires to quantify over events that are our *doings*, under some description.⁴⁴ I shall not argue directly against this project here⁴⁵, but aim to nonetheless show that distinguishing between the things we do and the events of our doing them serves as a better guide through the various puzzles we have encountered concerning negative 'actions'.

The distinction between the *things we do* ('doables' in a sense not unrelated to that of Velleman) and our *acts of doing* them ('doings'), is intended to be at least partly analogous to that between things we perceive, believe, or say etc. and our perceiving, believing, or saying them.⁴⁶ The most influential way of capturing it is that of Jennifer Hornsby. While the precise details of her view have evolved over the years, the following serves well as a clear statement of how it relates to the thesis that whether or not an action is intentional is a matter of description:

Actions are particulars - unrepeatable things, named by phrases like 'Hyam's setting light to the petrol at two o'clock on the fateful day', and 'my reading this paper now', *Something done*, on the other hand, is not a particular: things done are named by phrases like 'inflict damage', or 'eat an egg', or 'throw a brick'...a person's doing one thing may be the same as her doing another thing...when a person does two things, she may do one intentionally and the other not intentionally...someone who inflicts damage by throwing a brick, might throw the brick intentionally, but not inflict damage intentionally.⁴⁷

⁴¹ T. Zamir, *Double Vision: Moral Philosophy & Shakespearean Drama* (Princeton, NJ: Princeton University Press, 2007), pp.170-171.

⁴² For worries about whether the preposition 'of' here marks identity see Sandis, *The Things We Do*, pp. 8-9.

⁴³ G. E. M. Anscombe, *Intention* (Oxford: Blackwell, 1957), pp. 38 and 46; D. Davidson, "The Logical Form of Action Sentences", in N. Rescher (ed.), *The Logic of Decision and Action* (University of Pittsburgh Press, 1967). Reprinted with "Criticism, Comment, and Defence", in D. Davidson, *Essays on Actions and Events*, 2nd revised edn., (Oxford: Clarendon Press, 2001), pp. 105-148, to which any page numbers given refer, p. 110.

⁴⁴ Davidson, "The Logical Form"; "Reply to Jennifer Hornsby", in L. E. Hahn (ed.), *The Philosophy of Donald Davidson*, Library of Living Philosophers (Illinois: Open Court Publishing, 1999).

⁴⁵ For that argument see Sandis, *The Things We Do*, pp. 151ff.

⁴⁶ E.g. J. Hornsby, *Actions* (London: Routledge and Kegan Paul, 1980); "On What's Intentionally Done", in S. Shute, J. Gardner, and J. Horder (eds.), *Action and Value in Criminal Law* (Oxford: Clarendon Press, 1993); "Thinkables", in M. Sainsbury (ed.), *Thought and Ontology* (Milan: Franco Angeli, 1997); J. Macmurray, "What is Action?", *Proceedings of the Aristotelian Society*, 27 (1938); P. Ricœur, *From Text to Action*, translated by K. Blamey, and J. B. Thompson, (London: The Athlone Press, 1991); and Sandis, *The Things We Do*; "He Buttered the Toast While Baking A Fresh Loaf", *Philosophy and Public Issues* (New Series), Supplementary Volume (2015a).

⁴⁷ Hornsby, "On What's Intentionally", p. 56; see also *Actions*, pp. 3-5.

Hornsby is here explicitly stating that doables are not actions, even once we have done them. We should not get caught up on whether she is right to reserve the term 'action' in this way.⁴⁸ What matters is that there is a relevant distinction to be made, whatever the correct nominal and ontological details. The point is that there can be one act of one's doing two different things, and that different descriptions apply to the former, but not the latter.⁴⁹ Across two consecutive footnotes Hornsby adds:

[T]he things - that agents do -, unlike actions, are themselves as finely discriminated as (interpreted) descriptions of actions [...] where an agent does one thing in or by doing another, her doing the one thing is (identical with) her doing the other, so that 'doing the one thing' and 'doing the other' both apply to her action.⁵⁰

It is only our *doings* - and not our *doables* - that are open to various descriptions. In the case of 'negative acts' this requires to distinguish between doings that are *not-doings* such as my neglecting, omitting, allowing, failing, doing *doing nothing*, etc. (things which may – but need not – be identical with positive doings) and *what* I do in such cases viz. neglect, omit, *do nothing*, and so on. In none of these cases is *what* I do a nothing or an absence. What I do in such cases must also be distinguished from *things-not-done* such as those things that I fail to do, or otherwise refrain from doing. Such things are not weird, they are the very things that I would have done had I not being neglectful, forgetful, on strike, and so on viz. wash up the dishes, finish the paper, and go to work. The things we fail to do or avoid doing are the doables we might have done, such as 'the exercises we list without doing'.⁵¹

IV. Puzzles of Responsibility

I have been arguing, *inter alia*, against the thought that there is an interest-free ontological distinction to be made between so-called positive and negative actions. If this is right, then it is a mistake to

⁴⁸ Macmurray, "What is Action?" uses it in the exact opposite way.

⁴⁹ Can one do the same thing more than once the way that one can say or think the same thing on more than one occasion? I can certainly keep reading the same book, cooking the same meal or, indeed, making the same mistake, or telling the same lie time after time. By contrast I cannot keep killing the same person or eating the exact same carrot each time in the same way in which I can keep reading the same copy of a book, though I may bake something more than once. We can certainly build unrepeatability into some fine-grained descriptions of what was done, but this has nothing to do with the logic or ontology of action: were my victim to rise from the dead I could kill him again.

⁵⁰ Hornsby, "On What's Intentionally", p. 56; see ns. 2 and 3.

⁵¹ Neuman, *The Things We Don't Do*, p.31. Ben Greg reminded me that the things we haven't done include those that are impossible for us to do, across a range of modal senses. Personally, I have never spoken Russian, flown down the stairs, performed miracles, travelled back in time, or squared the circle.

appeal to such a distinction when introducing philosophical doctrines and puzzles concerning responsibility or blame for omissions, inadvertent action, negligence, and so on. Accordingly, I maintain that there is no generalisable moral difference between doing some harm and allowing some harm to happen. In this I am in agreement with O.H. Green:

Moral generalisations such that it is worse to kill than to let die stand almost no chance of being true and in any case cannot be founded on such irrelevancies as the presence or absence of bodily movements. Simply to deny the importance of the distinction between killing and letting die, on the other hand, is to show gross moral insensitivity to actual cases.⁵²

To cause a harm cannot be the same thing as to allow that very same harm to happen, but this is a truism from which nothing of any ontological or moral interest follows. For whatever else we do in allowing a particular harm to happen may be morally worse than causing the harm itself. To give an example: someone might hit their own child or stand back and allow someone else to do it. It is easy to imagine cases of the latter scenario where what one does, in allowing another to hit one's child, is morally worse than doing so oneself. One might object that the harm *you* do to your child by letting, say, a stranger hit her, is psychologically (and thus also worse) worse than any harm you might have done by hitting her yourself; but this just shows the oddity of trying to compare harms that have been completely detached from action in the first place.

Consequentialists are thus right to be sceptical of the doctrine of doing and allowing, though not because of any purported truth in consequentialism. Consider four people eating the same green salad for dinner. One does so because she is not so hungry, having had suckling pig for lunch, the other because she is vegan 'for the animals', the third because he is fasting, and the fourth because she is vegetarian 'for our children's environment'. Who is responsible for what? Some of the details will undoubtedly depend on further, causal, truths are. But we can agree, *a priori*, that their common refrainment from eating meat has very different positive descriptions to the point where each might deem the other's omission as immoral, despite the consequences of their particular isolated—perhaps even aggregated—doings being identical.

There are good reasons for not wishing to restrict responsibility for our actions to those done knowingly or intentionally.⁵³ The mere fact that an act or omission was *ours* is sufficient for us to take on some qualified responsibility for it. As Bernard Williams puts it 'in the story of life there is an authority exercised by what one has done, and not merely by what one has intentionally done'

⁵² O.H. Green, "Killing and Letting Die", *American Philosophical Quarterly*, 17 (1980), pp. 195-204; J. Bennett, *Morality and Consequences: The Tanner Lectures on Human Values* (Salt Lake City: University of Utah Press, 1981), p.91. For cases where the doing/allowing and action/inaction distinction come apart see: P. Foot, "Killing and Letting Die", in (ed.) J. Garfield, *Abortion: Moral and Legal Perspectives* (Amherst Mass.: University of Massachusetts Press, 1985), pp.177-185; Cf. Woollard, *Doing and Allowing Harm* (Oxford: Oxford University Press, 2015), 21-35; F. Woollard, F. & D. Howard-Snyder, "Doing vs. Allowing Harm", *The Stanford Encyclopedia of Philosophy* (Winter 2016 Edition), Edward N. Zalta (ed.), §2.

⁵³ See G. Sher, *Who Knew?: Responsibility Without Awareness* (Oxford: Oxford University Press, 2009); C. Sandis, "Motivated by the Gods: Compartmentalized Agency & Responsibility", in A. Buckareff, C. Moya, and S. Rosell (eds.), *Agency and Responsibility*, (Basingstoke: Palgrave Macmillan, 2015b), for why responsibility may require less than is commonly assumed.

(1993:69).⁵⁴ If even the cautious driver is *in some sense* responsible, it would be perverse to free the negligent driver from all responsibility, on the grounds that negligence is an omission. All this is typically thought to be compatible with the view that blameworthiness progressively decreases from acting purposefully to acting (merely) knowingly, acting recklessly, and acting negligently (the last of these characterized by a *lack* of awareness to the risk of wrong).⁵⁵ Such gradation relies on the assumption that we can assign blameworthiness for an action *tout court*, as opposed to blameworthiness *qua* one or more of its aspects. This assumption is one of the main targets of Hegel's *Philosophy of Right*.⁵⁶

Arto Laitinen and I have argued elsewhere that we would do better to follow Hegel in asking not whether we are responsible *tout court* for any given act, but whether we are responsible for any given act *qua* intention, *qua* purpose, *qua* knowledge, *qua* objectivity, and so on.⁵⁷ Thus, for example, if a surgeon knowingly but unintentionally causes her patient some pain, she is responsible for doing so *qua*—what Hegel terms 'the right of'— knowledge and (of) objectivity, but not *qua* (those of) intention or purpose. Things get complicated once we introduce active and passive descriptions of our doings. It would take a whole page to offer a decent overview of just the actions of our four salad eaters, above. If I unintentionally offend you in my purposefully eating a plant-based meal, I am responsible for doing so *qua* objectivity⁵⁸, but not *qua* knowledge or intention. Whether I have done so *qua* purpose is trickier, and depends on whether I could have achieved my overall goal in some other way (e.g. by eating shrimp). We may wish to supplement the Hegelian panoply by adding a right of *negligence* that I am accountable towards, even if I get lucky and you happen not to be offended.⁵⁹

Negligence is unwitting (viz. lacking relevant knowledge and intention) by definition,⁶⁰ even when, in acting negligently, we are doing something else intentionally. Negligent conduct thus includes both 'positive' actions and omissions.⁶¹ An example of the former kind would be feeding the wrong food to my cat. The latter kind of negligence is meant to be particularly, due to the combination of unwittingness and omission. Ori Herstein notes that what makes an omission

⁵⁴ Williams takes this point from E.R. Dodds who takes it from Maurice Bowra's reading of Oedipus Rex (for details see Sandis "The Man Who Mistook his Handlung for a Tat", 51-52).

⁵⁵ See, for example, Holly. M. Smith, "Negligence", in H. LaFollette, (ed.), *The International Encyclopedia of Ethics* (Oxford: Wiley-Blackwell, 2013). There is, for sure, a morally relevant difference between *not* being aware, *pretending* one is not aware, and *doing* not being aware. Similarly, the difference between acting recklessly and *doing* 'acting recklessly' is that in the latter case the recklessness is part of the intended purpose of what you are doing e.g. because you're trying to be all rock n' roll. The point extends to omissions more generally.

⁵⁶ G. W. F Hegel, *Elements of the Philosophy of Right* [1821], A.W. Wood (ed.), H. B. Nisbet translation (Cambridge: Cambridge University Press, 1991), §§ 105-141.

⁵⁷ Arto Laitinen and I defend this view A. Laitinen & C. Sandis, "Hegel on Purpose", *Hegel Bulletin*, Vol. 40, No. 3 (Dec 2019), pp. 444-463; see also C. Sandis, "The Man Who Mistook his Handlung for a Tat: Hegel on Oedipus and Other Tragic Thebans", *Bulletin of the Hegel Society of Great Britain*, No. 62 (2010), 35-60.

⁵⁸ 'A flung stone is the devil's. To act is to expose oneself to bad luck. Thus bad luck has a right over me and is an embodiment of my own willing.' (Hegel, *Philosophy of Right* 119A).

⁵⁹ Conversely, if I wanted to offend you, but failed, I am responsible for what I tried to do *qua* intention, but not objectivity. In either scenario, I am further responsible for not eating *qua* intention, knowledge, and objectivity, but *not* *qua* purpose, which only has a right over the hunger strike aspect of my action.

⁶⁰ O.J. Herstein, "Nobody's Perfect: Moral Responsibility in Negligence", *Canadian Journal of Law and Jurisprudence*, Vol. 32 No.1 (Feb 2019), pp. 209-125.

⁶¹ Smith, "Negligence", p.3665ff.

negligent, as opposed to some other form of unwitting ‘negative action’ is that ‘also has a normative component’.⁶² Herstein elaborates: ‘Negligence is conduct that is in some sense improper. It is conduct in violation of some standard.’⁶³ But negligence is more than mere neglect. It implies a lack of proper care, resulting in risk exposure, in some admittedly loose sense.

We may, then, distinguish between the following characterisations, bearing in mind that they do not pick out ontological categories:

- 1) **Intentional ‘Negative Acts’** (e.g. not declaring income to the tax office.)
- 2) **Unwitting ‘Positive Acts’** (e.g. running over a hedgehog)
- 3) **Unwitting ‘Negative Acts’** (e.g. failing to smile back at someone)
- 4) **Negative Negligence** (e.g. forgetting to lock the shop up)⁶⁴

(3) Is a blend of aspects of (1) and (2). By establishing that assuming responsibility for (1) and (2) is, assuming the relevant Hegelian qualifications, unproblematic, we are awarded with responsibility for (3) for free, as it were. (4) Is just a subset of (3), so is no harder to explain. Those who worry over how to settle the causal conditions of negative negligence may be reminded that, as with all action, causality is not the sole factor relevant to moral imputation⁶⁵, though it has its place.⁶⁶ There is thus no serious philosophical difficulty in ‘justifying the assumption that we are responsible for negligent conduct’.⁶⁷ On the contrary, the concept of negligence is parasitic on that of responsibility.

Epilogue

At the outset of the *Bhagavad Gītā*, the warrior Arjuna stands confused and hesitant in the middle of the battlefield, reluctant to engage in battle with his own people: ‘fathers, grandfathers, teachers, maternal uncles, brothers, sons, grandsons, friends, fathers-in-law, and companions’.⁶⁸ Overcome by deep compassion he tells Krishna that when he sees his own people eager to fight how bow falls from

⁶² In this it is not dissimilar to the most popular sense of ‘doing nothing’. See Burkeman, O., “Five Reasons Why We Should All Learn How to Do Nothing: The Do Something Guide to Doing Nothing”, *The Guardian*, Jan 9, 2005.

⁶³ Herstein, “Nobody’s Perfect: Moral Responsibility in Negligence”, p.5. Herstein distinguishes between three different kinds of negligence, but their differences need not concern us here.

⁶⁴ All four examples stand only as *paradigm* cases of the phenomena they illustrate.

⁶⁵ For complications involving character see G. Sher *In Praise of Blame* (Oxford: Oxford University Press, 2006) pp.17-32 and C. Sandis, *Character and Causation: Hume’s Philosophy of Action* (London: Routledge, 2019).

⁶⁶ For moral and legal enquiries into our responsibility for harms caused by negligence see Joseph Raz, ‘Responsibility and the Negligence Standard’, *Oxford Journal of Legal Studies*, Vol. 30, No. 1 (2010), pp. 1–18 and S. Green, *Causation in Negligence* (Oxford: Hart Publishing, 2015).

⁶⁷ Herstein, “Nobody’s Perfect: Moral Responsibility in Negligence”, p.1.

⁶⁸ *Bhagavad Gītā*, trns. W.J. Johnson (Oxford: Oxford University Press, 1994), I:26-27.

his hand: ‘nothing good can come from slaughtering one’s own family in battle’.⁶⁹ The remainder of the text consists of Krishna’s ultimately successful attempt to convince Arjuna to abandon all attachment as this is causing him to *neglect* his duty to action.

The *Gītā* is a cunning text. On its spiritual surface it preaches the overcoming of suffering, casting away egoism, practice of detachment, and unification of the self with the Supreme Being through karma. But the very same tenets serve as rhetoric to convince Arjuna to kill his family in battle. Not doing so is selfish because there is no such thing as non-action. To not do so would be to let his feelings stand in the way of his duty. The undercurrent theme that ‘action [karma] is better than non-action [akarma]’⁷⁰ is a thinly veiled attack on the Buddhist ideal of doing nothing (with which the Zen-living character from *Postcards from the Edge* is enamoured). There is no such thing as doing nothing, because every inaction involves an action and vice versa. Thus, ‘man does not attain freedom from the results of action by abstaining from actions.’⁷¹

Non-action has consequences and can accordingly be re-described as action in terms of bringing them about. Thus, ‘the entire world is bound by actions’.⁷² Krishna approves the (true) renunciation of action but maintains that ‘the practice of yogic action is superior to the renunciation of action’.⁷³ For while the two practices are said to be ultimately the same—there being no fundamental difference between action that has abandoned all attachment and inaction— it is easier to be fooled into thinking that one has avoided action (when one hasn’t) than into thinking that one has failed to avoid action (when one has succeeded). In plainer English, we are more easily convinced that we have avoided action when we have done something, than vice versa. And the person whose actions are detached from any desire for gratification is ‘as though he were not doing anything’.⁷⁴

The real distinction, then, is not between action and non-action but between attachment and non-attachment. This is masked by the very natural temptation to distinguish between positive and negative action, doing and allowing, performing and refraining, fulfilling and neglecting etc. The philosopher’s knowledge of how our own various doings and not-doings relate is, like that of Arjuna (or, indeed, Oedipus) deeply fallible. We must thus conclude, with the *Bhagavad Gītā*, that the ability to see action in inaction, and vice versa, is hard-won.⁷⁵

⁶⁹ *Bhagavad Gītā* I: 31.

⁷⁰ *Bhagavad Gītā* III: 8-9. Technically, ‘karma’ is action based on desire (for gratification) and ‘akarma’ ‘without reaction to work’ (actions without fruitive reactions). ‘Freedom from the bondage of actions’ is thus only possible ‘when one is doing everything for Kṛṣṇa’ (A.C.B.A., Prabhupada, *Bhagavad Gītā As It Is*, pp. 207-208. This is a clear precursor to Kant’s thought regarding acting only from the motive of duty, though Kant would have never allowed for the murderous duties invoked by Krishna.

⁷¹ *Bhagavad Gītā* III: 4.

⁷² *Bhagavad Gītā* III: 8-9

⁷³ *Bhagavad Gītā* V: 2.

⁷⁴ A.C.B.A., Prabhupada, *Bhagavad Gītā As It Is*, p.208.

⁷⁵ Various precursors to this essay were presented at the *UH Philosophy Residential Weekend*, Cumberland Lodge (13-15th February 2016), *Negligence, Omissions, and Responsibility*, Birmingham Law School (18-19th March 2016), *21st Century Theories of Literature: Ethics, Tropes, Attunement*, University of Warwick (6-8th April 2017), *13th Philosophers’ Rally*, University of Wrocław (6-8 July 2017), and *Centre de Recherche en Éthique (CRÉ)*, University of Montreal (12th September 2018). Many thanks to all the organisers and participants, and to CRÉ for hosting me as a visiting researcher in 2018-19. Particular thanks, with apologies for omissions, is due to Derek Attridge, Kamil Cekiera, Louise R. Chapman, John Gardner (RIP), Max de Gaynesford, Andrew Lugg, Ann Luk, Luke

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