

## *The Truth about Tracing*

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The Past! the dark, unfathom'd retrospect!  
The teeming gulf! the sleepers and the shadows!  
The past! the infinite greatness of the past!  
For what is the present, after all, but a growth out of the past?

– *Walt Whitman, "Passage to India"*

### **1. The Trouble with Tracing**

It is widely agreed among theorists of moral responsibility that the following two statements, if true and uttered sincerely, will excuse someone from apparent responsibility:

- (1) I couldn't help it.
- (2) I didn't, and couldn't have been expected to, know that it would happen.

If Kevin's kleptomania is so severe that it produces in him a literally irresistible desire to steal, then there is a straightforward sense in which he couldn't help himself (at the time he steals). This sort of severe kleptomania is plausibly thought to excuse Kevin's behavior on the grounds that his behavior was not sufficiently under his control. So, it looks like some sort of "control condition" will be a necessary component of any plausible theory of moral responsibility.

Similarly, if Kevin's friends are planning a surprise party for him but they neglect to tell Dan that it's a surprise and Dan subsequently talks openly with Kevin about the party, Dan's ignorance plausibly excuses his behavior. Since he didn't know (and, we suppose, could not have been expected to

know) that the party was a surprise, he didn't know that talking openly with Kevin about the party would amount to ruining the surprise. His ruining the surprise is excused because of his impoverished epistemic position. So, it looks like some sort of "epistemic condition" will be a necessary component of any plausible theory of moral responsibility, as well.

Arguably, one more component must be added to get a plausible theory of moral responsibility, and it may cause trouble when combined with the epistemic and control conditions. Suppose that Dan gets drunk at Kevin's surprise party and drives home, but his reflexes are so impaired that he runs over a pedestrian on the way. Whatever sort of control is required for moral responsibility, suppose that he didn't have that control at the time he ran over the pedestrian. In a straightforward sense, then, he couldn't help it. But is he therefore not responsible? Of course not, because in another straightforward sense, he *could* help it. After all, presumably he had control of whether to get drunk at the party in the first place. In this case, Dan is morally responsible for running over the pedestrian even though he didn't satisfy the control condition at the time of the accident. To account for this, our theory of moral responsibility should include some notion of *tracing*. In this sort of situation, Dan's moral responsibility can be *traced back* to an action of which he had control—namely, his getting drunk.

Of course, as we've seen, it wouldn't be enough merely to trace Dan's responsibility back to an action of which he had control. He would also need to be in an appropriate epistemic position with respect to the consequences of that action in order for tracing to be appropriate. That is, not only must Dan have had control of his getting drunk, he must have also known that getting drunk might well lead to his driving home drunk and to his running over a pedestrian. It seems that tracing only works if the situation to which we trace is one in which the agent both has sufficient control of some action *and* can be reasonably expected to know the likely results of that action. Drunk-driving cases are unproblematic precisely because everyone knows (or at least *should* know) that too much alcohol will impair the ability to drive a car.

In an influential and highly provocative recent article, Manuel Vargas has presented a number of cases that bring out an apparent tension between the idea of tracing and the epistemic condition on moral responsibility.<sup>1</sup> We will examine these cases in detail below, but the tension raised by each is this: in some situations in which it seems that we need to invoke tracing in order to explain our intuitions of moral responsibility, there is no prior time available at which the agent in question could have reasonably foreseen the consequences of her actions to serve as the terminus of the trace. Indeed, these cases appear to show that we are faced with three, equally troublesome options: (i) the idea of tracing needs to be either abandoned or refined, (ii) the epistemic condition on moral responsibility needs to be either abandoned or significantly refined, or (iii) we should admit that we are morally responsible much less often than we are ordinarily inclined to think.