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## Sartorio on Omissions and Responsibility for Outcomes

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RESUMEN

En *Causation and Free Will*, Carolina Sartorio presenta y defiende una explicación compatibilista del libre albedrío. A continuación, examino un problema de su teoría y propongo un par de maneras distintas de solucionarlo.

PALABRAS CLAVE: *causalidad, omisiones, responsabilidad moral.*

Abstract

In *Causation and Free Will*, Carolina Sartorio presents and defends a compatibilist account of free will. In what follows I consider a wrinkle for her theory and suggest a couple different ways of ironing it out.

KEYWORDS: *Causation, Omissions, Moral Responsibility.*

In *Causation and Free Will*, Carolina Sartorio presents and defends a compatibilist account of free will. In what follows I consider a wrinkle for her theory and suggest a couple different ways of ironing it out.

### I. SARTORIO'S ACTUAL CAUSAL SEQUENCE VIEW AND CHALLENGES TO STRONG SUPERVENIENCE

Sartorio's account of freedom (or, more precisely, the freedom necessary for moral responsibility) is an Actual Causal Sequence view (ACS), according to which *S*'s freedom with respect to some  $\phi$ -ing is grounded in, and supervenes on, the actual causal history of *S*'s  $\phi$ -ing. It is an ele-

gant view. It stands in contrast to an Alternative Possibilities view of freedom (AP), according to which  $S$ 's freedom with respect to  $\phi$ -ing is grounded in, and supervenes on,  $S$ 's being able to do otherwise than  $\phi$ -ing. The main motivation for ACS, Sartorio maintains, are Frankfurt cases. For example:

**Frankfurt Case:** A neuroscientist has been secretly monitoring the brain processes of an agent, call him Frank, who is deliberating about whether to make a certain choice — the choice to shoot an innocent bystander, Furt, say. The neuroscientist can reliably predict the choices that Frank is about to make by looking at the activity in his brain, and can also manipulate Frank's brain in a way that guarantees that Frank will choose to shoot Furt. He plans to intervene if he predicts that Frank will not choose to shoot Furt on his own. As it happens, Frank chooses to and does shoot Furt on his own, motivated by his own reasons, and without the intervention of the neuroscientist.

There are two distinct intuitions Frankfurt Cases elicit, Sartorio maintains:

**Intuition 1:** Frank is in control of (i.e., free with respect to) his shooting Furt despite his lack of robust alternatives.

**Intuition 2:** What determines whether Frank is in control of (i.e., free with respect to) his shooting Furt is how he actually came to shoot Furt.

Though **Intuition 1**, if true, is sufficient to refute AP, it is **Intuition 2** that motivates ACS. (Though as Sartorio points out, **Intuition 2** can be used to buttress **Intuition 1**.) If these two intuitions are correct, then Frankfurt Cases are indeed powerful: at a single blow, they both scuttle AP and support ACS.

What follows from ACS, Sartorio explains, is a very particular supervenience principle:

*Strong Supervenience.* An agent,  $S$ 's, freedom with respect to  $\phi$ -ing supervenes on those elements of the causal sequence issuing in  $S$ 's  $\phi$ -ing that ground the agent's freedom.

*Strong Supervenience* lies at the very heart of ACS and ACS stands or falls with it. It is important, then, that Sartorio, in defending ACS, tackle head on a few purported counterexamples to *Strong Supervenience* which have been presented in the literature. Sartorio's defense of *Strong Supervenience* against these counterexamples constitutes one of the most ingenious parts of her defense of ACS.

So, what are the purported counterexamples to ACS? Van Inwagen (1983) offers a couple. I'll focus on just one of them. To see the force of the counterexample we need to consider two cases. Take, first:

**Phones:** I witness a man being robbed and beaten. I consider calling the police. I could easily pick up the phone and call them. But I decide against it, out of a combination of fear and laziness.

It is taken to be intuitive, and Sartorio concurs, that I am morally responsible for failing to call the police in **Phones**. The trouble for *Strong Supervenience* emerges when we consider another case:

**No Phones:** Everything is the same as in **Phones** except that, unbeknownst to me, I couldn't have called the police (the phone lines were down at the time).

Here, it is taken to be intuitive, and Sartorio once again concurs, that though I may be morally responsible for not *trying* to call the police, I am *not* morally responsible for failing to call the police in **No Phones**. The problem for *Strong Supervenience* that **Phones/No Phones** raises is as follows: in both **Phones** and **No Phones** I decide not to pick up the phone out of fear and laziness, and it seems that the causal history of my not calling the police is the same in both cases; however, I am morally responsible for not calling the police in **Phones** but not in **No Phones**; and so, my moral responsibility for not calling the police does not supervene on the actual causal history of my not calling the police.

(True, the apparent failure of supervenience here is a failure of the moral responsibility facts to supervene on the actual causal sequence facts, but the thought, I take it, is that this threat to the supervenience of the moral responsibility facts on the actual causal sequence facts goes by way of a challenge to the supervenience of the freedom facts on the actual causal sequence facts. That is, whereas I am in control of (free with respect to) my failing to call the police in **Phones**, I am not in **No Phones** even though the actual causal sequence leading to my failing to

call the police in **Phones**, it seems, is no different from the actual causal sequence leading to my failing to call them in **No Phones**.)

Sartorio defends *Strong Supervenience* against the **Phones/No Phones** counterexample by showing that there is indeed a difference in the actual causal histories of my not calling the police in **Phones** and **No Phones**. The way she does this is by highlighting, first, that omissions can be causes and, second, that in fact the omission causation facts are different in the two cases. In particular, she claims, whereas my not trying to call the police causes my not calling the police in **Phones**, my not trying to call the police does *not* cause my not calling the police in **No Phones**. If the causal history of my not calling the police is different in **Phones** than it is in **No Phones**, then the fact that I am morally responsible for, and free with respect to, my not calling them in **Phones** but not in **No Phones** poses no threat to *Strong Supervenience*.

It's one thing to assert that the causal history of my not calling the police is different in **Phones** and **No Phones**, quite another to explain why the causal histories are different. Why, you might ask, are the causal histories different in **Phones** and **No Phones**? In particular, why is it the case that my not trying to call the police does cause my not calling them in **Phones**, but doesn't in **No Phones**? Sartorio offers an explanation which appeals to a particular principle about causation which she dubs *Difference Making (Causes)*:

*Difference Making (Causes)*: Causes make a difference to their effects in that the effects wouldn't have been caused by the absence of their causes.

In **Phones**, my failure to try to call the police is a cause of my failing to call the police for the absence of my failing to try to call the police would not have caused my failing to call the police: for were I to fail to fail to try to call the police I would not have failed to call the police and so, *a fortiori*, my failing to call the police would not have been caused by my failing to fail to try to call the police. (Or, even more simply, because my failing to call the police counterfactually depends on my failing to try to call the police, my failing to try to call the police causes my failure to call the police in **Phones**.) In **No Phones**, on the other hand, because the relation between my failing to try to call the police and my failing to call the police does not satisfy *Difference Making (Causes)*, my failing to try to call the police does *not* cause my failing to call the police. Sartorio says:

[I]t's a consequence of the difference-making constraint that if A causes B, then it can't be that A and the absence of A make intuitively the same contribution to B. Thus, we need to see whether my picking up the phone and my failing to pick up the phone make intuitively the same contribution to my failure to call the police. Given that the phone lines are down [in **No Phones**], picking up the phone in those circumstances seems to be as relevant to the police being called as, say, singing a tune. Singing a tune and failing to sing a tune are intuitively on a par with respect to the contribution they make to my failure to call the police. Then, arguably, so are failing to pick up the phone and picking up the phone, in the actual circumstances [Sartorio (2016), pp. 99-100].

So, because my failing to try to call the police and my trying to call the police are “intuitively on par” with respect to the police being called in **No Phones**, it follows that my failing to try to call the police does *not* cause my failing to call the police in **No Phones**.

If Sartorio is right, then, that the actual causal sequences leading to the police not being called in **Phones** and **No Phones** are different, then that I am morally responsible for, and free with respect to, my not calling them in the one but not the other is no threat to *Strong Supervenience* and ACS remains unscathed.

So far so good. The worry I have concerns this approach as applied to some other cases Sartorio does not discuss. But before we get to those cases we first need to consider one more variant of **Phones** which Sartorio does discuss, one she calls **Accomplice**:

**Accomplice**: Everything is the same as it is in **Phones** except that, unbeknownst to me, the robber's accomplice is keeping an eye on the neighbors who are witnessing the attack. Had I picked up the phone, he would have immediately cut the phone lines off, and I wouldn't have been able to call the police.

Of **Accomplice**, Sartorio writes:

Presumably in [**Accomplice**] the circumstances are still such that picking up the phone is analogous to singing a tune. Perhaps the analogy with singing a tune is less clear in this case because we have more of a tendency to conceive of the accomplice's plan (as any human plan) as not fully reliable. But if it is indeed a fact that the accomplice would have disconnected the phone lines at the relevant time, then we should arguably treat this scenario the same way as the original **No Phones** scenario [Sartorio (2016), p. 100].

Because my trying to call the police in **Accomplice** would be just as much on a par with singing a tune, with respect to the police being called, as would be my trying to call the police in **No Phones**, just as in **No Phones**, my not trying to call the police does not cause my not calling the police in **Accomplice**.

## II. A CONCERN

Now my concern. In addition to the cases already mentioned we can consider a couple others. First, consider a Frankfurt-version of **Phones**:

**Frankfurt Phones:** Everything is the same as in **Phones** except that, unbeknownst to me, a neuroscientist was monitoring my brain activity, and had I been about to choose to pick up the phone and call the police, the neuroscientist would have intervened and manipulated my brain in such a way that I wouldn't pick up the phone and call the police.

I can't see how one might think that Frank is morally responsible for, and in control of (is free with respect to), his shooting Furt in **Frankfurt Case** but not think that I am morally responsible for, and in control of (am free with respect to), my not calling the police in **Frankfurt Phones**. After all, as **Frankfurt Phones** is just a Frankfurt case involving omissions and we can be just as morally responsible for failing to do certain things as we can be for doing them, it would be very odd should the verdicts about responsibility and control (and freedom) differ between them. Presumably, Sartorio would agree.

But now, finally, consider what happens when we combine **Frankfurt Phones** and **Accomplice**:

**Frankfurt Accomplice:** Everything is the same as in **Frankfurt Phones** except that the neuroscientist, were he to predict that I was going to pick up the phone and call the police, instead of manipulating my brain in such a way as to make me not pick up the phone, he would, instead, have cut the phone lines off.

Am I morally responsible for, in control of (free with respect to), my failing to call the police in this case? It's hard to see how it could be that I'm

not. After all I'm just as much intuitively not interfered with by the neuroscientist in this case as Frank is in **Frankfurt Phones**. And the very same kinds of intuitions seem to be in play in **Frankfurt Phones** as are in play in **Frankfurt Case**. And so, insofar as **Intuition 1** and **Intuition 2** hold of **Frankfurt Case**, then so too should the following intuitions hold of **Frankfurt Accomplice**:

**Intuition 1\***: I am in control of (i.e., free with respect to) my failing to call the police despite my lack of robust alternatives.

**Intuition 2\***: What determines whether I am in control of (i.e., free with respect to) my failing to call the police is how I actually came to fail to call the police.

So, it seems, I should be just as much responsible for, in control of (free with respect to), my failing to call the police in **Frankfurt Accomplice** as Frank is for, in control of (free with respect to), his shooting Furt in **Frankfurt Case**.

However, Sartorio, it seems, is committed to my not being morally responsible for my failing to call the police in **Frankfurt Accomplice**. After all, just as in **Accomplice**, because it's true that had I been about to be moved by reasons to try to call the police, on account of its then being the case that the phone lines *would* be down, my so being moved in those circumstances would seem to be as relevant to the police being called as my singing a tune would, and my singing a tune and my failing to sing a tune are intuitively on a par with respect to the contribution they make to my failure to call the police, viz., none whatsoever. So, because the reasoning she employs to establish that I am not morally responsible for, in control of (free with respect to), my not calling the police in **Accomplice** applies equally well to **Frankfurt Accomplice**, Sartorio seems committed to my not being morally responsible for, in control of (free with respect to), my failing to call the police in **Frankfurt Accomplice**. But that contradicts **Intuition 1\***, an intuition, it seems, anyone who has **Intuition 1** in **Frankfurt Case** should also have.

What to do? I think the solution to Sartorio's problem here is simple: she should retract the claim that I am not morally responsible for my failing to call the police in **Accomplice**. Doing so would allow her to maintain **Intuition 1\***, something to which her reaction to **Frankfurt Case** seems to commit her. What's more, doing so would be in keeping with other aspects of her defense of ACS. In describing why it is the case

that *Difference Making (Causes)* is not violated by the supposition that it is Frank's reasons for shooting Furt which cause his shooting Furt, she writes:

Even if Frank would still have made the same choice in the scenario where those reasons had been absent (because the neuroscientist would have made him do so), intuitively, the absence of those reasons wouldn't have made the same contribution as the reasons themselves. The two "paths" are quite different in this case, and in apparently significant ways.... Another way to put this is that we are creating a "threat" to the outcome that needs to be countered for the outcome still to occur. Similarly, when we take away Frank's reasons (by imagining that the reasons that caused his choice were absent), we are taking away something that makes an important contribution, and something else (the neuroscientist) needs to step in and do the job in order for the choice to still happen. We're creating a threat that needs to be countered, by the neuroscientist, for the outcome still to occur [Sartorio (2016), pp. 98-99].

It seems to me that the very same reasoning as applied to **Accomplice** should yield the result that my failing to try to call the police *is* a cause of my failing to call the police in that case. Why? Well, were we to suppose that my failing to try to call the police were absent — i.e., were we to suppose that I did in fact try to call the police — we would be creating a "threat" to the outcome in question — viz., my failing to call the police — and we would need something else, the accomplice, to step in and counter the threat to my failing to call the police to ensure that I do in fact fail to call the police. So, it seems, my trying to call the police (i.e., my failing to fail to try to call the police) would not have made the same contribution to my not calling the police as my not trying to call would have. The "path" to my not calling the police would go through the accomplice were my failure to try to call them absent, whereas my failure to call them does not go through the accomplice in the case in which I do fail to try to call them. And if all of that is right, similar reasoning should also establish that my reasons for failing to try to call the police should count as causes of my failing to call the police in **Frankfurt Accomplice**.

So, in order to hold onto **Intuition 1\***, an intuition I believe Sartorio should want to hold onto given her acceptance of **Intuition 1**, it would be best for her to rethink her claim that I am not morally responsible for my failure to call the police in **Accomplice**. Maintaining that I am morally responsible for my failure to call the police in that case



would allow for a consistent treatment of all the relevant cases and it would do so at relatively little cost.<sup>1</sup>

### III. RESPONSIBILITY FOR OUTCOMES AND RESPONSIBILITY FOR BASIC ACTIONS

I'd now like to suggest an alternative approach to the **Phones/No Phones** counterexample. The problem for Sartorio's account with which I've just been dealing arises because she concurs with van Inwagen that though I am morally responsible for my failure to call the police in **Phones**, I am not morally responsible for my failure to call the police in **No Phones**. I suggest, however, that this problem might be easily avoided in yet another way. Instead of agreeing that I am morally responsible for failing to call the police in **Phones** but not in **No Phones**, one could instead simply deny that I am morally responsible for failing to call the police in both **Phones** and **No Phones**.

But how could one do that, you might ask. Easy. The supposition that I am morally responsible for failing to call the police in **Phones** presupposes something which I think we have good grounds for rejecting. That is, it presupposes that we can be morally responsible for the outcomes of our agency.<sup>2</sup> My failing to call the police is an outcome of my failure to try to call the police in **Phones**. But I think we should reject the thought that we can be morally responsible for the outcomes of our agency. Now, it is most definitely true that we *talk* as if we can be morally responsible for the outcomes of our agency. But, I think, once we focus just a little more closely on what moral responsibility consists in it becomes quite plausible that, all of our talk about responsibility for the outcomes of our agency notwithstanding, we aren't in fact morally responsible for the outcomes of our agency.

Why should one think that we're not morally responsible for the outcomes of our agency? To answer this question, we first need to examine what it means for one to be morally responsible for something. According to a standard way of understanding moral responsibility, and one to which I believe Sartorio is amenable, a person is morally responsible for something just in case they are (or would be) blameworthy for it (were it morally wrong). But that just raises the question: what is it for someone to be blameworthy for something? Well, to be blameworthy for something is for one to be *worthy of blame* for it. And given that blaming someone for something is a matter of having a certain emotional/attitudinal reaction

toward them on account of that thing, to be blameworthy for something is for one to be worthy of having a certain attitudinal/emotional reaction to one on account of that thing. And the attitudinal/emotional reaction in question is that of the blamer's feeling resentment or indignation toward the blamee (or guilt in the case in which the blamer is the blamee).<sup>3</sup>

If moral responsibility consists in one's being worthy of having resentment or indignation borne toward one on account of something, we can investigate what it is we can be morally responsible for by investigating for what we can be worthy of having these emotions borne toward us. With this in mind, consider the **Phones/No Phones** pair of cases and consider the emotions it would be appropriate to bear toward me in those situations. Surely it would be appropriate for the one who is being robbed and beaten to feel resentment toward me in **Phones**. What's more it would most certainly be appropriate for others to feel indignation toward me in that case as well. Next consider **No Phones**. Would it be appropriate for the one who is being robbed and beaten to resent me in that case? Most surely yes. And would it be appropriate for others to be indignant toward me in that case as well? Again, most surely yes. The fact that the phones aren't working in **No Phones** certainly doesn't get me off the hook as regards the emotions it would be appropriate for others to feel toward me. What's more, I should feel guilty in both cases as well.

Next, consider *how much* it would be appropriate to blame me in **Phones** and **No Phones**. In particular, consider whether there is any level of resentment or indignation that it would be appropriate to feel toward me in **Phones** that it would be inappropriate to feel toward me in **No Phones**. I can't see that there is any. Whatever level of resentment and indignation I am worthy of in **Phones** I am also worthy of in **No Phones**. To see this, consider how feeble an excuse an appeal to the phones being down would be in **No Phones**. Imagine the one who is being beaten up in **No Phones** feeling as resentful of me as it would be appropriate for him to feel toward me in **Phones**. Then imagine a third party offering the following retort on my behalf "Come on. You're off base there. You shouldn't resent him as much as you do. The phones were down and so he couldn't actually have called the police." This reply cuts no ice. I can't see how the victim is in any way off base in resenting me as much as he does in such a case.

If I am right about all of this, then there is no amount of resentment or indignation that it would be appropriate for others to feel toward me in **Phones** that it would not be appropriate for them to feel

toward me in **No Phones**. But notice, if Sartorio and van Inwagen are right that I am morally responsible for not calling the police in **Phones** but not in **No Phones**, even though there is no level of resentment or indignation it would be appropriate for others to feel toward me in the one case as opposed to the other, I am nonetheless morally responsible for more in **Phones** than I am in **No Phones** — in **Phones** I am morally responsible for everything I am in **No Phones**, and in addition to all of that, I am also morally responsible for not calling the police. But this is odd. How can it be that I'm morally responsible for all the same things *and more* in **Phones** than I am in **No Phones** and it still be the case that there is no level of resentment or indignation it would be appropriate to feel toward me in the former that it would be inappropriate to feel toward me in the latter? Usually, when one is morally responsible for all the same things *and more*, one is also morally responsible to a greater degree. For example, if you forget both my birthday and our anniversary, it is appropriate for me to resent you more than it is if you only forget my birthday.<sup>4</sup>

If the level of blame it is appropriate to feel toward me in **Phones** and **No Phones** is the same, then, that suggests that what I'm blameworthy for in both cases is the same. But if what I'm blameworthy for in both cases is the same, then I can only be blameworthy in **Phones** for what I am in **No Phones**, and I agree that it is intuitive that I am not blameworthy for not calling the cops in **No Phones**. So, I think, we should say that I am not blameworthy for my failing to call the cops in **Phones**. Furthermore, because the kind of reasoning employed above is perfectly general, we should reject that we are ever blameworthy for the outcomes of our actions. Rather, what we are in the first instance fundamentally blameworthy for are our basic actions and our failures to perform basic actions.<sup>5</sup> Fundamentally, then, given that tryings are the most basic action we can perform — a basic action being an action we perform not *by* performing some other action — what I am morally responsible for in both **Phones** and **No Phones** is my failure to try to call the police.

Denying that we're ever morally responsible for the outcomes of our actions and maintaining instead that we are only ever morally responsible for the basic actions we perform or fail to perform allows for a different response to the **Phones/No Phones** challenge. It allows us to resist the challenge to *Strong Supervenience* and can shore up the defense of ACS. It does have the consequence that much of our talk of moral responsibility for outcomes is strictly speaking false;<sup>6</sup> but once we see that

moral responsibility is fundamentally a matter of the appropriateness of the bearing of certain emotions toward people, that doesn't seem much of a bullet to bite at all.

#### IV. CONCLUSION

Sartorio's reply to the **Phones/No Phones** challenge to *Strong Supervenience* is indeed ingenious. I've argued that her reply runs into trouble, however, when we consider its consistency with other things she says. I've suggested one easy way around this difficulty which wouldn't compromise much else of what Sartorio wants to argue for in *Causation and Free Will*. But I've also suggested an at-first-blush more radical response to the challenge — viz., denying that I'm morally responsible for failing to call the police in **Phones** — which I think, at the end of the day, might serve ACS better and track the fundamental truth about moral responsibility a little more closely.

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#### NOTES

<sup>1</sup> There would be some cost. Sartorio has indicated that it is intuitive that I am just as much not morally responsible for failing to call the police in **Accomplice** as I am in **No Phones**, and so were she to retract her claim about **Accomplice** that would be, at least from her perspective, a bullet to bite. Also, Sartorio criticizes Fischer and Ravizza's account of the moral responsibility data in these cases by noting that on their view I am morally responsible for failing to call the police in **Accomplice** even though I am not morally responsible for failing to call them in **No Phones**. Were she to revise her own view of **Accomplice** she would have to retract this particular criticism of Fischer and Ravizza's view. (Again, this wouldn't be too much of a cost, though, for she has other criticisms of Fischer and Ravizza's view.)

<sup>2</sup> By ‘outcome of one’s agency’ I mean anything that consists in more than just the basic actions one performs, where a basic action is an action one performs not *by* performing some other action.

<sup>3</sup> This picture of moral responsibility and blameworthiness has its roots in P. F. Strawson’s landmark paper, “Freedom and Resentment”.

<sup>4</sup> At this point, one might be inclined to distinguish between the *degree* of one’s moral responsibility and the *scope* of one’s moral responsibility (Zimmerman 2011) and suggest that though the degree of my moral responsibility is the same in **Phones** and **No Phones**, the scope is different — the scope of my moral responsibility is broader in **Phones** than it is in **No Phones**. This won’t fly. Given that moral responsibility is to be understood in terms of the appropriateness of being blamed on account of something, the scope/degree distinction is a distinction without a difference. What is the difference, fundamentally, between it being appropriate for a certain level of blame to be borne toward me on account of my not trying to call the police and it being appropriate for *the very same amount of blame* to be borne toward me on account of both my not trying to call the police and my not calling the police? I can’t see any important difference between these two things. What’s more, as noted in the text, given that a broadening of the scope of blameworthiness tends to covary with an increasing degree of blameworthiness, in the absence of any reason to think that they can come apart, we should think that there can’t be such a difference in scope without a difference in degree.

<sup>5</sup> Elsewhere [Graham (2014)] I have argued that what we are fundamentally blameworthy for is not even our basic actions, but, rather those mental states which constitute our mental bearing toward the world around us. The argument for this even more radical conclusion is a bit more involved than the one given in the text. In this context, however, I’m happy to settle for the conclusion that that for which we are morally responsible is not the outcomes of our actions, but just the basic actions we perform.

<sup>6</sup> Though this talk is strictly speaking false, there may of course be a rather straightforward, looser sense according to which such talk is nonetheless appropriate.

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