Review Essay: Taking the Highway on Skepticism,
Luck, and the Value of Responsibility[i]

It is hard not to notice the amount of ink that has been recently spilled over free will and moral responsibility. Notably, there are more "live" options than ever before. Libertarianism —the view that we have freedom and/or moral responsibility even though it is incompatible with determinism— was once widely derided by tough-minded philosophers as something metaphysically spooky. Now, though, we have on offer a number of accounts that resist easy derision. Compatibilism —the view that freedom and/or responsibility is compatible with determinism— has always been on the menu of options. However, most of the major contemporary strands of compatibilism are markedly sensitive in their approach to the metaphysical issues. They are certainly more richly developed than traditional models that emphasized re-imaginings of the word 'can'. Of late, even skeptics have come into their own, exploring the reasons for (and the consequences of) abandoning a belief in responsibility and free will.

Despite the rich philosophical work that is getting done, the seams of the debate are starting to show. That is, many of the terms and concepts around which discussion is organized reflect a patchwork quilt of distinctions, ill suited to cover the shape of the issues. In different ways, this concern emerges in a trio of mostly wonderful books recently published on free will and moral responsibility: John Martin Fischer's <u>My Way</u>, Alfred Mele's <u>Free Will and Luck</u>, and Carlos Moya's <u>Moral Responsibility</u>. Each of these texts focuses on a different aspect of the contemporary debate. Collectively, they make it clear just how far we have come from the comparatively sterile issues that dominated philosophical discussions of free will forty years ago. But these books also make it clear that some deeply puzzling conceptual issues and terminological puzzles continue to plague contemporary discussions.

1. Skepticism about responsibility skepticism

Moya's book is concerned with defeating an argument for skepticism about moral responsibility that has the following form:

A. Either [the thesis of] determinism is true or false.
B. If determinism is true, moral responsibility is not possible.
C. If determinism is not true, moral responsibility is not possible.
D. Therefore, moral responsibility is not possible.

Moya sets out to defeat this argument by way of embracing a kind of libertarianism that is sensitive to a demand for both alternative possibilities and "ultimacy" or "sourcehood," as it is variously known in the literature. In the jargon of the field, Moya is a "source incompatibilist."[ii]

Moya proceeds by arguing for each of the premises, rehearsing many of the familiar arguments in the literature concerning the Consequence Argument, Frankfurt-style cases, various compatibilist theories, and so on. His principal complaint against compatibilists is their handling of "Brave New World" cases. Brave New World cases are instances where agents satisfy compatibilist conditions but where every element of their conditioning and/or circumstances of action is engineered to produce particular

outcomes. As Moya sees it, none of the going compatibilist accounts of moral responsibility do an adequate job of capturing the intuition that in Brave New World cases agents are not responsible.[iii] Still, despite the occasional novel observations that pepper the few first chapters, Moya is right to suggest that large portions of the book might best serve as "an advanced textbook about free will and moral responsibility" (9) rather than substantive contributions to the literature themselves.

One interesting aspect of Moya's discussion is his unabashed deployment of the language of moral realism. In a number of places, he speaks in terms of a concern for "truly and objectively deserv[ing] moral praise and blame" (1). If one were skeptical of the prospects for moral realism, one might regard these concerns as odd ones to have. And, of course, there are plenty of philosophers who regard moral realism with healthy skepticism. Still, even if we suppose there is some independent, objective order of moral facts, it is not clear to me why our intuitions about responsibility should be taken as unproblematically veridical accounts of the metaphysics of this independent and objective normative order. That is, it is not altogether clear why we should think (as Moya and many other incompatibilists do), that traditional incompatibilist arguments do anything other than illuminate our (current) conceptual and linguistic practices. After all, it might turn out that the objective, independent moral facts are somewhat different than we currently suppose. On the picture I am suggesting, one could concede to incompatibilists the intuitiveness of the incompatibilist picture (for some not-insignificant portion of the population) without thinking this thereby satisfies the matter of metaphysics or reference.[iv]

Moya seems alive to at least the conceptual possibility that we should have reason to reject some or another incompatibilist requirement, but he dismisses it because "there are strong reasons to think that moral responsibility, understood as true, objective desert, as true praise- worthiness, would not survive the rejection of some form of deep, ultimate control over our actions" (8). If it were true, this would indeed be an excellent reason to reject the possibility of revisionism. Crucially, though, what is needed is some <u>argument</u> for thinking that it is true, that objective desert-imputing ascriptions of moral responsibility could not survive conceptual revision in a more compatibilist-friendly conception.[v] Moya might point to the ease with which various philosophical intuitions can be mustered in favor of his incompatibilist analysis, but this would just show the reasons for thinking that our current thinking has incompatibilist commitments. It would not yet constitute a reason for thinking that things could not be otherwise, or that some pruning of our assumed metaphysics of agency would take "true, objective desert" with it— assuming that we ever actually had these things in the sense Moya seems to have in mind.[vi]

Moreover, if we can bring ourselves to admit that there is, in fact, genuine disagreement about some of the fundamental intuitions about freedom (as I think we should), it seems even less clear to me why broadly "conceptual" incompatibilism should be taken as a warrant for incompatibilism about the metaphysics of moral responsibility. I do not mean to suggest that I think that no such warrant can be generated, or that philosophers cannot have good grounds for sharing Moya's conclusion. Instead, my complaint is only that a crucial premise seems to go undefended in Moya's account.

Where the book breaks new ground is its articulation of a novel response to the claim that the absence of determinism entails that there is no responsibility. Interestingly,

Moya's argument does not hinge on locating control in the usual places that appeal to libertarianism (such as deliberation, decision-making, intention formation, or in the direction of action). Indeed, his discussion of traditional libertarian strategies is largely restricted to a rejection of Robert Kane's influential account.[vii] On Moya's account, the most promising nonskeptical route for incompatibilists, one "deep enough to satisfy the intuitions that underlie the condition of ultimate control" (9), requires a picture of control over beliefs that is not based on choice. On this account, incompatibilist ultimacy is grounded on "evaluative beliefs about what is really valuable and worth pursuing or avoiding in life" (p. 172). The picture seems to be this: We have a kind of control over our beliefs (which is not doxastic voluntarism, or direct volitional control over at least some beliefs), and this control is grounded in our following norms of reasoning and belief acquisition. Moya provides examples from science and fiction-writing to motivate the idea that an author can be "in control" of a work in virtue of being appropriately sensitive to various norms. This sense of being in control grounds attributions of desert, praise, and blame, without appealing to volition. When a character's actions are appropriately guided by his or her evaluative beliefs about the way a life out to be lived, beliefs that are themselves subject to rational control, a similar kind of ultimate authorship holds over his or her actions. So, responsibility has nothing to do with the will, per se, but instead with the evaluative beliefs that structure the will.[viii] And, for Moya, this picture additionally requires that the agent could have believed otherwise, where this power is understood in a way that holds fixed the laws of nature and the past.

As an account of free will, Moya's view is at least somewhat puzzling. First off, the sense of control he is appealing to is not clear. Control over our actions in light of our beliefs is easy enough to make out, but this does not appear to be what Moya has in mind. So, there is his under-explained notion of control. Second, at least I am not persuaded by the examples he offers for his view. For instance, I might think Newton deserves praise for writing Principia Mathematica, but it is not clear that such praise or admiration has any depth beyond a kind of pseudo-aesthetic reaction or general savoring of human accomplishment. I do not think he deserves such "deep" praise unless I also think that Newton put some effort into the book. This might have been done in a myriad of ways: by Newton disciplining himself to think problems all the way through, by having submitted to training in mathematics, by spending his time developing the requisite skills, and so on. Things are no different in the realm of physical accomplishment. A spectacular acrobatic stunt might be spectacular regardless of whether it is an accident or the product of years of training. Some mixture of agency with the outcome seems, at least to me, clearly necessary. However, if we are to do more than celebrate the agent's good luck, it is hard to see how we might expunge the thought that, well, the agent's *will* went into the outcome.[ix]

I confess to being deeply puzzled about how Moya's account constitutes an account of free will. If free will is a necessary condition for moral responsibility (as Moya says on the first page of the book), and the kind of volitional freedom it requires is not compatible with determinism (as he argues elsewhere in the book), then it is not clear why the presence of freedom in belief would matter one bit.[x] Alternately, if Moya's account of freedom of belief just is how he intends to cash out free will, it is not clear how an account of belief should be an account of the will. He might reply that this is stipulative— perhaps free will is a purely technical or stipulative term. If so, though, it

becomes harder to see how Moya's oft-repeated goal of rescuing ordinary intuitions might be achieved. At least on the surface, ordinary intuitions about responsibility and free will seem deeply connected to volition or conation. So, even if one thought (as Moya does) that our concept of freedom requires ultimacy, it is not clear that ultimacy in beliefs is the right sort of candidate for capturing what commonsense notion of ultimacy there might be.

But never mind all that. It seems to me that there is a deeper problem here. If ultimacy can be secured by beliefs, and in particular, the appropriate norm-guidedness of particular beliefs is what secures the ultimacy required for authorship and moral responsibility, then it ceases to be obvious what work is done by the indeterminism. The apparent gratuitousness of bare alternative possibilities can be made clear by considering an example. Suppose I do have appropriately norm-guided beliefs here and now, and perhaps I could have formed a different belief, but one completely disconnected from my ordinary theoretical and practical activities. So, for example, the only alternative belief that was accessible to me was the belief that it would be wonderful to be a peddler of plenary indulgences to the platypus community. If this alternative belief is altogether disconnected from my practical and theoretical endeavors (let us suppose that it is), it is hard to see how the mere presence of such a belief, even as an alternative possibility, would transform an otherwise nonresponsible agent into a responsibility-bearing agent.[xi]

Moya's last chapter of the book is provocative, and although I am unconvinced by it, his work deserves the attention of any philosophers interested in either libertarian accounts of freedom or in attitudinal bases of responsibility attributions. Moreover, unlike Moya, I am inclined to think this part of Moya's work deserves that sort of attention, even if the world is deterministic.

2. On the Plurality of Theories of Free Will and Moral Responsibility

Where Moya's book is concerned with developing a single libertarian reply to a single skeptical argument, Al Mele's Free Will and Luck is instead a cornucopia of novel theories. The book is mostly concerned with worries about luck for both compatibilists and incompatibilists. Chapters focus on (among other things), "present luck" (i.e., luck at the time of action), Frankfurt-style scenarios, possible libertarian replies to present luck worries, compatibilist options in reply to standard arguments for incompatiblism, and compatibilist options against arguments that raise the specter of particular kinds of histories. There is one chapter that departs from the organizing theme of luck.[xii] The book as a whole is exciting and philosophically rich. It is clearly the most careful and thorough discussion yet on the significance of luck for free will.

I will keep with the usual philosophical tradition (one Mele has noted in various places) of focusing on points of disagreement, ignoring the catalog of things on which we agree. In particular, I will briefly remark on his agnosticism, the scope of his discussion of present luck, and some puzzles raised by his discussion of soft libertarianism.

Mele writes in the guise of a "reflective agnostic" (or as he put it in earlier work, "an agnostic autonomist"), someone who thinks that we have free will and moral responsibility, but who is agnostic about whether its requirements are compatibilist or incompatibilist. It is hard to escape the sense that Mele is a compatibilist, masquerading as an agnostic— methinks he doth protest too much.[xiii] The masquerade of more-than-compatibilism is an extremely useful one, though, as it permits Mele's discussion to be

broader ranging and perhaps more sympathetic to alternative views than one might ordinarily expect. So, despite the hard-to-shake sense that he partly misleads about his convictions, it is difficult not to admire his willingness to pursue arguments from a range of vantage points.

So, what about the problem of luck? The luck problem that dominates the first half of the book concerns present luck. It arises from the insistence of most libertarians that indeterminism sometimes be present at the moment of deliberation or decision. As Mele argues, if there is indeterminism in deliberation or at the moment of decision, and the past (including the laws of nature) up to that point in time were the same, then there is nothing in the agent that accounts for the cross-possible-worlds difference in the agent's subsequent decision to do one thing rather than another. And,"[i]f nothing accounts for the difference, the difference is just a matter of luck" (59). The problem with luck being located here, though, is that moral evaluations begin to look morally capricious. If it is matter of luck what the agent does, it is not clear why an agent should merit praise or blame for his action.

Strikingly, Mele does not note that present luck is either no problem for the libertarian or a problem for (virtually all) compatibilists, too. To see why, consider that virtually all compatibilists today hold that their favored account of compatibilism is insulated from concerns about the existence or absence of indeterminism. Thus, if the world is indeterministic, the fact of indeterminism is irrelevant to responsibility so long as we are agents with the capacities described by the correct compatibilist theory (e.g., we identify with the sources of our actions, we are responsive to reasons, etc.). So far, so good. But, if our responsibility is indeed insulated against these concerns, then it should not matter if we were to discover that we are indeterministic agents of exactly the sort described by standard libertarian theories. So here is the rub: if compatibilists have an adequate reply to the luck problem, then it is hard to see why incompatibilists cannot help themselves to those same resources. After all, incompatibilist pictures of agency amount to some compatibilist account plus indeterminism. So, if there is an adequate compatibilist reply to the cross-worlds present luck objection, then (at least prima facie) there is no reason why libertarians cannot help themselves to the same reply. Alternately, suppose that compatibilists do <u>not</u> have an adequate reply to the luck objection. If so, then it seems like compatibilists potentially face the luck problem precisely because we cannot currently rule out the possibility that we are indeed indeterministic agents of the variety favored by libertarians. So, either libertarians can help themselves to the compatibilist reply to the luck objection —if indeed there is one— or if there is no such reply available, then compatibilists are also vulnerable to the luck objection (at least until we discover decisive evidence against the possibility that we are indeterministic agents). Call this predicament <u>The Luck Problem Dilemma </u>(LPD).

I wonder what Mele might say about LPD. If independent of LPD, one finds skepticisms about free will and moral responsibility less plausible than the belief that we are free and responsible, then one might think that LPD provides a reason for reflective agnostics to not be worried about the problem of present luck. That is, the agnostic faces a choice between thinking that there is an answer to the luck objection that compatibilists and libertarians can share, or the agnostic must think that, given our ignorance about the facts, both compatibilism and libertarianism are vulnerable to the possibility that luck undermines responsibility. Since Mele's agnostic has independent grounds for rejecting

skepticism about responsibility, the latter possibility should seem unappealing. In turn, this seems to imply that the problem of present luck is, at least for reflective agnostics, no problem at all.

One of the outstanding aspects of the book is Mele's unsurpassed talent for distinction making in the service of clarifying conceptual possibilities. For example, concerning libertarianism alone, we are treated to the usual distinctions between event-causal and agent causal libertarianisms, but we also get Hard, Soft, Daring, and Moderate Libertarianism, and various combinations of these, the most prominent of which is Daring Soft Libertarianism (DSL).

Still, it is sometimes difficult to appreciate the work done by all the distinctions, once the sea of argument recedes. One instructive example is Mele's discussion of soft libertarianism. He introduces it along the way to showing how a species of it — Daring Soft Libertarianism (or DSL)— might answer the problem of present luck.[xiv] What is Soft Libertarianism, though? It is the view that "free action and moral responsibility are compatible with determinism but . . . the falsity of determinism is required for a more desirable species of free action and a more desirable brand of moral responsibility" (p. 95). He goes on to clarify in a footnote that "a soft libertarian may . . . embrace compatibilism, while also wanting more in the way of freedom and responsibility than compatibilism has to offer" and later in that note he suggests that such freedom and responsibility may be "rationally preferred by some people to any compatibilist species" (p. 103, n. 18). However, suppose one thinks that free will is a kind of freedom or control condition on moral responsibility — a point that has sometimes been contested, but one that Mele is admirably clear about embracing.[xv] When one accepts that free will and moral responsibility are compatible with determinism (as does the soft libertarian), then it is hard to see why such a view is not simply good old-fashioned compatibilism. Presumably the "libertarian" part of soft libertarianism reflects a commitment to the idea that some might aspire to a more desirable, or more rationally preferable, variety of moral responsibility. Mele says as much. But here it is hard to see what accepting this point comes to in the context of the larger issues. If what is at stake is not the "strongest" or "most demanding" conception of freedom required for underwriting the deservingness of moral praise and blame, then it is exceedingly hard to see what all the fuss has been about for all these centuries. And, if the soft libertarian concedes this much (as Mele's characterization seems to), then it is hard to see what work the libertarian part comes to.

I do not doubt that Mele has more to say about these matters. Still, I take it that few compatibilists, both then and now, would see any need to dispute the idea that we might want or even prefer powers beyond those required for the truth of our strongest ascriptions of praise and blame and the normative warrant for associated practices. Nor need they deny that there are varieties of freedom that would be sufficient for responsibility but more than what is required for moral responsibility. So, I cannot see how Mele's "softness" of libertarianism does anything to provide "a perspective on moral responsibility and freedom from which compatibilists may find it less difficult than usual to see why someone might reasonably value indeterministic agency as a contributor to moral responsibility and freedom" (95). Inasmuch as soft libertarianism is compatibilist, it does nothing to explain why indeterminism might contribute to moral responsibility, and inasmuch as it is libertarian, it does nothing to explain why valuing indeterministic

agency has anything to do with the metaphysics of responsibility and freedom and the meriting of praise and blame.[xvi]

Given some of the familiar themes —luck, agnosticism, whether history matters for compatibilist accounts, and so on— readers familiar with Mele's <u>Autonomous Agents</u> might wonder whether this new book is a less-than-essential update to his prior book, or whether it is instead something that surpasses the earlier book in importance and philosophical contribution. In some respects, <u>Free Will and Luck</u> does seem to be more of an update than a supplantation. References to that earlier book are pervasive in <u>Free Will and Luck</u> and a good deal of the newer book is concerned with addressing responses to the earlier book. Still, I am inclined to think that the literature will rightly come to regard this book as surpassing the prior one in relevance and importance. Mele is careful to summarize the chief elements of the earlier book so new readers need not be lost at sea. Moreover, the new book is responsive to the sizable scholarship surrounding the older book and the issues it raised. Finally, and not insignificantly, this book brings Mele's terminology in line with the larger literature on free will. In the earlier book, the discussion was framed in terms of <u>autonomous</u> agency, although much of Mele's concern there seemed to be with the kind of agency associated with free will and moral responsibility. As several philosophers have noted, given the diversity of things that people have meant by autonomy, construing the forms of agency concerned with free will and moral responsibility in terms of autonomy introduces confusions best avoided.[xvii] Talk of autonomous agents is largely absent from the present volume, and so the view and the stakes are clearer this go around, relative to the terms of the contemporary literature.

I am confident that this book will help set the agenda for the field in the foreseeable future. It is intricate, formidable, and packed with novel arguments. Indeed, the small puzzles I have raised have less to do with the substance of the various views Mele advances and more to do with larger conceptual and terminological problems that plague the field as a whole. Mele's characteristic clarity about things just makes these puzzles easier to see, and I suspect, will make him one of the first to offer a promising way of addressing them.

3. <u>My Way</u> or The Highway?

If Mele has at least two theories in reply to every problem, John Martin Fischer's work represents a different philosophical strategy, one where nearly every issue in the free will debate is investigated as part of the development of a single, unified and comprehensive account of free will and moral responsibility. There are almost no important topics connected to this literature on which he has failed to write some influential piece. Indeed, it is manifestly clear that one cannot do serious work on free will and moral responsibility without engaging with Fischer's work. <u>My Way</u> makes it clear why this is so. <u>My Way</u> collects some of Fischer's previously published essays (including two co-authored essays), many of which have profoundly shaped the literature during the past 20 years. The book contains chapters on alternative possibilities and Frankfurt cases, responsibility for omissions, the value of responsibility, agent causation, transfer principles and the "Direct Argument," determinism and "ought-implies-can," and a discussion of manipulation cases. The book opens with a valuable new introduction that outlines Fischer's methodological approach, and the themes that animate his work. The

book makes it clear that Fischer's approach constitutes perhaps the most persuasive and systematic defense of compatibilism we have yet seen in the long history of work on free will and moral responsibility.

Fischer's position on free will and moral responsibility arises from a trio of motivations that include: (1) A Peter Strawson-like conviction in the resiliency of our responsibility practices in the face of threats from theory (2) belief in the power of Frankfurt cases to show the irrelevance of alternative possibilities for moral responsibility, and (3) the insight that control of the sort required for moral responsibility is best understood in terms of capacities to recognize and respond to reasons. Out of these considerations arises an account of responsibility that Fischer labels as semicompatibilist and reasons-responsive. That is, Fischer thinks that a compatibilist account can be given of responsible agency, praise, and blame, and it depends on the presence of a mechanism in the agent that is moderately reasons-responsive.

For present purposes, I will focus on two themes: (1) the idea of semi-compatibilism, (2) Fischer's suggestive account of the value of self-expression and its connection to moral responsibility. Both initially appear relatively minor but they point to some deeper issues with how Fischer's account comes together.

As I noted above, one interesting aspect of all three of these books is that they reveal interesting ways in which the vocabulary of the field seems to be doing a poor job of reflecting the shape of the topic. The same is true, I think, of Fischer's introduction of the term 'semicompatibilism'. Semicompatibilism just is compatibilism about moral responsibility. Fischer gives it no other positive characterization. What the 'semi' part flags is agnosticism about whether determinism rules out a kind control not required for moral responsibility (something Fischer calls regulative control).

When Fischer talks in terms of the ability to do otherwise, it might look like there is a substantive difference between old-fashioned compatibilists (of, say, the conditional analysis sort[xviii]) and semicompatibilists. Those earlier compatibilists thought that moral responsibility required the ability to do otherwise, and that such an ability is compatible with determinism. Fischer is doubtful about compatibilism's prospects for making good on a notion of the ability to do otherwise. This difference, however, strikes me as an uncompelling basis on which to characterize one's compatibilism as only "semi." First of all, it is not clear that all of the older generation of compatibilists were committed to thinking that responsibility required the ability to do otherwise.[xix] Second, when one follows Fischer in focusing on talk of control, the gap between traditional compatibilists and semicompatibilists fades to nothing. That is, traditional compatiblists rarely (if ever) denied the possibility that determinism ruled out some kinds of control. What they denied was that determinism ruled out any species of control required for moral responsibility. And, as far as I can tell, Fischer's semicompatibilism does not deny this either.[xx] So, it seems to me that if we accept Fischer's suggestion that we focus on control, then at best the "semi" in semicompatibilism is not doing substantive work and at worst it misleads about what the view comes to.

One rarely discussed aspect of Fischer's account is his proposal that we understand the value of moral responsibility in terms of a kind of self-expression. Fischer thinks that part of the appeal of a "regulative control" model of responsible agency (i.e., one that requires robust, indeterministic alternative possibilities) is that it answers the question "why care about responsible agency?" in terms of a picture of agency-as-

difference-making-in-the-world. Fischer rejects this way of answering the "why care about responsible agency?" question. In its place, he offers a picture of responsibility as self-expression, where this is understood as narrative-creation, specifically, the creation of a narrative (not necessarily fictional!) about one's own life. This proposal is provocative, but the substance is somewhat elusive. Sometimes Fischer writes of moral responsibility being <u>based on</u> self-expression (113). He sometimes treats self-expression as a <u>condition</u> on moral responsibility, and other times he speaks of it as <u>the value</u> of morally responsible action (114, 118). Other times we are told that what is at stake is the specifically <u>intrinsic</u> value of these things (123, n. 25).

Fischer is taking up a deep and serious question when he asks about the value of responsible agency and/or morally responsible action. However, I wonder whether the self-expression model does adequate work in answering the question.[xxi] In particular, why care about self-expression? I do not much care about the narrative of most other people's lives. I am unsure how much I care about my own narrative(s). However, I do care a great deal about the praiseworthiness and blameworthiness of my own actions and the actions of others. So, why think that the value of self-expression is sufficient for justifiably caring about praise and blame in the way we do?

Suppose we had a social practice that led to stigmatization, punishment, and even death, and that the practice was somehow predicated on the value of whimsy. Two concerns immediately spring to mind. First, how is something like whimsy an adequate basis on which to engage in praise and blame and all that follows? Second, given the intensity of our convictions about praise and blame, whimsy seems inadequate to license the quality and intensity of convictions we have about praise and blame. Now return to the model of self-expression. Why does self-expression, in the form of "writing part of the book of one's life" (117) provide an adequate basis for either conviction or justification of the sort praise and blame seem to require? Moreover, what does any of this have to do with reasons-responsiveness?

A more compelling picture would be one that connects the story of value with those features that are, on Fischer's own account, distinctive of responsible agency. The value of responsible agency in virtue of some of its characteristic features —such as the value of reasons-responsive agency— we might have a richer story to tell about the value of responsible agency, how it structures our reactions, and why certain features are crucial to responsible agency, and not others. Suppose our reasons-mongering agency is intrinsically valuable, or even just important for other things we care about, and relevant to our structuring of social spaces and interpersonal possibilities. Such a truth might explain why reasons-responsive capacities are the hallmark of responsible agency and why praise and blame that responds to and reacts to those capacities is a subject of such intense concern for us. To be sure, this would be a departure from Fischer's account, and perhaps one that is some distance from ordinary intuitions, but it does seem in the spirit of Fischer's focus on reasons-responsiveness.

By way of conclusion, recall the puzzles I noted surrounding the label 'semicompatibilism'. In some moods, Fischer seems to think of the "semi" as a kind of concession to incompatibilists, a way of recognizing the intuitive pull of various incompatibilist arguments and even to the intuitive appeal of incompatibilism itself. Now think about Mele's reflective agnosticism and his soft libertarian proposal. Here too, the idea seems to be a kind of compatibilist concession to the intuitiveness of

incompatibilism.[xxii] Finally, consider Moya's unusual approach to libertarianism. On Moya's view, the only way to vindicate incompatibilist intuitions is to appeal to an unorthodox account of free will that locates it in norm-governed alternative belief possibilities. In all three cases we have sophisticated philosophers grappling with ways of trying to concede something to commonsense libertarianism without actually having toembrace the apparent aspirations of commonsense. And, there might well be good reasons why we should not try to make good on the sort of picture suggested by common sense. Perhaps there are good reasons not to be a libertarian of that sort. However, if we recognize a kind of intuitive pull to ordinary libertarian pictures and we are willing to concede something to it, why not instead think that the concession should be to distinguish between describing our intuitive beliefs and doing proper metaphysical and metaethical theorizing about freedom and responsibility? There is no prima facie reason why such latter endeavors must be so tightly tied to the intuitions we associate with these things. In doing so, we might render unto commonsense what belongs to it, acknowledging that the description of commonsense must map on to our intuition. However, we should also insist that we render to theorizing what is proper to it— that is, a theory that is tracking the true and the good even when it is not intuitive. If tracking commonsense is the "Low Way," call my suggestion <u>The Highway</u> (which is not, I think, <u>My Way</u>). Where The Highway takes us remains to be seen, but it is likely to be some distance from where we started. The result will surely look revisionist to anyone who reifies commonsense thinking. That is okay. What matters is getting things right. And sometimes, being right does not require being semi- or soft about anything.[xxiii]

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[i] J.M. Fischer. <u>My Way: Essays on Moral Responsibility</u>, (New York: Oxford University Press, 2006), 260 pages. ISBN: 978-0195179552 (hbk.), 9780195337464 (pbk). Hardback $45.00, Paperback $24.99; A. Mele. <u>Free Will and Luck</u> (New York: Oxford, 2006), 223 pages. ISBN: 978-0195305043 (hbk). Hardback $49.95; C.J. Moya. <u>Moral Responsibility: The Ways of Scepticism</u>. (New York: Routledge, 2006), 233 pages. ISBN: 978-0415371957 (hbk). Hardback $120.00.

[ii] The sourcehood demand is not present in the initial formulation of the argument, but it is present in the reformulation he offers late in the book, when he writes: "ultimate control is necessary for moral responsibility; ultimate control is incompatible with determinism and also with indeterminism; therefore (on the assumption that either determinism or indeterminism must be true) moral responsibility is not possible" (165).

[iii] Very recently there has been some increased attention on what to make of the Brave New World-style cases, and their significance for compatibilist accounts. In particular, a number of philosophers think they can undercut the seriousness of these worries for compatibilist accounts. See M. McKenna "Responsibility and Globally Manipulated Agents" <u>Philosophical Topics</u> 32 (2004): 169-192 and also M. Vargas, "On the Importance of History for Responsible Agency" <u>Philosophical Studies</u> 127.3 (2006): 239-254. See also the discussion in Mele (p. 164-173) and Fischer (p. 132).

[iv] Indeed, one might even think that although commonsense may have some incompatibilist elements to it, these are elements that should be expunged. Conceptual change is not new to humans. Our familiarity with it extends to concepts used to describe the world (water), to concepts used to describe animal parts of the world (the fish/whale distinction), to concepts used to describe human kinds (natural slaves), to concepts used to organize property and social relations (marriage, felonies), and

even to aspects of morality itself (usury and adultery— the first has fallen into disuse and the latter is now not typically understood to include pre-marital sex). Versions of this point can be found in various places, including Mark Heller "The Mad Scientist Meets the Robot Cats: Compatibilism, Kinds, and Counterexamples" Philosophy and Phenomenological Research 56.2 (1996), pp. 333-337 and Manuel Vargas, "The Revisionist's Guide to Responsibility" Philosophical Studies 125.3 (2005), pp. 399-429.

[v] Moya's discussion vacillates between talk of intuitions and talk of concepts. For example, in his critique of Frankfurt cases, Moya speaks of "our ordinary concept" of moral responsibility (99). Talk of concepts, as opposed to intuitions, does not obviously help. The problem of intuitions being a poor guide to metaphysics can be rewritten in terms of worries about whether our concepts are reliable guides to the metaphysics of morality. After all, there are a fair number of moral concepts whose robust consensus about content and reference has largely collapsed. These include such notions as being a usurer, being chaste, and being a natural slave. Perhaps there is some thin, widely shared conceptual content for each of these on which we might agree. However, the collapse of robust consensus about what these concepts refer to, and even their connotation, should make us wary of proceeding too quickly from moral concepts to metaphysics.

[vi] To be sure, my complaint about the apparent naiveté of reading metaphysics off of our (disputed, perhaps historically grounded and culturally given) intuitions is not uniquely Moya's problem. But it is his problem nevertheless and it does rob the book of a good deal of its interest for philosophers actively working on these problems.

[vii] Alternative libertarian accounts, including sophisticated agent causal accounts, receive virtually no discussion. This is a bit surprising, given that Moya himself gestures at some notion of "top-down" indeterminism and higher "levels of reality" (p. 196). Unfortunately, he does not unpack what this comes to, nor does he address thorny issues concerning agent causation, reduction, emergence, and worries about causal exclusion.

[viii] We might wonder why beliefs in particular? Why not think it could be any number of different attitudes that secure one's responsibility, assuming they satisfy the various conditions of rational control and so on that he specifies (181). A number of philosophers have been tempted by the attitudinal approach (e.g., Angela Smith— see her "Responsibility for Attitudes: Activity and Passivity in Mental Life," Ethics 115:2 (January 2005) pp. 236-271). Moya's account is notable for (1) its incompatibilism and (2) its emphasis on specifically belief. For more systematic worries about attitude-based accounts, see Michael McKenna's "Putting the Lie on the Control Condition for Moral Responsibility" Philosophical Studies (forthcoming).

[ix] Moya clearly disagrees. He writes that "I think that we are prepared to acknowledge that an agent is the ultimate source or origin, the true author and creator of a certain performance of hers, so that she fully, unrestrictedly deserves praise and blame for it, even if we do not see that performance, in any important sense, as a result of the agent's choices or acts of will" (169). There are plausibly some things for which we are responsible in which volitional states play no important role, but it is not obvious to me that this is an adequate model for all cases, as Moya thinks.

[x] I do not mean to suggest that an account of free will requires a will, per se (Cf. Peter van Inwagen. An Essay on Free Will. New York: Clarendon, 1983: pp. 8-9). One might appeal to any number of volitional or conative states as the freedom-bearing element in agency. The point just is that there is a prima facie puzzle when we are told that free will should be understood in some way altogether disconnected to the thing that seems to have unified the history of its discussion— willings, volitions, decisions, or conative states in general.

[xi] Michael McKenna has made a similar point in the context of building Frankfurt-style cases that permit alternative possibilities but that strike against the adequacy of those possibilities grounding responsibility. See "Robustness, Control, and the Demand for Morally Significant Alternatives" in Moral Responsibility and Alternative Possibilities, ed. by D. Widerker and M. McKenna. (Burlington: Ashgate, 2003), pp. 201-218. Relatedly, John Fischer has argued for the need for alternative possibilities to make some kind of difference for responsibility, apart from simply existing. See My Way, p. 6.

xii Neuroscientist Benjamin Libet claimed that some of his experiments show that the brain initiates actions before agents are consciously aware of the desire to initiate action. Mele makes it clear just how conceptually impoverished Libet's view of human action was, why the substantive claims he makes are unwarranted, and how one could go about doing further empirical work to clarify some of the remaining issues. It a compact tour-de-force, illustrating how and why good neuroscientific research on human agency needs to be augmented by comparable philosophical sophistication before anyone begins to draw dramatic conclusions from the data. This is a lesson that will surely not be appreciated by many neuroscientists eager to make a name for themselves by making shocking pronouncements about what brain science shows. Nevertheless, Mele is clearly in the right with his discussion of the Libet experiments. Still, in the context of this book, the Libet discussion is anomalous. It does no work in the rest of the book and it does not seem principally connected to the theme of luck that pervades the rest of the book. It is a chapter that deserves a wide audience, but it is not clear to me that this particular book is the right or best showcase for the argument.

xiii The evidence is all over the writing: when talking about libertarian views, those views are invariably described with some degree of authorial distance: "one could hold, ""such a person would say," and so on. In contrast when discussing his compatibilist proposal, the authorial distance tends to disappear and we are told about "my view" "my compatibilism" and so on. Partly this is because Mele sketches not one but at least two different libertarian views and only one compatibilist view. But this too is evidence, I think, for the centrality of his compatibilist commitments— on the compatibilism front his own view is specific, clear, and largely devoid of the sorts of asides peppered throughout his treatment of libertarianism, asides about other ways one could address potential intuitions that "one might have." So his claims of agnosticism are not altogether credible. Other pieces of evidence include his handling of the "zygote argument" in which he purports to be agnostic about a crucial incompatibilist premise. Agnosticism here leaves him in an odd position: he thinks it is true that we have free will and moral responsibility but he cannot bring himself to assent to a crucial premise in what he takes to be the best argument for incompatibilism. That is, he thinks freedom is more likely than unfreedom, and he cannot assent to something required for, by his lights, the best argument for incompatibilism. So, rather than claiming to be an agnostic, he should perhaps call himself a provisional compatibilist.

xiv One minor puzzle about Mele's exposition of DSL is that the S part seems to do no work in the discussion, especially with respect to the discussion of "present luck." More than 100 pages after he begins systematic discussion of it, and right before he ends the book, he briefly considers a species of libertarianism that is "daring" without being "soft" (i.e., DL, see pages 202-203). There, he seems alive to DL doing the work for which he introduced DSL. What is puzzling is why he waits so long to acknowledge a concession that would have helped his libertarian readers — most of whom would presumably not think of themselves as soft in Mele's sense— as they are the ones most likely to benefit from the resources he offers.

xv Mele writes that he means 'free' and 'free will' "in the strongest sense required [for moral responsibility]" (17, and 27, n.18).

xvi Put differently, it seems to me that Mele's discussion leaves us with three questions: (1) what does he mean by 'kinds" of freedom and moral responsibility? (2) Are there compatibilist accounts he takes to have been unconcerned with the strongest sense of the terms required for, roughly, the truth of our ascriptions and for deserving the characteristic forms of praise and blame (and if so, which)? (I say 'roughly' simply to mark a place, again, where debates about moral realism intersect with debates about moral responsibility: one might dispute that there are facts about moral responsibility, even while still insisting on there being proper conditions for ascriptions or assertion-like attributions of moral responsibility.) And, (3) is there any reason old-fashioned compatibilists should deny that there could be desires or even rational preferences for forms of agency beyond those required for (roughly) the truth of responsibility ascriptions and the meriting of characteristic forms of praise and blame?

xvii For criticisms of this sort, see essays by N. Arpaly and M. McKenna in J. S. Taylor Personal Autonomy: New Essays on Personal Autonomy and Its Role in Contemporary Moral Philosophy, (New York: Cambridge, 2005).

xviii The tradition stretches back to at least G.E. Moore, and it depends on some conditionalizing of 'can' or other ability terms so that, for example, 'could have' is construed to me 'would have, had one wanted to'. By the mid 1970s, the conditional analysis approach to compatibilism began to look extremely unpromising.

xix P.F. Strawson's work, for instance, does not seem to appeal to some account of the ability to do otherwise. It is also why I am somewhat less sympathetic to Fischer's distinction than is Mele in Free Will and Luck (pp. 157-159).

xx Moreover, all parties could even agree that there is a kind of control that cannot be had under determinism— indeterministic control, which is just like deterministic control (whatever that comes to on your favored account), plus indeterminism.

xxi For philosophers largely concerned with the metaphysics of free will, this might seem like a puzzling issue to be worried about. For example, someone with Moya's predilections might reply that what matters is simply the fact of whether or not someone is responsible, and what that comes to, and the business of the value of this or that sort of agency is a red-herring, akin to asking about the value of pain when what is clearly at stake are the conditions of being in pain and whether or not someone is in pain. If one thought that the metaphysics of an apparently normative thing like moral responsibility (and free will, if you take it to be a kind of condition on moral responsibility) is determined by our connotative conceptual or linguistic content for the words, then these concerns will seem misplaced. As we have seen, though, one might think that such a methodology for metaphysics is unpromising. Alternately, we might focus on things like the conceptual or social role of the terms, and the basis on which we have justified concerns for different forms of agency. Once one begins thinking along these lines, normative concerns might be relevant for understanding the metaphysics of responsibility, and for developing an account of the desert basis for praise and blame. No matter one's views about how the metaphysics of responsibility should go, it should be clear that there are substantive issues here that require articulation and defense, and not mere assumption.

xxii It is a further issue whether the perception of intuitiveness is correct. For a sample of the complicated issues raised by experimental approaches to this issue, see E. Nahmias, S. Morris, T. Nadelhoffer, and J. Turner. "Is Incompatibilism Intuitive?" Philosophy and Phenomenological Research (forthcoming); S. Nichols and J. Knobe "Moral Responsibility and Determinism: The Cognitive Science of Folk Intuitions" Nous (forthcoming); Manuel Vargas "Philosophy and the Folk: On Some Implications of Experimental Work for Philosophical Debates on Free Will" The Journal of Cognition and Culture 6:1&2, (2006), 239-25; and Dana Nelkin "Do We Have a Coherent Set of Intuitions About Moral Responsibility?" Midwest Studies in Philosophy 31 (2007): 243-259.

xxiii Thanks to Eddy Nahmias for having gotten me started thinking about what semicompatibilism comes to and to Dan Speak for getting me to think more about the Luck Problem. Thanks also to Eddy and Dan, as well as John Fischer and Al Mele, for helpful comments on a draft of this review.