

Dana Kay Nelkin

Making Sense of Freedom and Responsibility.

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In *Making Sense of Freedom and Responsibility*, Dana Kay Nelkin defends a rational abilities account of moral responsibility. The view is deservedly popular: nearly everyone agrees (it seems) that an agent requires rational and moral abilities for morally responsible action. But whether such abilities are sufficient for moral responsibility is another matter. Incompatibilists find the view incomplete, for, as it is explicitly expressed, it has no necessary role for alternate possibilities. In this regard, the rational abilities view is a species of compatibilism.

In the first chapter Nelkin states her thesis: “people are responsible when they act with the ability to do the right thing for the right reasons or a good thing for good reasons” (7). As she argues in Chapter Three, an agent “has an ability to X if (i) the agent possesses the capacity, skills, talents, knowledge and so on that are necessary for X-ing, and (ii) nothing interferes with or prevents the exercise of the relevant capacities and skills, talents and so on” (115) This concept of abilities is compatible with determinism even for the “ability” to do otherwise. An agent can do otherwise if he has the knowledge to do otherwise and no one interferes with the exercise of that ability. Accordingly, agents in Frankfurt-style examples who could not have done otherwise due to a counterfactual intervener (someone who would interfere if the agent were to do otherwise) can nevertheless be said to have *the ability* to do otherwise. They have the knowledge to do otherwise and no one interferes with the exercise of their ability. What makes Nelkin’s version of the rational abilities view distinct from others is her commitment to the asymmetry thesis: the rational abilities view “requires the ability to do otherwise when actions are not performed for good reasons or are not good, while not requiring the ability to do otherwise in the case of good actions performed for good reasons” (3).

Having stated the view in Chapter One, along with some motivating examples of people excused for their behavior due to their cognitive deficiencies, Nelkin takes up the formidable task of canvassing and replying to objections. In many respects the remainder of the book is a series of replies to objections and buried within these discussions are her positive theses. Her discussion covers the current issues of the debate. She offers an account of abilities, a discussion of rational deliberation, and a discussion of our phenomenology of freedom. She discusses various conceptions of praise and blame taken from the prominent thinkers in the field (e.g., Clarke, Fischer and Ravizza, Pereboom, Scanlon, Watson and Zimmerman) and systematically replies to the most prominent objections. Nelkin’s task is formidable, for she needs to reply to incompatibilists who will object to the lack of alternate possibilities in her theory of responsibility and to those who deny the asymmetry thesis, whether they are compatibilists or not.

In Chapter Two Nelkin discusses “fairness” arguments. She notes that although one might get from the unfairness of sanctions for a person who couldn’t have done otherwise to the idea that alternate possibilities are required for that person to be responsible and blameworthy,

there is little reason to think it unfair to *reward* someone if they couldn't have done otherwise. However, if this is so, then we have little reason for believing, based on considerations of fairness, that praise is fair only if the agent could have done otherwise. (Although Nelkin doesn't put it this way I am tempted to express the point this way: rewarding others is its own reward, whereas punishing others requires a moral reason or excuse.)

Another motivation for the asymmetry thesis is the asymmetry delivered by "ought implies can". In Chapter Five, "A Rationale for the Rational Abilities View", Nelkin argues that "ought implies can" requires commitment to alternate possibilities for wrong acts but not for right acts. If an agent has done what she ought to have done, then the principle implies what is obviously true, namely, that the agent *can* do what she *has* done. But if the agent is responsible and has done something wrong, then the principle implies that the agent is able to refrain from doing what she has actually done. So the failure of "ought implies can" to capture a symmetry is more grist for Nelkin's mill. The fairness arguments and deontic arguments do not deliver the symmetry we might otherwise have expected.

In Chapter Four, Nelkin turns to agent causation to concede what she can while remaining a compatibilist. According to tradition, Agent Causation is an incompatibilist position, but this is not implied by the concept of an agent as a substance, irreducible self, emergent property, soul, or some X "over and above" beliefs, desires, intentions and passions. Nelkin correctly argues that agent causation is a neutral position, despite Chisholm's incompatibilist version. Although this point is currently "floating around" it is timely to see it anchored in print. The concept of a substantial self or agent is one thing, but whether the activities of such a substance are determined or not is another.

There are further objections to the rational abilities view. Our sense of freedom and our experience of deliberation might be taken to be incompatibilist (we presuppose the existence of alternate possibilities in rational deliberation). Nelkin offers a thorough discussion of recent accounts of deliberation and works towards a hybrid conditional analysis. She discusses Pereboom's interesting account of deliberation and offers an argument for the idea that rational deliberators must "have a conception of themselves as seeking to adopt and act on good reasons, then they must take themselves to be capable, in general, of finding such reasons" (154). This is supposed to follow from the fact that deliberating is always towards some goal: yet I don't see why admitting that the agent is deliberating toward some goal would require a self-conception *by the agent* that they act on reasons. Perhaps beasts deliberate and act on reasons towards some goal without knowing that their sense of smell is their source of evidence and particular smells their source of persuasion. Metaphorically, one can juggle and weigh objects one can't recognize or name: thus perhaps also one can weigh reasons that one cannot recognize or name as "evidence" or "reason".

Nelkin's discussion of deliberation is her most interesting, but I find the current debate over deliberation somewhat puzzling. I don't quite see why compatibilists are in trouble if they admit that if determinism is true, no one can be said to deliberate rationally. The existence of *rational* deliberation is not some irrefutable datum, is it? Psychologists who are uninterested in freewill and determinism have data regarding our irrational mental processing, from false and selective memory to irrational principles of choice regarding probabilities. It is no

embarrassment to compatibilism to admit our human nature on this front. But this view has not yet been explored in the literature and Nelkin doesn't consider it. Instead, she is keen to show that rational deliberation is *possible* if we are determined.

Overall, Nelkin's discussions are interesting and clear. Yet I find something is lacking. Her discussions are mostly motivated as responses to objections; they do not hold together from principles derived from the rational abilities view. That is understandable given the incredible diversity of positions and possible objections. Other people's confusions or errors may not be systematic, hence explaining away other philosopher's intuitions is not always possible or required. Nelkin does well when swimming through the ocean of material, but as a reader I found myself drowning in details and the muddiness of replies and counter-replies. Somehow, but I confess I am not sure how, I would wish for the rational abilities view to be persuasively presented, self-motivated, or bolstered by clear argument such that the majority of objections and replies could be reserved for appendices. Instead, the view is presented (as so many in current philosophy are) as having some initial plausibility due to its comfortable fit with carefully selected examples. That all theories in print can do this is often overlooked. The *good* theories must do more: they must find a positive argument that does something more than merely state that the view accommodates some of "our" self-consciously selected presuppositions or "intuitions."

Nelkin rejects arguments against the asymmetry thesis but offers very little to motivate the view. That "ought" implies "can" fails to deliver symmetry does not constitute an argument *for* asymmetry in any obvious matter. Nelkin notes that many of us will not cease admiring someone if we discover they could not have done otherwise due to their personality (e.g., firefighters who "couldn't" stand by but "had to" rush into the fire to save lives). But many people admire very strange things and so we cannot rest with that. Instead, we need to know *why* it would be a moral mistake to believe that an agent can be praised for what they have done only if they have alternate possibilities.

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