

## Book Reviews

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**Making Sense of Freedom and Responsibility**, by Dana K. Nelkin. New York: Oxford University Press, 2011, 194 pages. hbk, ISBN 978-0-19-960856-0

*Making Sense of Freedom and Responsibility* is a much expected book, in which Dana Nelkin puts forward a new and rich account of freedom and moral responsibility. In the wake of Susan Wolf's account, the Rational Abilities view — as Nelkin calls her account — claims that “one is responsible for an action if and only if one acts with the ability to recognize and act for good reasons” (3); a central “striking feature” of this view is that the ability to do otherwise is only needed for actions that are not done for good reasons or are not good, but not for good actions done for good reasons. The idea is that when someone acts for good reasons, she is thereby exercising the ability and it is not required that she be able to act badly or for bad reasons; but when one acts for bad reasons, one needs to be able to act for good reasons in order to be morally responsible.

The book has two parts. Nelkin's agenda for the first half is to present a convincing account of abilities as well as to argue for the asymmetry between good and bad actions. The second part is an account of “our sense of ourselves as free and responsible”, in which a compatibilist understanding of alternatives is offered. Let us see, in order, how well she does on each of these tasks.

Nelkin begins by addressing the claim that alternative possibilities are needed *both* for blameworthy and praiseworthy actions. In Chapter 2, she considers the argument from fairness for that view and argues that the parallel between i) the unfairness of blaming someone for a bad action, or an action done by bad reasons, which one was unable to avoid, and ii) the unfairness of praising someone for a good action that one was unable to avoid, is only apparent, since

an opportunity to avoid doing something wrong and blameworthy, thus avoiding harm, seems only fair if we are going to impose such

harm; but it is notable that we don't speak of the unfairness of lacking an opportunity to avoid acting well and so missing out on a benefit.  
(33)

However, the seeming plausibility of this response may be just due to a *confusion* between (Watson's) two senses of responsibility, i.e. responsibility as 'attributability' (*aretaic* or characteriological responsibility) or as 'accountability'. The latter, which is the sense that more clearly requires avoidability, would be the true sense of responsibility (the 'desert' sense) at issue in the moral responsibility debate. But even if this is so, it still seems that there is room for an asymmetry here, insofar as the avoidability requirement is based on the openness to sanctions that blameworthiness appears to entail, but it is not easy to envisage an obvious counterpart for praise (36). It must be a different argument that which is here at work. Indeed, Nelkin contrasts this common rendering of the fairness argument with an *interpersonal* version of it, according to which an agent could complain that someone else is being praised for an unavoidable action of hers, when he himself failed to act well just because he could not help it — at first sight, it seems that this agent could rightly feel that he has been unfairly treated. Yet Nelkin argues that this argument involves an *equivocation*, since it hinges on a different notion of fairness: it invokes a *distributive* notion of fairness. She claims that "there is no contradiction in attributing accountability while acknowledging unfairness in its distribution", since the interpersonal complaint of unfairness "also applies to accounts of accountability that *do* require avoidability" (39, her italics), given that capacities are anyway unequally distributed.

However, I cannot see why this last reasoning does not apply to blameworthy actions as well. Once we accept that capacities (and opportunities) are unequally distributed and that this distribution is a matter of luck, but this does not affect — invalidate — praiseworthiness, why does this not apply to blameworthiness too? It seems likely that an interpersonal version of the unfairness argument concerning blameworthy actions would call for the same verdict. It is equally serious to mark a student's paper with an A when this A is undeserved than with an F when this F is also undeserved. One case is not less unfair than the other, regardless of whether the mark is a good or a bad one. And this seems to be independent of whether there are other students in the class. It applies equally if this student

were the only one, and even if no other past and future students were or would ever be registered in that course. Maybe the thing is that interpersonal comparison is always implicitly at work in responsibility judgments (even when there is no other actual person), but then the very distinction between the two (intra- and interpersonal) versions of the fairness argument becomes largely otiose.

It must be said that, demonstrating intellectual honesty, Nelkin calls also into question the very (intrapersonal) fairness argument concerning blameworthy action — which actually supports her asymmetrical view — on the basis of a distinction between blameworthiness and sanction: whether an action ought to be sanctioned is a further question, beyond its blameworthiness, what seems quite right.

The defense of the blame/praise asymmetry is completed in Chapter 5, when Nelkin turns to the Ought-Implies-Can Principle. This principle states that if an agent ought to perform an action, then she can perform it. More specifically,

(OIC) (i) If S ought to perform an action *a*, then S could have performed action *a*, and (ii) if S ought not to have performed action *a*, then S could have refrained from performing action *a*.

If we focus on blameworthy actions,

If S is blameworthy for having performed action *a*, then S ought not to have performed action *a*.

And from this and OIC,

If S ought not to have performed an action *a*, then S could have refrained from performing action *a*.

Which yields

PAP-Blame. A person is morally blameworthy for what he has done only if he could have done otherwise.

Nelkin first explores its grounds and then considers and replies to the most important challenges to it. Her conclusion is that the principle stands criticism, but, again, there is no satisfactory counterpart of it for praiseworthy actions. “There could be another rationale or principle, but not the natural and plausible rationale that supports

alternatives for blame, but not for praise (or neutral cases).” (101) Together with results from Chapter 2, this explains why alternatives are needed for blameworthy actions, but not for praiseworthy actions. Although her reasoning is largely compelling, again my worry about the resulting asymmetry is a general one. I will put it now as a dilemma: either this view takes praise in a less serious way than blame, maybe as desert-independent (on the basis of its supposed harmless character); or once you accept that praise depends on many things beyond the agent’s strict control, why not accepting this for blame as well? Why is it fair for praise but not for blame? On the other hand, it seems to me that the ordinary asymmetry between praise and blame — which is surely a fact of our responsibility practices — is however due to real-life epistemic and pragmatic constraints, and often to good manners too, which do not grant transcending this pragmatic level. The very distinction between blameworthiness and overt blame and sanction (and praiseworthiness and overt praise and reward) blocks the asymmetry’s depth.

As advanced, another of the central aims of Nelkin’s Rational Abilities View is, certainly, to put forward a satisfactory account of rational abilities (Chapters 1, 3 and 4). Here she starts off with the idea of a reason-responsive mechanism, à la Fischer. Moral responsibility requires a capacity to act differently under different circumstances, and a general capacity to act differently given the actual reasons for acting. This general capacity consists of “a set of rational abilities that allow [the agent] to recognize and act on good reasons, where these includes moral reasons” (27). But her account goes beyond this. What is required is not only this “general capacity to do otherwise in certain cases, but [one] also needs not to be interfered with in such a way that [one] cannot exercise it on a particular occasion.” (71) On the other hand, emotional capacities are not excluded from playing an important role in our responsibility-related agency — they might well be necessary for human agency — but this account provides conditions for moral responsibility that are independent from people’s reactions (see Chapter 1). Nelkin’s is certainly a non-Strawsonian account: moral responsibility does not depend on possessing reactive attitudes. It is the appropriateness of holding one responsible (having reactive attitudes) what hinges on one’s being responsible, and not the other way around.

Importantly, the mentioned capacity to do otherwise does not involve having undetermined alternatives — it must be clear that Nelkin's is a compatibilist view — but only “having alternatives for which our deliberation makes a difference.” (71) And, indeed, this is further developed in the second part of the book. But before going to this, it is worth noticing her surprising and challenging defense of a compatibilist account of agent causation, which according to her does better than its libertarian version at ensuring enhanced control. Her version denies both that agent causation must be undetermined — of course — and that “it is fundamentally different in kind from causation that does not invoke agents” (81; see Chapter 4). As an aside: it seems to me that inasmuch as this notion is deprived from these crucial features it loses most part of its appeal, but this could be a good move in order to neutralize a potential competitor.

Up to this point, the first part of the book. The second half (Chapter 6 and 7) deals with *the sense of freedom*, famously invoked by Kant and Thomas Reid. What are exactly our commitments when we deliberate to act? Nelkin argues that our experience as free agents who deliberate about what to do only commits us to the *belief* that our deliberation contributes to how we act, but not to indeterminism, i.e. to having undetermined alternatives. The author engages here in an important ongoing debate about the nature of the alternatives: metaphysical, epistemic, conditional, etc. — and argues for a novel and plausible view: the Explanatory Nexus Thesis.

(EN) Rational deliberators must believe, in virtue of their nature as rational deliberators, that they have multiple alternatives from which to choose, where their deliberation is the *explanatory nexus* among alternatives. (142)

Our deliberation is, according to this view, the *difference-maker* among the considered alternatives — plausibly, it should *actually* make this difference, not only that we believe it does, although not the kind of difference that requires indeterminism as advocated by incompatibilists. In the final chapter, she adds that what our sense of freedom really commits us to is “to the idea that our actions are up to us in such a way that we are responsible for them”, which explains why we choose and act as we do (169). This understanding of such a central feature of our self-understanding allows the compatibilist to integrate a strong motivation for libertarianism, keeping its anti-

skeptical force. Irrespectively of its final merits, this proposal is a great contribution to the important debate about the nature of alternatives, worthy of close consideration.

Indeed, most chapters of this book make interesting contributions to particular topics within the debate about free will and moral responsibility and beyond, worth considering by themselves, regardless of the book's overall argument. I must mention such issues as the fairness of the reactive attitudes, the fairness of inflicting harm and punishment, forgiveness, the responsibility of psychopaths, source and leeway arguments for PAP, or Frankfurt scenarios, just to cite some topics brilliantly addressed by Nelkin which cannot be discussed here. On the other hand, it is true — as the author claims — that the Rational Abilities View is “flexible”, since it is consistent with different implementations of the idea that *rational agents are the causes of their actions*, different conceptions of the role of emotions in rational agency, and different views of the connection among blame, the reactive attitudes and punishment. And it is also part of this ecumenical tendency, the effort made at incorporating some central incompatibilist intuitions. However, it has its nonnegotiable commitments: compatibilism, asymmetry about the ability to do otherwise, a central role for obligations and reasons for acting, and a particular account of the commitments that we manifest as rational deliberators. Of course one can still bring them apart, sharing some of them and rejecting others. But, as a whole, this is a novel and judicious account of freedom and moral responsibility that challenges both current compatibilist and incompatibilist views, which everybody in the debate needs to take very seriously.

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