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[[back to Reviews](#)]

[[back to Free Will](#)]

Daniel Dennett

reviews

## *Against Moral Responsibility*

by Bruce Waller

Review of:

Bruce N. Waller, *Against Moral Responsibility*, 2011, MIT Press/Bradford Book

Daniel C. Dennett

An original mistake, well made, can be a fine contribution to a research topic. Recalling Wolfgang Pauli's famous putdown of a fellow physicist's work as "not even wrong," we can appreciate the fact that a crisp, clear argument can illuminate the field by uncovering a tempting but heretofore unexamined falsehood and forthrightly asserting it. I cannot think of a better example than Waller's book, from which I have learned more than from the last dozen books and articles on free will that I have read, a bounty of valuable insights all marshaled on behalf of a thesis that has never before been properly defended, and is in the end, in my opinion, indefensible – but for reasons that are instructive. Waller has opened my eyes about my own project and other competing projects in the field.

Waller is engagingly candid about the uphill fight he is waging. Just about everybody takes the whole point of worrying about free will to be its role in securing moral responsibility: free will is worth wanting because we want to be morally responsible agents. Not so, he says. There are indeed varieties of free will worth wanting, but the benefits they secure for us do not reach so far

...these varieties of free will worth wanting, but the benefits they secure for us do not reach so far as moral responsibility. In a particularly illuminating touch, he notes that his view should not seem so outlandish when we recognize that it is the heretofore unembraced combination of the two most widely held views: free will is compatible with determinism/ naturalism – but moral responsibility isn't (p. 45). Hume, Moore, Ayer, Frankfurt, and I are right about the first, and Valla, Kant, Campbell, van Inwagen, O'Connor, Ginet, Kane and Pereboom are right about the second! Almost everybody wants to secure a justification for retributive blame and punishment, just deserts, and the first gang makes the mistake of thinking that the naturalistic varieties of free will we champion are up to the job, and the second gang sees correctly that this won't work (Kant's "wretched subterfuge") and makes the mistake of opting for a miracle (Strawson's "desperate and panicky metaphysics"). If we can just get our heads around the idea that moral responsibility is not worth wanting, is in fact an oppressive blight on our conceptual scheme, we can declare victory!

Waller's exposition and defense of this startling idea is admirable; he is almost always fair and respectful to his targets, noting points of agreement, and articulating their arguments constructively. There are a bounty of useful novelties in his discussion, some of them discussed below. But, I think, he loses sight of a few possibilities that pull the rug out from under his intrepid project. This leads him to misinterpret some of the things I have said – but in ways that I didn't guard against because I myself did not see what I had to deliver to make my case. Exposing these misinterpretations is my aim here.

Waller opts at the outset for a strong definition of moral responsibility, noting that there are other definitions, but this will be how he will understand what he calls the "core concept" (p. 7). He starts with a passage from Randolph Clarke:

If any agent is truly responsible . . . that fact provides us with a specific type of justification for responding in various ways to that agent, with reactive attitudes of certain sorts, with praise or blame, with finite rewards or punishments. To be a morally responsible human agent is to be truly deserving of these sorts of responses, and deserving in a way that no agent is who is not responsible. This type of desert has a specific scope and force – one that distinguishes the justification for holding someone responsible from, say, the fairness of a grade given for a performance or any justification provided by consequences. (p. 3)

The last sentence of this otherwise quite commodious definition ties moral responsibility firmly to a retributivist conception of desert from the outset: any appeal to the good consequences that can be achieved by adopting a system of moral responsibility disqualifies it, by definition. We

may note that this is the way the second gang – the libertarians and other incompatibilists – tends to see moral responsibility, and it is the way unreformed, unsophisticated tradition sees it. Is this getting off on the wrong foot? I thought so, at first, but I came to see that it does permit Waller to hold the line, contrasting this benchmark notion with the attempts by us compatibilists to secure a suitable substitute, and that this perspective yields some valuable insights. And let me say right away that I agree with Waller's main conclusion in one important sense: *that* kind of absolutistic moral responsibility – insisting as it does on what I have called guilt-in-the-eyes-of God – is incompatible with naturalism and has got to go. Good riddance. (I don't just think it is incompatible with naturalism; I think it is incoherent in its own terms, for reasons that I did not fully appreciate before reading Waller's book.)

But Waller does pay a steep price for this choice: it obliges him to sort all rivals to his view by imposing a false trichotomy: if compatibilists attempt to answer the “external” question of whether there really is moral responsibility (“real” desert-based responsibility), any result is doomed to falsehood; if instead the compatibilists tackle “internal” questions, from within a presupposed system of moral responsibility, they beg the external question or change the subject: they may, at best, offer valuable refinements of the application of a substitute concept, not *the* concept of moral responsibility, but a consequentialist impostor. Given his starting point, he more or less has to misconstrue a proposal that I have made (along with Stephen White) about what “could have done otherwise” means:

Don't try to use metaphysics to ground ethics . . . ; put it the other way around: use ethics to ground what we should mean by our 'metaphysical' criterion." (Dennett, 2003, p. 297)

Waller sees this as question-begging. His version of my position is this: “Start from the assumption of moral responsibility – the assumption that people justly deserve reward and punishment – and use that to fix what we mean by “could have done otherwise” and by our concept of free will” (p47). Like Peter van Inwagen, he thinks, I *assume* the reality of moral responsibility but then, recoiling from the conclusion that van Inwagen draws – a frankly mysterious, non-naturalist indeterminism – I must fiddle with what I declare to be the meaning of “could have done otherwise” until I can get it to fit my naturalistic bent, yielding a dismal result: “an anemic account of moral responsibility joined to a shallow account of free will.” (p. 48) But that is not quite what I say, or in any event what I was trying to say; I meant that you have to start with the recognition that the concept of moral responsibility doesn't just drop into our conceptual scheme from the sky; it is integral to a large system of social and political institutions, so understanding how it works *there*, in the (naturalistic) land of ethical theory, economics, political theory, psychology and other social sciences, could prove a better anchoring for the concept than any that could be mustered in physics and the neurosciences (a.k.a. metaphysics). Another way of putting the claim: get clear about the phenomena in the manifest image before going on a wild goose chase in the scientific image. From Waller's perspective, another passage of mine also gets a harsh reading:

We ought to admit, up front, that one of our strongest unspoken motivations for upholding something close to the traditional concept of free will is our desire to see the world's villains “get what they deserve.” And surely they *do* deserve our condemnation, our criticism, and – when we have a sound system of laws in place – punishment. A world without punishment is not a world any of us would want to live in. (Dennett, 2008, p. 258)

According to Waller, Dennett “rests his case for moral responsibility on our deep retributive desires” (p. 9). Not at all. I agree with him that our retributive desires have an ancient and amoral source in our evolutionary past but I don't “rest my case” on them; I argue (or should have argued, should have made clearer) that we have devised a way to harness them – tame them, direct them down *justifiable* channels – in order to secure something very valuable: a secure and civil society in which people are held responsible for their promises and the other deeds they do “of their own free will.” And of course I also agree with him and many others that our American system of justice and punishment is obscenely mis-instituted for the most part, but I want to reform it, not abandon it, and that does mean securing a role for just deserts, *not* the role

described in Waller's chosen concept, but an ultimately consequentialist role. And don't say that that's a contradiction in terms, that 'just deserts' means – by definition – a retributive theory of punishment. A consequentialist defense of just deserts is the possibility to which Waller is systematically blind, given his starting point. Let me preview that possibility with a simple example:

Suppose you sign a contract which includes a clause about what penalty you will pay if you fail to deliver. And then when you fail, suppose you refuse to pay the penalty. What happens? What *should* happen? If other attempts at getting you to pay the stipulated penalty – laws suits and the like – fail, you eventually become eligible to be taken, by force if necessary, against your will, and put on trial. You become liable for *punishment*. Not rehabilitation, not treatment, but honest to goodness infliction-of-suffering-type punishment. Not beating, but incarceration and/or *punitive* fines extracted by whatever means necessary from your estate. Why? Because in entering into a contract you tacitly agreed to be part of the system that has this further escalation clause behind it. Were you "coerced" into joining this system, making this deal? (Waller, p. 109-110) Not at all. It's a wonderful bargain. I for one don't want to live in a world without contracts – not because I'm a pathetic dupe of capitalism (for instance) but because contracts are just the carefully articulated expression of the underlying concept of a promise made in good faith, and I don't want to live in a world without promising. It is the very glue of civilization. I expect that Waller would agree with me on this point. He, too (I imagine – he never mentions it), wants to maintain promising and contracts and the institutional understandings that make them possible, but if so, I guess he doesn't view the penalties and justification of taking-by-force-if-necessary of these institutions as punishment (real, retributive punishment), since after all, they have a consequentialist grounding, as just articulated. To make the contrast clear, that concept is *my* "core concept" of moral responsibility, an ultimately consequentialist, not retributive concept.

Waller gives us example after example in which he contrasts two people, one of whom had a salubrious upbringing while the other was deprived of most benefits. Is it fair, he keeps asking, to hold both of them responsible? Life isn't fair. Some folks get a pretty raw deal through no fault of their own, and others thrive thanks to a great head start. Let's face it: physical *beauty* gives a huge undeserved advantage to those who have it, and it is just one of a variety of unequal endowments that challenge any account of moral responsibility. None of this is fair. The state of nature isn't fair. That's why we have the institutions of civil society, to even the playing field *as best we can*, by minimizing the amplification of advantage and disadvantage that otherwise would probably occur.

Here's another way of looking at it: think about sports. Do any games have fair rules? Is it even *possible* for a game to be fair, given the differences in ability among the participants, etc., etc.? And when a player commits a foul, is the penalty *deserved*? When? When he could have done otherwise? In what sense of that phrase? If a player gets ousted from a game, can it be true that he deserved that fate? Games provide a nice "toy problem," as they say in AI, a simplified, clarified version of gnarly reality in which to explore the interaction of basic concepts. Games have crisp *counterparts*, at least, of punishment (penalties, including banishment) and reward, dishonesty (cheating) and just deserts. Might games provide a model for real *moral* responsibility?

Waller often resorts to sports examples, provoked perhaps by my example of the marathon with the uneven (but fair) start, which he raises (p. 117) but dismisses by just saying that it is absurd to

suppose the luck averages out. It is not absurd; more on that below. He doesn't consider the possibility that we compatibilists are saying that the "moral responsibility system" he deplores is like a game in several important but typically overlooked ways. First, it is, like a game, an artifact, a socially constructed system of rules that we have devised. More particularly, not finding "well defined boundaries" in nature (as Waller observes, p70), our game *draws* some sharp boundaries in order to *create* an environment in which desirable activities can take place. (Like goal lines and out-of-bounds lines and time limits, without which we couldn't play football, soccer, basketball and other games.) Waller should address the question of whether his arguments also establish that fair games are impossible. After all, players of all natural abilities have different strengths and weaknesses. We compatibilist reformers claim that it is a fact, but a *political* fact, an artifactual fact (like a home run), that, say, Jan is morally responsible and Fran is not. Waller's view leaves no room for such an important distinction as moral responsibility to be anything less than *found in nature*. His view is like saying "We should eliminate the rule in baseball that distinguishes unfairly between a 350 foot home run and a 348 foot fly ball. We should look at each struck ball very closely and stop this arbitrary distinction between hits and fly balls, dealing with each feat in all its natural, real properties."

The home run rule is fair, I submit, and it is fair *because* it has been negotiated by the likely participants. If you don't like the home run rule, don't play baseball; play some other game. It is this dynamic of rule-reconsideration, which continues to this day, that comes close to guaranteeing that the rules are fair. (My oft-used example, one of the few favorite points of mine that Waller doesn't discuss, is the rule that says you can't drive till you're sixteen years old in most jurisdictions. It's arbitrary, artifactual, and it deliberately ignores minor differences about the abilities and maturity of individual applicants for a driver's license. It's fair.)

You don't *have* to play the moral responsibility game; you can be a hermit on an otherwise deserted island, fishing and foraging. But if you want to enjoy the benefits of living in a civilized society, you have to play the game. Waller sees this as coercive, and addresses it in yet another sports example: "If I agree to play a game, it does not follow that the game is *fair*. You agree to a tennis match, but you are required to wear oversize combat boots that weight 10 pounds each, while your opponent plays in perfectly fitted, well-designed tennis shoes. The match will be unfair, your agreement to play notwithstanding." (p. 237) That misses the beauty of the rule-reconsideration dynamic I just described: he's right that your agreeing to play the lopsided game of tennis doesn't mean it is fair, but the fact that almost everybody agrees to play a game means it is probably as close to a fair game as you could devise. If Waller thinks it is impossible, given the way the world is, to devise a game with fair rules that people would reasonably want to play, he should say so, and defend the claim. Now *that* would be an uphill philosophical battle! If, alternatively, he thinks a fair game is possible, then he can use that game, whatever it is, as his model for an alternative to the moral responsibility game.

It is open to Waller, that is, to propose a better game—and that actually is what he is trying to do—but here the most glaring deficiency in his project reveals itself: he doesn't give the specifics. He urges us, in effect: "Let's all play a game without hard boundaries or ironclad rules, in which we devote whatever time and effort is required to improving the playing ability of each player, and never oust anybody or penalize anybody for, oh, *defective* play!" Well, show us, please, how this game would go.

Waller eventually gets to this task, in a few short pages (290-304). On page 290 we get an interesting reason for eliminating moral responsibility: as pioneering reforms in industry have

demonstrated, blame and shame fosters blame-shifting, and hiding one's mistakes (in air traffic control, in medicine, . . .). Follow the example of industry and air traffic control, he says, and move to a no-blame system, to foster honest divulging of errors, which should then be studied as flaws in the system, not sins of the error-maker. The results are impressive, but they don't generalize as smoothly as Waller apparently thinks. What is to prevent participants from abusing a no-blame system? He notes (p. 292) that Jeanne Steiner sees this problem and recommends a mixed approach, but Waller's response to this sane advice is weaker than weak: it "seems more plausible" to extend the no-blame system further, whereas a mixed approach "seems likely to limit the effectiveness of the systems model." He gives no details in support of these hopeful hunches (p. 292).

Not good enough. He should examine the implications further. He does make a pass at it, in his examination of a doctor in a no-blame system who makes mistakes because of a "flawed character," but what he portrays as the "worst case scenario -in the licensing of physicians who are so greedy that they rush patient care in order to maximize their own earnings" (293) is far from being the worst case. A much worse case would be doctors who do what they jolly well

please, knowing that they will not be punished or held accountable, no matter what they do. The no-blame system only works against a background of blame and the omnipresent threat of punishment, the suspenders that hold up the pants. The air traffic controllers will lose their jobs, their reputations, and maybe their freedom if they screw up badly enough. *This all goes without saying* in the real world, which is why Waller doesn't notice it. Under normal conditions the threat of punishment works so well that violating the rules is all but unthinkable to almost everybody involved.

The no-blame system has to have a way of removing flawed characters from roles where they would do a lot of harm. Don't *blame* them, Waller would presumably say (he doesn't even go into this detail); just deny them the right to further employment in this profession, through a competency hearing probably. And what if the doctor refuses to cooperate with the competency hearing? What if the doctor deliberately hides the evidence of his incompetency or manufactures bogus evidence? The blame system is always there, making such noncompliance almost unthinkable.

When Waller does face this challenge of dealing with deliberate bad behavior (p. 293 ff) -- "But can one give a positive outline of a criminal justice system that rejects moral responsibility and just deserts?" - what follows is first four pages of criticism of the oh-so-unfair existing punitive system (everybody agrees about this) where what we are waiting for is the answer to his own question: can he outline a workable system that rejects moral responsibility? The answer comes at last (p. 297), and it is underwhelming to say the least: restorative justice programs (such as those being pioneered in Canada and New Zealand in native communities).

"First, it is important that the person committing a crime. . . acknowledge the wrongdoing. . ." And if not, what? "Second, the community emphasizes restoring the wrongdoer to the community. . ." And if this doesn't work, what? Presumably the wrongdoer is in custody during this period. If he tries to escape, he will be restrained, forcibly. That is already a kind of punishment, holding a person against his will. Or if it isn't, if it is, as Waller says at one point, restraint but not punishment, then he is not really trying to make the case advertised. May we restrain anybody we deem to have a character flaw until such time as we deem the flaw ameliorated? Many of us think that would be worse than a system of punishment. If, to avoid

that cliff, Waller agrees that only those appropriately arrested and convicted may be restrained, is he not introducing concepts of guilt and desert through the back door? Not *his* core concepts, but, say, mine. Might it be that all his arguments are only against the rigid, libertarian guilty-before-the-eyes-of-God concept of moral responsibility, and he can't see that he himself is appealing to the very substitutes (the wretched subterfuges?) that he disparages among the compatibilists? He has so little to say about the actual mechanics of implementing a restorative justice program that he doesn't notice that the suspenders of guilt and punishment must still be firmly in place, holding up the pants. He notes that restorative justice programs are still in their infancy, but that doesn't excuse him from looking more closely at their implementation. If no-blame systems and restorative justice programs don't "scale up" to cover whole societies because they are dependent on the very social institutions societies provide, that would shoot his alternative game out of the water.

Waller's "last challenge" (p. 300) is what to do with dangerous criminals. He applauds Gilligan's restraint-only institutions, with education and other such programs offered (voluntarily?) but doesn't notice that this is still punishment, and still needs the justification of some kind of desert. We don't send people there unless they are found guilty. He insists that this wouldn't be "brutal Clockwork Orange" therapy, but this distracts us from the more important issue: is *any* therapy the answer? Suppose we have pills which accomplish what brutal Clockwork Orange therapy purports to accomplish. Not brutal, quick and easy. And if the person won't take the pill, then what? Can we forcibly give them the pill? Is that brutal? Is it fair?

He asks what his alternative system would do with Bernie Madoff (p. 303) and then he doesn't answer his own question. He says it is hard. He *piles on* (I describe the anti-thinking tool, piling on, in my forthcoming book on thinking tools).

That's not an easy question. But in a system that rejects moral responsibility, we will not give him a lengthy prison sentence and suppose that the problem is solved without examining carefully how to put in place safeguards that will catch such wrongs before they come massive and without even *trying* to understand how someone with such talents and opportunities would follow a path that he obviously knew would end in personal disaster (p. 303).

Let's see. Is he saying it's OK to give Madoff a long prison sentence if we *do* examine, and try, etc.? Or will we just do the latter and let Madoff go home to his millions? Do we at least take away his ill-gotten wealth (forcibly, if necessary)? We're not going to let him go on living the extravagant life, right? Maybe we won't whip him or even put him behind bars, but we are going to forcibly remove his belongings from him, forcing him to make do with very modest means, and forcing him to abjure all careers in finance, aren't we? Aren't we? And is that *fair*? What right do we have to do this? If somebody's unavoidable *mistake* led to similar financial loss, we wouldn't do that, would we? It's because we deem Madoff *guilty* that we consider that we have the right to rescind his rights (under the rules of the moral responsibility game) and do all these things to him that he doesn't want us to do, and which we couldn't justifiably do if he weren't guilty. That's punishment. Not retributive punishment, but punishment and blame, all the same. (And note that it is like being banished from a soccer game, given a red card. That's a fair rule, isn't it?)

What does Waller see as wrong with this vision of the moral responsibility system? He understands my proposal very well: there is an artificial and somewhat arbitrary plateau or threshold, and we don't waste effort examining differences between those who make the grade

(lucky them – they are not morally responsible for making the grade, but having made it, they are morally responsible). His main objection is that this involves confusing “take-charge responsibility” with “moral responsibility.”

In short, there is a take-charge responsibility plateau, and those who reach that general level of competence – though they have significant differences in talents and capacities – can take, exercise, and benefit from take-charge responsibility. But a plateau of moral responsibility is a different matter altogether, and establishing the benefits of the former offers no evidence for the legitimacy of that latter (p. 233).

But now Waller faces an odd impasse. It is trivial, given the way he has defined the terms, that take-charge responsibility is different from moral responsibility. I agree with that. I am not *confusing* the former with the latter: I am proposing the former – let’s call it *take-charge responsibility for the role of morally competent citizen in a free society* – as a *replacement* for the latter. And Waller has just granted that I have given a good, defensible account of take-charge responsibility. The only thing it lacks, it seems, is that it is different from the indefensible concept of moral responsibility that he is trying to abolish. Something has gone wrong here.

Waller sees me as making people a coercive offer, an offer they can’t refuse because if they refuse they are “ostracized from the human community” (p. 234). No, once again, it is like playing baseball: design a better game if you can, and refuse to play baseball if you must, but then of course you must forego the joys and benefits of playing baseball. Waller’s own alternative of restorative justice systems is a good reaction to the offer I’m proposing, and he’s welcome to flesh out the details in a way that will attract the people away from the moral responsibility game, but the advertisements to date are not alluring.

Part of what is – or should be, I think – unattractive about Waller’s alternative is its reliance on “positive reinforcement” which would be instituted “in order to maximize desirable behavior” (p. 147). It is a bit ominous that B. F. Skinner, the pioneer of this idea, in *Walden Two* (1948) and *Beyond Freedom and Dignity* (1971), gets only one mention, a quotation of his ringing declaration of the value of moving beyond freedom and dignity from *About Behaviorism* (1974), with none of the details examined. Skinner, notoriously, got to insist that there would be no punishment in his utopia by the simple expedient of distinguishing punishment from “negative reinforcement,” which, along with positive reinforcement, would be the method of choice. What’s the difference between punishment and negative reinforcement? Punishment is administered *after* the action, to discourage its repetition; negative reinforcement is administered *before* the desirable action, to encourage it. A society that abjured punishment might nevertheless deprive its members of food and freedom until they did what the authorities wanted. If Waller does not mean to endorse Skinner’s vision, it behooves him to make it clear what the differences are between his proposal and Skinner’s.

Until Waller actually comes up with an alternative system of justice that could work, we’re stuck with the moral responsibility game, the best game in town, and Waller concedes that it does *work* to a considerable degree. It just isn’t *fair*. He dismisses as absurd my claim that it is fair because luck averages out in the long run, and offers realistic examples that exhibit good head starts amplifying fortunate outcomes in the long run and bad beginnings spiraling down into worse and worse conclusions. There are of course an abundance of such examples to point to, but they don’t in fact make the point he thinks they do. To make the logical point, suppose that in a population of 300 million, there were 3 million examples of manifestly amplified good fortune



and bad fortune of the sort he details – but *only* 3 million! The luck averaged out in ninety-nine percent of the population: there were as many deprived childhoods that led to happy outcomes as not, and equally many privileged childhoods that led to deplorable ends. If anything like that were true, my claim would not be absurd at all. But *could* anything like that be true? Of course it could, because society is actively engaged in all manner of compensatory feedback mechanisms designed (imperfectly) to *make* it true. For instance, by adhering firmly to “the blame system,” society puts parents on notice: if you spoil your beloved children (in either way) *they will suffer* as adults because we will hold them morally responsible for their misdeeds – no “get out of jail free cards” for them! Harnessing parental love (a gift from evolution), this artifact encourages the investment of considerable time and energy in moral education by parents and others who have the interests of the children at heart. If a child is growing up alarmingly wild and irresponsible, parents and teachers offer compensatory programs of one sort or another. It doesn’t always work, of course, but we keep monitoring our successes and failures, devising new, hopefully better, schemes. Compare our disciplinary practices today with those of centuries past to see the progress we’ve made. To take some relatively trivial further examples, the Boy Scouts have probably redirected millions of boys away from life trajectories ending in crime, and even television soap operas replace vulnerable naivete with street smarts in impressionable girls and young women. “Crime doesn’t pay!” is the implied moral of sensationalistic coverage of famous trials (the saga of O.J comes to mind) and is also the subtext of all the “police procedurals” that exploit our ignoble taste for representations of violence. Civilization is far from perfect (so of course it isn’t perfectly *fair*) but it is still a remarkable improvement over the state of nature. See Paul Seabright’s excellent book, *The Company of Strangers* (2<sup>nd</sup> edition, 2010, for which I wrote the Foreword) for an eye-opening vision of the security we all enjoy, fragile as it is, thanks to the *trust* that is routinely and mutually presupposed in most of our interactions with our fellow human beings. The spine that holds that trust in place, only intermittently visible when it is called upon for enforcement, is our mutual understanding that adults have the moral competence to make promises, both tacit and explicit, and promises are to be kept – or else.

Waller offers a forthright summary of his position on p. 102:

. . .compatibilists are half right: humans can indeed flourish in the thoroughly natural environment that shaped us, but moral responsibility cannot. And human flourishing will be enhanced once humans give up the idea that we can transplant moral responsibility from its native habitat of miracles and mysteries and make it survive in the natural nonmiraculous world.

What mainly interests me about this passage is that it ignores the *social* world in which humans live. Of course we can flourish in the natural environment that shaped us (and chimps and reptiles. . .) but we have also adapted to the social world, which is still natural (not at all miraculous), but contains institutions and possibilities that don’t exist in the presocial world: promising, trusting, apologizing, buying and selling, agreeing and disagreeing, and many more. Waller thinks human flourishing would be enhanced by abandoning moral responsibility. I think human beings would be disabled. That’s what I have always thought, but now, thanks to Waller, I can see better, deeper reasons for my conviction.

- DCD, October, 2012

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[\[back to Reviews\]](#)

[\[back to Free Will\]](#)

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[[back to Reviews](#)]

[[back to Free Will](#)]

## Exchange on Bruce Waller's *Against Moral Responsibility*

[Clark comments on Dennett's review of \*Against Moral Responsibility\*](#)

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Clark comments on Dennett's [review](#) of *Against Moral Responsibility*

Dan,

Thanks for your [review](#) of Waller; it's forceful, well-written and makes some very fair points. You're generous in your praise, for instance in crediting him with getting you to better articulate your own position. It's also very helpful in setting forth your consequentialism and non-retributivism, which I think supports the project of creating a less punitive culture, even if your main focus is on defending punishment. And despite your disagreements with Waller, there's considerable progressive common ground. Here are some further comments, pretty much in order as they come up in the review:

You say Waller makes an original mistake, that he asserts a heretofore unexamined falsehood. After reading the review I still wasn't sure what this was, unless you're referring to his overall thesis against moral responsibility (MR).

You say that "Almost everybody wants to secure a justification for retributive blame and punishment, just deserts..." But it seems you are not among them, since you espouse a reformed, non-retributivist, consequentialist concept of MR and punishment. I'm hoping that a sizeable minority would agree with you and Waller (and Greene and Cohen, among others) that we

minority would agree with you and Waller (and Greene and Cohen, among others) that we should dispatch retributive punishment and move to a purely consequentialist system. But for some reason you want to keep “just deserts” in the lexicon, which I think is inconsistent with your reformed concept of MR.

“Waller opts at the outset for a strong definition of moral responsibility...” Waller’s definition of MR, tying it to the retributivist, non-consequentialist conception of desert, is canonical. I point this out in at the start of my review of Waller, and could cite more examples, e.g., compatibilists Stephen Morse and Michael Moore both are explicitly deontological and retributivist about desert. If compatibilists have indeed abandoned this “unreformed, unsophisticated” notion of MR and are moving *en masse* to secure a “suitable substitute,” that’s news to me and it’s good news indeed that they are abandoning retributivism. But unfortunately I think you are very much in the compatibilist vanguard in embracing consequentialism; let’s hope others like Morse and Moore come to see the light.

“A consequentialist defense of just deserts...” Whether as consequentialists we should still talk of just deserts is debatable, given the strong deontological, retributive connotations (parallel to the debate about whether we should still say we have free will given its unsustainable libertarian connotations). What you’re advocating is the *practical necessity* of punishment, not its intrinsic goodness, but “just deserts” strongly implies that the offender’s suffering is intrinsically good, which you don’t think is the case. So I think we should drop talk of just deserts so we don’t mislead people about what we believe are defensible justifications for punishment.

“...you have to start with the recognition that the concept of moral responsibility [MR] doesn’t just drop into our conceptual scheme from the sky; it is integral to a large system of social and political institutions...” I agree, and would add that the concept is also strongly influenced, for better or worse, by our innate reactive dispositions (hence not entirely artefactual) and a long history of belief in contra-causal free will (hence non-naturalistic). Further, MR ultimately gets cashed out in terms of our responsibility practices and how we justify them. But none of this means that the concept of MR can’t be questioned in the fundamental way Waller recommends. Our current responsibility practices (e.g., death penalty, solitary confinement, tolerated rape in prison), strongly influenced by folk intuitions that we are indeed “guilty-in-the-eyes-of God,” help to define MR: what people deserve, and why. All of this is up for grabs, as exemplified by your condemnation of “our American system of justice and punishment [which] is obscenely mis-instituted for the most part.” So the anchoring of MR “in the (naturalistic) land of ethical theory, economics, political theory, psychology and other social sciences” doesn’t protect it from radical revision or perhaps even elimination (what Waller and other MR skeptics recommend), if we judge that dropping deontological desert and retributive punishment changes the concept beyond useful recognition.

“I agree with Waller’s main conclusion in one important sense: *that* kind of absolutistic moral responsibility – insisting as it does on what I have called guilt-in-the-eyes-of God – is incompatible with naturalism and has got to go. Good riddance.” This is encouraging common ground, and what Waller and other naturalist revolutionaries are trying to do is show the humanizing consequences of debunking libertarian free will and ultimate responsibility, for instance in criminal justice reform and reducing inequality. You spend little time on this, but instead focus on defending punishment against those who you see as wanting to abandon it.

“He, too (I imagine – he never mentions it), wants to maintain promising and contracts and the

institutional understandings that make them possible, but if so, I guess he doesn't view the penalties and justification of taking-by-force-if-necessary of these institutions as punishment (real, retributive punishment), since after all, they have a consequentialist grounding, as just articulated. To make the contrast clear, that concept is *my* "core concept" of moral responsibility, an ultimately consequentialist, not retributive concept." This is more common ground between you and Waller, except that he wants to drop MR altogether, whereas your concern is to point out the necessity of punishment as a bulwark against bad behavior, which I don't think anyone is contesting. And after all, people *love* to punish, they find it rewarding (as B.F. Skinner pointed out), so it isn't as if punishment needs apologists. It's *limiting* our appetite for and reducing the need for punishment, seems to me, that should primarily engage us. And we can help that cause by publicly debunking libertarian free will and ultimate responsibility as justifications for and incitements to retribution.

"Waller gives us example after example in which he contrasts two people, one of whom had a salubrious upbringing while the other was deprived of most benefits. Is it fair, he keeps asking, to hold both of them responsible?" What Waller says isn't fair is to suppose that the fortunate deserve all the rewards that come from being lucky in life, or that the unfortunate deserve all the punishment or lack of rewards that come from being unlucky. We have to hold people (consequentially) responsible to help keep them in line, but dropping the concept of just deserts will help make our responsibility practices and social policies more humane and effective, producing more equitable opportunities and outcomes.

"Think about sports..." You're using the game analogy to defend the fairness of assigning just about everyone the status of a moral agent, whereas Waller uses it to point out the unfairness of traditional desert. Games are primarily about ensuring fair competition between more or less equally talented players to see who's best; we don't put novices up against experts and expect a good game. In games everyone starts off even at the start, and at the beginning of each season everything's reset to zero. In life ("gnarly reality") nothing is ever reset, people of vastly different competencies are in competition, and despite the best efforts of liberals, the playing field remains drastically tilted toward those with original and accumulated advantages. As you say (and I think Waller would agree), as a matter of social necessity people of vastly different competencies and backgrounds all count as a sanctionable moral agents: as a matter of policy just about

everyone meets a somewhat arbitrary and adjustable criterion for being held responsible. Fine. But Waller's point is that MR does nothing to even the playing field of life, rather quite the opposite. It says that the winners and losers in life essentially deserve what they get, so inequality is fair - don't look too hard at the system or at what caused a loser to end up that way. You seem to agree, even on your reformed version of MR, since you say luck evens out in the long run, giving the initially disadvantaged an equal chance at success. So if someone doesn't succeed it's still mostly *their* fault; it's fair and efficacious to primarily blame *them*, not the system which produced them. But Waller and I and others disagree. We can do better by not singling out the agent; instead, publicize naturalism-determinism, which undercuts ultimate responsibility as a justification for both punishment and inequality. Your focus, however, is on defending punishment and the basic fairness of the current system, not on promoting the naturalistic revolution in our self-concept.

"But I want to reform, not abandon it..." I don't think Waller or anyone else is suggesting we abandon our criminal justice system or the "omnipresent threat of punishment," for instance to keep greedy doctors in line. As you point out, "Waller concedes that it [blame] does *work* to a

considerable degree." And he would agree that compatibilist criteria rightly distinguish the guilty from innocent; there's no get out of jail free card on his view – he abjures what he calls "excuse extensionism." It's just that he's pointing out the unfairness and excesses of retributive punishment based in unreformed MR (solitary confinement and eventual insanity for Madoff) and you're emphasizing the role of punishment as deterrence.

Your hard-nosed challenge to Waller and other reformers to get real is well-taken. What *would* a criminal justice system look like in light of consequentialism? We need to come up with a program of reform motivated by a naturalistic critique of the "indefensible concept of moral responsibility" that many of the folk likely hold. The barrage of rhetorical questions you pose about Madoff (a bit of piling on?) need serious discussion in fleshing out what a less punitive, more effective system, necessarily embedded in a more enlightened culture, would look like; some Scandinavian countries come to mind. We all want to avoid the ominous threats to human rights you (wrongly, I think) accuse Skinner of abetting, and of course we want to reduce the incidence of wrong-doing in the first place, what Waller's emphasis on the causal and situational determinants of crime encourages. To say, as you do, "A world without punishment is not a world any of us would want to live in" obscures all this and makes it sound as if punishment is an intrinsic good (as retributivists would have it), not an unfortunate practical necessity. On the other hand, to maintain that it *isn't* currently a necessity is pie in the sky, so if Waller is guilty of that he stands corrected.

"It is open to Waller... to propose a better game..." Waller highlights the causal story of those who are unlucky in life in order to promote a preventive, ameliorative approach to deviance, dysfunction and inequality, whereas you and other compatibilist apologists for punishment focus on maintaining threat-based deterrents to bad behavior or defending retribution itself (as do Morse and Moore). Compatibilists abet the propensity to punish and ignore causes, it seems to me, by downplaying determinism and the systems view while focusing attention on the "sins of the error-maker." When it comes to creating a less punitive, more humane culture, it's Waller's approach we most need, the one that puts agents explicitly in their causal context: no one has the unconditional ability to have done otherwise. We can best improve on the state of nature by advertising, not hiding, the naturalistic revolution in our self-concept.

- TWC, October, 2012

## Dennett's rejoinder to Clark

I thank Tom for his constructive response to my review, and for vigorously drawing my attention to Bruce Waller's book in the first place. And of course I also thank him for hosting this naturalism website, a valuable resource to which he himself has contributed so much. There is a lot we agree about, as he notes, but there remain some points of disagreement that I hope we can soon resolve.

First, Tom wonders just what mistake I think Waller is making. It is, as he supposes, given by Waller's title; he is against moral responsibility, and this, I think, is a big mistake, made possible by a smaller mistake: equating moral responsibility (and its companion, just deserts) with its extreme, retributive version. It is as if he thought *punitive* was synonymous with *retributive*. It is not. There is a perfectly good consequentialist justification for society's *punitive* measures (when

properly administered), just as there are perfectly good consequential justifications for penalties in sports. They make the games possible, and that is a good consequence.

Tom disagrees, claiming that Waller's definition of just deserts is 'canonical', not extreme, and that the received view of punishment is retributive through and through. I'm not sure how to settle this disagreement. Certainly counting noses, (corrected, if you like, for differences in gravitas or eloquence) is not the way. So I'll concede the point, not because it then puts me, as Tom says, in "the vanguard," but for the sake of argument. Let's suppose he is right, for the moment. Tom goes on:

What you're advocating is the practical necessity of punishment, not its intrinsic goodness, but "just deserts" strongly implies that the offender's suffering is intrinsically good, which you don't think is the case.

"Strongly implies"? Isn't that an oxymoron? Either *just deserts* implies that the offender's suffering is intrinsically good or it doesn't. I think what Tom means is that it strongly *connotes* that the offender's suffering is intrinsically good, and this might be true, but I doubt it, and I also question its importance here. Is there a big difference between something that is "intrinsically" good and something that is a practically necessary condition for something that is intrinsically good? The only way I can see of securing civilization (which I see as about as "intrinsically" good as anything I can think of) is with a system of moral responsibility that includes punishment for those found responsible for their misdeeds. Is food and water intrinsically good? Or are they "just" requirements for life (which is "intrinsically good")? Food and water are practically necessary; so is punishment. The utopian idea that we might reform human nature so much that punishment was no longer practically necessary is about as realistic as the idea that we could reform human biology so much that food and water would no longer be a "practical" necessity for human life. (Why might one want to change human nature so that food and water weren't necessary? Well, then we could go hiking for months on end without carrying our own supplies, or sail around the world in a small boat with no concern for provisioning. Wouldn't that be nice?) And never forget that the other side of the moral responsibility coin is reward; do we really want to live in a world where great contributions to humanity are not rewarded? Those who argue passionately for ridding the world of moral blame are notably tongue-tied when it comes to impressing us with the urgency of dismantling our practices of honoring and rewarding our heroes, but consistency demands that praise and blame stand or fall together. Given the way human nature is now, and will be for the foreseeable future (barring technological "miracles" that turn us all into saints), praise and blame, reward and punishment, are as necessary for civilization as food and water are for life. That doesn't make punishing the guilty "intrinsically good" in the extreme sense that Kant defended, but it does make it a very important good, a practically necessary good, a staff of life.

Now let me set aside my concession and argue against the claim that retributivism is canonical—not just the default presumption of folks who haven't given it much thought, but firmly in place in the foundations of reflective people's thinking about punishment. Consider Kant's notorious view that we should execute those on death row on the eve of the end of the world. This *is* a definitive statement of canonical retributivism if anything is. If you think punishment of the guilty is intrinsically good, how could you deny it? Kant's formula nicely strips away all possible consequentialist options, leaving the intrinsic good of such punishment as the only end in sight. But I suspect almost nobody endorses it today, so perhaps there are fewer pure retributivists around than Clark and Waller suppose. Can they point to any retributivists who bite the Kantian

around than Clark and Waller suppose. Can they point to any retributivists who fire the natural bullet?

We can all feel the grip of the retributivist urge. Consider watching a movie that ends with the horrible villain escaping his pursuers and sailing off to his private island well stocked with all life's pleasures. Not a happy ending! Now rewrite the ending; imagine that his triumphant smile suddenly turns into a rictus of horror as a great white shark rises up to snatch him from his yacht and make a meal of him. YESSS! Clark and Waller are probably right that this sentiment is built right into our genetically evolved sociality, but they need to show that it hasn't been—and can't be—harnessed and tamed by our socially evolved institutions of praise and blame, reward and punishment, turned, as Hume would put it, from a natural vice into an artificial virtue. One might well respond to Kant's gruesome scenario by admitting that while it would probably be intensely satisfying to watch the death row villains endure some extra suffering before the curtain came down on existence, there would be no duty to bring it about, and even a duty to prevent others from bringing it about.

I agree completely with Tom that anchoring moral responsibility in the naturalist world doesn't protect it from criticism of the sort Waller attempts. That is what makes his book so valuable: he finds novel ways of challenging what has largely gone unchallenged. These novel ways just don't succeed. Tom says I spend little time developing a suite of reforms of the criminal justice system, and that is true, but mainly because I think the reforms most pressingly needed are obvious: a drastic diminution in the length of sentences, and indeed the elimination of most incarceration in favor of less drastic penalties, much better enforcement of prisoners' rights, and better programs for reintegrating prisoners into society. (It is sobering to reflect that the penal system most white collar criminals face—think of Martha Stewart—is a pretty good model for every kind of criminal incarceration.)

Tom sees his mission as using naturalism as an authoritative banner to rally those of us who abhor our current punitive practices, but by my way of thinking, his (and Waller's and Greene and Cohen's) campaign does a disservice by distracting attention from reform by calling for abolition, an obviously unrealistic and even undesirable utopian alternative that people know in their bones is hopeless. *Nothing in naturalism favors abolition over reform.* It is that simple. Now let's stand shoulder to shoulder for reform.

Tom says "dropping the concept of just deserts will help make our responsibility practices and social policies more humane and effective." I disagree. As I point out in my review, the maintenance of just deserts provides a bracing environment in which parents are strongly encouraged to devote time and effort to moral education—to cite just one such effect—in much the same way as strict liability laws provide a bracing incentive to those they cover. There is now mounting empirical evidence (beginning with Vohs and Schooler, but extending well beyond their pioneering experiment) showing that a belief that free will is an illusion (something reported as following from naturalism) encourages antisocial behavior. So there is actually good empirical evidence against Tom's claim that our social policies will be "more effective" if we pursue his goals. Tom also says:

We can do better by *not singling out the agent*; instead, publicize naturalism-determinism, which undercuts ultimate responsibility as a justification for both punishment and inequality.



THIS IS TWO POINTS, and neither has been shown, not remotely. First, we have to “single out the agent” in some regards just to identify the problem, and, in some cases, to protect society from the agent while we figure out what to do. Nobody, I take it, is urging us to stop investigating crimes to find the perpetrators. So like it or not, perpetrators will be identified. And like it or not, their mere identification will already add to their life’s burden, which may indeed be a product of disadvantages and hardships. Tom needs to come to grips with this point: suppose he is mugged, and is asked to identify the mugger in a line-up, and suppose he can do so with great confidence. Should he? It would seem he should be a conscientious objector and refuse to cooperate with the authorities, since their subsequent actions will be unfair, no matter what they are, since, according to Tom, and to Waller, the mugger is *not morally responsible* for the mugging and hence should not be singled out. That, Tom says, is the moral to draw from naturalism-determinism. I doubt if Tom, or Waller, wants to live in that world. I know that I do not.

So suppose Tom grants that we may – and ought to – single out the mugger when we can do so with reliability, but we must do everything in our power to prevent the mugger from being *blamed*. This gets delicate: we can forcibly quarantine the mugger, forcibly enroll the mugger in rehabilitation programs, go out of our way to warn the citizenry that this individual is probably dangerous and should be given a wide berth – but we must not *blame* the mugger. One begins to wonder if we’re just banishing a word while keeping all the traditional implications of the word intact. And how long may we quarantine the mugger? As short a period of time as is consistent with public safety. The mugger will, of course, plead that he has already learned his lesson and is ready for release, but how will we assess this? A curious feature of the general policy Waller and Clark – and others – propose is that the very uncertainties that can cloud the backward-looking judgment of desert also cloud the forward-looking judgment of rehabilitation, a point forcefully made by Stephen White (Tufts symposium on *Does anybody ever deserve anything?*, October 12, 2012). Note that the burdens of proof are reversed: the protestation of incapacity (“I could not have done otherwise!”) that absolves from blame must turn into a protestation of newfound capacity (“I can in the future do otherwise!”). But if “neuroscience proves” that people’s intuitive judgments of capacity are all illusory, we have no reason to give such protestations any weight. Face with a choice between enduring a fixed punishment followed by release and restoration of rights and the prospect of indefinite quarantine and rehabilitation, few would discard their moral responsibility gratefully.

And note, finally, that naturalism-determinism doesn’t undermine what Waller calls take-charge responsibility; it only undermines *ultimate* responsibility, but that puffed up notion is not necessary as a foundation for a justifiable, fair, reasonable institution of reward and punishment, praise and blame. There is no reasonable alternative to naturalism, but naturalism does not have the implications Tom Clark and Bruce Waller think it does. If they still think otherwise, it falls to them to come up with an argument that shows this.

- DCD, October, 2012

## Reply from Waller

My sincere thanks to Tom Clark for setting up this discussion, for his outstanding website, and for his vigorous defense of our common views; to Daniel Dennett, for his generous, incisive, and absolutely fair response to *Against Moral Responsibility*; and to both Tom and Dan for the many

insights I have gained from their work. There is no book I have enjoyed more or learned more from than Dennett's *Elbow Room*. Dennett's review has given me a much clearer picture of his position, as well as a keener appreciation of the vulnerabilities of my own views. One of the aspects of Dennett's work that is particularly impressive is the seriousness with which he takes philosophical questions. That deep seriousness certainly does not make his work somber – no philosopher writes with a lighter touch or is more deeply amusing than Dennett (who else would

start a very important philosophical work with an admonition not to feed the bugbears?) – but the fact that Dennett takes philosophical issues very seriously indeed shines through even his most amusing passages. That is a characteristic that Dennett's work shares with Clark's; and I share with them the conviction that questions concerning moral responsibility are fascinating philosophical questions, but also questions with profoundly important social implications. Also, it seems to me that Dennett's review is a model of clarity and fairness: he strongly disagrees with my conclusions, yet he is scrupulously fair in presenting my views and my arguments. (Tom often presents my views better than I can, but that is not so remarkable: he has thought about these issues long and carefully and productively, and we have very similar views.)

There is much in Dennett's review with which I fervently agree. First, I would be proud and delighted to "stand shoulder to shoulder for reform" with Dan and Tom. We all agree, and Dennett states that agreement quite forcefully, that "our American system of justice and punishment is obscenely mis-instituted." As Dennett notes, he wants to reform it while I ultimately want to abandon it; but in the interim, it would be a wonderful improvement if we could move toward a genuinely consequentialist system that would make a sincere effort to devise institutions and programs that would "even the playing field *as best we can*, by minimizing the amplification of advantage and disadvantage that otherwise would probably occur." Indeed, Dennett suggests that we might look upon the treatment of Martha Stewart as a criminal justice ideal. If I live to see the day when the U.S. makes a genuine commitment to a more egalitarian society, abolishes capital punishment, destroys all its Supermax prisons and reduces the number of prisoners to a minimal number with those few being treated much as Martha Stewart was treated during her period of "imprisonment" (all of which Dan seems to endorse) then I would be a very happy camper indeed. But our points of agreement notwithstanding, now we reach some points of disagreement. First, all three of us want to travel in the direction of major reform; though Tom ultimately wants to go further than Dan, and I want to pursue that path all the way to a point at which Dan would certainly insist (and even Tom fears) I plunge directly over a steep cliff. But Tom and I both believe that commitment to moral responsibility is an impediment to such a reform agenda, and at that point we get to some basic questions.

The fundamental question at issue is whether our practice of holding people morally responsible is *fair*. That is a question Dennett very carefully examines, and he rightly insists that it is a question distinct from the obvious *unfairness* of our grossly excessive and counterproductive punitive system. I won't repeat his arguments here: they are wonderfully clear and powerful as he presents them in his review. I hope I am not misreading his conclusion, but it seems to me that Dennett does not argue that our moral responsibility system is fair; rather, it is *fair enough*, and – though we ought to continue to strive to make the system as fair as it can possibly be – the system of moral responsibility (even with some modest degree of unfairness) is far better than any system we could put in its place (and certainly better than any system I have suggested as a replacement). Dennett seems comfortable with "fair enough," and he can champion such a system and not blink. But Dennett is a remarkable person, and what works for Dennett is unlikely to work for most people. The idea that we are benefitting and others are suffering from a system that is not quite fair creates "cognitive dissonance" for most people. We resolve it by convincing ourselves that the system really is fair, and people justly deserve what they get; and the best way of convincing ourselves of that is by refusing to look in depth at the detailed causes for differences in behavior (for example, the causes that shape one person as a cognitive miser and another as a chronic cognizer, than enhance one person's sense of self-efficacy while diminishing

another's). As a result, the real problems in the system tend to be invisible, and the deeper understanding of human behavior -- that contemporary psychological research is now offering, and that affords us a genuine opportunity to enhance the self-control and freedom of everyone -- is neglected.

In fact, I'm not sure that even Dennett is quite comfortable with the unfairness -- even under optimum conditions -- of the moral responsibility system. He adds another prop to his argument: The system is *fair enough* because we choose to participate and play the game, and so we must regard it as at least reasonably fair. But here the sports/game metaphor becomes less helpful. If I don't like football and its rules, I can play a new game. If athletic games don't answer, I can turn to backgammon. And if I really want something where my athletic ineptitude and gaming incompetence are not a problem, there's always chutes and ladders. But in life we can't select another game, or choose a different social system: this is the only one available, unless we decide to be hermits. For profoundly social animals, that's not an attractive option -- especially when those who remain in the game would classify us as demented, and fit only for treatment, and unworthy of respect or affection. If we don't play we are banished not just from society, but from the human community. (Given that alternative, it is hardly surprising when even those who are most severely mistreated -- by a U.S. system Dennett agrees is grossly unfair -- insist that they want to remain in the game.)

But Dennett saves his toughest challenge for last. So you don't think this "fair enough" system is acceptable? Fine; show us a better one. Dennett works through the tangle of arguments and claims, and tracks down the most vulnerable point in the case against the moral responsibility system. It is because Dennett is wonderfully honest about the limitations of the moral responsibility system that his challenge has such force: OK, nobody claims that the moral responsibility system is perfect; but do you have anything better to put in its place? At this point (Dennett and I share a fondness for sports metaphors) I'm backed up to my own goal, it's 4<sup>th</sup> and 10, and I'm tempted to punt. Or maybe, inspired by Dennett's example, I should be honest: I don't have such a system to offer. But on the other hand, I don't think that is quite so severe a problem as Dennett implies; in fact, I don't think it is really that surprising. Formulating such a system is not primarily a task for philosophers, though we can help. But in any case, Dennett is right: no such alternative is now available. He is also right that some of the new developments (that I regard as promising, such as restorative justice) now rely on a background punitive possibility. But we are now taking small steps, experimental steps, in the right direction; I regard those steps as somewhat more promising than Dan does, but I agree with him that they are not a full alternative to the moral responsibility system.

I don't have an alternative; but my goal is to convince the world (starting with philosophers, the most important part of the world) that the moral responsibility system has inherent flaws, that it is unfair, and that it blocks a better understanding of human behavior. If we acknowledge that the system is unfair, then we -- psychologists, criminologists, sociologists, philosophers, and candlestick makers -- can and will work toward something new which makes good use of all we now know about human behavior (and that does not mean, nor would B. F. Skinner have supposed it to mean, turning people into automatons: a very important part of such a project will involve using our new understanding to enhance self-control, strengthen a sense of self-efficacy, and promote stronger cognitive resources). Is that possible? I don't know; my hope that it is possible is not "pie in the sky," but is based on the fact that we have made enormous gains in our understanding of human behavior, and are constantly making more, and we have barely begun to make effective use of that understanding. But the first step is to be clear that it's worth trying.

~ BNW, October, 2012

[back to [Reviews](#)]

[back to [Free Will](#)]

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