

A Coherent and Comprehensible Interpretation of Saul Smilansky's Dualism

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Abstract

Saul Smilansky's theory of free will and moral responsibility consists of two parts; dualism and illusionism. Dualism is the thesis that both compatibilism and hard determinism are partly true, and has puzzled many philosophers. I argue that Smilansky's dualism can be given an unquestionably coherent and comprehensible interpretation if we reformulate it in terms of pro tanto reasons. Dualism so understood is the thesis that respect for persons gives us pro tanto reasons to blame wrongdoers, and also pro tanto reasons not to blame them. These reasons must be weighed against each other (and against relevant consequentialist reasons) in order to find out what we all things considered ought to do.

1. Introduction

Saul Smilansky's theory of free will and moral responsibility consists of two parts; dualism and illusionism (Smilansky 2000). Dualism is the thesis that both compatibilism and hard determinism are partly true, whereas illusionism is the thesis that people's false belief in libertarian free will (i.e., a kind of free will inconsistent with determinism, and possibly with plausible versions of indeterminism as well) has mostly beneficial effects and ought to be kept. Whether one agrees with illusionism or not (it has been questioned both whether people in general believe in libertarian free will, Nahmias 2011, and whether such a belief is beneficial, Pereboom 2014), it is not difficult to comprehend. Dualism, on the other hand, has puzzled many philosophers. Compatibilism is the thesis that free will and moral responsibility are compatible with determinism, whereas hard determinism is the thesis that they are not. If the world is deterministic, a complete description of the state of the world at any time in the past combined with a complete description of every law of nature implies any true proposition about present events, including human action. Hard determinists argue that under these circumstances, no one is really free or morally responsible for what she does. No one deserves to be blamed or punished for wrongful actions, and no one deserves to be praised or rewarded for exemplary ones. Compatibilists, on the other hand, argue that free will is still possible. There is a variety of ways

compatibilist arguments can go, but the compatibilist might, for instance, stress the fact that determinism does not preclude the possibility of people acting free from compulsion and neurosis, point out that many agents in a deterministic universe still do what they have most reason to do according to their own values, and so on. Therefore, the compatibilist say, we can be free as well as morally responsible under determinism.

On the face of it, these theses seem completely opposed to each other, making it hard to see how there could possibly be a little bit of truth in both. Tamler Sommers writes that it is unclear what it means that punishments can be in one way just and in another way unjust (Sommers 2012 p. 115). Despite Smilansky's explicit claim to the contrary, Derk Pereboom thinks that Smilansky is not really a dualist at all, but simply a hard incompatibilist¹ like him (Smilansky 2000 p. 101; Pereboom 2001 pp. 130-131). James Lenman suggests that there is a distinction, in Smilansky's theory, between compatibilist justice and ultimate justice, compatibilist desert and ultimate desert and so on (Lenman 2002). In this paper, I will argue that regardless of whether dualism is true or not, it can be made unquestionably coherent and comprehensible if we reformulate Smilansky's thesis in terms of *pro tanto* reasons.

2. Smilansky's dualism

Smilansky argues, like so many other philosophers, that there is an intimate connection between respect for persons and justified praise and blame. Many philosophers argue that we may be obliged to blame someone for a wrongful act because we respect her as a person (e.g., Duff 1986 p. 70; Moore 1997 pp. 142-149 and p. 165; Dworkin 2011 pp. 224-225), but Smilansky focuses mostly on how respect for others demand that we do *not* blame them when they do *not* deserve to be blamed and praise them when they deserve to be praised (Smilansky 2000 pp. 19-20 and 127). However, respect for persons clearly requires that we do not blame others for events that were not under their control. Smilansky writes that there is an ethical basis for considering *every* control-undermining factor when asking whether someone deserves to be blamed (Smilansky 2000 p. 48). The relevance of some control-undermining factors is obvious; for instance, we ought not to blame people for what they did after having been drugged against their will. When we learn that people's actions were caused by less obvious factors beyond their control, such as the distant past together with the laws of nature, we cannot choose to ignore these factors merely because they are less salient than drugs

¹ A hard incompatibilist differs from a hard determinist merely in holding that we cannot have free will and moral responsibility under *indeterminism* either. Smilansky, despite writing about hard *determinism*, often seem to have something like hard incompatibilism in mind.

or because taking them into account makes life too complicated. This is the kernel of truth in hard determinism. However, there is also an ethical basis for considering whether people were in control, in the *compatibilist* sense of the word, of their actions before we judge them. Some agents are in control of what they do in the sense that they rationally choose to do something for reasons of their own and then do it, whereas others act under the influence of psychosis or drugs, or simply behave irrationally due to being toddlers. To disregard the obvious differences between the first group of agents and the latter ones would be morally wrong (ibid p. 77).

Smilansky empathically stresses that he does not merely claim that we have *consequentialist* reasons to praise and blame people. There is a sense in which people actually *deserve* praise and blame, reward and punishment, in virtue of having acted with compatibilist freedom, and respect for persons requires that we take this into account when judging them (ibid pp. 27, 78, 88-89 and 101). A community where people are punished and rewarded based on whether they were in control of their actions or not in a compatibilist sense is in one way just and in another way unjust (ibid pp. 97-98). In a sense, people in this community get their just deserts, but in another sense, no one can ever deserve to be rewarded or punished.

My suggestion is that we can make more sense of Smilansky's dualism if we reformulate his claims in terms of the *reasons* we have to praise or blame, reward or punish.

3. Reasons and respect

Smilansky explicitly discusses a backward-looking kind of moral responsibility, or desert-entailing moral responsibility, both in compatibilist and incompatibilist terms. But what is desert-entailing moral responsibility, and how is it distinguished from its forward-looking counterpart? To delve deeply into this issue lies outside the scope of this paper. However, when analysing backward-looking blame, we ought to have something more to say than it being blame given for the reason that the agent deserves it, or blame given merely because the agent did something wrong. These statements do not really add anything to the claim that the blame is backward-looking. Rather, we should say that backward-looking blame is blame given with no eye to "training" the agent to behave better in the future, but rather given because we see her as a fellow moral *agent*. When I have done something wrong, I may think about the reasons against doing what I did and regret it. Likewise, when someone whom I consider a fellow moral agent has done something wrong, I may tell her the reasons against doing what she did and try to make her regret it. This is why many philosophers regard the readiness to blame others for their wrongdoing as a sign of respect; in a sense, blaming others for their wrongdoings amounts to treating them the way we treat ourselves, but

unlike the way we treat little children, animals, severely psychotic people and so on (Moore 1997 pp. 142-149 and p. 165; Dworkin 2011 pp. 224-225).

Suppose, then, that another person has done something wrong – for instance, stolen my wallet when I was down at the pub. Since I ought to respect other persons, I think that I have at least a *pro tanto* reason to blame the thief. However, we may imagine that further information reveals that I do not have such a reason after all. Suppose, for instance, that I learn that she had been tricked into drinking more alcohol than she was aware of or drugged against her will, and in her confused state she mistook my wallet for her own. This fact shows that my supposed reason for blaming her was no real reason after all. Blaming her in this situation would show *no* respect for her; it would merely be cruel and heartless. Now, suppose instead that I learn, not that she was hopelessly confused due to alcohol or drugs, but that she grew up in a terrible family and terrible neighbourhood, had no non-criminal role models and so on. This is a more complicated situation. Respecting her as a person rather than writing her off as a hopeless case who cannot really know what she is doing does seem to give me an actual *pro tanto* reason to blame her. However, respecting her as a person might also require that I try to put myself in her shoes, and realize that abstaining from criminal activities might present a real challenge to her, whereas it is easy for me. The difference between us does not solely consist in me making better choices than she does; I have also been more fortunate. This might give me reason to somewhat mitigate my judgement, although I should still consider her blameworthy.

Finally, suppose that there are no circumstances that we would normally consider excusing or mitigating. Respecting the wallet thief as a person gives me a *pro tanto* reason to blame her. However, I realize that there is a sense in which nothing is ultimately up to us, since libertarian free will is impossible. Ultimately, everything we do, including her theft of my wallet, is caused by factors beyond anyone's control. Respecting her as a person gives me reason to take seriously the fact that the difference between us is ultimately a difference in luck; I was fortunate enough to be born with genes and exposed to environmental influences that caused me to abstain from crime, and she was unfortunate enough to be born with genes and exposed to an environment that caused her to steal my wallet.² As soon as we take up this "ultimate" perspective, it might be tempting to say that I was mistaken when

² Once again, remember that determinism is the thesis that a complete description of the state of the world at any time in the past combined with a complete description of every law of nature implies any true proposition about present events, including human action. The observation that, say, identical twins who grew up together do not behave exactly alike does not prove that the world is not deterministic, since no two people have been exposed to precisely the same environmental influences down to the last detail.

I initially thought that I had a pro tanto reason to blame her, but this is not the conclusion that Smilansky draws. Whereas it is not respectful at all, merely cruel, to blame someone for actions that she performed while hopelessly confused from alcohol or drugs that she did not even chose to consume, the same cannot be said about blaming someone for actions that she decided to perform for reasons of her own. It remains true that there *is* something disrespectful about dismissing her theft as a mere result of forces beyond her control; dismiss what she did like we might dismiss the actions of someone in the grip of psychosis, or a tiny child. Respecting her as a person therefore gives me a genuine pro tanto reason to blame her – and simultaneously another, likewise genuine, pro tanto reason not to blame her.

It might be objected that whereas it is clearly possible that I find myself in a situation where, say, respect for persons gives me a pro tanto reason to blame someone whereas the fact that blaming her would have disastrous consequences gives me a pro tanto reason not to blame her, it cannot be the case that respect for persons alone gives me both a reason to blame and a reason not to blame. But situations where the same value or general duty gives rise to two opposing pro tanto reasons are actually commonplace. Suppose that I am a parent, and have a general duty to make my child happy. This gives me a pro tanto reason to buy her candy from time to time if she loves candy, and also a pro tanto reason not to give her candy since candy is bad for her health, and good health is important for her happiness. I will end up weighing these reasons against each other, and may sometimes conclude that I all things considered ought to buy her a little bit of candy, at other times conclude that I all things considered ought to refuse her requests. In a similar vein, respect for persons may simultaneously give me a reason to take other people and their agency seriously by praising and blaming them for actions that are under their control in a compatibilist sense, and a reason to consider the fact that differences in behaviour are ultimately just due to luck and therefore not praise or blame them for anything they do.

4. How we ought to treat people all things considered

How are we to weigh these different reasons against each other? Overall, Smilansky's position seems to be that we usually have all-things-considered reasons to praise and blame people, reward and punish, despite the fact that doing so is always ultimately unjust. He further argues that the extent to which a given punishment is unjust depends in part on how harsh it is, in part on the level of compatibilist control with which the agent acted (ibid p. 134). He argues that when we have determined that there is injustice, it is a separate question whether something ought to be done about the injustice (ibid p. 135). Although he focuses on a kind of compatibilism concerned with desert and backward-looking reasons for praise and blame, there can also be

important consequentialist reasons for praising and blaming, rewarding and punishing (ibid p. 102). Hard determinist considerations, however, should play a mitigating role (ibid p. 102).

Bringing all this together to a consistent theory about the reasons we have to praise, blame, punish and reward, gives us the following picture: We have respect-based pro tanto reasons to praise and blame, punish and reward people for actions they perform with compatibilist control. This is the kernel of truth in compatibilism. We also have consequentialist pro tanto reasons to create practices and institutions that administer praise, blame, punishments and rewards for this category of actions. Finally, we have respect-based pro tanto reasons never to praise, blame, punish or reward anyone. This is the kernel of truth in hard determinism. Reasons of the first kind can be affected by *how much* compatibilist control the agent had. Reasons of the second kind can be stronger or weaker depending on exactly how good or bad the consequences will be. Reasons of the third kind are, in the case of blame and punishment at least, stronger the harsher the blame or punishment is. If we punish someone harshly enough, even if she acted with compatibilist control, there will presumably be a point where the reason not to punish comes to outweigh the reasons we do have to punish, and thus we must diminish the amount of punishment we plan to inflict on her until the balance of reasons is such that punishing her once again becomes justified. In this way, hard determinist considerations serve a mitigating function. As long as we stick to social sanctions and more humane punishments, the reasons we do have to blame and punish will, insofar as wrongdoers had compatibilist control over their actions, outweigh the reasons we have not to do so.

5. Conclusion

The claim that there is truth in both (backward-looking) compatibilism and hard determinism can be understood as us having respect-based, backward-looking pro tanto reasons both *to* praise and blame, reward and punish agents for actions performed with compatibilist control, and respect-based, backward-looking pro tanto reasons *not to* do this. It is commonplace and non-mysterious that we might have a pro tanto reason to A and a pro tanto reason not to A derived from the same value or general duty, and that we must weigh these reasons against each other to find out what we ought to do all things considered. Thus, if we reformulate Smilansky's dualism in terms of reasons for praising, blaming, rewarding and punishing, we see that it is a coherent and comprehensible thesis. Whether it is also true is a topic for other papers.

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References

- Duff, A. (1986). *Trials and punishment*. Cambridge: Cambridge University Press.
- Dworkin, R. (2011). *Justice for Hedgehogs*. London: The Belknap Press of Harvard University.
- Lenman, J. (2002). On the Alleged Shallowness of Compatibilism: A Critical Study of Smilansky, S. 2000. *Free Will and Illusion*. Oxford: Clarendon Press.
- Moore, M. (1997). *Placing Blame. A Theory of the Criminal Law*. Oxford: Oxford University Press.
- Nahmias, E. (2011). Intuitions about Free Will, Determinism and Bypassing. In R. Kane, eds, *The Oxford Handbook of Free Will, 2:nd edition*, pp. 555-575. New York: Oxford University Press.
- Pereboom, D. (2001). *Living Without Free Will*. Cambridge: Cambridge University Press.
- Pereboom, D. (2014). *Free will, Agency and Meaning in Life*. New York: Oxford University Press.
- Smilansky, S. (2000). *Free Will and Illusion*. Oxford: Clarendon Press.
- Sommers, T. (2012). *Relative Justice: Cultural Diversity, Free Will and Moral Responsibility*. Princeton: Princeton University Press.

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