

6

SIDGWICK ON FREE WILL AND ETHICS

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In the *Outlines of the History of Ethics*, Henry Sidgwick writes that the subject of ethics includes “some examination of the question of human Free Will” (Sidgwick 1902: 11). When he addresses the question in *The Methods of Ethics* he says that he is anxious to avoid the “great” difficulties associated with it and thus to develop a view on it that keeps “as much of my subject as possible as free from their perturbing influence” (Sidgwick 1907: 57). In keeping with this aim, he attempts to argue that appearances to the contrary, resolution of the free will controversy is of “limited” importance to ethics (1907: 66; also 1889: 474–479, 1902: 261). Despite the view’s uniqueness, surprisingly little sustained attention has been paid to it.

This chapter tries to remedy this situation. Part one clarifies Sidgwick’s argument for the claim that resolving the free will controversy is of only limited importance to ethics. Part two examines and tries to deflect objections to Sidgwick’s position raised by J. B. Schneewind (1977) and Roger Crisp (2015) while itself putting forward a distinct criticism. Part three raises objections to Sidgwick’s claim that “it is practically impossible to be guided, either in remunerating services or in punishing mischievous acts, by any other considerations than those which the Determinist interpretation of desert [and responsibility] would include” (Sidgwick 1907: 72). The chapter concludes by noting that although Sidgwick’s view is not without problems, his discussion forces us to consider which aspects of moral thinking (if any) survive the recognition that free will is illusory.

Sidgwick on significance of free will to ethics

Sidgwick thinks that the main question at issue in the free will problem is the following:

Is the self to which I refer my deliberate volitions a self of determinate moral qualities, a definite character partly inherited, partly formed by my past actions and feelings, and by any physical influences that it may have unconsciously received; so that my voluntary action, for good or for evil, is at any moment completely caused by the determinate qualities of this character, together with my circumstances, or the

external influences acting on me at the moment – including under this latter term my present bodily conditions? – or is there always a possibility of my choosing to act in the manner that I now judge to be reasonable and right, whatever my previous actions and experiences may have been?

(Sidgwick 1907: 61–62)

Sidgwick considers what he calls libertarian and determinist answers to this question. The libertarian opts for the second disjunct above, maintaining, Sidgwick reports, that “supposing that there is no obstacle to my doing it other than the condition of my desires and voluntary habits” (Sidgwick 1907: 65), it is always possible to choose to do what I judge to be right and reasonable or not even where the antecedents to my choice remain unchanged.

The libertarian finds support for this in the “immediate affirmation of consciousness in the moment of deliberate action” (Sidgwick 1907: 65; also 1889: 475–476). Involved in the usual case of deliberation about what one ought to do in light of one’s principles is, the libertarian contends, the “actual consciousness of choosing between alternatives of conduct” (1889: 476). The idea is, Sidgwick argues, that “[i]n deliberate volitions there is always a conscious selection of the result as one of two or more practical alternatives” (Sidgwick 1907: 61; also 1889: 476). Central to deliberate action is the idea of believing ourselves to have a choice of what to do, whatever has come before.

Sidgwick concedes that the consciousness of free choice may be “illusory: that if I knew my own nature I *might* see it to be predetermined that, being so constituted and in such circumstances, I should act on the occasion contrary to my rational judgment” (Sidgwick 1889: 477, 1907: 65–66). However, accepting this would involve a fundamental alteration of my “whole conception” of what I now call “my” action (Sidgwick 1907: 66; also 1889: 476–478). If one came to view one’s actions as determined, one would be forced to give up the usual way in which one attributes one’s actions to one’s self, namely, as the product of deliberation and choice. Sidgwick’s idea here is that since the conception of volition previously mentioned is the only one possible and it includes the idea that, contrary to determinism, we possess freedom of choice, we have some reason to think we in fact have such freedom (1889: 477).

The determinist denies what the libertarian asserts based on “a cumulative argument of great force” (Sidgwick 1907: 62), and so affirms the first disjunct above in Sidgwick’s account of the main question at issue in the free will debate, that all one’s actions are the product of antecedent events outside one’s control. Sidgwick lists a number of considerations favoring determinism, the most potent of which is the following.¹ All “competent thinkers” hold, Sidgwick affirms, that with the exception of human volitions “events are determinately related to the state of things immediately preceding them” (1907: 62). “Every scientific procedure assumes it: each success of science confirms it” (1907: 63). Such considerations, the determinist submits, increase “the indisposition to allow the exceptional character claimed by Libertarians for the department of human action” (1907: 63).²

Sidgwick does not provide a theoretical solution to the free will problem. He does not, for example, argue that we do or do not have contra-causal free will. Instead, he argues for a practical solution to the problem (Sidgwick 1889: 474–475). He aims to show that for “the purposes of practical reasoning the two opposed arguments [libertarian and determinist]

cannot really collide” (1889: 475). The idea is that while the gap between rival solutions to the problem of free will is in theory quite wide, its effect on reasoning in practice is quite limited.³ He argues as follows (Sidgwick 1889: 478–479, 1907: 68–70):

- P1. If taking up a stance on the question of free will by adopting libertarianism or determinism has more than limited significance to ethics, it alters either our view of what is ultimately good or our practical conclusions as to the fittest means to securing these goods.
- P2. It is not the case that taking up a stance on the question of free will by adopting libertarianism or determinism alters either our view of what is ultimately good or our practical conclusions as to the fittest means to securing these goods.
- C1. Therefore, it is not the case that taking a stance on the question of free will by adopting libertarianism or determinism has more than limited significance for ethics.

Sidgwick argues that neither the value of happiness (pleasure) nor the value of perfection (the realization to a high degree of mental capacities essential to human nature, e.g., theoretical rationality and virtuous willing) is altered by the adoption of libertarianism as opposed to determinism.⁴

If Happiness . . . be taken as the ultimate end of action on a Libertarian view, the adoption of a Deterministic view affords no ground for rejecting it: and if Excellence [perfection] is in itself admirable and desirable, it surely remains equally so whether any individual’s approximation to it is entirely determined by inherited nature and external influences or not.

(Sidgwick 1907: 68; also 1889: 478)

Furthermore, neither the adoption of determinism nor libertarianism affects our scientific accounts of the relation between means and ends.

If we confine our attention to such connexion between means and ends as is scientifically cognizable, it does not appear that an act now deliberated on can be less or more a means to any ulterior end, because it is predetermined.

(Sidgwick 1907: 69; also 1889: 478–479)⁵

Sidgwick does, however, think that some (theoretically significant) changes in our commonsense attitudes is implied by the endorsement of determinism. He says, for example, that “it must be admitted . . . that the common retributive view of punishment, and the ordinary notions of ‘merit,’ ‘demerit,’ and ‘responsibility’ . . . involve the assumption of [libertarian, contra causal] Free Will” (Sidgwick 1907: 71; also 284, 349). Therefore, if we jettison libertarianism, we are forced to divest ourselves of retributivism and our common conceptions of merit, desert, and responsibility. The assumption behind these views is that if a person’s actions are the product exclusively of “events anterior to his personal existence” and so he could not have done otherwise, he cannot really have merit or demerit, and it would be “repugnant to the common moral sense . . . to reward or punish . . . praise or blame . . . him” (1907: 66).

The determinist gives to these notions a different signification. Of the notion of responsibility, Sidgwick says

if I affirm that A is responsible for a harmful act, I mean that it is right to punish . . . [A] for it; primarily, in order that the fear of punishment may prevent him and others from committing similar acts in the future.

(Sidgwick 1907: 72–73)

Of the notion of desert, he says

when a man is said to deserve reward for any services to society, the meaning is that it is expedient to reward him, in order that he and others may be induced to render similar services by the expectation of similar rewards.

(Sidgwick 1907: 284n1)

Sidgwick describes these as utilitarian conceptions of responsibility and desert.

Adopting determinism seems, then, to have more than limited significance for ethics. It involves rejecting retributivism about punishment and commonsense views of responsibility, desert, merit, and so on. Adopting determinism would therefore be revisionary. On the libertarian, commonsense views of responsibility and desert, the assignment of responsibility and the allotment of rewards is based solely on backward-looking considerations, on whether what happened was in some way under the control of the agent and so what an agent did. On the retributivist view, punishment of an individual is justified entirely on the basis that they deserve it for having done wrong in the past for which they are responsible. On the determinist, revisionary view, the assignment of responsibility and the allotment of rewards is based solely on forward-looking considerations, on what will happen. The determinist, on Sidgwick's reckoning, justifies punishment entirely on the basis of future-looking considerations, including reform of offenders and general deterrence.

Sidgwick concedes that the difference between the libertarian and determinist is, in the case of the justificatory basis of punishment, merit, desert, and responsibility, "theoretically very wide" (Sidgwick 1907: 72). But, he says, this theoretical difference has hardly any effect in practice. This is because "it is practically impossible to be guided, either in remunerating services or in punishing mischievous acts, by any other considerations than those which the Determinist interpretation of desert [and responsibility] would include" (1907: 72; also 285). Certain "practical exigences" force us to rely exclusively on forward-looking considerations in assigning responsibility, allotting rewards, and punishing.

Is free will of limited significance to ethics?

J. B. Schneewind and Roger Crisp object to Sidgwick's claim that what we take to be ultimately valuable is unaffected by one's stance on the free will question. That is, they challenge P2 of Sidgwick's argument that was outlined above.

Sidgwick says that the manifestation of such virtues as courage, temperance, and justice do not "become less admirable because we can trace their antecedents in a happy balance of inherited dispositions developed by a careful education" (Sidgwick 1907: 68). Schneewind

(1977: 212) objects that if what Sidgwick has in mind “points to strict determinism”, then while such virtues may not be less admirable, they would become “admirable in a different way – as we admire straight noses and golden hair, not as we admire honesty under severe temptation” (1977: 212).

In reply, Sidgwick might say it is not clear that such virtues and other perfections are admirable in a different way under the conditions he describes. Honesty, temperance, and justice, among other virtues, could still be regarded as good to have for their own sake and so worthy of promotion, and celebration even if they are the product of inheritance and education. We might admire them in the same way we admire a body of knowledge a person acquires under great stress due entirely to the inherited disposition to disciplined study augmented by a solid education. Or we might admire them in the same way that we admire a small child’s artistic creativity or intelligence which result from natural endowment and instruction. Our admiration in these cases seems not to resemble our admiration of straight noses, which does not involve valuing them or celebrating them for their own sake.

In response, Schneewind might concede that such virtues remain admirable as Sidgwick says but argue that what changes is our attitude to the agent manifesting the virtues. We may admire or come to regard the agent differently. We might think her less worthy of praise or of congratulation. This reply might be right. But, as we saw, Sidgwick concedes that in theory this is one implication of the endorsement of determinism, though he thinks this concession is of limited practical significance. We shall return to this shortly.

Crisp concedes that Sidgwick might be right that when viewed “merely” as perfections the value of certain intellectual and physical perfections and excellences of character remains whether one is a determinist or a libertarian (Crisp 2015: 52). But, he argues, if such things are viewed as personal accomplishments, “the libertarian may see determinism as undermining their value” (2015: 52).

It not clear that the value of accomplishments would be undermined by the adoption of determinism. The value of an accomplishment or achievement per se does not obviously depend on free will any more than the value of certain intellectual or physical perfections depends on free will. According to an influential account by Gwen Bradford (2015), an achievement involves a product (a cure for cancer) and a process (scientific research), where the product is competently caused by means of a difficult (intensely effortful) activity. Such things qualify as achievements, in other words, when they involve the exertion of (intense) effort and (roughly speaking) a certain amount of justified true beliefs about the (causal) relationship between one’s activities and the product of one’s actions. It is unclear that we would stop admiring, promoting, encouraging, and honoring achievements in this sense given the fact of determinism. A determinist’s judgement about the value of achievement would seem to persist even were she to agree with Bradford that the value of an achievement rests on exercises of theoretical and practical reason and the will and is therefore perfectionist in nature (Bradford 2015). It does not seem obvious that the value lies in a “free” will and so, again, it is not clear that the adoption of determinism would undermine their value. Consider the fact that many admire the accomplishments or achievements of young children despite the fact that we do not think small children have any significant kind of free will. It is not clear, then, that our commonsense attitudes to certain achievements change with knowledge that they are due to education and to inherited dispositions.⁶

Of course, as in the case of Schneewind, we might admit that the scientists who discover cures or the individuals who build businesses become admirable in different ways and that

we might modify our view of them once we consider and adopt a deterministic point of view on their activities. But, as we saw, Sidgwick thinks that if we adopt determinism our views of responsibility and merit must be altered in theory, though this alteration does not have a significant effect ~~on ethics~~ in practice. It is to this point that we will turn in the next section.

Crisp argues further that it is not only personal accomplishments that may be undermined by determinism. He asks us to

imagine that . . . [a] libertarian had taken much pleasure in her accomplishments and her moral integrity, attributing both to free and unconstrained choices. Especially in the case of moral integrity, it is not unlikely that the belief in determinism may affect these more sophisticated, intentional pleasures, and indeed cause her a certain amount of unpleasant regret.

(Crisp 2015: 51–52)

Sidgwick might argue that in this case since it is not the value of, but rather the means to, happiness that is altered, the alteration is, practically speaking, of only limited importance. He might go on to suggest that libertarians could well still acquire the pleasure they relish by retaining the belief in free will as part of the best strategy for promoting happiness or pleasure.

For some, this suggestion for the libertarian may constitute a practical change that is of more than limited significance. This, of course, speaks to the issue of when, on Sidgwick's view, an alteration is of limited, as opposed to more than limited, significance. He is not clear on where lies the boundary.

In any case, even if the reply is effective, it is less clear that other changes occasioned by the adoption of determinism that Sidgwick allows can be plausibly classified as limited in ethical importance. He readily admits that there are a number of cases in which adopting determinism seems to make a significant difference to our motives rather than the substance of our obligations.

Sidgwick says that the acceptance of determinism makes no difference to our belief about the connection between some goal and the most efficient means to it in so far as the belief rests on “empirical or other scientific grounds” (Sidgwick 1889: 479, 1907: 69).⁷ However, things look different, he suggests, when “theological considerations” are introduced (1889: 479, 1907: 69). Suppose one is a theist who believes that one's happiness in the next life is dependent on *freely* choosing to perform one's duty in this world (Sidgwick 1889: 479, 1907: 69). Sidgwick concedes that if one holds this view, whether or not one has libertarian free will “becomes obviously of fundamental ethical importance” (Sidgwick 1907: 69, 1889: 479).

The denial of free will in this case has the effect of removing one's motive to discharge one's duty. The idea is that if one's motive to do what one ought rests on a belief that God exists and rewards virtue with happiness in the afterlife and does so only if one freely chooses virtue, then the affirmation of determinism will undermine one's incentive to perform one's duty.

The ethical significance is therefore fundamental for a theist of this sort. Sidgwick seems to think this is not detrimental to his argument because the denial of free will has the effect of undermining one's motive to duty, he says, only in so far as (a) one's self-interest diverges from what morality demands apart from “theological considerations” and (b) free will (in

the libertarian sense) is an “indispensable” assumption of the “theological reasoning that removes this divergence” (Sidgwick 1907: 69).

Sidgwick ends the discussion here in part on grounds that (b) is not “within the scope of this treatise to discuss” (1907: 69). This is rather too convenient. Sidgwick ought to have been a bit more concerned. He believes that duty and self-interest do diverge apart from theological considerations (1907: 162–175, 496–509), he is a theist (Sidgwick 1906: 228), and even suggests an argument for God’s existence in part on the grounds that God might make duty and self-interest coincident (1906: 600–608).⁸

He does admit that one’s stance on the free will controversy may have a significant impact on ethics if you embrace the previous theological position. In response, he modifies his conclusion to say resolution of the free will debate is of limited significance to ethics unless you make the assumptions associated with the previous theological position (Sidgwick 1907: 71). But this qualification might, for some, look more significant than Sidgwick allows.

Sidgwick seems to accept that the effect of the adoption of determinism would be of more than limited significance in the previous case because the effect would be the *removal* of the motive to discharge one’s duty. He seems less worried in cases where the denial of libertarian freedom occasions only modifications to one’s motives to perform one’s duty. He admits, for example, that motives to perform one’s duty may be weakened if one accepts determinism,

since a man will not feel *remorse* for his actions, if he regards them as necessary results of causes anterior to his personal existence. I admit that so far as the sentiment of remorse implies self-blame irremovably fixed on the self blamed, it must tend to vanish from the mind of a convinced Determinist.

(Sidgwick 1907: 71)

In reply, Sidgwick says that the determinist will have to jettison the feeling of remorse. But he suggests that this will not much effect the convinced determinist’s motive to do their duty, since she may possess other and equally effective motives prompting her to duty. There is, he says, no reason that the imagination of the determinist should not be as “vivid, his sympathy as keen, his love of goodness as strong as a Libertarian’s”, and therefore no reason why the determinist’s “dislike for his own shortcomings and . . . mischievous qualities of . . . character which have caused bad actions in the past should not be as effective a spring of moral improvement as the sentiment of remorse would be” (Sidgwick 1907: 71).

This is not an entirely effective reply. At most, Sidgwick is permitted to claim that the adoption of determinism *may* have only limited significance to ethics in so far as motives are concerned. It is, after all, quite possible that amongst those qualifying as unimaginative determinists, the modification of motives is quite significant in practice. They may well jettison remorse while lacking a suitable replacement for it, in which case the effect of adopting determinism will in fact weaken their motive to do their duty. Moreover, Sidgwick overlooks the difficulty that even an imaginative and sympathetic determinist may have in coming to regard moral defects as they regard intellectual or organic defects, which, Sidgwick maintains, we take great strides to “cure” despite the fact that they cause us no remorse (Sidgwick 1907: 71). It is quite possible that for some, classifying these changes to motives as of limited importance to ethics may well be difficult to accept, if not question begging.⁹

Are the theoretical differences between libertarian and deterministic conceptions of punishment and responsibility insignificant in practice?

Let's return to Sidgwick's claim that "it is practically impossible to be guided, either in remunerating services or in punishing mischievous acts, by any other considerations than those which the Determinist interpretation of desert [and responsibility] would include" (Sidgwick 1907: 72). He assumes, it seems, that the Determinist interpretation of these notions must be utilitarian in nature (1907: 71, 284n2).

Sidgwick provides two arguments for his practical impossibility claim. The first argument appeals to what he calls the "practical exigencies of social order and wellbeing". These force us to assign responsibility for bad acts and to mete out legal punishment in "deterrent and reformatory rather than retributive" ways "quite apart from any Deterministic philosophy" (Sidgwick 1907: 72). He suggests that due to such practical exigencies we "punish negligence, when its effects were very grave, even when we cannot trace it to wilful disregard of duty . . . [and] rebellion and assassination . . . although we know that they were prompted by sincere desire to serve God or to benefit mankind" (1907: 72n2; also 1907: 446–447, 1908: 113–114).

There are two replies to this. First, it is not clear that we do not hold people responsible in the retributive sense for harmful negligence and rebellion of the sort Sidgwick has in mind. Provided there is some sense in which they had control over what they did in being negligent or in participating in a rebellion there is room for holding people responsible and punishing them for the harm caused in ways acceptable to libertarians, that is, based on backward-looking considerations and desert.

Sidgwick seems to think that the punishment of harmful negligence and rebellion, which does not rest on wilful disregard of duty or wickedness cannot rest on anything other than utilitarian considerations (that is, "prevention of mischief" (Sidgwick 1908: 114; also 110; 1907: 446–447). He seems to suppose that retributivists have grounds to punish such acts only if they rest on intentional neglects (1907: 447) or "wickedness" (1908: 114). In the absence of such neglect or wickedness they would, then, have no basis for punishing. Therefore, if punishment seems fitting, it would, Sidgwick thinks, have to rest on utilitarian considerations, that is, on preventative or reformatory grounds. But the retributivist need not concede that punishment is permissible only in cases where there is intentional neglect or wickedness. They may simply argue that the negligent, the rebel, the assassin who commits mischief may be punished provided they were able to do otherwise or had some level of control at some point over the harmful outcomes produced by their action.

Second, even if Sidgwick is right that we reason as deterrence theorists where rebellion and assassination is not motivated by "immoral intention" (Sidgwick 1908: 114), it does not follow that we ought to employ this kind of reasoning in all other cases, e.g., where an individual knowingly commits a wrong such as an assault or an act of vandalism. It is not true that because we reason as deterrence theorists in some cases (rebellion in the sincere belief you are in the right) that we must do so in other cases. At most, what Sidgwick provides is a presumption in favor of his view.

The other argument on which Sidgwick relies on his practical impossibility claim occurs in his discussion of the commonsense notion of justice. Sidgwick notes again that our commonsense notions of desert and merit "require material modification" if we deny the reality of free will in the libertarian sense (Sidgwick 1907: 284; also 349). But, he reiterates, the

differences between libertarians and determinists with respect to these notions “can hardly have any practical effect” (1907: 285). His support in this context for this claim is that “it does not seem possible to separate in practice that part of a man’s achievements which is due strictly to his free choice from that part which is due to the original gift of nature and to favouring circumstances” (Sidgwick 1907: 285).

This dismissal of libertarian notions of merit and desert seems too hasty. It might be true that it is hard to separate what is due to one’s free choice from what is due to other, distinct factors in deciding what one deserves. But it does not obviously follow that it is not possible in some cases to form at least reasonable judgements about what is due to each of these distinct factors. We might get it wrong, but surely that is not an argument against trying to form plausible views about the contributions of each factor.

Sidgwick himself seems to suggest that such separation might be possible to some extent in some cases if only we were to

remove . . . the inequalities that are attributable to circumstances, by bringing the best education within the reach of all classes, so that all children might have an equal opportunity of being selected and trained for any functions for which they seemed to be fit.

(Sidgwick 1907: 285)

One might suggest here that perhaps the right approach is not to jettison libertarian notions of desert and reward, and so on, but to instead reform society so that the provision of rewards is more clearly based on what one deserves in the backward-looking sense.

Sidgwick says recall that the

only tenable Determinist interpretation of Desert is, in my opinion, the Utilitarian: according to which, when a man is said to deserve reward for any services to society, the meaning is that it is expedient to reward him, in order that he and others may be induced to render similar services by the expectation of similar rewards.

(Sidgwick 1907: 284n1)

It is not clear that it is possible to achieve clarity with respect to what will and will not function to induce people to supply services to other people or the nature of the conditions under which it expedient to reward people. On this utilitarian view of desert and responsibility, claims about what will induce people to render services and what to reward people for will depend on claims about the consequences of various incentives. However, as Sidgwick himself shows, it is hard to calculate the consequences of actions because there is difficulty associated with arriving at precise accounts of the quantitative relations between pleasures (pains) or units of happiness (unhappiness) (Sidgwick 1907: 123–130, 413). It is not obvious, then, that the deterministic forward-looking view of desert and responsibility is better in practice than the backward-looking libertarian view.

In reply, Sidgwick might point out that we do not need precision to know in general what will induce people to render services. He might insist that this gives his view some advantage over the view that has the seemingly more difficult task of separating what is due to free choice and from what is due to circumstances in deciding what individuals deserve. It may not be clear how much of an advantage his view has, but perhaps he can claim that the problem he faces is more tractable.

Finally, Sidgwick seems to be of the view that either we rely on libertarian conceptions of punishment, responsibility, desert, merit, and so on, or we rely on determinist conceptions of the same concepts. He maintains in addition that utilitarian conceptions of such concepts are the only ones the determinist may tenably accept (Sidgwick 1907: 71, 284n2). And, further, as we have seen, he argues that utilitarian conceptions of responsibility, desert, punishment, and so on are the only ones suitable for use in the practice of holding people responsible and dealing with criminal conduct, among other things. However, it is not obvious that determinists must accept utilitarian accounts of responsibility or the utilitarian basis for punishing criminal behavior (that is, deterrence and reform).

Determinists seem not to be forced to accept Sidgwick's utilitarian conception of responsibility. It is possible for a determinist to reject utilitarian conceptions of responsibility and cognates and to banish talk of such concepts altogether. A determinist might, for example, think of moral agents not as responsible, praiseworthy or blameworthy for their actions, but instead as morally attractive or unattractive based on considerations other than the exercise of free will in the libertarian sense and on other than the utilitarian or extrinsic considerations Sidgwick relies on (Smilansky 1994: 361).¹⁰

It might be too drastic to eliminate responsibility talk. But even if it is right that we need to rely on responsibility talk, determinists can reject the account of responsibility Sidgwick attributes to them. W. D. Ross (1939) is a determinist who rejects the utilitarian account of responsibility. He says that:

holding fast to Determinism, I am inclined to think that the only account we can give of responsibility is this: that bad acts can never be forced on any one in spite of his character; that action is the joint product of character and circumstances and is always therefore to some extent evidence of character; that praise and blame are not (though they serve this purpose also) mere utilitarian devices for the promotion of virtue and the restraint of vice, but are the appropriate reactions to action which is good or bad in its nature just as much if it is the necessary consequence of its antecedents as it would be if the libertarian account were true.

(Ross 1939: 250)

If Ross is right, one can be a determinist and reject the Sidgwick's view of responsibility.

The rejection of libertarian free will need not involve a commitment to thinking that the only basis for the justification of punishment is deterrence and reform. Indeed, in recent literature on free will some have rejected both the existence of free will in the libertarian sense and the deterrence theory of punishment. It is, some have argued, possible to adopt a public health approach to dealing with criminal behavior, thinking of measures for dealing with crime not as functioning primarily to deter or prevent future mischief, but instead as functioning to protect the public from dangerous criminals in the same way that quarantining people with virulent infectious diseases works to protect the public, namely, through some form of containment (Pereboom 2001: 174–177; Caruso 2022). On this non-punitive view, serious criminals and individuals with infectious diseases are treated in an analogous way. Neither is held responsible in the libertarian sense for their conduct or condition. Nevertheless, just as we may quarantine and contain people with deadly infectious diseases to protect public health, we may quarantine those who commit serious crimes to protect the public from harm. As with those quarantined because they have a serious infectious disease,

those quarantined for criminal behavior are contained only for as long as they remain a threat and in conditions no harsher than is necessary.

The important point here is not whether this view is plausible.¹¹ It is that this view is an option for dealing with criminal behavior that is open to determinists to adopt. It rivals the deterrence theory Sidgwick endorses. It seems, then, that determinists have more options for thinking about punishment and responsibility than Sidgwick allows.

So it does not follow from the fact that we cannot rely in practice on libertarian conceptions of responsibility, desert, and punishment that we must, then, rely on utilitarian conceptions of responsibility, desert, and punishment in practice. Sidgwick might try to argue that practical exigencies may force us to accept his favored, utilitarian conceptions of responsibility and desert and the deterrence theory of the justification of punishment. However, to do so he will have to rely on arguments distinct from the ones he actually puts forward against the libertarian conceptions of responsibility and punishment. And without such arguments he cannot claim that the acceptance of determinism is of limited significance to ethics.

Sidgwick therefore must do more to defend his claim (a) that determinists are committed to utilitarian conceptions of punishment, merit, desert, and responsibility and (b) that these conceptions are the only ones viable in practice. Without a defence of the claim that in practice we are forced to be deterrence theorists about punishment, for example, he cannot rule out that the adoption of determinism will have significant impacts on ethical practice. If we adopt determinism and have a good argument in favor of the quarantine model for dealing with serious criminals, the adoption of determinism will have potentially significant impacts on what we ought to do in practice and so will be of more than limited significance to ethics.

Conclusion

Sidgwick argues that resolution of the free will controversy is of limited significance to ethics. He says that while in theory libertarians and determinists conflict over how best to understand the notions of merit, demerit, and responsibility and over the correct account of the justification of punishment, these theoretical conflicts can hardly have any practical effect. After all, in practice, we are forced for various reasons to rely on deterministic (utilitarian) conceptions of these notions. As the foregoing discussion has clarified, we should be chary of accepting Sidgwick's view. But whatever we may think of the merits of it, Sidgwick forces us to consider the options we have respecting ethical reasoning and responsibility in the face of the denial of the existence of libertarian free will. Indeed, Sidgwick's position is best understood as an intellectual forerunner to views attempting to establish which aspects of moral argument (if any) survive the discovery that we lack libertarian free will.¹²

Notes

- 1 I agree with Crisp (2015: 48) that this is Sidgwick's most powerful argument in favor of determinism.
- 2 As Crisp notes, Sidgwick did not consider indeterminism. On some interpretations of quantum theory, which was developed only after Sidgwick died, at the most basic level matter behaves indeterministically. The implications of indeterminism for the free will debate are at present unclear. However, although the fact of indeterminism may weaken Sidgwick's argument here, Crisp points out, "many continue to believe in determination at higher levels, and one might anyway make the

- position disjunctive: actions are either determined or random. And then Sidgwick's argument goes through" (2015: 46).
- 3 Sidgwick says that libertarians tend to exaggerate the importance of free will to jurisprudence and ethics (Sidgwick 1907: 66). So, his main focus is on the impact on practical reason and ethics of adopting determinism.
 - 4 Sidgwick thinks the two most commonly accepted ultimate values are happiness and perfection (1907: 9).
 - 5 Sidgwick grants that one's position on the free will debate will be of "fundamental ethical importance" if one is a theist who thinks the fittest means to happiness in the next life is dependent on freely choosing to perform one's duty in this life (Sidgwick 1889: 479, 1907: 69). More on this shortly.
 - 6 It is not clear that the adoption of a rival view of achievement yields a different result. Imagine again that achievements comprise difficulty and competent causation. But imagine further that some activity is considered difficult not when it requires the exertion of intense effort, but instead when it is an activity most adult human beings with average capabilities are likely to fail at. This conception makes possible achievements where due to skill and talent one succeeds in effortlessly doing something (e.g., writing a best-selling novel) at which most adult human beings with average capabilities are likely to fail. It's not clear that the adoption of determinism would undermine the value of these achievements. For this conception of achievement, see von Kriegstein (2019).
 - 7 For criticism of this point, see Crisp (2015: 53–54).
 - 8 He does not seem to argue that free will is indispensable to this reasoning.
 - 9 In discussing the "ought implies can" principle, Sidgwick notes one other possible alteration to our motives occasioned by the adoption of determinism (Sidgwick 1907: 67). He says the determinist holds the "commonly accepted" version of the principle according to which "ought implies can do it" if one chooses. "Ought to do" does not imply that one can choose to do. But, the libertarian asks, is it possible on the determinist view to choose what one ought? It may be true in some cases, Sidgwick says, that the determinist will agree that given one's past experience one will "certainly" not choose what one ought (1907: 67). He allows that "[t]his being supposed it seems to be undeniable that this judgement will exclude or weaken the operation of the moral motive in the case of the act contemplated: I either shall not judge it reasonable to choose to do what I should otherwise so judge, or if I do pass the judgement, I shall also judge the conception of duty applied in it to be illusory, no less than the conception of Freedom" (1907: 67). Sidgwick says that he agrees that in such cases determinism has a "demoralising effect". In response, he says that the situations in which one is certain one will not do what ought are rare: "Ordinarily the legitimate inference from a man's past experience, and from his general knowledge of human nature, would not go beyond a very strong probability that he would choose to do wrong; and a mere probability – however strong – that I shall not will to do right cannot be regarded by me in deliberation as a reason for not willing" (1907: 68–69).
 - 10 For a similar proposal, see Slote 1990: 375–379.
 - 11 For criticism, see Smilansky 2017.
 - 12 I wish to thank Lisa Forsberg and Max Kiener for helpful comments on previous versions of this chapter.

Further reading

- Baldwin, T., & Preti, C. (eds.). (2011). *G. E. Moore: Early Philosophical Writings*. Cambridge: Cambridge University Press contains Moore's 1897 Trinity College Prize Fellowship dissertation entitled *The Metaphysical Basis of Ethics*, in which Moore discusses Sidgwick's view on the free will question in relation to Kant. Hayward, F. H. (1901). *The Ethical Philosophy of Sidgwick: Nine Essays, Critical and Expository*. London: Swan Sonnenschein, chapter 4, includes a sympathetic exposition of Sidgwick's position on free will and its relation to ethics, noting some changes in Sidgwick's view across editions of *The Methods of Ethics*. Phillips, D. (2022). *Sidgwick's the Methods of Ethics: A Guide*. Oxford: Oxford University Press is an excellent introduction to the main arguments in Sidgwick's *The Methods of Ethics*, including (in chapter 3) Sidgwick's argument that resolution of the free will debate is of limited importance to ethics. Sidgwick, H. (1888). "The Kantian Conception of Free Will," *Mind* 13, 405–412, argues that to his detriment Kant relies on two conceptions of freedom.

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- von Kriegstein, Hasko. (2019). "On Being Difficult: Towards an Account of the Nature of Difficulty," *Philosophical Studies*, 176, 45–64.