

Chapter 8

Is to Understand to Forgive or at Least not to Blame?

Kai Nielsen

Editor's Introduction

Kai Nielsen argues that '[w]e make our own history, as Marx said, but not under conditions of our own choosing'. He sides with the compatibilists in the Free will/determinism debate – arguing that we are the products of a 'genetic and social roulette'. However, whereas most compatibilists believe that no revision is required regarding our understandings of moral responsibility and desert, he believes that we should revise these understandings. However, contra Peter Strawson and some contributors to this collection, he thinks that this revision would neither altogether threaten our moral understandings nor our capacity to act in the face of heinous wrongdoings. Analogously, the abandonment of other influential moral concepts such as original sin, heresy and apostasy has not, as we know, brought about a moral collapse. We can be free in the Rawlsian sense of freedom and autonomy without having to worry about the sort of moral responsibility required by retributivism.

The grounds for condemning 'moral monsters' such as Hitler are pragmatic (or consequentialist). Hitler's life, like everyone else's, was a product of 'genetic and social roulette', but we should still have aimed to punish him for what he did (were he to have lived), although we should aim at inflicting the minimal amount of suffering necessary for reasons of deterrence, incapacitation and rehabilitation (forward-looking reasons). In Nielsen's words, '[t]he thing is to use blaming, holding responsible and punishment to stop the men with the machetes from butchering innocent Tutsis and the philandering husband who has all kinds of unprotected sex and then passes his acquired HIV on to his wife.' In this regard he seems to be in broad agreement, as he himself claims, with Chandra Kumar's contribution to this collection, although he stresses that, in a deep sense, no one is ultimately responsible for what they do, something that both Jonathan Mckeown-Green and Pedro Tabensky also stress in their contributions.

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I

Arguably the dominant and most persuasive method for both explaining and justifying moral and normative political beliefs, commitments and whole accounts of morality is the method of wide reflective equilibrium. It attempts to get our various considered judgments or convictions, uncontroversially accepted empirical beliefs and uncontroversial theoretical scientific theories plus beliefs of critical and reflective common sense into a coherent pattern of consistently held beliefs and judgments. This is a coherentist method but not a *purely* coherentist method for it takes our considered judgments, uncontroversial empirical, scientific and common sense beliefs to have some *initial* credibility. It seeks to forge these varied beliefs into a consistent and coherent pattern, perspicuously displayed, showing how they are not just a jumble, and in the processes, winnowing some of them out. In this way it is a self-correcting method. To achieve this is to achieve for a time a wide reflective equilibrium. It will only be for a time for as inquiry and reflection go on any reflective equilibrium will be upset and hopefully and reasonably expected to be replaced by another and more adequate reflective equilibrium. (Perhaps this is too Whiggish?)

This method has, of course, been widely criticized. John Rawls,¹ Norman Daniels,² T.M. Scanlon³ and in effect Brian Barry⁴ have defended it and with attentiveness and sophistication have further explained and extended this account. And I have tried to do the same thing.⁵

I mention this not to enter into that thicket again, but to give notice that I presuppose this method in what follows and importantly and critically so. Central to what I will say are four intuitions (four considered convictions) which, on the surface at least, fit badly with each other but each of which I think *in some form* is vital to retain and that, appearances to the contrary, they can be shown, or so I shall argue, to be in wide reflective equilibrium. They are (1) every macro-event (including every human action) has a cause (a set of sufficient conditions which causally necessitate it); (2) that sometimes some people, though causally determined in doing what they do, still in a perfectly normal sense act freely; (3) that not infrequently people are humanly speaking (practically speaking) responsible for what they do and that it is often practically speaking essential to hold them to that; and (4) that, (3) to the contrary

1 John Rawls, 'The Independence of Moral Theory', *Proceedings and Addresses of the American Philosophical Association*, 48, 1974, pp. 5–22.

2 Norman Daniels, *Justice and Justification*, Cambridge: Cambridge University Press, 1996.

3 T.M. Scanlon, 'Rawls on Justification', in Samuel Freeman (ed.), *The Cambridge Companion to Rawls*. Cambridge: Cambridge University Press, 2003, pp. 139–67.

4 Brian Barry, *A Treatise on Social Justice*, vol. II: *Justice as Impartiality*. Oxford: Clarendon Press, 1995.

5 Kai Nielsen, 'Philosophy as Wide Reflective Equilibrium', *Iyyun*, 43, 1994, pp. 3–41; and *Naturalism Without Foundations*, Amherst, New York: Prometheus Books, 1996, pp. 14–15, 169–205, and 219–20.

notwithstanding, no one should be made to suffer just for what they did because the very idea of *moral* desert is so deeply flawed that, if we reflect carefully in a cool hour, we will come to see that no one morally speaking deserves to suffer even if they did something vile, horrible or gruesome. But it is hard, perhaps impossible, to get these four beliefs into wide reflective equilibrium. The fourth proposition is the most obviously the odd one out. Many people, including many philosophers, will think that (4) is not only incompatible with (2) and (3) but is plainly false.⁶ I shall be concerned, going against the current, to defend a properly understood (4) as both having at least initial credibility and to its being, again properly understood, in reflective equilibrium with the other three beliefs. I shall try to show how we can, initial appearances to the contrary notwithstanding, forge these views into wide reflective equilibrium thus showing (at the very least *prima facie*) that we have here a justified pattern of beliefs.

6 It will be asked whether you will ever be willing to forgive Hitler? That certainly is a hard pill to swallow. *Vis-à-vis* Hitler and his likes, I am not saying 'to forgive' but not 'to blame'. Hitler was a twisted monster who caused unspeakable misery. (He was indeed a heinous moral monster. Whatever he may have been at the end, he was for the bulk of his political life an evil man and not a mad man utterly out of control. He knew what he was doing when he did the evil things he did and could in some compatibilist sense have done otherwise. Hence the phrase 'moral monster' not 'moral madman'. If he had really been mad there would not have even been a presumptive case for blaming him. But why 'not to blame'? Not to blame him, it is tempting to say, is an absurdity and (to understate it) a morally untoward one at that. If anyone is ever to blame, he is. But that is just it. When (or so will be the burden of my argument) we see clearly, and take this matter to heart, the contingency and arbitrariness of our (all of us) social and genetic (and more generally biological) inheritance and how we cannot but be a function of that, we will also see (if we can hold on to our brains) that we cannot really have it in our hearts to blame *anyone* (though doing something like that will often be pragmatically necessary). After all, we should have stopped the Hitlers of this world from doing the things they did and now stop present aspirants for such a role. But 'moral blame', 'moral desert', 'retributive punishment' will drop out of our moral vocabulary as part of the barbarity of the spirit of revenge. Does this mean 'to forgive'? Well, it means 'to not blame'. Perhaps to ask to forgive is to ask too much. Yet if Hitler had not committed suicide and had been captured, put on trial, and sentenced to life imprisonment and after years of increasingly tortured thought had come to realize fully the evil that he did and to take that matter to heart and to have genuinely undergone a radical 'transformation of soul' should we not, under those circumstances, forgive him? Many of us still could not, but is it so obvious that we should not if we can? And for 'Hitler' read any of the other moral monsters and as well as us 'normals' for the wrongs we do. But forgiveness goes a bit beyond understanding and not blaming. It is crucial to be clear that 'not to blame' does not entail 'forgiving'. It is possible not to blame Hitler without welcoming him back into the moral fold. But if the change had taken place as in the counterfactual situation I have just described, should we not (if we can) even do that?

II

However, we need first to take a few steps backward and to start with something less controversial. Take compatibilism for the view that (1) and (2) – determinism and freedom – are compatible. It is a view which has historically and paradigmatically been held by Thomas Hobbes, David Hume and John Stuart Mill and less paradigmatically but still without qualification by Baruch Spinoza and Karl Marx. Among contemporary philosophers it has been widely held by many philosophers including G.E. Moore, Moritz Schlick and A.J. Ayer, but it has as well been firmly opposed by many able contemporary philosophers including notably J.L. Austin, Anthony Kenny, Keith Lehrer and Roderick Chisholm.

In the 1950s through 1960s, I taught introduction to philosophy to large classes at NYU and I always started the course by discussing ‘Freedom and Determinism’ for I thought (rightly) it captured the students’ interest and that it provided what at least had the appearance of an intractable philosophical problem not easily (or even readily, if at all) up for Wittgensteinian dissolution or readily shown to be what logical positivists used to call a pseudo-problem. I then *ambivalently* argued for a compatibilism (sometimes more ambiguously called ‘soft-determinism’),⁷ namely a view that held that determinism and freedom are compatible *and* that determinism (at least for macro-objects and macro-beings, e.g. human beings) is true.⁸ But, perhaps neurotically and confusedly, I remain intermittently haunted by hard-determinism, namely the belief that though determinism is true, that free actions – genuinely free actions – are non-existent for to be in the deepest sense ‘free’ they cannot be deterministically caused (to be redundant). Moreover, indeterminism or some form of ‘contra-causal’ freedom, it seemed to me and still seems, are absurd and illusory views. That something could be uncaused always seemed to me to be patently false and that so-called agent-causation (something somehow distinct from causation by events and somehow out of our causal networks) while a little better is still in effect non-explanatory if not obscurantist. The whole problem, I ambivalently felt, was up for a Wittgensteinian dissolution; it was more metaphysical rubble to be cleared away. (Again this is still something I feel.) Some form of compatibilism, I felt and also still feel, must be true just as some form of physicalism (perhaps anomalous monism) must be true though, not unsurprisingly, it was in both cases hard to say which form. So I, not being metaphysically inclined, to put it mildly, set both issues aside for greener pastures and remained content, over these issues, to live with what are perhaps my dogmatic slumbers.

7 Kai Nielsen, *Reason and Practice*, New York: Harper and Row, 1971, 13–24.

8 Soft-determinists need not claim that it is easy to show how it is true or even that it is true. ‘Every event has a cause’ is after all not like the grammatical remark (analyticity?) ‘Every effect has a cause’. The former’s logical status is puzzling. It should also be noted that a compatibilist need not accept determinism. She is only committed to saying that determinism and freedom are compatible.

III

A lot of water, however, has flowed under the bridge since I first wrote about freedom and determinism in the 1960s. I continue to think some form of compatibilism as well as physicalism must be so. Not all our actions are compelled, constrained, coerced or forced. We do not always act compulsively or under compulsion. I can (normally) go for a walk because I just want to but sometimes I am compelled to move my car whether I want to move it or not and I am required to stop at a red light. There are at least for some people psychological compulsions as well. We plainly and unproblematically have these non-vacuous contrasts exemplifying the difference between acts which are free and acts which are not. The proper contrast, it is tempting to think, is not between freedom and determinism but between freedom and constraint. The first action is done by me because I want to do it and is in that way free; the last two are not. In such a way differences remain so no matter what causal story we tell. This is so even in a completely deterministic world. To try to characterize such free acts in terms of indeterminism, contra-causal freedom or as being uncaused or in terms of self-caused agent causation (something like an uncaused cause) are all complete non-starters.

IV

However, if we take something roughly like Harry Frankfurt's path about freedom of the will, we can make some sense of freedom beyond just a non-controversial freedom of action, a freedom, that is, that consists in being able to sometimes (indeed for many of us frequently) to do things we want to do and that in an unconstrained way even in a world in which every event has a cause. For, to repeat, there being a cause why we do something is not the same thing as our being compelled or constrained to do something. This is the familiar compatibilist stuff of Philosophy 101 (Nielsen 1971, 17-94).

However, beyond classical compatibilism, but while still remaining compatibilist, Frankfurt gives us a plausible conception of the will (something Gilbert Ryle thought impossible) and of the freedom of the will that advances matters while remaining firmly compatibilist. We do not get an adequate conception of freedom just by recognizing that we have certain wants, desires, motives, motivations and, in accordance with them, we can and do make choices and in such unproblematic ways are free. It is distinctive of us, and only of us, that we human animals want to have (or not to have) certain desires and preferences. We (or at least most of us) are also capable of wanting to be different in our preferences and purposes from the way we actually are. Other animals 'appear [at least] to have the capacity for what we call "first-order desires" which are simply desires to do or not to do one thing or another. No animal, other than the human animal, has as well the capacity for reflective self-

evaluation, that is manifest in the formation of *second-order* desires (desires about or for desires).⁹

To get a handle on this we must get clear about what it is for a person to *will* something and what freedom of the will is. When someone states that A wants to X and means to convey that it is this desire that is motivating or moving A to X, do what he is actually doing or that A will in fact be moved by this desire (unless he changes his mind) when he acts, we are then talking about his will. This is what identifies A's will. 'To identify an agent's will is either to identify the desire (or desires) by which he is motivated in some action he performs or to identify the desire (or desires) by which he will or would be motivated when or if he acts, (Frankfurt 1988, 14).¹⁰

However, that (*pace* Frankfurt) will not yield a conception of freedom that is strong enough to support retributivism or the ethics of moral desert. Because of this (if it is so) – or so I shall argue – the intuitions we tend to have about moral responsibility and some of us have about moral desert will have to be radically revised. Here proposition (4) hoves into sight.

To begin to see this note the following. To identify a person's will we identify the notion 'of an *effective* desire – one that moves (or will or would move) a person *all the way to action*'¹¹ (italics mine). Where she has a desire that her will be different than it is, then 'She wants to X' does pertain to what she wants her will to be. As Frankfurt well puts it, 'In such cases the statement means that A wants the desire to X to be the desire that moves him effectively to act'.¹² Frankfurt goes on to observe, 'Now when the statement that A wants to want to X is used in this way, it does entail that A already has a desire to X. It could not be true both that A wants the desire to X to move him into action and that he does not want to X. It is only if he does want to X that he can coherently want to desire to X to "not merely be one of his desires, but more decisively to be his will"'.¹³ Where, as here, he wants a desire of his to be his will, his *second-order* desires are also his *second-order volitions*. This Frankfurt takes to be essential to be a person.

Part of what it means to be free is to be able to act freely and this is fundamentally a matter of doing what one wants to do. This, as we have observed, relatively unproblematic notion captures 'at least part of what is implicit in the idea of an agent who *acts* freely'.¹⁴ But it 'misses entirely', Frankfurt goes on to say, 'the peculiar content of the quite different idea of an agent whose *will* is free'.¹⁵ Non-human animals do not have freedom of the will, but they may be free to run in whatever direction they want to go. 'Thus having the freedom to do what one wants to do is not a sufficient condition of having a free will. It is not a necessary condition either.

9 Harry G. Frankfurt, *The Importance of What We Care About*, Cambridge: Cambridge University Press, 1988, p. 14.

10 Ibid.

11 Ibid.

12 Ibid., p. 15.

13 Ibid.

14 Ibid., p. 20.

15 Ibid.

For to deprive someone of his freedom of action is not necessarily to undermine the freedom of his will.¹⁶ A person may be deprived of his freedom of action – say, locked in a small cell – so that he is not able to translate his desires into actions or to act according to the determinations of his will, but he may ‘still form those desires and make those determinations as freely as if his freedom of action had not been impaired’.¹⁷ *The question of the freedom of the will of a person concerns his desires themselves. Whether a person has freedom of the will means roughly whether she is free to want what she wants to want.* This comes to its being the case that she is free to will what it is that she wants to will – to, that is, have the will she wants. ‘It is in securing the conformity of his will to his *second-order* volitions...that a person exercises freedom of the will’.¹⁸ Where there is an awareness of a clash between his will and his *second-order* volitions, we have a situation where a person comes to realize that he does not have freedom of the will. His will is not the will he wants. When we have the *second-order* volitions we want to have and when our desires are such that they are desires to have and to want to be as our will wills we have freedom of the will. Where we can’t have the will that we want, be the sort of person we aspire to be, we lack freedom of the will.¹⁹ But sometimes we can at least be the sort of person we want to be – or approximately so; we can sometimes have, that is, the will we want and then we have – determinism or not – freedom of the will. (Though [see note 19] this is not the only situation in which we have freedom of the will, it arguably is the situation where our freedom of the will is the fullest.)

V

However, are these various kinds of freedom, plainly forms of freedom that human beings can and some do have, sufficient to yield when, of course, certain other quite different things also obtain (e.g. moderate scarcity, limited egoism and freedom from debilitating wars), an account of morality that will fit with our reflective and informed moral expectations and fit into wide reflective equilibrium?

One reason to think that it might not is reflection on the contingency and the arbitrariness of the facts of genetic and social roulette or inheritance. Is it not the case that whatever we can do, whatever choices we make, whatever images of ourselves we have, whether we can be even approximately the sort of person we want to be is itself a function of whatever genetic makeup we just happen to have *and* the sort of social enculturation that just happened to have been ours? Are the

16 Ibid.

17 Ibid.

18 Ibid.

19 It can be argued that I am giving the wrong spin on Frankfurt’s claims here. It might be thought that from the above I am giving to understand that only those who can be who they want to be are morally responsible. This is not Frankfurt’s view and it is not mine. We have freedom of the will in good compatibilist fashion if our actions are guided by *second order* volitions.

effective desires that ‘moves (or will or would move) a person to action’²⁰ not a function of a combination of our genetic inheritance and our acculturation?²¹ We, whether we like it or not, are the subjects of the forces of our genetic and social roulette (our specific biological nature and our enculturation). What we are and what we have the strength of will to be are the result, to put it metaphorically, of the luck of the draw. Indeed it is something that is a brute luck. What our social and genetic makeup is determines what we are and what we can be: even of what we can want to want to be. None of Frankfurt’s adroit maneuvers concerning the freedom of the will gainsay that. One cannot want a certain desire to be one’s will and still not want to want it. But one can want a certain desire to be one’s will and it might still not be an effective desire enabling one to do as one’s will enjoins. What that *effective* desire (if we have one) is is something *given to us* not something we can choose. Whether we can choose what *motivates* that choice or whether we can choose at all is something we cannot choose. *Perhaps*, to put it more cautiously, we can choose at least some of our effective desires. But what we cannot choose are the background conditions that enable us to choose. We cannot, that is, be the *causa sui* of our actions.

To see what is at issue here consider four different addiction cases. In all four they are all addicted to the same drug.

Case One: The person is in a physiological condition so that try as he will he will inevitably succumb to his periodic desires for the drug to which he is addicted. He will always end up taking the drug. He hates his addiction and always struggles desperately but still to no avail against the thrust of his desire to take the drug. We could call him the *unwilling drug addict*.

Case Two: He is in the same physiological condition as the person in *Case One*. He also will always in the end take the drug but he has no desire to have the will of someone who will not take the drug or struggle against the taking of it. He does not hate his addiction. He is not an unwilling drug addict, but a willing one in the sense that he is indifferent to what desire constitutes his will. He does not hate being a drug addict; he does not want to want to be the person who is a drug addict or not to want to want to be such a person. He is *indifferent* to such matters. We could call him the *willing drug addict*.

Case Three: Again we have someone who is in the same physiological condition as obtains for *Case One* and *Case Two*. In the end he too will always take the drug. But he *loves taking it* and *loves being a drug addict*. He is altogether delighted with his condition. *He is a willing drug addict who would not have things any other way.*

20 Frankfurt, *op. cit.*, p. 14.

21 Note this could be maintained and have the force I maintain for it independently of any theses about determinism.

Case Four: Here we have someone who is in a slightly different physiological condition than the above three. He is also strongly addicted but not quite so strongly as the other three so that if he intelligently tries hard he can resist his strong desire for the drug and, like the *Case One* addict, he hates his addiction. Being an addict is not the person he wants to be. And he struggles mightily and overcomes it to become the person he wants to be.

All four cases can be instantiated by people in our world.²² But whether an individual is exemplified by one case or the other (or still some other case) is determined (caused) by his genetic and social makeup. He cannot be one or the other (or anything else) independently of that makeup no matter what we correctly say about the freedom sometimes to do what we like (and with that freedom of action) or of freedom of the will (freedom of want to want that a certain desire be one's effective desire). I suppose most of us, if it were the case of any of the above four cases being so for us, would – being normals – want to be a person of *Case Four* type. But though people of the *Case Four* type are more in control of their lives than the others and in that way are freer and can more clearly be said to have what Frankfurt perspicuously characterizes as freedom of the will, still whether they have the strength of will or can summon up the strength of resolution to overcome their addiction is beyond their control. No one is in a position to determine *fundamentally* what kind of person or non-person (Frankfurt's wanton) he or she is or will come to be. We always work with something given: something that is always beyond our control and is set by 'the brute luck of the draw' of genetic and social roulette. We cannot will our genetic makeup or our initial social condition. We cannot just determine what will be our *effective* desire or whether we will have an *effective* desire to be the person we want to be or the person we are.²³ (Put otherwise: all option luck is rooted in brute luck; whether you can or cannot have option luck is determined [caused] by brute luck.)

VI

What I am most concerned with is the consequences of this. I believe and claim that if we take to heart what having the consequences of our genetic and social roulette entails then we will have something disturbing for ourselves concerning our conception of being an autonomous agent.²⁴ Here in speaking of 'genetic and

22 I make no claims about how realistic any of these examples are. 'Can be instantiated' is to be taken in a weak logical sense.

23 This is what we see powerfully displayed in Eugene O'Neill's *Long Day's Journey into Night* and in Malcolm Lowry's *Under the Volcano*.

24 I do not want to say that anything I say here cuts against the way John Rawls talks about autonomy or justice or even (as a practical measure) about responsibility. They all continue to have their role to play in practical discourse and in practical life and Rawls characterizes brilliantly how this is so. But note that neither Rawls nor for that matter Robert Nozick or Fredrich Hayek has any time of day for the notion of 'moral desert'. For Rawls on this see the

social roulette' I am referring to the fact that what we are and can be, no matter how much Frankfurtian free will we have, is a function of some combination of our social and genetic (biological) inheritance. Just carefully think through the implications of this and you will abandon an ethics of moral desert and the related doctrines of retribution, punishment and a fixation on determining people's moral responsibility and irresponsibility. If we take to heart the above view, we should get out, as much as we can, of the blaming and punishing business except where something like it is practically speaking needed to deter or reform people inclined to do or being prepared to do the terrible things which unfortunately are so much a part of our world. But coming down hard on them to keep them or others from doing or allowing (where something can be done about it) the horrible, even gruesome, things that have been done and continue to occur (including some in the *name* of justice) is something required of us only where it can be an effective deterrent or have an educative function and then bearing down on them should be no more than is absolutely necessary to keep them from doing, encouraging or allowing the horrible things they do, encourage, allow or turn a blind eye to. Where coming down hard on them (and we know this) will not stop them or deter others from doing similar things, coming down hard on them is just cruel and vengeful or a matter of our own anxieties and fears. We become, if we so act, too much like those whom we would deter.

Of course, there are moral monsters (including morally deluded self-righteous ones) and moral madmen; we must not let either of them run loose where we can do anything about it, including perhaps most dangerously the righteous ones who firmly believe that in doing, abetting or aiding in the doing of the vile things they do, abet or aid, that they are doing what is absolutely right and required of them. (Think, for example, of Goebbels going to the Nazi concentration camps and urging the 'administrative staff' to overcome their scruples and feelings of guilt and do their duty knowing, so he said, that it was right. They were producing, he thought, 'the utopia' of a *Juden-frei* world. Moreover, things like that are not just things that happened in the past.) Of course we must not let them proceed and do their will if we can stop them; moreover, we must utilize all our energies to the fullest to stop them. So we must, to try to keep life from being nasty, brutish and short, do everything we can to rein them in. That is obvious and not at issue here.

However, we should learn to do whatever of this preventive sort of thing that we must do to achieve this with a different mindset and with that we will sometimes do things in a somewhat different way. We must – reining in our vindictiveness and our urge for revenge – not cause these moral monsters or anyone else any more pain

succinct, accurate and powerful account given by Norman Daniels in his 'Democratic Equality: Rawls's Complex Egalitarianism' in Samuel Freeman (ed.), *The Cambridge Companion to Rawls*, Cambridge University Press, 2003, pp. 241–76. For an account of autonomy that is insightful and crucial in our moral and political thinking see Chandra Kumar, 'Progress, Freedom and Human Nature', *Imprints*, 7(2), 2003, pp. 106–30. Nothing I say above gainsays that as a bit of practical reasoning.

or suffering than we absolutely need to in order to keep them from harming others and to serve as a deterrent to others from doing likewise and (if this can be done) to change people into being different kinds of persons who will not do such things and who will clearly see why they must not. And even here we must be uneasy about a *purely* deterrent function. It has the smell of treating people as means only. We are there not making them suffer because we believe they *deserve* to suffer for the suffering they have caused or because we believe it will make them better persons. We may make them suffer because we believe that by inflicting pain or suffering on *them* we will deter *others* from doing those horrible things. But, it may seem, that is to treat the agents of these vile things as means *only*. If we say ‘So be it’ we are caught up in the spirit of simply instrumentalizing people.²⁵ But if we think clearly we can come to see that we are not treating them as a means *only* for we make them suffer to deter *others* and we would not make these vile doers suffer if we did not think that is so or that it would help change the vile doers into being decent human beings. We can, of course, be self-deceived here but that is another matter.²⁶

When we come to clearly see that a person who did some wrong thing could not have done otherwise, no matter how hard he tried or because he was not capable of even trying or that he was so unteachably blinded that he could not see the wrongness of what he did, we, if we are reasonable, rational, reflective and have some of the milk of human kindness in ourselves, will withhold *retributive* blame.²⁷ We will not think that he should be made to suffer for what he did because he just deserved to suffer and we will realize (if we are religious) that there but by the grace of God go we or (if we are not) that there but for the luck of our genetic and social inheritance go we. Even if it is not simply straightforwardly evident that he could not have done otherwise but that he *wanted* as well to do it, believing grotesquely that it is right, but that his doing it was actually made the case by someone else he still should not be subject to retributive judgments and punishment. For his very wanting to do it

25 It is important to keep in mind Kant’s qualifier that we should never treat human beings as means *only*. We certainly treat people as means (and rightly) when we go to the barbershop, the checkout counter in the supermarket or to the doctor, but we do not, if we are being decent, treat them as means *only*. But there are terrible situations where we *may* be justified or perhaps even morally required to treat people as means only, but we should never feel good about it or do it lightly. Moreover, we must never do it where it is *not* inescapably the lesser evil. The film *The Battle of Algiers* is instructive here. Here issues of terrorism and torture come to the fore. See my ‘On the Moral Justifiability of Terrorism (State and Otherwise)’, *Osgoode Hall Law Journal*, 41(3) and (4), Summer/Fall 2003, pp. 427–44.

26 Again I am not saying as a practical or pragmatic matter we never rightly hold anyone responsible for what they do. Is this a matter, on my part, of the philosopher’s penchant for first saying it and then taking it all back? I hope not!

27 Some might say that that is a very religious attitude and that Nielsen, an old hard bitter atheist, is becoming religious in his old age. Not at all! That something in our culture has its *origins* in religion does not mean that it is presently religious or even religious. Moreover, atheists needn’t, and shouldn’t, think that everything in religion or that comes from religion is bad. That is false.

and thinking that it is right itself rests on his genetic constitution and acculturation. And for that he could not have been responsible. He can't be his own parents or the controller of his *initial* situation. It is finally something which is out of his control.

We will and should, as a practical, pragmatic matter, have it be the case (seek to make it the case) that people are to be stopped from doing what they do or threaten to do when these things are vile. But, *except for such pragmatic reasons*, we will get out of the judging, blaming, punishing business for we will see that in one way or another it is often to cause harm to someone for something that he could not help doing and sometimes cannot be reformed or deterred into not doing. We may do something *like* punishing him (call it telishment if you will) where it will help him to come to see that this thing was wrong – it caused harm to others and perhaps to himself – but we will drop notions of moral desert seeing such judgments as irrational and we will come to see retribution as closely akin to vengeance rather than to seeing that justice is being done. 'Retributive justice' will drop out as one of our critical moral tools. And, while we keep desert as a kind of entitlement, e.g. 'He wrote the prize essay and thus deserves to get the prize', we will stop thinking in terms of an ethics of *moral* desert. We will give up condemning *people* though we will continue to condemn the deeply destructive *things* they do, and, where we can, take steps to prevent their occurrence or repetition. Is the spirit of revenge so strong in us that we cannot accept that? Where the spirit of retribution is operative in us it is a human failure in us, though it may be for most of us an unavoidable one.²⁸

It isn't that we come to abandon morality, not at all, or come to have an error theory of morality: all moral beliefs rest on error or illusion. But we will jettison *a part of what has historically and culturally been taken to be an integral part of morality*, something that we will have come to see is not only irrational but harmful to human beings. After all moral language-games as other language-games do change and sometimes for the better. People used to speak of sin, damnation, heaven, hell, apostasy, heresy and the like and take this to be a part of their moral vision of things. Now many of us no longer so conceive of things. It is not a part of the conceptual framework of our morality. It is not the way we talk and think. Moreover,

28 We should like to *reduce* cruelty rather than to *add* to it by engaging in retributive punishment. Our moral monsters have produced enough suffering in the world. It is bad enough that it is there without adding to the suffering by making them suffer themselves. Pinochet (for example) should (as it is now coming to be the case) be tried and if found guilty, should be publicly disgraced, stripped of his ill gotten gains and it should be clearly marked what he has done to the Chilean people and it should be something that every Chilean school child should be vividly made aware of down the corridors of Chilean history. His acts should be clearly specified and condemned. But he should not be made to suffer any more than his public disgrace (which is for the public) may make him unavoidably suffer. No unnecessary suffering for him should be intended. Making him suffer just because of what he did should not be what is moving us to act. What should be moving us to act is the desire to get the Chilean state to publicly and plainly acknowledge that Pinochet's acts were deeply immoral. But Chileans should not be moved by a need to seek revenge. It is completely understandable that such feelings may obtain, but they should be resisted.

though this is the case for many of us, morality has not collapsed. It is not this change that has brought about the swinish world with which we are so familiar. Our reconceptualization is more likely to have helped a little bit to make the world a little less ubiquitously swinish than it otherwise would be. Similarly we could drop, as part of our conceptual framework of morality: moral desert, guilt, guilty, retribution, the condemnation of wrong doers, punishment and blame.²⁹ If we did so perhaps morality would not collapse anymore than it collapsed when the morality of some became more secularized. In fact, quite to the contrary, I conjecture that it would improve our morality. Without a morality of moral desert and retribution we would have a kinder, gentler, more tolerant world that would not at all be a world of moral indifference but one that would eschew all forms of vengeance and retribution: an eye for an eye and a tooth for a tooth. Where practices of retribution stood practices of reciprocity would be in their place.³⁰

Some might say I have completely forgotten my pragmatism. My punishment-like, blaming-like practices come in practice to be so like the old practices of punishment and blame that the old and new functionally come to the same thing. And a difference that makes no difference is no difference. Well, there should, as Peirce insisted on, be no *conceivable* difference for the alleged difference in the sense relevant to pragmatism to make no difference. But that aside, I am claiming that there would be an actual difference between the 'old morality' and the 'new morality'. The latter, to repeat, would make for a gentler, kinder, more tolerant world with a greater understanding and sympathy between persons.

Is the slogan 'To understand is to forgive' a good one?³¹ Well, turned into an indicative sentence it would be a hyperbole. I still think, however, it is a good *slogan* if we de-link it from the notion that anything goes and that no acts or practices are to be rejected and prevented. But it is so de-linked in what has been said here. The people who do these terrible things are not to be taken, except in the pragmatic sense specified, to be blameworthy, punishable, made to suffer for their evil deeds, or be someone upon whom to take revenge. We see that in the deepest sense they cannot be responsible for what they do. Being what they are they could not freely have done otherwise. And, given their genetic and cultural makeup, they could not have been people who could be otherwise than they are. But the same thing obtains for all of us. Some have the capacity *and* the strength to change. Some do not. Some have the ability to develop the strength to do so and some do not. But this is just

29 It has been put to me: 'Do you really want to say anything so strong? Should we not, for good pragmatic reasons' scold children, hold under normal circumstances people to their promises, still condemn certain actions and deeds, still say of someone that she deserved the promotion?' There are good pragmatic reasons for doing these things and I have gone out of my way to acknowledge that. But we should do this with a *different mindset* and not in the spirit of revenge and retribution.

30 Here in our conception of morality we would move in the direction of the way Rawls and Scanlon see things.

31 Except as a slogan, 'To understand is not to blame' would be better for the reasons alluded to in Note 1.

something *given* by people's genes and acculturation (taken in its broadest sense). It is something that they and we just come to have. Some people can come to try and sometimes to succeed in changing themselves but whether or not they can even try is not in their control. It is not something over which they (or we) have control and deserve to suffer for because they (or we) do not have such an ability. If we recognize this (are able to recognize this) and take it to heart, we will understand that to understand is to forgive or at least not to blame; if we are lucky enough to have an extensive understanding and are able to forgive or to withhold blame (except for pragmatic purposes) we will so orient ourselves. Finally, to put it metaphorically again, it is all a matter of the luck of the draw in genetic and social roulette. We cannot transcend or non-evasively avoid this roulette.

VII

Let me end with a kind of coda. I began this essay with a brief articulation and defense of the method of wide reflective equilibrium. My claim is that it is the most adequate method we have for justifying our various clusters of beliefs including our moral and politically normative beliefs. Risking *hubris* and exaggeration, I am even inclined to believe that it is the only adequate way of justifying belief in a holistic and non-balkanized manner which indeed itself is the only way of thoroughly justifying beliefs. I have sought to use this method – presupposing its soundness – in giving an account of judgment and understanding embedded in a compatibilist account of freedom and determinism. But it might well be thought that on my own account here I have failed in this endeavor. I listed four propositions I wished to defend. I have perhaps got the first three into wide reflective equilibrium and I perhaps have shown that taken together they are amenable to a compatibilist account of freedom and responsibility. But the fourth one, it may be thought, is the odd one out. In effect, it is plausible to believe, it commits me to the *incompatibilism of hard-determinism and to the denial that anyone can be responsible – really responsible – and blameworthy for anything*. This is so because when one looks closely at what I have called genetic and social roulette one will see that it is plainly true and that if this judgment of mine is so – if it really is plainly true – then no one can be really and truly free or responsible and that this, aside from at best being paradoxical, clashes with my compatibilism and this shows I have not got my belief-set into wide reflective equilibrium.

I have tried to dispel the paradoxical air of my fourth claim in the body of this essay and to defend its intelligibility and truth. Now I want to try to show that this belief does not invoke a commitment to hard-determinism. A belief in hard-determinism would indeed be out of sync with my other beliefs. But what I am saying in proposition four is not a commitment to hard determinism and, properly understood, it fits with the others into a wide reflective equilibrium. But this, of course, needs to be shown and not just asserted.

Note that I am not saying to be 'really free' we must refute hard-determinism and to show how we could, in some non-metaphorical sense, be creators of our

own selves: choose our own lives. That, at best, is utterly mythical, as bad as the myth of Er. But while we cannot swing free from the causal network resulting from, among other things, our genetic and social inheritance, we can (if we are lucky enough as in this respect many of us are) be free in all the ways compatibilists speak of, including (importantly including) freedom of the will *à la* Frankfurt. My claims about genetic and social roulette do not clash with that; instead they are quite compatible with that. I am not saying absurdly something like we would have to be free of the determination of our genetic inheritance and acculturation to be 'really free'. That, beyond absurdity, is incoherent. It, as I have remarked, is like trying to say we would have to be our own parents, to initially choose our own lives, to be 'really free'. I am not saying to be 'really free' there would have to be some purely agent causation free of any causal network. These notions are too incoherent even to be false or coherently mythical. But this leaves compatibilist freedom standing.

What I have tried to show is that we, or at least many of us, have a deep but confused penchant to *try* to posit some such 'real freedom' when we are faced with the realization that what we are and can be is determined (caused) by what I have called genetic and social roulette. But, if we can think non-evasively and if we have our emotions in order, we will see this 'real freedom' that we try to posit in response is an illusion. It is not something that could be so. Moreover, there are various adequate ways that, genetic and social roulette or not, we can be compatibilist free and that we can come to realize that an ethic moral desert and *retributive* punishment are things that are irrational given that what we are and can become is a function of some combination of our genetic and social inheritance and of nothing else.³² We can live well and, in a Rawlsian sense, autonomously without such conceptions and without a belief in 'real freedom'. We can so live and still make sense of our lives.³³

32 How, it might be asked, can we be sure of the 'and of nothing else'? The answer is that we can't, but there is little, if anything, we can be *sure* of. Fallibilism is inescapable. But we need to ask ourselves what else could there be? And it looks like we come back with a stutter.

33 I want to thank Pedro Tabensky for his insightful and instructive comments. Without them this essay would be weaker than it is. Our views (as can be seen from his essay, Chapter 6, this volume) clearly have a family resemblance. However, he thinks that forgiveness (at least in its paradigmatic forms) falls with the fall of the idea of *moral* desert. I would not make such a strong claim. We can, he has it, if we realize what they are, neither forgive nor not blame a Hitler, Stalin or Pinochet. If they are just a part of the natural order of things, like the natural disasters that sometimes strike us, the very idea of moral responsibility (even pragmatically taken) does not take hold so there is no room for talk of forgiveness. It is as silly here as it is to talk of forgiving Hurricane Katrina for the suffering it caused. But Hitler *et al.* are not like a natural disaster and this is why I distinguish between moral monsters and moral madmen. The historical Hitler was too plainly evil to welcome back into the moral fold. But I have described (Note 1) *counterfactual* circumstances in which he could and should be welcomed back if it is possible for us. But if he really was deeply insane – as perhaps he was at the end – there would be no more sense in blaming him than it would be for us to blame an infant for kicking over a lantern and starting a fire or for Hurricane Katrina for causing suffering. But, if as I believe, Hitler (at least for most of his life) was a moral monster rather than a moral

Addendum I

In his contribution to this collection, Thaddeus Metz defends a form of retributivism and interestingly argues against both me and Pedro Tabensky that we make the common error ‘of thinking that...to be responsible, we must be responsible for the conditions that make us responsible’ (Metz, Chapter 10, this volume). For retributive punishment to be acceptable, that is, we must specify the conditions that now enable us to act responsibly but not the conditions which initially enabled us to act as we do now. For that, he echoes me (and many others) in saying we would have to be our own parents or the controller of our initial situation to really be responsible and that we plainly cannot be. Indeed he agrees that it makes no sense to talk in this manner. In that very fundamental but for him irrelevant sense none of us could have done otherwise than what we did. Things *finally* are not in our control. We make our own history, as Marx said, but not under conditions of our own choosing.

However, Metz says that that consideration is irrelevant and unnecessary *for to be responsible, one need not be responsible for being responsible*. For, as he alternatively puts it, ‘to have control over one’s behaviour one need not have been in control of the fact that one has control over one’s behaviour’. That is correct and important to keep in mind, and to take to heart. We can (if we are lucky) be in control of our behavior now even if that results from and depends on things over which we have and had no control. That is what we compatibilists have repeatedly insisted on. But it doesn’t take us to the vindication of retributive punishment, to claims about ‘moral desert’ or the lack thereof or to any form of blaming other than what is pragmatically necessary for reforming and deterring. The thing is to use blaming, holding responsible and punishment to stop the men with the machetes out to butcher innocent Tutsis and the philandering husband who has all kinds of unprotected sex and then passes his acquired HIV on to his wife. We should use such censuring devices where they stand a reasonable chance of being effective to prevent such behavior. We do not, in doing so, have to decide whether ‘they really deserved punishment’ or whether ‘they were ultimately responsible’. The thing is that such behavior must be stopped and (if possible) its reoccurrence prevented. It is plain (if we have a sense of our own moral discourse and use an appeal to considered judgments in wide reflective equilibrium) that such behavior is evil and must be stopped and that, where the language of censure can be effective to this end and is necessary to achieve it, that it should be used. But what Metz (or as far as I know anyone else) has not shown is that this requires (or justifies) an appeal to

madman, his behavior, under favorable circumstances, could be affected by blame or at least by plausible threats. He had some control over his life so rational considerations could have influenced his behavior. So it makes *pragmatic sense* to blame him. And if he, while living in prison, had radically changed himself in certain crucial ways, he should be forgiven. But does it make it right (gross pragmatic considerations aside) to blame him or anyone else in a deeper sense given genetic and social roulette? Here I am more skeptical than most people. Understanding, really deeply understanding, carries with it a reluctance to blame. Is this really religiose?

retributive justice: to making people suffer just because they deserve it (really deep down deserve it) and that this is the way to order things whether it is effective in reforming or deterring or not.

To have a Kantian or Rawlsian autonomy is a very wonderful and precious thing indeed deserving of our deepest respect and hope for its widest occurrence. But when we also see that whether we have or even can have this autonomy is contingent on genetic and social roulette – what I call metaphorically the brute luck of the draw – we will recognize the relevance of keeping firmly in mind the very contingent and fragile conditions that enable us to be responsible. When we see that they are massively determining and that for most of them one cannot be responsible, we (if we are clear-headed) will realize (for some of us whose situation in life and genetic inheritance is favorable) both that we are fortunately capable of Kantian-Rawlsian autonomy and that that is a very desirable condition of life. But we will also realize that for some others it is not achievable. Moreover, we will recognize that which group we belong to is largely a matter of brute luck or *perhaps* we should say ultimately a matter of brute luck. We will also recognize that such autonomy is precious for us to have if we can have it. We will, as I have repeatedly said, realize that a practical discourse (a pragmatically justified discourse) is necessary to protect that autonomy, make it as extensive as possible, and as well to make evident its deep importance (something that Rawls, Scanlon and Charles Larmore effectively do). But this does not require or even encourage retributive justice with its harsh use of the language of vengeance and of making the really evil suffer just for its own sake (or as it is sometimes obscurely put ‘just to balance the scales of justice’) whether it deters or reforms or not.

To translate this into the concrete: consider Bigger Thomas – a fictitious black man from the slums of Chicago in the 1930s – depicted unforgettably and realistically by Richard Wright in his novel *Native Son* (Wright 1998). Bigger did terrible things and for them he was tried, found guilty and executed. Perhaps some other person in Bigger’s circumstance would not have panicked and as a result killed as he did. But panic or not panic are things that have causes and for some but not for others – again a matter of brute luck – certain causes trigger uncontrollable panic. Whether you are the first sort or not is finally something that is not up to you. And there are some people who live in circumstances that will not trigger that action, say a young white man affluent and well-educated living in security in northwest Chicago. For the latter (at least in such respects) it is easier to be responsible. But he, no more than Bigger, chooses his own conditions in any fundamental sense and it is these conditions which largely determine whether people can act responsibly or not. Reflecting on such considerations – or so I claim – we will (if we can be clearheaded) get out of the retributive blaming business. We won’t worry about who is most to blame, to a lesser degree to blame or not to blame at all except where it is useful for reforming or deterrent purposes. We will recognize that we need some form of blaming and punishing discourse, and the practices that go with it, but we will come at it with a different mindset and not with the vindictive and brutalizing talk of just making people pay for their evil deeds no matter whether the punishing

would have any deterrent or reforming effects or not. People with this new mindset will stop clamoring for that kind of 'justice'. *Pace Metz*, if this came to obtain, we would have a kinder, gentler, more tolerant and everything said better world.

I want very briefly as a kind of addition to note the following: I have, as I think is proper, been considering things from the third-person perspective. When we turn to a first-person perspective things (at least initially) look rather different. Put otherwise, to hold *others* responsible or not is one thing; to hold *ourselves* responsible or blame ourselves is another. Though I hold that no one is (pragmatic matters aside) really to blame for what they do, I will not say the same things for myself. But isn't that an irrationalistic exceptionalism? It is not for it is the perspective that matters here, and this holds for anyone, thus giving us the proper universalizability here.

When we are reflective and non-evasive about ourselves we will not automatically and indeed not normally say 'I could not have done otherwise'. In many circumstances we will hold ourselves responsible. I think this is often not an irrational thing to do. Not to do so is in effect to acknowledge that one lacks control over one's life and perhaps even bitterly to acquiesce in it as well. It is in effect to undermine one's self-respect. Penetratingly, and in a morally exhausting way, in Eugene O'Neill's *Long Day's Journey Into Night* some of the central characters come to the debilitating realization that they are not in control of their own lives: that they cannot be at all what they want to be or do what they want to do. They come to see with unbearable clarity that they are destructive to others and to themselves and the only cessation of this, notwithstanding their repeated resolutions, is death. And they also see clearly that it is them and not all or even most others who are in that boat. This is not how all human beings must be, but how they, all their struggling to the contrary notwithstanding, must be. This drives them to despair and to utter desolation.

It is hard to view ourselves – taking the third-person perspective – as I say we should view humanity. Hard or not, shouldn't we, if we can be non-evasive and utterly tough-minded, so view ourselves? From both the first- and the third-person perspectives we can see that some persons can control their lives to some significant extent and some cannot and many (perhaps most of us) are somewhere in between. Probably in some crucial respects where people want to control their lives they cannot. But there are all kinds of degrees here yielding degrees of freedom. Yet it is always the case that it is our social and biological inheritance in some complex way working together which determines where we are on this spectrum. It is not up to us. Even where we are lucky enough to be able to move upward on this spectrum – as sometimes we can – it is not in any deep sense up to us. It is easier to see and tolerate this for others than ourselves. And perhaps so unblinking a seeing of ourselves may dull the edge of native resolution to struggle to be autonomous persons. But where we can be utterly tough-minded we will come to see that we are all in the same boat. In that respect there is no significant difference between the first-person and the third-person perspectives.

Addendum II

Chandra Kumar has written a splendid essay that I hope will be carefully studied (Kumar, Chapter 7, this volume). For what it is worth, I agree with the ‘big things’ in it as well as with most of the ‘small things’, including his insightful political asides. I suppose (like every other philosophical article I have ever read) if I read it several times, rather than just twice, and with a careful studying of it, I would find things to disagree with – probably only small things – but on two readings I did not. My concern here is neither to praise his essay nor to critically examine it but to say that I very much wish that I had seen it before writing my own essay for there are things in mine that may seem to conflict with it and indeed *may* actually conflict with it and, if that is so, I believe I may have got off on the wrong foot because I do find myself in substantial agreement with Kumar.

We both, along with Richard Rorty, have almost identical, if not identical, metaphilosophical views; we both have no time of day for metaphysics; we both stress the importance of context and perspective and the importance of literature in thinking about life and society and share a common view about the poverty of moral philosophy as usually practiced. What I worry about is whether in the light of what he has said I have been contextual enough in my present essay and whether, with my talk of compatibilism, genetic and social roulette and with what I said about blaming I have been *unwittingly* metaphysical. (I would not be the first or no doubt the last to have unwittingly succumbed to that.)

I shall examine some of these matters. At the very end of his essay Kumar remarks on something that presses repeatedly on my thought (and I expect as well on Tabensky’s), namely that when ‘we honestly and carefully reflect on the causes of action and character-formation, we cannot avoid thinking that we are products of our environments (our genes and our social and physical environments)’. But then immediately after that passage Kumar goes on to talk of something else that is very important, which my (in effect) just gesturing at it, with talk of a pragmatic justification of our talk and our practices of moral responsibility, blame and praise and of punishment, I tend, in effect, to discount and to treat as of lesser importance, than that *Philosophical* talk (i.e. epistemological, metaethical, perhaps even unwittingly metaphysical talk) in which I engage here. But it should be the other way around. When we non-evasively push matters as far as we can (or believe that is what we are doing), if what I say about people never being ultimately to blame for what they do or ultimately responsible for what they do is taken to undermine what Kumar says just after the remarks from him I have quoted above, then I am mistaken and have to go back to the drawing board.

The remarks I have in mind are the following:

What we should keep in mind is that we use the language of responsibility for different purposes than those for which we use a more scientific, ‘objectifying’ language of cause and effect; this latter type of language, as Rorty likes to point out, is mainly for purposes of prediction and control, and prediction and control is not always a bad thing, even when we are talking about people. It would be a good thing, for example, if we came

to know about the structural causes (if there are any) of war and terrorism, the better to change our environments significantly to diminish these things. And there are good moral/political reasons, as I have tried to bring out, for retaining talk of responsibility, though I think Tabensky is dead right in stressing that this language is over-used, that it is often insensitive to the causal circumstances and capacities that make people the sorts of people they are, and that it is often a smokescreen for ignoble instincts of revenge. (I would add that it is also often shot through with racist, sexist and classist ideology.) Nevertheless, when faced with the suggestion (which I do not attribute to Tabensky) that we should abandon such language altogether and treat wealthy and powerful fascists and their ilk as objects merely of pity, in my view we should not be *so* Christian-minded (if that is an apt expression) as to erase all vestiges of militant rage against [such] individuals.... We should hold these people (the Kissingers of the world) responsible, morally responsible, even if they too can be described as being products of, and constrained by, a particular socio-economic system. (Kumar, Chapter 7, this volume).

We should attend to the context-dependence and purpose-relativity of explanations. In doing so we will become aware that there are always issues that are irrelevant to any explanation and that explanations are of different types given for distinctive and often very different purposes and that we have no idea of what a context-independent, all purpose, complete explanation would be. What Bush's or Cheney's toilet training regime was *may* be interesting and relevant for certain purposes. But not in explaining and assessing the Bush administration's policy in Iraq. It is what they are doing there and the rationale for it that is relevant. It is for such policies – for such specific actions – for which they should be held responsible and here our ordinary language of praise and blame and attributions of moral responsibility are quite in place.

My point in this essay was not to jettison or even downgrade such practices – practically something that we clearly need – but to take out the retributive, vengeful parts of them and to use them for deterrent and, to a lesser extent, for reforming purposes. And here we should be sparing in our use. We should not abandon such practices, but reform them and use them with a different mindset. And I do not speak here of becoming Christian-minded.

Still, all these practicalities aside, when we think of genetic and social roulette – when we non-evasively reflect on the causes of action and character-formation – must we not acknowledge that we are the products of our environments (our genes and our social and physical environments)? Some of us sometimes can successfully resist certain aspects of them, but isn't that always because of other things in our genes or social and physical environment? There is – or so at least it seems to me – no escaping that. No one, ultimately, really, deeply could do other than what they do. In the last analysis no one is really responsible for what he or she does. But beware of this; beware of the use of such words as 'ultimately', 'deeply', 'really', 'in the last analysis'. Do we really understand what we are talking about when we employ them in such contexts? I.A. Richards and Charles Stevenson should have taught us to beware of them. Implicit *persuasive* definitions may be at work here. How does 'ultimately not responsible' differ from 'not responsible'? What is it for

something to be ‘in the last analysis’? I do not say that nothing can be made of these uses or that they are never useful or in place. But they certainly do not wear their meanings on their sleeve.

Still, we have our genetic and other biological inheritances and we have our social inheritances – these are matters that we do not choose or determine but matters that condition, perhaps determine, us.³⁴ All of our actions have causes though many as well have reasons (which also may be causes). What it is we did or do, think or believe, is caused, and causal chains will always lead back to antecedent conditions over which we have no control.

Yet where ‘could have done otherwise’ or ‘could not have done otherwise’ clearly make sense, they should have a non-vacuous contrast. And they at least often do in the language-games we characteristically play with them. But this does not gainsay the truth of what I have just said and it does not show I have implicitly appealed to some mysterious and metaphysical sense of ‘contra-causal freedom’ in a desperate attempt to make human freedom really possible. That indeed, on the contrary, would make freedom an illusion. But there is no need or sense in engaging in such ‘contra-causal’ talk.

I am here making no untestable claims. ‘Every effect has a cause’ is a grammatical remark. ‘Every event has cause’ is not. But its denial: ‘There are causeless events’ is problematic to put it mildly. But unlike ‘There are causeless effects’, it does not appear to be a contradiction in terms. Yet its status (even for macro-objects) is problematic. We do not understand what it would be like for something to be ‘a causeless event’; ‘caused event’ seems at least to be pleonastic. Considerations like these might make us skeptical about the coherence of determinism or for that matter indeterminism. Compare ‘Every event has some cause’ with ‘Every substance has some solvent’. The latter is neither decisively confirmable nor decisively disconfirmable or falsifiable. But it is weakly testable (confirmable or infirmable). If all the substances that we know of have a solvent then we have *some* reason to think every substance has a solvent and if we come across a substance that we have now no known solvent for, we have some reason to think that if we look carefully enough and long enough we will find one. But a long and systematic search that comes up with no solvent would give us some reason to doubt that for every substance there is some solvent. Nothing can be decisive here. Fallibilism is the name of the game. But

34 There may be trouble for my account here. ‘Determines’ is one thing; ‘conditions’ is another. ‘Our genetic-social inheritance *determines* our behaviour’ is my usual formulation. But *perhaps* all we are justified in claiming is the truism ‘Our genetic-social inheritance *conditions* our behaviour’? The latter gives us little that would warrant claiming that as a result of our genetic and social inheritance we are locked into a certain behavior – that we must act in a certain way. This talk of ‘conditions’ is much more plainly compatible with our practical talk of moral responsibility and perhaps empirically speaking it is all we are entitled to. But ‘determines’ seems more accurately to capture what is involved and, if that is so, I have given an account, and Kumar has more fully, of how our practical discourses are compatible with it. Still we have something here that needs further examination. Yet I fear the tides of metaphysics may be running high here.

'Every substance has some solvent' has empirical meaning. It is weakly testable and does not make a metaphysical or transcendental claim.

It would seem that 'Every event has some cause' is in the same boat and again is not a metaphysical or utterly untestable claim. But is it? We have some reasonably clear idea of what it would be to find a substance for which it would be plausible to say that it has no solvent. But it is less clear (to put it minimally) as to what it would be like for there to be an event for which it would be plausible or perhaps even intelligible to say it had no cause. This is too much like trying to say non-metaphorically of some lost object that it just disappeared into thin air. But need it be? If after a very scrupulous and systematic search no cause turned up for an event would it be so implausible to say that it was causeless? If we continue to say that can't be doesn't it become clear that we are treating 'every event has some cause' metaphysically? But are there any rational considerations driving us to do so? Why not treat 'Every event has some cause' as being very like 'Every substance has some solvent'?

Yet for many of us 'Every event has some cause' continues to be anomalous and with that determinism (as well as indeterminism) is anomalous. To set aside such considerations (to not commit myself to determinism my inclinations notwithstanding) I stuck with genetic and social roulette. It is – or so it seems – independent of the determinism controversy. Someone – say an Austin or Strawson – could regard 'determinism' as a name for nothing sufficiently clear to be reasonably affirmably or deniable and still say, in an utterly non-metaphysical manner, what I said about genetic and social roulette.

What I am claiming is that what we are, can be and can do is determined by (is a function of) our genes (more generally our biology) *and* our social inheritance and acculturation. That A acts one way and B another is determined by determinate differences here. What makes us act one way rather than another is determined by (is a result of) some combination of these factors *and nothing else*. But this 'nothing else' does not indicate an implicit metaphysical turning. We may not have the foggiest idea of what this 'and nothing else' would be but we do not rule out the *possibility* that there could be something else. But the burden here is on someone who thinks there is something else to specify – at least through a glass darkly – what this is. And that would be an empirical matter. But no one has been able to and this justifies us in saying what I and others (Stuart Hampshire, for example) say about genetic and social roulette. But no metaphysics looms into sight here.

Still, when we reflect on this and take it to heart, we find it difficult to understand how we or anyone else can be deeply responsible for what we are and do. And this is unsettling. We can say that it is 'deeply' like 'ultimately' that causes the trouble here. We perhaps have here what the positivists used to call 'verbal magic'. But doesn't what I have specified, in specifying what I have called genetic and social roulette, show what talk of 'deeply' comes to here?

We can agree with all the contextual, pragmatic, political-sense-making and moral-sense-making reasons that Kumar has adroitly given us and still think that in a 'deep' sense we can't be responsible. It is unavoidable that there are things

antecedent to us which make us what we are.³⁵ But does this mean we are *all* in Hanna's shoes? This seems very implausible for the reasons that Kumar, and Metz as well, give us. Sometimes the more we know about a person the less inclined we are to judge him. But sometimes it is the reverse: the more we know about a person the more we are inclined to judge him. (Is this just or at all our anxieties showing?) Think of Shakespeare's Richard III or of Goebbels or Kissinger. We have no necessities here. When I started to write this essay (and indeed for much of my life) I thought to understand – to really understand – was to forgive or at least not to blame. I no longer think that. What is left over from my initial attitude is a reluctance in a great range of circumstances to judge or condemn and a rejecting of the ethics of moral desert and retributivism.³⁶

35 It might be thought that I am forgetting Metz's point which I agree with, namely that to be responsible we need not be responsible for the conditions that make us responsible or, put otherwise, that to be responsible one need not be responsible for being responsible. That is a good compatibilist point (I do not suggest that Metz is a compatibilist). There is an ordinary way of speaking of responsibility that has a point, but it does not – or so I say – push matters far enough in speaking of responsibility. The genetic-social roulette considerations bring out that that way of understanding responsibility does not push matters far enough. When we see that physical-social conditions determine how we must act in determinate situations our sense of responsibility is unsettled. We could not act otherwise than those conditions make possible. (But here reflect on the previous note.)

36 Am I evincing here the philosopher's penchant to first say it and then take it all back? And on another matter, my argument here should not be taken to one bit lessen the need to resist, to struggle against and to fight the forces that in one way or another work to make the world the swinish place that it is.