**The Free Will Debate and Basic Desert[[1]](#footnote-1)**

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*Abstract*

A familiar claim in the free will debate is that the freedom in dispute between compatibilists and incompatibilists is limited to the type required for an agent to deserve blame for moral wrongdoing, and to deserve it in a sense that is basic. In this paper, I seek a rationale for this claim, offer an explanation of basic desert, and then argue that the free will debate can persist even when divorced from basic desert.

*1. Introduction: Basic Desert and the Traditional Free Will Debate*

Many contemporary philosophers working on the related topics of free will and moral responsibility contend that the proper way to understand the free will debate is in terms of basic desert-entailing moral responsibility. On their view, attempting to settle the free will problem by reference to any alternative, watered-down notion of moral responsibility amounts to nothing more interesting than changing the subject, and hence avoiding the traditional debate altogether. Why? Given these (allegedly) lesser notions of moral responsibility and the weaker freedoms they require, there is no reason to think that determinism would be a threat; there’s just no philosophical problem to solve. This is how Derk Pereboom approaches the debate (e.g., 2001, xxi-xxii), and many others follow him on this point. Here, in commenting on Hilary Bok’s (1998) compatibilist proposal, is an example of how Pereboom makes the point:

But while this “legitimately being called to moral improvement” notion may be a *bona fide* sense of moral responsibility, it is not the one at issue in the free will debate. For incompatibilists would not find our being morally responsible in this sense to be even *prima facie* incompatible with determinism. The notion that incompatibilists do claim to be at odds with determinism is rather the one defined in terms of basic desert. (2007: 86)

While I agree that it is useful to approach the traditional free will debate by reference to basic desert, I am skeptical of Pereboom’s rejection of alternative approaches. *Must* the free will debate be understood in terms of basic desert-entailing moral responsibility? Does one who opts for an alternative conception do so on pain of the charge that she is changing the subject? Is she just side-stepping what’s at issue in the free will debate?

Philosophers like T.M. Scanlon (1988, 1998) and R. Jay Wallace (1994) have adopted a different strategy, explicitly eschewing pertinent robust desert-based conceptions of moral responsibility and seeking to provide a justification for our blaming practices with resources that do not include basic desert. Consider, for example, this passage from Scanlon:

Let me call…the idea that when a person has done something morally wrong it is morally better that he or she should suffer some loss in consequence…the Desert Thesis. Notions of guilt, blame, and resentment that embody this thesis in the way just suggested, and the idea of responsibility that is necessary for their attributability, are what might be called desert-entailing notions. Since I regard the Desert Thesis as morally indefensible, my account of moral criticism and the notions of guilt, blame, and responsibility that it involves are not desert-entailing notions in this sense. (1998: 274)

Scanlon instead provides a justification for our blaming practices with contractualist resources that do not involve appeal to the notion of basic desert.[[2]](#footnote-2)

Now consider Wallace. Wallace characterizes the thesis of retributivism as, “the view that it is intrinsically good that wrongdoers should suffer harm, and that therefore we have a positive duty to inflict such harms on them” (1994: 60, n13). Here, I understand Wallace’s formulation of retributivism to be an instance of a basic desert thesis (one that shares some similarities with Scanlon’s formulation). About this desert thesis, Wallace writes:

I think we should be careful not to take for granted an overly retributivist understanding of what we are doing when we hold people morally responsible. It certainly seems that I could blame someone for a wrong, and even engage in sanctioning behavior toward the person (avoidance and censure, say), without believing it to be an intrinsically good thing that the person should suffer harm. While our practices of holding responsible may tolerate a retributivist interpretation, it would be a mistake to suppose that such an interpretation is necessarily embedded in the self-understanding of ordinary participants in the practice. (60)

Like Scanlon, Wallace offers a justification of our blaming practices that is not grounded in basic desert. Instead, Wallace appeals to considerations of fairness.

Indeed, Wallace is emphatic about his rejection of a desert thesis as the basis for justifying our blaming practices on:

It is true that I have not provided a basis for the strong conclusion that wrongdoers positively deserve to suffer the harms of moral sanction in this way. I have repeatedly urged against building such a retributivist interpretation into the very stance of holding morally responsible… Furthermore, the principles of fairness I have articulated provide no support for these retributivist conclusions. (227)

Admittedly, Wallace does endorse a *negative* principle of desert that he takes to be an ingredient of the pertinent conception of fairness: People do not deserve to be blamed if they have not done anything morally wrong (135). But he rejects the thesis, as indicated in the passage just quoted, that in a basic sense, a person could deserve to be blamed (and deserve the harms attendant with blaming) just because she so acted. And it is this thesis that Pereboom and others take to be crucial to the free will debate.

Reading the work of Scanlon and Wallace, as well as others operating in a similar manner, it seems most natural to interpret them as directly engaging philosophers like Pereboom, and engaging them not just about the justification for our responsibility practices but regarding free will too (e.g. Scanlon, 1988, 1998; and Wallace, 1994: 93-109). Perhaps there is a mildly revisionist concession in their proposals, but even so I take it that they do not mean to be changing the subject. As I read them, they operate under the assumption that there is a shared subject matter functioning as the proper domain of dispute, and they mean to be engaging in a substantive argument with other philosophers *about that*. Of course, they might be mistaken. But before drawing this conclusion, we need to consider the matter carefully.

I will argue that it is wrong to insist upon basic desert-entailing moral responsibility as inescapably tied to the free will debate. It will be useful to begin by reflecting on what the presumed role of free will is as it bears upon this notion of basic desert-entailing moral responsibility. I will restrict attention to the dimension of moral responsibility concerning blameworthiness.

*2. Free will and Grounding Blameworthiness*

A curious detail of the free will debate is that there is little in the way of support *for* the thesis that basic desert-entailing moral responsibility is crucial to the debate. It is typically just asserted. So far as I know, no one has argued for the point. So I begin with a simple question: What is it about basic desert that seems so fundamental to the free will debate that other notions fail to capture it? What might a philosopher have in mind by insisting that we theorize about free will in terms of basic desert?

Here is my proposal. An appealing picture of the relationship between free will and moral responsibility can be framed in terms of grounding. Consider a morally wrong act for which an agent is blameworthy. Suppose that her being blameworthy renders it appropriate that she is blamed. Assuming other agent-involving conditions are in place, her exercising of her free will ability in so acting is what grounds her being blameworthy and so an apt target of blame.

Perhaps putting it this way overstates free will’s role; this makes it sound as if free will is doing *all* of the grounding work. Blameworthiness also presupposes other significant conditions. Free will is better thought of as one essential ingredient among others that collectively ground blameworthiness and the aptness of blame. For instance, further nontrivial requirements for blameworthy action might also involve an agent’s either knowingly doing morally wrong or doing so from culpable ignorance. And some might even require further that a blameworthy agent is one who has and is able to act from values and principles that she acquired in an authentic manner. These ingredients might also be thought of as part of what grounds blameworthiness and the aptness of blame. There are, as well, the actual facts regarding what counts as morally right and wrong, and so the basis for the evaluative character of her act as morally impermissible. But, however these further details are ironed out, an exercising of the free will ability is at least an essential part of the grounding “cocktail” for an agent’s being blameworthy and for it to be appropriate to blame her. Most significantly, an exercising of the free will ability can be thought of as the element of the complete ground that is within the agent’s direct control, so that, in a literal sense, when an agent is blameworthy, by an exercise of free will, *it is she* who makes it so that she is blameworthy.

In light of free will’s proposed grounding role, we can begin to see why philosophers might be exercised by the requirement that the desert at issue in the free will debate is basic. At a minimum, what is required for deserved blame to be basic is that the normative status of the desert at issue is not itself justified in terms of other more fundamental normative principles. What might an alternative look like? On a consequentialist rendering, for instance, one might justify blame by arguing that what makes blame appropriate is that it makes society better off. On a contractualist rendering, instead, one might justify blame by arguing that it would be the product of a reasonable agreement rational agents ought to accept, or instead could not reasonably reject. The reason that, as some might see it, these proposals don’t measure up to what is offered by way of basic desert is that the normative warrant for blaming is, at least to some extent, taken out of the control of the free agent. If the aptness of blaming an agent depends on what benefits others, or if it depends on what it would be reasonable for others to agree upon generally as part of a contract, then she is not in control, or at least she is not in as much control, over the grounds for her being to blame. Other agents, their interests and rational commitments, also play a role. By contrast, when the desert is basic, then so long as other features of the world cooperate (e.g., so long as the agent does not drop dead, no birds fly in front of the bullets she fires, and so on) in acting freely, it is up to her—and *just* up to her—whether she deserves blame.

To be clear, I have only offered the preceding rationale in an effort to understand why some take it that the free will problem is essentially linked to a basic desert-entailing conception of moral responsibility. I do not mean to endorse this rationale, only to give voice to it.

*3. Clarifying Basic Desert as applied to Moral Responsibility*

I turn now to clarifying the content of a basic desert-entailing conception of moral responsibility. So basic desert is basic at least in the following negative way: The normative warrant it provides is *not* supported by any more fundamental normative principles or values (e.g., see Feinberg, 1970: 56). But what more can be said to give some positive content to our understanding of it? I’ll restrict my attention to deserved moral blame. I’ll ignore considerations of desert in other domains, like the desert that attends to winning prizes or being treated with respect qua being a person.

As regards deserved blame, one might understand blame and its expression so that it is conceptually possible to decouple it from any propensity to harm. If so, it would then make sense to decouple questions of deserved blame from questions of deserved harm (or loss). One could then explore a basic desert thesis for blame that was in no way about the harm or loss a blameworthy agent deserves. But at least within the context of the free will debate, I assume that the sense of blame that is in dispute is a kind that, when overtly directed at a culpable wrongdoer, is liable to harm or cause the wrongdoer to suffer some loss. Hence, I also assume that the argumentative burden for advancing a basic desert thesis for blame includes an account of the normative warrant for a culpable agent’s being harmed.

Note that desert offers a distinctive way of specifying *the sense of aptness* in a judgment that blame is appropriate (Feinberg, 1970: 56-7). Mere aptness on its own simply reports *that* some normative warrant exists; it gives no content to what sort of warrant is on offer. Desert does so, not by appealing to considerations of utility, or principles of fairness, or the elements of a reasonable contract, but by appealing exclusively to a “desert-base” that makes fitting that which is deserved (Feinberg, 1970: 58-61). So understood, desert is a distinctive species of *fittingness*, and it seeks a distinctive desert-base.

As regards deserved blame, the desert-base for a blameworthy act involves only salient features of *the agent* and *her act*, features that make the agent blameworthy for it. Suppose, to make things simple, this consists just in an agent’s knowingly and freely doing morally wrong. Here we have three ingredients contributing to the desert-base: one concerns the agent’s state of knowledge, another concerns the agent’s relation to the act as a free one, and the third concerns the moral status of the act itself as one that is morally impermissible. These features provide the desert-base for a response that is fitted for the agent’s act—in particular, a blaming response. The response is meant to fit the act in relation to these features in some unique, case-specific manner, one that is especially difficult to specify. Regardless, on the proposal I offered in the previous section, it is the freedom component identified here within the desert base that does the work of placing squarely within the scope of the agent’s control whether a blaming response is fitted for her manner of acting. (Pay special attention to this detail. We’ll return to it later.)

Crucially, the blame’s being basically deserved exhausts the requisite *positive* normative warrant for exposing the blameworthy agent to such harms. Why just the *positive* normative warrant for blaming? On a credible version of a basic desert thesis, the complete normative warrant for actually blaming an agent, one yielding an all-out judgment, also requires the *negative* condition that there are no competing and overriding normative considerations, like those of overall utility or simple prudence, speaking against blaming. For instance, suppose that blaming a person who deserves to be blamed will result in the destruction of the world. Then all-things-considered, she should not be blamed; nevertheless, it remains true that she deserves it. It follows that we should understand claims of basic desert in terms of offering *pro tanto* reasons to blame, not all-things-considered reasons.

To help give further content to judgments of deserved blame, it is useful to consider whether they involve the right or instead the good. There is no consensus on this point.[[3]](#footnote-3) Some apparently have in mind an exclusively deontic rendering (e.g., Feinberg, 1970: 60; Zimmerman, 1988). On a strong version of such a proposal, blaming one who deserves blame would be construed as a duty or an obligation. On a weak rendering, it would be cast simply as something that is permissible or instead recommended.[[4]](#footnote-4) In any event, on any exclusively deontic rendering (strong or weak), there is no explicit contention that it is *good* that a blameworthy wrongdoer is blamed and thereby harmed.

Others instead think exclusively in terms of axiology (e.g., Bennett, 2002: 147). On any such view, desert involves some claim about the noninstrumental goodness of a blameworthy person being blamed and thereby exposed to pertinent harms or losses. This is the sort of view captured by the prior quotation above (sec. 1) from Scanlon (1998: 224), a view which Scanlon emphatically rejects.

I have proposed a mixed view according to which the goodness of the harm in blaming provides a justification for, at a minimum, the permissibility of doing so (e.g., McKenna, 2012: 133).[[5]](#footnote-5) My impression, which I will not defend here, is that a mixed desert thesis best captures what many take to be at stake in the free will debate. Basically deserved blame renders it (minimally) permissible to blame *because* the world is better off when those who are guilty of wrongdoing are made worse off as a result of being blamed. A slightly stronger thesis is that basically deserved blame provides a reason favoring blaming because the world is better off when those who are guilty of wrongdoing are made worse of as a result of being blamed.

So, to collect results, basic desert as it applies to blame is basic insofar as 1) it is not justified in terms of any more fundamental normative consideration; 2) it is in response to a desert-base that is uniquely fitted for it, wherein the desert-base is exhausted in features of the agent and her action, features that apparently include a freedom condition[[6]](#footnote-6); 3) the desert provides the positive normative warrant for blaming, but does not necessarily preclude negative considerations that could be treated as a defeater to an all-out judgment that it is best to blame; and 4) it entails some claim that it is right (deontological), or good (axiological), or right because good (mixed) that a blameworthy person is blamed for her culpable conduct.

*4. Understanding Blame*

What more can be said to help assess the claim that the freedom ingredient mentioned in the preceding treatment of basically deserved blame uniquely captures the freedom at the heart of the free will debate? Perhaps it will be useful to consider the blame that is supposed to be deserved. So, what *is* blame? There is no consensus about its nature. However, many assume that blame can be understood by reference to the reactive attitudes, as these were characterized by P.F. Strawson (1962). So understood, it is fruitful to think about blame in terms of resentment and indignation (e.g., Fischer and Ravizza, 1994; McKenna, 2012; Shoemaker, 2015; Vargas, 2014; Watson, 1987; and Wallace, 1994). This alone will not get us too far. Contending that blameworthiness renders blame deserved does not come to much if what is deserved can amount to no more than a privately experienced episode of resentment or indignation by one who blames. The blameworthy person receives nothing recognizable when she does wrong.

What animates contestants to the free will debate is the prospect that some harmful treatment or consequence delivered to a blameworthy agent could be normatively warranted as a response to her culpable conduct. For this reason, it is best to attend primarily to those episodes of the reactive attitudes and instances of blaming that I have has characterized as *directed* (McKenna, 2013b). Directed blame involves outward manifestations of reactive emotions like resentment or indignation that are directed at the blamed party. Tending just to these cases, we can ask what they involve and then think about whether the normative warrant for them and the freedom presuppositions bearing on them are or should be limited to basic desert.

When focusing just on cases of directed blame, consider the social practices wherein manifestations of reactive attitudes can be taken as signals or forms of communication directed at the blamed party (e.g., see Bennett, 2002; Macnamara 2015; McKenna, 2012; Shoemaker, 2015; and Watson, 1987). For instance, Bennett (2002) uses the example of an office worker who treats a coworker as no more than an opportunity for a sexual conquest, which is degrading to her. Once his other officemates register this and adopt an attitude of moral indignation, they alter their treatment of him in ways that are characteristic of blaming. Normal courtesies are withheld, usual forms of socializing are altered, and so forth. Key to their changes in normal social relations is a kind of signaling that their altered treatment is meant to be a fitting response for his ugly treatment of their friend. I have used the example of two friends and coworkers, Leslie and Daphne (McKenna, 2012. The friends meet at a coffee shop when Leslie makes a derogatory racist remark about Hispanics, offending others in the shop, including some Hispanic people. Daphne storms off, telling Leslie her remark was despicable. Later Daphne excludes Leslie from an outing with a mutual friend who is Hispanic.

What are the harms involved in these sorts of blaming practices? Is it plausible to regard them as the harms a blameworthy person deserves? Few have tended in much detail to this question. Feinberg (1986) clearly thinks of blaming practices as informal means of punishment, sanctions of sorts. Wallace (1994) has in mind something slightly different, a practice that is sanction-like, but needn’t involve the aim of punishment. Still, for both Feinberg and Wallace, blaming apparently has costs. But what are they? I have argued that there are three distinctive welfare interests that are threatened when a person is blamed in the fashion characterized in the preceding paragraph (McKenna, 2012). If we understand harms as setbacks to interests, there are three distinctive kinds of harms to which a blamed person is liable to be exposed. First, her capacity to engage in normal interpersonal relations is inhibited since others are prepared to alter the normal modes of relating to each other with characteristic forms of good will. Second, her freedom to live as she wishes is compromised. How so? She is pressured if not coerced to engage in relevant forms of response to others’ blame, responses such as apologizing, taking steps to alter future conduct, and so on. Third, she is emotionally taxed insofar as it is hard to realize that others are angry with her for her poor behavior.

Given the preceding treatment, we are now better positioned to assess what is at stake between those who take it that basic desert is required to make sense of the free will debate and those who deny that this is so. To make sense of the normative warrant for these blaming practices, what freedom presuppositions do they presuppose? Moreover, how are these blaming practices related to the contention that an agent deserves blame in a basic sense when she is blameworthy? Can these come apart in such a way that the freedom requirements could be the same, and so bear similarly on the free will debate, even when the justification on offer for these very practices is divorced from a commitment to basic desert.

*5. Is Basically Deserved Blame Essential to our Moral Responsibility Practices?*

As noted above, philosophers like Scanlon and Wallace seemed to operate under the assumption that there was a shared domain of dispute between them and others regarding issues of freedom and responsibility. But then the question is, *what* is that shared domain? Does it really provide the proper ties to the traditional free will debate? I propose that the shared domain is the set of practices—those bearing upon our application of the concept of moral responsibility, and more directly to the point, our application of the concepts of blameworthiness and blame. If a theorist could offer an adequate competitor account of the norms governing our blaming practices, one that did not rely upon basic desert, and if the account on offer did not presuppose anything more than minor revisions to the practices themselves while all the same relying upon robust freedom presuppositions, then, it seems that they would after all be joining issue on a substantive philosophical matter.

As Pereboom sees it, in advancing his own free will skeptical position, a considerable range of our blaming practices presupposes the notion of basic desert. He writes:

The free will skeptic will call into question any blaming practices that presuppose that the agent being blamed is morally responsible in the basic desert sense. Since much actual human behavior has this presupposition, any skeptical account of blame will be revisionary. (2013: 190)

Notice Pereboom’s presumption that there is some range of practices in which we can discern an underlying presupposition of normative warrant grounded in considerations of basic desert.[[7]](#footnote-7) One way Pereboom *might* attempt to discard my proposal is to say that when we look to the practices themselves, they have built into them a presupposition of basic desert in such a way that we cannot identify the practices and then ask if there is some alternative normative warrant absent basic desert that could be used to underwrite them; the practices essentially come, so to speak, normatively loaded already.

Were Pereboom to make this move, then on his proposal those like Scanlon and Wallace could not be offering a competitor account of those very same practices absent basic desert. Right out of the gates, they would be changing the subject. This, however, would be to assume not only that the pertinent practices had a presupposition of basic desert built into them, but that this presupposition is *essential* to our understanding of those practices, and to, as Wallace might put it, ordinary participants’ self-understanding. But this seems an implausible way to defend Pereboom’s thesis. Do any of our moral practices have normative presuppositions essential to them so that *in principle* there cannot be alternative means of justifying those very practices?

A more plausible rendering is as follows: Our moral responsibility practices are relatively plastic and do presume a notion of basic desert. Still, there are resources as part of the practice, and as part of the folk participants self-understanding, for alternative norms which could also be brought to bear in a justification *for these very same practices*. Hence, all Pereboom targets in his skeptical assault on blame, and all he presumes to be essential to the free will debate, is one sort of normative warrant, one involving basic desert, for a set of practices; the practices themselves might remain, perhaps with some mild revisions, by alternative means of providing a normative warrant for them.

Manuel Vargas resists the very idea that we can discern in the practices themselves a presumption of basic desert built right in:

Consider an ordinary case of judging that someone deserves blame. Suppose we judge that Fitzgerald deserves Jackie’s blame for having an affair with Marilyn. On Pereboom’s account, we are purportedly committed to (A) the “basic”-ness of Fitzgerald’s deserving Jackie’s blame—i.e., the desert base—is settled by features of Fitzgerald and the moral qualities of his action, and (B) a desert base that cannot appeal to consequences, even indirectly.

But why think all of that? I find it more plausible to think that when we judge that Fitzgerald deserves Jackie’s blame what we are mainly committing ourselves to is the idea that Fitzgerald has done something wrong, and that in light of that violation, blaming is called for. In making this judgment, we need not have any view one way or another about the particular details of why that blaming is called for. We must, of course, think that the blaming is in some way sanctioned or justified. However, it seems strange to suppose that we have worked out views about just how that sanctioning or justification would go. For ordinary practical purposes, all we need to know is that the agent has done something wrong and that something about that wrongdoing licenses blame. What that something comes to is, I think, not anything about which we have formed thoughts or strong convictions. Indeed, from the standpoint of our ordinary discourse and practical life, what is important is confidence that we are correct and justified in our first-order judgments. The justifiers and their precise nature are ordinarily of secondary and considerably lesser importance. (Vargas, 2013: 252-3)

Vargas has a point. Basic desert is after all an esoteric notion. Maybe the folk are not operating with anything that fancy. On the other hand, Pereboom might reply that many ordinary folk notions, like lying, involve complex concepts for which the folk would not be able to offer clear, theoretically lucid explanations or justifications. This is in no way evidence that the concepts are not operative in ordinary folk practices. Given this difference between Vargas and Pereboom, it seems best just to grant this to Pereboom, even if Vargas is right to raise the worry. Let’s assume for argument’s sake that, as esoteric as the concept of basic desert is, there is reason to think that the folk apply it in their ordinary moral responsibility practices, but that it is not essential to those practices.

*6. Preserving the Free Will Debate in the Absence of Basic Desert*

The question immediately before us is whether we can make sense of the traditional free will dispute without basic desert as the normative warrant *for these same practices*. At this juncture, I offer a simple observation. If one attends just to the practices characteristic of directed blaming, the sort highlighted above (sec. 3) by Bennett and me, there seems to be no special reason to think that the freedom presuppositions are ineliminably tied to a normative requirement of basic desert. Implicit in the practices of blaming is, for instance, the presumption that a person under extreme duress does not act freely, nor does a person who is thoroughly deceived into acting contrary to what she would judge best. Similarly, a person is not free if she acts from a severe compulsion or some forms of extreme delusion. Her freedom seems compromised if she suffers from various motivational deficiencies, such as severe depression, and so forth. Likewise, it seems that she is not free if she has no other option than to act in just one way. (Of course, there is much dispute over whether this is true.) Our practices bear out these presuppositions. And when then we *do* blame and take it that we are justified in doing so (by whatever means), what seems implicit in our activity of blaming is that an agent who is blameworthy acted freely.

Can’t we find alternative normative grounds for blaming other than basic desert? To be more precise, can’t we find alternative norms that preserve the sense that a requirement for justified directed blaming is that an agent is free, and free in such a way that can give rise to the problems traditionally associated with the freedom of the will? Is basic desert really essential here? Must we have, for instance, as it is with claims of basic desert, a judgment that it is basically right or intrinsically good, or right-because-good, that a blameworthy person be harmed by being blamed? Absent this can we not link blameworthiness properly to a rich freedom requirement? Reflect upon the preceding treatment of basic desert for blame (sections 3 and 4). Recall the account of what blame is (sec 4), and recall also the various ingredients identified in thinking about what it is for a claim of desert to be basic (sec 3). There does not seem to be anything about desert’s being *basic* that gives it a monopoly on a strong freedom requirement on practices that involve our blaming each other. Or at any rate, this is my challenge to those who would resist me on this point. I say the burden is on them to state precisely why basic desert has this feature that other justifications for blame cannot provide.

While Pereboom and other likeminded theorists want to partition off from relevance to the traditional free will debate any theory of moral responsibility that attempts to make do without the notion of basic desert, I council a case by case approach. Whether any candidate theory of responsibility ought to be taken seriously in the context of the traditional free will debate needs to be assessed in terms of the details of that theory in relation to the freedom offered along with it. What is required to join issue with those incompatibilists like Pereboom is simply a matter of whether the freedom up for consideration is a sort about which one can render intelligible the metaphysical worries that have been at the heart of the free will debate.

Clearly, there are proposals regarding the justification of our blaming practices that are so easy to satisfy that there is no reason to think there are any puzzling metaphysical worries to address. Smart’s (1963) straight utilitarian proposal was one, which was a proposal in the fashion of others like Schlick’s (1939). These were cast in terms of simple influenceability for the aim of social benefit. Pereboom also seems correct about Bok’s (1998) proposal. Bok cast hers in terms of a practical standpoint in which we are able to assess our choices in terms of our own (future) moral improvement.

But there are other theoretical options that track more delicately the freedom presuppositions of our actual moral practices. For instance, James Lenman (2006) has argued on contractualist grounds that we have reason to agree to treat others as accountable for their conduct insofar as it affords us a social environment for being treated as creatures with dignity. This exposes us to risks, including the potential pain of others’ blame. Here, the risk and the harms are not justified in terms of basic desert.[[8]](#footnote-8) However the details are ironed out, Lenman treats this justification as one that, roughly speaking, supports our moral responsibility practices *as they are*. Hence, they should also give rise to the presuppositions about free agency that in turn can give rise to worries about whether anyone is free in the requisite way if they are unable to do otherwise, or are not the ultimate originators of our acts, and so forth.

Consider Wallace’s proposal. In developing his view, Wallace explicitly rejects an alternative proposal, the economy-of-threats strategy of the Smart or Schlick variety, because:

[I]n making deterministic worlds so obviously safe for responsibility, the strategy deprives itself of the resources for explaining the attraction of alternative, incompatibilist views. One might say that the economy of threats approach renders compatibilism so plausible that it cannot be correct as an account of what we are actually doing when we hold people morally responsible. (1994: 58)

So by his own lights, Wallace intends to advance a view, unlike the economy of threats view, meant to speak directly to the considerations of free agency of concern to incompatibilists. According to him, the normative warrant for blaming is a matter of whether it is fair to blame a wrongdoer. Given this, an incompatibilist might argue that it is not fair unless an agent who acted wrongly was able to avoid doing what she did, and so a proper understanding of this condition shows it to be incompatible with determinism. Of course, Wallace resists this incompatibilist move (103-9). But the point is that his proposed normative warrant, a non-desert-based warrant, still leaves it as *an open question* what sort of freedom is required and whether it is compatible with determinism.

Now consider Scanlon’s earlier (1998) view, especially as it bears on what he called substantive responsibility. Substantive responsibility as Scanlon understands it concerns judgments about what people are required to do for each other (248). On his view, these judgments are best justified in light of the value of choice, since we have reason to want outcomes for responsible agents to depend on the way they respond to alternatives (257). Note that Scanlon commits to a requirement of avoidability for substantive responsibility. The relevant sense of avoidability, he argues, is to be understood in terms of agents being offered reasonable options in light of the expectations of the moral community. An example Scanlon offers is of a reckless woman who is harmed by ignoring adequate warnings and thus being exposed to toxic chemicals at a clean-up site. According to Scanlon, she bears the burdens of the harms done to her and so is responsible for them because she cannot reasonably issue complaints against the community. Conditions were created for her to be able to avoid the bad outcome. Scanlon then argues that incompatibilist worries are misplaced because the relevant sense of avoidability is settled by the community’s conditions for offering alternative means of acting (262).

Admittedly, it appears that Scanlon’s view *supports* the contention of Pereboom and other desert-based theorists. The thin sense of freedom operative in his account of substantive responsibility is far too weak to have any relevance to the traditional free will debate. In a sense, I agree. But I agree only insofar as we simply accept Scanlon’s own reasoning about the case and about the conditions for substantive responsibility. I advise resisting Scanlon here while still preserving his overall non-desert-based contractualist rationale. One might do so by arguing that offering citizens options to avoid a toxic site by voluntary means is regarded as reasonable because it is *also* assumed that these individuals are able to exercise their own freedom to comply with or defy the posted warnings. So a pertinent ability to do otherwise *is* a part of the mix in taking seriously a contractualist and non-desert-based justification for this notion of substantive responsibility. If so, it is an open question what sort of metaphysical requirements are presupposed by this sense of freedom.

Reflecting on the range of proposals from Smart, Schlick, Bok, Lenman, Wallace, and Scanlon, here are three desiderata for a non-basic desert-based theory of moral responsibility that could fill the bill in resisting Pereboom and his allies, all three of which might very well be mutually supporting:

First, any candidate theory must be able to explain our *actual* moral responsibility practices. These will include our blaming and praising practices; our practices of offering excuses, justifications, exemptions, as well as mitigating considerations; and our practices of apologizing, forgiving, atoning, and so on.

Second, any conditions of freedom specified in a theory of responsibility must be true to the best descriptions of the complexity of our own agency as we know it to be—at least when we are operating at considerably better than merely a minimal level. We know that agents have powers of reflective self-control, that they have the ability to adopt higher-order attitudes to and evaluations of their own actions and motives, are responsive to a complex range of reasons, are able to draw on resources in the face of temptation to act contrary to better judgment, and so on. Any theory that would find an “adequate” freedom to justify some species of blaming practices, and in which the freedom fell far shy of capturing these features of our agency, would just be too impoverished to have any bearing on the traditional free will debate.

Third, recall the earlier discussion of grounding (sec. 2). I proposed that those committed to a basic desert thesis make basic desert essential to the free will problem because they assume this gives rise to a strong grounding role for exercises of free will. In deference to this rationale, the third desideratum might be put this way: The freedom on offer by any competitor theory of moral responsibility must afford the agent, by an exercising of her own free agency, a significant role to play in grounding her being blameworthy and an apt target of blame. In some manner, that freedom must make it so that, at least to some nontrivial degree, it *is* up to her, by exercising her free agency, whether she is blameworthy and to blame for how she acts. Admittedly, when the normative warrant offered for an agent’s blameworthiness depends on considerations that include others’ interests, or principles others rationally ought to adopt, she is in *less* control of her status as blameworthy as in comparison with how she would be were the grounds for her blameworthiness rooted in basic desert. More of the grounding would be distributed in ways that are out of her control. That’s undeniable. She would therefore indeed have more control over her status as blameworthy were the normative warrant limited to basic desert. This might after all show why some find basic desert a more palatable theoretical option. But so long as the control required of her on a competitor proposal is not *expunged*, so that at least some element of the grounding of her being blameworthy is up to her, it remains credible to treat the freedom at issue as bearing on the traditional free will debate.

*7. Conclusion*

A familiar divide among philosophers working on the topic of free will is between those who explain free will in terms of the freedom or control condition for moral responsibility and those who reject this way of theorizing. Some argue that we should understand free will in a way that is independent of considerations of moral responsibility (e.g., Clarke, 2003; Ginet, 1990; van Inwagen, 2008; and Vihvelin, 2013). Others, however, explain free will in terms of the control or freedom condition for moral responsibility (e.g., Fischer and Ravizza, 1998; Haji, 1998; McKenna, 2013b; Mele, 2006; Pereboom, 2001, 2014; and Sartorio, 2016). I have no interest in entering this debate here. My concern in this paper is exclusively with philosophers who account for free will in terms of the conditions for moral responsibility.

In this paper, I have argued that for those philosophers who do theorize about free will in terms of moral responsibility, they are wrong to limit their view only to accounts of moral responsibility that involve basic desert. This is not a trivial result. To restrict the free will debate to one particular normative grounds for justifying blame risks rendering the free will debate irrelevant. Why? It might be that basic desert is a benighted notion regardless of the freedom requirements for it, at least when it comes to deserving any of the harms that come with blame. Maybe, for instance, no person for any reason could ever deserve to be harmed unless it is in the service of some other good—in which case the desert would not be basic. Or maybe instead, as argued above, there are simply other normative grounds for blaming aside from basic desert that also require a strong freedom condition on blameworthiness. So these philosophers should modify how they formulate their accounts of free will. They should not define free will in such a way that it is limited *just* to the type of moral responsibility that is desert-entailing, in the basic sense of desert. Instead, they should identify free will with the sort of freedom that as it happens *is* implicated in basic desert. But they should allow that that sort of freedom is not limited just to notions of moral responsibility that involve basic desert.

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1. For helpful comments, I would like to thank Dana Nelkin, Derk Pereboom, Carolina Sartorio, and Manuel Vargas. [↑](#footnote-ref-1)
2. I restrict my attention to Scanlon’s view of responsibility set out in *What We Owe to Each Other* (1998). More recently, Scanlon has developed an intriguing desert thesis that differs from his earlier view (2008: 188-9). Nevertheless, the Scanlon of 1998 clearly counts as someone who, according to Pereboom, would be changing the subject in applying his account of responsibility to the free will problem. [↑](#footnote-ref-2)
3. For a thoughtful exploration of each way of developing a desert thesis, see Randolph Clarke (2013). Clarke focuses primarily on deserving to feel guilt and on the harm that characteristically accompanies it. McKenna (2012) also explores these issues. [↑](#footnote-ref-3)
4. This is how I understand Scanlon’s more recent account of desert (2008: 188-9; and 2013).

   [↑](#footnote-ref-4)
5. This is similar to the retributivist thesis that Wallace rejects (see the quotation from sec. 1). [↑](#footnote-ref-5)
6. Although this is an open question. See, for example, Robert Adams’s paper “Involuntary Sins” (1985). [↑](#footnote-ref-6)
7. Other philosophers, like G. Strawson (1986), also operate under the assumption that we can discern from our moral responsibility practices a commitment to the notion of something like basic desert. [↑](#footnote-ref-7)
8. Note that Lenman does defend the thesis that a person can deserve to be blamed for wrongdoing. But on his view, the desert is not basic. It is, as Rawls (1971) might put it, a form of post-institutional desert. The desert itself as a normative basis for evaluating conduct is justified in more basic, contractualist terms. [↑](#footnote-ref-8)