

Non-elusive freedom contextualism

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John Hawthorne and Steven Rieber suggest that ‘freedom’ might be given a contextualist analysis, analogous to David Lewis’ contextualist analysis of ‘knowledge’. In this paper, I identify the main problems with their analysis, and show how these problems can be avoided by a freedom contextualism based on the epistemological contextualism of Michael Williams.

1. Lewis’ contextualism

Lewis’ contextualism is intended to solve the following problem: Epistemological sceptics have given us excellent arguments for the impossibility of knowing much of what we normally assume that we know. Even granting the possibility of mathematical and logical knowledge, the possibility of empirical knowledge seems easy enough to refute with sceptical arguments. And yet, we *obviously* have an abundance of empirical knowledge. I know, for instance, that Paris is the capital of France. However, this piece of knowledge seems to require that I have ruled out all alternative possibilities in which Paris is *not* the capital of France. I would not say that I *knew* that Paris is the capital of France if it were the case that the French government gave the status of capital to different cities at different times, and it was some time since I last heard about Paris being capital. As things stand, I do claim to know that Paris is the capital of France – but is it really true that *all* other possibilities in which this is not the case have been ruled out? What if I am, in fact, a brain in a vat in a world where there is no France? This is the problem that Lewis wants to solve; we obviously have lots of

knowledge regarding ordinary empirical matters, and yet, knowledge requires that all other possibilities have been ruled out, and we cannot do this (Lewis 1996: 549-550).¹

Lewis' solution to this puzzle is to claim that 'I know P' means that I have ruled out all possibilities in which not-P – except for those possibilities that I properly ignore (ibid: 551-554). In normal, everyday contexts, I properly ignore the possibility of being a brain in a vat. If this is what 'I know P' means, then people often tell the truth when they claim to have knowledge of empirical facts. Still, as soon as a possibility is attended to it is no longer ignored, neither properly nor otherwise – my supposed knowledge of Paris being the capital of France is in fact knowledge no longer, since I am now thinking about brain in vat scenarios. Thus Lewis calls his paper “Elusive knowledge” – I only know that P as long as I do not consider any alternative possibility in which P is not the case (ibid: 559-560).

Hawthorne argues that there is a freedom problem analogous to the above knowledge problem. Free will sceptics have given us excellent arguments for the impossibility of doing anything freely. And yet, in everyday situations, many statements of the kind “S did X of his own free will” and “it is up to me whether I do X or not” seem obviously true. Hawthorne

¹ This is how Lewis describes the skeptical problem, since his view on knowledge is a *relevant alternatives view*. It is clearly meant to be a natural and intuitively plausible way to think about knowledge and what it requires, but there are many competing views both within contextualism (see, for instance, Rysiew 2007/2011 and Feldman 2004:261) and epistemology at large. However, this paper is focused on freedom rather than knowledge, and on a contextualist debate that takes its original inspiration from Lewis. I will therefore not question Lewis' characterization of knowledge or delve into the epistemological discussion of how to best characterize it.

therefore suggests a contextualist analysis of ‘free’, analogous to Lewis’ contextualist analysis of ‘know’: S does X freely only if S’s action is free from causal explainers beyond S’s control, apart from those causal explainers that we properly ignore.² A ‘causal explainer’, in turn, is a state of affairs that provide an adequate causal explanation of an action (Hawthorne 2001: 66-68). It is important to note that the ‘we’ here are the speakers, the ones who assess the agent’s freedom, not the agent. If determinism is true, the state of the universe at some point in the distant past and the laws of nature (henceforth, PL) provide an adequate causal explanation of my writing this article right now. Since I am currently attending to this fact, I cannot truly say that I write this freely. Still, my sister, who is not a philosopher and knows nothing about free will sceptical arguments, can *truly* say “Hey, it’s not like someone holds a gun to your head; you’re doing what you’re doing of your own free will”. Since her context is an everyday one, she properly ignores PL. Hawthorne’s contextualism thus allows us to embrace the intuitive force of free will sceptical arguments; this is an advantage that contextualism enjoys over standard versions of compatibilism. It also allows us to affirm that many everyday freedom statements are true; an advantage that contextualism enjoys over scepticism.

Rieber is overall sympathetic to Hawthorne’s contextualism, but sees one crucial problem; Hawthorne’s analysis of ‘free’ seems a bit ad hoc. It does not seem to be motivated by anything else than a desire to reconcile free will sceptical arguments with the seemingly obvious truth of many everyday freedom statements. Rieber, on the other hand, argues that we

² It should be noted that this theory is a mere suggestion from Hawthorne rather than something he confidently believes in, but he argues that it deserves to be taken seriously as an alternative to standard compatibilism and incompatibilism (Hawthorne 2001: 77).

have independent reasons to believe that 'free' is contextualist. Rieber suggests the following analysis of 'the agent freely did F': 'The agent caused F, and in doing so was the original cause of F'. The statement that an agent was the cause of F does not imply agent-causation, since the agent causing something might be *reducible* to events causing other events (Rieber 2006: 231). Rieber argues that this is an intuitively plausible analysis of what it means to do something freely, and for that very reason not a very original one; many philosophers on the compatibilist as well as incompatibilist side have endorsed something like it (ibid: 239-240). However, according to Rieber, 'the original cause' is contextualist. We can see this when we ponder the way we use that term in everyday conversations. It might not be a very common term, but we do use it *sometimes*, and not only when we talk about God's creation of the world or the Big Bang. We might talk about a forest fire causing a house to burn down, for instance. If someone then adds "well, the original cause of the fire was lightning striking a tree up that hill; if lightning hadn't struck, your house would still stand" this statement does not imply that lightning strikes have no causes, merely that causes further back are not salient in the current context (ibid: 231-233). To sum up; to say that an agent acted freely plausibly means that she was the original cause of her action, and whether something was an original cause or not depends on the context.

Both Hawthorne and Rieber's theories thus allow that ordinary statements according to which someone did something freely or of her own free will can be true. But their theories (which at least Hawthorne explicitly labels compatibilist, Hawthorne 2001: 63) concede *a lot* to the sceptic. A contextualist of Hawthorne and Rieber's ilk can never disagree with a free will sceptic in a philosophical discussion. In the next section, I will explore Richard Feldman's critique of this kind of contextualism.

2. Feldman's critique

Feldman criticizes Hawthorne's proposed contextualist theory precisely because it concedes too much to the sceptic, and this critique is equally relevant for Rieber's theory. However, I will discuss some other, less serious counter arguments that Feldman advances against Hawthorne before moving on to the most serious problems.

Feldman writes that neither 'know' nor 'free' really *seem* contextualist. This is a problem for contextualism, Feldman argues, because if the standards for applying 'know' and 'free' *actually* varies between contexts, as contextualists argue that they do, and yet it does not *seem* this way to competent speakers of English, we must conclude that "people lose track of their own assertions in surprising ways" (Feldman 2004 p. 266). Suppose that I wake up in the morning and deliberate about what to eat for breakfast, saying to myself "since I went shopping yesterday, I am free to choose between a large variety of food stuffs" (Feldman uses the example of *knowing* about my breakfast, but I want to keep the focus on freedom). Later in the day I go to a philosophy seminar where I am confronted by various free will sceptical arguments. Feldman writes that at the seminar, it now seems to me as if the proposition that I told myself in the morning was *false*. It is not just that I think, at the seminar, "my breakfast was not freely chosen after all" (a speaker-sensitive contextualism like Hawthorne's can account for that), but that I presumably think, at the seminar, that I had been mistaken when I made my breakfast freedom utterance *at the time when I made it*. Contextualism has trouble accounting for this fact (ibid pp. 266 and 270-271). I do not find this argument of Feldman's very convincing. Firstly, one might question whether an error theory according to which speakers are not always aware of how the standards for 'free' vary is really that surprising or strange (Cohen 1999 p. 78). Furthermore, even if it initially seems to me in philosophy class that my breakfast freedom utterance was false at the time when I made it, I might be persuaded to see things differently after a bit of philosophical reflection. Hawthorne writes

that a philosopher claiming to know something (or act freely) gives himself a much larger “pat on the back” than a non-philosopher making the same kind of claim (Hawthorne 2001 p. 66). It seems to me that at the philosophy seminar, I might just as well think that the thought I had about my breakfast earlier contained only a small “pat on the back”, but my newly found philosophical enlightenment prevents me from giving myself any more small back-pats; from now on, it is a large pat or none at all (at least as long as I remain at the seminar, focused on scepticism). Still, I can recognize my earlier, small, pat for what it was. All this would be in line with Hawthorne’s contextualism. For these reasons, I do not think Feldman has a particularly strong argument against Hawthorne here.

Feldman further argues that it is problematic that Hawthorne’s proposed analysis of ‘free’ only provides necessary conditions, not sufficient ones. After all, randomness is usually seen as a threat to freedom at least as serious as determinism, but Hawthorne’s necessary freedom condition cannot separate free actions from random ones (Feldman 2004: 272-273). However, this problem is easily amended. Marcus Willaschek (to be discussed below) suggests adding the condition that the agent performing the action has the ability to form practical judgments and act accordingly (Willaschek 2009: 571). I agree that we can simply add on the kind of necessary freedom conditions that compatibilists and incompatibilists agree on. Someone might still argue that, say, random quantum events in the agent’s brain affecting her intentions and decisions undermine control and therefore freedom – but such randomness can be handled the same way as causal explainers beyond the agent’s control. Add as a third necessary condition for free action that any preceding deliberation, decisions or intentions were free from randomness, except for such randomness as we properly ignore. Put these three necessary conditions together – no causal explainers beyond the agent’s control except for those we properly ignore, no randomness except for what we properly ignore, certain rational abilities on part of the agent – and we plausibly have sufficient conditions. From now

on, however, I will focus on the threat to freedom from determinism, and for the sake of simplicity write as if determinism is true.

Finally, Feldman presents two objections that are as relevant for Rieber's theory as for Hawthorne's. Firstly, freedom contextualists of Hawthorne's kind concede too much to the sceptic. As soon as the sceptic presents her arguments, Hawthorne and Rieber agree with her. Secondly, sceptical arguments are *not* supposed to present an extraordinarily high standard for freedom (or knowledge); rather, they are intended to show that we cannot meet the ordinary standards. Contextualists who claim that although we cannot meet the extraordinarily high standards of the sceptic, we can meet the ordinary standards, thus miss the mark (Feldman 2004: 267-269). I think this is one problem rather than two. If sceptical arguments cannot be dismissed when we attend to them, as both Hawthorne and Rieber claim, it seems as if these arguments really do show that we cannot meet ordinary standards for freedom. Otherwise, we should be able to take a close look at the sceptical arguments, note that they are relevant for some kind of super-freedom only, and dismiss them, since we are interested in whether we can meet the ordinary standards for freedom, not whether we can be super-free.

3. Moral responsibility problems

A further serious problem for Hawthorne and Rieber's theories, although not one mentioned by Feldman, is that they cannot handle moral responsibility in a plausible manner – their freedom is too elusive.

This elusiveness is inherited from Lewis, or at least from one possible interpretation of what he writes. Lewis sometimes gives the impression that slipping out of an ordinary context where we have knowledge and into a philosophical one where we know next to nothing can happen at the drop of a hat.

Is resistance useless? If you bring some hitherto ignored possibility to our attention, then straightway we are not ignoring it at all, so *a fortiori* we are not properly ignoring it. How can this alteration of our conversational state be undone? If you are persistent, perhaps it cannot be undone – at least not so long as you are around. Even if we go off and play backgammon, and afterward start our conversation afresh, you might turn up and call our attention to it all over again. (Lewis 1996 p. 560)

What does it mean to “bring some hitherto ignored possibility to our attention”? If merely *mentioning* the possibility – say, a brain in vat scenario – suffices for launching us out of an ordinary context and into a philosophical one, knowledge is indeed elusive. Regardless of whether this is what Lewis means, Rieber clearly treats causes further back the causal chain as relevant as soon as they are mentioned in conversations about the original cause of something (e.g., Rieber 2006: 231-232). For Hawthorne, it sometimes even seems as if *being a philosopher* suffices for being in a *philosophical context*, and thus unable to ignore sceptical arguments; he contrasts the utterances of “ordinary people” with those of philosophers who have “undertaken ... intellectual journeys” (Hawthorne 2001 p. 65). It has already been noted that Hawthorne and Rieber concede a lot to the sceptic, since they cannot disagree with her when she states her arguments. Furthermore, if freedom is *this* elusive, moral responsibility problems follow.

Hawthorne only briefly mentions moral responsibility, and suggests that it might be given a contextualist analysis as well (Hawthorne 2001: 70). Rieber, on the other hand, writes that moral responsibility might be contextualist, compatibilist or incompatibilist, and all of these possibilities are compatible with freedom being contextualist (Rieber 2006: 241-242). Now, the idea that moral responsibility is contextualist has some *prima facie* plausibility, since it comes in *degrees* (assuming, for the moment, that it exists). Stewart Cohen (1999 p. 60)

argues that many everyday predicates are such that they can be satisfied to a higher or lower degree, and also satisfied *simpliciter* – and the context defines the standards for being satisfied *simpliciter*. Take flatness, for instance: In one context, I might say that Kansas is flat. If someone asks, by way of objection, “But is it *really* flat? Look at that hill over there!” we might concede that Kansas is not *really* flat – it is not the case that the entirety of Kansas is as flat as the ground right where we now stand. Someone might, however, continue to ask whether the ground where we stand is *really* flat, prompting us to look at smaller bumps and holes in it, until we agree that the ground where we stand is not *really* flat either, and so on, until nothing at all seems flat.

Moral responsibility, however, does not function quite like flatness. Suppose that Ollie steps on Anna’s foot by accident, and that Anna reacts with an angry outburst where she shouts that Ollie is a moron. This is way out of line, and we judge Anna blameworthy and morally responsible for what she has done. Suppose now that someone asks “But is she *really* morally responsible? Consider the fact that she is a doctor, and due to an unforeseen emergency at the hospital she has worked for 24 hours straight and is absolutely exhausted”.³ This comment might very well make us change our initial moral responsibility judgement – but it is not plausible to consider it a *change of context*, where the standards are higher than in the context where our first judgement was made. Whereas there was nothing wrong with our initial statement that Kansas is flat if it were made in a context where we compared the geography of different states, this new information about Anna makes our initial moral responsibility judgement seem simply mistaken. Whereas Kansas’ hills and buildings can be properly ignored in certain contexts, Anna’s exhaustion cannot. If we judge her fully morally

³ See Nelkin (2014) for a more detailed discussion about how difficulty to do the right thing – in Anna’s case, difficulty to restrain herself – can mitigate responsibility.

responsible without taking her extreme exhaustion into account, we are *wrong*. Conversely, there are facts about Anna's energy levels that *cannot* be relevant to moral responsibility judgements, because they are too insignificant. It is not open to anyone to ask "But is she *really* morally responsible? Consider the fact that her alarm clock accidentally went off one hour early this morning, making her slightly more tired than usual". A little extra tiredness cannot be made relevant by bringing it up, the way tiny bumps and holes can be when discussing flatness. *Too much* exhaustion diminishes moral responsibility, but we cannot keep raising the bar for how energized an agent must be in order to be fully morally responsible for what she did by asking "really"-questions. Something similar holds for age, another responsibility relevant factor. It makes sense to ask "But was she *really* morally responsible? She is not yet an adult", but not "But was she *really* morally responsible? She is not yet middle-aged". We cannot raise the bar for how old someone must be for full moral responsibility by repeated questions. Although moral responsibility comes in degrees (Anna was *less than fully* morally responsible for shouting at Ollie in the exhaustion scenario), the standards for being morally responsible *simpliciter* do not vary in the same way as the standards for being flat *simpliciter*.

Still, an adherent of Hawthorne and Rieber's freedom contextualism might argue that freedom is necessary for moral responsibility, and since the former is elusive, so is the latter. Although we cannot evoke moral responsibility scepticism through an increasingly detailed focus on the agent's, say, age or energy levels, it might still be possible to do so by bringing up either freedom sceptical arguments, showing that no one can be free and *therefore* not morally responsible, or by presenting sceptical arguments that target moral responsibility directly. According to *the Basic Argument* (Strawson 2002: 443-446), people do what they do because they are the way they are. In order to be morally responsible for what you do, you therefore have to be morally responsible for the way you are. But you cannot be morally

responsible for the way you are (the regress, at least, has to stop at *some* point), and thus you cannot be morally responsible for what you do. Let us assume that we can be both free and morally responsible in everyday contexts but neither in a philosophical one, and that it is as easy to slip out of the former and into the latter as Hawthorne and Rieber assume. This view leads to some seriously strange implications – implications that should ultimately lead us to reject this version of moral responsibility contextualism.

Suppose that my neighbour Ricky carelessly drives his motorcycle at too high a speed along our small and curvy road, thereby knocking down the mailboxes of me and my other neighbour Zelda. Zelda rightfully blames Ricky. I, however, am in a trickier situation. I am a philosopher. I know about free will and moral responsibility sceptical arguments. Even if being a philosopher does not suffice for being in a philosophical context, we can add some details to the case: Perhaps I had just ordered a new book on scepticism, which fell out of my mailbox when Ricky's bike hit it. At the same time I see my broken mailbox, I am thus vividly reminded of scepticism, and can therefore not give Ricky any well-deserved blame (at least not until I manage to put the scepticism out of my mind – which might be difficult enough). Let us assume, for the sake of simplicity, that no good consequences will result from blaming Ricky, and that there is in general no justification available for doing so that does not rely on him being morally responsible. With this assumption in place, can I justifiably blame him? The material injury that Ricky caused me and Zelda is identical, and since the same action broke both mailboxes his intent was the same. There is no difference between Zelda and me that is intuitively relevant for whether we can blame Ricky or not – e.g., it is not the case that I drive as recklessly myself whereas Zelda is a conscientious driver, in which case we might argue that only Zelda has the moral standing required to blame. And yet, I should conclude that I must not blame Ricky, since he does not deserve it, whereas Zelda should conclude that blame is perfectly justified. This is problematic, to say the least. Whether

someone is morally responsible or not have implications for how we ought to treat him – but how X ought to treat Y cannot depend (at least not without some special backstory explaining its relevance) on how much philosophy X has studied, or whether X currently thinks about certain arguments.⁴

If moral responsibility is stably compatibilist there are still problems. As Rieber notes, it certainly “sounds odd” to say that someone’s action was unfree, but he was morally responsible for it anyway (Rieber 2006: 241). If moral responsibility is compatibilist throughout all contexts, whereas freedom is contextualist, this statement will sometimes be true. Similar oddities arise if moral responsibility is stably *in*compatibilist but freedom contextualist.

The suggestion that agents can be morally responsible for unfree actions might remind someone of John M. Fischer’s semi-compatibilism (e.g., Fischer 2006). However, Fischer does not claim that we are unfree, *period*, but nevertheless morally responsible; he rather argues that determinism is incompatible with a *certain kind* of free will and control, but that the kind of freedom and control that we *do* have suffices to ground moral responsibility. There is a subtle but important difference here between semi-compatibilism on the one hand and a combination of Hawthorne and Rieber’s freedom contextualism and stable moral responsibility compatibilism on the other that makes the latter more counter-intuitive. Moreover, the supposed advantage that freedom contextualism has over standard forms of compatibilism is that contextualism allows us to not only consider many ordinary freedom

⁴ Since attributions of knowledge or freedom might have implications for how we ought to treat people as well, it is possible that analogous problems can be construed for Lewis’, Hawthorne’s and Rieber’s theories without bringing moral responsibility into the picture, but the problem certainly becomes acute when we consider moral responsibility.

statements true, but to embrace the intuitive force of sceptical arguments as well. In the words of Rieber, contextualism allows us to have the cake and eat it too (Rieber 2006: 227). A semi-compatibilist, on the other hand, must give up fairly large pieces of cake; she must, for instance, refute moral responsibility sceptical arguments such as *the Basic Argument* (Strawson 2002: 443-446). For someone who is initially attracted to contextualism for the having of the cake and eating it, moving the theory closer to semi-compatibilism by making moral responsibility stably compatibilist would therefore be unattractive.

To sum up: Contextualist theories according to which freedom is highly elusive, have two big problems; they concede too much to the sceptic and cannot handle moral responsibility well. However, this elusiveness is not a *necessary* feature of a contextualist theory. We might construct a contextualist theory according to which it might be proper to ignore PL even if they are mentioned.

4. Ignoring and proper ignoring

Is it possible to ignore, and perhaps even properly ignore, how PL determines our actions even if someone brings them up in conversation? That is, can we remain in a context in which they are irrelevant, even though someone *tries* to invoke them and discuss philosophical scepticism about freedom? I believe that it is. Hawthorne and Rieber often seem to think that we only ignore a causal explainer or event further back the causal chain if we have not thought about it at all. But as Michael Williams points out, it is perfectly possible to ignore something despite being aware of its presence. This is actually how we use the word ‘ignore’ in ordinary language – we only say that I ignored another guest at the party if I was aware of her being there (Williams 2001a: 16). Often, it is quite easy to ignore sceptical arguments in this sense, i.e., to refuse the slide into a philosophical context where they are relevant, even if someone tries to drag me in there. Suppose, for instance, that my obnoxious philosopher

friend missed the last bus home and ended up sleeping on my couch. In the morning, I ask him what he wants for breakfast, adding that there is a lot to choose between. If he replies that actually, there is no choice, because what we will eat has already been determined by PL, I will happily ignore him and just repeat my question.

Since we *can* ignore PL even after they have been mentioned, we can ask when we *ought* to do so. If there were contexts where it is proper to ignore PL whether they are brought up or not when making freedom judgments, our freedom would be much more stable. Hawthorne does write in a footnote that a contextualist might deny that attending to a new alternative possibility (in the case of knowledge) or a causal explainer beyond the agent's control (in the case of freedom) automatically makes it relevant; perhaps certain considerations are, for instance, irrelevant in an everyday context but relevant in a scientific one, regardless of whether they are attended to or not. But this is a mere footnote, where Hawthorne also states that he leaves it to the reader to consider the relative merits of the contextualism described in the article and the alternative version suggested in the footnote (Hawthorne 2001: 78-79). Marcus Willaschek does consider the relative merits of these two approaches, and develops a contextualist theory where the contexts are stable in order to escape the problem of elusiveness. The problem with Willaschek's version of contextualism is, instead, that it relies on highly controversial assumptions.

5. Willaschek's evaluative context

Willaschek attempts to create a contextualist theory of freedom that avoids the elusiveness problems that the theories of Hawthorne and Rieber have. He writes in a footnote that his freedom contextualism has more in common with the epistemological contextualism of Michael Williams rather than Lewis. However, Willaschek relies on far more controversial assumptions than Williams does in his contextualism.

Williams consider contexts to be fairly stable – we do not simply slip into a philosophical context where sceptical arguments are relevant as soon as someone brings them up. Willaschek, likewise, argues that we cannot change the current context merely by mentioning something. Contexts, according to Willaschek, are constituted by a combination of facts and the rules of relatively stable social practices for attributing normative status to people. What kind of alternative possibilities our evidence must rule out in order for us to *know* something is determined by the rules of our social practice of ascribing knowledge to people combined with facts about what alternative possibilities are more or less probable. Analogously, whether the agent or an agent-involving event counts as the original cause of her action or not is determined by the rules of our social practice of ascribing responsibility to people combined with facts about her action (Willaschek 2009: 574-575). Willaschek furthermore distinguishes evaluative contexts from explanatory ones. In explanatory contexts we are interested in finding scientific, causal explanations of events. In evaluative contexts, on the other hand, we are interested in evaluating the prudence, morality, legality and so on of human actions; evaluations that, according to Willaschek, imply attributions of responsibility. In order to make responsibility attributions, we must ignore that an agent's action was determined by PL; we only consider the causes of her decision relevant if they impair her ability to make practical judgments and act accordingly. A neuroscientist, in an explanatory context, might truly say that the original cause of an agent's decision was some non-conscious event in her brain, whereas a judge in a court of law, an evaluative context, truly says of the same agent that her decision was the original cause of her committing a crime and she freely did what she did (ibid p. 577).

Willaschek's contextualism thus escapes the problem of elusiveness that Hawthorne and Rieber's theories have. According to his theory I can, for instance, blame Ricky for breaking my mailbox, even if I am a philosopher and happen to think about sceptical arguments when I

find out. However, his argument for his version of contextualism depends on highly controversial premises. When Willaschek writes about attributing responsibility to people, he means moral responsibility of the kind that entails that the responsible agent can *deserve* to be praised or blamed, rewarded or punished (ibid p. 575). This is the kind of responsibility that, according to moral responsibility incompatibilists, is incompatible with determinism. (It is quite obvious that we could attribute, e.g., *causal* responsibility for a state of affairs to an agent without ignoring PL.) However, it is controversial whether all prudential, moral and legal evaluations of someone's conduct imply an attribution of desert-entailing moral responsibility. Derk Pereboom, for instance, argues at length that we lack free will and therefore cannot be morally responsible for what we do, but we can still be justified in judging whether someone made a rational or irrational decision, whether her action was morally right or wrong and justify a kind of non-retributivist criminal justice system (Pereboom 2001; 2014). The legal and moral practices that clearly do imply attributions of moral responsibility in the desert-entailing sense are retributivist punishment and (certain kinds of) praise and blame. The problem for Willaschek's argument is that these practices are highly controversial. A number of philosophers and writers argue that we ought to get rid of all retributivism in the criminal justice system and also stop blaming and praising each other in a way that imply that people are morally responsible for their actions (e.g., Pereboom 2001; 2014; Greene and Cohen 2004; Waller 2004; 2006; 2007). These scholars might very well agree that in order to praise, blame and retributively punish people we must hold them morally responsible, and in order to do so we must ignore PL – but since they deny that we ought to praise, blame and retributively punish, they also deny that we ought to ignore PL in evaluative contexts.

Willaschek briefly mentions moral responsibility scepticism only to handwave the entire controversy; he writes that according to our well-established practice, an agent is

morally responsible for her actions by default unless some special excuse applies to her (Willaschek 2009: 577-579). However, whereas the compatibilist philosophers to whom Willaschek briefly refers believe that most people have the capacities necessary for moral responsibility, and that it is therefore *correct* to attribute moral responsibility to people unless special excuses apply, many sceptics believe that we treat moral responsibility as default because we falsely believe that we have libertarian free will. Since people actually do not have libertarian free will, the sceptics claim, our current practice of holding people responsible is unfair and immoral and ought to be abandoned. Nothing that Willaschek writes answers the sceptics.

Willaschek writes that his freedom contextualism resembles Williams's knowledge contextualism more than Lewis'. However, there is a crucial difference between their respective contextualist theories, in that Willaschek relies on much more controversial practices than Williams does. Williams, when describing a context where it is proper to ignore sceptical arguments, uses the example of a scholar of history. The scholar must be scrupulous and careful and not just trust any old document that she happens to come across. She is still justified in ignoring an epistemologist who says that for all we know, the Earth might have been created five minutes ago complete with fake memories in all individuals and fake historical relics, so that *no* ancient documents are to be trusted. Taking this possibility seriously would not result in a particularly conscientious approach to history; rather, it would undermine the possibility of doing history at all. Since we are justified in doing history, we are justified in ignoring sceptical arguments that would make this enterprise impossible if taken seriously (Williams 2001b p. 160). A hardcore sceptic might agree that ignoring certain alternative possibilities, such as the Earth having been created five minutes ago or all of us being brains in vats, is necessary for doing history, but claim that this just goes to show that

there is no justification for doing history (at least not unless we solve the sceptical problems first). Williams' response is that the sceptic is *not*, as she pretends to be, a philosophical naïf, asking questions with no presuppositions whatsoever. Rather, she presupposes that only claims need justification, but not challenges. There is no need to accept this presupposition. Instead, we ought to ask what justifies her challenge to the historian, and if no adequate answer is provided, we need not accept the challenge, but can simply continue doing historical research (Williams 2007: 99 and 102).

Williams relies on the fact that engaging in scientific and scholarly pursuits is not, in itself, controversial. The objections of his imagined sceptic to the historian thus seem a bit silly and easily dismissed. The same thing holds for all our everyday activities where we rely on assumptions of knowledge; they are not really controversial. Moral responsibility sceptics, on the other hand, argue that we ought to abandon our practice of blame and retributivist punishments because we have good reasons to believe that no one is morally responsible for what she does, and that blaming and retributively punishing people who do not deserve this is *unfair* and *immoral*. They do have a justification for their challenge; it is neither silly nor easily dismissed.

In order to argue that it is sometimes proper to ignore the distant causes of an agent's action, we must show that ignoring them is necessary for a practice that is in turn obviously justifiable. The practice of giving people the blame that they supposedly deserve or punish them on retributivist grounds will not do; these practices are much too controversial. However, there is a practice which is quite obviously justified, and that requires us to ignore that our actions are consequences of the past and the laws of nature; practical deliberation.

6. Practical deliberation and human interaction

When using practical reason and deliberating about what to do, we must ignore the fact that the forthcoming decision and subsequent action will be consequences of the past and the laws

of nature. It has been argued that practical deliberation (henceforth, deliberation) reveals an implicit belief in libertarian free will (e.g., van Inwagen 1983: 160), and that anyone who believes in determinism and still deliberates thus has inconsistent beliefs. Other philosophers deny that deliberation has this implication; rational deliberation about whether to A or B merely requires that both options are *epistemically* open to me, and/or that I believe that I can do both of them according to some *compatibilist* interpretation of ‘can’ (Kapitan 1986; 1989; 1996; 2013; Pereboom 2008; Dennett 1984; Nelkin 2004). However, regardless of whether deliberation requires that we believe things that are inconsistent with a belief in determinism or not, it clearly requires that we stop *focusing* on how everything we do is a consequence of PL for as long as we deliberate. When deciding what to do, an agent needs to focus on her *reasons* for various actions, rather than on what factors will eventually cause her to choose one action or the other – otherwise, no decision will follow, merely introspection. Certain factors might, of course, simultaneously cause my decision and function as reasons for it – perhaps the fact that I am interested in philosophy was one of several contributing causes of my career choice, and simultaneously a reason for it. However, if I watched a Saturday morning cartoon featuring Plato when I was a small child, this might be one of several factors that together causally determined me to become a philosopher, but it is not plausibly a reason for becoming one – distant causes beyond my control are normally not reasons. I might ask myself whether an early exposure to media that presented a philosopher in a positive light gave me a lasting positive attitude to philosophy, which in turn caused me to study philosophy at a university level; but the moment I try to make up my mind about whether to become a professional philosopher, I must set this and similar questions aside and consider whether my interest in philosophy (regardless of its causes) constitutes a strong enough *reason* for choosing this career path. As long as I focus on events in the past, genes and environmental influences that caused me to become the person I am today and make the kind of choices that

I do, or, if I am so inclined, as long as I focus on the unconscious neurological workings of my brain that might eventually result in a decision, I introspect or reminisce or theorize, but I do not deliberate.

Deliberation thus requires that we ignore PL, and engaging in deliberation is obviously justified. It is doubtful whether it is even *possible* for us to stop deliberating at all. We might of course choose to spend less time thinking about reasons pro and con various alternatives before we make up our minds, and instead attempt to make more immediate decisions, but spending less time on deliberation is not the same thing as completely giving it up. Even if it were possible to stop thinking about what to do and merely do things, unthinkingly, it is hard to see why the universal practice of immediate unthinking action would be preferable. Thus, since we are justified in deliberating about what to do, and since this activity requires that we ignore PL, it is proper to so ignore them in the context of deliberation. In the context of deliberation we can, therefore, often truly say that we are free, and no obnoxious philosopher can take this away from us.

We cannot completely give up deliberation. Thus, it is inescapable that we occasionally ignore that *our own* actions are consequences of the distant past and the laws of nature. When it comes to other people, it is perhaps not absolutely impossible to consistently keep in mind that whatever they do, it was a consequence of PL. But it would certainly be psychologically difficult and overall fairly terrible to always think of one's fellow agents like that. I will not take sides in the debate on whether P. F. Strawson was right or wrong when he claimed that it is both impossible and undesirable to give up the practice of holding each other morally responsible (Strawson 1962/2008); perhaps it is possible and would make our lives better if we were to relate to each other in a different way (Pereboom 2001: 187-213). Still, it would be psychologically difficult as well as undesirable to completely cease to relate to other

people as *fellow agents*, and to consider *their* reasons for action (rather than how PL determined them to do what they did) in a way analogous to how I consider my own reasons when I deliberate – to put myself in their shoes, so to speak. We might call all contexts where I interact with other people as fellow agents (rather than studying them from a detached, scientific perspective) inter-agential contexts. In inter-agential contexts, too, I must ignore PL.

This is not to say that I must ignore everything I know about other people's backgrounds. Suppose that Sally had a tough childhood, which caused her to be distrustful of other people. If she has trouble trusting me, despite the fact that I have never let her down, I might say to myself "well, I shouldn't judge her too harshly; after all, trust is more difficult for her than for others". Taking someone's *difficulties* into account is compassionate. However, this is crucially different from focusing on how everything Sally does is determined by PL. Taking her difficulties into account, for instance, gives me reason to praise her if she works hard and manages to overcome these issues, whereas a focus on PL will merely lead me to conclude that just as the past and the laws of nature determined that she would have trust issues, she was apparently also determined to eventually overcome them. Furthermore, people sometimes ask for and we sometimes give *advice*, and this activity obviously requires that we consider other people's reasons (rather than distant causes of their behaviour) just as we consider our own reasons in deliberation.

We ought to conclude that ignoring PL is not just proper when deliberating about what to do, but also when interacting with others as fellow agents. In both deliberative and inter-agential contexts, we can therefore truly say that we are free.

This leaves open the possibility that we can truly say, in a scientific context where we *study* people, that everything they do is caused and no action is free. We might truly say this in certain philosophical contexts as well, although we should avoid talking about *the*

philosophical context. Arguably it is a crucial feature of all moral thinking to regard other people as fellow agents rather than objects to be studied; it is definitely a crucial feature of morality according to certain ethical theories such as the Kantian one. If so, the rules for proper ignoring might be the same for the context of moral philosophy as for inter-agential contexts, and we might truly call people free when doing moral philosophy.

7. Moral responsibility and contextualism

We can thus truly say that we are free in deliberative and inter-agential contexts. If someone says, in these contexts, that all our actions are consequences of the past and the laws of nature, we can properly just ignore her. With this much established, let us move to the question of moral responsibility. Hawthorne and Rieber's contextualist theories make freedom too elusive, and can therefore not handle moral responsibility well, but a Williams-inspired contextualism can.

Let us firstly suppose that moral responsibility is contextualist, just like freedom. An agent is morally responsible for what she did only if she did it freely. Whether it is true that she did it freely depends on the context, and therefore moral responsibility too can come and go between contexts. If this is the case, a scientist studying human behaviour can truly say, while at work, that no one is morally responsible for anything she does. But as soon as we discuss what we should do, whether someone made the right choice and so on, we enter a deliberative/inter-agential context, and it is true that people can be morally responsible for what they do. Despite the fact that moral responsibility on the responsibility contextualist theory that we now consider can come and go, it is not elusive in a way that has absurd implications for how we ought to treat people. When Ricky hits my and Zelda's mailboxes with his motorcycle, we can both justifiably blame him; the fact that I am aware of moral responsibility scepticism and she is not makes no difference. 'No one is ever morally responsible for what she does, because no one is ever free' is only true in scientific and

perhaps certain philosophical contexts (where we, say, discuss metaphysics rather than ethics), not in the inter-agential context of everyday interaction with other people. Alternatively, we might imagine that the statement ‘no one is ever morally responsible for what she does’ is *never* true. Perhaps it only *makes sense* to talk about moral responsibility in deliberative and inter-agential contexts, so that a scientist who attempted to say something about whether people are morally responsible or not in a purely scientific, descriptive, non-normative context would be speaking nonsense.⁵ This theory, too, has no absurd implications for how we ought to treat people.

A pure moral responsibility incompatibilism, on the other hand, does not seem to be compatible with Williams-inspired freedom contextualism. Moral responsibility incompatibilism is the thesis that *determinism* rules out moral responsibility. But positive moral responsibility claims cannot be false because of determinism in deliberative and inter-agential contexts, since determinism is properly ignored in these contexts. It is still possible that there are purely *ethical* arguments to the effect that there is no moral responsibility; perhaps the concept of moral responsibility does not have a place in the best ethical theory, and perhaps blaming people is always morally wrong. However, these considerations lie outside the scope of this paper.

I will not take sides in this paper on the issue of whether people can deserve legal punishment or not, and whether a retributivist criminal justice system could be justified. If courts of law are seen as belonging to an inter-agential context, it is true in this context that people often act freely and are (unless ruled out by ethical arguments) morally responsible for

⁵ It might not seem this way at first glance to competent speakers of the language, but some philosophical reflection might persuade them that the concept ‘moral responsibility’ actually fills no function in explanatory science.

what they do. However, it is not obvious that courts of law ought to regard offenders as fellow agents. It is conceivable that judges and juries customarily take up what P. F. Strawson (1962/2008) calls an ‘objective’ perspective on offenders and decide what to do with them based on, say, consequentialist reasons, even if we continue to regard each other as fellow agents in everyday situations. Whether they ought to, is a discussion best left to another paper.

8. Conclusion

Contextualism about freedom has an advantage over standard compatibilism and scepticism; it allows us to embrace *both* the compatibilist intuition that many ordinary freedom statements are true *and* the intuitive force of free will sceptical arguments. However, according to the freedom contextualist theories proposed by Hawthorne and Rieber, freedom is elusive; our freedom evaporates as soon as PL and determinism are brought up. This kind of contextualism concedes too much to the sceptic to be an attractive alternative to standard versions of compatibilism, and has problematic implications for moral responsibility. We can construct a better contextualist theory of freedom by taking our inspiration from Michael Williams. When it is necessary for the practice we are engaged in to ignore PL, and when this practice is in turn obviously justified, it is also proper to ignore them regardless of whether they are mentioned. It is necessary and therefore proper to ignore PL in deliberative and inter-agential contexts. In these contexts, we can therefore truly say that we are free.

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