

# Journal of Cognition and Neuroethics

## A Kantian Defense of Libertarian Blame

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John Lemos is the Joseph McCabe Professor of Philosophy at Coe College in Cedar Rapids, IA. He is the author of two books, *Commonsense Darwinism* (Open Court Press, 2008) and *Freedom, Responsibility, and Determinism* (Hackett Publishing, 2013). He has also published numerous articles in a variety of journals, such as *Dialectica*, *Metaphilosophy*, *Philosophia*, and *The Southern Journal of Philosophy*.

### **Publication Details**

*Journal of Cognition and Neuroethics* (ISSN: 2166-5087). March, 2015. Volume 3, Issue 1.

### **Citation**

Lemos, John. 2015. "A Kantian Defense of Libertarian Blame." *Journal of Cognition and Neuroethics* 3 (1): 251–263.

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## Abstract

Libertarianism is the view that free will exists and it is incompatible with determinism. As such, libertarians believe that at least some of our free willed acts must be undetermined. Many contemporary libertarians admit that there is not adequate epistemic justification for the view, yet they endorse the view and the practices of praise/blame and reward/punishment which they ground on the presumption of libertarian free will. This article considers a moral objection to this aspect of libertarianism and responds to it with a kind of Kantian pragmatic defense.

## Keywords

Free will, Responsibility, Libertarianism, Kant

Determinism is the view that at any time the universe has exactly one physically possible future. Libertarianism is the view that free will exists and it is incompatible with determinism. As such, libertarians believe that at least some of our free willed acts must be undetermined and, thus, that determinism is false. Furthermore, most libertarians believe there is no adequate epistemic justification for belief in the existence of libertarian free will, and most of these same libertarians believe that we should hold people accountable for their actions—blaming them and punishing them when they act wrongly of their own free will.<sup>1</sup>

It could be argued (indeed, some philosophers have argued) that libertarians are acting immorally when they hold people accountable for their actions, blaming and punishing them, while believing there is no adequate epistemic justification for belief in free will. The argument runs as follows:

- 1) Libertarians believe that we should hold persons morally responsible.

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1. William James is a key historical figure who accepted a libertarian view and who believed there is no sufficient epistemic justification for the view. Immanuel Kant was also a libertarian about free will and he believed that while there was no theoretical reason to believe in free will there were, nonetheless, good practical reasons to believe in it. Some recent and contemporary figures who believe in libertarian free will, but who also believe there is no sufficient epistemic justification for such belief are: Roderick Chisholm (1976); Richard Taylor (1966); Peter van Inwagen (1983); William Rowe (1995); Timothy O'Connor (1995a); Robert Kane (1996); and Mark Balaguer (1999). The libertarian views of the latter three thinkers are developed further in: O'Connor (2000); Kane (2007; 2011); and Balaguer (2010).

2) Libertarians believe that we should hold persons morally responsible only if they exercise libertarian free will.

3) Most libertarians believe that we have scant epistemic justification that persons have libertarian free will.

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So, 4) most libertarians believe we have scant epistemic justification for believing that persons meet one of the necessary conditions for being morally responsible, while still believing we should hold persons morally responsible.

5) Sympathetic or morally conscientious persons do not hold people morally responsible for their actions unless they have epistemic justification for doing so. To do this is to be hard-hearted.

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So, 6) most libertarians are not sympathetic and morally conscientious, i.e. they are hardhearted.<sup>2</sup>

In this essay I will defend libertarianism against such moral criticism. In particular, I will argue that even if libertarians believe there is not adequate epistemic justification for belief in libertarian free will, they can still, nonetheless, be morally justified in holding people morally accountable for their actions. In defending this position, I will argue along basically Kantian lines.

### **The Kantian Response**

Kant's principle of ends states that one should always treat humanity, whether in one's own person or in that of others, as an end and never as mere means. To treat a person as an end is to show respect for the person's autonomy; it is to show respect for that person's ability to make choices for himself and to act in accord with them. To treat someone as mere means is to disrespect this capacity of persons. Rape, murder, theft, slavery all involve treating others without regard for their own choices. The person raped did not choose to have sexual relations with the rapist—the sexual relations are forced upon him/her. The person robbed did not choose to give up his/her property—it is taken

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2. See Double (2002) for a recent defense of this line of argument. Derk Pereboom makes a similar point in *Living Without Free Will* (2001), 198–199.

against his/her will. According to the principle of ends, these acts are wrong simply because they involve treating persons as mere means and not as ends in themselves who possess a capacity of choice that deserves respect. According to this principle, rape, murder, and theft are not wrong due to their bad consequences. Indeed, one of the cardinal virtues of this Kantian principle is that it captures the widespread intuition that acts like murder and theft can be wrong even when the consequences of these actions are good on the whole.

Now, as noted, what makes persons deserving of respect is their capacity for choice and their ability to live their lives in accordance with their choices. Choice can be understood along either hard determinist, hard incompatibilist, compatibilist, or libertarian lines. On all of these views, choice is to be understood as the end result of deliberation. There is no doubt that all human beings do frequently engage in deliberations about what they shall do and in doing so they assume that what they will do is up to them. Now on the hard determinist view of things, our choices are never freely performed and we are never responsible for them because what we choose is just a necessary consequence of prior factors which were in turn necessitated by even earlier events and so on going back in time. Hard incompatibilists agree that we never engage in free choice and that we are never responsible for our choices. They believe that all of our actions are either determined or, perhaps, some of them are undetermined, but either way we do not make free choices and we are not responsible for them. If our choices are determined, then they are not free for the reasons indicated by the hard determinists. Furthermore, if they are undetermined, then they are random occurrences, meaning that we lack the kind of control over them for them to be products of free will.

On the libertarian view, choices can be freely made and we can be morally responsible for them. For this to be the case at least some of them must be causally undetermined. The libertarian does not have to view all free choices as undetermined. As Robert Kane has noted, the libertarian can view determined choices as free in a derivative sense if they are the consequence of a character formed by prior undetermined free choices.<sup>3</sup> Compatibilists also believe choices can be free and that we can be morally responsible for them. However, unlike the libertarians, they believe that even if all events, including all of our choices, are determined, then we can still make free choices and be responsible for them.

For the most part libertarians do not think compatibilist accounts of freedom and responsibility make sense. Hence, the famous quips of William James and Immanuel

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3. See, for instance, Kane 1996, 2007, and 2011.

Kant, two historically famous defenders of libertarianism; James called compatibilism a “quagmire of evasion” (1884, 149) and Kant called it a “wretched subterfuge (1788, 95–96).” Further, there are some pretty good reasons to think compatibilism is deeply flawed—consider Peter Van Inwagen’s consequence argument (1983) or Derk Pereboom’s four case argument (2001) or Robert Kane’s argument from ultimate responsibility (1996).

A libertarian may reasonably come to believe that there is no plausible compatibilist account of freedom and moral responsibility. If so, he will be led to think there is either libertarian free will or no free will and no moral responsibility at all. This point is very significant in developing a reply to the charge that libertarians are hard-hearted. For when choice is viewed on the hard determinist or hard incompatibilist models it is not perceived as free choice for which the agent is responsible. On these models no human beings ever make free choices for which they are also morally responsible. If choice is understood in these terms, it is hard to see how the human capacity for choice gives us the special dignity and worth that entails we should always be treated as ends and never as mere means. Indeed, for Kant the capacity for free choice was the grounds for thinking of human beings as autonomous beings deserving of respect. Thus, in order to account for this autonomy he was led to conceive of humans as possessing a transcendental (noumenal) self that stood outside the realm of deterministic causal law.

While I have no interest here in defending the notion of a Kantian transcendental (noumenal) self, I think it is correct to believe that we cannot make sense of the Kantian principle of ends unless human choices are perceived as free choices for which we are morally responsible. Furthermore, assuming libertarians are correct in their rejection of compatibilist models, it follows then that we can only make sense of the principle of ends on the assumption that human beings have libertarian free will.

What I am suggesting is that a libertarian who finds compatibilism implausible and who accepts the nonconsequentialist principle of ends on independent moral grounds may be rationally led to posit the existence of libertarian free will and moral responsibility without epistemic support, because this is the only coherent way to make sense of what he knows to be true in the realm of morality.

One might come to believe that the principle of ends is true for independent moral reasons. For instance, one might for independent moral reasons come to believe that the Kantian principle of universalizability is true and then deduce the principle of ends from it. That is, one might consider treating persons as mere means and apply the principle of universalizability in assessing the rightness of acting in such a way. In doing so, he might see that one cannot reasonably will that everyone treat persons as mere means and,

then, conclude that we should always treat persons as ends in themselves. Or, one might notice that many problems with utilitarianism involve instances of unjustified treatment of persons as tools in the pursuit of the greater good, and then one might be led to see that each of these is a case involving the violation of a general rule that persons should always be treated as ends.

Now, having come to accept the principle of ends on independent moral grounds, one might then come to the realization that rational acceptance of it requires that we believe humans have free will. Further, if one has good reason to believe compatibilist accounts of free will are implausible but that there are plausible libertarian accounts, then one might rationally be led to posit the existence of libertarian free will and assume that people are morally responsible. That is, one might rationally assume this without epistemic justification, as this is the only way to make sense of the principle of ends, which one has already come to accept for independent moral reasons.

### **Epistemic Justification, Kant, and the Nature of My Argument**

Before going forward, I would note that some readers may find it odd that I suggest Kant believed there was no epistemic justification for belief in libertarian free will. It might be thought that, according to Kant, we have good evidence for the truth of the categorical imperative and because of this we have good evidence of the existence of libertarian free will. Thus, from the Kantian perspective there is epistemic justification for belief in libertarian free will.

In responding, I would note that Richard Double, a leading proponent of the argument that libertarians are hardhearted, regards Kant as holding that there is no epistemic justification for belief in libertarian free will. Double states:

Immanuel Kant proclaims that we can have no epistemic justification for believing that persons make libertarian choices, but recommends that we postulate on faith alone the existence of trans-empirical selves “in” a noumenal world who (that?) make such choices (Double 2002, 227).

I am following in Double’s footsteps by interpreting Kant in this way, and I think there is rational warrant for doing so.

Kant distinguishes between theoretical reason and practical reason. Theoretical reason aims at revealing what is true in the realms of mathematics, empirical science, and pure metaphysics. From the perspective of theoretical reason there is no epistemic justification for belief in libertarian free will. In contrast, practical reason aims at determining what it is right to do. And Kant held that a belief in libertarian free will

was necessary to making sense of our moral understanding. Thus, he was led to posit the existence of libertarian free will, which he believed we lacked adequate evidence for in the realm of theoretical reason. It is in this sense that I, like Kant, want to argue that we may be rationally warranted in believing in libertarian free will without epistemic justification.

### **Does rational acceptance of the principle of ends require belief in free will?**

Is it true that we can only make sense of the principle of ends on the assumption that free will exists? It might be argued that this is a controversial claim and without a good argument for it my critique might rightly be regarded as question begging. Perhaps the reason why people should be treated as ends is that they have the rational capacities that make them able to understand the world and the consequences of their actions and they are able to deliberate and make choices in accordance with such knowledge. It could be argued that even if such choices are not freely made by persons we should still respect the capacities people have to make such choices by treating them as ends.

Such a response would be misguided. To see this consider that someone, call him “the Puppetmaster,” has the power and knowledge to take every young child that is not yet of the age to reason and deliberate and impose a set of beliefs and values and reasoning skills upon them such that they would then deliberate, choose, and act in accord with these. Further, imagine that the Puppetmaster is kind and wise and that he endows every child with good values, true beliefs, and sound reasoning abilities. Consequently, when the children begin to think and reason and choose they are always led to make the right decisions. Finally, imagine that once the Puppetmaster has given these children their beliefs, values, and reasoning abilities he does not interfere with them in later life; rather, he lets them think, reason, and choose in accord with the mental programming he has provided for them.

Now, would the Puppetmaster have violated the principle of ends in doing this to every child? It seems fairly obvious that he would have. However, if you think we can make sense of the principle of ends without believing in free will but that we can make sense of it just in terms of the human capacity for choice, then you will have a hard time explaining how the Puppetmaster has violated this principle. For, according to the example the Puppetmaster has in no way intruded upon the ability of persons to make choices. He has simply given them the beliefs, values, and reasoning abilities that will dictate how they will deliberate and choose in later life. Had he not done this, then on the deterministic model genetics and environment would have provided the mental

programming; and done a worse job of it, I might add, since the Puppetmaster provides programming that always leads to right action.

In contrast, if we understand the principle of ends as involving a belief in free will, then we can make sense of the wrongness of the Puppetmaster's action. That is, if we think that persons are to be treated as ends because of their capacity for *free* choices, then the Puppetmaster has clearly violated the principle of ends. The Puppetmaster makes everyone such that they choose in accord with the mental programming he has provided for them. While he does not interfere with their capacity to choose, he does interfere with the freedom of their choices in the sense that the agents subjected to his programming do not have the freedom to shape their own beliefs, values, and decision-making style.

It might be objected that I am setting the requirements of human freedom at ridiculous heights—that I am assuming human freedom involves a capacity to create one's own character and that this makes the standard of human freedom unattainable since we must all start with the given of genetic and environmental input. However, such a retort is misguided. I'm only advocating that the kind of freedom needed to make sense of the principle of ends includes the ability to have a role in shaping one's own beliefs, values, and decision-making strategies. This does not require an ability to create oneself *ex nihilo*. Of course, we have to start with what is given to us from the lottery of genetics and environment, but from there we must have the freedom to critically evaluate our inherited system of beliefs and values and to accept or reject what we are initially given. Compatibilists think we can get the requisite kind of freedom to do this on a deterministic model, but most libertarians don't think this will suffice. Nonetheless, whether we conceive of this freedom in compatibilist or libertarian terms, my point is that without this limited freedom to self-create (not to self-create *ex nihilo*) which the Puppetmaster would deny us, then we don't have the freedom required by the concept of personhood which is invoked in the principle of ends. Thus, if one does not believe we have such freedom, then one will not be able to make sense of the fact that were the Puppetmaster to do this to every child he would be violating the principle of ends.

### **Does my appeal to the principle of ends involve me in a contradiction?**

Another objection to my argument might note that when we hold people responsible for wrongdoing and blame and punish them while believing that we have insufficient epistemic justification for belief in their guilt, then we treat them as mere means, violating the principle of ends. Thus, if one concedes that there is no



epistemic justification for belief in libertarian free will and one believes libertarian free will is necessary for moral responsibility and one still holds people morally responsible for wrongdoing, then one violates the principle of ends. In this way, my appeal to the principle of ends in support of holding people responsible without epistemic justification involves me in a contradiction.

In response to this, I suggest that in the arena of practical reason—where, among other things, we assess the moral value of our own actions and those of others and we try to determine what is right to do—if we are to rationally employ the principle of ends, then we must assume there is free will. Further, the assumption that there is free will legitimizes attributions of moral responsibility and blaming and praising and punishing and rewarding. If in the sphere of practical reason I am led to wonder what it is right and wrong to do and these quandaries lead me to adopt the principle of ends on the basis of good reasons, then I am warranted in my acceptance of this principle and acting in accord with it even though it commits me to a belief in free will that I cannot epistemically justify in the domain of theoretical reason. If I am right about this, then I can be warranted in my attributions of moral responsibility and in my praising and blaming and rewarding and punishing, and doing so involves me in no contradiction.

Here it might be said that there surely is a contradiction, because we justly say that a person violates the principle of ends when he blames and punishes another person while he knowingly lacks sufficient evidence of his guilt. Thus, if we say that it's acceptable to blame and punish when we know there is insufficient epistemic justification for belief in the existence of free will, then there is a contradiction. For if the principle of ends is violated in the former case, then it must be violated in the latter case.

However, such an argument is grounded on confusion. The reason we take care not to blame and punish persons based on insufficient evidence of their guilt is because we already take them to be ends in themselves with the power of free choice that makes them deserving of the respect which is commanded by the principle of ends. If there's a rattlesnake in the road where my children are playing, then I may kill it or, at least, forcibly remove it from the road to protect them. If there's a suspicious looking person walking in the road where my children are playing, I'm not entitled to kill him nor forcibly remove him from the road. And why not? Because as a human being the principle of ends applies to him and I should not bring harm upon him unless he does through his own free will commit certain acts which merit a response that may be harmful to him.

If the principle of ends is the central element of my moral outlook, then I will hold to the principle that people should be regarded as innocent until there is sufficient evidence of their guilt. But a proper understanding of the principle of ends is grounded on the

presumption of free will. Consequently, if rational moral considerations lead me to the adoption of the principle of ends, then I can without contradiction adhere to the principle of ends and the doctrine of innocent until proven guilty, even though I admit that from the perspective of theoretical reason it is an open question as to whether free will exists.

**Shouldn't the dictates of theoretical reason be given greater weight in our thought and action than the dictates of practical reason?**

Before concluding let's consider one last objection to my argument. A critic might note how I am suggesting that practical reason might lead us to the acceptance of a moral principle—the principle of ends—which, as I argue, presumes the existence of free will. The critic might also note that I concede that in the domain of theoretical reason there is no epistemic justification for this belief in free will; rather, it is an open question whether it exists. Here the critic might assert that theoretical reason—what reason dictates regarding science, math, logic, metaphysics, etc.—should have primacy of place in our thinking and how we live our lives. Thus, if a moral principle entails adoption of a belief that theoretical reason cannot support, such as a belief in free will, then we should not embrace the moral principle.

In response, I want to first note that when a moral principle conflicts with something that we clearly know to be true in the realm of theoretical reason then we should reject the moral principle. But such is not the case regarding the issue before us. Rather, my view, like that of most libertarians, is that it is an open question whether free will exists; there's not a whole lot of evidence for its existence or for its nonexistence. As I've argued, rational acceptance of the principle of ends involves a presumption of the existence of free will. If I have good moral reasons to adopt the principle of ends, then I don't see why I should withhold from adopting it just because theoretical reason provides no sufficient evidence of free will. To suggest that I should wait until there is theoretical proof of free will is to give theoretical reason an exalted status without good reason for doing so.

**Conclusion**

In this essay, I hope to have shown how it is that libertarians can be morally justified in holding persons responsible for their actions while admitting they lack epistemic justification for their beliefs in libertarian free will. In concluding, I would note that the libertarian perspective might sometimes play a role in leading some people to be overly harsh in their blaming and punishing of persons. When we view persons as possessing a libertarian free will that gives them ultimate responsibility for their character and actions,

it can easily lead us to think wrongdoing merits equal levels of blame and punishment directed towards anyone who has committed the same offense. But here we have to be careful. Just because two persons have libertarian free will, it does not mean their life circumstances and the pressures and temptations they face are the same. It is unjust not to take these matters into consideration when levying blame and punishment upon persons. It may well be that one thief or drug dealer deserves less punishment than another even if they've committed the same crimes and both have libertarian free will. This is because we should in blaming and punishing acknowledge that one might have faced greater pressures and temptations, making it more difficult for him to act rightly. These considerations are perfectly consistent with a libertarian perspective and they must be kept in mind by libertarians so as to avoid actually being or becoming hardhearted.

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