

# Free Will and Respect for Persons

SAUL SMILANSKY

## WHY RESPECT FOR PERSONS?

What is the free will problem *about*? It is surely about human freedom. But human freedom is a broad and varied topic, and we do not seek to cover all of it when we speak about the free will problem. The concerns of political philosophy with freedom from tyranny, for instance, are largely independent of the philosophical concern with free will (although, as we shall see, there is a connection). Let me then characterize more narrowly the concern that the free will problem addresses: it focuses on people's *control over their own actions* rather than on their political or economic freedom. But why do we care about control? The traditional answer is that we care about moral responsibility, and control of our actions is a condition for being morally responsible. A person whose actions are not within her control is not morally responsible. We expect a person to control her actions, and because she can do so, we hold her liable for her actions.

To believe that control matters because it is a condition for moral responsibility and for the concomitant moral (and legal) notions does help us understand what the free will problem is about. But seeing that problem as following only from concern about moral responsibility can be misleading: even a person who has no interest in morality can easily and reasonably become concerned about the free will problem. The connection between this problem and self-respect, for instance, need not use morality as a stepping-stone (cf. Smilansky 1997; Smilansky 2000: 6.4). A person may well also wonder whether, given determinism, his actions, his achievements, and indeed his life have any meaning, even if he cares very little about morality. Hence the free will problem is not essentially about morality, let alone moral responsibility.

I think that, at the end of the day, the free will problem is about respect for persons. More specifically, for the notion of respect for persons might also incorporate other concerns beyond the free will issue, *the free will problem is about respect for persons insofar as it involves concern for people's control over their actions*. The various positions on the free will problem are best understood in this light. Once we examine the implications of a view that is conscious of the centrality of respect for persons, we can make progress in deciding among the alternative positions on free will. Building on my previous work (Smilansky 2000), I want to investigate this proposal and what it implies about the free will problem.

Why must we respect persons? We might proceed from the fact that *we* are persons, that we are concerned for ourselves. Being a person, I want other people to respect persons. Alternatively, our search might begin by reflecting on the value of persons as such: what it is that makes persons *worthy* of respect. In other words, we might not at first care about ourselves and then wish to generalize, but might instead care first about value, and find that persons have intrinsic value, and hence merit respect (as do knowledge and beauty). But why we ought to respect persons need not concern us here: we shall simply take it as a given that persons ought to be respected, and then proceed to investigate the connection between respect for persons and the free will problem. I shall also assume that we have a sufficient intuitive grasp of the notion of respect for persons, and hence can focus on investigating what such respect implies in the free will context.

You might think that our order of discussion has things backwards: to respect persons is to treat people as they ought to be treated in the light of the free will problem. Hence, we ought first to figure out the free will problem independently of the notion of respect for persons. Understanding "respect for persons" insofar as it involves free will will then simply mean explicating the results of this inquiry into the free will problem. I, on the contrary, claim that, when we are evaluating compatibilism, hard determinism, or some other proposal in the free will debate, it will be very helpful to ask how that proposal relates to the obligation to respect persons. The notion of respect for persons has played a dominant role in the discussion of numerous philosophical topics, and I am here proposing a similar role for the notion.

What, then, is the relationship between respect for persons and concern about our control over our actions? Why is concern that things are "up to us" (up-to-usness) crucial for the proper respect for persons? The answer is that the notion of a person cannot be separated from the notions of choice and of action. Persons are beings who choose. Consequently, living a life that is truly your own implies first of all that you choose and that you act on your choices. Here lies the intimate connection between respect for persons and respect for the individual. What people choose to do or to refrain from doing are defining features of their identity. If their control over their choices is, whether for internal or for external reasons, deficient, people lack the capacity and opportunity for "living their lives." They have no power over what they choose and what they do to translate these choices into the life they create. Clearly, the more demanding one's view of autonomy is, the weightier becomes the burden borne by control. Any plausible view of

autonomy for modern people, however, would hold dear the Core Conception that values control over our choices of what we do.

In a still deeper way, control emerges as crucial to the very idea of being a human being. When concern for control is deficient in a society, our humanity is *pro tanto* threatened. People treat one another as though we are mere fleshly machines, carriers of features or “symptoms” that are to be dealt with, rather than treating one another as agents capable of reasoned choice and responsibility who should be treated according to their choices and actions. One’s view of oneself and the views that others take of us as active responsible beings involve having a large sphere of choices open to us. To accord with those choices, people must not be blamed for that which is not up to them, and they must be respected for that which is, when meriting respect. Respect for human agency and concern about individual control are not only vital for autonomy and human flourishing but form a central part of what makes us human. Hence, respect for persons requires that we recognize the importance of agency and control.

If we accept that the free will problem is crucially about respect for persons, and that respect for persons crucially forces concern for their agency, then we have made progress. But what does this imply about the free will problem? Should we, in other words, be compatibilists, or incompatibilists? Or should we perhaps follow P. F. Strawson’s neo-Humean position in “Freedom and Resentment” (2003), that tells us not to worry too much about the free will problem in the first place?

I shall assume in this paper, first, that libertarian free will (LFW) does not exist, either because determinism is true, or because the sort of event indeterminism that is true cannot make room for LFW (e.g., due to the luck problem), or because, independently of determinism or indeterminism, the very notion of LFW is incoherent. The following discussion thus considers the role of respect for persons in a world without libertarian free will (talk about “determinism” will henceforth be shorthand for “a world without LFW”). Second, I shall argue that this assumption carries two deeply troubling implications. The first is that we must accept Fundamental Dualism on the question of whether moral responsibility is compatible with the absence of libertarian free will (the compatibility question). The second implication is more “existential.”

## FUNDAMENTAL DUALISM

Fundamental Dualism rejects the Assumption of Monism, the position that we must be either compatibilists or incompatibilists on the compatibility question. Although the Assumption of Monism seems to be self-evident (we can either have moral responsibility in a deterministic world, or we cannot), we adopt it too quickly. We must instead aim to incorporate the partial but valid insights of both sides on the compatibility question. Given that there is no libertarian free will, we must be both compatibilists and hard determinists, since neither position on its own captures the complex truth on the free will problem and on what is entailed by respect for persons.

Compatibilist control requires us to take seriously certain distinctions, if we are to treat people as we ought. Questions about the existence of control, as well

as about degrees of control, make sense and are morally and personally central. On the compatibilist level we take the person as a “given,” and we ask in everyday terms about his or her control in specific situations: Did he willingly drink himself to incapacitation last Saturday? Was she coerced? Was he under some uncontrollable psychological compulsion? Most people most of the time do have compatibilist control over their actions, even if there is no libertarian free will (such as if determinism applies to all human actions). The kleptomaniac or alcoholic are not in control of their pertinent actions in the way that the common thief or the occasional mild drinker are in control, irrespective of determinism. This difference in degree of compatibilist control (“local control”) often matters. If we are to respect persons, we need to establish and maintain a social order and human relationships that broadly follow the compatibilist distinctions in terms of local control.

But we can also ask the question about control on the ultimate level. Given that there is no LFW, asking about “ultimate control” leads us straight to the hard determinist conclusion, where ultimately there can be no control. From that perspective, the ultimate perspective, we could go on to ask about the sources of a person’s character and of her motivation, thus seeing in a new light any person who we could agree was free on the compatibilist level (could reflect on her options, could decide to do whatever she wanted, was not coerced, and so on). For, if we have no LFW, then ultimately we are just “given” with our desires and beliefs, and any change in them is attributable to our earlier selves, which we ultimately cannot control. We are what we are. From the ultimate perspective, we operate as we were molded, no matter how extensive our compatibilist choosing and doing seems to us to be or to have been.

What does this dualistic perspective mean? We need first to elucidate the connection among respect for persons, compatibilism, and hard determinism, and then we shall see how this complex picture can be interpreted and then dealt with.

### **COMPATIBILIST LESSONS**

An infant three months old cries at night, awakening his father, who rushes into the baby’s room. The father shouts: “Shut up! I told you that I’m trying to sleep! I told you this an hour ago, and now you woke me up again. If you do this once more, you’ll see what it means to do that to me.” A good many things are clearly wrong here. Apart from the fact that the baby is unlikely to be quieted by the father’s tantrum, the father is irrational to treat his son as a responsible agent who can control himself. The infant can neither understand the expectations of others nor control his actions so as to meet them.

Say that a similar situation occurs when the son is fifteen years old. Assume that the son’s noisiness arises from motives similar to those when he was a baby: boredom coupled with hunger. The fifteen-year-old is able to understand that his father wants to sleep, that he has a right to sleep, and that, without waking his father in the middle of the night, the son should occupy himself if he is bored or should find something to eat if he is hungry. This time, it is reasonable of the father

to treat his son as a person capable of self-control, a responsible agent who can be held accountable for his actions.

In terms of the existence of determinism, no change has occurred. The teenager was once an infant. Both as a baby and as a teenager, he lacks LFW. So determinism does not distinguish the two cases. But then, treating someone as a responsible person does not depend on the presence or absence of determinism. When a (determined) baby becomes a (determined) adult as a result of deterministic influences, he does not “escape” from determinism. Rather, he acquires certain capacities (for awareness, deliberation, choice, and intentional action) that enable him to function responsibly. The commonsense quality of this example lends great support to compatibilism.

It is important to see that, if the fifteen-year-old is not treated as a responsible agent, he can with reason complain. He may say, “I’m not a baby any longer,” which is certainly correct. Having the capacities for responsible agency, he ought to be treated as a responsible agent; since he has become a responsible person, he ought to be respected and treated as one. The (at least partial) validity of compatibilism, and its necessity as grounding our respect for persons, must be acknowledged, on pain otherwise of treating others (and ourselves, if we mean it) as babies.

This capacity-based approach, which is intimately related to a respect for persons, also helps to guard compatibilism from the suspicion that compatibilism is based on our degree of ignorance about causes. We can name this attitude, which seems to lie behind much of the resistance to compatibilism, the “Scientistic Suspicion.” Where we know the causal avenues, as we do with kleptomania, we excuse the kleptomaniac from moral responsibility, and where we do not, we are simply ignorant of the cause. After all, society in the past blamed and punished people who suffered from what we today consider diseases that clearly excuse their behavior. As science progresses, therefore, we shall come to know more, and the scope for agency and responsibility will shrink radically or will even disappear. Such is the implicit story encapsulated in the Scientistic Suspicion.

But it is a fundamental misunderstanding of compatibilism not to recognize that it is deterministic (or, more accurately, since strictly a compatibilist need not be a determinist, that compatibilism finds determinism *unthreatening*). Hence, drawing attention to determinism and to the possibility of knowing causal chains is ipso facto no threat to the compatibilist position. The compatibilist has no reason to deny that the scope of excusing conditions may well increase as the sciences learn new things, but she has nothing to fear from this eventuality. Any threat on this level would be at the margins, and so it could not undercut the compatibilist position.

Like hard determinism, compatibilism is basically an interpretation of the *implications* of determinism. My interpretation of the compatibilist is that she asks whether our teenager has sufficient abilities and capacities to function within what we can call a Community of Responsibility: a community of social interaction and institutional frameworks grounded in the values of the Core Conception, which requires concern for (compatibilist) control over our actions and for its absence. Such a Community of Responsibility being central as the context within which respect for persons flourishes, everyone who can adequately participate in it will

wish to do so, and deserves to be included. If, in certain adequate ways that are normatively specified, his choices follow from his awareness of his options, from his ability to rationally evaluate them, and from the correspondence of those choices with his reflective values, none of this will mean that he is *not* under the sway of determinism. It will mean only that he is capable of being held responsible by his peers in the Community of Responsibility.

Unusual circumstances can unquestionably apply, but they are unusual in *compatibilist* terms: specific incapacities of reflection or of self-control, such as kleptomania, can prevent membership in the Community of Responsibility. Otherwise, compatibilists view a person as a free and morally responsible agent. Most people most of the time have the requisite abilities and capacities to belong.

Consider the following instance of significant choice. A normal man decides to spread a computer virus that will damage the computers of others. He works for an antivirus software company, and he believes that by multiplying viruses he will help gain new business. Assume that this man is a hard determinist. When acting, he nevertheless seems to have a great deal of control. He seems to himself to be deciding here and now, and undertaking, the series of steps that will result in a virus that can attack all computers. Some compatibilist limitations, as well as some Frankfurterian metadesire to have different desires, may (or may not) exist, but beyond that, even his superior (also a hard determinist), who walked past his open door and peeked in, was satisfied that that particular employee was appropriately occupied. He seems to be exercising his up-to-usness consciously, intentionally, reflectively, according to his own desires and beliefs, albeit immorally.

Even hard determinists cannot say that, *at the moment of acting*, they need any further abilities or capacities, in order to do what they want. Does this mean that one cannot be a hard determinist *while* acting? That hard determinism can be applied only in retrospect? I can say, "Whatever it is that I will be doing, it will have been determined," and I can perhaps say, "I won't morally deserve condemnation for whatever my virus achieves," but normally I cannot say, "I cannot now do anything but this." And I *know* this. I am therefore dishonest if I say, "I *am* being nasty to you, infecting your computer with this virus, but after all, I *cannot help it*, so I cannot be morally responsible for my current behavior towards you. Haven't you heard about hard determinism?" By trying to escape from my own responsibility at the time of choosing and doing, I am treating myself with disrespect not only in the sense that I am self-deceptive but also in the Kantian sense that I view myself as an object and not as a subject. Being a person, an agent, whatever is about to happen that I am planning to do is, from the perspective of choosing, up to me. I am not passive: I do have some measure of control over what I do. At the moment of acting, I have enough control. By pretending otherwise, I also treat others with disrespect: not only in that deception is involved but also in that they, as persons, deserve to be recipients of my responsible behavior as a self-consciously choosing agent.

Consider, finally, the example of a person wishing to arrange the distribution of her property after her death. The idea of a legally valid will requires that its maker is acting by her own "free will." The use of the same term that appears in discussions of moral responsibility is not accidental. Borderline difficulties may

emerge to the seasoned eye of the attorney sitting across from the testator, but in general he or she is able to identify *what it is* about the agent and the situation during the signing that makes the signatory's action free in a sense that we care about (even without libertarian free will), and what limitations of free will (coercion, insanity etc.) could serve to invalidate the will. Why we want to make use of these factors in our ethical judgements, reactions, and social practices is obvious: we want our last wishes to be respected, and we want a legal defense if our will is tampered with. An ethically decent social order will permit, require, and follow the compatibilist distinctions.

The desires to have our last wishes respected, and to have the sort of protection provided by the legal system when we are compatibilistically faulty, make good sense. They do not depend on any false belief. Respect for persons requires that all this be granted, as we see if (say) a tyrant were to intervene by blocking the operation of the written will, deciding himself what happens with all estates.

The notion of respect for persons helps us to understand a great deal about what is important to us in the free will problem. Such understanding proceeds quite some distance along compatibilist lines.

The incompatibilist can mount a last-ditch attempt. "There is no point in talking about respect for persons once we accept determinism: human beings thereupon cease being worthy of respect." The hard determinist perspective does indeed affect our view about respect for persons. But Fundamental Dualism lets us incorporate the challenge of the hard determinist, confront this sort of skeptic on the issue of respect for persons, and defend a limited measure of compatibilism, all at the same (uncomfortable) time. Compatibilist freedom may be shallow, but it is "the best game in town." And while it does not attain the lofty heights of libertarian free will, compatibilist freedom exists, and it is not trivial. We need only compare arenas where a Community of Responsibility exists, and social orders where a powerful few make the decisions about where and how the rest of the people are to live, what work they are to do, whom they are to marry, what to value, and whether, what, when, and how to worship or read. Even if we think that we are determined beings, we still care—and have good reason to care—whether we will be treated with respect, living our lives on the basis of our choices, in a decent social and personal order, where good will and effort are taken into account. Likewise, unfortunate people who are ruled by phobias or compulsions know all too well that what matters most is not whether one is determined, but which type of determination exists. A person freed from such phobias and compulsions is no less determined, but he or she is manifestly freer. It is unreasonable to conclude that, because we do not have libertarian free will, then free will does not exist in any form. It is unreasonable to deny the very real differences among people in terms of their compatibilist control over their actions, or to deny the great differences among social orders as to whether such individual control matters within them.

To summarize the compatibilist side: being a member of a Community of Responsibility, a person treated with respect in the light of his or her choices and actions, with allowance for the occasional absence or limitation of such choices

and actions, does not depend on some mysterious hiatus of determinism. Rather, it merely requires the sort of abilities and capacities that most adults, most of the time, clearly have. In order to respect persons, we must create and maintain a Community of Responsibility that will in general follow the compatibilist distinctions in terms of the presence (or occasional absence) of local control. We have to *enable* people to live as responsible beings in the Community of Responsibility, their lives based largely on their choices, we have to note and give such people *credit* for their good actions, and we have to take account of situations in which they *lacked* the abilities, capacities, and opportunities to choose freely, and are therefore not responsible in the compatibilist sense.

Compatibilists would like to end the debate here. But, while accepting all of the above, we cannot do so, and for the same reason for which we must be partial compatibilists: respect for persons.

### HARD DETERMINIST INSIGHTS

The perspective of the hard determinist too can teach us crucial truths about respect for persons.

Consider cases where people are badly off as a result of their own choices. A formerly married man who repeatedly had affairs with other women, even after the many chances his wife gave him to remain faithful, was consequently divorced by her, lost his house, and is now paying substantial alimony. A woman decided to deal in drugs at her college, spent some time in prison, and her criminal record will for years hinder her efforts to earn an honest living. Neither the man nor the woman is likely to arouse our initial sympathy (which makes them good examples). Both are responsible moral agents, and the compatibilist will not hesitate to say that they have received what they deserve, and that no more needs to be said. We must to some extent acquiesce: a moral order that meets the demand for respect for persons will indeed mean that it is not objectionable, on one level, for people to pay for the foreseeable consequences of the actions for which they were responsible, actions that were, in compatibilist terms, freely chosen.

Nevertheless, the hard determinist interpretation of such classic compatibilist cases of freedom conveys a partial truth. Each case was as it was because of what it was. In a deterministic world (or a world otherwise without LFW), the choices and actions of these people were as they were, because they themselves were as they were. They had the character, the motivation set, and whatever else that they had at the time, and from those unfolded their choices and actions. And all of those things were ultimately beyond their control. Hence, even in such cases there is a level at which respect for persons requires that we note the ultimate inevitability of it all, and its implications. This does not mean that the wife ought to return the house to her philandering husband, or that the woman's criminal record ought to be expunged. But certain forms of glee or moral complacency on our part would, at the very least, be inappropriate. The moral situation is complex, in the light of the free will problem: the sort of transcendent, free control that LFW was supposed to allow is impossible, and hence any sense of our control over our actions, and of what we thereby deserve, is shallower.

Again, none of this eliminates the distinction between the drug dealer's control, responsibility, and fault for her actions, and the absence of compatibilist-based responsibility of her innocent roommate. It is unjust to punish the latter in a sense that it is not with the former. Respect for persons (and not only consequentialist considerations) mandates that we respect this distinction. To knowingly punish both would be gross injustice, indeed evil. While membership in a Community of Responsibility permits punishment of the guilty student, it at the same time forbids "punishment" of the innocent one. Nevertheless, the actions of the drug dealer were, in one way, merely an unfolding of the given, of matters that, causally constituting her, were ultimately beyond her control. Together with the moral obligation to respect and to track (in our own reactions and practices) identity, choice, and responsibility, we must also not forget the ultimate *arbitrariness* of it all. People can often be adequately characterized as *victims* of the internal and external circumstances that made them what they are—circumstances ultimately beyond their control, which they lacked real ability and opportunity to alter. Such circumstances, which lie behind their choices and their ensuing fate, are hence in a deep sense not their fault. That is the human condition—our being creatures who ought to be treated as responsible agents who are allowed to live out the consequences of our choices—but we are at the same time determined beings, operating as we were molded. For we *are* typically capable of (compatibilist) agency, we *do* desire to be able to exercise it, and, indeed, agency is central to our humanity. But in so being and acting, we are also determined.

The compatibilist may counter by saying that all this is very general, and vague, and, after all, based on a mere libertarian fantasy. In practice, respect for persons mandates that we focus on the compatibilist particulars of specific cases. But I see no reason to limit ourselves in this way. The compatibilist herself will wish that we pay attention not only to what distinguishes various compatibilist agents but to the general (compatibilist) features of human agents as such: our capacity for reflection or for self-directed movement, for instance. Hence there is no way of avoiding the limitations of compatibilist agents, which we specified when wearing our hard determinist hat (or our determinist hard hat). If any virtue that one has exhibited, if all that one has achieved, was "in the cards," just an unfolding of one's predetermined self, one's view of oneself (or important others) cannot remain the same. By denying this, compatibilists remain shallow (cf. Smilansky 2003). Human beings are defined by their compatibilist capacities, but *also* by their being determined creatures who ultimately cannot transcend the way in which they were molded, when exercising their compatibilist capacities. Both characteristics matter greatly.

A bit more needs to be said.

### **LIVING WITH THE IMPLICATIONS**

Having defended Fundamental Dualism as a highly plausible conclusion to be drawn from the distinct but partly valid cases for both compatibilism and hard determinism, I want now to examine the dualistic picture we are left with. This picture may seem too complex and unstable to cope with, and it is perhaps beyond

the capacity of most individuals even to attempt to do so. Such an assessment seems to me to be largely correct. I have shown in detail elsewhere (Smilansky 2000, Part II) how “impossible” is the situation that arises from having to live with Fundamental Dualism, and hence of the necessity for our acknowledging a large measure of illusion most of the time.

The compatibilist description of the world and the hard determinist one are in such great *dissonance*, on almost every central social and personal topic—punishment and innocence, the importance of equality of opportunity, the viability and importance of desert, the possibility of achievement and appreciation, and so on—that living with both should be very hard for most people. I hence argued that the continuing belief in the false libertarian picture has positive virtues, and that that belief is perhaps morally and personally necessary. In the first instance, the false libertarian beliefs “carry on their back” the partially valid compatibilist distinctions, which would not be dependably adhered to without the support of the illusion. The absolutist, totalitarian leveling down of all actions from the ultimate perspective, the view that sees them as a mere inevitable unfolding of the given, threatens to overwhelm the limited, partly valid, compatibilist-level distinctions and the respect for them.

A complaint quickly arises at this stage. It is natural to say, “You have shown us that respect for persons requires that we be attentive to the insights of both compatibilism and hard determinism, and we are beginning to see how the ‘leveling’ hard determinist perspective threatens compatibilist level seriousness. But how can your own emphasis on respect for persons be squared with the demeaning and indeed reactionary talk about the positive benefits of illusion?”

This challenge is strong and troubling. I answer by invoking the notion of necessity (summarizing Smilansky 2000, particularly chap. 11). It would have been preferable if recourse to illusion were not needed. Being fully enlightened and being capable of fully internalizing the truth would have been a far more desirable response to Fundamental Dualism, but we cannot take the risk. Yes, it would have ennobled humanity, it would not have opened up dangerous and difficult questions about whether different social groups have differing capacities for acknowledging the truth, and it might even have simplified the subsequent role of philosophers. But it carries a price that we cannot afford: complete knowledge, awareness, and veracity would put our moral house at grave risk.

The moral house we have is essentially a Community of Responsibility. It tracks the compatibilist distinctions that are central to any viable moral order that respects persons. Nihilism, or a limitless consequentialism (which we know could not be trusted to respect the distinctness of persons or the desert that is based on individual choice) would likely ensue if all of us acknowledged the ultimate-level truths, and those then overwhelmed the compatibilist-level moral reactions and practices. A similar danger confronts basic compatibilist evaluations of personal and interpersonal relationships which, although they are only tangentially related to morality, are necessary for our self-respect and our respect for others as persons. In short, the ethical importance of the Community of Responsibility should be taken very seriously, but the ultimate perspective threatens to *present* it as a farce, a mere game without foundation. Likewise with the crucial idea of a personal sense

of value and appreciation that can be gained through our free actions: this is unlikely to be adequately maintained by individuals in their self-estimates, nor warmly and consistently projected by society. Only if we do not see people from the ultimate hard determinist perspective can we live in a way which compatibilism affirms—blaming, selectively excusing, respecting for things that are “up to” people, being grateful, and the like.

### **Going Deeper**

My argument so far has been primarily “functional.” In order to respect persons (including ourselves), we need to live our lives primarily in terms of compatibilist categories, categories of freedom or control that are compatible with determinism. But if people were aware of the reach of determinism and of its implications, the common “form of life” (that we can partly defend with compatibilist arguments) would be, in practice, at risk. Better, then, to remain with the libertarian beliefs. Although false, in practice they assist compatibilist-level respect for persons.

Beyond this “functional” stage lies what I call the “existential” stage. Here, the very awfulness of the truth confronts us. The existential stage deepens the need for illusion, because here illusion and respect for persons are intimately related.

What is a full-fledged person? Necessary conditions—which, although they are not sufficient, are surely commonsensical—include the following:

1. Someone who takes responsibility for her past actions, for example, for the actions in which she has wronged others. She takes this responsibility not only in the sense of being willing “to pay” for something she acknowledges that she did but also in feeling compunction for those wrongful past deeds.
2. Someone who, at least in important matters, sees her value as being at stake in certain actions that she chooses to undertake. She also believes that others would also see her value as being at stake in such actions, and she expects that she would still be open to this view of herself in the future, when she looks back on her action and evaluates herself in its light.
3. Someone who views other people as possessing value in similar ways and as being equally deserving of appreciation in the light of their free choices, particularly in tempting, dangerous, or otherwise challenging decisions of high importance.

But common sense has not internalized the deep implications of the absence of LFW. Once we try to do so, these crucial reactions and evaluations of ourselves and of others become very difficult to sustain. The difficulty that the ultimate perspective poses for all these commonsense beliefs and reactions need not be rehearsed in detail. At the existential stage, focus is not on the “functional” worries about whether the Community of Responsibility will be maintained, whether the distinction between the innocent and guilty will be followed, and comparable other matters. We are in deeper territory now: we have left compatibilism behind. At the

existential stage, we focus not on the dissonance between the compatibilist and the hard determinist sides, and on what that dissonance might bring in its wake: the overreaction against, and the neglect of, the compatibilist distinctions at the local level. We focus on the deep meaning of the absence of LFW in itself.

Take, for example, a negligent and abusive father who returns home after many years, seeking forgiveness and acceptance. With all his sorrow at his past inadequacy, he points out that he is now different, and that anything he did in the past was, after all, ultimately inevitable. *Given who he was at the time, the result of factors beyond his control, he did what he did—as everyone else “in his shoes” would have done.* It makes perfectly good sense for him to say these things. On the deepest level, that is all that can be said. From what source, then, can there arise the conceptual space for this parent’s compunction, or for the view that his past deeds threaten his value? But if no real room is available for these matters, surely the very notions of moral seriousness, personal accountability, and integrity are at risk. If all is thought to be, in the end, *inevitable*, how do we maintain in all seriousness the distinction between what resulted from reasonable, excusable weaknesses and blameworthy behavior? How can a parent take responsibility for what he did to his child when he knows that this was, in the strict sense, the only thing in fact possible? But how can he not take such responsibility and remain a human being? What we know to be the case threatens to affect the reactions, evaluations and performance of all who are involved.

A similar deflationary story could be told for the opposite scenario, of a parent who, for decades and at great sacrifice, conscientiously devoted herself to her children. On the ultimate level, real appreciation and a real sense of her individual attainment, and the respective emotions and reactions, make no sense. From this lofty level, all her hard choices, her continuous and overwhelming efforts, her suffering and her triumphs, become imbedded in what must be seen only as an inevitable chain of events beyond even the greatest hero’s control. What room, then, for a special sense that *here* one did “the best that one could”? What room for the pride of overcoming, an achievement which is never even thought about as being simply *given*? What room for the deep appreciation and gratitude of others?

On the ultimate level, determinism is “the great eraser.” We may welcome a reduction in people’s being “judgmental,” or in the occurrence of personal guilt, but to focus on these is to miss the main point: that on the ultimate level, human life risks losing a deep sense of value and of meaning that only free human choices and actions can attain. Value and meaning are inherently connected to the idea of free and responsible agency. We confront the dearth of conceptual and psychological resources for thinking in the very categories of (dis-)respect for persons on this deepest level, even if all compatibilist wishes are granted; we confront the *insufficiency of compatibilism*. Who, or what, is left to be respected, and on what grounds? And this brings in illusion not as a “functional” assistant that keeps the compatibilist and the hard determinist insights separate from one other (hence making it easier for us to function despite the dissonance) but as an *enabling* condition for the most important elements of our view of ourselves, for

our ability to maintain our integrity, a sense of value, and indeed perhaps our very sense of self.<sup>1</sup>

### SUMMARY

The relationship between the free will problem and the notion of respect for persons is at one and the same time very close and very complex. The free will problem is about respect for persons, insofar as it involves concern for people's control over their actions. Normatively, respect for persons demands the establishment and maintenance of a basically compatibilist Community of Responsibility, along with the attitudes and practices that sustain the Core Conception, the core ethical intuition that people's choices and actions matter greatly, and (in their compatibilist manifestation) should be closely aligned with the way in which people are viewed and treated. Respect for persons also pulls us beyond the compatibilist lessons to recognize the import of the insights that hard determinism learns from the same fact of human determination. We must follow the Core Conception into Fundamental Dualism on the compatibility question: it is of crucial importance that people be able to establish their preferences and that they can to a large extent live lives based upon their choices, but we must also not deny that the content of those choices will be determined, and ultimately beyond their control. When those choices, which are free compatibilistically, go very wrong for people, so that their lives are ruined, this matters. It is correct then to say that the people are victims of the circumstances that constituted them and determined their choices. Not to pay attention is inhuman.

In my view, *a philosophical understanding of the free will problem is in large measure understanding how the compatibilist and hard determinist levels coexist and that they are both important normatively.* Respect for persons requires on the one hand respect for agency, the establishment of a moral order based on responsibility, and the attempt at human empowerment within compatibilist spheres; on the other hand, it requires recognition of the limitations and shallowness of these spheres, where everything that goes on is ultimately an unfolding of the given, beyond anyone's control.

This dissonance already calls for illusion to serve a "functional" role, that of safeguarding the partly valid compatibilist-level "form of life" (a primary condition for respect for persons) from the threat of the ultimate hard determinist perspective that levels all of us. But beyond the "functional" stage lies the "existential" stage, where philosophically we can recognize how intimately our fundamental

1. Since compatibilism has been (in part) rejected here, the traditional compatibilist way of defusing the implications of the absence of libertarian free will is no longer available. But my arguments also go against other nonstandard positions that view the absence of LFW, and the prospect that people will become aware of it, as unthreatening. Perhaps the two most important ones are P. F. Strawson's "reactive-naturalism" in "Freedom and Resentment" (Strawson 2003), and the "optimistic hard determinism" (or hard incompatibilism) proposed by Derk Pereboom (2001). My arguments here (and in greater detail in Smilansky 2000: Part II) seem to me to show these views to be overly optimistic and, indeed, complacent. For my view as to why Strawson's position ought to lead to Illusionism on free will, see also Smilansky (2001).

evaluations of ourselves and of others, and of our reactions to one another, depend on the false libertarian picture. We confront the deep dangers of awareness and internalization of the truth. At the depths, the libertarian illusion is constitutive of our very humanity; it is a condition for deep self-respect and for respect for persons.<sup>2</sup>

Such a conclusion cannot but be viewed with horror. But this horror is not an indication that some mistake has been made: it is called for philosophically; it is the appropriate reaction to the human condition. In practice, the salience of libertarian beliefs and other illusory ploys allow most of us to avoid the pain of complete awareness and of the internalization of the truth. In the grim context of the free will problem, this “therapeutic” dealing with human limitation further illustrates, perhaps, proper respect for persons.<sup>3</sup>

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2. Matters are more complex. The dissonance of the Fundamental Dualism, the grim implications of the absence of libertarian free will, and the positive role of illusion, in fact also present opportunities, at least for exceptional individuals, to gain certain curious forms of achievement and self-respect. This, however, is marginal in the light of the weight of the conclusions, and in any case beyond our present scope. See Smilansky (1994); Smilansky (2000: sec. 10.1, sec. 10.2).

3. I am very grateful to Randolph Clarke, John Martin Fischer, Iddo Landau, Michael McKenna, and Daniel Statman, for comments on drafts of this paper.