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## FURTHER THOUGHTS ON COMPATIBILITY DUALISM

### Abstract:

Compatibility dualism (henceforth CD) is the idea that, on the compatibility question of the free will problem, a complex position which to some extent encompasses opposing positions is plausible. Under the assumption that there is no libertarian free will, which we shall make, then we should be to some extent both compatibilists and denialists – namely, hold a view which incorporates both compatibilist and denialist elements. I first presented such a pluralist position more than 30 years ago, and have defended it in different ways a number of times since. My CD has been often misunderstood and looked upon as misleading, incoherent or even slightly deceitful. For example, many writers on free will seem to assume that I am „really“ a denialist or hard determinist who adds a compatibilist element only pragmatically. The current paper discusses CD in order to better explain it and the motivation behind it. I will try to make CD more plausible and uncover the biases which make people hesitant to accept it (thus providing an „error“ theory as to why CD has not been more widely accepted). We shall try to see why one should be a dualist on the compatibility question, and examine why most philosophers have resisted the reasons for beings so.

**Key words:** free will · moral responsibility · compatibility question · compatibility dualism · Smilansky.

### 1. Preliminary background

Compatibility dualism or pluralism (I will use these interchangeably; henceforth CD)<sup>1</sup> is the idea that, on the compatibility question of the free will problem, a complex position which to some extent encompasses opposing positions is plausible. According to this view, one need not be either a compatibilist or an incompatibilist. Under the assumption that there is no

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1 I called the view „Fundamental Dualism“ (on the compatibility question), see e.g. Smilansky (2000); Smilansky (2011a), but I now think that it is clearer and simpler to speak directly about compatibility dualism. Fundamental Dualism also might raise unwanted associations with mind-body dualism.

libertarian free will, which we shall make, then according to CD, one need not be either a compatibilist or a denialist. We should be to some extent both compatibilists and denialists – namely, hold a view which incorporates both compatibilist and denialist elements.<sup>2</sup> I first presented such a pluralist position in Smilansky (1993), and have defended it in different ways a number of times since (e.g. Smilansky 2000 Part I; Smilansky 2002; Smilansky 2011a; Smilansky 2012). CD is one of the two main components of my position on the free will problem; the other being Illusionism on free will and moral responsibility, which will not concern us in this paper (Smilansky 2000: Part II; Smilansky 2001; Smilansky 2011a; Smilansky 2022). My CD has been often misunderstood and looked upon as misleading, incoherent or even slightly deceitful. An early review of the pluralism in *Free Will and Illusion* spoke about it as „double-think“ (O'Connor 2003). Many writers on free will seem to assume that I am „really“ a denialist or hard determinist who adds a compatibilist element only pragmatically. An excellent systematic analysis of my view is entitled „A Coherent and Comprehensible Interpretation of Saul Smilansky's Dualism“ (Jeppsson 2015).

The current paper discusses CD in order to better explain it and the motivation behind it. I will try to make CD more plausible and uncover the biases which make people hesitant to accept it (thus providing an „error“ theory as to why CD has not been more widely accepted; the term is of course by Mackie 1977). We shall try to see why one should be a dualist on the compatibility question, and examine why most philosophers have resisted the reasons for beings so.<sup>3</sup>

Free will in the sense that interests us here is the sort of freedom that is at issue in the free will debate. I refer here to the contemporary analytic free will debate, although there is a surprising degree of continuity throughout the 2000 years in which we have known about the free will problem. There is a near-universal agreement that the free will problem is about the sort of freedom related to or required for some sense of moral responsibility.

Moreover, in order to understand our options, it is useful to think of „free will“ in terms of control rather than of „the will“ (in the way that interests philosophers of action, for instance), or the „scary“ notion of free will. So, what we care about is the sort of human *control* that matters in our contexts, and whether we have it.

I believe that it is useful to think of the free will problem as a combination of three distinct questions:

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- 2 For the philosophical opponent of the compatibilist I use the term „denialism“. Some use the terms „hard determinism“, „hard incompatibilism“, or „free will scepticism“ for roughly this sort of view, but each such term has in my opinion different unwanted connotations.
  - 3 The paper integrates *Free Will and Illusion* and some early papers on the compatibility question, with some newer papers, in particular Smilansky (2017a); Smilansky (2019); Smilansky (2024a), and Smilansky (2024b).

*The Free Will Problem: The Three Questions*

The first two questions are the more historically familiar ones but the third has emerged in the last two generations in its full centrality. The questions are:

1. Is there libertarian free will? (Here would be included as sub-questions the issue of determinism, the question of the possible helpfulness of indeterminism, the question of whether libertarian free will is at all coherent, and so on.) Libertarians of course think that there is libertarian free will; compatibilists (typically) and denialists (or hard determinists) disagree. This question is mostly metaphysical.
2. If libertarian free will does not exist, do we still have substantial free will of a sort that can generate moral responsibility and related notions such as desert? This is, of course, the familiar *compatibility question*: are free will and moral responsibility compatible with determinism or, better, are they compatible with the absence of libertarian free will irrespective of determinism? Compatibilism and denialism are opponents on the compatibility question. This question, in my opinion, is mostly ethical.
3. If we have no substantial free will and moral responsibility in light of the absence of libertarian free will, and moreover if free will and moral responsibility are at least seriously weakened by the absence of libertarian free will (i.e. compatibilist varieties do not suffice), what should be done? Followers of P.F. Strawson's „no worry“ attitude (Strawson 1962/2003) based upon the reactive attitudes, denialists calling for the abolition of beliefs and practices based upon free will and moral responsibility, and my conservative Illusionism, are three examples of positions on this third question. This question is ethical and empirical.<sup>4</sup>

Our focus here will be on the second, compatibility question. This paper will assume the absence of libertarian free will, either because of determinism, or because libertarian free will is an incoherent notion, or because, even if it is not incoherent, there are no good reasons, on balance, to think that it exists irrespective of determinism.

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4 This third question can be itself usefully divided into three: 3.1: is the previous result, if negative or very sceptical, *good or bad*? In other words, are we better off without (or with much less) valid attribution of free will and moral responsibility, so that we ought to welcome the absence of libertarian free will, or are we worse off? This question is both ethical and psychological. 3.2: can common beliefs, attitudes and practices concerning free will, moral responsibility, desert and so on *change*? If they can, how radical can this change be and what forms can it take? This question is mostly psychological, sociological, and historical. 3.3: what can and what should we *do* about the replies to the previous questions? Here would be included as sub-questions descriptive questions that concern the nature of folk belief, and normative questions such as whether the continuation of widespread false belief can be tolerated.

### *The Core Conception*

It is useful to begin with what I call the Core Conception concerning free will, moral responsibility, and the concomitant beliefs, reactions and practices (Smilansky 2000: Ch.2; Smilansky 2022). This is quite general, and often quite vague, as well as an idealized version of prevailing views, which are often not so pure. According to this Core Conception, free will or control is the basis for moral responsibility, which is in turn a condition for deserving many sorts of evaluations, reactions and treatments. Self-attitudes, interpersonal relations, social interactions, institutions and practices, should all, in manifold ways and within constraints and limitations but nevertheless very broadly, *respond to* and *track responsibility-relevant control*. This is moral responsibility of the desert-involving kind, not only a forward-looking one. Hence, for example, pro tanto, we ought to create social orders where personal choice and responsibility can be widely exercised and rewarded, accept moral responsibility and blame ourselves for our negative free actions, be grateful to those who freely help us, appreciate people (including ourselves) who make significant sacrifices or take risks for good moral reasons, and take great care and even risks in order not to blame or punish the innocent who lacked control over their actions.

There is an intimate connection between the Core Conception and respect for persons (Smilansky 2000: section 2.1; Smilansky 2005; see also Kant 1778/2015; Bradley 1927: essay 1; Hart 1970; Morris 1976; Berlin 1980). To respect persons is to take their choices and actions seriously, namely, not just for consequentialist reasons, and to see them as autonomous and responsible agents who are appreciated and treated in accordance with their intentions, efforts and doings. As John Gardner put it, “moral agency and moral responsibility represent a significant part of what it is to be a human being” (Gardner 2007: 218). We ought then to establish and cherish a Community of Responsibility (Smilansky 2000: 83), which follows the Core Conception values (as allowed for by libertarian or compatibilist beliefs). If one follows some form of denialism, then the Core Conception becomes largely impossible to apply, yet this in itself matters, as we shall see ahead.

### *The nature of the disagreement on the compatibility question*

It seems that, concerning the compatibility question, there is a further widespread agreement between compatibilists and denialists, which is helpful in understanding the free will problem and the compatibility question in particular, but it will also be helpful in clarifying the possibility of CD and opening ourselves to it. The broad and considerable agreement concerns the *descriptive aspects* of the topic, the facts, or the reality, in a sense, while the disagreement in the compatibility question is essentially about the *interpretation* of these largely agreed-upon facts. This can be readily seen from the traditional terms „soft determinism“ and „hard determinism“

(which originated with William James 1896/1956). This shows that there is a „soft“ and a „hard“ interpretation of a given belief, in determinism. It is a common error for beginning students of the free will problem to think that hard determinists believe in a different, „harder“ sort of determinism than compatibilists. Both are equally determinists, yet disagree on the interpretation, namely, on whether this rules out free will, moral responsibility, and concomitant notions.

Consider an example of a person who is trying to choose what to eat for lunch, the options being schnitzel or spaghetti. Both compatibilists and denialists will agree that there is a situation of choice here; as a rule, denialists do not deny choice. Both would further agree that a typical adult person could choose either schnitzel or spaghetti, in the sense that he would do so, if he preferred one or the other. The disagreement is that traditional compatibilists, at least since the time of Hume, claim that this is the sense of free will that matters, often adding that there is nothing more here that we could wish for. Denialists, by contrast, claim that this is not at all the sense of freedom that matters, but what matters is something like whether the person could have chosen otherwise, as he and the world were, i.e. with internal and external conditions held constant. But note that here again the compatibilists do not want to disagree that, indeed, if the person was exactly as he was and situated in exactly the same causal nexus, the schnitzel-choice would emerge. Fischer, for example, clearly speaks about free will and moral responsibility without the ability to do otherwise (Fischer 1994). The compatibilist is not bothered by the causal determination of the schnitzel-choice; she only insists that, as long as the person wants schnitzel and chooses as he wants, he has all the control one would want, and is free in the required sense (and presumably responsible for that choice).

Of course, the debate on the compatibility question has become extremely sophisticated, and has gone much beyond the two contrasting interpretations of the „ability to do otherwise“. Refined compatibilist interpretations of the requirements for freedom and responsibility have specified the conditions under which agents are indeed free and responsible beyond mere consistency between what they happen to desire and what they choose. This is a good idea, given that sometimes agents are clearly not free precisely because of what they desire, although they do go on to choose what they desire. If the schnitzel-chooser, on being informed that today there are excellent reasons to pass it over, would still insist on having it, he might be naturally suspected of not being free (assuming he does not wish to get ill). Likewise, in a paradigmatic case, a woman who, out of psychological compulsion, desires to wash her hands every few minutes, will not be deemed free even if she fulfils this desire. Both the man and the woman lack manifestly significant control or freedom in these instances, and the compatibilist cannot reasonably deny this. In fact, the compatibilist will want to say that her philosophical resources are required to see *why* these sorts of people are not free.

Compatibilists have suggested various ideas, such as hierarchical models (e.g. Frankfurt 1988), reasons-responsive ones (Fischer and Ravizza 1998), or rational-abilities-based views (e.g. Nelkin 2011), as ways of explicating compatibilist freedom. Note that here again the denialists will not want to deny that the compatibilist distinctions capture *a* sense of freedom – denialists do not deny that we are better off without kleptomania, alcoholism, or other compulsions. It is only that while compatibilists think that matters more or less end there, denialists insist that something important is missing. There are further, more demanding normative conditions for free will and moral responsibility, which (given the absence of libertarian free will, or indeed the impossibility of any robust sense of free will) cannot be met.

Another way in which we can see this is by looking at the notion of control, which is, as I said, a useful stand-in for free will, and this reflects usage throughout the free will debate. Compatibilists often speak about self-control and, by this, they mean things such as the ability, through reflection, to increase one's awareness of the choices available; to better evaluate the reasons one has for choosing this or that choice; to carry through with one's preferences, and the like (as in the accounts above by Frankfurt or by Fischer and Ravizza). Denialists, by contrast, think of the morally required self-control in a much more demanding way, as requiring self-creation, or ultimate control.

I cannot review here the manifold arguments that denialists have presented against compatibilists and the opposing moves of their opponents. But the common feature is that denialists put the bar much higher than compatibilists, and think that free will and moral responsibility (if it were at all possible) would require that agents jump over that bar, while this is conceptually or practically impossible.<sup>5</sup> Compatibilists, by contrast, put the bar for free will and moral responsibility much lower and hence, for them, most people most of the time (i.e., normal adults under typical conditions) can clear it, and are sufficiently free and morally responsible.

Both sides agree about the descriptive aspects, but due to their contrasting interpretations and differing standards for free will and moral responsibility (the high versus low bar) disagree about the reality of free will and what depends upon it. For compatibilists, the reality (that both sides agree we live in) is one which they see as having free will and moral responsibility, while for denialists, *in that same reality* the much higher appropriate standards for free will and moral responsibility are not met.

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5 The „high bar“ nature of denialism's requirements can be easily seen. According to Galen Strawson's Basic Argument, for example, „(1) Nothing can be *causa sui* - nothing can be the cause of itself. (2) In order to be truly morally responsible for one's actions one would have to be *causa sui*, at least in certain crucial mental respects. (3) Therefore, nothing can be truly morally responsible“ (Strawson 1994: 6). Waller likewise holds that „Just deserts and moral responsibility require a godlike power – the existential power of choosing ourselves, the godlike power of making ourselves from scratch, the divine capacity to be an uncaused cause – that we do not have. Moral responsibility is an atavistic relic of a belief system we (as naturalists) have rejected, for good reason“ (Waller 2011: 40).

## 2. Starting to see the case for CD

This „descriptive“ agreement of both sides on the compatibility question and the nature of the disagreement is highly pertinent for the case for CD. For, it matters greatly that the dispute on the compatibility question is not about metaphysical reality but rather about the interpretation of a largely shared view of reality. We then see that there is no reason not to have a complex, mixed interpretation, which leads to CD.

### *The compatibilist side*

We first need to see the compatibilist side, both in terms of control or free will, and in translating this into terms of moral responsibility. We are interested in compatibilist level control, the way people can be, to various degrees in different contexts, free or in control, in ways that matter. This sense does not depend on libertarian free will.

In some contexts, as in my schnitzel-versus-spaghetti example, it is difficult to see what more one could want. If you prefer schnitzel on the day, you are free to go for it, and if spaghetti, then the latter. There is a bit “more” here to want, but all that seems salient here is clearly compatibilist. We do want reasons-responsiveness, and it would be unfree to be internally compelled to eat schnitzel when there are strong reasons all-considered to avoid it. Perhaps we might even say that we want second-order preferences, possibly having to do with openness to reflection, say, on dieting, or even vegetarianism. But all that is the standard compatibilist fare. This same sort of move can be extended, again in the standard compatibilist ways, to *paradigm examples of unfreedom* – the poor woman who is compelled to wash her hands dozens of times every hour significantly lacks free will, while if she is cured of this through therapy, she becomes free in a natural and highly important sense. The salience of this point can be readily recognized through a rather vulgar point: people are willing to pay a great deal of money for e.g. therapy, in order to be liberated and have their control enhanced in such major ways. And if we assume that everything in the life of this woman is deterministic, including the efficacy of the therapy, yet it has made an enormous difference to her freedom and control over her life, then determinism seems irrelevant, and compatibilism finds strong support.

But, denialists will counter, even if we grant that this captures *some* sense of control, which is even important, how does any of this translate to the moral level, and can plausibly be spoken of in terms of moral responsibility? Here we must try to make sense of the moral relevance of compatibilist-level (i.e., „low bar“) control. One way would be to see what happens when normal people grow up. Babies do not have much control over their behaviour, although even a typical one-year-old can intentionally do things that he knows that his parents would not like him to do, or even try to manipulate them into some



actions. With time, the compatibilist level of control grows. If a one-year-old baby wakes his parents in the middle of the night because he wants a bottle of milk, it will be monstrous to blame or punish him, while such a response would be perfectly okay if a 17-year-old adolescent behaved this way.

Similarly, it makes sense for the parents to evaluate whether the 17-year-old, who recently got his driver's license, should be given the keys to the family car. Does he show the required level of control? Is he sufficiently responsible? A decade earlier, clearly the answers were negative. But now, can he be trusted? If he is given the keys but it turns out that he does not, then chiding him, and moderate punishment, seems acceptable – as of course would not make sense for a baby or a toddler or even a child of 7. We typically grow, becoming beings with greater control and enhanced potential for responsible and accountable behaviour. There may, in special circumstances, be an appeal to justifications and excuses, whether complete or partial, for not being held to account for one's choices and actions. But the basic form of mature adult functioning is that of being in control, behaving responsibly, asking to be trusted as a responsible agent, being willing to be held accountable and even punished, and requiring in turn to be rewarded when deserving to be so, on the compatibilist level, based upon one's control-based actions.

Assuming that the possibility of a credible basis for the compatibilist side was recognized, we can now turn to seeing the deep core value which, I claim, can make a choice of compatibilism morally acceptable. This, it seems to me, is *respect for agency, as a major component for respect for persons*. What is a human being? That question is too large. Yet in some respects, we must confront it in order to understand where to go, and in particular, whether to follow the "happy denialists" in their quest to abolish the life of moral responsibility, or whether, on the contrary, to do all we can to safeguard it, on the individual and social level. We do not quite have a term for that aspect of being a human being that is at issue here. Agency is too technical a term. Yet the best I could do (apart from setting out to invent a new word, which I did not want to do) is to characterize what we are after as the Respect for Agency.<sup>6</sup> Agency needs to be understood here in the widest sense, to include the reflective and unreflective ways in which people form, conceive, and value themselves, as agents. The appreciation of the personal agency of others needs to include the acknowledgment that a person is an agent, the allowance of real space in the world for the exercise of agency, the search for agency (and for its absence) when a person is evaluated and reacted to, and the bestowal of great value on the exercise of agency, in general and in its manifestations.<sup>7</sup>

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6 In Smilansky (2012) I called this Appreciation for Agency. While appreciation is a crucial component of the respect due to the agency of human beings, things go wider, and respect for agency seems to me now a better term. In the end, this all seems to follow from the Core Conception, see below

7 Of course there are other aspects to being human: one also has a certain height or a natural "musical ear", for instance. One may be valued by others for these, or even



Such agency is intimately connected to responsibility. Consider again what it means to grow up: one realizes one's capacities and potential effects on oneself and on one's surroundings, sees the limits of what one can control and what one cannot, and how the sphere of things one can control can grow. One can already see this process in babies, who realize how they can manipulate objects they hold in their hands, for example, while other internal and external matters prove more difficult to control. The sense of control and freedom emerges early. As one grows up, one applies one's capacities through one's actions, makes them one's own, identifies with them, and owns up to them; and presents him or herself to the world as accountable for his or her choices and behaviour. Such gradually maturing agency is, to repeat, inherently concerned with responsibility: one sees oneself and acknowledges to others that one's choices and actions are a proper basis for being reacted to and treated in accordance with them.

This means that, as we saw, there is a basic substrata of compatibilist abilities and capacities, through which almost all adults almost all of the time can control their actions, and behave responsibly with respect to them. This is not mysterious, but rather involves the most obvious features of human life, such as being able to respond to a reason, recognize an obligation, and meet it, with the concomitant emotional reactions towards oneself and others, according to how one functions. This, then, provides the basis for following Respect for Agency in our evaluations, reactions and practices.

My rather minimalist interpretation of a partly defensible compatibilism asks whether normal adults have 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, manifesting the Respect for Agency, is central as the context within which respect for persons flourishes. If, in certain adequate ways that are normatively specified, a person's 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; that Respect for Agency can to a significant extent be realized.

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disvalued (not invited to the basketball team or the choir). Yet there is all the difference in the world between the qualities that are, and those that are not, under one's control. To blame someone for not being able to sing in tune is immoral, in a way in which to blame him now for not coming to help you to do the dishes is, as a rule, not immoral. If one is tone deaf that is one's fate, but, except in very unusual circumstances (say, if both of one's hands are in a cast, or one suffers from a deep phobia of washing up liquid), no one can honestly say that he is unable to come and help to do the dishes.

### *The denialist perspective*

Alongside the partial, limited reality of compatibilist control which we have seen, and its moral and human significance, lies the denialist perspective, the reality of the shallowness of compatibilism, the implications of the fact that LFW and all that it was supposed to deliver are a fantasy. I have explicated elsewhere at length the limitations and shallowness of the compatibilist level reality, for all its importance (e.g. Smilansky 2000 Part II; Smilansky 2003; Smilansky 2012). Let us briefly think about punishment. Consider a person who is paying a very high price as a result of his choices, for example by serving many years in prison in a way that ruins his life: he is deprived of the best years of his life, spends them in horrible surroundings, and the experience may well stop him from being happy even after he is released. Assume that this person is in prison for committing a real offence. All compatibilist conditions have been fully satisfied; he is a model of the deserving wrongdoer, according to compatibilism. This means that he is an adult, cognitively competent and mentally stable. He did the deed for which he is in prison, intentionally, purposefully, and after due reflection. He has no justification or excuse (setting aside here the incompatibilist threat from the free will problem). There are even no mitigating circumstances in his case, as philosophical compatibilists (and the courts) would evaluate matters.

From one perspective, this person indeed deliberates, takes his chances, chooses, and is then punished for his choices. It is not as though he is punished when he did nothing, or when he showed only good will; he is not (say) framed by the police and falsely accused of a crime he did not commit. But on a deep view, we see is a person who is *doomed* by the forces determining him in the contexts in which he operates. Under such and such circumstances, he will do such and such things, and end up very badly off, blamed and severely punished.<sup>8</sup>

What holds for punishment also holds for almost everything else in life. *All one's efforts, sacrifices, and attainments would ultimately not be to one's credit, but merely an „unfolding of the given“.* This has severe deflationary implications for one's value and meaning, for self-respect and the appreciation of others. It is difficult to reject the great dependency of forms of self-respect and respect for persons, or the appreciation of the efforts and sacrifices of others, on the ideas of free choice and moral responsibility. If everything that we and those we care about do is merely an unfolding of the given, which is ultimately beyond our control, then fundamental aspects of humanity such as those concerning the attaining of value, gratitude and appreciation-based love, are under grave threat. If not altogether senseless, they become much impoverished. And denialism of course gives up even on compatibilist understandings of these matters, not only libertarian ones.

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8 I have elsewhere elaborated an argument that I call The Trap, which shows how we, as a society, actually trap even those who are models of compatibilist freedom (Smilansky 2012).

*Interim conclusion*

We see, then, that there are two significant sorts of interpretations of the reality compatibilists and denialists broadly agree upon, which follows from the absence of libertarian transcendence (of the sort that would provide grounding for a „high bar“ requirement for control, moral responsibility and the concomitant notions). In some contexts (choosing Schnitzel, opting for therapy to cure compulsive disorders, becoming a dependable adult driver) there is no need for the „high bar“ levels of control: compatibilism seems to give us all that we need. In other contexts, such as with our life prisoner who is an ideal compatibilistically-free agent, matters become more complex, and e.g. a significant sense of injustice appears, which gives us reasons for concern. In this pluralistic arena, where we have many reasons for action going in various directions, the compatibilist and denialist perspectives will mix, sometimes one being most salient, at other times the other, and sometimes both being quite salient, and we will then need to muddle along, and manage our personal and social lives with both in mind (illusion apart). Many of the reasons will come out of the Core Conception and the way respect for persons requires that we follow (to different degrees in different contexts) both compatibilist and denialist perspectives, i.e. the ways in which people can be free and responsible to different degrees on the compatibilist level, and the way in which it matters that they can only have this level of freedom and responsibility, since there is no LFW. Of course, these reasons will interact with other non-Core-Conception-based reasons, such as directly forward-looking consequentialist ones, as we shall shortly see.

In the broadest way we can say that, in order to respect persons, we must create and maintain a “Community of Responsibility” that will follow the Core Conception, and in general track compatibilist distinctions in terms of the presence (or occasional absence) of responsibility-relevant control. This is not only a matter of forward-looking consequences and psychological needs, but an inherent ethical obligation. Overall, compatibilism is “the best game in town”, morally and pragmatically. But even when ideal compatibilist conditions are satisfied, moral justification, evaluation, appreciation, and meaning are inherently limited and shallow. And that too often matters a great deal. It will mean, for example, that we will need to mitigate our evaluations of people, become less harsh in our judgements.

That is the human condition: we are creatures who typically have a large measure of local compatibilist control, 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 moulded to do, and this often generates severe injustice and great limitations in value and meaning.

### 3. The third question and its impact on the second

Beyond the discussion of the compatibility question, there has been a rich discussion in recent years on the third question, of the implications to the answers to the first two questions. This has mostly focussed on the flourishing denialist literature, and on replies by its opponents (such as myself). I cannot discuss this in any detail, but will note some of the issues, since these practical aspects then become highly relevant to the question of how we ought to consider CD.

Most contemporary denialism has been revolutionary and very optimistic. It has rejected the Core Conception, roughly, the importance of maintaining the paradigmatic view of nearly all human beings as typically free and responsible agents. This has involved going beyond the minimal denialism of the rejection of both LFW and compatibilism, and maintaining the awfulness of the status quo (such as concerning punishment), arguing for the viability of good alternatives, and concluding that we should opt for radical change (see for example Pereboom 2001; Pereboom 2014; Pereboom 2017a; Waller 2011; Waller 2018; Caruso 2016; Caruso (2021); Villhauer 2013). This embodies a „good-riddance“ to free will and moral responsibility attitude, which involves *offensive* and *defensive* aspects of denialism. The offensive aspects aim to show why we would be better off without belief in free will and moral responsibility, and is based upon arguing for the faults of the *status quo*. The beliefs in free will and moral responsibility, and the associated attitudes and practices are so harmful, it is held, that every effort should be made to give up these beliefs). The defensive aspect has aimed to counter anti-denialist doubts and charges, that denialism will not be able to maintain elementary deontological moral constraints, or be able to sustain crucial reactive attitudes, appreciation, and self-respect.

#### *Blame and punishment*

I remain very sceptical as to denialist suggestions for radical reform. First, there are I believe grave doubts as to whether denialist can in practice deliver what is needed in social interaction. Denialists have usually tried to recruit substitutes for the familiar beliefs, reactions and practices based upon the belief in free will and moral responsibility. For example: „Instead of blaming people, the determinist might appeal to the practice of moral admonishment and encouragement. One might, for example, explain to an offender that what he did was wrong, and then encourage him to refrain from performing similar actions in the future“ (Pereboom 2001: 325). One can also *protest* his intransience (Pereboom 2017b). But for a genuine denialist, this cannot go very far. If the admonished offender does not respond adequately, even after we protest, she cannot, after all, be blamed. Since inducing a sense of responsibility-based blame is forbidden, people are unlikely to grow up with

a dependable set of dispositions to behave responsibly – they will not even be acquainted with the notion, except as that held by other, mistaken people, who have been misled into believing in personal responsibility and desert. Denialists might still regard wrongdoing as an acceptable reason to weaken or dissolve a personal relationship (see Pereboom 2001: 201. Cf. Scanlon 2008). But this covers only a limited part of the spectrum of human interaction, as covered by the notion of blame.

With punishment, the main suggestion has been to replace responsibility-based punishment with incarceration based upon the quarantine model. I have argued that from the denialist perspective no one can be *justly* punished, and hence cannot be effectively threatened with punishment. At most, denialists can opt for „funishment“, incarceration joined with very generous living conditions (in order to compensate for the undeserved injustice of incarceration and the denial of freedom involved). But this direction is then self-defeating for denialism, encouraging rather than discouraging more people to risk engagement with crime, and therefore causing more incarceration and in general making things worse *from the denialist perspective itself* (Smilansky 2011b).<sup>9</sup> Not to recognize this would mean betrayal of the negative but true insights of a morally deep denialist position, concerning the moral baseline of universal innocence and the concomitant injustice of punishment.

Such a direction also involves denialism with the traditional grave dangers of such forward-looking consequentialism (see Smilansky 2017; Smilansky 2019). Denialists have emphasized the drawbacks of traditional views which follow the free will paradigm of the Core Conception, but these views are often also safeguards of equity, decency and human rights. One example concerns punishment of the innocent. Criticism of utilitarianism here has traditionally focused on extreme examples such as scapegoating. But as I showed, the real danger concerns a systematic, moderate lowering of standards for prosecution and conviction (Smilansky 1990; 2000: 28–30 with relevance to free will; see also the development of this argument in a critique of the dominant denialist quarantine model by Lemos 2016). This is a grave problem for denialists because for them no one can be blameworthy and deserving of punishment, and everyone is innocent.

A parallel set of risks and dangers has long been familiar concerning the medical analogy for substitutes to punishment; Caruso (2016; 2021) has been the main denialist supporting that direction in recent years. The idea that wrongdoers are merely ill, and their wrongdoing needs to be treated (rather than their being blamed and punished), may seem progressive and humane. But as has been often argued (e.g. Hart 1970; Murphy 1973; Morris 1976), this is too quick. Free will-based models of punishment have the resources to

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9 For criticism of my „funishment“ argument see Levy (2012); Waller (2015: 197–200); Pereboom (2017a).

limit punishment to actual wrongdoers (bracketing epistemic issues). They are also typically constrained in their punishment by the proportionate moral „price“ that the given crime merits, so that one will be punished only for, and to the degree of, the given crime that one committed and hence deserves to be punished. And there are severe limitations on the permission of breaching the integrity and autonomy of the punished.

Medical models are not so constrained. Since the main concern is the forward-looking „healthy“ social functioning of the potentially incarcerated, they could be deprived of their freedom even if they have not done anything. Unlike the free will-based model, with the medical model, once one is incarcerated, there is no knowing in advance as to when one will be released. It's also ethically problematic to treat people against their will or only as means of keeping them away from society and with no benefit to their well-being. Finally, since the concern is with changing the ways of the incarcerated, constraints over behavioral and medical treatments are much weaker. All this pertains to the legitimate practices according to the medical model; but this model also raises considerable opportunities for „Cuckoo-nest-like“ abuse. One need not be blind to the wrongs and horrors of the current justice system to see that the medical model poses special wrongs and risks. Corrado (2017) and Waller (2018) are two denialists that have been particularly aware of the dangers of the medical model and its temptations.

Denialists have presented sophisticated attempts to sustain deontological constraints without moral responsibility (e.g. Pereboom 2017a, Vilhauer 2013). I presented seven reasons for scepticism about optimistic free will denialism, concerning the stability of deontological constraints in a world without free will and moral responsibility (Smilansky 2019). The debate on this issue is too complex to be summarised here.

Going beyond punishment, gratitude seems to me a helpful example of the weakness and implausibility of living without belief in free will and moral responsibility. Viewing great efforts, sacrifices, and resulting contributions without assuming choice-based and desert-generating moral responsibility makes things very different. We can see this by reflecting on the idea of ingratitude. Normally we would consider those ungrateful to others deserving the gratitude to be at fault for not giving their beneficiaries their dues and to be thereby unfeeling, unresponsive, and unjust. And we can sympathize with the deep disappointment of those whose life-long devotion, effort and contribution is not appreciated, who are not as it were really seen as choosing, acting persons, and who do not get the gratitude they feel they deserve. But the resources the denialist can offer here seem quite meagre, for according to denialism no one can really deserve gratitude. A similar result applies to other forms of the appreciation of others, as well as self-respect and other aspects of self-appreciation.

We experience ourselves as choosers, we hold ourselves responsible – and we expect others to behave responsibly toward us. When they do



not so behave without a plausible excuse most people reasonably express the relevant emotions, such as resentment and indignation. I suspect that few if any denialists can really live according to their beliefs, when they educate their children, or choose a responsible babysitter for them. Virtue, trust, gratitude, and self-respect are inherently related to the idea of being a responsible human being, who takes responsibility for his or her actions. Either distinctions about control, moral responsibility, desert, blame and praise and so on are still being made; they are merely being called other names, or we are dealing with something very different from normal human life, something that no one should seek, let alone relish.

The weakness of denialism on the third (what to do) question affects the case for CD. Both pragmatically and morally, it would be implausible and dangerous to construct social, interpersonal, and reflexive personal life without the bulwark of free will and moral responsibility beliefs. When we join this to the parallel dangers for compatibilism, which as we saw is vulnerable both morally and practically to (limited, but nevertheless strong) doubts which push in the denialist direction, we see further reason to opt for CD. We see that there is a strong case for a compatibilist structure, a Community of Responsibility, informed and mitigated by the denialist insights as to the limitations of the compatibilist ones, on the broader social and on the interpersonal levels.<sup>10</sup>

#### 4. Why is it difficult to see the intuitive force of CD

The dualistic stance on the compatibility question is not incoherent, and there is no reason to see it as indecisive, deceitful, manifestly implausible, or the like. The compatibilist and denialist perspectives both have philosophical salience, and give us stronger or weaker reasons to justify different beliefs, reactions and practices, in ways that vary.<sup>11</sup> Normal adults have abundant compatibilist control which often matters, and sometimes is the only thing that matters. The absence of LFW is also significant, and what the compatibilist has to offer is often lacking. Both sides are partial, offering limited, imperfect interpretations of the implications of determinism (or of the absence of LFW). Both capture some of the truth on the compatibility question, and miss some of it. They are, in this sense complimentary, and an adequate view needs to take account of both, and try to encompass their insights and integrate them.

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10 This dualistic structure creates its own difficulties, and, in any case, I claim that illusion needs to provide necessary support, but this goes beyond the scope of our present discussion.

11 Jeppson gives a picture of the balancing of considerations and the factors that give one or the other side more weight, according to my dualism, primarily in blame and punishment (Jeppson 2015: 43-44).

This complex picture seems compelling, if we open ourselves to the wealth of evidence and to the pertinent factual and value considerations. It has behind it the weight of the excellent reasons to be (in part) compatibilists and (in part) denialists, in different contexts. Either side errs when it completely dismisses its peer. So why has there been so much resistance of CD? Why has it been so misunderstood and dismissed?<sup>12</sup> If CD is a view that must be taken seriously, then the reasons why it has not been so up to now need to be better understood, so that an effort can be made to overcome them.

### *Intuitive locking and the Assumption of Monism*

One reason for the overwhelming tendency to be either a compatibilist or a denialist is natural. The free will problem raises strong intuitions, and these are typically compatibilist or incompatibilist. The one-sided focus is probably natural, and most people then lock themselves around the view that seems to them intuitively convincing, during their initial discovery of the problem. This occurs of course with many other questions, philosophical and non-philosophical alike, but the emotional tone of the free will problem, and its easily-understood human and practical importance would naturally raise this „Intuitive locking“ in a robust way.

A major support for this „monistic“ tendency is what I have called the „Assumption of Monism“, the assumption that we must be either compatibilists or incompatibilists. A prevalent error in the free will debate is to think of the compatibility question, the question whether free will and moral responsibility are compatible with determinism (or with the absence of LFW irrespective of determinism) as either-or. Either we say *Yes*, and are then compatibilists, or *No*, and then we are denialists. However, as I pointed out (Smilansky 1993; further developed in Smilansky 2000 Part I; cf. Smilansky 2003; Smilansky 2012), this is a mistake. There are forms of free will and moral responsibility that are compatible with the absence of LFW, and some that are not. Compatibilist distinctions track free will and moral responsibility (or their absence), and so people can be free and responsible or not to various degrees, even in a world without LFW. Yet, from a different perspective, in such a world no one could have the sort of control that LFW was supposed to give, and everything we do is an „unfolding of the given“, beyond our control. Both levels matter. In some contexts, as we saw, one is dominant, and sometimes both are important. The truth is neither 100% compatibilist nor 100% incompatibilist but a combination that incorporates both sets of insights.

The Assumption of Monism has had a misleading and very important effect on the debate. If one makes it, this almost inevitably makes one psychologically intransigent. If only one side can hold the truth, which must

12 A similar effort to explore the possible reasons for the errors of the opponents is familiar in denialist literature, the most extensive is Waller (2015).

be monistic, then, given one's strong intuitions towards the side one favours, one as it were must resist any concerns, considerations, or reasons in favour of the opposing side. To give up even a little, given the Assumption of Monism, is to risk giving up all. Once we see that the Assumption of Monism is in fact false, we can open ourselves to seeing the insights of both sides, and begin to see the plurality and abundance of concerns, considerations, and reasons.

### *Biases of formulation*

This „monistic“ bias is enhanced because the free will problem is typically raised in a particular way, which often favours either of the sides, and in any case biases against openness to compatibility dualism or pluralism. It seems natural to assume that, given determinism, either we have free will, moral responsibility, desert and the concomitant notions, or we do not. But in fact, there is no single „it“ here. There are senses of control that can ground the capacity for moral responsibility which every normal adult nearly always possesses. This greatly matters but nevertheless these go only so far, which also often matters a great deal. Likewise, given determinism, can a person do otherwise? The plausible answer is, in fact „Obviously yes and no, depending on the sense of 'ability to do otherwise' you use“. But given „Intuitive locking“ and the „Assumption of Monism“ this sort of answer will not often appear.

Certain ways in which the problem has been framed by philosophers also help create a bias in one direction and away from the realization of the latent pluralism. A major example is the standard framing of the problem by Derek Pereboom, the most influential denialist. According to Pereboom's „Basic Desert“:

„For an agent to be morally responsible for an action in this sense is for it to be hers in such a way that she would deserve to be blamed if she understood that it was morally wrong, and she would deserve to be praised if she understood that it was morally exemplary. The desert at issue here is basic in the sense that the agent would deserve to be blamed or praised just because she has performed the action, given an understanding of its moral status, and not, for example, merely by virtue of consequentialist or contractualist considerations“ (2014: 2).

A focus on Basic Desert naturally leads to the thought that, given determinism, an either-or stance on the compatibility question, concerning free will and moral responsibility, is warranted. Basic Desert leads us to declare whether we believe in desert as a „free floating“ entity, which needs to be applied, as Pereboom says, „just because she has performed the action“. If we do not, we then are pushed to give up on the concept of desert altogether, hence abandoning the paradigm whereby free will or control are a basis for moral responsibility, which can be a basis for thoughts about desert. All the dominos fall together.

However, this way of seeing things is not necessary. We can be much broader and lax as to how we view desert. We saw this in the alternative way one might begin in formulating the issues—the Core Conception. The Core Conception readily lends itself to a pluralistic interpretation, where both compatibilist free will, and the absence of LFW, greatly matter. It also specifically leads to a dualistic view on desert (Smilansky 2008). A compatibilistically free agent can, in a deterministic world, deserve praise because she has psychologically done all that she could, really saw others and responded altruistically to their interests, and the like. And the reasons for doing so are not forward looking (or contractual), but a backward-looking response to the good will and efforts of an agent, which are a fitting way to react to such agents, if we are to respect them and the moral situation. At the same time, compatibilist-level desert is not LFW-level desert, and recognizing this limits our evaluations, reactions, and practices.

We see that we need not follow the denialists, and need to escape the lure of „Basic Desert“. Moreover, we then see the dystopic character of what the denialists offer, and this enters the territory of the „What to do?“ question, the third one among the three that, as we saw, constitutes the free will problem. If one does not accept the denialist high bar, the world opens up for richer thoughts and a more varied landscape, which can be morally and personally more adequate. Agency and control are inherently morally salient, in a way that does not depend on whether taking agency seriously is (say) utility-maximizing. The concern is about whether people deserve blame or praise, not only whether blaming or praising them maximizes good consequences. And this is central to respecting persons, as compared to managing and manipulating them. The call for efficiency often suffices to side-track justice and decency, if we neglect the Core Conception. If our focus shifts away from concern over freedom and responsibility, and we are no longer concerned with giving people what they deserve (and hence for example making a big effort, and taking risks, not to punish the undeserving), then the fundamental deontological intuitions and constraints are likely to lose most of their attractiveness and influence.

When concern for free will is deficient in a society, our very humanity is threatened. There is a danger that people will treat one another in large measure as though they are mere 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 responded to and treated according to their choices and actions. Appreciation, gratitude, self-respect, acceptance of responsibility, are all desert-based notions; backward-looking responses to our past efforts and achievements rather than mere forward-looking manipulative means.

If we now look at the compatibilist side, we will also find ways of formulating issues, which similarly bias the discussion and lead to a monistic interpretation, but this time on the compatibilist side. For example, according

to R. Jay Wallace, „it is reasonable to hold agents morally accountable when they possess the power of reflective self-control; and when such accountable agents violate the obligations to which we hold them, they deserve to be blamed for what they have done“ (Wallace 1994: 226). He anticipates a counter-move: it might be claimed that „the fairness of holding people responsible depends on their having the *specific* ability to exercise their general powers of reflective self-control, and *thereby to avoid* the harms of moral sanction“ (ibid.; my emphasis). Such specific opportunity to avoid is ruled out by determinism even under the compatibilist interpretation, hence creating grave unfairness.

But Wallace merely dismisses the worry by saying that this intuition is not the one generating the sense of unfairness in the case of the standard compatibilist excuses (Wallace 1994: 207). This however merely begs the question: even if this is correct, it means only that we have more than one pertinent moral concern. One is compatibilist and is about the absence of, or limitations in, compatibilist control in particular cases, while the other concerns the implications of the absence of LFW. Wallace does nothing to deny the sense of unfairness of the second sort of concern, which compatibilism cannot overcome (Smilansky 2003; Smilansky 2008). Our decisions, even as ideal compatibilist agents, are, again, *an unfolding of the given*; they reflect the way we were formed, and we had no opportunity to have been formed differently. If in the end it is only our bad constitutive luck, then there is a moral problem here, and the incompatibilist side also tells us something very important. Focusing on current moral (and legal) excusing practice masks the other side, and pushes us away from what seems to me as the obvious conclusion: that there are *two* opposed but salient perspectives here, and we should take both into account.

### *Perfectionism*

Perfectionism is a common psychological trait. In the free will context it is widely prevalent among denialists, who deny free will and moral responsibility, because they set the bar for these extremely high. As they present it, if we cannot completely create ourselves (recall the quotes from Galen Strawson 1994; Waller 2011), or be deserving in the strongest sense (as in Pereboom's formulation above), or altogether avoid luck (e.g. Levy 2011), then we simply lack free will and moral responsibility. Substantial philosophical disagreement here would confront denialism with compatibilist (or compatibility-dualist) claims for moderation. There is a significant difference between those operating under severely constraining irrational phobias and normal people in their capacity to function freely and responsibly. As we saw, being cured by a deterministic process of therapy makes you freer and with a greater capacity for responsibility. There is likewise an important difference between a child and an adult, in their capacity to take responsibility and behave responsibly.

This will not reach libertarian proportions, and as I have often argued that as well often matters (e.g. in the importance of the ultimate injustice involved in severe punishment). But if one allows one's three year old into one's car with the key in the ignition and he wrecks the car, then the child is in no significant way responsible, while a similar scenario with a twenty-year old is very different. One can expect, hold to account, and blame one's older child in morally defensible ways, but not the younger. By setting the philosophical bar unreasonably high, denialism blurs such crucial distinctions, moreover misrepresents moral and personal life.<sup>13</sup> Denialists make moral responsibility depend upon such high-bar conditions that are impossible, and then find that it does not exist. But this is in large measure psychological perfectionism, rather than anything that has sufficient justification philosophically.

Perhaps we need to find a term for the opposite tendency from perfectionism, and this will be a feature of compatibilism. We might call it a stubborn „good enough“ insistence. This would be something like resisting high standards, limiting our gaze to where things can work on the compatibilist level, as in Wallace, without seeing the rest where compatibilism falls short, and there are good reasons to be concerned and see how the limitations of compatibilism might matter to our reactions and practices.

### *Complexity aversion*

Yet another reason for the „monistic“ bias is simply the widespread human tendency for „Complexity aversion“. We naturally wish things to be clear and simple, are averse to complexity, uncertainty, ambivalence, and indecisiveness. Most people hence naturally see any solution to the free will problem (or even to the compatibility question component of it) as a matter of either-or. Compatibility dualism, with the vagueness and uncertainty it brings along, with the need to constantly be on the lookout for the meaning of a given context, to continually balance opposed intuitions and insights, and to be often uncertain and unsatisfied with our results, goes against the grain.

### *Everything comes together*

Many of the biases and tendencies within the free will debate appear together. When first hearing about the free will problem, people tend intuitively to pick a side on the compatibility question, and then almost invariably stay there. Since they also tacitly assume the „Assumption of Monism“ and feel that to give up some ground would risk giving up everything, they largely psychologically shut out the case for their opponents' position. The „monism“ is not only a philosophical mistake (not seeing that CD is possible) but a psychological bias, which connects to our natural myopic inclinations to see only the side of any debate that appeals to us, and dismiss the opposite side.

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13 For a similar claim about meaning in life, see Landau (2017).



Since we need not be „monists“, and can combine the insights of both sides, overcoming this harmful bias is crucial. And on top of these perhaps mostly natural inclinations, we have the specific ways in which moves in the debate (as illustrated above, in Pereboom on the denialist side, or Wallace on the compatibilist one), further help to make a dualistic or pluralistic approach to the compatibility question harder to see as a possibility, and to hold.

Denialists often have perfectionist tendencies, where they dismiss what would without the perfectionism appear as significant considerations, concerns, and reasons; while compatibilists often have a myopia towards recognizing the reasons behind the „high bar“ standards, and dismiss the attempt to push our inquiry further, and see the importance of what we lack with mere compatibilist free will and moral responsibility. And on all sides Complexity Aversion prevails, further pushing the opponents to look only at their own side, and close themselves to the strengths of the case of their opponents.<sup>14</sup>

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