



DISCUSSION NOTE

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Ability and Volitional Incapacity

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THE SO-CALLED “CONDITIONAL ANALYSIS of ability” (henceforth “CA”) holds that:

(CA) An agent A is able to perform an act ϕ iff and because A would (or would be sufficiently likely to) ϕ if A were to have or form some relevant volitional attitude or response ν with regard to ϕ ing (see Moore 1912; Estlund 2011).¹

(CA) faces a familiar kind of counterexample. Here is a famous instance of the counterexample due to Keith Lehrer:

Suppose that I am offered a bowl of candy and in the bowl are small round red sugar balls. I do not choose to take one of the red sugar balls because I have a pathological aversion to such candy. (Perhaps they remind me of drops of blood ...) It is logically consistent to suppose that if I had chosen to take the red sugar ball, I would have taken one, but not so choosing, I am utterly unable to touch one (Lehrer 1968: 32).

Here is another famous instance of the counterexample due to Susan Wolf:

[Suppose] a person attacked on a dark street would have screamed if she had chosen ... [but is] too paralyzed by fear to consider, much less choose, to scream (Wolf 1990: 99).

The structure of the counterexample is this: the agent is, in some sense, *incapable* of the volitional attitude or response at play in (CA).² She is incapable, say, of trying to perform the act (or deciding or choosing or intending to do so). Yet it remains true that if the agent *were* (somehow, against the odds) to succeed in forming the relevant volitional attitude or response, she would (or would be virtually certain to) succeed in performing the act. So (CA) implies that the agent is able to perform the act. But the fact that the agent is incapable of having or forming the relevant volitional attitude or response is such as to render her *unable* to perform the act. So (CA) fails to identify a sufficient condition for an agent to be able to perform an act. Call this *the problem of volitional incapacity*.

¹ Related conditional analyses of *feasibility* have recently made a resurgence in political philosophy (see Brennan and Southwood 2007; Gilabert and Lawford-Smith 2012; Lawford-Smith 2013; Gilabert forthcoming; cf. Southwood 2016).

² To say that an agent is “incapable” of a volitional attitude or response need not – and indeed better not – mean “unable” in the sense that (CA) aspires to explain. This would, of course, generate a familiar regress (Chisholm (1966); cf. Vihvelin (2004: 443)). We will not try to say here exactly what it *does* mean. One possibility is that being incapable of a volitional attitude or response means being *robustly disposed* not to have the volitional attitude or response.

There are a number of possible solutions to the problem of volitional capacity.³ We want to focus here on what we shall call the *error-theoretic solution* (see, e.g., Vihvelin (2004: 443-44)). The error-theoretic solution aspires to reveal an error in the responses elicited by Lehrer-Wolf-style counterexamples and to explain why we are disposed to respond mistakenly in that way. The error is to suppose that:

- (1) If an agent A is incapable of having or forming a volitional attitude or response ν with regarding to ϕ ing, then A is unable to ϕ .

As Kadri Vihvelin puts it, it is simply not true that Wolf's victim, say, is unable to scream. On the contrary, she is perfectly able to scream. "She knows how to scream; she doesn't have laryngitis" (ibid.: 443).

Next, we are disposed to make the error because we are disposed to conflate a) claims about what agents are able to do and b) claims about what agents are able to *bring themselves* to do. And while (1) is false, (2) is true:

- (2) If an agent A is incapable of having or forming a volitional attitude or response ν with regarding to ϕ ing, then A is unable to *bring herself* to ϕ .

So what Wolf's victim lacks is not the ability to scream but "the ability to bring herself to [scream]; she cannot use her reasoning ability to bring it about that she intentionally [screams]. Due to her phobia ... she is unable to choose or try to act according to her own conception of what counts as a good reason for acting" (ibid.; cf. Estlund 2011⁴).

The error-theoretic solution is admirably straightforward and *prima facie* plausible. But it faces a simple dilemma. Either it succeeds in solving the problem of volitional incapacity at the cost of making (CA) vulnerable to obvious counterexamples to its necessity, or it avoids the obvious counterexamples to its necessity but fails to solve the problem of volitional incapacity. Either way, it fails to solve the problem of volitional incapacity in a plausible way. Or so we shall argue.

I.

To appreciate the dilemma, let us look more closely at the notion of *bringing oneself to perform an act*. Bringing oneself to perform an act is supposed to amount to performing the act on the basis of the volitional attitude or

³ Elsewhere we suggest an *application-restricting* solution, according to which there is a principled rationale for restricting the application of (CA) to actions in which there is no relevant volitional incapacity. See Southwood and Gilabert (unpublished manuscript).

⁴ David Estlund (2011) has recently defended a version of (CA) and distinguished claims about what agents are able to do and what agents are able to bring themselves to do. Nonetheless, as we understand Estlund, he is not engaging with the problem of volitional incapacity, still less propounding an error-theoretic solution to it. Indeed, unlike Vihvelin, he does not insist that the agents in Lehrer-Wolf-style cases are able to perform the acts. Rather, he is quite explicit in setting aside cases of this "clinical" kind.

response that figures in (CA). This is what potentially allows the error theorist to explain away the intuition that it follows from being incapable of the volitional attitude or response in (CA) that the agent is unable to perform an act. What follows instead is that the agent is unable to *bring herself* to perform the act.

But what is the nature of this volitional attitude or response? It is natural to suppose, first, that it must be some *non-action-constituting* volitional attitude or response. That is, it must be a volitional attitude or response that, while required for *bringing oneself* to perform an act, is not required for *performing an act as such*. This is strongly suggested by Vihvelin’s remark that what Wolf’s victim lacks is “the ability to bring herself to [scream]; she cannot *use her reasoning ability* to bring it about that she intentionally [screams]. Due to her phobia ... she is unable to *choose or try to act according to her own conception of what counts as a good reason for acting*” (Vihvelin (2004: 443, italics added); see also Southwood (2016)). The idea seems to be that bringing oneself to perform an act involves acting on the basis of what we might call a *deliberative choice*: a choice that is the product of deliberation or reasoning. Clearly it is possible to perform an act without engaging in any deliberation whatsoever. A fortiori, it is possible to perform an act without deliberately choosing to perform it.

Such a conception of bringing oneself to perform an act might appear to give the error theorist precisely what she needs. Consider a version of (CA) formulated in terms of deliberative choice, i.e.:

(CA_{DC}) An agent *A* is able to perform an act ϕ iff and because *A* would (or would be sufficiently likely to) ϕ if *A* were to make a deliberative choice to ϕ .

The error theorist seems absolutely right that it is an error to suppose:

(1’) If an agent *A* is incapable of making a deliberative choice to ϕ , then *A* is unable to ϕ .

Suppose that Wolf’s victim is incapable of deliberately choosing to scream: say, because her terror shuts down her capacity to engage in deliberation. This seems perfectly compatible with her being capable of, say, *trying* to scream (spontaneously and without engaging in any deliberation). Even if her terror shuts down her capacity for deliberation and hence deliberative choice, it need not shut down her capacity to try. Suppose, moreover, that she would (or would be virtually certain to) scream if she were to try to scream. But if Wolf’s victim would (or would be virtually certain to) scream if she were to try to scream and she is perfectly capable of trying to scream, then surely this suffices for her to have the ability to scream. To be sure, a certain “route” to screaming may not be available to her – a route that goes by way of deliberately choosing to scream. But clearly having the ability to scream need not involve the availability of any such route. So long as there is some *other* route – say, a route that

goes by way of spontaneously and non-deliberatively trying to scream – this seems to be perfectly sufficient.

Next, if bringing oneself to perform an act just is performing the act on the basis of a deliberative choice to perform the act, then the error theorist also seems right to suppose that it is true that:

- (2') If an agent A is incapable of making a deliberative choice to ϕ , then A is unable to bring herself to ϕ .

So insofar as we are disposed to conflate claims about what we are able to do and claims about what we are able to bring ourselves to do, thus construed, then the error theorist also has an explanation of why we are disposed to fall into error.

Does this mean that we have a plausible solution to the problem of volitional incapacity? No. (CA_{DC}) is vulnerable to obvious counterexamples to its *necessity*. Suppose that your prankster friend throws a cricket ball in your direction as you enter her front door. You may be perfectly able to catch the ball even though you would be virtually certain not to catch it if you were to make a deliberative choice to catch. Deliberation takes time, and it may be that if you were to take the time required to deliberate about whether to catch the cricket ball, it would have already crashed into the precious vase by the door. It is not hard to see what makes (CA_{DC}) vulnerable to such counterexamples. It is the fact that deliberative choice is a non-action-constituting volitional response. Any version of (CA) that is based on a non-action-constituting volitional attitude or response such as deliberative choice will be able to avoid Lehrer-Wolf-style counterexamples but at the cost of being vulnerable to obvious counterexamples to its necessity.

II.

We have been supposing that the notion of bringing oneself to perform an act is understood in terms of some non-action-constituting volitional attitude or response. The other possibility is that it is understood in terms of some *action-constituting* volitional attitude or response: a volitional attitude or response such that it is impossible to perform an act without it. Suppose, for example, that bringing oneself to perform an act involves performing the act on the basis of *choosing* to perform it, and that choice simpliciter (unlike deliberative choice) is an action-constituting volition.

Consider, then, a version of (CA) formulated in terms of choice simpliciter, i.e.:

- (CA_C) An agent A is able to perform an act ϕ iff and because A would (or would be sufficiently likely to) ϕ if A were to make a choice to ϕ .

We cannot use the recipe we used above to generate counterexamples to the necessity of (CA_{DC}) . This is precisely because we are supposing that

choice, unlike deliberative choice, is an action-constituting volitional attitude or response. So far so good.

Next, does the choice conception of bringing oneself to perform an act give the error theorist what she needs to offer a plausible error theory? To do so, the error theorist must show, first, that it is an error to suppose that:

(1'') If an agent A is incapable of making a choice to Φ , then A is unable to Φ .

The problem is that (1''), unlike (1'), seems *true*, given the assumption that choice is an action-constituting volitional attitude. We saw that (1') is false because deliberative choice is not required for action as such. Rather, it is only required for one route to performing an act. Hence, being incapable of deliberatively choosing to perform an act only blocks one route to performing the act. It does not make one unable to perform the act. But if choice simpliciter *is* required for intentional action, then this means that it is required for *any* route to performing an act. Hence, being incapable of choice would seem to block any route to performing the act. But it is hard to see how it could be true that one is able to perform an act where all routes to one's performing the act are blocked.

The error theorist might concede that this *sounds* implausible but insist, once again, that this is just because we are conflating claims about what we are able to do and claims about what we are able to bring ourselves to do. This brings us to the error theorist's second task. In order to explain why we are disposed to fall into the error of thinking that (1'') is true, the error theorist must show that (2'') is true:

(2'') If an agent A is incapable of making a choice to Φ , then A is unable to bring herself to Φ .

But why should we think that (2'') is true? The obvious thing to say is that it is true precisely because making a choice to perform an act partly constitutes bringing oneself to perform the act. As we might say, this means that all routes to bringing oneself to perform the act are blocked. And if all routes to bringing oneself to perform an act are blocked, then it seems to follow that one is unable to bring oneself to perform the act.

But the error theorist cannot avail herself of this argument. If she does, then it seems that consistency compels her to accept the aforementioned argument for the conclusion that (1'') is true. Conversely, if she rejects the aforementioned argument, then it seems that consistency compels her to reject this argument as well and to deny the truth of (2''). Either way, the error theorist's error theory is fatally incomplete. Either she has failed to demonstrate that there is any error in the responses elicited by Lehrer-Wolf-style counterexamples, or she has demonstrated that there is such an error but has no explanation of why we are disposed to make the error.

We conclude that the error-theoretic solution fails to solve the problem of volitional incapacity in a plausible way. If we want to maintain (CA), some other solution is required.⁵

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