



Review: [untitled]

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seem incompatible with *d*. I should add that chapter 6 contains passages we might read as efforts to avoid these inconsistencies; but they seem to me to succeed at best only in generating new inconsistencies.

Much more could and should be said about this stimulating book. But I hope I have said enough to provide some indication of its many virtues and vices.

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Zimmerman, Michael J. *An Essay on Moral Responsibility*.

Totowa, N.J.: Rowman & Littlefield, 1988. Pp. xiii+210. \$38.50 (cloth).

Zimmerman begins by setting out a rather traditional theory of action, according to which actions are caused by volitions. (He develops this theory of action in Michael Zimmerman, *An Essay on Human Action* [New York: Peter Lang, 1984].) He combines this action theory with certain assumptions to generate what might be called a "Kantian" approach to moral responsibility. On this approach, the basic and fundamental things for which agents are responsible are *volitions*. This book develops and defends this broadly Kantian approach to moral responsibility with great care, precision, and philosophical refinement. Zimmerman presents a distinctive theory of moral responsibility, and the book is both meticulous and insightful. It is a worthwhile and useful book.

The major assumptions which Zimmerman conjoins with his theory of action to generate his conclusions about moral responsibility are four: that moral responsibility requires freedom (of some sort), that direct freedom (freedom with respect to volitions) is to be distinguished from indirect freedom, that culpability (blameworthiness) is to be distinguished from wrongdoing, and that appraisability (inner judgments of worthiness of praise and blame) is to be distinguished from liability (accessibility to overt acts of praising and blaming). Zimmerman's claim is that the particular ways in which content is given to these assumptions, together with his theory of action, issues in a number of conclusions about moral responsibility and punishment.

One of the most important conclusions is that we are "substantially" responsible only for our volitions. That is, luck with regard to the consequences of our volitions does not have any effect upon our culpability. Thus, Zimmerman wishes to defend a "Kantian" denial of certain sorts of moral luck, as opposed to philosophers such as Williams and Nagel. Zimmerman must distinguish between luck in consequences and luck in circumstances; his view is that luck in consequences is irrelevant to culpability, but luck in circumstances may be relevant. So, for example, someone who *would have* behaved just like a Nazi, had he not moved from Germany to Argentina before the ascendancy of the Nazis, is not as culpable as an actual Nazi. Whereas I concede that this distinction between luck in circumstances and luck in consequences is important, it would be interesting to know why. Why is there a difference between luck in circumstances and luck in consequences, if responsibility is associated with control (as Zimmerman concedes)? (Robert Ennis and I have made some preliminary efforts toward explaining the difference between the two sorts of luck in John Martin Fischer and Robert Ennis, "Causation and Liability," *Philosophy and Public Affairs* 15 [1986]: 33-40.)

A somewhat counterintuitive consequence of the thesis of the exclusive relevance of volitions to culpability is the following. On Zimmerman's approach, if two individuals both form the volitions to perform the same sort of wrong action, but one actually performs the act while the other does not, the two individuals must be considered equally culpable. But one might think that a person who actually acts on his evil volition would be more culpable than one who merely forms the volition but does not act on it. This consequence could be avoided if one took the view that volitions necessarily involve "undertakings" to perform the relevant action, but Zimmerman does not appear to hold this view (pp. 6, 19).

Zimmerman also claims that it follows from his theory of action and the other relatively uncontroversial assumptions that an agent is culpable only if he believes that he is doing wrong. This "internalist" thesis, together with claims about the connection between culpability and the justification of punishment, allegedly issues in the conclusion that much of our current practice of punishment is unjustified (insofar as many criminals presumably do not believe that they are doing wrong). This is one of the ways in which Zimmerman believes that his theory is radical.

Zimmerman holds that radical theses about culpability and punishment follow from relatively uncontroversial assumptions and argumentation. It is not always evident to me, however, that Zimmerman can maintain both elements of his claim: that his theses are radical, and that they follow from minimalist assumptions. Let us consider, for example, his allegedly radical view about punishment. It would be quite jarring to learn that we are not justified in punishing anyone who does not believe that he is doing wrong; this is because, presumably, we believe that some individuals who do wrong and are ignorant of the wrongness of their actions are culpably ignorant. So, whereas the conclusion here would be quite radical, I do not see that it follows from uncontroversial premises or any sort of argument offered by Zimmerman. Indeed, Zimmerman does believe that we can be responsible for certain sorts of ignorance (pp. 80–82). But once it is conceded (as surely it should be) that there can be culpable ignorance, it must be noted that if culpable ignorance accompanies wrongdoing, there can be justified punishment, even if there is a close connection between justified punishment and culpability. And now the conclusion is not radical, as far as I can see. Either one sticks with genuinely uncontroversial and minimalist assumptions from which no obviously radical conclusion of the sort adduced by Zimmerman emanates, or one adopts the more substantive assumptions needed to generate the radical conclusion. In the latter case, argumentation would be required in order to support the assumptions.

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Sher, George. *Desert*.

Princeton, N.J.: Princeton University Press, 1987. Pp. xiii+215. \$28.50 (cloth).

Sher's book provides an excellent guide to the variety and intricacies of claims about what people deserve. Sher attempts to provide a comprehensive but pluralistic account of the justification of desert-claims. He criticizes and rejects the Rawlsian