David Hodgson
Rationality + Consciousness = Free Will.
New York: Oxford University Press 2012.
x + 267 pages
$65.00 (cloth ISBN 978–0–19–984530–9)

David Hodgson died in 2012, and this is his final philosophical contribution to the free will debate. Some who have followed his work in this area may not know that this was something of an avocation for him, because professionally he was a distinguished jurist – a justice in the New South Wales Supreme Court for 28 years – and most frequently wrote his reflections on free will on his daily commute. Not that he was unqualified for philosophical contribution: his dissertation director, H. L. A. Hart, one of the greatest legal scholars of the 20th century, declared the former to be the ablest student the latter ever had. Certainly this rich and readable book reflects the mind of a polymath. He will be missed for every reason that death confers loss.

The simple conceptual equation that constitutes the title belies a daunting complexity of the structure of this work. The book's central claim – that we have good reason to believe that we possess libertarian free will – constitutes an axis around which pivots a plethora of arguments about truth, language, mind, ethics, law, responsibility, punishment, religion, quantum theory, logic, and much more. The book certainly has more an overall feel of a comprehensive world-view than a focused treatise on free will.

Hodgson proposes and argues for 'core assertions' in each chapter that are italicized and numbered somewhat in *Tractatus* fashion, and are additionally gathered together at the end of each chapter as a summary (9). Given the wide-ranging nature of these assertions collectively, this approach assists the reader very nicely in keeping track of the progress of argument and reviewing the discussion later on.

The first three chapters serve to lay out justifications for a form of metaphysical realism allied to a correspondence theory of truth, which in turn provide grounds for understanding the nature of the book's titled 'Rationality'. Hodgson begins with Cartesian musings about skepticism (10–11) but quickly dismisses them in favor of a form of basic belief in the trustworthiness of experience. This serves to underwrite a further dismissal of the problem of other minds and of the possibility that natural language is insufficient to communicate beliefs (14–17). Hodgson then embraces a Tarskian view of truth (20) though modified to accommodate the revisable nature of truth as reflected in changing meanings and beliefs that nonetheless asymptotically approach representing the world in actual fact (22–24). Relativism of truth is sharply rejected (24–25).

This then brings Hodgson to the shape of rationality. Certainly one facet of it is 'algorithmic' or 'rule-based' forms of reasoning, such as truth-functional logic and Bayesian analysis (37). However, Hodgson argues that most human processes of rational belief-formation involve '*informal* or *plausible reasoning*' (38). Such plausible reasoning, 'albeit fallible', is not reducible to 'mechanical application of precise and conclusive rules' (38) and, while typically

involving induction as part of the process, is not identical with it (43). So plausible reasoning 'cannot be formalised' (49–53) or reduced to algorithms.

This concept of plausible reasoning is crucial to his view of free will, because (i) it is the claimed basis of the vast array of beliefs that humans have, (ii) it is the claimed basis as well for forming decisions to act based on such beliefs, and (iii) as non-algorithmic it fits well with an indeterministic account of consciousness. Thus Hodgson ultimately holds that with indeterministically grounded plausible belief we have not just *free will to decide to act* as in (ii), but *free will to believe things* that stand behind our actions as in (i).

For such an account of plausible reasoning to reflect a thorough-going libertarianism at work, the second term of his title – 'Consciousness' as the metaphysical ground of free will – must be explained so as to be compliant with indeterminism. Chapters 4 through 8 attempt to discharge this task. It would be impossible in a brief review to give every important argument offered here its due, so I'll do my best to capture the overall course of argument, emphasizing only those details necessary for some final critical remarks.

Hodgson's basic philosophy of mind aligns with nonreductive dualism in order to escape the mysticism of Cartesianism and the causal sterility of the mind under forms of physical reductionism (58). But he also concedes that human minds evolved under purely natural circumstances that give rule-based deterministic causes wide reign in human action, particularly as it resembles the actions of nonhuman animals in unconscious and conscious ways (e.g., reflexes and pain reaction) (66). However, Hodgson argues that at the level of human self-consciousness, particularly as it reflects an ability to form a collective sort of gestalt consciousness, the mind is not determined by such evolved forms of rule-based consciousness. Rather, evolution allowed room for *emergent* properties of conscious comprehension to develop that are neither strictly deterministically rule-based (especially in *particular* cases of conscious plausible reasoning) nor purely random, thus manifesting a special kind of control that can assert itself in forming beliefs and making decisions based at least in part on those beliefs (95).

Along the way Hodgson clears an intelligible path for all these claims. Following the lead of contemporary quantum theory, he makes a strong empirical case for the truth of indeterminism (121), showing how such indeterminism does not conflict with contemporary neuroscience accounts (133). As well, Libet-type studies that apparently posture against effective conscious efforts of will are examined and held to be inconclusive (148–151). Furthermore, drawing on inspiration from Roger Penrose's work, Hodgson postulates that the non-local nature of quantum events in the brain/mind might serve as the basis for the unified 'binding' of consciousness that coheres with his thesis that gestalt-awareness is a necessary condition for the exercise of free will compatibly with plausible reasoning (143).

All this leads to chapter 9, 'Indeterministic Free Will', where Hodgson not only crowns his brand of libertarianism the best available picture of how free will is metaphysically possible, but also extols how it rightly underwrites claims of ultimate responsibility for anyone fully endowed with it. Thus he embraces retributivism as the primary proper response in cases of immoral choices and acts both socially and criminally (Chapter 11 is devoted to a lengthy discussion of this). Hodgson also takes pains to distinguish his view from that of Robert Kane,

and attempts to address luck concerns as well (173). Other chapters – 10 and 12 – attempt to tie up some loose ends of how his account of free will works in a bigger picture, with 10 defending moral realism and 12 sketching how his approach, while naturalistic, is compatible with rational religious viewpoints. (There is an appendix that is devoted to attacking religious fundamentalism, however, at 251–254.)

For all the ingenuity and clarity of argument on display, I cannot say that the case would in finality be closed in favor of this form of libertarianism. Partly this is because Hodgson allows that not all ends are tied up. The crucial claim – and it is the thorn in the side of any libertarianism that I can envision – is that rational, conscious choice manifests control that is neither the lockdown of cause-onto-effect nor the whim of random chance. Hodgson's final verdict on his success in this regard is not encouraging, even if it is admirable in its stark honesty: 'I accept that my account of how conscious processes that are not rule-determined can contribute to reasonable decision-making is far from complete, and that it leaves many questions unanswered. In particular, I have not gone far in explaining how or why these contributions can be apposite… [o]therwise [than arguing for the compatibility of non-rule-based plausible reasoning with deterministic underlying psycho-physical processes] there is little more that I can say on questions such as these: satisfactory answers will indeed require greater understanding of consciousness than is available at present' (111–112).

Libertarians of any stripe I'm aware of bear the burden of the 'black-box' posit of a unique kind of control found nowhere in the universe but in self-reflective consciousness alone. Lacking comparisons elsewhere, they have to try and pry open for public consumption something that appears to be, if it is anything at all, inherently private in nature. This in turn leads to two general strategies for libertarians. One is to go out on an ontological limb and posit agent-causes that stubbornly resist any demonstration of existence beyond being minimally consistent with what we can publicly know about brains. Though Hodgson repudiates agent-causation (162), he tries to enlist science in his enterprise, if not as a completely staunch ally, then also not as a sworn enemy. Hodgson therefore avails himself of the second strategy employed by libertarians: ontologically spare but largely negative descriptive metaphysics. He tries to blend an introspective analysis of free will with neuroscience and physics with a *suggestion* of something like libertarian control in the resulting mix, but without added ontological extravagance. Unfortunately, Hodgson again shows that such narratives, because they involve an inelegant and elusive form of control, require that the ending is always more rhetorical than conclusive: isn't this unique form of control found inside *you*? Given the insuperable difficulty of the public/private evidential divide here, such a narrative support of libertarianism could hardly end otherwise.

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