

## Abstract

Stephen Morse is well known for his proclamation that many neuro-scientists and legal theorists are guilty of what he calls the “fundamental psycho-legal error” (“FPLE”). This is the error of thinking that if there are (sufficient) causes of human action and choice that are themselves not under the control of the actor, then that person is not responsible for that choice and that action. (In short: “causation excuses”). Morse is correct that this is an error, correct that it is widely shared, and correct that it is fundamental in the sense that it has deep implications for one’s view of morality and law.

Broadly speaking, in his work over a long period of time Morse has advanced two arguments showing the FPLE to be an error: a reductio argument, to the effect that FPLE (coupled with determinism) shows none of us to be responsible for anything; and an argument relying on the content of accepted excuses, showing that none of those excuses have as their rationale the idea that causation excuses. Morse is both cogent and correct in these two arguments, which he rightly characterizes as “internal” to our moral and legal practices of blame ascription. Morse eschews, however, a global or “external” defense of his anti-FPLE position. This, I urge, neither Morse nor his opponents can afford to do, because the arguments needed to mount an external argument about the FPLE are the very same arguments as are needed to make an internal argument, and vice-versa.

Three sorts of external arguments are examined, grouped under the headings, “libertarianisms,” “fictionalisms,” and “compatibilisms.” Each of these families of arguments are examined with respect to two questions: (1) Are they metaphysically sound or at least plausible? And (2), do they both fit the excuses we have and not yield either the absurd conclusion that no one is responsible or the equally absurd conclusion that no one is excused? Only certain forms of the third sort of answer, compatibilism, are found to pass these tests satisfactorily.

The conclusion examines where Morse’s apparent sympathies lie in favoring some versions of compatibilism over others.