

## Stephen Morse's Anomalous Monism

Michael S. Pardo & Dennis Patterson

Stephen Morse's illuminating discussions on law and neuroscience rely on and defend a "folk psychological" conception of human behavior. According to this conception, people act for reasons, and their actions may be explained, justified, or critiqued on the basis of their reasons for so acting. Relying on the "folk psychological" conception, Morse largely defends the law's conceptual foundations for ascribing legal responsibility, and in doing so he steers the law's doctrinal regime past two potential pitfalls. The first is the idea that the mental states that form the basis for the folk-psychological conception are either non-existent, or alternatively, exist but are epiphenomenal. The second potential pitfall is the idea that law's reliance on folk psychology commits the law to implausible metaphysical theses (in particular, to Cartesian substance dualism). The heart of Morse's discussion of folk psychology is the notion of "mental state causation." Morse's defense of the law's conceptual framework depends on the idea that the mental states posited by the folk-psychological conception (i.e., beliefs, desires, intentions, and plans) sometimes play a genuine causal role in explaining human action.

We agree with Morse that the two pitfalls are to be avoided and that the law's conceptual presuppositions largely avoid them. Our critique is thus a friendly one—we endorse many of Morse's broader brush strokes. In this Essay we focus on some questions and challenges about the details. We raise two issues. First, we probe the idea of "mental causation." Although the idea plays a pivotal role in Morse's discussions, he does not (so far as we are aware) spell out a detailed conception of mental causation. The conception of mental causation—and of the mind more generally—implicit in Morse's discussions appears to us to most closely resemble the account presented by Donald Davidson. Our first goal is thus to trace out Morse's Davidsonian commitments. Second, we question whether such a Davidsonian account of mental causation is necessary to avoid the two pitfalls facing law's folk-psychological framework. Although we find this account to be plausible, we discuss an alternative, rational-teleological account of what it means to explain actions in terms of mental states (or reasons). This account likewise avoids the twin pitfalls. If the alternative is also plausible, then Morse's commitments about mental causation may not be *necessary* to avoid the two pitfalls (as he claims). In short, there may be conceptual space between eliminative/ reductive views, on one hand, and dualism, on the other, for alternative accounts that undergird legal responsibility.