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Semicompatibilist Options: Essays in Defense of an Actual-Sequence Approach to
Freedom and Responsibility

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Dedication

For Marcia

“If there’s anything to say, if there’s anything to do,
If there’s any other way, I’ll do anything for you.”
-Sufjan Stevens

ABSTRACT OF THE DISSERTATION

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by

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Semicompatibilism is the view that the freedom required for moral responsibility is compatible with causal determinism even if the freedom to do otherwise is not. I address five main objections to semicompatibilism in my thesis, defending the view against all charges. Because the view is a compatibilist one, it is targeted by objections to compatibilism itself. I focus on two sets of objections: the manipulation objection and two objections from luck. I argue that compatibilist views are safe from both sets of objections. I then consider two objections that target semicompatibilism in particular. The first challenges the view's distinctiveness, claiming that the dispute between semicompatibilists and traditional compatibilists is merely verbal. The second objection challenges proponents of semicompatibilism to provide an adequate account of moral responsibility for omissions. In addressing each objection, I aim not only to defend semicompatibilism but also to clarify the nature of moral responsibility itself. In

particular, I develop and defend three novel views: 1) that one's history can affect the degree to which one is morally responsible, 2) that indeterminacy is no gain to the control necessary for moral responsibility, and 3) that the requirements on moral responsibility for actions and omissions are symmetrical.

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Introduction

Semicompatibilism is the view (introduced by John Martin Fischer) that the freedom (or control) required for moral responsibility is compatible with causal determinism even if the ability (or freedom) to do otherwise is not compatible with causal determinism. In my view, there are two considerations that, when taken together, provide strong reasons for thinking that semicompatibilism is true. The first is the Consequence Argument, made popular by Peter van Inwagen (1983), which can be sketched as follows: If determinism is true, then propositions describing all of our actions are entailed by propositions expressing the laws of nature and propositions about the intrinsic state of the world long before we existed. In order for us to have the ability (or freedom) to do otherwise than what we in fact do, then, we would need to have a choice about either the laws of nature or the intrinsic state of the world in the distant past. But no one has a choice about those things, so, if determinism is true, we lack the ability (or freedom) to do otherwise than we what we actually do.

The second consideration is the collection of so-called “Frankfurt-style cases,” named after Harry Frankfurt because of his influential discussion of them (1969). These cases are putative counterexamples to the claim that, in order to be morally responsible for something, one must be able to do otherwise than that thing. The cases involve agents who lack the ability to do otherwise (typically because of a counterfactual intervener who ensures that the agent will not do otherwise) and yet are intuitively morally responsible for what they do (because the counterfactual intervener played no role in bringing about the action). But if the freedom (or control) required for moral responsibility does not

require the ability to do otherwise, as the Frankfurt-style cases apparently show, then that freedom would appear to be compatible with causal determinism even if the Consequence Argument is sound (since that argument's conclusion is about the incompatibility of determinism and the ability to do otherwise). Taken together, the Consequence Argument and the Frankfurt-style cases lend strong support for semicompatibilism.

It is worth pausing for a moment to situate semicompatibilism in the dialectic. Nearly all (and I'll discuss the one exception in a moment) of semicompatibilism's rivals must either give up our intuitive view of ourselves as morally responsible agents—and thus our being appropriate candidates for the reactive attitudes (such as resentment and gratitude), and perhaps even our being *persons*, in some sense—or they must deny either the soundness of the Consequence Argument or the efficacy of Frankfurt-style cases. Hard incompatibilists and other free will skeptics (including those who think the freedom required for moral responsibility is impossible) give up our intuitive view of ourselves as persons. Classical compatibilists (who think that the freedom required for moral responsibility includes the freedom to do otherwise but that such freedom is compatible with causal determinism) deny the soundness of the Consequence Argument. Libertarians think that freedom is incompatible with causal determinism but nonetheless maintain that we are in fact free. There are two types of libertarians, one of which must deny the efficacy of Frankfurt-style cases and the other of which is the exception I mentioned above. Leeway libertarians maintain that freedom requires the ability to do otherwise, and therefore must reject the efficacy of the intuitively compelling Frankfurt-style cases (either by maintaining that the agent in the case really has the ability to do otherwise or

by denying that the agent in the case really is morally responsible). Sourcehood libertarians, by contrast, can grant the efficacy of Frankfurt-style cases, but they nevertheless maintain that causal determinism precludes the freedom required for moral responsibility. Thus, besides semicompatibilists, only sourcehood libertarians can accept all three of the intuitively compelling considerations that I have discussed above (the Consequence Argument, Frankfurt-style cases, and our view of ourselves as morally responsible agents).

Still, there is one further consideration that would seem to give semicompatibilism an advantage over sourcehood libertarianism. Suppose that scientists were to discover that our world is causally deterministic. From this discovery it would follow, according to sourcehood libertarianism, that we are not free and morally responsible agents. But, you might think, our view of ourselves as morally responsible agents should be *resilient* to that sort of discovery. Whereas sourcehood libertarianism (and libertarianism more generally) implies that our freedom and moral responsibility “hang by a thread,” in virtue of its lacking resilience to potential deliverances of the sciences, semicompatibilism maintains, as Fischer puts it, “that our basic status as distinctively free and morally responsible agents should not depend on the arcane ruminations—and deliverances—of the theoretical physicists and cosmologists” (Fischer 2006: 5). On the surface, then, it looks like semicompatibilism has a good deal of intuitive support.¹

¹ While Fischer’s claims about resiliency move me somewhat, my project does not hinge on this point. Even if our view of ourselves as morally responsible agents would not change if determinism were discovered, one might worry about how that fact is supposed

But there are also several challenges to semicompatibilism. Some of these challenges target compatibilism in general (the view that freedom and causal determinism are compatible), but others are narrower in scope, applying (if they do) only to semicompatibilism. The aim of this dissertation is to defend semicompatibilism by addressing the main challenges to the view. In fact, as far as I can tell, the challenges considered here are the *only* challenges to semicompatibilism *per se*, and not to a specific compatibilist *theory*, such as John Martin Fischer and Mark Ravizza's (1998) mechanism-based theory. (More on this in the conclusion of the dissertation.) Besides the Consequent Argument (which, of course, the semicompatibilist can accept as sound), the main challenge to compatibilism in general is the Manipulation Argument. Here's a sketch of the argument: since manipulated agents are not free, and since (the argument continues) there is no relevant difference between causally determined agents and manipulated agents, agents in causally deterministic worlds are not free. Another challenge to compatibilism in general stems from thinking about luck. This challenge is composed of two different challenges, the first of which concerns deterministic luck, and

to provide justification for our belief that we are morally responsible. (Thanks to Derk Pereboom for raising this concern.) Moreover, we might want for our belief that we are morally responsible to be *vulnerable* (i.e., not to be resilient) to the deliverances of *certain* sciences. For example, facts about our psychology or about how our brains operate might be exactly the sort of empirical data that ought to inform our theorizing about moral responsibility. (Thanks to Dana Nelkin for raising this point.) I am not sure what to say in response to these concerns, and so I wish for my appeal to the point about resiliency to be taken as a tentative suggestion. I will attempt to accommodate the resiliency intuition in chapter 3, but my defense of semicompatibilism in that chapter will not depend on the soundness of the resiliency point. And, as we will see in the conclusion of the dissertation, my own view is that libertarianism is uniquely vulnerable to a certain objection and so is inferior to semicompatibilism for independent reason.

the second of which concerns indeterministic luck. Compatibilists are exposed to both luck-related worries because they (or most of them, anyway) not only take freedom to be compatible with causal determinism but also take it to be compatible with causal *indeterminism*. If luck undermines freedom (by precluding the right kind or degree of control) in deterministic contexts or in indeterministic contexts, this would be problematic for compatibilism.

Besides these three worries for compatibilism in general, there are two challenges to semicompatibilism in particular. The first is the challenge from classical compatibilism (though, as we will see, it is not always raised by classical compatibilists), which puts pressure on the distinctiveness of semicompatibilism (alleging that disagreement between it and other compatibilisms is merely a verbal one). The second challenge to semicompatibilism in particular is to provide an adequate account of moral responsibility for omissions. In cases of omission that are otherwise exactly like Frankfurt-style cases (which involve actions), it looks like the semicompatibilist is committed to some very unintuitive claims about agents' moral responsibility.

I have sketched five challenges to semicompatibilism: 1) the manipulation challenge, 2) the deterministic luck challenge, 3) the indeterministic luck challenge, 4) the challenge from classical compatibilism, and 5) the challenge from omissions. This dissertation will have five chapters, each corresponding to one of these challenges. My ultimate aim is to show that, in addition to being supported by the intuitive considerations mentioned above, semicompatibilism can be defended against each of these challenges. In addressing each challenge, I will develop a set of constraints on a plausible actual-

sequence compatibilism, though I will not defend any particular set of sufficient conditions for freedom and responsibility here.²

I should note at the outset that this dissertation takes up certain assumptions as well as a certain vocabulary from the debate about freedom and responsibility within which this dissertation is meant to be embedded.³ For example, I assume, without argument, that freedom and responsibility require *control*. While theorists disagree about the exact kind or degree of control required, most will accept the general assumption that freedom and responsibility require control, and I will take on that assumption here. Moreover, while much (if not all) of what I say using the term ‘moral responsibility’ could be transposed into claims about praiseworthiness and blameworthiness, I will focus on moral responsibility itself, which I personally take to be distinct from praiseworthiness and blameworthiness.⁴ Readers who eschew the term ‘responsibility’ may substitute their preferred term, *mutatis mutandis*.

² Thanks to Adam Harmer and Dana Nelkin for helping me to clarify my aim.

³ Thanks to Eric Schwitzgebel for pressing me to say more about my assumptions and about my use of certain terms.

⁴ One place in my dissertation where the switch from talking about responsibility to praiseworthiness/blameworthiness would make a substantive difference is in my proposal, in chapter 2, of an account of degrees of responsibility. Some, including theorists like Fischer, may be inclined to deny that responsibility comes in degrees but to accept that praiseworthiness and blameworthiness come in degrees. Despite this substantive difference, what I say about degrees of responsibility could be taken up with the same end by someone with this different view. Thanks to John Fischer for raising this point.

In the remainder of this introduction to the dissertation, I will briefly summarize the chapters, saying a bit more about each of these challenges and previewing my defense of semicompatibilism against the challenges.

0.1. Summary of Chapter 1: The Manipulation Challenge

An increasingly popular family of arguments against compatibilism is the Manipulation Argument. Typically, the argument begins by presenting its audience with a description of a case in which an agent is manipulated into satisfying some compatibilist set of sufficient conditions on free and responsible action. Upon reading about the agent's manipulation, the audience is invited to make the judgment that the agent lacks freedom and responsibility for performing the action she has been manipulated to perform. Call this first step "premise 1." The argument's next premise ("premise 2") is that there is no freedom-and-responsibility-relevant difference between the manipulated agent described in premise 1 and an ordinary agent in a deterministic world. Given the lack of freedom and responsibility of the manipulated agent (premise 1), and given the no-relevant-difference point (premise 2), the argument concludes that ordinary agents in deterministic worlds lack freedom and responsibility, which is to say that compatibilism is false.

One way to respond to the Manipulation Argument is by denying premise 1—the premise claiming that the manipulated agent is unfree. This has been called the "hard-line" reply to the Manipulation Argument, and, according to some, this reply requires biting a bullet and thus reveals the uniquely high theoretical cost of accepting compatibilism. As I argue in this chapter, however, an appropriately modified

manipulation argument can be wielded against libertarian accounts of free will as well as compatibilist accounts. In reply to some particular versions of the Manipulation Argument (versions which argue that the best explanation for the manipulated agent's lack of freedom and responsibility is that she is causally determined), some compatibilists have noted that manipulation is not essentially deterministic; an agent can be *indeterministically* manipulated into performing an action. Given this possibility, these compatibilists argue, and given that the "not-responsible intuition" (concerning the manipulated agent) would persist in the indeterministic scenario, it is not the case that the best explanation for the manipulated agent's lack of freedom and responsibility is that she is causally determined. As I argue in this chapter, indeterministic manipulation cases are not only helpful in defending compatibilism in this way, but they can also be regimented into an attack on libertarian accounts of free will. The conclusion we should draw from this, I claim, is that it would be better to think of the Manipulation Argument not as dividing the compatibilist camp from the incompatibilist camp but rather as dividing the pro-free will camp (which includes compatibilists and libertarians) from the no-free will camp. My ultimate aim, however, is not to show that the Manipulation Argument succeeds and thus that we are not free and responsible whether or not compatibilism is true, but rather my aim is to show that the Manipulation Argument does not reveal any *unique* cost for compatibilism.

I begin by introducing two popular versions of the Manipulation Argument, Derk Pereboom's (2001; 2014) "Four-Case Argument" and Alfred Mele's (2006) "Zygote Argument." I then consider and endorse Michael McKenna's (2008) "hard-line" reply to

the arguments. To show that this reply does not reveal any cost of compatibilism in particular, I then go on to present an indeterministic manipulation scenario that raises problems for libertarian accounts of free will. I then take a representative sample of libertarian accounts of free will (three event-causal accounts, two agent-causal accounts, and a non-causal account) and show that their conditions on free and responsible action are satisfied by the manipulated agent in the manipulation scenario that I will have developed. Given that these agents who satisfy libertarian conditions are manipulated, and given that there's no relevant difference between the manipulation used in this case and the manipulation used in the case on which the Manipulation Argument relies, manipulation is just as problematic for libertarian accounts as it is for compatibilist ones. I conclude the chapter by considering several ways that libertarians might resist my conclusion that, when it comes to the Manipulation Argument, they are on the same side of the debate as compatibilists, and I argue that no such resistance succeeds.

0.2. Summary of Chapter 2: The Deterministic Luck Challenge

The freedom required for moral responsibility is intimately connected with *control*; indeed, it is common to *identify* the freedom-relevant condition for moral responsibility with a certain kind or degree of control. Because of this, anything that would undermine or mitigate an agent's control is thereby a threat to the agent's freedom. One such threat stems from thinking about *luck*, for, as Christopher Evan Franklin puts it, "there seems to be an inverse relation between luck and control: the more an action is subject to luck, the less it is under our control, and the more an action is under our control, the less it is subject to luck" (2011a: 200). Now, many philosophers have thought

(and some of these have argued) that *undetermined* actions are a matter of luck, given that it was possible (holding fixed the actual past and the laws of nature) for such actions not to occur. Since typical libertarian accounts of freedom require that non-derivatively free actions be undetermined right up to the time they occur, such accounts are apparently vulnerable to a problem of present luck—luck at or around the time of non-derivatively free actions.

There are various ways of regimenting the problem of present luck (and another will be sketched in the next chapter), but here is a “cross-world” version, inspired by Alfred Mele (2006). Suppose that some agent satisfies typical libertarian conditions with respect to some action, *A*, that she performs at time *t* in the actual world. Given that typical libertarian conditions were met, there must have been a possible world with the same laws of nature and with the same past up to *t* but in which the agent does not *A*. It may be that, in this possible world, the agent performs some other action, *B*, instead of *A*, and it may be that, whether the agent did *A* or did *B*, she had reasons for performing the action, was not coerced into performing the action, and so on. Still, given that the agent is exactly the same in both worlds up to *t*, the cross-world difference at *t* is (with respect to the agent, at least) just a matter of luck. The challenge to libertarians, then, is to explain why this cross-world luck at the time of non-derivatively free actions does not undermine agents’ freedom.

Now, because compatibilist accounts of freedom do not require indeterminacy in order for there to be moral responsibility, it is typically assumed that compatibilism, unlike libertarianism, does not face the problem of present luck. (As we will see in the

next chapter, compatibilists who take freedom to be compatible with *indeterminism* as well as determinism do face this problem, but the focus of this chapter is the luck faced by agents in deterministic worlds.) There is another problem of luck, however, sometimes called the problem of constitutive luck, which is apparently problematic for compatibilism but not for libertarianism. Constitutive luck concerns the aspects of agents that make them who they are, such as their traits and dispositions, and the problem of constitutive luck says that it is a matter of luck for agents that they have the traits, dispositions, etc. that they in fact have. And if it is a matter of luck for an agent that she is who she is, so the problem goes, then she does not possess sufficient control over who she is to be responsible for the kind of person she is and for the actions that stem from her character.

Recently, Neil Levy (2009; 2011) and Mirja Pérez de Calleja (2014) have argued that compatibilism does not just face the problem of constitutive luck but also faces a problem of present (or cross-world) luck. These approaches vary in the details, but both maintain that, even in a deterministic world, agents are subject to luck at or around the time of their actions. An agent in a deterministic world may perform some action in that world but behave differently in a nearby possible world as a result of circumstances over which she does not have any control. The first aim of the present chapter is to show that each of these approaches to arguing that compatibilism faces a problem of present (or cross-world) luck does not succeed.

Even if compatibilism does not face a problem of present luck, the problem of constitutive luck remains, so the second aim of this chapter is to develop a model for

dealing with the problem of constitutive luck. The model I propose suggests that moral responsibility comes in degrees and that the degree to which one is morally responsible is a function of the degree to which one meets the various conditions on moral responsibility. I end the chapter by considering the implications of constitutive luck for the dispute between historical compatibilism and nonhistorical (or structural) compatibilism. Historicists claim that moral responsibility is an essentially historical concept, whereas structuralists deny this. I suggest that, given my model for dealing with constitutive luck, the right compatibilist account is structural in the technical sense but also allows that one's history can affect the degree to which one is morally responsible.

0.3. Summary of Chapter 3: The Indeterministic Luck Challenge

Many contemporary compatibilists believe free will to be compatible with both causal determinism and causal indeterminism. Call these compatibilists “super-compatibilists,” and call their view “super-compatibilism.” According to super-compatibilism, agents can exercise free will in both deterministic worlds and indeterministic worlds. John Martin Fischer, whose semicompatibilism is also a super-compatibilist account, argues that this feature of his own view speaks in its favor, since it allows that our view of ourselves as free agents does not run the risk of being undermined by “the arcane ruminations—and deliverances—of the theoretical physicists and cosmologists” (2006: 5).

Taking free will to be compatible with *indeterminism*, though, apparently leaves super-compatibilism vulnerable to what is arguably the greatest challenge facing libertarian accounts of free will, namely the problem of present (or cross-world) luck.

One way of putting the problem of luck is as follows: if an agent's action A at time t is not causally determined, then nothing about the agent prior to and up to t settles whether or not she will A at t , and so it is a matter of luck that she does A at t rather than not. (As we have already seen, there are other ways to regiment the problem of present luck, but this one, weak though it may be, will suffice for present purposes.) Since super-compatibilists take free will to be compatible with indeterminism, they apparently leave themselves exposed to the problem of luck that libertarians face. (Additionally, many super-compatibilists *wield* the problem of luck against libertarians, which is seemingly at odds with half of their super-compatibilism.)

It is sometimes suggested that one way for a compatibilist to avoid the problem of luck is to maintain that free will requires that determinism is true. This view is often attributed to R. E. Hobart, whose 1934 paper "Free Will as Involving Determination and Inconceivable Without It" was very influential in the first half of the last century. A potential problem for this view, though, is that it risks being undermined by the deliverances of the physicists and cosmologists. Were we to find out that indeterminism is true, we would thereby find out that we lacked free will. So, for super-compatibilists (like Fischer) who are motivated by the idea that our having free will should be *resilient* to the deliverances of the physicists and cosmologists, the view that free will requires determinism will not be attractive.

But, as I argue in this chapter, we should not understand Hobart's compatibilism as requiring that determinism is true. Instead, we should read Hobart as taking one's favorite compatibilist set of (putatively) sufficient conditions on free will and adding to it

the following necessary condition: an agent exercises her free will in performing a non-derivatively free action only if the proximate causes of the agent's action deterministically cause her action. This view, which I dub "Hobart-compatibilism," is a type of super-compatibilism (since it allows for free will in some indeterministic worlds as well as deterministic ones), but it nevertheless lacks resiliency in a way that other super-compatibilist views do not, since there are certain scientific discoveries that could, if Hobart-compatibilism were true, undermine our view of ourselves as free agents. Still, Hobart-compatibilism has advantages over the view typically attributed to Hobart. In fact, as I will argue, the considerations that are taken to motivate requiring determinism for free will are not sufficient to do so—they are only sufficient to motivate Hobart-compatibilism.

Despite its advantages in handling luck-related worries, however, Hobart-compatibilism faces serious problems. In addition to worries about resiliency to the deliverances of certain sciences (though, as I will argue, these worries do not by themselves undermine Hobart-compatibilism), it is unclear why full-fledged causal determination should be required for free will. If an agent's action is indeterministically caused but is nevertheless extremely likely to result from its proximate cause, for example, would it really follow that the action could not have been brought about by the agent's free will? In response to this challenge, I propose a different type of super-compatibilism, which I dub "neo-Hobartian compatibilism," that rejects the strong requirements of Hobart-compatibilism but nevertheless preserves Hobart's crucial insight concerning the relation between indeterminacy and free will. In the end, I argue, not only

does neo-Hobartian compatibilism fare better with respect to concerns about resiliency, but it also helps to show the deep worry behind the problem of luck, namely that adding indeterminacy into the sequence leading to an agent's action does not enhance the agent's control over that action. This suggests that the problem of luck and the problem of enhanced control (according to which libertarianism is problematic because it cannot secure any further control than is had by agents in deterministic worlds), which are typically taken to be independent problems for libertarianism, are best taken as a single (and deeper) problem.

0.4. Summary of Chapter 4: The Challenge from Classical Compatibilism

In the first three chapters, I have defended semicompatibilism against challenges to compatibilism in general. Starting in this chapter, I turn to challenges to semicompatibilism in particular. I begin by distinguishing semicompatibilism from classical compatibilism, the latter of which maintains that determinism is compatible with the ability (or freedom) to do otherwise. The challenge addressed in this chapter maintains that the dispute between semicompatibilists and classical compatibilists is a merely verbal one, and thus semicompatibilism seems unmotivated. But to see why someone might think that the dispute between semicompatibilists and classical compatibilists is merely a verbal one, some setup is required.

It is typically assumed by the parties of certain debates in the literature on free will and moral responsibility that there is disagreement about whether the ability to do otherwise is necessary for free will and/or moral responsibility. The Consequence Argument, for example, aims to show that the ability to do otherwise is precluded by

causal determinism, and Frankfurt-style cases, for another example, aim to show that one can be morally responsible for an action without having the ability to do otherwise than that action. Many incompatibilists (*leeway* incompatibilists, in particular) and some compatibilists (such as classical compatibilists and Humean compatibilists) agree with one another that the ability to do otherwise is necessary for free will and moral responsibility, though they disagree on whether causal determinism would preclude the ability to do otherwise. Other incompatibilists (*source* incompatibilists, in particular) and compatibilists (such as Frankfurt-style compatibilists and semicompatibilists) deny that the ability to do otherwise is necessary for free will and/or moral responsibility. Or so it would seem.

Recently, however, Christopher Evan Franklin (2015) has argued that, contrary to this typical assumption (and even contrary to the explicit claims made by parties of these debates), it turns out that *everyone* thinks that *some* ability to do otherwise is necessary for free will and moral responsibility. Franklin's aim is to show that since every account of freedom and responsibility requires alternatives at some place or other, the question is not whether *the* ability to do otherwise is necessary for freedom and responsibility but rather *which* ability to do otherwise is necessary. Now, if there is anyone who denies that an ability to do otherwise is required for freedom or responsibility, surely John Martin Fischer (at times, with Mark Ravizza) does, for Fischer is a *semicompatibilist*—someone who thinks that moral responsibility is compatible with causal determinism even if determinism precludes *the ability to do otherwise*. (Another view that may come to mind as one that requires no ability to do otherwise is Carolina Sartorio's recent actual-causal-

sequence view, which I summarize in Appendix B, located at the end of this dissertation, highlighting its lack of an ability-to-do-otherwise requirement on freedom and responsibility.) If it turns out that Fischer's view *does* involve a requirement that agents have an ability to do otherwise in order to be morally responsible, this would not only be a striking result but would also give us strong reason for thinking that *no one* denies that an ability to do otherwise is necessary for moral responsibility. Thus, Franklin considers Fischer's semicompatibilism and attempts to show that even this view requires an ability to do otherwise, since it requires that an agent have certain alternatives. Moreover, since certain other compatibilists, such as Kadri Vihvelin, distinguish their views from Fischer's by *requiring* the ability to do otherwise for moral responsibility, Franklin thinks that the dispute between them and Fischer (concerning the ability to do otherwise) is largely a verbal one, since they actually *agree* that *some* ability to do otherwise is necessary for freedom and responsibility.

But, as I argue in this chapter, it is open to Fischer to deny that his semicompatibilism requires any ability to do otherwise. To show this, I first argue that there are alternatives and then there are alternatives; the mere possibility that something could go differently for an agent (or for the mechanism from which she acts) in some other possible world does not amount to the agent's having an ability to do otherwise. By considering what it takes to have an ability, even in the most minimal sense, we can see that *having an ability to do otherwise* can come apart from *having an alternative possibility* (or the mere possibility that something go differently for an agent), where the latter outstrips the former (and so having an ability to do otherwise entails having an

alternative possibility, but having an alternative possibility does not entail having an ability to do otherwise). Once we distinguish these two types of alternatives, it will become evident that, *contra* Franklin, not everyone thinks that an ability to do otherwise is necessary for moral responsibility, even if everyone requires—in order for an agent to be morally responsible—the mere possibility that something could go differently (in some sense) for the agent. Furthermore, by distinguishing between an ability to do otherwise and the possibility that something go differently for an agent, the differences between Fischer’s semicompatibilism and the so-called “new dispositionalism” of Vihvelin (and others) become clearer, which makes it possible to see exactly why the dispute (concerning the ability to do otherwise) between Fischer and the new dispositionalists is not merely—or even largely—a verbal one.

0.5. Summary of Chapter 5: The Challenge from Omissions

The final challenge considered in this dissertation is also uniquely worrisome for semicompatibilism. Recall that part of the motivation for semicompatibilism are the Frankfurt-style cases. In these cases, an agent is intuitively morally responsible for performing an action despite having the ability to do otherwise than that action. It would seem, then, that if agents can be morally responsible for omissions (which, in my view, any plausible view must grant), then they can be morally responsible for them even if they lack the ability to do the thing omitted. But many take this implication to be counterintuitive, and cases like the following are used to demonstrate this:

Sharks: John is walking along the beach and sees a child drowning in the water.

John believes that he could rescue the child without much effort. Due to his

laziness, he decides not to attempt to rescue the child. The child drowns.

Unbeknownst to John, there is a school of sharks hidden beneath the water. If

John had attempted to rescue the child, the sharks would have eaten him and his

rescue attempt would have been unsuccessful. (Swenson 2015: 1280; originally

from Fischer and Ravizza 1998: 125)

In this case, John omits to rescue the child from drowning, yet John does not appear to be morally responsible for this omission because of the presence of the sharks. This has led semicompatibilists like John Martin Fischer (2017) and Carolina Sartorio (2005) to attempt to defend asymmetrical requirements on moral responsibility for actions and omissions. Consider the following principles:

Principle of Alternative Possibilities (PAP): A person is morally responsible for performing an action only if she could have done otherwise than perform that action.

Principle of Possible Action (PPA): A person is morally responsible for omitting to perform an action only if she could have performed that action.

Several philosophers reject PAP but accept PPA. In other words, they accept the following thesis:

Asymmetry Thesis (AT): PAP is false, but PPA is true.

I begin this chapter by presenting a new challenge to AT. Briefly, the challenge is that, since there are cases of action-omission identity, AT leads to a contradiction. I then argue that the challenge extends to the two recent alternatives to AT that are defended by

Fischer and Sartorio, respectively. Before moving on, I consider a possible objection to the challenge.

In the remainder of the chapter, I highlight the benefits available to semicompatibilism when divorced from asymmetrical requirements on moral responsibility for actions and omissions. The first is that it allows for a response to Philip Swenson's (2015) recent No Principled Difference Argument. Swenson's argument regimentes the tension in our judgments about Frankfurt-style cases and about certain omissions cases into an argument against the agent's being morally responsible in a Frankfurt-style case (which, you will recall, is part of the motivation for semicompatibilism). But Swenson does not stop there; he goes on to argue that there is an in principle reason to doubt that Frankfurt-style compatibilists will be able successfully to respond to his argument. Given my reasons for denying asymmetrical accounts of moral responsibility for actions and omissions, however, I offer a "hard-line" reply (modeled after McKenna's reply to the Manipulation Argument) to Swenson's argument, according to which an agent can be morally responsible for an omission even if the agent lacks the ability to perform the omitted action.

The other benefit to semicompatibilism is that my proposal allows for a response to the Direct Argument, another argument discussed by Peter van Inwagen (1983). The Direct Argument is structurally similar to the Consequence Argument but argues for the incompatibility of determinism and moral responsibility directly (instead of arguing that determinism precludes the ability to do otherwise, and then relying on a principle like PAP to get to a conclusion about moral responsibility). This argument relies on two

inference rules that govern a “no-responsibility” operator. The first rule, Rule A, says that if p is broadly logically necessary, then no one is even partly morally responsible for p . The second rule, Rule B, says that if no one is even partly morally responsible for the fact that p entails q , and if no one is even partly morally responsible for the fact that p , then no one is even partly morally responsible for the fact that q . The argument then moves from no one’s being even partly morally responsible for the fact that laws of nature are what they are, and from no one’s being even partly morally responsible for the fact that the intrinsic state of the world was a certain way in the distant past, to the conclusion that, if determinism is true, then no one is even partly morally responsible for the fact that they perform certain actions. The most prominent semicompatibilist responses to this argument have relied on overdetermination cases that call Rule B into question, but Justin Capes (2016) has recently shown that Rule B can be reformulated so as to block this reply. If the semicompatibilist adopts my view of moral responsibility for omissions, however, then a different response becomes available. Since an agent can be morally responsible for an omission, on my view, even if the agent lacks the ability to perform the omitted action, then there is no reason to think that an agent cannot be morally responsible for certain necessities, which calls the validity of Rule A into question. Here I arrive at a similar conclusion to that of Stephen Kearns (2011) and Charles Hermes (2014)—both of whom reject Rule A as invalid—but my reasons for landing there are quite different from theirs. If Rule A is invalid, though, then the Direct Argument (which relies on Rule A) is unsound. Thus, a principled reason for rejecting Rule A is another

benefit gained by the semicompatibilist by adopting my view of moral responsibility for omissions.

Chapter 1: The Manipulation Challenge

1.1. Introduction

An increasingly popular argument against compatibilism (about causal determinism and the freedom required for moral responsibility) is the manipulation argument.¹ There are several versions of the manipulation argument, but the typical structure is as follows. First, a case is described in which an agent is manipulated into satisfying some compatibilist set of sufficient conditions on free and responsible action, and it is claimed that the agent lacks freedom and responsibility for performing the action she has been manipulated to perform. Next, it is claimed that there is no freedom-and-responsibility-relevant difference between the manipulated agent described in the case presented and an ordinary agent in a deterministic world. Given the lack of freedom and responsibility of the manipulated agent, and given the no-relevant-difference claim, the argument concludes that ordinary agents in deterministic worlds lack freedom and responsibility, which is to say that compatibilism is false.

One way to respond to the manipulation argument is to deny the claim that the agent who has been manipulated (and who meets typical compatibilist conditions) lacks freedom and responsibility for performing the action she has been manipulated to

¹ The argument is typically focused on an agent's (non-)responsibility for an action rather than her *freedom* (whether that be her free will or her freedom in acting, if these are distinct), and so, typically, the conclusion of the argument (that compatibilism is false) is about the incompatibility of moral responsibility and determinism rather than of free will (or free action) and determinism. Given that the argument can be adjusted to target the compatibility of freedom (of either type) and determinism, though, I will not limit myself to talking about moral responsibility here but will treat the argument as concerned with this cluster of issues, not just responsibility.

perform.² This has been called the “hard-line” reply to the manipulation argument, and, according to some, this reply requires biting a bullet and thus reveals a theoretical cost that is unique to compatibilism. As I argue in this chapter, however, an appropriately modified manipulation argument can be wielded against *libertarian* (incompatibilist) accounts of free will.³ Since libertarian accounts are vulnerable to manipulation arguments as well, manipulation arguments do not reveal a cost of accepting compatibilism in particular; rather, if they reveal a cost at all, it is a cost borne by any account according to which we are free and responsible.

In section 1.2, I introduce two popular versions of the manipulation argument—Derk Pereboom’s “Four-Case Argument” and Alfred Mele’s “Zygote Argument”—and discuss why some have taken such manipulation arguments to reveal a unique cost of compatibilism. Then, in section 1.3, I argue that the two recent attempts to raise manipulation-related worries for libertarianism do not succeed. In section 1.4, I present my own indeterministic manipulation scenario and claim that the conditions on free will proffered by extant libertarian accounts are satisfied by the manipulated agent in that scenario. (In Appendix A, located at the end of this dissertation, I provide support for this claim by surveying, in some detail, the conditions proffered by a variety of types of libertarian accounts of free will and by showing that these conditions are indeed satisfied by the manipulated agent in my scenario.) Finally, in section 1.5, I consider the two main

² See, for example, McKenna (2008) and Fischer (2011).

³ I am not the first to present a manipulation argument against a libertarian account of free will, but, as I will argue in section 1.3, no other such presentation has been successful (nor do they aim to be comprehensive).

ways that libertarians might resist my conclusion that, when it comes to the manipulation argument, they are on the same side of the debate as compatibilists, and I argue that neither sort of resistance succeeds.

1.2. Manipulation Arguments and the “Cost” of Compatibilism

The worry that agents might be manipulated into satisfying some alleged sufficient conditions on free and responsible action is not a new worry, but two recent manipulation arguments have brought much attention to the worry.⁴ The first of these manipulation arguments is Pereboom’s “Four-Case Argument” (2001: 110-117; 2014, chapter 4), and the second is Mele’s “Zygote Argument” (2006: 184-196). Let us consider each of these arguments in turn.

The Four-Case Argument begins by presenting its audience with a case (Case 1) of the deterministic manipulation of Professor Plum by a team of neuroscientists such that it is causally determined that Plum will murder Ms. White. By way of neural intervention, the team enhances “Plum’s disposition to reason self-interestedly at the requisite time, so that they know that as a result it is causally ensured that he will decide to murder White and that he will want so to decide,” and the team does so “in a way that directly affects [Plum] at the neural level, but with the result that his mental states and actions feature the psychological regularities and counterfactual dependencies

⁴ For examples of earlier discussions of manipulated agents, see Fischer (1994, chapter 1), Fischer and Ravizza (1998, chapters 7 and 8), Kane (1996, chapter 5), Mele (1995, chapter 9), and Watson (1987, 1999).

characteristic of genuine agency” (2014: 76).⁵ Although Plum satisfies various compatibilist accounts of the sufficient conditions for free and responsible action, we are invited to judge that Plum is clearly not free and responsible for his decision to murder White and for his carrying out of the decision.

Next, the argument presents its audience with a case (Case 2) that is much like Case 1 but in which the neuroscientists program Plum at the beginning of his life to have the disposition to reason self-interestedly (rather than manipulating Plum from moment to moment, as they do in Case 1), and this causally ensures that he decides to murder White and carries out that decision (2014: 77). According to Pereboom, Plum is no more responsible for his decision (and action) in Case 2 than he is in Case 1.

In the next case (Case 3), “Plum is an ordinary human being, except that the training practices of his community causally determined the nature of his deliberative reasoning processes so that they are frequently but not exclusively rationally egoistic (the resulting nature of his deliberative reasoning processes are exactly as they are in Cases 1 and 2)” (2014: 78). As a result of the training practices, it is causally ensured, once again, that Plum will decide to murder White and will carry out that decision. Pereboom argues that the causal determination by the controlling agents “explains the absence of responsibility in Case 2, and it’s reasonable to conclude that he is not morally responsible in Case 3 on the same ground” (2014: 78).

⁵ This insistence on Plum’s genuine agency in Case 1 is a response to criticisms of the original version of Case 1, in which it was less clear that Plum satisfied basic conditions of agency, since his neural states were induced from moment to moment by the neuroscientists. For the original version of Case 1, see Pereboom (2001: 112-113).

The final case in the argument (Case 4) is an ordinary deterministic world in which Plum's "reasoning processes are frequently but not exclusively egoistic, and sometimes strongly so (as in Cases 1-3)" (2014: 79) and in which Plum decides to murder White and carries out that decision. Pereboom argues that, when it comes to Plum's responsibility, there is no relevant difference between Cases 3 and 4, so we should conclude that agents in deterministic worlds are not free and responsible, which is to say that compatibilism is false.

The Zygote Argument begins by presenting its audience with a case in which a goddess wants a certain event to occur and in which she creates an agent, Ernie, who she knows will bring about that event. Here is part of Mele's description of the case:

Diana creates a zygote *Z* in Mary. She combines *Z*'s atoms as she does because she wants a certain event *E* to occur thirty years later. From her knowledge of the state of the universe just prior to her creating *Z* and the laws of nature of her deterministic universe, she deduces that a zygote with precisely *Z*'s constitution located in Mary will develop into an ideally self-controlled agent who, in thirty years, will judge, on the basis of rational deliberation, that it is best to *A* and will *A* on the basis of that judgment, thereby bringing about *E*. (2006: 188)

Mele goes on to stipulate that Ernie satisfies one version of his own proposed compatibilist sufficient conditions for free action, and it is worth noting that we can stipulate that Ernie satisfies *any* proposed compatibilist sufficient conditions for free and responsible action. Mele then argues as follows:

1. Because of the way his zygote was produced in his deterministic universe, Ernie is not a free agent and is not morally responsible for anything.⁶

⁶ In reply to Fischer's (2011) and Kearns's (2012) replies to the Zygote Argument, Todd argues that we should replace premise 1 of the Zygote Argument with the following:

2. Concerning free action and moral responsibility of the beings into whom the zygotes develop, there is no significant difference between the way Ernie's zygote comes to exist and the way any normal human zygote comes to exist in a deterministic universe.
3. So determinism precludes free action and moral responsibility. (2006: 189)

Mele notes that premise 1 is a judgment about a case, and he says, "Premise 1 has some intuitive pull on me, but not enough to move me to accept it. I am agnostic about premise 1, as I am about compatibilism" (2006: 194). If one were to be convinced that Ernie lacked freedom and responsibility in the case described, though, Mele thinks that one should be inclined to accept the conclusion, which is that compatibilism is false.

Focusing mainly on Pereboom's Four-Case Argument (but intending for his reply to address any instance of the general form of the manipulation argument), Michael McKenna (2008) argues that compatibilists should grant that certain manipulated agents can nevertheless be free and responsible. McKenna's "hard-line" response grants that there is no relevant difference between ordinary determined agents, on the one hand, and agents like the ones who have been manipulated in the cases we have considered, on the other, but McKenna argues that, since it would be dialectically infelicitous for the proponent of the argument to begin by asserting that ordinary determined agents are not free, there is nothing to prevent us from generalizing from its not being evident that

(1*) Ernie is not free or morally responsible with respect to performing *A* or bringing about *E*. (2013: 193)

Nothing I say here depends on which version of premise 1 we adopt.

ordinary determined agents are not free to its not being evident that the manipulated agents are not free. And given the dialectical burden borne by the proponent of the manipulation argument, McKenna argues, this much suffices for the compatibilist to claim victory.

But proponents of manipulation arguments have pointed out that taking the hard-line response is tantamount to “biting the bullet” and that this reveals a unique cost of compatibilism. Patrick Todd, for example, says: “Is it really plausible to think that the fact that Plum got such a raw deal at the hands of the neuroscientists is simply irrelevant to Plum’s moral desert? I do not think so, but such a result appears to be the (increased) cost of compatibilism” (2011: 133). Fischer mentions this type of remark in his own hard-line reply to Mele’s Zygote Argument: “But it is often said that the Zygote Argument and similar arguments display the ‘price’ of compatibilism—they indicate what a compatibilist must be prepared to accept, where this is somehow more ‘philosophically expensive’ than compatibilism was antecedently thought to be” (2011: 271). Fischer goes on to say that he does not see how it could be a “cost” of his view of responsibility that it entails that agents are responsible in cases that are not relevantly different from ordinary ones (in which there is no special reason to call into question an agent’s responsibility). As Todd says in response, though, “the mere fact that one’s view predicts or entails a certain result does not imply that its having that result is no cost for one’s view” (2013: 197). Even McKenna notes that, since “the compatibilist will have a very tough time providing a positive argument for her thesis about manipulation cases...these considerations call attention to the compatibilists’ limitations” (2008: 157).

If it were to turn out that worries about manipulation also posed a threat to *libertarian* accounts of free will (which are *incompatibilist* accounts), however, then it would be false that manipulation arguments reveal a unique cost of compatibilism. Later in this chapter (section 1.4), I will argue that cases of manipulation generate a worry for libertarian accounts of free will, too, and thus that compatibilists are not alone in being vulnerable to worries about manipulation. Before I raise this parallel challenge to libertarianism, though, it is worth considering whether any previous attempts to raise similar challenges have succeeded.

1.3. Recent Manipulation-Based Worries for Libertarian Accounts

Recently, there have been two attempts to show that manipulation is a problem for certain libertarian accounts of free will, the first presented by Ishtiyaque Haji and Stefaan Cuypers (2001) and the second by Roger Clarke (2012).⁷ Although, as I will argue, neither of these attempts succeeds, a critical discussion of them will highlight the advantages of the indeterministic manipulation scenario that I will introduce in the next section.⁸

Haji and Cuypers present the following case of covert nonconstraining (CNC) manipulation:

⁷ Another recent use of an indeterministic manipulation scenario is King (2013), but King's reason for appealing to such a scenario is, like Mele's and Kearns's, merely to defend compatibilism, not to present a challenge to libertarianism.

⁸ Both of these earlier attempts target particular libertarian accounts, and the worry raised for these accounts does not generalize to other extant accounts. In contrast, the attempt I present in the next section of this chapter is comprehensive, raising a problem for *every* type of libertarian account of free will.

Imagine that neurology and neurosurgery have so progressed that not only can particular pro-attitudes like desires, volitions, intentions, or goals be induced in an individual (with or without the individual's consent or knowledge), but where one individual can be molded psychologically to be just the kind of person the surgeon desires. Jenny is an adept painter and a gastronome. Jim, though no connoisseur of food and drink, is an adroit computer hacker, having successfully masterminded several "hacking" offenses. Max, the eccentric neurologist, eager to test a new form of psychosurgery, kidnaps and anesthetizes Jenny, turning the artist into Jim's psychological twin.

Devoid of any suspicion that she has fallen victim to Max, Jenny awakens from her surgery with profound changes which, from her own inner perspective, she can only accept. The psychosurgery has endowed her with a new set of values, goals, preferences and the like, while "erasing" ones she formerly had... Catching the morning news, she learns about the new computing system in a bank in Brussels, and after diligent work, manages to transfer from an account in that bank a large sum of money into her own holdings. "Success!" exclaims Max to himself. (2001: 222)

Since Jenny apparently satisfies some libertarian conditions on free and responsible action, and yet intuitively Jenny is not responsible for her hacking, Haji and Cuypers take themselves to have shown that manipulation is equally as problematic for libertarianism as it is for compatibilism.⁹ But, as Haji and Cuypers note (2001: 228), some libertarian accounts are sophisticated and include historical conditions on free and responsible action that are not satisfied in cases of manipulation like Max's.¹⁰ Haji and Cuypers' response to

⁹ In its current form, the case is under-described, leaving it implicit that the manipulated Jenny satisfies typical libertarian conditions. Haji and Cuypers go on to consider a few libertarian accounts of free will—Mele's (1995) event-causal "modest libertarianism," Kane's (1996) event-causal libertarianism, and Clarke's (1995; 1996) agent-causal libertarianism—and to tweak the case (or to replace it) as is necessary to challenge each account. As it turns out, they fail to show that Jenny satisfies Mele's conditions (see note 10), and their sample of libertarian accounts is too small. (It is unclear, for example, whether their worries extend to non-causal accounts.)

¹⁰ Haji and Cuypers say:

this objection to their project is to point out that the same tactic for responding to worries about manipulation “could equally well be deployed to rescue compatibilist competitors from the threat of CNC manipulation” (2001: 230). Haji and Cuypers are wrong about this, however, since even compatibilist accounts that include historical conditions—such as Fischer’s (2006; 2012) or Mele’s (1995; 2006)—entail that the agents in certain manipulation cases (such as Plum in Case 2 of Pereboom’s Four-Case Argument or Ernie in the case from Mele’s Zygote Argument) are morally responsible for what they are manipulated to do. To show that manipulation is a problem for libertarianism as well, what is needed is an indeterministic manipulation scenario in which even the various accounts’ historical constraints on free and responsible action (that would preclude manipulation like Max’s from resulting in free and responsible action) could be satisfied.

Another recent attempt to show that manipulation is a problem for libertarianism is given by Clarke. Clarke’s indeterministic scenario (2012: 140) is complicated, but the following summary will suffice for our purposes. Brown is a mad scientist who wants Smith to buy eggs from battery-caged hens rather than the certified organic ones that cost a bit more. Brown watches as Smith chooses which eggs to buy (in a way such that she

It should be noted that Mele’s account of the sufficient conditions for incompatibilist (or libertarian) free action includes a condition that precludes the sort of manipulating that Max does. Mele employs the locution ‘compulsion*’ to refer to compulsion *not arranged* by an agent. The condition that excludes global and other varieties of covert and nonconstraining manipulation says that the agent (like Jim) has no compelled* nor any coercively produced motivational states.

One advantage of my indeterministic manipulation scenario (that I will introduce in the next section) over Haji and Cuypers’s scenario is that while Max’s manipulation precludes this condition from being satisfied, Ernie does not suffer compulsion* and so all of Mele’s conditions can be satisfied in my scenario.

would satisfy libertarian conditions on free and responsible action when she does choose), and if she chooses the better (certified organic) ones, Brown will use his “Memory Eraser” on Smith such that she must again choose which eggs to buy.¹¹ Clarke explains:

In virtue of her libertarian freedom, there is no guarantee that she will make the same choice she did the first time around, just as Brown had no guarantee beforehand that she would make the choice he desired. Now, if Smith persists in choosing the better eggs, Brown will continue wiping her memory and resetting the simulation...Smith is bound to choose the bad eggs eventually. (2012: 140)

When Smith does choose to buy the bad eggs, according to Clarke, we should judge that, although Smith satisfies libertarian conditions on free and responsible action in making her choice, she is not responsible for this choice (since she was manipulated by Brown to make it). But Clarke is wrong to claim that we should judge Smith not responsible, for Smith is not manipulated into making this choice.¹² Brown has in no way influenced Smith’s values or desires—he has merely removed certain beliefs about her past behavior.¹³ Additionally, *contra* Clarke, there is no sense in which “Smith is *bound* to

¹¹ Those familiar with van Inwagen’s (2000) “Rollback Argument” may find Clarke’s argument better associated with the problem of luck for libertarianism than with any manipulation argument, but I will treat it (as Clarke does) as a worry about manipulation. For a discussion of the rollback argument, see Fischer (2012, chapter 6). Interestingly, Pereboom’s various discussions of indeterministic manipulation also sound more like luck-related worries than manipulation-related ones. See, for example, Pereboom (2001: 41-54; 2014, chapter 2).

¹² It may seem to be a matter of luck that Smith chooses as she does, given her circumstances, but this is not a problem of manipulation.

¹³ Indeed, if anyone really thought that Smith would not be responsible for choosing the bad eggs when she does, a plausible explanation for this is that Smith’s past behavior of choosing the good eggs absolves her of responsibility for her later choice (perhaps because she fails to meet the epistemic standards on responsibility at the time of her later choice).

choose the bad eggs eventually” (2012: 140, emphasis added), as the alternative choice remains a robust alternative at each moment of choice, and Brown has no way of shaping or guiding Smith’s behavior. Moreover, unlike in cases of genuine manipulation, in which the agent apparently fails to be the proper *source* of her action (and thus apparently fails to be free and responsible), there is no reason to think that Smith is not the source of her choice. So, while Clarke’s scenario seems better equipped than Haji and Cuypers’s to leave room for the “manipulated” agent to satisfy various libertarian conditions on free and responsible action, Clarke’s scenario is not a problem for libertarians since it is not the case that the agent is manipulated (and thus we have not been presented with a reason to judge that Smith lacks freedom and responsibility).

1.4. A New Indeterministic Manipulation Scenario

What is needed, then, in order to provide a challenge to libertarianism that is parallel to the manipulation challenge to compatibilism, is a case of indeterministic manipulation in which it is clear, first, that an agent satisfies the conditions proffered by all types of libertarian accounts and, second, that the agent is genuinely manipulated into performing some action. The aim of this section is to construct such a case, and the case will build upon certain earlier cases of indeterministic manipulation that have been introduced to defend compatibilism against the original manipulation argument. The first case of indeterministic manipulation that I will draw from occurs in Mele’s reply to Pereboom’s Four-Case Argument, and the second is from Stephen Kearns’s reply to Mele’s Zygote Argument. Let us consider each in turn.

Since Pereboom claims that the best explanation for the intuition that Plum is not morally responsible in the first three cases is that his action results from a deterministic causal process that traces back to factors beyond his control (2001: 116), Mele (2005) attempts to show that this is not the best explanation. Mele does this by constructing indeterministic versions of the first three cases of the Four-Case Argument and by arguing that if Plum is not responsible in the deterministic cases then he is not responsible in the indeterministic cases either. Here is Mele's version of Case 1:

Consider an analogue of case 1 in which the manipulators fall short of initiating *deterministic* causal chains. In case 1a, the scientists locally manipulate Plum and produce 'his every state from moment to moment', but they do this by means of an indeterministic mechanism. There is an extremely good chance that each push of a button will have the result the scientists want, but each push also has a tiny chance of incapacitating Plum. These are the only possible outcomes of the button pushes. As it happens, Plum is not incapacitated. Here too Plum clearly is not morally responsible for the killing, and the correct explanation of that plainly does not appeal to deterministic causation. That the causation in case 1 is *deterministic* is not essential to Plum's lacking moral responsibility in it. (2005: 75-76)

Given Plum's lack of responsibility in Case 1a (the indeterministic version of Case 1), the best explanation for Plum's lack of responsibility in Case 1 cannot be that his action results from a deterministic causal process that traces back to factors beyond his control.

Just as Mele constructs indeterministic versions of Pereboom's cases, Kearns (2012) constructs an indeterministic version of the case from Mele's Zygote Argument. Kearns is concerned with how we are to interpret premise 1 of the Zygote Argument (which says that Ernie is not a free agent and is not morally responsible for anything because of the way his zygote was produced in his deterministic universe) in such a way that premise 2 of the argument can be maintained as well. If we are to understand Ernie's lack of freedom as exclusively explained by the fact that his actions are deterministically

caused, then we have lost reference to manipulation and the argument clearly begs the question against the compatibilist. “If one is to show that Ernie’s being manipulated is indeed an independent explanation of his lack of freedom,” Kearns explains, “one needs a case in which Ernie is unfree because he is manipulated, but also in which Ernie’s actions are *not* deterministically caused” (2012: 384). Kearns then provides the following indeterministic scenario:

Diana creates a zygote *Z* in Mary. She combines *Z*’s atoms as she does because she wants the zygote to develop into an agent who performs a certain set of actions over the course of his entire life. From her knowledge of the state of the universe just prior to her creating *Z* and the laws of nature of her *indeterministic* universe, she deduces that a zygote with precisely *Z*’s constitution located in Mary will develop into an ideally self-controlled agent, Ernie. As Ernie lives his life, there is a small chance every few seconds that Ernie is incapacitated due to the way Diana created his zygote. If Ernie is never so incapacitated, then he performs that set of actions that Diana has planned. As it happens, Ernie is never incapacitated and performs all those actions Diana has planned. Furthermore, Ernie satisfies Mele’s compatibilist conditions on free agency (and any other reasonable compatibilist conditions, insofar as they are consistent with the case and with each other). (2012: 385)

Kearns goes on to argue that, even with this modification to the Zygote Argument, the argument fails because, once we have introduced the indeterministic scenario, “we are no longer in a position to insist that Ernie’s situation is relevantly similar to a case in which there is no manipulation and in which causal determinism *does* obtain” (2012: 386) and thus premise 2 of the Zygote Argument cannot be maintained alongside the modified premise 1.

Both Mele’s reply to the Four-Case Argument and Kearns’s reply to the Zygote Argument make use of indeterministic manipulation cases, but these are both merely

defenses of compatibilism, not attacks on libertarian accounts of free will.¹⁴ Nevertheless, their blueprint for indeterministic manipulation scenarios is one that, with a few changes, can be used to raise problems for every type of libertarian account of free will.¹⁵ Consider the following indeterministic manipulation scenario:

IMS: Diana, a goddess who knows the laws of nature in her *indeterministic* world and who has a very good understanding of human genetics, creates a zygote *Z* in Mary. She combines *Z*'s atoms as she does because she wants the zygote to develop into an agent who performs a certain set of actions over the course of his entire life, culminating in his performing action *A* at time *t*30 (when he is 30 years old). From her knowledge of the state of the universe just prior to her creating *Z* (and from her knowledge of the laws of nature), she deduces that a zygote with precisely *Z*'s constitution located in Mary will develop into an ideally self-controlled agent, Ernie. In addition, Diana deduces that, at some time prior to his performing any morally significant decisions or actions, Ernie will have a specific psychological profile, *P*, that includes all of the beliefs, desires, and values that Diana wants for Ernie to possess. From her knowledge of the state of the world and the laws of nature, Diana knows that Ernie's having *P* will make it possible (and more likely than if Ernie has some other psychological profile then) that his life unfolds exactly according to her plan, but if Ernie ever deviates from Diana's plan for his life, she will immediately obliterate Ernie. In addition, Diana frequently but covertly puts Ernie into circumstances that he would otherwise have avoided and that are essential to her plan for Ernie. (Diana's ideas about

¹⁴ Because these authors aim only to defend compatibilism, they do not construct cases in which all libertarian conditions on free will are satisfied. King (2013) attempts to present a case of indeterministic manipulation in which Kane's (1996) conditions are satisfied, but, as I argue in Cyr (2016), Kane's conditions are not satisfied by the agent in King's case. I also argue, however, that the case can be modified such that the agent does satisfy Kane's conditions, and the modified case allows for a challenge to Kane's brand of libertarianism. Using a different type of case, this chapter extends this challenge to all types of libertarian accounts of free will, but it would also be possible to tweak the case already developed into a case in which other libertarian conditions were satisfied. The result would be an indeterministic manipulation scenario more akin to Pereboom's Case 1 than to the case from the Zygote Argument.

¹⁵ In Appendix A (located at the end of this dissertation), I will consider a representative sample of libertarian accounts of free will and argue that each is subject to the same worries about manipulation as are compatibilists accounts, and it should be noted that the worry could, in principle, be extended to any account (libertarian or otherwise) of free and responsible action.

covertly interfering with Ernie were inspired by the events of the film *The Truman Show*.) To give just one example, on one occasion Diana causes Ernie to become ill just before the start of a party at which Ernie would have met the love of his life (which would have made Ernie's doing *A* at *t30* unthinkable for him). As it happens, Ernie's life goes exactly according to Diana's plan, including Ernie's doing *A* at *t30*, and Ernie is never obliterated.

Furthermore, despite Diana's role in the scenario, Ernie satisfies all compatibilist conditions on free agency (except those conditions which require determinism for free agency) as well as several (if not all) libertarian conditions on free agency. First and foremost, Ernie is not causally determined by factors beyond his control, since his world is indeterministic and there are, throughout his life, many chances that Diana's plan will fail. At various points in his life, Ernie must choose between acting as is morally required of him and acting in his own perceived best interest, and when he does he influences the character traits that eventually lead to his *A*-ing at *t30*. Just before *t30*, Ernie's intellect represents *A* as the good to be pursued at *t30* (and represents *A* in just the way that Ernie in fact goes about performing *A* at *t30*), and Ernie's volition to *A* at *t30* is formed in consequence of that representation of his intellect. When Ernie does *A* at *t30*, he is doing exactly what he wants when he wants to do it. Whenever Ernie deliberates about what it would be best to do, including during his deliberation about whether to *A* at *t30*, what comes to mind during his deliberation is indeterministically caused to come to mind. Ernie regularly causes action-initiating intentions within himself, thereby bringing about intentions that result in free overt actions, which happens in the case of his doing *A* at *t30*. Ernie's intention to *A* at *t30* has the content *that Ernie performs A in order to satisfy R*, where '*R*' is the reason Ernie does *A*. When Ernie does *A* at *t30*, *A* is caused by both Ernie (the agent) himself and also indeterministically caused by Ernie's having reason *R* for doing *A* at *t30*. Just before *t30*, Ernie forms a decision to *A* at *t30* such that his making the decision to *A* at *t30* has an actish phenomenal quality, and he is in no way subject to irresistible compulsion.¹⁶

¹⁶ A crucial difference between IMS and so-called "Frankfurt-style cases," named after Frankfurt because of his seminal (1969) presentation of such a case, is that Diana plays a role in the actual sequence which culminates in Ernie's doing *A* at *t30*, whereas the counterfactual intervener in Frankfurt-style cases does not play a role in the actual sequence. (Another important difference is that IMS aims to leave Ernie with alternative possibilities, whereas the agents in successful Frankfurt-style cases do not possess alternatives.) IMS does, however, incorporate a feature of the so-called "Fischer-type example," which Fischer (2006: 150-151) uses to defend the success of Frankfurt-style cases, in that IMS stipulates that Ernie will be destroyed if he does otherwise than is planned for him by someone else.

Since Ernie's circumstances are peculiar, we cannot form a manipulation argument against *libertarianism in general* that would be exactly parallel to the manipulation argument against compatibilism.¹⁷ Still, IMS can be used in an argument schema that will allow for an objection to any particular libertarian account of free will. The structure is as follows, where any particular libertarian account can be substituted for "[libertarian account of free will]":¹⁸

P1. Intuitively, Ernie is neither free nor responsible for doing *A* (or for his decision to do *A*) at *t30* in IMS.

P2. According to [libertarian account of free will], Ernie is free and responsible for doing *A* at *t30* in IMS.

C. Therefore, [libertarian account of free will] is false.

In order to show that this argument schema suffices to raise problems for all extant types of libertarian account of free will, we would need to consider all extant types of libertarian account and to determine whether or not Ernie satisfies those accounts'

¹⁷ King (2013) attempts this (in defense of compatibilism, not to challenge libertarianism), but, as I argue in Cyr (2016), King's parallel manipulation argument fails because, among other reasons, we cannot generalize from an agent's non-responsibility in an indeterministic manipulation scenario to the non-responsibility of all ordinary agents in indeterministic worlds.

¹⁸ Though I have focused on the more popular versions of the manipulation argument, the Four-Case Argument and the Zygote Argument, which aim to show that compatibilism (rather than some compatibilist account of freedom and responsibility) is false, earlier versions of manipulation arguments were aimed at undermining particular compatibilist accounts, especially Frankfurt's hierarchical account, and these arguments share the same structure as the one I have provided in my own schema. See Slote (1980) for an example of this (though he mainly focuses on coercion, not manipulation), and see Fischer (2006, chapter 12) for a discussion of this kind of attack on his own compatibilist account.

conditions on free and responsible action. Hopefully it is clear from the description of the case that Ernie satisfies typical libertarian conditions. For those interested in the details, however, I have provided a representative sample of libertarian accounts in Appendix A, and I show that Ernie satisfies the conditions of each account considered.

What should we make of this indeterministic manipulation scenario (IMS)? Let me begin by reporting my own reaction to the case. Just as many compatibilists (including McKenna, who takes the hard-line reply to the manipulation argument against compatibilism) do not have the intuition that Ernie lacks freedom and responsibility in the *deterministic* version of the case, I do not have the intuition that Ernie lacks freedom and responsibility in IMS. And that is fine—my aim is not to provide a manipulation argument that undermines libertarianism. But I do not see a principled reason for treating the deterministic and indeterministic versions of the cases asymmetrically. If one’s reaction to the original case of Ernie was to judge that he is not free and responsible, on what basis could one maintain that Ernie is nevertheless free and responsible in IMS?

A natural suggestion is that the indeterminacy in IMS leaves leeway for Ernie to do otherwise than what Diana has planned for him to do, whereas in the deterministic manipulation scenario Ernie is never free to do otherwise than what Diana has planned.¹⁹ Now, it is contentious whether being causally determined to perform some action

¹⁹ Another possible suggestion is that Ernie’s *sourcehood* is undermined in the deterministic but not the indeterministic version of the case. (Thanks to Derk Pereboom for this suggestion.) But insofar as Diana plays the same role in setting up both the deterministic and indeterministic scenarios—and with the same intention that Ernie perform a specific action later in life—it strikes me as implausible to maintain that Ernie is the appropriate source of his actions in only one of the two cases.

precludes the (relevant sense of the) freedom to do otherwise than that action, but let us grant that it does, for the sake of argument.²⁰ Should one have asymmetric reactions to the types of cases based on whether or not the manipulated agent has the freedom to do otherwise? If the answer is yes, then I take it that the original manipulation argument against compatibilism loses its force—and thus does not reveal a cost of compatibilism—for as long as the compatibilist can address the threat from determinism to the freedom to do otherwise (either by showing their compatibility, as classical compatibilists attempt, or by showing that such freedom is unnecessary for responsibility, as semicompatibilists attempt) there will be no remaining challenge raised by the manipulation scenario. Yet compatibilism is not thought to be uniquely pricey because of the threat from determinism to the freedom to do otherwise; the unique cost of compatibilism is allegedly revealed by the *manipulation* argument. Furthermore, the feature of cases of deterministic manipulation that typically cultivates a judgment of non-responsibility is the eeriness of being used, unwittingly, by another agent for her own ends.²¹ But notice that, because of the way Diana created Ernie in IMS, and because of her covert interference with him throughout his life, the very same troubling feature of deterministic scenarios is present in IMS as well *even if* Ernie has the freedom to do otherwise in IMS.²²

²⁰ Classical compatibilists, such as Vihvelin (2013), would disagree, though see Cohen (2015) and Todd (2017) for recent manipulation arguments that target classical compatibilism in particular.

²¹ As Tognazzini says, what “haunts” him about compatibilism is the thought that it might imply the compatibility of responsibility and manipulation since, “let’s face it, manipulation is creepy” (2014: 358).

²² As I mentioned in note 16, IMS is closely related to Frankfurt-style cases, and so compatibilists who take such cases to show that we can be morally responsible despite

I have presented a case of indeterministic manipulation and have argued that, if one judged Ernie not to be morally responsible in the original (deterministic) manipulation scenario, then one should judge Ernie not to be responsible in the new case. Of course, I suppose someone could report having asymmetric judgments of responsibility in the two types of cases, and, I admit, I am not in a position to claim that an ideal observer's judgments would be symmetric.²³ But since IMS gives rise to a manipulation argument schema against libertarianism that presents a challenge that is exactly parallel to the challenge raised by the manipulation argument against compatibilism, the burden is shifted to the libertarian to provide a principled reason for treating the types of manipulation cases asymmetrically, and I am skeptical that any will be forthcoming.

lacking the freedom to do otherwise may also be inclined to say that Ernie is morally responsible in IMS. Moreover, they may be inclined to say this despite reservations about saying that Ernie is free and responsible in the original, deterministic version of the case (since that case does not appear to be structurally similar to Frankfurt-style cases). Given their varying reactions to the two Ernie cases, such compatibilists will not be inclined to accept my claim that we should treat the two Ernie cases symmetrically. (Thanks to Dana Nelkin for this suggestion.) As I see the dialectic, however, such compatibilists have two options, both of which require accepting symmetrical responses to the two cases: they must either accept the hard-line response to the original, deterministic Ernie case, in which case they must accept symmetric responses to the two Ernie cases, or else they must develop a "soft-line" reply to the original case according to which there is some relevant difference between the manipulation scenario and an ordinary deterministic context. But since any feature the soft-liner points out is going to be present in IMS too, the Frankfurt-style compatibilist looks committed to accepting symmetrical responses to the two Ernie cases. (And insofar as such a compatibilist was antecedently motivated by Frankfurt-style cases, it would be more natural for her, I submit to take the hard-line reply to both Ernie cases.)

²³ As Derk Pereboom has pointed out to me, while it is becoming more and more common to appeal to what ideal observers/agnostics would judge about manipulation cases, often the "ideal observer" simply reflects the author's own view.

1.5. Objections and Replies

The indeterministic manipulation scenario that I have presented is one in which the manipulated agent nevertheless satisfies extant libertarian conditions on freedom and responsibility. If the case is coherent and libertarianism is, like compatibilism, vulnerable to an argument from manipulation, then manipulation arguments do not reveal a unique cost of compatibilism; instead, if worries about manipulation pose a threat at all, they are a threat to any kind of account according to which we have free will. For my project to be successful (and, in particular, in order to make it clear that libertarianism is vulnerable to a manipulation argument), it is crucial that my case of indeterministic manipulation is indeed a case of manipulation and that it is one in which the manipulated agent does indeed satisfy libertarian conditions on freedom and responsibility. Two potential objections to my argument, then, are 1) that Ernie is not really manipulated to do *A* in IMS and 2) that Ernie does not satisfy libertarian conditions on freedom and responsibility for doing *A* in IMS. Let us take up these objections in reverse order.

One might think that Diana has not left room for Ernie to satisfy all libertarian conditions since she has only left Ernie with the *bare possibility* of the occurrence of events that are contrary to her plan and such bare possibilities are, on some libertarian accounts, insufficient to secure robust possible alternatives for Ernie. In other words, true freedom requires being able to do otherwise in a robust sense, not merely in the sense that it is possible that something else happen to you. But, according to this objection, Ernie's alternatives to doing as he actually does throughout his life are only ever non-robust happenings (in which he is obliterated), so IMS does not allow for Ernie to satisfy all

libertarian conditions.²⁴ But recall that nothing in IMS requires that Ernie only ever has non-robust alternatives. In fact, according to IMS, Ernie *does* possess robust alternatives at various points throughout his life. In order for Ernie to satisfy the conditions on Robert Kane's (1996) account, for example, Diana built various self-forming actions (SFAs) into Ernie's history, such as when Ernie must choose between acting as is morally required of him and acting in his own perceived best interest, at which times Ernie has robust alternatives even though, had he acted contrary to Diana's plan, he would have been obliterated. (For more on Kane's conditions, see Appendix A.)

A second potential objection is that IMS is not really a case of manipulation.²⁵ One might think that genuine manipulation *guarantees* that the manipulated agent acts in accordance with the manipulator's wishes, but, since Diana does not guarantee that Ernie does *A* at *t30*, her influence on Ernie does not rise to the level of manipulation. But as we learned from Mele, Kearns, and others who have introduced cases of indeterministic manipulation, manipulation is not essentially deterministic. Because manipulation is not essentially deterministic, one can be manipulated even if there was a chance that the manipulation failed.²⁶ Moreover, there are several positive reasons for thinking that IMS

²⁴ Perhaps there are other worries about Ernie not satisfying all (or some plausible) libertarian conditions on free will, but part of the reason for including the extensive survey of libertarian accounts in Appendix A is to allay such worries.

²⁵ This sort of objection is complicated by the fact that there is no standard account of manipulation on which participants in this literature are relying. Given the plausibility of the claim that manipulation is not essentially deterministic, my own view is that the correct account of manipulation will entail that IMS is indeed a case of manipulation.

²⁶ Tognazzini defends a related point, claiming:

is a case of manipulation. First, Diana has influenced Ernie's values and desires by creating his zygote in just the way she did. Second, Diana has guaranteed that, by a certain time (t_{30}), either Ernie will have performed that action that Diana wanted him to perform or he will have been destroyed. Finally, by creating Ernie with a plan for his life and by standing ready to intervene should Ernie deter from this plan, Diana has shaped Ernie's life, calling into question Ernie's ultimate sourcehood over his doing A at t_{30} (in just the way that, in the deterministic version of the case, Ernie's sourcehood is called into question by Diana's role in the case).²⁷

1.6. Conclusion

I have argued that, when it comes to manipulation arguments, compatibilists and libertarians are in the same boat. Indeterministic manipulation scenarios can be created such that an agent is manipulated (and thus intuitively lacks freedom and responsibility)

Nevertheless, I think it's clear that the libertarian will insist that any manipulation scenario that comes together with a strong enough guarantee (even if it's not 100 percent) that the agent will perform as desired is a scenario in which the condition of sourcehood will not be met. The incompatibilist's worry is not simply that the manipulated agent's action is guaranteed, but rather that the agent's actions and values seem to be at the mercy of someone or something other than himself, and this would be true even if the manipulator only made the action 99 percent probable. (2014: 362, n. 8)

I would add that even in cases in which the manipulator made an action less than 99 percent probable (even far less probable) but also would obliterate the agent if things did not go according to plan, there too the worry is that the manipulated agent's actions are at the mercy of someone or something other than himself.

²⁷ One might think that, since no one can possibly be manipulated into *agent-causing* an action, if Ernie satisfies agent-causal libertarian conditions (and IMS specifies that he does) then he has not been manipulated. But recall that, though Ernie is the agent-cause of his doing A at t_{30} , the case is clearly one in which Ernie is manipulated by Diana to A at t_{30} ; she sets him up for this purpose, and were Ernie to stray from Diana's plan for him he would be obliterated.

and yet satisfies several (or all) libertarian conditions on free and responsible action.

Manipulation arguments divide those who think we have freedom and responsibility from the skeptics, not the compatibilists from the incompatibilists. This chapter has left open the possibility that the skeptics are right and that manipulation arguments undermine *all* accounts of the conditions on free and responsible action, but it has also left open the possibility that, while manipulation arguments target compatibilist and libertarian accounts of freedom alike, neither are undermined by the arguments. Indeed, given the extent of the challenge from manipulation, perhaps it would be best to re-evaluate the initially plausible judgment that *certain* manipulated agents (i.e., the ones who have been manipulated in the incredibly sophisticated way that is required in order to satisfy plausible conditions on freedom and responsibility) are not free and responsible for what they do.

Chapter 2: The Deterministic Luck Challenge

2.1. Introduction

Because of its requirement that there be indeterminacy in the world in order for there to be free actions and actions for which agents are morally responsible, libertarianism appears to be subject to luck-related worries. The very indeterminacy that libertarianism requires can apparently mitigate an agent's control over what she does. For example, some libertarians have argued that, in the case of non-derivatively free actions (or actions for which agents are non-derivatively morally responsible), it must be undetermined at the time of action what the agent will do; but if it is undetermined what the agent will do, then the agent does not determine (or ensure, or settle) what she does, and so her control over what she does is called into question. This is sometimes called the problem of present (or cross-world) luck, since the indeterminacy required by (some versions of) libertarianism introduces problematic luck for the agent at the time of her action, and what she does at that time varies across possible worlds that have the same laws of nature and that have the same past up to the time of the action.

Because compatibilism does not require indeterminacy in order for agents to be morally responsible, it is typically assumed that compatibilism, unlike libertarianism, is not challenged by the problem of present luck.¹ Now, as it turns out, most contemporary

¹ For simplicity's sake, the rest of the chapter will mainly be concerned with moral responsibility and will only occasionally mention free action; however, what I say about actions for which agents are morally responsible will also apply to agents' free actions (provided that by "free action" we are not talking about something over and above meeting the freedom-relevant condition on moral responsibility).

compatibilists take moral responsibility to be compatible with both determinism and *indeterminism*, so, in a sense, these compatibilists inherit the libertarian's problem.² I will not focus on this challenge to contemporary compatibilists here.³ There is another problem of luck, however, sometimes called the problem of constitutive luck, which clearly threatens compatibilism.⁴ Constitutive luck concerns the aspects of agents that make them who they are, such as their traits and dispositions, and the problem of constitutive luck says that it is a matter of luck for agents that they have the traits, dispositions, etc. that they in fact have. And if it is a matter of luck for an agent that she is who she is, so the problem goes, then she does not possess sufficient control over who she is to be responsible for the kind of person she is and for the actions that stem from her character.

Recently, Neil Levy (2009; 2011) and Mirja Pérez de Calleja (2014) have argued that compatibilism is not only vulnerable to the problem of constitutive luck but also to a problem of present (or cross-world) luck. These approaches vary in the details, but both maintain that, even in a deterministic world, agents are subject to luck at or around the time of their actions. An agent in a deterministic world may perform some action in that world but behave differently in a nearby possible world as a result of circumstances over

² This has led some contemporary compatibilists to offer solutions to the problem of present luck on behalf of libertarians (and themselves). For a development of the challenge to contemporary compatibilism, see Vargas (2012), and for a response on behalf of libertarianism, see Fischer (2012, chapter 6; 2014).

³ This challenge is the subject of the next chapter of this dissertation (chapter 3).

⁴ Nagel calls this type of luck "constitutive" (1979: 28), and Mele calls this general type of luck (of which constitutive luck is an instance) "remote deterministic" (2006: 77).

which she lacks control.⁵ The first aim of this chapter is to show that each of these approaches (to arguing that compatibilism is challenged by a problem of present luck) does not succeed.

Even if compatibilism is not challenged by a problem of present luck, the problem of constitutive luck remains, so the second aim of this chapter is to develop a model for dealing with the problem of constitutive luck. The model I propose suggests that moral responsibility comes in degrees and that the degree to which one is morally responsible is a function of the degree to which one meets the various conditions on moral responsibility. One upshot of my discussion of luck and compatibilism is that we find a reason to prefer a history-sensitive account (whether it be a historicist or structuralist one) over the traditional, purely nonhistorical structuralist account. More on this to come.

In the next section, I discuss relevant aspects of the concept of luck, including the distinction between present (or cross-world) and constitutive luck. I then, in section 2.3, consider and reply to some recent attempts to show that compatibilism faces the problem of present luck. In section 2.4, I provide a response to the problem of constitutive luck for compatibilism, and I claim, in section 2.5, that one upshot of the present discussion is a reason to prefer a history-sensitive compatibilist account over a purely nonhistorical structuralist account.

⁵ Or, if one prefers talking about agents' counterparts, an agent in a deterministic world may perform some action in that world but her counterpart behave differently in a nearby possible world as a result of circumstances over which neither has any control. For stylistic purposes, I will not continue to mention counterparts.

2.2. What's Luck Got to Do with It?

The concept of luck has featured in many arguments in debates about free will and moral responsibility.⁶ In most cases, such arguments employ an intuitive understanding of what luck is, and an analysis of the concept of luck is not provided.⁷ That said, an important aspect of the concept of luck is often highlighted, namely that a lucky agent lacks some kind or degree of control over what occurs. Alfred Mele nicely articulates this point: “Agents’ *control* is the yardstick by which the bearing of luck on their freedom and moral responsibility is measured. When luck (good or bad) is problematic, that is because it seems significantly to impede agents’ control over themselves or to highlight important gaps or shortcomings in such control” (2006: 7). Christopher Evan Franklin extends this point: “Moreover, there seems to be an inverse relation between luck and control: the more an action is subject to luck, the less it is under our control, and the more it is under our control, the less it is subject to luck. Luck and control thus appear to exclude each other: an action cannot be both wholly a matter of luck and wholly under our control” (2011: 200). Thus, in the case of an agent’s action, if the action is lucky for the agent in a way that is problematic for her moral

⁶ For a few examples of the luck argument (or luck challenge), see Hume (2000), Haji (1999), Mele (1995; 2006; 2013b), and Almeida and Bernstein (2003). The “rollback argument” (van Inwagen 2000) and “*Mind* argument” (van Inwagen 1983) are closely related.

⁷ Neal Tognazzini, to give just one example, says that he need not analyze the concept for his purposes (2011: 98). Levy makes note of this tendency, saying that “luck itself—as opposed to problems centered around luck—has rarely been focused on... Within the free will and moral responsibility debate, too, there has been little sustained attention to the nature of luck” (2011: 11-12).

responsibility for that action (and here I follow Mele in using ‘lucky’ to refer to both good and bad states of affairs), then she lacked some type or degree of control over her action.⁸

This feature of the concept of luck (that is, lack-of-control) is arguably the most important feature of the concept, since it is precisely this lack of control that is troubling for various accounts of moral responsibility. As far back as Aristotle (*Nicomachean Ethics* 1109b30-1111b5), it has been widely accepted that in order for an agent to be morally responsible for some action she must control her action in some sense.⁹ But if there is an inverse relation between luck and control, as Franklin suggests, and if one of the conditions for morally responsible action is that the agent exercised control over that action, then luck presents a problem for morally responsible action.

Control is arguably not the only relevant aspect of the concept of luck, however. In order for some event or state of affairs to count as lucky for an agent, it must also be significant for her. I currently lack control over whether there is heavy traffic in Los Angeles, but, since I am not driving anywhere near Los Angeles, this state of affairs is insignificant for me; it would be strange to say that it is lucky for me (good or bad) that

⁸ I do not wish to take a stand on what type of control is needed for moral responsibility, nor to what degree one must exercise control over an action in order to be responsible for it, but it is worth noting that the various problems associated with luck that I consider here cut across the various accounts of what kind or degree of control is required for moral responsibility.

⁹ Fischer and Ravizza, for example, say that it is this “control condition” that “specifies that the agent must not behave as he does as the result of undue force; that is, he must do what he does freely. Alternatively, one could say that the agent must *control* his behavior in a suitable sense, in order to be morally responsible for it” (1998: 13).

there is heavy traffic in Los Angeles, since this is not even remotely significant for me.¹⁰ As I understand the notion of significance that is relevant here, there will be an objective fact of the matter about what counts as significant for an agent (and the agent might be wrong about what is significant for her), but such facts depend on the agent's aims, interests, character, etc. So it would be possible for a bird's flying overhead to be significant for one agent and not another if, for example, the two agents are alike in every way except that one enjoys bird-watching and the other does not. Significance, then, is agent-dependent. This aspect of the concept of luck also features in the intuitive notion employed in the arguments mentioned above, though not emphasized to the degree that the lack-of-control feature is, perhaps because most (if not all) candidate morally responsible actions will be significant for agents in virtue of their being morally significant.

Unlike most others, Neil Levy attempts to provide an analysis of the concept of luck. Drawing from the work of such epistemologists as Duncan Pritchard (2005) and E. J. Coffman (2007), Levy incorporates both the lack-of-control feature and the significance feature into his analysis, as well as a third, modal feature.¹¹ According to

¹⁰ Levy gives a different example and explains why such an insignificant state of affairs cannot count as lucky: it cannot be a matter of luck "whether I have an odd or even number of hairs on my head at 12 noon, because we generally reserve the appellation 'lucky' for events or processes that *matter*" (2011: 13).

¹¹ Levy is not the only one to see that modality should feature in one's characterization of luck. The present (or *cross-world*) luck challenge developed by Mele (2006), while not explicitly analyzing 'luck' as modal, makes use of a modal characterization of luck. Julia Driver (2013) argues that we should analyze 'luck' modally, and Pérez de Calleja (2014) assumes a modal account of luck.

Levy, for an event or state of affairs to be lucky for an agent (in particular, “chancy lucky” for an agent, which just is the kind of luck at issue in the present discussion), “that event or state of affairs [must fail] to occur in many nearby worlds; the proportion of nearby worlds that is large enough for the event to be chancy lucky is inverse to the significance of the event for the agent” (2011: 36).¹² If I am driving in Los Angeles and there is light traffic, this counts as lucky for me since the following three conditions are met: 1) I lack control over whether there is light traffic in Los Angeles, 2) the amount of traffic is significant for me (since I am driving in Los Angeles), and 3) that there is light traffic in Los Angeles fails to occur in a large proportion of nearby worlds. For the purposes of this chapter, I will adopt Levy’s modal analysis of luck.¹³

To see how luck might be problematic for moral responsibility, and as setup for the following sections, let us consider two types of luck: present luck and constitutive luck. Present luck, on the one hand, is found at or around the time of action and, according to Levy, “significantly influences that action” (2011: 90). This type of luck, which is typically taken to be uniquely problematic for libertarian accounts of free will

¹² Levy’s modal account appeals to *many* nearby worlds, but he clarifies that by this he means *large proportions* of nearby worlds. Still, it is unclear how large the proportion of worlds in which the action does not occur must be in order for the action to count as lucky, and worries about vagueness loom large. I will not press this objection here, though, and will stick to cases in which it is intuitively clear whether or not the proportions of worlds are sufficiently large.

¹³ Levy sometimes talks as though these conditions are merely sufficient for an action to be lucky—see, e.g., his definition of chancy luck (2011: 36)—but it is clear from his presentation (and the title of the second chapter of his book) that he aims to give an account of what luck is. For this reason, I take these conditions to be both necessary and sufficient for an action’s being lucky.

and moral responsibility, is also sometimes called cross-world luck, and an example illustrates the reason for this.¹⁴ Imagine that the actual world is indeterministic and that an agent, John, performs an action *A* at time *t*. According to some libertarians, in order for *A* to have been an action for which John is directly (non-derivatively) morally responsible, it must have been the case that, holding fixed the laws of nature and the past up to *t*, John could have done otherwise than *A* at *t*. (And, it is worth noting, on standard libertarian accounts, without *directly* morally responsible actions there cannot be *indirectly* moral responsible actions.) In other words, there is a possible world (call it *W**) that is exactly like the actual world (call it *W*) right up to *t* and in which John does otherwise than *A* at *t*. Given that there is no difference between these two worlds right up to *t*, and in particular that there is no difference in John right up to *t*, nothing about John (including his powers, abilities, character, motives, etc.) accounts for the difference between his *A*-ing in *W* and his doing otherwise in *W**. Since nothing about John accounts for this cross-world difference, so the problem goes, John lacks control over whether he does *A* or otherwise at *t*. So, if whether John does *A* or otherwise at *t* is

¹⁴ Pérez de Calleja says that, at least on Mele's construal, "present luck requires indeterminism by definition," so she uses 'cross-world luck' as a broader term, one that can refer to the parallel of present luck in a deterministic context (2014: 123, n. 8). As she notes, 'present luck' and 'cross-world luck' are often used synonymously, and that is how I use them here. To many (including Levy), present luck is luck at or around the time of action, and if there is a way for agents in a deterministic world to encounter luck at or around the time of action, then that counts as present luck. When I discuss Pérez de Calleja's argument, however, I will stick to her terminology (using 'cross-world luck') for simplicity's sake.

significant for John, and if John does otherwise in a large proportion of nearby worlds, then John's *A*-ing at *t* is lucky for him.

Constitutive luck, on the other hand, concerns the aspects of agents that make them who they are, such as their traits and dispositions. Saul Smilansky argues that, if determinism is true, we are constitutively lucky in a responsibility-undermining way; if determinism is true, "people cannot ultimately create themselves, and their choices, including their choices to change themselves, and anything they do, can only follow from factors ultimately beyond their control" (2000: 284). The way that people are is a matter of luck, since people cannot ultimately create themselves. And if it is a matter of luck for an agent that she is who she is, so the problem goes, then she does not possess sufficient control over who she is to be responsible for the kind of person she is. This is a challenge for compatibilist accounts of morally responsible action, since compatibilists say that moral responsibility is compatible with determinism. Before addressing this challenge, however, let us consider the more recent attempts to show that compatibilism faces a problem of present luck.

2.3. Present (or Cross-World) Luck

Present luck occurs at or around the time of an action and significantly influences that action, and an action is lucky if and only if it is significant for the agent, the agent lacks some kind or degree of control over the action, and the action fails to occur in a large proportion of nearby worlds. Recently, both Neil Levy and Mirja Pérez de Calleja have argued that present (or cross-world) luck poses a challenge to compatibilism as well as to libertarianism. Levy argues that luck undermines all accounts of moral

responsibility, and essential to his argument is that compatibilism cannot avoid problems associated with constitutive luck without encountering problems associated with present luck. Pérez de Calleja argues that cross-world luck at the time of the agent's decision is a challenge for compatibilism as well as for libertarianism. I will argue here, however, that neither of these has shown that present luck undermines all compatibilist accounts of moral responsibility. To begin, I will argue that each author fails to show that present luck is sufficiently pervasive to undermine compatibilist accounts of moral responsibility. I will then argue that even if it *were* pervasive, present luck would nevertheless fail to undermine compatibilist accounts of moral responsibility.

2.3.1 Levy's Argument

Levy argues that the various types of luck jointly undermine all accounts of moral responsibility. I am only concerned here with part of Levy's project—the part in which he argues that luck undermines all compatibilist accounts of moral responsibility, including certain “history-sensitive” accounts (what he sometimes calls “historical compatibilism”). Before we turn to his argument, let me say something briefly about Levy's intended target.

It is common to distinguish between two main types of compatibilist accounts: historicist accounts and structuralist accounts. According to the latter, whether an agent is directly morally responsible for an action depends only on her psychological structure at the time of action.¹⁵ According to historicism, by contrast, how an agent came to have her

¹⁵ For two influential structuralist accounts, see Frankfurt (1971; 1988) and Watson (2004).

psychological structure can make a difference as to whether or not she is morally responsible.¹⁶ Historicists posit historical conditions on moral responsibility that specify when an agent's history is or isn't conducive to her being morally responsible. Levy's argument targets views according to which agents can "take responsibility" for their values and dispositions and thereby avoid being constitutively lucky at later times. While this claim is typically associated with historicism (the view that *whether* an agent is responsible depends on her history), it is worth noting that there is conceptual space for a history-sensitive *structuralist* position that accepts it (by maintaining that only the *degree* of an agent's responsibility may depend on her history).¹⁷ Levy's target is any sort of history-sensitive compatibilist position.

Levy begins by distinguishing between constitutive luck and present luck, and he argues that, taken together, the two types of luck undermine history-sensitive compatibilism. Levy claims that current responses to the problem of constitutive luck expose history-sensitive compatibilism to the problem of present luck.¹⁸ I argue that

¹⁶ Both camps should agree, however, that sometimes agents who do not satisfy even the structuralist's conditions can be *indirectly* morally responsible for what they do. To use a common example, if an agent is driving while drunk, she does not satisfy even typical structuralist conditions at the time of her driving, and yet she may be morally responsible for her driving (or certain consequences), depending on whether or not she was morally responsible for becoming drunk and not taking proper precautions. Given that any plausible account should admit this possibility, in this sense both historicist and structuralist accounts are history-sensitive. For more on this point, see McKenna (2012: 156). (In section 2.4, my response to the problem of constitutive luck will require a more robust sort of history-sensitivity, but we can set this aside for now.)

¹⁷ In fact, in section 2.4, I will propose just such a version of structuralism.

¹⁸ To be clear, Levy grants that, were it not for present luck, historical compatibilism would not be undermined by luck-related worries; Levy thinks that the problem of constitutive luck can be dealt with by appealing to *taking ownership* of one's endowment,

Levy's claim about history-sensitive compatibilism and present luck is false. Later (in section 2.4), I consider whether constitutive luck alone might be problematic for history-sensitive compatibilism, and I argue that it too does not undermine history-sensitive compatibilism.

Let us follow Levy in calling what an agent inherits via constitutive luck her "endowment" (2011: 88). For example, an agent's set of values and dispositions are part of her endowment insofar as the agent is constitutively lucky in having them—perhaps if she were born in another era or geographical region her values and dispositions would be different. On some versions of history-sensitive compatibilism, agents' endowments are a matter of luck for them at first, and yet they are able to become responsible for their endowments by taking ownership of their values, dispositions, etc.¹⁹ Mele illustrates this possibility by introducing a hypothetical agent, Chuck, who, though subject to bad constitutive luck in the form of cruel desires, decides to overcome the guilt he feels when torturing animals by hardening himself to it (2006: 171). Agents like Chuck are not mere subjects of constitutive luck but are also partly responsible for becoming the way they are

but that responsibility for such taking ownership is undermined by present luck. As I will argue, it is plausible that there are cases in which an agent takes ownership of her endowment but is not subject to present luck.

¹⁹ On this view, taking ownership is a diachronic activity that involves reflecting on one's values, dispositions, etc. and acting in accordance with them or not. Another (also diachronic) type of response (in defense of historical compatibilism) is given by Fischer and Ravizza (1998) and defended by Fischer (2006; 2012) and Tognazzini (2011), and this response attempts to escape the problem of constitutive luck by appealing to agents' ownership of the operative reasons-responsive mechanism. I do not tailor my response here to the details of Fischer and Ravizza's response, but what I say here can, *mutatis mutandis*, be applied to Fischer and Ravizza's.

since they take ownership of their endowments and bring about changes to their endowments, thereby becoming responsible. Levy accepts this response as a way to see off the problem of constitutive luck; however, he claims that it “succeeds only if compatibilism is not subject to present luck” (2011: 89).

In order to show that compatibilism is subject to present luck, Levy considers a few *prima facie* ways in which putatively free agents in deterministic worlds are subject to present luck: which considerations come to the agent’s mind, what mood the agent is in, whether or not the agent’s attention wanders, and the way in which an agent’s deliberation is primed by her environment (2011: 90). The list is not meant to be exhaustive but rather to display several common features of the lives of putatively free agents in deterministic worlds that give rise to present luck. Consider the example of the considerations that come to mind, an example which Levy borrows from Mele (1995; 2006). During the deliberative process, the considerations that come to mind are inputs in the agent’s decision-making. These inputs, however, appear to be lucky for the agent, since they satisfy all three conditions from our analysis of the concept of luck: the inputs are significant for her, she lacks control over which come to mind, and there are many nearby possible worlds in which different considerations come to mind. Moreover, these inputs significantly influence the agent’s action, and thus count as *presently* lucky for her. And as in the deliberative process, so also the agent is presently lucky in other aspects of her life. Therefore, even history-sensitive compatibilism is vulnerable to the problem of present luck.

But it is not the case that agents in deterministic worlds would be presently lucky in every case of taking ownership of their endowments.²⁰ Given an agent's moral education, her self-discipline, and her habits, it is not the case that what considerations come to mind (or whether the agent's attention wanders, or what mood she is in, etc.) are always a matter of luck for her. Furthermore, there will be many such cases in which an agent's training, habituation, etc. preclude present luck at the time of her taking ownership of her endowment. Consider the case of Charles:

Charles: Charles is a young agent in a deterministic universe whose endowment includes an appreciation of the value of dogs and a disposition to make sacrifices of his own time in order to benefit friendly dogs. While riding his bicycle home from school, Charles hears a dog yelp in pain. In the actual world, it occurs to Charles that the yelp might have come from his neighbor's dog, Odie. After a few moments of reflection, Charles evaluates the relevant part of his endowment; Charles decides that he would prefer to be the type of person who is disposed to help friendly dogs even when it requires a small sacrifice in his own time, so he hurries to find the source of the yelp. Importantly, the strength of Charles's relevant values and dispositions guarantees that in a very high proportion of nearby worlds Charles decides that he wants to be a certain type of person, disposed to help friendly dogs in need, and he goes and finds the source of the yelp. Given the strength of Charles's values and dispositions, it is not the case that any of the following had an impact on the outcome in a large proportion of nearby worlds: the considerations that came to mind, Charles's mood, the fact that Charles's attention did not wander, and the way in which Charles's deliberation was primed by his environment. Given Charles's endowment, he would have, in most cases, come to the same decision and gone looking for the source of the yelp no matter what came to mind, no matter his mood, etc.

²⁰ I am not claiming that agents in deterministic worlds are *never* presently lucky, but rather that it is not the case that they are presently lucky in *every* case of taking ownership for their endowments. For Levy's argument against historical compatibilism to succeed, it would need to be the case that every possible occasion at which an agent (in a deterministic world) takes ownership of her endowment, her responsibility for this is undermined by present luck. Since, as I argue here, there are plausible (and quite ordinary) cases of agents taking ownership of their endowments which are not subject to present luck, Levy's argument does not succeed.

Even if we grant that Charles performs another action in *some* nearby worlds, clearly (given his values, dispositions, etc.) he will not do otherwise in *sufficiently large proportion* of nearby worlds for his action to count as lucky. Even if Charles lacks control over his action (though, as I will argue below, we should not accept this claim), and even if his action is significant for him, his action is not lucky, since the third condition on lucky action is that it fail to occur in a large proportion of nearby worlds, which Charles's action does not. And since Charles takes ownership of (and brings about a change to) his endowment without being subject to present luck, we have a case in which both of the following obtain: the agent takes ownership of her endowment (in the way that Levy thinks gets around the problem of constitutive luck), and the agent's taking ownership of her endowment does not fail to occur in a large proportion of nearby worlds. Levy's argument does not succeed.

Now, even if Charles's action did not technically count as lucky, if it turned out that, in this sort of case, the agent nevertheless lacked sufficient control over her action to be morally responsible for it, we would not yet have a vindication of compatibilism.²¹ But I do not think that we have reason to take Charles (and relevantly similar agents) to lack control. After all, Charles is rationally competent, succeeds in bringing about what he wants to bring about, and, given that the third condition on luck is not satisfied, his action's occurrence is entirely dissimilar from paradigmatic cases of lucky outcomes (such as a coin's landing heads rather than tails) that are not under anyone's control. For

²¹ Thanks to an anonymous reviewer for *Erkenntnis* for raising this important worry.

these reasons, though we have focused on the fact that Charles's action does not satisfy the third condition on luck, I do not think it satisfies the lack-of-control condition either.²²

Let us consider two potential objections to my reply to Levy's argument. One might think that I have cheated by considering a case in which an agent (Charles) had certain values, dispositions, etc. that predisposed him to opt for a certain course of action, thereby making it the case that Charles would not do otherwise in a large proportion of nearby worlds; what I need to show, one might think, is that there is no present luck in cases in which agents are *torn* between two (or more) options. I have two comments. First, it is sufficient for my purposes to show that it is not the case that all instances of taking ownership of one's endowment will be cases affected by present luck, and I have shown exactly this in the case of Charles. Second, typical compatibilist accounts do not require, as some libertarian accounts do, that there be cases of self-forming actions that arise from torn decisions.²³ If one is worried about how compatibilists can account for agents' responsibility for having the reasons, character traits, etc. that they have, then one

²² If Charles's action does not satisfy the lack-of-control condition, why did we bother with the modal condition in the first place? As I see the dialectic, the proponent of the problem of present luck for compatibilism attempts to show that compatibilists are wrong about the possibility of agents in deterministic worlds exercising the control required for freedom and responsibility, and they aim to do this by arguing 1) that agents in deterministic worlds are subject to present luck and 2) that luck precludes the requisite control. Using the account of luck accepted by the proponents of the problem of present luck, I have argued that agents in deterministic worlds are not *always* subject to present luck. Of course, such agents may nevertheless lack control over their actions (though I have provided some reason here to think that they do not lack control), but unless this lack of control stems from these agents' being subject to luck, this is a separate issue—one that gives up the original objection (from present luck).

²³ For the most notable example of such a libertarian account, see Kane (1996; 1999).

is worried about constitutive luck, not present luck, and constitutive luck is the subject of section 2.4.

A second potential objection is that the *proportion* of nearby worlds in which an agent does some action to nearby worlds in which she fails to do that action is *itself* a matter of luck for the agent, even if the agent's performing that action is not a matter of luck. This objection fails, however, to take account of the fact that the proportion of worlds will be determined in part by the agent's constitution at the time of the action. If an agent enjoys bird-watching, for example, then the proportion of worlds in which it occurs to that agent that a potential destination is (say) on a certain migratory path (and in which the agent does otherwise for this reason) is going to be a much different proportion than one concerning an agent who does not care about birds. Now, one might worry that these aspects of a person's character that determine the proportion of worlds in which she does otherwise are themselves a matter of luck, but this too is a worry about constitutive luck.

2.3.2 Pérez de Calleja's Argument

Pérez de Calleja argues that cross-world luck at the time of decision is not uniquely problematic for libertarians; if cross-world luck is a problem at all, she thinks, then cross-world luck is a problem for compatibilists as well. In her view, it is not indeterminacy in particular that gives rise to cross-world luck, but rather other features of agents (such as their being motivationally split)—features that are compatible with determinism. As it turns out, Pérez de Calleja also argues that cross-world luck at the time of decision does not preclude free and morally responsible action, and, as I discuss

below, I agree. Still, given what I have said in response to Levy's argument, an in particular that causally determined agents (in contrast to agents satisfying libertarian conditions) need not always be presently lucky, I will argue that the problem of cross-world luck is not a problem for compatibilists in the first place.²⁴

Pérez de Calleja argues that there can be cross-world luck at the time of decision even in deterministic worlds:

My claim is that a decision performed at a time at which the agent is psychologically able (and suitably skilled and placed) to refrain from deciding that way in the circumstance is subject to cross-world luck, whether the world is deterministic or indeterministic. Bob [an agent in an indeterministic world], in particular, is lucky that he decides as he does rather than otherwise because, in a nearby possible world where the salient causes and background conditions which are relevant to his deciding one way or another in the circumstance are the same (including his reasons, his character traits and even his way of deliberating), he decides otherwise instead. If we make Bob's world deterministic, we don't thereby eliminate the nearby possible worlds where Bob's counterpart does otherwise in conditions which don't *significantly* differ from Bob's. (2014: 114-115)

Imagine that Bob* is an agent who is in a deterministic world, who does some action *A* at *t* in that world, and who does otherwise some other world; to make things easier, let us call him Bob** in the nearest world in which he does otherwise than *A* at *t*.²⁵ On Pérez de

²⁴ As long as we take Pérez de Calleja to be showing merely that it is *possible* for causally determined agents to be presently lucky, I agree. And I do in fact take this to be Pérez de Calleja's aim, as she thinks there can be cases in which determined agents are not presently lucky (2014: 120). But I do not think it follows from this that cross-world luck is a problem for compatibilists, and certainly not that it is a problem for compatibilists in the same way that it is a problem for libertarians, since the challenge for libertarians is that any agent who satisfies libertarian conditions on non-derivatively morally responsible action will be presently lucky.

²⁵ Pérez de Calleja takes the original Bob from Mele (2006: 73-74) and introduces Bob* and Bob** for her own purposes (2014: 115).

Calleja's view, there is no variance between Bob* and Bob** with respect to their reasons, character traits, way of deliberating, etc. Furthermore, there is no significant difference, she thinks, between the external conditions of Bob* and Bob**; in the nearest world in which Bob* does otherwise, "the salient causes and background conditions that are relevant to his deciding one way or another in the circumstance are the same" (2014: 115). But since everything about Bob* and Bob** is the same, and since there is no significant difference in the salient causes and background conditions in their worlds, both Bob* and Bob** are subject to cross-world luck.

Pérez de Calleja's argument is similar to Levy's. Since there can be nearby worlds in which, holding fixed everything about an agent that is under her control, the agent does otherwise than she does in the actual world, this cross-world difference is a matter of luck for the agent. Pérez de Calleja compares worlds in which there is no significant difference in the salient causes and background conditions, and Levy shows that such things as the agent's mood and what comes to mind, though themselves not a significant difference between worlds, can result in the agent's performing different actions. According to both Levy and Pérez de Calleja, what makes the cross-world difference a matter of luck is that minor (and insignificant) changes to the salient causes and background conditions in an agent's world can result in a different outcome, and, since the agent lacks control over those salient causes and background conditions, the cross-world difference in outcomes is a matter of luck for her.

But Pérez de Calleja has not shown that compatibilism is subject to a problem of cross-world luck, for the compatibilist can show that there will be many cases in which

Pérez de Calleja's alleged cross-world luck will not in fact be cases of luck. One way to do this is to show that some of these cases are not cases in which the agent does otherwise in a *large proportion* of nearby worlds. Imagine that Bob* (who, remember, is in a deterministic world) has a set of reasons, character traits, and deliberating methods such that it would be unthinkable for him to turn down his dream job, were it offered to him. If Bob* is offered his dream job, the vast majority of nearby worlds will contain Bob* accepting the dream job. In such a case, Bob* is not subject to cross-world luck, since it is not the case that in a large proportion of nearby worlds Bob* does otherwise than accept the job offer.

2.3.3 Would Present Luck Be So Bad?

So far I have objected to Levy's and Pérez de Calleja's arguments on account of their failure to establish that present luck in deterministic worlds would be sufficiently pervasive to undermine the moral responsibility of causally determined agents. The cases of Charles and Bob* demonstrated that determined agents could be free of present luck, and neither Levy nor Pérez de Calleja has given us reason to think that relevantly similar cases are uncommon. Still, given that these authors point out ways in which it is possible for determined agents to be presently lucky, it is worth considering whether the sort of present luck at issue really precludes the control necessary for moral responsibility. Drawing resources from the work of Pérez de Calleja herself, as well as from John Martin Fischer (2014), I argue that it does not.

First, consider two cases. Suppose that, in the first case, you are a causally determined agent who is motivationally divided between two options, between (say)

giving some bad news to your friend now or after the road trip you've just begun has ended—a case Pérez de Calleja introduces (2014: 117). It may be that, in this case, what you do is cross-world lucky for just the reasons that Levy and Pérez de Calleja think many determined actions are (had something else come to mind, you would have done otherwise). But suppose that, in another version of the case, what you do is not cross-world lucky (perhaps you give the news to your friend right away in a large proportion of nearby worlds), as in the cases that I have discussed in responding to Levy and Pérez de Calleja. With respect to these cases, I agree with Pérez de Calleja: “It sounds to me rather arbitrary and hence unfair to say that, in the original version of the case, cross-world luck at the time of decision precludes free will, but in this new version you may act freely in the way required for moral responsibility, since you are not subject to cross-world luck at the time of decision” (2014: 120). Given that, in these two cases, the agent performs the same action for exactly the same reasons (and from the same character, values, preferences, and so on), there does not seem to be a principled reason for taking the agent to be free and morally responsible in only the second version of the case.²⁶

One might object to the line of thought expressed in the last paragraph by *accepting* Pérez de Calleja's (and my) claim that there is no relevant difference between the agents in the two types of cases but nevertheless inferring from this that agents in the

²⁶ Indeed, when put in these terms, the challenge from present luck as Levy and Pérez de Calleja raise it seems less like the original problem of present luck (for libertarianism) and more like challenges from circumstantial or constitutive luck. For a recent discussion of how compatibilists can argue that circumstantial and constitutive luck do not undermine moral responsibility, see Hartman (2016), though I will develop a new line on constitutive luck in the next section.

second type of case are *not* free and morally responsible.²⁷ A problem for this objection, however, is that if one took the present luck in the first type of case to undermine the agent's control, then one should admit that there *is* an important (and arguably relevant) difference between the two types of cases, since the agent in the second type of case is *not* subject to present luck. More importantly, though, the compatibilist who takes such things as the agent's sensitivity to reasons (or her hierarchy of values, or...) to be constitutive of the control required for moral responsibility has a principled reason for her judgment that the agent in the second type of case is morally responsible, which is to say that, assuming the no-relevant-difference claim is correct, she has a principled reason for inferring that present luck would not undermine the agent's control.

A second (but related) reason for thinking that a causally determined action's being presently lucky would not preclude the agent's having the control necessary for moral responsibility for that action is that what Fischer calls the "requisite glue" connecting actions and their causes could still be in place even if our actions are presently lucky.²⁸ Suppose that, for some causally determined agent's action, the required connections between the agent's action and the causes of that action are in place. On Fischer's view, this "requisite glue" would not vanish if there were a chance that, as the result of a genuinely random machine over which the agent had no control, the agent's

²⁷ Thanks to an anonymous reviewer for *Erkenntnis* for suggesting that I address this response.

²⁸ This point is related to Pérez de Calleja's (2014: 120-121) point that agents can satisfy typical compatibilist sufficient conditions on free actions (such as Fischer and Ravizza's conditions on "guidance control") even when their actions are cross-world lucky.

action might be preempted by an alternative sequence—a case in which the indeterminacy of the agent’s action would render it presently lucky.²⁹ If the requisite glue is present in the case without the random machine, why think that it could not be present in the case in which it was possible that the machine preempted the agent’s action but did not in fact preempt it? As Fischer says, “Indeed, it should be intuitively obvious that the mere existence and operation of the machine in [the second case] is *irrelevant* to whatever it is that makes it the case that the responsibility-grounding relationship obtains in the sequence flowing through [the agent]” (2014: 61). On Fischer’s view, an agent’s action’s being presently lucky as a result of a random machine would not preclude the agent’s being morally responsible for that action, since the relevant connection (the “requisite glue”) between it and its causes would remain in place. In the same vein, if a causally determined agent’s action is presently lucky in the way that Levy and Pérez de Calleja discuss, we should not think that the fact that another action would have occurred had there been certain differences (such as a different thought’s occurring to the agent) undermines the agent’s moral responsibility (since the relevant connection between that action and its causes remains in place even when the agent’s action is presently lucky).

²⁹ As I mentioned in note 2, Fischer (2014) is offering a solution to the problem of present luck on behalf of libertarians (and on behalf of his own view, given that he takes moral responsibility to be compatible with *indeterminism* as well as determinism), and it is worth noting that compatibilists who opt for this strategy are left unable to utilize the main challenge to their prominent dialectical rival. As I argue elsewhere (“Consolidating the Problems of Luck and Enhanced Control,” Manuscript), however, compatibilists like Fischer can supplement the problem of luck with another challenge in such a way as to challenge libertarianism without challenging their own view.

So even if a causally determined agent's action is presently (or cross-world) lucky, we should not think that this luck precludes the control necessary for moral responsibility.

2.4. Constitutive Luck

We have considered both recent attempts to show that compatibilism is subject to the problem of present (or cross-world) luck, and I have argued that neither of these attempts succeeds. The failure of these attempts would not be much consolation for compatibilists if constitutive luck remained a problem. In this section, I argue that constitutive luck does not undermine compatibilism. In the next section, I discuss the implications of my response to the problem of constitutive luck for a certain dispute between historicists and structuralists.

2.4.1 The Problem

Recall (from the discussion of Levy's argument) the compatibilist's strategy to show that agents can become morally responsible despite their constitutive luck: agents are able, even if determinism is true, to evaluate their values, dispositions, etc. and to adjust them upon evaluation, thereby taking ownership of their endowments and becoming partly responsible for the way they are. We must consider, however, how it is that an agent can be responsible for the evaluation and adjusting of her endowment, when the toolkit, so to speak, is a part of her very endowment. If the agent is responsible for taking ownership of her endowment because her history includes previous modifications to her endowment, then the problem is not solved but merely moved back in time to prior uses of the toolkit with which she has been endowed. If we were to continue to pursue the regress, we would eventually come to the agent's first evaluation of her endowment. But

if the values and dispositions with which she evaluates her endowment are *themselves* a part of her endowment, how can she be responsible for her evaluation and modification of her endowment? Since agents' histories do not extend infinitely into the past, it seems impossible for an agent to act freely for the first time.

It is for precisely this reason that many skeptics about moral responsibility think that the conditions on moral responsibility could not possibly be satisfied.³⁰ For the sake of brevity, I will only mention one: Bruce Waller (2011).³¹ Waller asks us to consider two agents: Betty, adapted from Mele (1995), and Benji, Betty's twin brother, both of whom suffer from fear of their basement (2011: 30-34). The two are much alike but differ in how their respective responses to the fear of the basement. Later in life, Betty becomes a civil rights campaigner and Benji becomes "a racist who acquiesces in the racist status quo" (2011: 34). We might be inclined to praise Betty and blame Benji, but, Waller thinks, once we see that the difference in what the two become stems from a tiny difference in their starting points (their endowments), for which they are not responsible, we should agree that the two are not responsible for what they become (nor for the actions that issue from their developed characters). Both agents apparently take ownership of what they become, but it is a matter of luck for Benji that he started with a slightly different endowment than Betty and, as a result, developed into a racist. (And

³⁰ See Strawson (1986) for a classic formulation of this so-called "regress argument."

³¹ Since Waller thinks that we can have free will without being morally responsible, his view is an exception to my claim in note 1 that what I say about morally responsible action will also apply to free actions.

likewise it is a matter of luck that Betty developed into someone who cares about civil rights.)

2.4.2 A Solution

One response to the problem of constitutive luck is to “stare down” the luck.³² One way to stare down the luck is, first, to acknowledge that, at the time of an agent’s first potentially free and morally responsible action, the agent is entirely constitutively lucky, and, second, to maintain that she can nevertheless be *slightly* responsible for her action. In other words, on this proposal, there are degrees of responsibility, and it is possible for an agent to be slightly responsible for an action that stems from a character with respect to which she is entirely constitutively lucky.³³ After a brief discussion of a “little agent” who is entirely constitutively lucky, I argue that it is plausible that the agent is nevertheless morally responsible to a slight degree, and I then go on to argue that part of the reason for this agent’s only being morally responsible to a slight degree is because of the agent’s constitutive luck. And, as I discuss in the next section, this bears on a certain recent dispute between historicists and structuralists.

³² See Levy (2011: 109) for this expression. This type of response adapts part of Mele’s defense of “daring soft libertarianism” (2006, ch. 5) into a defense of compatibilism against the problem of constitutive luck. Although I do not consider it here, there is another type of response to the problem, namely the response that I mentioned in note 19, given by Fischer and Ravizza (1998) and defended by Fischer (2006; 2012) and Tognazzini (2011). Objections to compatibilism in general (as opposed to a particular compatibilist account) will need to address both types of responses.

³³ What follows is my own preferred way to deal with the problem of constitutive luck, but an alternative (that seems to me to be equally as promising) appeals to degrees of blameworthiness and praiseworthiness rather than to degrees of moral responsibility itself. Those inclined to think that moral responsibility is not a scalar notion can accept my proposal, *mutatis mutandis*. Thanks to John Fischer for suggesting this alternative.

Mele has proposed a solution to a worry about becoming responsible agents (though in the context of a discussion of libertarianism, not compatibilism) by introducing degrees of responsibility, and he illustrates this concept by describing a typical four-year-old, Tony, and the way that four-year-olds are typically treated:

In some cases, four-year-olds may have an urge to snatch a toy from a younger sibling and nonactionally acquire an intention to do so...In others, they may have an urge to snatch it, think (very briefly) about whether to do so, and decide to take it. Consider the first time a normal child, Tony, makes a decision about whether to snatch a toy from his younger sister. He has occasionally acted on nonactionally acquired intentions to grab his sister's toys, but this time he gives the matter some thought and makes a decision. Tony knows that his father is nearby; and, on the basis of some unpleasant experiences, he associates taking the toy with his sister's screaming and his father's scolding him. He decides not to snatch it and feels a little frustrated. Imagine that Tony's father saw that he was tempted to take the toy and was inconspicuously watching his son to see what he would do. When he saw Tony move away from his sister and pick up something else to play with, he praised him for his good behavior. The father was not simply trying to reinforce the good behavior; he believed that Tony really deserved some credit for it. (2006: 129-130)

We can imagine that Tony's decision to refrain from snatching his sister's toy is his first time taking ownership of his endowment. He values playing with the toy in his sister's hand, and he is disposed to snatch toys that he values playing with, yet he decides that those values should be relegated to his value of keeping his sister from screaming and his disposition to avoid his father's scolding.

Now, it is quite plausible, I contend, that little agents like Tony can be slightly morally responsible for making adjustments to their endowments despite being entirely constitutively lucky at that time. After all, while Tony clearly does not have the same level of impulse-control, or the same understanding of pertinent morally relevant facts, as does an ordinary adult, several facts about Tony speak in favor of his being somewhat

morally responsible: he is sensitive to pertinent moral reasons, he is not compelled to refrain, he refrains because he does not want to cause his sister to scream or his father to be upset. (And, it should be noted, if you think that there are other possible features of agency that Tony lacks but that would allow for a greater degree of control in acting, we could discuss a case at another point along the continuum that would more clearly be a case of morally responsible agency.) As I understand the dialectic, the skeptic enters at this stage and reminds us that Tony is constitutively lucky, and that, as we all know, luck precludes control and thus precludes moral responsibility. But given the facts about Tony mentioned above, the skeptic's appeal to constitutive luck only suffices to show that Tony's control (and thus his moral responsibility) has been *mitigated*, not that it has been eliminated. While I agree with the skeptic that taking into account an agent's constitutive luck can (and often should) lead us to see that the agent is less morally responsible than we had previously thought, it does not follow from this that we should take the agent's moral responsibility to have been undermined.³⁴

If I am right that it is plausible to attribute a small degree of moral responsibility to little agents like Tony, why is this so plausible? I want to suggest a way of answering this question according to which the degree to which agents are responsible is a function of the degree to which they meet the various conditions on moral responsibility. It is widely accepted that in order to be morally responsible for an action an agent must meet,

³⁴ Thanks to an anonymous reviewer for *Erkenntnis* for encouraging me to say more about this dialectic and about why we should take little agents like Tony to be even slightly morally responsible.

at the very least, a control condition (sometimes called the “freedom-relevant” condition, though I will simply refer to it as the control condition) on moral responsibility with respect to that action.³⁵ I have already mentioned this condition, since the various problems of luck seek to show that luck precludes the agential *control* required for morally responsible action. In my view, the control agents have over their actions comes in degrees, and often the degree to which agents control their actions is diminished by present and constitutive luck. Let us consider each of these claims in turn.

I take it that few would deny that agential control comes in degrees. We are often merely *moderately* reasons-responsive, not as strongly reasons-responsive as is possible, and this is just one way in which our agential control can come in degrees.³⁶ When it

³⁵ It is also very widely accepted that morally responsible agents must satisfy an epistemic condition on moral responsibility, though some (including Mele) do not think that this condition is distinct from the control condition. See Mele (2010) for discussion of this point. If there is distinct epistemic condition, however, and if can be satisfied to various degrees, then I think that agent’s moral responsibility can come in degrees in virtue of her satisfying this condition to various degrees, in a way that is exactly parallel to what I will say concerning moral responsibility coming in degrees in virtue of the control condition being satisfied to various degrees. Aristotle introduces these two conditions (control and epistemic) for voluntary action in *Nicomachean Ethics* 1109b30-1111b5. For more on the “Aristotelian” conditions, as they are often called, see Fischer and Ravizza (1998: 12-14).

³⁶ Perhaps it will make it clearer what I have in mind to consider an example of two agents who satisfy part of Fischer and Ravizza’s control condition on moral responsibility to different degrees—for further discussion of this point, see Coates and Swenson (2013) and Nelkin (2016). Fischer and Ravizza’s account of the control condition has two components: to satisfy the condition, the agent’s mechanism “that actually issues in the action must be the agent’s *own*...and...this mechanism must be responsive to reasons...” (1998: 62). As they go on to argue, however, the latter component (the agent’s mechanism’s responsiveness to reasons) can come in degrees. One’s mechanism is *moderately* reasons-responsive if it “is regularly receptive to reasons and at least weakly reactive to them” (1998: 81); but one’s mechanism can also be *strongly* reasons-responsive, in which case if the agent’s mechanism that actually issues in an action “were

comes to certain overt actions and outcomes, luck in circumstances and results can mitigate our control.³⁷ Not only do we typically only meet the control condition on moral responsibility to some degree, however, but we often take people to be less responsible for actions when we learn that they did not meet this condition to the degree to which we had previously supposed. Imagine that your colleague, Smith, makes a remark about you that you find cruel, and you are disposed to blame Smith for hurting you by the remark. You then discover (upon meeting Smith's mother, say) that, given Smith's childhood, especially the way that such hurtful remarks were regarded in Smith's family, the type of remark Smith made is one that comes second-nature for Smith, and he has made similar remarks to other colleagues in the past (though no one has told Smith that the remarks were hurtful). Upon learning that Smith's control over making the remark was mitigated by his past circumstances, you would likely be inclined to take Smith to be less responsible for the hurtful remark (even if you did not think that he was fully exculpated). One explanation for this tendency to take people to be less responsible when we learn

to operate and there were sufficient reason to do otherwise, the agent would *recognize* the sufficient reason to do otherwise and thus *choose* to do otherwise and *do* otherwise" (1998: 41). Thus, to borrow an example from Fischer and Ravizza (1998: 69-70), if Brown's actual-sequence mechanism is regularly receptive to reasons and is only weakly reactive to reasons not to take a certain drug (which is to say that he would only react to a sufficient reason to do otherwise in a small number of worlds), then he is moderately reasons-responsive and can be morally responsible for taking the drug. Now consider Brown's older brother, Brown*, who is not weak-willed like Brown; in fact, let us imagine, Brown* sometimes has the same desire for the same drug but will abstain whenever there is sufficient reason not to take the drug (and, let us further imagine, this is because he recognizes sufficient reasons and thus chooses not to take the drug and then does not in fact take the drug). There is a clear sense in which Brown* satisfies Fischer and Ravizza's control condition to a greater degree than Brown does.

³⁷ See Nagel (1979) for further discussion of these other kinds of luck.

that they did not meet the control condition on moral responsibility to the degree that we had previously supposed is that such agents are in fact *less responsible* for what they have done.

In the case of little Tony, too, it is plausible to suppose that the reason we take him only to be slightly morally responsible for deciding not to snatch the toy is that he only slightly meets the control condition on moral responsibility. That is, Tony meets the control condition on moral responsibility, but he meets it only to a slight degree. Tony has some control over his decision not to snatch the toy, but, since this is his first time taking ownership of the desires and traits with which he has been endowed, his constitutive luck diminishes the degree to which he meets the control condition. One explanation for Tony's being only slightly morally responsible for his decision, then, is that he meets the control condition (and presumably any other condition there is) on moral responsibility, but only to a slight degree.³⁸

Before concluding this section by returning to Waller's case of Betty and Benji, it is worth pausing to address two potential worries. The first concerns the compatibility of my proposal with a certain account of the control condition on moral responsibility,

³⁸ I have focused on agents' first free actions in order to motivate the idea that, despite constitutive luck, agents can become morally responsible. I intend for the model I am proposing to be silent on some matters, such as whether (and how) agents become *more* responsible in light of previous actions for which they are morally responsible. It is worth noting, however, that I am not suggesting that agents only perform one action for which they are directly morally responsible and that all other morally responsible actions that they perform trace back to the one for which they are directly morally responsible. Just as an agent can be responsible for her first instance of taking ownership of her endowment, it is possible to reaffirm one's stance toward one's endowment by other actions for which one is directly morally responsible.

namely the one developed by John Martin Fischer and Mark Ravizza (1998). According to my proposal, an agent's degree of moral responsibility partly depends on the degree to which she meets the control condition on moral responsibility. Fischer and Ravizza develop a *reasons-responsiveness* account of the control condition, and how reasons-responsive an agent is, on their view, depends partly on the number of worlds in which the agent responds to a sufficient reason to do otherwise.³⁹ But, one might worry, two agents may be equally reasons-responsive, on this account, without being equally morally responsible.⁴⁰ Suppose that Frank would only respond to a sufficient reason to help you if someone put a gun to his head, and suppose further that this is because Frank simply does not care about you or others. Now consider another agent, Fred, who is agoraphobic and, because of his agoraphobia, would only respond to a sufficient reason to help you (in the same circumstances as Frank) if someone put a gun to *his* head.⁴¹ Intuitively, Frank is more morally responsible for failing to help you than is Fred, despite the fact that both are reasons-responsive to the same degree. But, it would seem, my proposal entails that the two agents are morally responsible to the same degree, and so it looks as though I must either deny Fischer and Ravizza's account of the control condition or else accept the counterintuitive result that Frank and Fred are equally morally responsible.

³⁹ More accurately, an agent's degree of reasons-responsiveness partly depends, on their view, on the number of worlds in which her *operative mechanism* responds to a sufficient reason to do otherwise. See note 36 for further elaboration. We will explore this account in more detail in chapter 4.

⁴⁰ Thanks to Dana Nelkin for raising this concern and for providing the example that follows.

⁴¹ See Mele (2000) for further discussion of the agoraphobia example.

In my view, this concern can be addressed by attending to a feature of Fischer and Ravizza's account that has not yet been mentioned here. In addition to reasons-responsiveness, Fischer and Ravizza understand the control condition to require that an agent's history involve her *taking responsibility* for her reasons-responsiveness.⁴² Without getting into the details of their account of taking responsibility (or, as it is sometimes called, the "ownership" condition), what is important to see is that, on their account, how an agent came to be reasons-responsive can determine whether or not the agent has sufficient control to be morally responsible. While I am skeptical that whether an agent is morally responsible depends on her history, as Fischer and Ravizza argue, I do think that an agent's degree of responsibility may depend on her history; in fact, this is entailed by my approach to dealing with constitutive luck, for an agent's degree of constitutive luck (which affects how morally responsible the agent is) depends on her history. But once we see that an agent's degree of control (and thus her degree of moral responsibility) depends not only on how reasons-responsive she is but also on how she came to be reasons-responsive to that degree, we have the resources to show that Frank and Fred are morally responsible to different degrees. Implicit in our judgments about Frank and Fred is the presupposition that Frank had some control over his not caring about you whereas Fred had no control over his agoraphobia, which is to say that Frank was less constitutively lucky than Fred at the time of their failing to help.⁴³ Even though

⁴² This is oversimplifying things in several respects, but the details are not relevant to my purposes here.

⁴³ If we were to suppose that Frank had no control over his lack of regard for you, then I would maintain that he, like Fred the agoraphobe, would be morally responsible to only a

the two agents are *reasons-responsive* to the same degree, then, the two may nevertheless have differing degrees of *control* over their failing to help (since control depends not only on reasons-responsiveness but also on an agent's history), and thus the two agents may be morally responsible to varying degrees.

Another potential worry is that, contrary to what I have been suggesting, Tony's control is not mitigated by his constitutive luck but rather for other reasons, such as that his impulse control is much less mature than an ordinary adult's.⁴⁴ In my view, while Tony's control may be mitigated for a variety of reasons, his constitutive luck is one of them, and this can be seen by comparing two agents who are exactly alike in every way *except* with respect to their constitutive luck. Suppose that Anthony is a time-slice duplicate of Tony but has, at some point in the past, endorsed the relevant aspect of his endowment. He has been in relevantly similar circumstances as Tony finds himself now and has chosen to show kindness to his sister and to seek his father's approval. Now Anthony finds himself in exactly Tony's circumstances (and with all of Tony's time-slice properties) and refrains from taking his sister's toy. Intuitively, Anthony exercises more control than Tony in these circumstances, and given that the only difference between them is a difference in their constitutive luck, the reason for this difference in control is

slight degree. Similarly, if Fred had somehow intentionally brought it about that he became agoraphobic (knowing that it would likely lead to his failing to help you in certain circumstances), then I would maintain that he, like the original Frank, was morally responsible to a more greater degree.

⁴⁴ Thanks to an anonymous reviewer for *Erkenntnis* for raising this concern.

that Anthony is not as constitutively lucky as Tony. (In the next section, I will argue that the same applies to mature, adult agents.)

Now we are in a position to reconsider our judgments concerning Waller's (2011) Betty and Benji. The apparent trouble with praising Betty for becoming a civil rights campaigner and with blaming Benji for becoming a racist is that the difference in what the two become stems from a tiny difference in their endowments, for which they are not responsible. But, on the model that I am proposing, it is not *completely* a matter of luck that Betty ended up praiseworthy and Benji blameworthy. Consider Benji: when confronting his fear of the basement, he was (we are supposing) entirely constitutively lucky to have his endowment, yet, if he is indeed responsible for becoming a racist, there were intermediate stages at which he had opportunities to reflect on his endowment, take ownership of it, and become more responsible for it over time. At first, he might have been responsible for his endowment to only to a slight degree, but there was no immediate connection between his response to his fear of the basement (with respect to which he was entirely constitutively lucky) and his racism (with respect to which he was not entirely constitutively lucky). Over the years, Benji made modifications to his endowment, sometimes reaffirming aspects of his character that he had already owned. Provided that Benji has such opportunities, as we are supposing, there is no reason to think that it was *completely* a matter of luck for him that he became a racist rather than a civil rights campaigner, and so there is no reason to think that constitutive luck undermines Benji's responsibility for what he has become.

2.5. Historicism and Structuralism

So far I have argued that compatibilism is not undermined by the challenges associated with present and constitutive luck. As it turns out, my replies to these challenges are consistent with both historicism and structuralism—the two types of compatibilist account that I mentioned in section 2.3. Again, structuralists claim (and historicists deny) that whether an agent is morally responsible depends only on the structure of an agent’s psychology at the time of her action. While my replies are consistent with each type of account, the proposal that I sketched in section 2.4 (in response to the problem of constitutive luck) does entail that *degrees* of moral responsibility (though not moral responsibility itself) is history-sensitive. And this is because whether a person is constitutively lucky or not (and how constitutively lucky a person is) depends upon how she came to have the character she has. So, if constitutive luck mitigates control (and thus moral responsibility), then the *degree* to which one exercises control (and thus the *degree* to which one is morally responsible) can depend upon one’s history.

Since all of this is consistent with genuine historicism, according to which whether an agent is morally responsible *at all* depends upon her having or not having a certain kind of history, and also consistent with structuralism (albeit a history-sensitive structuralism), what I have said so far does not settle the dispute between historicists and structuralists.⁴⁵ However, my response to the problem of constitutive luck does bear on a

⁴⁵ One may worry whether any history-sensitive position could rightly be considered a version of structuralism, since structuralists typically maintain that an agent’s history is irrelevant to her moral responsibility. As I have defined structuralism, however,

certain recent dispute between historicists and structuralists concerning certain magical agents. Michael McKenna has recently defended structuralism (though he himself remains agnostic with respect to this debate) by appealing to “instant agents” who are created to be psychological duplicates of normal adults.⁴⁶ I claim that the present discussion of luck not only has implications for McKenna’s instant agents but also gives us a reason to prefer a history-sensitive structuralism (or genuine historicism) over McKenna’s proposed version of structuralism.

McKenna attempts to motivate structuralism by introducing a hypothetical instant agent, Suzie Instant, who was created by a god “to be a psychologically healthy woman indistinguishable from any other normally functioning thirty-year-old person” (2004: 180). In fact, Suzie Instant is created with a psychological condition that is identical to the psychological condition of Suzie Normal, who came into the world in the usual way.⁴⁷ McKenna argues that there is no non-arbitrary difference between Suzies with

structuralists are only committed (*qua* structuralists) to the claim that *whether* an agent is responsible does not depend on her history. As it happens, I argue in other work (“Manipulation and Constitutive Luck,” Manuscript) that further reflection on constitutive luck, as well as on certain cases of manipulation that are typically used to motivate historicism, should lead us to reject historicism.

⁴⁶ For more on McKenna’s defense of nonhistorical compatibilism, and for some challenges, see McKenna (2004; 2012) and Mele (2008; 2009; 2013a; 2013c).

⁴⁷ It is not clear to me that an instant agent like the one McKenna describes is metaphysically possible. Even if such an agent were metaphysically possible, the instant agent would, by definition, differ from the normal agent in certain respects, such as having many false beliefs. I will set aside these worries here in order to see what this type of hypothetical agent reveals about moral responsibility.

respect to freedom and moral responsibility, and this fact, he thinks, supports structuralism.⁴⁸

Given the model for dealing with the problem of constitutive luck that I have presented here, however, there is reason to think, *contra* McKenna, that there *is* a non-arbitrary difference between Suzies with respect to responsibility, namely that Suzie Instant's responsibility is mitigated by her constitutive luck. Like little Tony, Suzie Instant is entirely constitutively lucky at the time of her action. Suzie Normal, on the other hand, has presumably had many opportunities to take ownership of her endowment, thereby overcoming her constitutive luck. Even if McKenna is right that Suzie Instant is morally responsible, given her psychological condition, she is not as responsible as Suzie Normal. In fact, Suzie Instant would be like little Tony with respect to her constitutive luck, and despite Suzie Instant's satisfaction of the various conditions on moral responsibility (which might be met to a greater degree in her case than in Tony's), her responsibility is mitigated by her constitutively luck. The type of response to the problem of constitutive luck that I defend gives the history-sensitive structuralist (or the historicist) the resources to point to a non-arbitrary difference between the Suzies with respect to responsibility. Furthermore, since a history-*insensitive* structuralist account

⁴⁸ Since we are interested here in luck-related worries in deterministic worlds, we can stipulate that Suzie's world is deterministic. Might she be presently lucky with respect to her first free action in just the way that Levy and Pérez de Calleja think deterministic agents are? Just as I said in my response to their arguments, while I grant that this is a possibility for deterministic agents, I do not think that it is inevitable, and we could build into Suzie's case that such things as her mood, what comes to mind, etc. do not vary in a large proportion of nearby worlds. Thanks to an anonymous reviewer for *Erkenntnis* for raising this concern.

(like McKenna's proposal) denies that an agent's history makes a difference to her moral responsibility, such accounts will, in some cases (such as the Suzies' cases), render constitutively lucky agents just as responsible as non-lucky ones. Since this leaves the problem of constitutive luck intact, this counts as a reason to prefer a history-sensitive account (whether a historicist or structuralist one) to a history-insensitive account.⁴⁹

2.6. Conclusion

I have argued that neither the problem of present (or cross-world) luck nor the problem of constitutive luck undermines compatibilism. I first responded to two recent attempts to show that compatibilist accounts are vulnerable to the problem of present (or cross-world) luck, and I then gave a sketch of a compatibilist response to the problem of constitutive luck according to which moral responsibility comes in degrees and constitutive luck can diminish the degree to which agents are morally responsible. Essential to this response to the problem of constitutive luck is that the degree to which one is morally responsible can depend upon one's history, and I argued that an upshot of

⁴⁹ One might worry that my objection to McKenna's proposed version of structuralism begs the question against this account, since I may seem to be simply denying that Suzie Instant is fully morally responsible for what she does. (Thanks to an anonymous reviewer for *Erkenntnis* for raising this worry.) My view, however, is that, once we have reflected on the constitutive luck surrounding little agents' first free decisions, we will see that the most plausible thing to say is that they are only morally responsible to a low degree; but then, as we go on to see, we should say the same concerning instant agents, for they are, in the relevant respect (i.e., with respect to constitutive luck), exactly like little agents. So I am not simply assuming that the rival account is incorrect, but rather I am providing an argument against it. As I see the dialectic, then, the burden is on the one who thinks that instant agents are morally responsible to a high degree to point out a relevant difference between the two cases.

this reflection on constitutive luck is a reason to prefer a history-sensitive account (whether historicist or structuralist) rather than a history-insensitive structuralist account.

Chapter 3: The Indeterministic Luck Challenge

3.1. Introduction

Many contemporary compatibilists believe free will to be compatible with both causal determinism and causal indeterminism.¹ Call these compatibilists “super-compatibilists,” and call their view “super-compatibilism.” According to super-compatibilism, agents can exercise free will in both deterministic worlds and indeterministic worlds. John Martin Fischer, a super-compatibilist, argues that this feature of his own view speaks in its favor, since it allows that our view of ourselves as free agents does not run the risk of being undermined by “the arcane ruminations—and deliverances—of the theoretical physicists and cosmologists” (2006: 5).

Taking free will to be compatible with *indeterminism*, though, apparently leaves super-compatibilism vulnerable to what is arguably the greatest challenge facing libertarian accounts of free will, namely the problem of luck.² One way of putting the problem of luck is as follows: if an agent’s action *A* at time *t* is not causally determined, then nothing about the agent prior to and up to *t* settles whether or not she will *A* at *t*, and so it is a matter of luck that she does *A* at *t* rather than not.³ Since super-compatibilists

¹ Free will (in the sense at issue in this dissertation) is the freedom necessary for moral responsibility.

² Libertarianism (in the sense at issue in this chapter) is the view that the following conjunction is true: (at least some) human beings have free will, and compatibilism is false.

³ This is what is sometimes called the “ensurance formulation” of the problem of luck. See, for example, Haji’s (2001) formulation. For criticisms of this formulation, as well as criticisms of several other formulations of the problem of luck, see Franklin (2011a). As we will see, the problem is sometimes put in terms of *chance* rather than luck. In any case, the *locus* of the problem of luck is at the moment of non-derivatively free action,

take free will to be compatible with indeterminism, they apparently leave themselves exposed to the problem of luck that libertarians face.

It is sometimes suggested that one way for a compatibilist to avoid the problem of luck is to maintain that free will requires that determinism is true. This view is often attributed to R. E. Hobart, whose 1934 paper “Free Will as Involving Determination and Inconceivable Without It” was very influential in the first half of the last century.⁴ A potential problem for this view, though, is that it risks being undermined by the deliverances of the physicists and cosmologists. Were we to find out that indeterminism is true, we would thereby find out that we lacked free will. So, for super-compatibilists (like Fischer) who are motivated by the idea that our having free will should be *resilient* to the deliverances of the physicists and cosmologists, the view that free will requires determinism will not be attractive.

But, as I argue in this chapter, we should not understand Hobart’s compatibilism as requiring that determinism is true. Instead, we should read Hobart as taking one’s favorite compatibilist set of (putatively) sufficient conditions on free will and adding to it the following necessary condition: an agent exercises her free will in performing a non-derivatively free action⁵ only if the proximate causes of the agent’s action

which most philosophers working on free will take to be the moment of choice (or decision).

⁴ R. E. Hobart was the pseudonym of Dickinson S. Miller, who was a student and friend of William James.

⁵ To say that an action is *non-derivatively* free is to say that the action’s freedom does not depend entirely on some other of the agent’s actions being free.

deterministically cause her action.⁶ This view, which I dub “Hobart-compatibilism,” is a type of super-compatibilism (since it allows for free will in some indeterministic worlds as well as deterministic ones), but it nevertheless lacks resiliency in a way that other super-compatibilist views do not, since there are certain scientific discoveries that could, if Hobart-compatibilism were true, undermine our view of ourselves as free agents. Still, Hobart-compatibilism has advantages over the view typically attributed to Hobart. In fact, as I will argue, the considerations that are taken to motivate requiring determinism for free will are not sufficient to do so—they are only sufficient to motivate Hobart-compatibilism.

Despite its advantages in handling luck-related worries, however, Hobart-compatibilism faces serious problems. In addition to worries about resiliency to the deliverances of certain sciences (though, as I will argue, these worries do not by themselves undermine Hobart-compatibilism), it is unclear why full-fledged causal determination should be required for free will. If an agent’s action is indeterministically caused but is nevertheless extremely likely to result from its proximate cause, for example, would it really follow that the action could not have been brought about by the agent’s free will? In response to this challenge, I propose a different type of super-compatibilism, which I dub “neo-Hobartian compatibilism,” that rejects the strong requirements of Hobart-compatibilism but nevertheless preserves Hobart’s crucial insight

⁶ I am not first to suggest the possibility of such a view—see, for example, Mele (2015)—but, though I take Hobart to have espoused this view, it has not had many proponents (if any others at all).

concerning the relation between indeterminacy and free will. In the end, I argue, not only does neo-Hobartian compatibilism fare better with respect to concerns about resiliency, but it also helps to show the deep worry behind the problem of luck, namely that adding indeterminacy into the sequence leading to an agent's action does not enhance the agent's control over that action. This suggests that the problem of luck and the problem of enhanced control, which are typically taken to be independent problems for libertarianism, are best taken as a single (and deeper) problem.⁷

I begin, in section 3.2, by laying out some of Hobart's claims about the relation between free will and determinism. In section 3.3, I explicate Hobart-compatibilism, which I take to be Hobart's actual view, and contrast it with one that is typically imputed to Hobart, namely the view that determinism is required for free will (a view held by Nowell-Smith and Ayer, among others). At the end of that section, I argue that the considerations that putatively count in favor of this alternative are in fact support for Hobart-compatibilism instead. In section 3.4, I evaluate Hobart-compatibilism, and in section 3.5, I present and explicate an alternative, neo-Hobartian compatibilism. Finally, in section 3.6, I evaluate the new view and argue that it helps to show the real worry behind the problem of luck.

3.2. Hobart's Claims

Hobart begins his paper by accusing nearly all participants in the free will debate of lacking analytical imagination. (What a way to start a paper!) He argues that, rather

⁷ For discussion of the problem of enhanced control, see Clarke (1997; 2003, chapter 6), Watson (1999), and Pereboom (2001, chapter 2).

than there being any tension between free will and determinism, it turns out that the former (free will) “strictly implies the other [determinism]” (1934: 1). Hobart goes on to add, “I am not maintaining that determinism is true; only that it is true in so far as we have free will” (1934: 2). This sentence suggests that Hobart is agnostic about both the truth of determinism and our having free will, but, in the next sentence, he rejects agnosticism about our having free will: “That we are free in willing is, broadly speaking, a fact of experience. That broad fact is more assured than any philosophical analysis” (1934: 2). Unfortunately, Hobart does not defend this claim about our having free will being a fact of experience, and he ignores the possibility that this experience is illusory; however, Hobart’s (compatibilist) account of free will can be developed without relying on the claim that we actually have free will, so we can set aside problems for that claim.⁸ Importantly, though, Hobart is committed to the claim that our having free will depends upon the truth of determinism.

What does Hobart mean by *determinism*, though? The minimal conception of determinism that is standard nowadays is that propositions about the intrinsic state of the world at some time and propositions about the laws of nature jointly entail propositions about what happens at all other times.⁹ This is a global thesis (about the world as a

⁸ The reason that we can set aside such problems is that we are only interested in what Hobart’s view would look like *qua compatibilist* account, an account which may be true even if we in fact lack free will. Most compatibilists believe that their accounts are satisfied by typical human agents and thus believe that we in fact have free will, but we can (and I will here) separate compatibility questions from questions about whether we in fact have free will.

⁹ For more on how to conceive of determinism, see van Inwagen (1983: 2-8).

whole). This conception of determinism was popularized by van Inwagen (1983) nearly half a century after the publication of Hobart's paper, yet Hobart has a similar understanding of the thesis (though he focuses on the entailments of the past concerning the future and ignores the laws): "Determinism...says that the coming result is 'pre-ordained' (literally, caused) at each stage, and therefore the whole following series for tomorrow may be described as already determined" (1934: 16).¹⁰ At any given stage of the world, facts about the world at that time (and facts about the laws of nature) entail what happens at the next stage of the series, and so on for the remainder of the series. This sounds like a global thesis, just as the currently popular conception of determinism is a global thesis.

Hobart goes on, however, to reveal that he does not have a global thesis in mind. He says, "But it is not here affirmed that there are no small exceptions, no slight undetermined swervings, no ingredient of absolute chance. All that is here said is that such absence of determination, if and so far as it exists, is no gain to freedom, but sheer loss of it" (1934: 2). This passage is essential to understanding Hobart's project, and especially important is the shift to talk of *determination* rather than *determinism*. In my view, the most charitable way to read Hobart is to read him as using these terms interchangeably to capture the notion of a *deterministic connection* between a cause and

¹⁰ The "pre-ordination" or "necessity" associated with determinism is the necessity of certain events (including human actions) *given* a certain past state of the world and certain laws of nature.

its effect.¹¹ Since there can be such deterministic connections between causes and effects in worlds that contain some indeterminacy (some causes and effects linked by causal indetermination), Hobart does not think that free will entails the global thesis of determinism, but rather that free will entails a certain kind of local determination.

This reading, if correct, challenges two typical representations of Hobart. The first is that Hobart takes free will to require determinism in the global sense.¹² Interestingly (to me, anyway), the title of Hobart's paper ("Free Will as Involving Determination and Inconceivable Without It") is often cited incorrectly, with "determinism" in place of "determination." This, I think, has led many to characterize Hobart as taking free will to require global determinism.¹³ Despite his claims at some places to the effect that *determinism* "is true so far as we have free will" (1934: 2), Hobart actually seems to have thought that free will is compatible with some indeterministic scenarios, as indicated by the conjunction of his claim that we have free will—"That we are free in willing is, broadly speaking, a fact of experience" (1934: 2)—and of his claim that he is not affirming "that there are no small exceptions, no slight undetermined swervings, no ingredient of absolute chance" (1934: 2). Hobart does not think that the presence of some

¹¹ As I explain below, one complication is that Hobart equated causal determination with causation itself, thereby assuming the impossibility of indeterministic causation, but I will set this aside here.

¹² I will return to this view, which I call "old-school compatibilism," at the end of section 3.3.

¹³ As far as I can tell, Nowell-Smith (1948) is the first to cite Hobart's paper incorrectly. To be fair to him and to the subsequent philosophers who have made the same mistake, Hobart apparently uses the terms interchangeably, as I have just suggested in the text, though he must not mean *global* determinism, as do most people who use the term nowadays.

indeterminacy in the world would immediately rule out free will; instead, Hobart thinks that the absence of certain causally deterministic sequences would rule out free will.¹⁴

A second common misunderstanding of Hobart is that he is a soft-determinist. This term is (typically) taken to refer to someone who is a compatibilist and who also believes that the thesis of determinism is true. (A “hard-determinist” shares the latter belief but denies compatibilism.) Since the time that these terms were introduced, there has been a major decline in the number of scientists who believe that the thesis of determinism is true. As a result, there are now far fewer “determinists” participating in the free will debate. Still, despite the common view of his day that the thesis of determinism is true, Hobart was *not* a determinist. He says explicitly, “I am not maintaining that determinism is true” (1934: 2), which, even if Hobart only meant that he was unsure about whether there were in fact certain causally deterministic sequences, strictly implies that Hobart was no determinist.

So far I have avoided addressing a certain complication in understanding Hobart’s claims. (This complication will not affect the rest of my project, but I address it in the interest of good Hobart-interpretation.) Hobart takes his opponent to be the indeterminist. “When I speak below of ‘the indeterminist’ I mean the libertarian indeterminist, that is, him who believes in free will and holds that it involves indetermination” (1934: 2). To

¹⁴ Given his focus on an agent’s freedom in acting, I take Hobart to be interested in the sequence issuing in action, not in the sequences of events prior to, say, an agent’s birth. And since the problem of luck concerns the time of action, requiring that an agent’s actions be deterministically caused by its proximate cause addresses the problem directly. More on this in the next section.

Hobart's mind, however, for an event to be undetermined is for it to be *uncaused*. "To regard [a certain act] as caused," he says, "would be determinism" (1934: 4). So, for Hobart, free will's involving *indetermination* is equivalent to free will's requiring that certain events be uncaused.¹⁵ In other words, like many philosophers before Anscombe's inaugural lecture (1971), Hobart took causation to involve a necessary connection between cause and effect, so he did not think that indeterministic causation was a possibility.¹⁶ This makes it difficult to say whether, had he entertained the idea of (say) an event-causal libertarianism, Hobart would have taken indeterminacy to be a problem for such a view. Nevertheless, I will follow tradition in reading Hobart as giving a proto-problem-of-luck challenge to libertarians in general, so we can set aside this complication.

3.3. Hobart-Compatibilism

We have seen that Hobart takes free will to require some kind of determination. A natural way to understand this requirement is to see it as the claim that free will requires that there be deterministic connections between certain psychological states of an agent and her behavior.¹⁷ More specifically, a compatibilist might adopt the following

¹⁵ There are some libertarians who require that free actions be uncaused, such as Ginet (1990) and McCann (1998), but this is a minority view, even among libertarians.

¹⁶ Anscombe argues (persuasively, to my mind) for the possibility of indeterministic causation, the possibility of which has since been taken for granted in the free will debate. It follows from this possibility that thesis of determinism should not be identified with the thesis that every event has a cause. See van Inwagen (1983: 3-5), who calls this latter thesis the "Principle of Universal Causation," for a discussion of this point.

¹⁷ It is a tricky matter to give an account of causal determination in indeterministic worlds, and I will not do so here, but its possibility is taken for granted in the literature, as the passage from van Inwagen (1983) cited below indicates.

necessary condition for free will (adding it to one's favorite compatibilist set of putatively sufficient conditions on free will):

Causal Determination Requirement (hereafter 'CDR'): an agent exercises her free will in performing a non-derivatively free action only if the proximate causes of the agent's action deterministically cause her action.¹⁸

Call a compatibilist whose account includes CDR a "Hobart-compatibilist," and call her view "Hobart-compatibilism."¹⁹ The Hobart-compatibilist not only takes free will to be compatible with determinism but also takes free will to be compatible with *some types* of indeterminism (and thus, it is worth noting, Hobart-compatibilism counts as a super-compatibilist position); on this view, indeterministic worlds which contain deterministic connections between (at least some) agents' actions and the proximate causes of those agents' actions can be (and are, assuming other compatibilist conditions are satisfied) compatible with free will.

Hobart-compatibilism shares an interesting feature with libertarianism: both maintain that free will is compatible with only *some types* of indeterminism. For

¹⁸ CDR requires causal determination between agents' actions and the proximate causes of those actions, but, if one preferred (perhaps because one took luck at earlier points in the sequence to threaten freedom), the causal determination required could be a longer sequence; for example, one could require that all causation that is internal to agents (or between the initiations of deliberations to the performance of actions, or...) be deterministic causation. Nothing crucial hangs on any particular formulation of CDR, though I formulate it as it is because, as I mentioned in note 3, the *locus* of the problem of luck is at the moment of choice.

¹⁹ It should be noted that CDR is compatible with incompatibilist accounts of freedom, though Hobart himself would not have accepted such a view. See note 20 for examples of such a view.

libertarians, not just any sort of indeterminism will suffice for free will. As Peter van Inwagen puts the point, “if determinism is incompatible with free will, so is the thesis that everything except one distant particle of matter is determined” (1983: 126). Both the libertarian and the Hobart-compatibilist maintain that only certain types of indeterministic worlds allow for free will. For the libertarian, the types of indeterministic worlds that allow for free will are worlds which contain *indeterminacy* in the right places. For the Hobart-compatibilist, the types of indeterministic worlds that allow for free will are worlds which contain *causal determination* in the right places.²⁰

Consider the following two indeterministic worlds. In the first, *w1*, Daphne is a normal adult agent who is deliberating about whether to get a cup of coffee or to smoke a cigarette. Prior to and during her deliberation, Daphne’s psychological states are indeterministically connected. Moreover, each of the following causal chains are indeterministically connected: (A) the one connecting Daphne’s deliberative process to her judgment that it would be best (in the circumstances) to smoke a cigarette, (B) the one connecting this judgment to her forming an intention to smoke, and (C) the one

²⁰ One might wonder what differences there are between Hobart-compatibilism and a view sometimes called “modest libertarianism” (or “deliberative libertarianism,” among other names) discussed by Dennett (1978, chapter 15), Mele (1995: 211-221; 2006: 9-14), and Clarke (2003, chapter 4). According to modest libertarianism, an agent’s having free will requires that there be indeterminacy internal to the agent, but the proximate causes of free actions must deterministically cause those actions (and thus the indeterminacy that modest libertarianism requires is typically located within the agent’s deliberative process, e.g., in what comes to mind during this process). While this libertarian account shares with Hobart-compatibilism something like CDR, the former *also requires* indeterminacy (of a very specific kind) in order for there to be free will; it is, after all, an incompatibilist account. Hobart-compatibilism does not require any indeterminacy whatsoever in order for there to be free will.

connecting this intention-formation to the carrying out of that intention in the lighting up of her cigarette.²¹ According to Hobart-compatibilism, we do not yet have room for free will in *w1*. But now imagine another indeterministic world, *w2*, that is very much like *w1* but in which the causal chains mentioned in (A)-(C) are *deterministic* causal chains. Such a world, says the Hobart-compatibilist, would be hospitable to free will, despite there being indeterminacy at certain places (such as prior to and during agents' deliberations about what to do).

The compatibilist account just articulated (Hobart-compatibilism) might bring to mind a type of compatibilism, which I refer to as "old-school compatibilism," that has fallen out of style. According to old-school compatibilism, not only is free will compatible with causal determinism, but determinism is *required* for free will.²² According to Peter van Inwagen, many of the proponents of the "*Mind Argument*" (which can be construed as a version of the problem of luck) were themselves old-school compatibilists:

The *Mind Argument* proceeds by identifying indeterminism with chance and by arguing that an act that occurs by chance, if an event that occurs by chance can be called an act, cannot be under the control of its alleged agent and hence cannot have been performed freely...Proponents of the *Mind Argument* conclude,

²¹ Of course, if one objects to this way of laying out the pertinent psychological states, the example may be redescribed to fit one's own picture. And, importantly, Hobart-compatibilists are only committed (*qua* Hobart-compatibilists) to there being deterministic connections between agents' actions and the proximate causes of those actions; it is left open whether those connections are the ones mentioned in (A), (B), or (C).

²² See, for example, Ayer (1946) and Nowell-Smith (1948). Smart (1961) develops a similar line as the others against libertarian accounts of free will without endorsing old-school compatibilism. Hobart (1934) is typically taken to be in this camp, but I take this to be a mistake, for the reasons given in the previous section.

therefore, that free will is not only compatible with determinism but entails determinism. (1983: 16-17)

Proponents of the problem of luck need not be believers in free will, and so they need not conclude that free will is compatible with determinism,²³ but if the problem of luck is indeed a problem, as these proponents seek to show, then it looks like free will, if it exists, requires determinism.

But if what worries old-school compatibilists about indeterminism is the indeterminacy between agents' actions and the proximate causes of those actions, then it should not be *determinism* that is required for free will but rather a certain kind of *deterministic sequence*, namely, deterministic causal chains linking the proximate causes of agents' actions to their actions. As I have argued, such causal chains are possible in indeterministic worlds, so the old-school compatibilist was wrong to think that free will required (or entailed) determinism. In other words, the considerations often taken to count in favor of old-school compatibilism—that undetermined actions would be the result of luck or chance, and therefore not freely performed—really only provide support for Hobart-compatibilism. To rule out luck or chance at the time of action, our world need not be fully deterministic—local determination of actions by their proximate causes will suffice.

3.4. Evaluating Hobart-Compatibilism

I have provided a non-standard (but, I think, superior) interpretation of Hobart, and I have contrasted this view with one typically imputed to Hobart. In this section, I

²³ This is later granted by van Inwagen (1983: 148).

evaluate the view that I have attributed to Hobart (i.e., Hobart-compatibilism), beginning with an advantage Hobart-compatibilism enjoys over rival (non-Hobartian) super-compatibilist views.

3.4.1 *Luck*

Recall that super-compatibilists who do not appeal to CDR are apparently subject to what is arguably the greatest challenge facing libertarian accounts of free will, namely the problem of luck.²⁴ One way of putting the problem of luck is as follows: if an agent's action *A* at time *t* is not causally determined, then nothing about the agent prior to and up to *t* settles whether or not she will *A* at *t*, and so it is a matter of luck that she does *A* at *t* rather than not. Another way to put the problem, making use of the concept of chance, is offered by van Inwagen:

If indeterminism is to be relevant to the question whether a given agent has free will, it must occur because the acts of that agent cannot be free unless they (or perhaps their immediate causal antecedents) are undetermined. But if an agent's acts are undetermined, then how the agent acts on a given occasion is a matter of chance. And if how an agent acts is a matter of chance, the agent can hardly be said to have free will. (2002: 168)

Since super-compatibilists take free will to be compatible with the type of indeterminism blocked by Hobart-compatibilism's CDR, they apparently leave themselves exposed to the same problem of luck faced by libertarians.

²⁴ For a thorough discussion of the problem of luck, see Mele (2006). The problem goes by various names, such as the problem of "present luck" and the problem of "cross-world luck" (Mele uses both of these expressions), and the problem of luck is a component in various arguments, such as van Inwagen's "rollback argument" (2000) and the *Mind* argument (the latter of which has already been mentioned here). For a super-compatibilist response to the problem of luck (which is friendly to libertarianism), see Fischer (2012, chapter 6).

As should be clear, Hobart-compatibilism is tailored to avoid exactly this problem. On this view, no causally undetermined action can be the result of an agent's exercising her free will. For this reason, the problem of luck does not arise for Hobart-compatibilism, and this is an advantage it enjoys over rival super-compatibilist views.²⁵

3.4.2 Resiliency

But there is a problem for Hobart-compatibilism that is avoided by super-compatibilists who deny CDR. Recall that Fischer argues that because, on his view, free will is compatible with both determinism and (more kinds of) indeterminism, it does not run the risk of being undermined by “the arcane ruminations—and deliverances—of the theoretical physicists and cosmologists” (2006: 5).²⁶ In an important sense, on Fischer's account, our view of ourselves as beings with free will (and perhaps as morally responsible persons, if these depend on our sometimes exercising free will) is *resilient* to the deliverances of the sciences. This feature of the super-compatibilist's position is taken by Fischer not only to be an advantage it has over libertarian accounts but also an advantage over old-school compatibilism. Fischer explains:

There is a large literature surrounding the “Luck Problem.” This problem is, after all, why some compatibilists have claimed that not only is moral responsibility compatible with causal determinism, but moral responsibility *requires* causal determinism. This is not, however, the direction I would take, because it would imply that our moral responsibility would, as it were, hang on a thread—just as

²⁵ It might be the case, however, that Hobart-compatibilism faces a *different* problem of luck, namely, the problem of “constitutive” or “remote deterministic” luck. Nagel (1979: 28) uses the former expression, and Mele (2006: 77) uses the latter. However, this problem (if it is a problem) is shared by all compatibilist views, and so we need not consider it in more detail here.

²⁶ This is not to say that free will is compatible with any type of scenario whatsoever—a point to which I will return below.

much as it would if moral responsibility were deemed *incompatible* with causal determinism. (2012: 98-99, footnote omitted)

It is open to a super-compatibilist like Fischer, whose view does not include CDR, to claim that Hobart-compatibilism is in the same camp as libertarianism and old-school compatibilism with respect to their implication that our freedom “hangs by a thread.”

In fact, Justin Capes (2013) argues that a certain type of view (of which, it turns out, Hobart-compatibilism is an instance) will not likely be attractive to compatibilists who are motivated by what he, following Daniel Speck (2008), calls the “resiliency intuition.” The resiliency intuition is just the idea that our view of ourselves as having free will (or being morally responsible persons) should not hang by a thread. Capes introduces the term “hard compatibilism” to refer to the view that either, on a more demanding version, global determinism is required for free will, or, on a less demanding version, at least that “there must be a deterministic connection between pertinent psychological features of the agent and the agent’s behavior” (2013: 641). Capes then goes on to say:

Should it turn out that our actions are indeterministically caused, hard compatibilism would have the unsavory consequence that no one ever acts freely or is morally responsible. Like incompatibilism, then, hard compatibilism seems to make our status as free and responsible agents contingent upon the deliverances of our best physical theories. Compatibilists like Fischer who are motivated by the resiliency intuition are therefore likely to eschew hard compatibilism in favor of a less demanding position, according to which free action and moral responsibility are compatible with the truth of both determinism and indeterminism. (2013: 642-643)

As will become clear in what follows, I take there to be an important resiliency-relevant difference between the more demanding and less demanding variations of “hard compatibilism” (which correspond exactly to old-school and Hobart-compatibilism,

respectively), and I will defend Hobart-compatibilism against Capes's criticism of "hard compatibilism."

I wish to make two points in response to the resiliency worry for Hobart-compatibilism. First, it is not the case that Hobart-compatibilism lacks resiliency to the same degree that libertarianism and old-school compatibilism do. On the latter two views, learning of the truth or falsity of determinism, respectively, would be enough to show that we lack free will. On Hobart-compatibilism, however, the situation is more complex. In order for the deliverances of the sciences to show that we lack free will, as Hobart-compatibilists conceive of it, it would need to be shown that there are not any deterministic causal chains of the type required by CDR. But such deterministic causal chains are possible in many worlds that are nevertheless deterministic. In fact, even if it turns out that there are indeterminacies at the micro-level, it might be that many (or even all) macro-level events that are internal to the agent (and thus would connect the proximate cause of her action to her action) are deterministically connected. According to David Hodgson, "Most scientists and philosophers...see [chaos and complexity theory] as explaining why there can be unpredictability in complex systems, even when they are strictly deterministic" (2002: 87). Hodgson also claims that even the indeterminism of quantum mechanics might be such "that in any event in systems as hot, wet, and massive as neurons of the brain, quantum mechanical indeterminacies quickly cancel out, so that for all practical purposes determinism rules in the brain" (2002: 86). The possibilities described by Hodgson are friendly to Hobart-compatibilism, since they suggest that, even if our world appears to be or in fact is indeterministic, it might nevertheless allow for

deterministic causal connections between the proximate causes of agents' actions and their actions.

To put the point differently, Hobart-compatibilism is resilient to the deliverances of the physicists and cosmologists, though perhaps not to the deliverances of the neuroscientists (since, presumably, the neuroscientists could discover that there are no deterministic connections between our actions and their proximate causes).²⁷ Not only does this make Hobart-compatibilism more resilient than both libertarianism and old-school compatibilism, but it also suggests that Hobart-compatibilism is not very far off, with respect to resiliency, from such a rival super-compatibilism as Fischer's since (presumably) on Fischer's view, the neuroscientists could discover that the mechanisms that issue in our actions are not responsive to reasons.²⁸ This leads to my second point in response to the resiliency worry for Hobart-compatibilism.

Second, Hobart-compatibilists might countenance the suggestion that their view adds a further constraint to our having free will (and thus makes free will hang by a thread)—the constraint that our actions be deterministically caused by their proximate causes—since, on their view, such a constraint is required in order to avoid luck-related worries. In other words, Hobart-compatibilists might admit that it is an unhappy

²⁷ Moreover, it may very well be that the resiliency intuition about the deliverances of the physicists and cosmologists is stronger than one that concerns neuroscience and the proximate causes of our actions.

²⁸ On Fischer's account, a mechanism's being reasons-responsive requires that it be both receptive to reasons (recognizing reasons in an appropriately patterned way) and reactive to them (acting in accordance with some sufficient reason to do otherwise is some possible world with the same laws). See Fischer and Ravizza (1998, chapter 3) for more on reasons-responsiveness.

consequence of the need to address the problem of luck that their view leaves free will to hang by a thread, but they might hasten to add that the mere fact that the view hangs by this sort of thread does not decisively count against it. Super-compatibilists like Fischer do not think that there is something problematic about having *some* constraints on an account of free will, for they grant that there are possible worlds in which free will does not exist. After referencing van Inwagen's "fanciful but logically adequate example" of a world in which free will would not be possible, namely, one in which "when any human being is born, the Martians implant in his brain a tiny device...which [is undetectable by the individual and] contains a 'program' for that person's entire life" (van Inwagen 1983: 109), Fischer says, "I agree that a discovery that an individual (or all of us) were manipulated in this fashion could reasonably cause us to give up our view of ourselves as free and morally responsible agents. So my claim is not that there are no possible empirical discoveries that could call our agency and moral responsibility into question" (2006: 30-31, n. 15). Since Hobart-compatibilism simply adds a necessary condition for free will to an account like Fischer's, and since it does so with the aim of avoiding a problem that arises from certain types of indeterminacy, it is unclear whether there is a relevant difference between the way that Hobart-compatibilism lacks some resiliency (to certain types of indeterminacy) and the way that a non-Hobartian super-compatibilism lacks some resiliency (to certain types of manipulation).²⁹

²⁹ A related point is that super-compatibilists and Hobart-compatibilists alike want their theories to be resilient *given the appropriate constraints on their theories*. If a constraint that blocks the problem of luck is one such appropriate constraint, then it is not a strike against Hobart-compatibilism that this constraint leaves the theory less resilient.

3.4.3 A Problem for Hobart-Compatibilism

To my mind, resiliency-related considerations do not undermine Hobart-compatibilism, yet a different worry undermines Hobart-compatibilism. Because Hobart-compatibilism is committed to CDR, the view entails that no action that is indeterministically caused can be a non-derivatively free action. This implies that even if the causal connection between an action and its proximate causes has a 99.9 percent probability associated with it (with a 0.01 percent chance that some other effect would result from the same cause), such an action cannot be directly free. But, as I will now argue, such an implication reveals that CDR is too strong a requirement on free will.³⁰

First, consider a case in which an outcome is indeterministically caused. Suppose that Sassy the assassin aims to shoot a certain target, pulls the trigger, and succeeds in killing her target. It is natural to think that Sassy can exercise control (or freedom) in bringing about her intended outcome, and this is so even if we suppose that there was a chance of her failing to succeed in hitting her target. If there is even as much as a 20 percent chance that Sassy will fail to bring about the outcome that her target is assassinated (perhaps because of the chance of strong gusts of winds), and if Sassy nevertheless succeeds in assassinating her target, we would not say that the indeterminacy of the outcome precluded Sassy's freedom in bringing it about.

Now suppose that, instead of an outcome, the item that is indeterministically caused is Sassy's decision to shoot. If Sassy deliberates about whether to shoot the

³⁰ For a similar line of thought, see Kane (1999).

innocent person (which, let us assume, Sassy knows to be morally wrong) and comes to decide to shoot, and if this decision is indeterministically caused (with a high probability, say) by Sassy's judgment about what it would be best to do, we would not think that Sassy's freedom in deciding to shoot is undermined merely in virtue of that decision's being indeterministically caused. But notice that Hobart-compatibilism's CDR implies that, in cases of directly free actions, there can be no indeterminacy. Given our natural responses to the cases just introduced, however, this is an implausible requirement.

Compare this worry for Hobart-compatibilism with one way that Fischer (2006: 5-6) defends the resiliency intuition discussed above. Fischer thinks that we take ourselves to have the control necessary for moral responsibility and that we would not abandon this view of ourselves as having this control if we were to find out that, rather than the laws of nature having 99.9 percent probabilities associated with them, they have 100 percent probabilities (which is to say that determinism is true).³¹ Why would our view of ourselves persist? One plausible reason is that we do not see a relevant difference in the level of control over an action between the following two possibilities:

- 1) The causal connections between events in our world (including our actions and their proximate causes) have associated with them 99.9 percent probabilities.

³¹ As I mentioned in note 1, I am taking free will to be the control necessary for moral responsibility. Given this, if there is no relevant difference in the level of control two agent possess (in performing a certain action), then either both possess free will (in performing that action) or neither does.

- 2) The causal connections between events in our world (including our actions and their proximate causes) have associated with them 100 percent probabilities.

If you are a compatibilist, it is hard to see what reason you could have for thinking that the difference between these two possibilities is so great that only the second allows for the right kind of control (for freedom and moral responsibility). (Incompatibilists, of course, have a principled reason for thinking that these two possibilities are very different, as exactly one of them is consistent with determinism.) If something that happened had a 99.9 percent chance of happening, it certainly was not a fluke, much less an inexplicable event. If an agent satisfied a typical compatibilist's set of putatively sufficient conditions on free will in performing an action that was 99.9 percent likely to happen, what could make it the case that this exercise of agency involved *so much less control* (than a similar one with a 100 percent chance of the action's occurrence) that she could not be counted as free in performing that action?³² If there is this much a difference between the cases (again, assuming that we are compatibilists—some incompatibilists may see a significant difference here), we are owed an account of that difference.³³

³² Note that this is consistent with the position that additional indeterminacy always mitigates control—a position that is the structural reversal of Capes's (2013) "mitigating soft compatibilism" and that has been suggested by Cogley (2015)—such that there is a difference in levels of control between the two probabilities mentioned. All that I am arguing is that the difference between 100 percent and 99.9 percent cannot be so robust that such indeterminacy precludes the control necessary for moral responsibility.

³³ Perhaps Haji's formulation of the problem of luck (which appeals to "ensurance") is a way of accounting for the difference, but why think that the difference between ensurance and very-close-to-(and-nearly-indistinguishable-from)-ensurance is relevant to control? It seems to me that while there may be a relevant difference between *non-adjacent points*

How does this relate to the problem for Hobart-compatibilism? Well, if we think that there is no sufficiently robust (and control-relevant) difference between the two possibilities mentioned above, then we should reject CDR. CDR requires deterministic connections (i.e., connections with 100 percent probabilities associated with them) between directly free actions and their proximate causes, but if full-fledged determination is not relevantly different (with respect to control) from causal connections with 99.9 percent probabilities associated with them, then CDR is too strong a requirement. Despite its advantage with respect to luck, and even though resiliency-related considerations do not undermine it, Hobart-compatibilism is nevertheless untenable.

3.5. Neo-Hobartian Compatibilism

At this point, given that Hobart's view (Hobart-compatibilism) is problematic, one might wonder whether Hobart really has any insight to offer. I think that he does. To see Hobart's crucial insight, recall the passage that I claimed to be essential to understanding Hobart's project: "But it is not here affirmed that there are no small exceptions, no slight undetermined swervings, no ingredient of absolute chance. All that is here said is that such *absence of determination, if and so far as it exists, is no gain to freedom, but sheer loss of it*" (1934: 2, emphasis added). So far I have focused on Hobart's claim that absence of determination is sheer loss of freedom. This, I think, is too strong a claim (for the reason discussed in the previous section). But Hobart also claims

on the control spectrum, such as between ensurance-level control and coin-flip-level control, there is no relevant difference between these *adjacent* points on that spectrum (between ensurance-level control and nearly-indistinguishable-from-ensurance-level control).

that absence of determination *is no gain to freedom*, and this—when we delete the stronger requirement Hobart attaches to it—is Hobart’s crucial insight.

We can now construct an alternative to Hobart-compatibilism that nevertheless preserves Hobart’s crucial insight concerning the relation between indeterminacy and free will. On this alternative (which is, like Hobart-compatibilism, a compatibilist account), absence of determination (i.e., indeterminacy) does not immediately undermine free will, but it does not add anything to freedom either. More specifically, a compatibilist might adopt the following “neo-Hobartian” principle:

Neo-Hobartian Principle (hereafter ‘NHP’): a non-derivatively free action can but need not be deterministically caused by its proximate causes (i.e., free action is compatible with determinism and with indeterminism), but an action’s being undetermined is in no way a freedom-relevant gain.³⁴

Call a compatibilist committed to NHP a “neo-Hobartian compatibilist,” and call her view “neo-Hobartian compatibilism.” The neo-Hobartian compatibilist is a type of super-compatibilist, taking free will to be compatible with determinism but also with indeterminism. Crucially, though, the neo-Hobartian compatibilist denies that there is any freedom-relevant advantage to being in an indeterministic world rather than a deterministic one.³⁵

³⁴ NHP does not, of course, offer a complete compatibilist account of free will. As Hobart-compatibilism does with CDR, neo-Hobartian compatibilism takes one’s favorite compatibilist set of sufficient conditions on free will and adds to it a certain principle about undetermined action (in this case NHP).

³⁵ In his approach to the luck problem (on behalf of libertarians), Fischer (2012, chapter 6; 2014) argues that merely adding indeterminacy into the causal sequence leading to an

3.6. Evaluating Neo-Hobartian Compatibilism

We have seen that Hobart's actual view, Hobart-compatibilism, is problematic because it adds a necessary condition to free will that is too strong. I have suggested that Hobart's crucial insight can nonetheless be preserved within a different compatibilist account, one which denies that indeterminacy can confer any freedom-relevant gain. I will go on to argue that this understanding of Hobart's insight reveals the real worry behind the problem of luck, namely that adding indeterminacy into the sequence leading to an agent's action does not enhance the agent's control over that action. This suggests that the problem of luck and the problem of enhanced control, which are typically taken to be independent problems for libertarianism, are best taken as a single (and deeper) problem. Before I do that, however, let us return to considerations about resiliency.

3.6.1 Resiliency

In section 3.4.2, I argued that Hobart-compatibilism is not undermined by extant worries (raised independently by Fischer and Capes) for similar views. Still, as I will now demonstrate, neo-Hobartian compatibilism fares even better with respect to resiliency than does Hobart-compatibilism.

Recall that one important reason for distinguishing Hobart-compatibilism from old-school compatibilism is that the latter is less resilient to the deliverances of the sciences. If the physicists and cosmologists were to discover that indeterminism is true,

agent's action does not *undermine* that agent's freedom. This is consistent with but not as strong a claim as NHP, since NHP says not only that indeterminacy does not preclude freedom but also that it is *no gain* to freedom.

old-school compatibilists would be forced to give up their view of human agents as having free will, but Hobart-compatibilists would not yet be in such a position, for it is possible for indeterminism to be true and for there also to be deterministic connections in the places that Hobart-compatibilists require for free will. Similarly, Hobart-compatibilism is more resilient than libertarianism, since discovering the truth of determinism would force only libertarians (and not Hobart-compatibilists) to give up their view of themselves as having free will. Since neo-Hobartian compatibilism does not require either determinism or indeterminism for free will, it is, like Hobart-compatibilism, more resilient than both old-school compatibilism and libertarianism.

But neo-Hobartian compatibilism is even more resilient, for if we were to discover that there were never deterministic connections between agents' actions and the proximate causes of those actions, we would not yet know, according to neo-Hobartian compatibilism, that we do not have free will. Suppose that our world is one in which all actions are indeterministically caused but have 99 percent probabilities associated with them; if so, Hobart-compatibilists would have to give up their view of themselves as having free will, but neo-Hobartian compatibilists, with their principle (NHP) that allows for free actions to be indeterministically caused, would not be forced to give up their ordinary view of themselves. So neo-Hobartian compatibilism fares better than Hobart-compatibilism with respect to resiliency-related considerations.³⁶

³⁶ Moreover, both neo-Hobartian compatibilism and Fischer's super-compatibilism (which is motivated by considerations of resiliency, are on a par with respect to resiliency (since, unlike Hobart-compatibilism, neither claims that indeterminacy would preclude freedom).

3.6.2 Luck

Despite neo-Hobartian compatibilism's advantage concerning resiliency, one might worry that the account is undermined by the very thing that motivated Hobart-compatibilism in the first place, namely the problem of luck. Again, luck (of the kind at issue here) is introduced by indeterminacy, so it is typically thought to be particularly problematic for libertarian accounts of free will, since these require indeterminacy for free actions. But since most compatibilists nowadays are super-compatibilists, if indeterminacy is a threat to free will, then it is apparently a threat to their accounts of free will as well. One way for a super-compatibilist to respond is by offering a solution to the luck problem on behalf of libertarianism (as well as on behalf of her own view), and this is, in fact, how prominent super-compatibilists have responded.³⁷ But the neo-Hobartian brand of super-compatibilism has more to say than that indeterminacy does not undermine free will; it is also true, on this account, that adding indeterminacy into the picture does nothing to *contribute* to freedom, whether by transforming a case of non-freedom into one of freedom or by increasing the degree to which an agent is free. Given this neo-Hobartian understanding of the relation between indeterminacy and free will, I propose that we take the problem of luck to be inseparable from the problem of enhanced control. In the remainder of this chapter, I will briefly sketch the project of combining these two challenges, with the hope that doing so will highlight a benefit of taking Hobart seriously.

³⁷ See Fischer (2012, chapter 6; 2014) for this type of response.

In a recent paper on the problem of enhanced control, Christopher Evan Franklin asks, “How does the addition of indeterminism transform unfree and non-morally responsible agents into free and morally responsible ones? This is the problem of enhanced control—the problem of explaining how libertarianism secures more control than compatibilism” (2011c: 688).³⁸ If free will is incompatible with determinism, as the libertarian believes, then *compatibilist* conditions on free will are insufficient to capture the necessary control. So if libertarianism does not secure any more control than compatibilism, then it does not secure enough control. Since libertarians and compatibilists differ concerning whether indeterminacy is required for free will, the libertarian needs for it to be the case that the addition of indeterminacy into the sequence leading to an agent’s action secures more control for that agent over that action. But I will now argue that the problem of luck reveals that the addition of indeterminacy into the sequence leading to an agent’s action *fails* to secure more control for that agent over that action.³⁹

³⁸ Franklin believes that the problem of enhanced control is particularly (and perhaps uniquely) problematic for *event-causal* libertarianism, a libertarian view that analyzes free actions in terms of agent-involving events (rather than, say, some basic notion of an agent-causal power). I will return to this point below.

³⁹ It is worth contrasting my approach with that of Cogley (2015), which attempts to show that libertarianism is not undermined by the problem of luck while at the same time conceding that indeterminacy always *mitigates* control. Cogley also claims that the degree to which an agent has control over an action depends upon the probability that that action will result from a certain set of mental states. I am not relying on this claim here (nor the claim that indeterminacy always mitigates control); rather, I am claiming only that no additional control (or higher degree of control) is secured by adding indeterminacy into the picture.

To see this, consider what libertarians typically take to be a paradigmatic case of free action, a case in which an agent is deliberating between two salient options and both are genuinely available to the agent (both options are possible for the agent, holding fixed the past and the laws of nature). Most famous of these cases is Robert Kane's (1996: 126) example involving a businesswoman who is on her way to an important meeting, witnesses a mugging, and must choose whether to hurry on or to stop and call for help. In cases like this, Kane thinks, agents can bring about modifications to their characters (hence Kane calls them "*self-forming* actions") by performing undetermined actions that result from competing "efforts of will." The businesswoman, for example, simultaneously wills to call for help (acting in accordance with what morality requires) and wills to hurry on to her meeting (acting in accordance with what she takes to be in her own best interest). In a case like this, it is possible for an agent to satisfy what Kane calls the "plurality conditions" for free will (2011: 385), according to which an agent has at least two genuinely available options—and so could have acted in more than one way—both of which options can be done voluntarily, intentionally, and rationally. When an agent satisfies these conditions, Kane argues, the agent possesses *plural voluntary control*. Either way that the agent acts, the agent will count as having done so freely. It would appear, then, that there is a type (or perhaps higher degree) of control that is only possible when indeterminacy is involved.⁴⁰

⁴⁰ I refer to Kane's libertarian account both because it is widely known and because it allows for a simple presentation of my take on the luck problem, but it should be noted that the problem generalizes to any libertarian account that requires indeterminacy at the time of non-derivatively free actions.

A worry for this understanding of plural voluntary control, however, is that it relies on the fact that the agent in such a scenario *already has control* over each of the competing efforts of will.⁴¹ Is plural voluntary control for some previous action required in order for an effort of will to be possessed with control? If so, then we get a vicious regress, and a first free action (involving plural voluntary control) will be impossible (which means that, for finite agents like us, freedom is impossible). To block the regress, Kane claims that the standards for control of the competing efforts of will are distinct from the standards for control on actions resulting from these efforts. Kane calls the former kind of control “only a *compatibilist kind of control*...akin to what [John Martin] Fischer and [Mark] Ravizza also call ‘guidance control.’” (2011: 404). To get a more robust kind of control, on Kane’s view, and thus to get the (libertarian) freedom required to be morally responsible for behavior, an agent must satisfy certain compatibilist conditions on free action twice over (i.e., the agent must have two genuinely available options, each of which consists in performing an action that would, on its own, satisfy a compatibilist set of sufficient conditions on free action). When an agent performs a non-derivatively free action, on Kane’s view, the agent’s effort of will that succeeded in bringing about the action satisfied compatibilist conditions on free action, yet there was another possible way that things might have gone.

Now, according to neo-Hobartian compatibilism, such an agent may well be acting freely in performing whichever of the two actions results from the competing efforts of

⁴¹ For a statement of this worry, see Mele (2006: 53).

will. But (and this is crucial), on this view, the fact that some other action might have resulted is no *gain* to the agent's freedom in acting as she did. And this is a very plausible thing to say. If the businesswoman hurries on to her meeting, and she does so because of some effort of will (that she controlled to a compatibilist's satisfaction), what gain could there possibly be to her freedom in hurrying on to the meeting that she might have failed (and stopped to help instead)? If the businesswoman had been disposed differently, wanting only to stop to call for help (and not inclined to hurry on to the meeting), but were somehow blocked from doing so, then *this* could plausibly be seen as limiting her freedom. But it is unclear how the possibility of failing to succeed in an effort of will (even when this failure involves the success of some *other* effort) could be any gain to the freedom of what results from that effort, which is to say that the addition of indeterminacy into the sequence leading to the agent's action does not enhance the agent's control in performing that action.

Here is another way to press the worry. Libertarians typically require that agents possess a "dual power" that enables them to select from among various open alternatives. What the problem of luck is meant to show is that the mere addition of indeterminacy, while it may allow for a plurality of options, does not bestow any additional control or powers to agents (since, holding fixed everything about the agent, there are various ways the future might unfold, but the agent has no further power *over* which future unfolds). And this, I take it, is Hobart's crucial insight. Even if indeterminacy does not undermine freedom, indeterminacy is no gain to freedom, and the fact that it is no gain to freedom undercuts the motivation for *requiring* indeterminacy for free action. So, taking Hobart's

insight seriously, the problem of luck should be seen as demotivating the libertarian's additional requirements on free action, and thus should be seen (at least by believers in free will) as indirectly motivating the sufficiency of compatibilist conditions on free action.

3.7. Conclusion

Hobart's classic 1934 paper has been widely interpreted as a case for free will's requiring determinism. I have argued that this is a misrepresentation of Hobart since Hobart's compatibilism requires not full-fledged determinism but only that there be deterministic connections between free actions and their proximate causes. Despite certain advantages this view enjoys, I have also argued that it requires too much and should, in the end, be rejected. Taking the view seriously was not in vain, however, since its failure is instructive and reveals Hobart's crucial insight, namely that indeterminacy is no gain to freedom. I have offered a principle that codifies this insight, and I have argued for the supremacy of this neo-Hobartian compatibilism. A noteworthy upshot of adopting neo-Hobartian compatibilism is that it highlights (what I take to be) the real worry behind the problem of luck, namely that adding indeterminacy into the sequence leading to an agent's action does not enhance the agent's control over that action. This suggests that the problem of luck and the problem of enhanced control, which are typically taken to be independent problems for libertarianism, are best taken as a single (and deeper) problem.

Chapter 4: The Challenge from Classical Compatibilism

4.1. Introduction

It is typically assumed by the parties of certain debates in the literature on free will and moral responsibility that there is disagreement about whether the ability to do otherwise is necessary for free will and/or moral responsibility. The consequence argument, for example, aims to show that the ability to do otherwise is precluded by causal determinism, and Frankfurt-style cases, for another example, aim to show that one can be morally responsible for an action without having the ability to do otherwise than that action. (More on this argument and these cases to come.) Many incompatibilists (*leeway* incompatibilists, in particular) and some compatibilists (such as classical compatibilists and Humean compatibilists) agree with one another that the ability to do otherwise is necessary for free will and moral responsibility, though they disagree on whether causal determinism would preclude the ability to do otherwise. Other incompatibilists (*source* incompatibilists, in particular) and compatibilists (such as Frankfurt-style compatibilists and semicompatibilists) deny that the ability to do otherwise is necessary for free will and/or moral responsibility. Or so it would seem.

Recently, however, Christopher Evan Franklin (2015) has argued that, contrary to this typical assumption (and even contrary to the explicit claims made by parties of these debates), it turns out that *everyone* thinks that *some* ability to do otherwise is necessary for free will and moral responsibility. Franklin's aim is to show that since every account of freedom and responsibility requires alternatives at some place or other, the question is not whether *the* ability to do otherwise is necessary for freedom and responsibility but

rather *which* ability to do otherwise is necessary. Now, if there is anyone who denies that an ability to do otherwise is required for freedom or responsibility, surely John Martin Fischer (at times, with Mark Ravizza) does, for Fischer is a *semicompatibilist*—someone who thinks that moral responsibility is compatible with causal determinism even if determinism precludes *the ability to do otherwise*.¹ If it turns out that Fischer’s view *does* involve a requirement that agents have an ability to do otherwise in order to be morally responsible, this would not only be a striking result but would also give us strong reason for thinking that *no one* denies that an ability to do otherwise is necessary for moral responsibility.² Thus, Franklin considers Fischer’s semicompatibilism and attempts to show that even this view requires an ability to do otherwise, since it requires that an agent has certain alternatives. Moreover, since certain other compatibilists, such as Kadri Vihvelin, distinguish their views from Fischer’s by *requiring* the ability to do otherwise for moral responsibility, Franklin thinks that the dispute between them and Fischer (concerning the ability to do otherwise) is largely a verbal one; even though they appear

¹ Fischer (1994, 2006, 2012) has done the most to defend this position, sometimes with coauthor Mark Ravizza, as in Fischer and Ravizza (1998). Fischer sometimes puts his position as I have stated it here but replacing “ability to do otherwise” with “freedom to do otherwise.” See, for example, Fischer (1994: 180). To keep things simple, and because Fischer’s semicompatibilism is about the compatibility of *moral responsibility* and causal determinism, I am hereafter setting aside *free will*. (If you think “free will” just is whatever freedom is required in order to be morally responsible, then what I say here will apply to free will as well.)

² I agree with Franklin that Fischer “is surely the first to come to philosophers’ minds when they consider prominent philosophers who putatively deny that the ability to do otherwise is necessary for moral responsibility” (2015: 2095). As I argue in Appendix B (located at the end of this dissertation), however, there is at least one philosopher who is even *less* likely to be committed to a requirement of an ability to do otherwise, and that is Carolina Sartorio. See Appendix B for an explication and discussion of her view.

to be making contradictory claims about the ability to do otherwise, they actually *agree* that *some* ability to do otherwise is necessary for freedom and responsibility. Once we distinguish between senses of ability, Franklin thinks, it will become clear that Fischer's view and Vihvelin's view *both* require a certain ability to do otherwise, and so any dispute about *the* ability to do otherwise (and whether it is required for freedom and moral responsibility) is merely a verbal one.

But, as I argue in this chapter, it is open to Fischer to deny that his semicompatibilism requires any ability to do otherwise. To show this, I first argue that there are alternatives and then there are alternatives; the mere possibility that something could go differently for an agent (or for the mechanism from which she acts) in some other possible world does not amount to the agent's having an ability to do otherwise. By considering what it takes to have an ability, even in the most minimal sense, we can see that *having an ability to do otherwise* can come apart from *having an alternative possibility* (or the mere possibility that something go differently for an agent), where the latter outstrips the former (and so having an ability to do otherwise entails having an alternative possibility, but having an alternative possibility does not entail having an ability to do otherwise).³ Once we distinguish these two types of alternatives, it will become evident that, *contra* Franklin, not everyone thinks that an ability to do otherwise

³ This is not a novel distinction. Fischer (1994, 2006) suggests it in his critique of what he calls the "flicker of freedom" strategy for responding to Frankfurt-style cases, though he sometimes uses 'alternative possibility' in the way that Franklin does, as synonymous with 'ability to do otherwise'. Being precise here will allow for a clearer exposition of Fischer's own view and also for a reply to Franklin's claim that the view requires an ability to do otherwise.

is necessary for moral responsibility, even if everyone requires—in order for an agent to be morally responsible—the mere possibility that something could go differently (in some sense) for the agent. Furthermore, by distinguishing between an ability to do otherwise and the possibility that something go differently for an agent, the differences between Fischer’s semicompatibilism and the so-called “new dispositionalism” of Vihvelin (and others) become clearer, which makes it possible to see exactly why the dispute (concerning the ability to do otherwise) between Fischer and the new dispositionalists is not merely—or even largely—a verbal one.⁴

To these ends, I begin, in section 4.2, by discussing the way that *the* ability to do otherwise is talked about in certain debates and why Franklin thinks that such talk is mistaken. Then, in section 4.3, I articulate the distinction between having an ability to do otherwise and having an alternative possibility. With this distinction on the table, I argue in section 4.4 that Fischer’s account does not require an ability to do otherwise. Finally, in section 4.5, I briefly explain the relevance of the result from the preceding discussion for the dispute between Fischer and Vihvelin. In addition, in Appendix B, located at the end of this dissertation, I explicate Carolina Sartorio’s (2015; 2016) actual sequence view and show that hers too (perhaps even more clearly than Fischer’s) is a view according to which no ability to do otherwise is required for freedom and responsibility, which is independently problematic for Franklin’s thesis.

⁴ For reasons that will become clear in section 4.4 of this chapter, Clarke (2009) introduces the term “the new dispositionalism” to label the approach by Vihvelin (2004) and also Smith (2003) and Fara (2008). See Clarke (2009), Whittle (2010), and Franklin (2011b) for critical discussions of the new dispositionalism.

4.2. *The Ability to Do Otherwise?*

As Franklin notes, two issues often disputed in the literature on free will and moral responsibility are the soundness of the consequence argument and the success of Frankfurt-style cases (FSCs). From the way that the various parties of the debate talk about these issues, it would seem that they are assuming that there is a certain ability, “*the ability to do otherwise,*” which the consequence argument purports to show to be ruled out by causal determinism and which FSCs purport to show to be unnecessary for moral responsibility. Indeed, Fischer claims that FSCs succeed and that we could be morally responsible even if our world is deterministic and the consequence argument is sound. In order to see the implications of these commitments for Fischer’s position on the ability to do otherwise, let us consider a brief sketch of the consequence argument and of FSCs.

One common way of articulating the consequence argument (or, if you like, one member of the family of arguments called “the consequent argument”) is as follows: If determinism is true, then propositions describing all of our actions are entailed by propositions expressing the laws of nature and propositions about the intrinsic state of the world long before we existed. In order for us to have the ability to do otherwise than what we in fact do, we would need to have a choice about either the laws of nature or the intrinsic state of the world in the distant past. But no one has a choice about those things, so, if determinism is true, we lack the ability to do otherwise than we what we actually

do.⁵ Sometimes added to this is the claim that given the truth of the principle of alternate possibilities (PAP), which states that the ability to do otherwise is necessary for moral responsibility, causal determinism and moral responsibility are incompatible.

FSCs aim to show that PAP is false; they are hypothetical scenarios in which an agent (apparently) lacks the ability to do otherwise than what she in fact does and yet in which she is intuitively morally responsible for acting as she does. Here is a sample FSC:

Black wishes Jones to cast his vote for presidential candidate A. In order to ensure that Jones does this, he implants a chip in Jones's brain which allows him to control Jones's behavior in the voting booth. (Jones has no idea about any of this.) Black prefers that Jones vote for candidate A on his own. But if Jones starts to become inclined to vote for anyone other than A, Black will immediately use his chip to cause Jones to vote for candidate A instead. As it turns out, though, Jones votes for candidate A on his own and Black never exerts any causal influence on Jones's behavior.⁶

Given Black's presence, Jones (apparently) lacks the ability to do otherwise than to vote for candidate A, yet intuitively Jones is nevertheless morally responsible for voting for candidate A.

According to Franklin, however, it is a mistake to think of these debates as about *the* ability to do otherwise, since everyone thinks that *some* ability to do otherwise is necessary for moral responsibility. To see why Franklin thinks that no one denies that some ability to do otherwise is necessary for moral responsibility, we need to consider Fischer's semicompatibilism, which is a likely candidate for a view that denies that any

⁵ See van Inwagen (1983), Ginet (1990), and Fischer (1994).

⁶ This example is from Swenson (2015) and is very similar to the one originally given by Frankfurt (1969).

ability to do otherwise is necessary for moral responsibility.⁷ Since this view requires that there be certain agent-involving alternatives, Franklin thinks that this view requires an ability to do otherwise for moral responsibility, even if it is not the same kind of ability to do otherwise as is required by other accounts of free will and moral responsibility. And if Fischer's account requires an ability to do otherwise, then we have good reason for thinking that everyone thinks that some ability to do otherwise is necessary for moral responsibility.

It is worth noting that Franklin apparently conceives of *having an ability to do otherwise* as synonymous with *having alternative possibilities*. In his discussion of Fischer's account, the focus is on the latter, but his conclusion (and the title of his paper) is about the former. If the two are distinct, then we cannot conclude that everyone (including Fischer) thinks that an *ability to do otherwise* is necessary for moral responsibility, for it remains a possibility that someone (perhaps Fischer) thinks that some alternative possibilities are necessary for moral responsibility *but not any* ability to do otherwise. This should be kept in mind as we consider what alternatives are required by Fischer's account of moral responsibility.

On Fischer's "actual-sequence" view, in order for an agent to be morally responsible for an action, that action must issue from the agent's own reasons-responsive

⁷ Again, if *anyone* denies that the ability to do otherwise is necessary for moral responsibility, surely Fischer does, so it makes sense to consider Fischer's view in the way Franklin does. (Though see my comment on this in n. 2.)

mechanism.⁸ This requirement has two parts: 1) the agent's operative mechanism must be reasons-responsive, and 2) that mechanism must be the agent's own. Only the first part of the requirement is relevant for our purposes. A mechanism is reasons-responsive in the sense required by Fischer's account just in case it is both moderately receptive to reasons and at least weakly reactive to reasons, and we will focus on the latter (the reactivity component).⁹ In order for a mechanism to be at least weakly reactive to reasons, on Fischer's view, there must be "some possible world in which there is a sufficient reason to do otherwise, the agent's actual mechanism operates, and the agent does otherwise" (2006: 68). So, in order for an agent's mechanism to be appropriately reactive to reasons—and thus appropriately reasons-responsive, and thus for the agent to be morally responsible for some action in the actual world—there must be some possible world in which the agent's mechanism behaves differently than it does in the actual world.

⁸ This requirement captures what Fischer calls "guidance control," and it is what Fischer takes to be the "control condition" (or "freedom-relevant condition") on moral responsibility. And though I am, for simplicity's sake, focusing here on moral responsibility for *actions*, the account applies to moral responsibility for omissions and consequences as well.

⁹ The receptivity component is interestingly different from the reactivity component. The former is a more robust condition, requiring that the agent's mechanism recognize sufficient reasons in an appropriately patterned way, both actually and hypothetically; the latter (the reactivity component) is less stringent, only requiring that the agent's mechanism react differently to an actual reason to do otherwise in some other possible world. While the receptivity component requires that a wide range of possible scenarios be a certain way, the reactivity component only requires that a single possible world be a certain way. Only the latter is concerned with "translating" reasons into choices (and then subsequent behavior), so I take it that if an ability to do otherwise is required by the account, then it enters the picture with the reasons-reactivity requirement. For more on these features of Fischer's account, see Fischer and Ravizza (1998, ch. 3).

As Franklin points out, this requirement that an agent's mechanism respond differently to reasons in some possible world is tantamount to a requirement that the *agent herself* respond differently in another possible world. Franklin explains:

Agents make choices, act, and are morally responsible in virtue of the activity of their mechanisms. This is a familiar move in the philosophy of action and a move that everyone must make unless they allow for the possibility of irreducible agent-causation, understood as agents being fundamentally causally involved in their agency... Most compatibilists (and philosophers for that matter) reject agent-causation thus conceived and Fischer certainly does... on his account agents are causally relevant in virtue of being properly related to their mechanisms that issued in action. If the agent's mechanism is able to do otherwise, then the agent is, in virtue of taking responsibility for the mechanism, able to do otherwise. A central contention, therefore, of Fischer's theory of moral responsibility is that agents are morally responsible only if they possess an ability to do otherwise. (2015: 2097)¹⁰

Since Fischer's account requires that an agent's *mechanism* be appropriately responsive to reasons, and since this requirement includes a component requiring that an agent's mechanism behave differently in some other possible world, Franklin thinks that this commits Fischer to requiring that *agents themselves* have alternative possibilities in order for them to be morally responsible. And, since he takes *having alternative possibilities* to be synonymous with *having an ability to do otherwise*, Franklin concludes that even Fischer's semicompatibilist account requires an ability to do otherwise.

¹⁰ Here Franklin talks about a mechanism's *ability to do otherwise*, but we have not been given any reason to suppose that Fischer's account requires that the mechanism (nor the agent) have such an ability. For all that has been said, the account requires that things go differently for an agent's mechanism in some other possible world (and thus that things go differently for the *agent* in some other possible world, in virtue of things going differently for her mechanism).

4.3. Abilities to Do Otherwise and Alternatives Possibilities

As I will argue, however, having an alternative possibility is not the same as having an ability to do otherwise.¹¹ While it is clear that Fischer's account requires that an agent's mechanism have certain modal characteristics (such that it would respond differently in some other possible world) in order for the agent to be morally responsible, I will argue that this is not the same as requiring that the agent's mechanism (nor the agent herself) possess any ability to do otherwise. In order to show that Fischer's account does not require an ability to do otherwise, we first need to consider various ways to understand the 'ability' in 'ability to do otherwise'. This will take up the remainder of this section. In the next section, I will present a case in which an agent counts as acting from her own reasons-responsive mechanism (and so is morally responsible for what she does) and yet lacks every kind of ability to do otherwise. Showing this will require that we look more closely at how Fischer characterizes the reactivity component of the reasons-responsiveness requirement of his account. Upon doing all of this, it will become clear that it is false that, on Fischer's account, an ability to do otherwise is necessary for moral responsibility.

¹¹ On the one hand, Franklin's argument apparently relies on denying this distinction, and he claims that Fischer means the same by both items: "Although Fischer tends to write more of 'the freedom to do otherwise' and 'alternative possibilities' than 'the ability to do otherwise', it is clear that these are just his preferred descriptions—by 'freedom to do otherwise' or 'alternative possibilities' he clearly has in mind 'the ability to do otherwise'" (2015: 2096). But, on the other hand, Franklin also notes that Fischer does *not* mean the same by these items: "Alternative possibilities for Fischer include but go beyond the ability to do otherwise" (2015: 2096, n. 4). This latter reading of Fischer is correct, which is problematic for Franklin's argument.

It is common to distinguish between what I will call ‘general abilities’ and ‘specific abilities’.¹² To borrow an example Franklin uses, consider the case of Ann, who is a world-renowned pianist but is currently in an airplane (which is too small to house her grand piano). Does Ann have the ability to play the piano? You might be inclined to say both ‘yes’ and ‘no’, which would be the correct answers if we were asking about Ann’s general and specific abilities, respectively. Ann has the general ability to play the piano in virtue of her intrinsic properties, and these do not mysteriously vanish when Ann is not at her piano. But the specific ability to play the piano is not so general and requires that Ann be able to play the piano *now* (or at some other specified time), and Ann lacks this ability when on the plane.

So far, so simple. But ‘specific ability’ can be used in two different ways. On the one hand, as J. L. Austin notes, “of course it follows merely from the premise that he does it, that he has the ability to do it, according to ordinary English” (1970: 227).¹³ An agent has this sort of “ability” to perform a certain action just in case there is *some* possible world in which the agent performs that action, and this does not require any corresponding general ability. Call this a ‘flimsy ability’. On the other hand, we often reserve ascriptions of ability for cases in which agents possess both the general ability to do the thing in question and also the opportunity to exercise that general ability on a

¹² See, for example, Mele (2003) and Whittle (2010).

¹³ As will become clear in a moment, I disagree with Austin about how ‘ability’ is used in ordinary English, though I would grant that it follows from the premise that he does it, that he is *able* to do it, according to ordinary English.

particular occasion, as when Ann, a world-renowned pianist, is seated at her piano. I will use ‘specific ability’ to refer to abilities of this kind.

Now, in order to see that Fischer’s account of moral responsibility does not require that an agent have any of these kinds of abilities to do otherwise than she does, we only need to consider general abilities in more detail. Specific abilities require general abilities, so if it is shown that an agent can satisfy Fischer’s conditions for moral responsibility without having any general ability to do otherwise, then it follows that an agent can satisfy Fischer’s conditions for moral responsibility without having any specific ability to do otherwise. Moreover, what I have called “flimsy abilities” are also irrelevant, for these are not genuine abilities. On this proposal, if it is *possible* that I win the lottery, then I have the ability (in this sense) to win the lottery. But, in my view, even if there is a sense in which I *can* win the lottery, or I *could* win it, surely I do not have the ability to win the lottery.¹⁴ Its being merely *possible* that I perform some action is not sufficient for my having the *ability* to perform that action. As Vihvelin puts the point:

There are many different ways to do something. One way is by having the ability. Another way it by accident or lucky fluke. Yet another way is by having one’s brain and body moved, puppetlike, in the appropriate ways by a sorcerer. Doing something by accident or lucky fluke does not entail having the ability to do it; doing something by direct manipulation by someone else does not entail having the ability to do it. This shows that the fact that S does A does *not* entail that S has the *ability* to do A. (2013: 199)

¹⁴ This case is taken from Vihvelin (2013: 7).

Succeeding in performing an action (even if that success occurs in the actual world) is not sufficient for having an ability to perform that action, so “flimsy abilities” are not genuine abilities and can be set aside here.¹⁵

We have seen that we can set aside flimsy “abilities” and specific abilities. This leaves only general abilities to consider. Fortunately, there has recently been a lot of good work on what it is to have a general ability, and the majority view of philosophers working on the metaphysics of agency and free will is that we can apply recent work on the metaphysics of dispositions to an analysis of general abilities, which is to say that a *dispositional analysis* of such abilities can be given.¹⁶ Perhaps it will help to consider some motivation for appropriating recent work from the metaphysics of dispositions. You might have thought (and some philosophers certainly *have* thought) that an agent counts as having a general ability to *A* just in case the agent would *A* if she attempted to *A*; that is, you might have thought that we could give a simple conditional analysis of this kind of ability.¹⁷ But, as Vihvelin (2004) has persuasively argued, such an analysis faces many problems, including that the truth of the claims like ‘if an agent *S* chose (or attempted) at time *t* to do *A*, *S* would do *A*’ are neither necessary nor sufficient for the truth of claims

¹⁵ An additional (and, to my mind, decisive) problem for this kind of “ability,” for reasons that I am about to discuss (when motivating a certain understanding of general abilities), is that it would suffer the same problems as the simple conditional analysis of general abilities. See note 19.

¹⁶ See, for example, the work of the so-called “new dispositionalists”: Smith (2003), Vihvelin (2004, 2013), and Fara (2008). For other recent approaches to giving something similar to a dispositional analysis of general abilities, see Dennett (2004) and Maier (2015).

¹⁷ I borrow the term ‘simple conditional analysis’ from Vihvelin (2004), who provides both a brief history of the use of this analysis and arguments for its falsity.

like ‘*S* has the ability at *t* to do *A*’.¹⁸ On the one hand, I can have the finkish ability to whistle even if it is false that, were I to choose to whistle, I would whistle; a sorcerer (who hates it when people whistle) might be standing by, ready to intervene (to stop me from whistling) were I to choose to whistle. On the other hand, I can have the finkish lack of an ability to wiggle my ears even if it is true that, were I to choose to wiggle my ears, I would wiggle them; I cannot actually wiggle my ears, but a sorcerer might be standing by, ready to intervene (to make me wiggle my ears) were I to choose to wiggle them.¹⁹

To avoid the problems associated with the simple conditional analysis, we can use recent developments in the metaphysics of dispositions. Rather than appeal to a single conditional, we can provide an analysis of general abilities as follows:

General Ability: *S* has the general ability to *A* iff, in a wide range (or suitable proportion) of circumstances, holding fixed *S*’s intrinsic properties, if *S* were to choose (or attempt) to *A*, then *S* would *A*.²⁰

¹⁸ Vihvelin’s arguments against this analysis of ability are modeled after Lewis’s (1997) response to a simple conditional analysis of dispositions in general. The following examples are based on Vihvelin’s, which are themselves based on Lewis’s.

¹⁹ This last case provides another reason for thinking that the “flimsy abilities” dismissed in the last paragraph are not genuine abilities. For example, suppose that, although I’ve never succeeded in wiggling my ears and haven’t thought about wiggling my ears since I was a young child, a sorcerer would make me wiggle my ears if I chose to wiggle them now; intuitively I lack the *ability* to wiggle my ears, yet it remains *possible* that I wiggle my ears. So an action’s being possible for me, while that may be sufficient for it being the case that I *could* do it, is not sufficient for my having the *ability* to do it.

²⁰ On Vihvelin’s view, this dispositional analysis of general abilities needs to be slightly modified (since most abilities are *bundles* of dispositions), but the details of her account are not relevant quite yet. (I will return to her account in a later section.)

This analysis avoids the problems mentioned above for the simple conditional analysis; because *General Ability* requires that *S* succeeds when she chooses to *A* in a wide range of circumstances, we can abstract away from cases like the ones discussed above involving finkish abilities and finkish lacks of abilities. To say that I have the ability to whistle is to say that, in a wide range of circumstances, if I were to choose to whistle, then I would whistle; that is, in a wide range of possible worlds in which I choose to whistle, I do whistle. Crucially, on this analysis, an agent does not count as having a general ability to *A* if there is only one possible world (or a narrow range of possible worlds) in which, when she attempts to *A*, she does *A*.²¹ According to *General Ability*, in order for an agent to have the ability to *A*, there must be a *wide range* (or *suitable proportion*) of possible worlds in which *S* succeeds in doing *A* when she attempts to *A*.²² For our purposes, it does not matter exactly how wide this range must be (nor how suitable the proportion must be); what matters is that, in order for an analysis of general abilities to avoid the problems associated with the simple conditional analysis, it will

²¹ One might think that if an agent does *A* in *some* world, then there will be an infinite number of worlds in which she does *A* (think here of possible minor changes to distant galaxies). Still, it is clear that we can distinguish between a) the set of worlds in which I purchase a lottery ticket and win, on the one hand, and b) the set of worlds in which I choose to raise my arm and succeed in doing so, on the other. Despite the fact that each set is infinite, we may plausibly distinguish these cases by appealing to the width of the *ranges* of the sets. Hence, on the analysis of general abilities I am discussing, the range of worlds in which I win the lottery is too narrow a range of possible worlds for me to count as having the general ability to win the lottery.

²² And this is a good result since, as I mentioned above, I could get lucky and win the lottery, but it does not follow from this that I have an *ability*, even a general one, to win the lottery.

have to be the case that the analysis requires that a wide range of possible worlds be a certain way, rather than a single possible world (or a narrow range of possible worlds).

4.4. Does Semicompatibilism Require a General Ability to Do Otherwise?

We can now return to Fischer's account and assess whether it requires general abilities to do otherwise in order for agents to be morally responsible. To make this assessment, I will first present a case in which an agent counts as morally responsible on Fischer's account, and I will then argue that this agent also lacks any ability to do otherwise. This will require a closer examination of the reasons-reactivity requirement of the account. In doing this, we will discover that the account itself calls into question a certain claim that Fischer has made concerning his view; Fischer has claimed that "reactivity is all of a piece," but his account itself gives us reason to think that this is not the case (and the account need not be committed to this claim anyway). Once this need for clarification is brought to light and dealt with, it will be clear that the case is one in which an agent lacks any ability to do otherwise and yet counts as morally responsible on Fischer's account.

Imagine that Brown is a weak-willed individual with a strong craving for the nonaddictive drug "Plezu."²³ Brown is regularly receptive to reasons—he shows an appropriate pattern of (actual and hypothetical) reasons-recognition—but is only *weakly*

²³ Fischer and Ravizza (1998, ch. 3) use this case to motivate the asymmetry between the receptivity and reactivity components of reasons-responsiveness. Following Fischer and Ravizza, to say that Plezu is "nonaddictive" is to say "that it does *not* issue in *irresistible* urges to take it" (1998: 69), yet the drug "is so powerful that its [pleasurable] effects last for hours and, during this time, it renders the user unable to do anything except recline on the sofa and enjoy himself" (1998: 69).

reactive to them.²⁴ Suppose that, out of all the possible worlds in which Brown chooses and tries, there is only one possible world in which Brown responds to a sufficient reason not to take the drug: imagine that, though he recognizes all sorts of reasons not to take the drug and waste the day away, the only scenario in which he would refrain from taking the drug (out of all the scenarios in which he chose and tried to do so) and would do something else instead is one in which the drug costs exactly one thousand dollars.²⁵ This does not happen in the actual world, so Brown takes Plezu. Nevertheless, since there is such a possible world in which Brown reacts to a sufficient reason to do otherwise, the mechanism which issues in Brown's action is weakly reasons-reactive (and, as we have stipulated, regularly reasons-receptive), and thus, provided that he satisfies the other conditions on moral responsibility (and we can stipulate here that he does), Brown is morally responsible for taking Plezu.

Nevertheless, in this scenario, Brown does not have even the general ability to do otherwise than take Plezu. In order to have the general ability to refrain from taking Plezu, it would have to be the case that in a wide range (or suitable proportion) of circumstances, holding fixed Brown's intrinsic properties, if Brown were to choose (or

²⁴ To say that *Brown* is weakly reactive to reasons is just to say that *the mechanism Brown owns* is weakly reactive to reasons. Similar remarks apply to the agent's ability to do otherwise, for, as Franklin says in the passage that I quoted in section 4.2, Fischer's account says that "agents are causally relevant in virtue of being properly related to their mechanisms that issued in action," and so: "If the agent's mechanism is able to do otherwise, then the agent is, in virtue of taking responsibility for the mechanism, able to do otherwise" (2015: 2097).

²⁵ Fischer and Ravizza (1998: 75) consider exactly this possibility, granting that Brown counts as both moderately reasons-receptive and weakly reasons-reactive.

attempt) to refrain from taking Plezu, then Brown would refrain from taking Plezu. But Brown would only act in accordance with the choice to refrain from taking Plezu in a *single* possible world (or the narrow range of worlds in which the drug costs exactly one thousand dollars), not in a range of circumstances that would be sufficiently wide to generate a general ability to refrain from taking the drug. Nevertheless, if Brown meets the other conditions on moral responsibility required by Fischer's account, then Brown can be morally responsible without even a general ability to do otherwise.

To make it clear that Brown counts as reasons-responsive on Fischer's account, we need to examine more closely the reasons-reactivity component of the account and to address a problematic claim that has been made concerning reasons-reactivity. As mentioned earlier, unlike the reasons-receptivity component—which is a more robust requirement—only *weak* reasons-reactivity is required by Fischer's account. In order for a mechanism to be at least weakly reactive to reasons, there must be “some possible world in which there is a sufficient reason to do otherwise, the agent's actual mechanism operates, and the agent does otherwise” (2006: 68).²⁶ But Fischer (and coauthor Ravizza)

²⁶ As it turns out, some have argued that this requirement is *too weak*. For example, Mele (2000) presents a case of an agoraphobic man who satisfies this condition (and the others required by guidance control) with respect to some behavior and yet does not seem (to Mele) to be morally responsible for the behavior. In response, Fischer (2012: 187-192) claims that, on his view, the agent is morally responsible but not blameworthy for the behavior, but he also suggests that we could accept Mele's criticism and modify the reasons-reactivity component of the account in light of the criticism (presumably by requiring that the agent react to a sufficient reason to do otherwise in a larger set of the relevant worlds). I mention this because if Fischer were to endorse this further suggestion (rather than relying on his distinction between moral responsibility and blameworthiness) in response to Mele's criticism, then I would need to say more about whether or not the modified view would require a general ability to do otherwise. This would be tricky, given the difficulty in knowing how large a set of relevant worlds must be in order for an

also make a stronger claim about reasons-reactivity, namely that “reactivity is all of a piece” (1998: 73):

...we believe that if an agent’s mechanism reacts to *some* incentive to (say) do other than he actually does, this shows that the mechanism *can* react to *any* incentive to do otherwise. Our contention, then, is that a mechanism’s reacting differently to a sufficient reason to do otherwise in some other possible world shows that the same kind of mechanism can react differently to the *actual* reason to do otherwise. (1998: 73)

We should note, first, that the minimal requirement for reasons-reactivity is endorsed here. In order for an agent’s mechanism to be sufficiently (weakly) reactive to reasons, it must be the case that that mechanism reacts to a sufficient reason to do otherwise in *some* possible world. This requirement is satisfied when an agent’s mechanism responds to a sufficient reason to do otherwise in a single possible world (or narrow range of possible worlds). But we should also note that Fischer also implicitly makes a claim about *other* worlds. The claim is that if a mechanism reacts to a sufficient reason to do otherwise in some other possible world, then this shows that the mechanism *can* react differently to the actual reason to do otherwise, which is to say that reactivity is all of a piece. And this suggests that if an agent’s mechanism is even weakly reasons-reactive, then that agent will (in virtue of her mechanism) possess *some* ability to do otherwise in every case, since it will be possible for her mechanism to respond to a sufficient reason to do otherwise in a wide range of circumstances.

agent to have a general ability, and Fischer does not attempt to specify this. Given what Fischer has said (and refrained from endorsing), then, we may set this issue aside here. Thanks to Hannah Tierney for pointing out the need to clarify this bit of Fischer scholarship.

But there is reason to think that reactivity is not (always) all of a piece. As the case of Brown shows, it is possible for there to be only a single world (or narrow range of worlds—the ones in which a drug costs exactly one thousand dollars) in which Brown’s mechanism reacts to a sufficient reason to do otherwise. This reaction of Brown’s mechanism is sufficient for it to count as weakly reasons-reactive, yet it is not sufficient for thinking that a wide range of worlds will be such that Brown reacts to sufficient reasons to do otherwise; in fact, as is stipulated in the case, there are no other such worlds. But if he doesn't respond to a reason to do otherwise in a wide range of circumstances, then it is not the case that he can react to any *other* reason to do otherwise; that is, there being a world where he responds to a reason concerning the exact price of one thousand dollars does not imply that there's a world where he responds to some *other* reason to do otherwise. This gives us reason to think that reactivity is not always all of a piece. Moreover, given that reactivity’s being all of a piece is not required by the account’s reasons-reactivity component, the account need not be committed to this requirement anyway.²⁷

²⁷ As an anonymous referee for *Philosophical Explorations* has pointed out to me, one reason for thinking that Fischer and Ravizza’s account is committed to the “all of a piece” claim is that they invoke it in order to address a certain skeptical response to their account of reasons-reactivity—see the speech attributed to Brown on Fischer and Ravizza (1998: 73). As I mentioned in note 26, the weakness of Fischer and Ravizza’s reactivity component *does* give rise to an objection. One way for Fischer and Ravizza to respond is by distinguishing between moral responsibility and blameworthiness and by taking weak reactivity as sufficient reactivity only for the former, and this response is consistent with the denial of the “all of a piece” claim. An alternative is to keep the “all of a piece claim” and to revise the reactivity component, which, as I mentioned in note 26, may result in a general-ability-to-do-otherswise requirement. It should be noted, however, that Fischer and Ravizza do *not* revise the reactivity component as would be needed in order to maintain that reactivity is all of a piece. In any case, my point in the body of the text is

This is not to say, of course, that Fischer and Ravizza must deny that, in ordinary cases, reactivity is all of a piece, for there is no reason for them to deny that agents typically are such that, when they react to a sufficient reason to do otherwise, they would have done so in a sufficient number of worlds to generate a general ability to do otherwise. It is consistent with what I have said here that these cases are the norm and that we typically have the general ability to do all sorts of things that we do not actually do, even if our world is deterministic and the consequence argument sound. Still, it does not follow from this that reactivity's being all of a piece is *necessary* for moral responsibility, and I have tried to show that Fischer and Ravizza's semicompatibilist account is not in fact committed to this stronger claim.

Ultimately, I have been calling attention to a difference between two requirements: a requirement of recent analyses of general abilities, on the one hand, and a requirement of Fischer's account of moral responsibility, on the other hand. The former requires that a wide range of possible worlds be a certain way, whereas the latter requires only that a single world (or narrow range of worlds) be a certain way. As the case of Brown shows, there can be cases in which an agent does otherwise in only a single possible world—and so lacks the general ability to do otherwise—and yet counts as morally responsible on Fischer's account.

that Fischer and Ravizza's argument for reactivity's being all of a piece does not succeed, and this is for the better, I think, as it makes it clear how Fischer's semicompatibilism is distinct from rival (classical) compatibilist accounts.

It follows from what I have been arguing that, on Fischer's account, no ability to do otherwise is necessary for moral responsibility. This explains why Fischer is concerned with both the soundness of the consequence argument—which aims to show that determinism precludes the ability to do otherwise—as well as the success of FSCs—which aim to show that the ability to do otherwise is not necessary for moral responsibility. Fischer's account *does* require that the agent have some alternative possibility (in just the sense Franklin explains: in virtue of her mechanism's capacity to react differently to a sufficient reason to do otherwise), but I have shown that this does not rise to the level of a requirement that an agent have *any* ability to do otherwise, not even a general ability. In other words, we have seen that *having an ability to do otherwise* can come apart from *having an alternative possibility*, and it is possible, on Fischer's account, for an agent to lack the former, even construed as a mere general (and not specific) ability, and nevertheless be morally responsible, since the account only requires an alternative possibility of a certain sort (the kind required to be weakly reasons-reactive). Of course, this is not to say that, if the consequence argument is sound and our world is deterministic, we in fact always lack the general ability to do otherwise than we do; on the contrary, Fischer's account is consistent with saying that (even if the consequence argument is sound and determinism true) we possess all sorts of capabilities to do otherwise than we do. Instead, what I have been arguing is that such general abilities are *not* (on Fischer's account) *necessary* for moral responsibility. And this suffices to show that Franklin has failed to establish that everyone thinks that an ability to do otherwise is necessary for moral responsibility.

4.5. Semicompatibilism and the “New Dispositionalism”

If it is possible that one can be morally responsible, on Fischer’s account, without having any ability to do otherwise, as I have been arguing is possible, then this is a feature of Fischer’s account that distinguishes it from views like Vihvelin’s that have been called the “new dispositionalism.” On such a view, a certain ability to do otherwise *is* necessary for freedom and moral responsibility but is *not* precluded by causal determinism. Fischer’s account privileges the actual sequence, and not even a general ability to do otherwise is essential, on his account, to being morally responsible. For Vihvelin, however, who has developed the most sophisticated version of the “new dispositionalism,” certain abilities to do otherwise (which turn out to be related to general abilities as I have characterized them) are necessary for free will and moral responsibility.²⁸ So the dispute between Fischer and the “new dispositionalists” is substantive—not merely (or even largely) a verbal one—and what I have said so far provides the groundwork for clarifying their point of disagreement. To show this, I will first provide a sketch of Vihvelin’s account and then briefly contrast it with Fischer’s account.

On Vihvelin’s view, there are “narrow abilities” (which correspond to those picked out by *General Ability*) and “wide abilities” (which correspond to what I called “specific abilities”):

Your narrow abilities are those abilities that you have in virtue of facts about your *intrinsic properties*; you may think of them, roughly, as those abilities you have in

²⁸ I focus on Vihvelin’s view because it is the most sophisticated version of this type of view, but what I say here applies, *mutatis mutandis*, to Smith (2003) and Fara (2008).

virtue of the size and shape of your body or what you are like beneath your skin. [Endnote omitted.] Your wide abilities are those abilities you have in virtue of your narrow abilities, together with *further facts about your surroundings*. You can rob a person of his wide abilities simply by changing his surroundings—by locking a door, breaking a piano, chaining the person to a chair, or simply by standing by, ready to prevent him from doing the things he tries to do. To remove someone’s narrow abilities, however, you must cause physical, or at least intrinsic, changes in the person—break his bones, damage or disable his brain and/or his mind, and so on. (2013: 11-12)

To return to an example of Franklin’s, Ann is a pianist in a piano-less plane; does she have the ability to play the piano? On Vihvelin’s view, Ann has the narrow ability to play the piano but lacks the wide ability to play the piano. Ann has the former ability in virtue of her intrinsic properties, and these are not affected by her flight. But Ann’s environment (which lacks a piano) robs her of the wide ability to play the piano. So far, so simple; and Fischer could accept the *taxonomy* of abilities that Vihvelin offers.

But, on Vihvelin’s view, for us to have free will (and thus, on her view, for us to be morally responsible), we must have wide abilities to do otherwise than we do. According to Vihvelin, having free will is “having some relevant bundle of dispositions and by being in surroundings that are suitably friendly with respect to the manifestation of these dispositions” (2013: 169), which is just to say that having free will requires having certain wide abilities to do otherwise than we actually do. Vihvelin goes on to argue that neither narrow nor wide abilities to do otherwise than we do are precluded by determinism, hence she is a classical compatibilist—claiming that we would have the ability to do otherwise even in a deterministic world—rather than a semicompatibilist.

At this point (especially given what I argued in the previous section), a major difference between Fischer’s and Vihvelin’s accounts should be clear: only the latter

thinks that an ability to do otherwise is necessary for moral responsibility. As we have seen, while Fischer's semicompatibilism requires that the agent have a certain alternative (since it requires that things go differently for the agent's operative mechanism in another possible world), it does not require that the agent (nor her mechanism) have the ability to do otherwise in order for her to be morally responsible. On Vihvelin's view, though, an agent must have the wide ability (which encompasses a narrow ability) to do otherwise in order to have free will (and thus to be morally responsible). And the two are not talking past each other; on Fischer's view, not even the narrow ability to do otherwise (much less the wide ability to do otherwise) is necessary for moral responsibility.

So not only does Fischer's semicompatibilism not require the ability to do otherwise, but the absence of this requirement also distinguishes Fischer's view from Vihvelin's version of classical compatibilism, revealing that the dispute between them is not merely (or even largely) a verbal one.

Chapter 5: The Challenge from Omissions

5.1. Introduction

Semicompatibilists believe that the freedom required for moral responsibility is compatible with causal determinism even if the ability (or freedom) to do otherwise is not. In fact, these theorists reject the following principle:

Principle of Alternative Possibilities (PAP): A person is morally responsible for performing an action only if she could have done otherwise than perform that action.

To support their rejection of this principle, semicompatibilists typically invoke “Frankfurt-style cases,” which are named after Harry Frankfurt because of his very influential paper (Frankfurt 1969). In that paper, Frankfurt presented a case very similar to this one:

Frankfurt-Style Case (FSC): Black wishes Jones to cast his vote for presidential candidate A. In order to ensure that Jones does this, he implants a chip in Jones’s brain which allows him to control Jones’s behavior in the voting booth. (Jones has no idea about any of this.) Black prefers that Jones vote for candidate A on his own. But if Jones starts to become inclined to vote for anyone other than A, Black will immediately use his chip to cause Jones to vote for candidate A instead. As it turns out, though, Jones votes for candidate A on his own and Black never exerts any causal influence on Jones’s behavior. (Swenson 2015: 1279-80)

In this case, Jones is apparently morally responsible for voting for candidate A. Yet Jones cannot do otherwise than vote for candidate A. Thus, PAP appears to be false.

But now consider a case in which an agent omits to perform an action that he is unable to perform:

Sharks: John is walking along the beach and sees a child drowning in the water. John believes that he could rescue the child without much effort. Due to his laziness, he decides not to attempt to rescue the child. The child drowns.

Unbeknownst to John, there is a school of sharks hidden beneath the water. If John had attempted to rescue the child, the sharks would have eaten him and his rescue attempt would have been unsuccessful. (Swenson 2015: 1280; originally from Fischer and Ravizza 1998: 125)

In this case, John omits to rescue the child from drowning, yet John does not appear to be morally responsible for this omission because of the presence of the sharks.¹ Even if PAP is false, then, the following principle looks very plausible:

Principle of Possible Action (PPA): A person is morally responsible for omitting to perform an action only if she could have performed that action.

Since the Sharks case seems to show that an agent cannot be morally responsible for omitting to perform an action that she is unable to perform, this case appears to support PPA.

Some philosophers have defended asymmetrical requirements for moral responsibility for actions, on the one hand, and moral responsibility for omissions, on the other hand. In particular, these philosophers reject PAP but accept PPA. In other words, they accept the following thesis:

Asymmetry Thesis (AT): PAP is false, but PPA is true.

In the first half of this chapter, I present a new challenge to AT, one that stems from the possibility of action-omission identity. I argue that the challenge extends to the two

¹ It is nearly universally accepted that John is not morally responsible for this omission, though he is clearly morally responsible for omitting to *try* to save the child (and perhaps for his decision not to try to help). As we will see later in the chapter, Swenson (2015) presents a challenge to certain compatibilists (namely those who think that FSC shows that PAP is false) by arguing that there is no principled difference (concerning Jones's and John's moral responsibility) between FSC and Sharks.

recent alternatives to AT that are defended by John Martin Fischer (2017) and Carolina Sartorio (2005), respectively, and I consider and address a possible objection to the challenge.

Having introduced this new challenge and defending it against an objection, I will then go on, in the second half of the chapter, to highlight the benefits of a symmetrical account of moral responsibility for actions and omissions. The first benefit is that it allows for a principled but hard-line reply to Philip Swenson's (2015; 2016) recent "No Principled Difference Argument." According to Swenson, since there is no principled difference between a series of cases that begins with Sharks and ends with FSC, and since it is intuitive that the agent is not morally responsible for the relevant omission in Sharks, we should infer that the agent is not morally responsible for the relevant action in FSC. Rather than denying any of Swenson's plausible "no relevant difference" claims, as an asymmetrical approach must, my symmetrical approach accepts these claims but maintains that the agent in Sharks *is* morally responsible for his omission. This is a *prima facie* counterintuitive position, though, so I go on to provide an error theory for the attraction of a soft-line reply.

The second benefit of a symmetrical account is that it provides a reason to reject a crucial premise in Peter van Inwagen's (1983) "Direct Argument" for the incompatibility of moral responsibility and determinism. According to van Inwagen's "Rule A," no one is morally responsible for necessary truths. But once it is granted that one can be morally responsible for an omission without having the ability to perform the omitted action, we can generate cases in which an agent is morally responsible for omitting to perform an

action that she necessarily did not perform, and thus these cases constitute counterexamples to Rule A. This too may seem, *prima facie*, to be a counterintuitive position, yet the very same resources invoked in my error theory for the attraction of a soft-line reply to Swenson's argument will help us to see that denying Rule A is not as theoretically problematic as it initially seems.

5.2. The Challenge to AT: Action-Omission Identity

Some (but not all) omissions are identical to actions. Consider the case of a child playing hide-and-seek.² Imagine that, once she has found the perfect place to hide, the child holds perfectly still. This action—holding perfectly still—is identical to omitting to move (or refraining from moving, which I take to be an omission). Now consider a similar case but in which it is clearer that the agent is morally responsible for the action/omission (assuming, of course, that anyone is ever morally responsible for anything):

Ben: Ben's friend commits a murder, and Ben plans to cover up the murder (even though he knows that this would be wrong). Ben is taken in for questioning, and he is told to raise his hand if his friend has committed the murder. In accordance with his earlier plan, Ben holds perfectly still, omitting to raise his hand.

If anyone is ever morally responsible for anything, Ben is morally responsible for holding perfectly still (and thereby covering up the murder). In this case, Ben's action of holding perfectly still is identical to an omission, namely his omitting to raise his hand. And,

² Mele (1997: 232) introduces this example in a different context, and Clarke (2014: 22) references it to give an example of an omission that is identical to an action.

though not all omissions are identical to actions, there are countless cases of action-omission identity like the case of Ben.

Cases of action-omission identity present a challenge for AT, however, which can be seen by considering the addition of a counterfactual intervener to such a case:

Ben*: Black wishes Ben to cover up his friend's murder. In order to ensure that Ben does this, Black implants a chip in Ben's brain which allows him to control Ben's behavior during questioning. (Ben has no idea about any of this.) Black prefers that Ben cover up the murder on his own. But if Ben starts to become inclined to raise his hand (to indicate that his friend committed the murder), Black will immediately use his chip to cause Ben to remain perfectly still instead. As it turns out, though, Ben holds perfectly still on his own, omitting to raise his hand, and Black never exerts any causal influence on Ben's behavior.

To see why Ben* is problematic for AT, assume that AT is true. That is, assume that PAP is false and that PPA is true. If PAP is false, Ben can be—and presumably is, in this case—morally responsible for holding perfectly still, but he cannot, according to PPA, be morally responsible for omitting to raise his hand. Ben can't be morally responsible for omitting to raise his hand, according to PPA, because the presence of the counterfactual intervener, Black, precludes Ben's ability to perform the action that he actually omits to perform (raising his hand). But Ben's action (holding perfectly still) is identical to his omission (omitting to raise his hand). Thus, according to AT (which says that PAP is false and PPA true), Ben is both morally responsible for and not morally responsible for one and the same thing. But this is a contradiction, so AT must be false.

It is worth noting at this point that one way to avoid the challenge while maintaining an asymmetry view would be to restrict the scope of PPA to omissions that are not identical to actions. If PPA were so modified, my challenge would no longer apply to AT. The necessity of such a restriction of PPA would itself, I think, be a

noteworthy result, but I doubt that many would be inclined to accept the new principle, if only for the reason that it would be problematically *ad hoc*. It is, then, worth considering alternative options. In the next section of this chapter, I will consider two modified asymmetry theses that are not *ad hoc*, but I will argue that my challenge nevertheless undermines these asymmetry theses. In the following section, I will address a possible reply on behalf of asymmetry views.

5.3. Extending the Challenge

5.3.1 Fischer's New Asymmetry Thesis

Fischer used to accept AT, but he came to be convinced (for reasons independent of my argument here) that AT is false.³ Nevertheless, Fischer maintains that there is *some* asymmetry in the requirements for moral responsibility for actions and omissions. In developing his more recent asymmetry thesis, Fischer appeals to the distinction between *simple* omissions and *complex* omissions. The former are “identical to, or fully constituted by, a bodily movement, where this can include the body’s keeping still (or a part of the body’s keeping still)” (Fischer 2017: 156). Ben’s omitting to raise his hand in Ben* is an example of a simple omission. A complex omission, on the other hand, “is not identical to or fully constituted by (say) keeping my body still; it involves something more than the body—something about the relationship between the body and the external world” (Fischer 2017: 156). Omitting to take a sip from my cup of coffee is an example

³ Fischer (1985-1986) and Fischer and Ravizza (1991) defend AT, but Fischer has been convinced—partly because of Frankfurt’s (1994) reply—that the simple version of AT is false.

of a complex omission, since it involves something more than my body, namely my cup of coffee. With the distinction between these two types of omissions on the table, we can consider Fischer's new view:

Fischer's New Asymmetry Thesis (FNAT): moral responsibility for actions (and, thus, simple omissions) does not require freedom to do otherwise, whereas moral responsibility for complex omissions does require such freedom. (Fischer 2017: 160)

FNAT is better-equipped than AT to handle cases like Ben*. Since Ben's omitting to raise his hand is a simple omission (since it is identical to Ben's action of holding perfectly still), Ben can be morally responsible, according to FNAT, for both the action and the omission, despite lacking the freedom to do otherwise than what he actually does/omits to do.

But Fischer is wrong to think that only *simple* omissions can be identical to actions. Consider the following case (adapted from Clarke 2014: 27):

Brother: Joe is angry at his brother and decides not to call him on his birthday. Joe later changes his mind and plans to call his brother, thereby planning *not* to refrain from calling him (as Joe had previously planned). Joe calls his brother, omitting to refrain from calling him.

In this case, Joe's omitting to refrain from calling his brother *just is* the action of calling his brother.⁴ But Joe's omission is not a simple one, in Fischer's terminology, since the omission involves something more than Joe's body, namely the phone he uses to call his brother. So there can be *complex* omissions that are identical to actions.

⁴ As Clarke puts it, "My refraining from refraining seems just to be my action of calling my brother" (Clarke 2014: 28). One way to object to my argument against FNAT would be to put pressure on the claim that omitting to refrain is genuinely an omission, but it seems much more plausible to me that there *can* be such cases.

The possibility of such cases raises a challenge for FNAT, however, which can be seen by considering the addition of a counterfactual intervener to such a case:

Brother*: Black wishes Joe to call his brother on his birthday. In order to ensure that Joe does this, Black implants a chip in Joe's brain which allows him to control Joe's behavior on his brother's birthday. (Joe has no idea about any of this.) Black prefers that Joe call his brother on his own. But if Joe starts to become inclined to carry out his earlier plan (of refraining from calling his brother), Black will immediately use his chip to cause Joe to call his brother instead. As it turns out, though, Joe calls his brother on his own, and Black never exerts any causal influence on Joe's behavior.

To see why Brother* is problematic for FNAT, assume that FNAT is true. That is, assume that moral responsibility for actions and simple omissions does not require freedom to do otherwise, whereas moral responsibility for complex omissions does require such freedom. According to FNAT, Joe can be (and presumably is, in this case) morally responsible for calling his brother, but he cannot, according to FNAT, be morally responsible for omitting to refrain from calling his brother. Ben can't be morally responsible for omitting to refrain from calling his brother, according to FNAT, because the presence of the counterfactual intervener, Black, precludes Joe's freedom to do otherwise than what is actually omitted (the complex omission of omitting to refrain from calling his brother). But Joe's action (calling his brother) is identical to his complex omission (omitting to refrain from calling his brother). Thus, according to FNAT, Joe is both morally responsible for and not morally responsible for one and the same thing. But this is a contradiction, so FNAT must be false.

5.3.2 Sartorio's New Asymmetry Thesis

Sartorio also rejects AT (for reasons independent of my argument here), but has offered the following principle concerning moral responsibility for outcomes:

New Asymmetry (NA): An agent's responsibility for an action can transmit to an outcome even if the outcome would have occurred anyway in the absence of the action. However, an agent's responsibility for an omission cannot transmit to an outcome if the outcome would have occurred anyway in the absence of the omission. (Sartorio 2005: 470)

There is an asymmetry between AT and NA: the former is about the requirements for moral responsibility for actions/omissions, but the latter is about the conditions under which moral responsibility for actions/omissions transmit (or don't) to outcomes. Despite this difference, cases like the ones I've discussed here reveal a problem for NA. Consider a modified case of Brother that makes explicit reference to a certain outcome:

Brother's Phone: Joe is angry at his brother and decides not to call him on his birthday. Joe later changes his mind and plans to call his brother, thereby planning *not* to refrain from calling him (as Joe had previously planned). Joe calls his brother, omitting to refrain from calling him, with the result that Joe's brother's phone rings.

In this case, as before, Joe's action (calling his brother) and omission (omitting to refrain from calling his brother) are identical. The outcome (Joe's brother's phone's ringing) follows from both the action and omission (since they are identical). But this possibility raises a challenge for Sartorio's NA, which can be seen by considering the following case:

Brother's Phone*: Black wishes Joe to call his brother on his birthday. In order to ensure that Joe does this, Black implants a chip in Joe's brain which allows him to control Joe's behavior on his brother's birthday. (Joe has no idea about any of this.) Black prefers that Joe call his brother on his own. But if Joe starts to become inclined to carry out his earlier plan (of refraining from calling his brother), Black will immediately use his chip to cause Joe to call his brother instead. As it turns out, though, Joe calls his brother on his own, with the result that Joe's brother's phone rings, and Black never exerts any causal influence on Joe's behavior.

To see why Brother's Phone* is problematic for NA, assume that NA is true. That is, assume both that an agent's moral responsibility for an action can transmit to an outcome

even if the outcome would have occurred anyway in the absence of the action and that an agent's moral responsibility for an omission cannot transmit to an outcome if the outcome would have occurred anyway in the absence of the omission. In Brother's Phone*, the outcome (Joe's brother's phone's ringing) would have occurred anyway in the absence of Joe's actual action, so his moral responsibility can (and presumably does) transmit from the action to the outcome. Yet because the outcome would have occurred anyway in the absence of Joe's omission (the omitting to refrain from calling his brother), Joe's moral responsibility for the omission cannot transmit to the outcome. But Joe's action and omission are identical, so, according to NA, Joe's moral responsibility both does and does not transmit to the outcome from one and the same thing. And this is a contradiction, so NA is false.

5.4. Objection: Moral Responsibility-Attributions as Intensional

One way to object to my argument against AT (and, *mutatis mutandis*, to object to my arguments against the other asymmetry theses) is to deny that it is a contradiction that the agents in the cases discussed so far in this chapter both are and are not morally responsible for one and the same thing. Randolph Clarke defends a view of this type, first explaining how it applies in cases of action-action identity, then applying the view to a case of action-omission identity:

Can an agent both be and not be responsible for something that she does?

I believe so. Attributions of moral responsibility, it seems to me, are intensional. One can be responsible for that thing described one way but not responsible for that thing described another way.

When I raise my arm on some occasion, I raise it with some specific speed and trajectory. My action of raising my arm is, I think, (identical with) an action by me of raising it with that specific speed and trajectory. There aren't two actions of arm raising that I perform on that occasion. And yet I might be

responsible for raising my arm then but not responsible for raising it with that specific speed and trajectory. (Given my ignorance of and inability to control the exact speed and trajectory with which I raise my arm, there's good reason to deny that I'm responsible for the latter.)

Now, consider the case of the child holding still for several minutes while playing hide-and-seek. Suppose that, had she not intended to do so, some external force would have caused her body to remain perfectly still then. She might be responsible for her action of keeping her body still. Her not moving on this occasion is simply her action of holding still, described in terms of something it isn't—an instance of moving. And yet, it appears that she isn't responsible for not moving. No matter how hard she had tried to move, she wouldn't have been able to do so. (Clarke 2014: 158)

For the sake of argument, let us assume that Clarke is right and that there are cases (both action-action identical and action-omission identical) in which one is morally responsible for something under some description but not morally responsible for the same thing under another description. Now, when I consider why this might be so, I am inclined to think that Clarke's parenthetical remark (about the case of action-action identity) provides the correct explanation: "Given my ignorance of and inability to control the exact speed and trajectory with which I raise my arm, there's good reason to deny that I'm responsible for the latter" (Clarke 2014: 158). In other words, for actions/omissions that are described in a sufficiently fine-grained way, agents will inevitably fail to satisfy at least one of the two widely accepted conditions on moral responsibility, the epistemic condition and the control condition.⁵ If an agent is ignorant of the exact speed and trajectory with which she raises her arm, or if she lacks control over the exact speed and

⁵ Aristotle introduces these conditions for voluntary action in *Nicomachean Ethics* 1109b30-1111b5. For more on the "Aristotelian" conditions, as they are often called, see Fischer and Ravizza (1998: 12-4).

trajectory with which she raises her arm, then that fact explains the agent's lack of moral responsibility for the action so described.

But there is, I think, a crucial difference between Clarke's example of action-action identity and his case (as well as the ones I have discussed so far in this chapter) of action-omission identity. In the former case, the agent fails to satisfy either the epistemic condition or the control condition (or both) on moral responsibility. In the case of the child playing hide-and-seek, however, the child satisfies *both* conditions for *both* her action (holding perfectly still) *and* her omission (omitting to move).⁶ Additionally, unlike the arm-raising case of action-action identity, the cases of action-omission identity that I've been discussing are cases in which the identical things are described at the same level of generality. The child's omitting to move, for example, is described just as generally as is her holding perfectly still. Even if one had doubts about this case (perhaps because one denies that children are morally responsible for anything), clearly there *can* be cases of action-omission identity in which agents satisfy both conditions on moral responsibility for both the action and the omission to which the action is identical. (Indeed, the case of Ben, discussed above, appears to be just such a case.) In cases of this kind, there is no reason to think that the agent isn't morally responsible for both the action and the omission. And if there is any case of action-omission identity in which the

⁶ Someone might object to my claiming that the agents in cases with counterfactual interveners satisfy the control condition on moral responsibility, since these agents lack the freedom to do otherwise; but, in this dialectical context, in which my interlocutor accepts that FSCs show that PAP is false, we can assume that the control condition is satisfied in these cases.

agent is morally responsible for both the action and the omission, this is problematic for the asymmetry theses considered here, for we can tinker with that case—adding a counterfactual intervener—and end up with a contradiction. It seems clear to me that there are such cases, so the asymmetry view faces a serious challenge.

5.5. Interlude: Frankfurt's Observation

Given that cases of action-omission identity present a challenge to the various asymmetry theses considered here, I believe that we have reason to be skeptical of asymmetrical requirements for moral responsibility for omissions and actions. In his discussion of a certain asymmetry thesis, Harry Frankfurt made a related observation:

The idea that there is an important asymmetry of this sort between actions and omissions strikes me as rather implausible. There appears to be no fundamental reason why instances of performing actions should be, as such, morally different from instances of not performing them. After all, the distinction between actions and omissions is not a very deep one. Indeed, it is often a rather arbitrary matter whether what a person does is described as performing an action or as omitting to perform one. So it would be surprising if the moral evaluation of actions and of omissions differed in any particularly significant way. (Frankfurt 1994: 620)

Even if we grant that some omissions are not identical to actions (which seems plausible to me, though Frankfurt appears skeptical), clearly there are some cases in which omissions just are actions. In such cases, Frankfurt is right that the distinction (between action and omission) is not very deep. Moreover, in such cases, whether or not we evaluate the person as having acted or omitted is often arbitrary, as in the case of the child playing hide-and-seek. It should not be very surprising, then, that we can construct scenarios, like the ones developed here, that put pressure on asymmetrical requirements for actions and omissions.

Given this observation, and given the challenges to asymmetrical requirements for actions and omissions (including the one I have developed in the first half of this chapter), the best way forward for semicompatibilists is to adopt symmetrical views. In the remainder of this chapter I will highlight two advantages of adopting such views.

5.6. A Hard-Line Response to Swenson’s “No Principled Difference Argument”

5.6.1 Swenson’s Argument

Philip Swenson has recently presented a challenge to Frankfurt-style compatibilists by identifying a tension in our judgments that agents in cases like FSC are morally responsible, on the one hand, and our judgments that agents in cases like Sharks are not morally responsible, on the other hand. The argument, as Swenson presents it, relies on a series of cases, each of which, Swenson claims, are not relevantly different from each other. Before we can consider the argument, though, we need to have the remaining cases before us. Swenson begins with Sharks and then provides three additional cases and argues that there is no relevant difference between them with respect to John’s moral responsibility. For the sake of argument, let us grant Swenson that there is no relevant difference between any two of the cases with respect to John’s moral responsibility.⁷ Here are the three cases:

⁷ As Swenson notes, however, Fischer and Ravizza (1998) and Byrd (2007) attempt to show that there is a moral responsibility-relevant difference between Sharks and Penned-in Sharks. Another obvious candidate for a moral-responsibility-relevant difference is between Penned-in Sharks and Sloth, since the timing of the counterfactual intervening comes before the agent’s action in the former case but after the agent’s action in the latter case. As Swenson notes, Fischer and Ravizza (1998: 140–141) make this point, and Clarke (1994; 2011) claims that the timing of the counterfactual intervention is relevant. Yet another candidate for a moral-responsibility-relevant difference is between Sloth and Hero, since the former involves an omission and the latter involves an action. As

Penned-in Sharks: Everything occurs just as in Sharks except for the fact that the sharks are penned up. However, unbeknownst to John, there is an evil observer who wishes for the child to drown. If John had jumped into the water, the evil observer would have released the sharks, and as a result, the sharks would still have prevented John from rescuing the child. But the presence of the observer plays no role in the actual sequence of events. (2015: 1281)⁸

Sloth: In this case, there are no sharks present to prevent a rescue by John. The evil observer is now monitoring John's thoughts instead. John decides (without deliberating much) to refrain from saving the child. If John had seriously considered attempting to rescue the child, the evil observer would have caused him to experience an irresistible urge to refrain from saving the child. However, this observer still plays no role in causing John's decision to refrain from attempting a rescue. (2015: 1281)⁹

Hero: John decides (without deliberating much) to rescue the child, and he successfully does so. Unbeknownst to him, if he had seriously considered refrain[ing] from rescuing the child, our now benevolent observer would have caused him to immediately experience an irresistible urge to rescue the child. (2015: 1282)¹⁰

Now that all of Swenson's cases are on the table, we can consider his argument:

(P1) In Sharks John is not responsible for failing to save the child.

(P2) If John is not responsible for failing to save the child in Sharks, then he is not responsible for failing to save the child in Penned-in Sharks.

(P3) If John is not responsible for failing to save the child in Penned-in Sharks, then he is not responsible for failing to save the child in Sloth.

(P4) If John is not responsible for failing to save the child in Sloth, then he is not responsible for saving the child in Hero.

Swenson also notes, Fischer and Ravizza (1991) once defended an asymmetry thesis (according to which the ability to do otherwise is not necessary for moral responsibility for actions but *is* necessary for moral responsibility for omissions) but have since (1998) given up that view, partly as a result of criticisms from Frankfurt (1994).

⁸ Swenson takes this case from Fischer and Ravizza (1998: 138), who credit David Kaplan for suggesting the case.

⁹ Swenson takes this case from a suggestion of Frankfurt (1994).

¹⁰ Swenson takes this case from Fischer and Ravizza (1991).

Thus;

(Conclusion) John is not responsible for saving the child in Hero. (2015: 1282)¹¹

And since Hero is structurally identical to FSC, Swenson says, “the cogency of this argument gives us reason to doubt that Jones is responsible for voting as he does” (2015: 1282).

But Swenson does not stop there; he goes on to argue that there is an in principle reason to doubt that Frankfurt-style compatibilists will be able successfully to respond to his argument. I will return to this in principle reason later in the chapter.

5.6.2 Answering the “No Principled Difference Argument”

There is a reply to Swenson’s argument that is available to Frankfurt-style compatibilists, however—one that Swenson omits to consider (and one that is not undermined by his in principle reason for doubting that Frankfurt-style compatibilists will be able successfully to respond to his argument)—according to which John *is* morally responsible for failing to save the child in Sharks, and according to which he is morally responsible in the remainder of the cases as well, since there is no moral responsibility-relevant difference between the cases. In other words, it is open to Frankfurt-style compatibilists to grant Swenson his series of no-relevant-difference claims, which appear in (P2)-(P4), but to start with Hero (or Original Frankfurt Case), in which John is intuitively morally responsible, and to work backward from there, using the contrapositives of (P2)-(P4), to John’s moral responsibility in Sharks. In (still) other

¹¹ By ‘responsible’ Swenson means morally responsible.

words, Swenson's *modus ponens* may be the Frankfurt-style compatibilist's *modus tollens*. Below is a "Modified No Principled Difference Argument":

(P1*) In Hero John is morally responsible for saving the child.

(P2*) If John is morally responsible for saving the child in Hero, then he is morally responsible for failing to save the child in Sloth.

(P3*) If John is morally responsible for failing to save the child in Sloth, then he is morally responsible for failing to save the child in Pinned-in Sharks.

(P4*) If John is morally responsible for failing to save the child in Pinned-in Sharks, then he is morally responsible for failing to save the child in Sharks.

Thus;

(Conclusion*) John is morally responsible for failing to save the child in Sharks.

Since Hero is structurally identical to FSC, the cogency of the argument provides Frankfurt-style compatibilists (who were antecedently motivated by the success of cases like FSC to falsify PAP) with a reason to take John to be morally responsible for failing to save the child in Sharks.

The response I am suggesting on behalf of Frankfurt-style compatibilists is structurally parallel to the so-called "hard-line reply" to the manipulation argument against compatibilism, which I defended in chapter 1.¹² The manipulation argument attempts to show that ordinary agents in deterministic worlds are not relevantly different from manipulated agents whom we intuitively judge not to be morally responsible. After presenting a case in which an agent is manipulated into performing some action from

¹² For a recent and widely discussed version of the manipulation argument, see Pereboom (2001: 110-117). For a "hard-line reply" to this argument, see McKenna (2008). I follow McKenna's presentation of the manipulation argument in what follows.

some compatibilist-friendly agential structure (CAS), the manipulation argument proceeds in the following form:

1. If S is manipulated in manner X to A, then S does not A of her own free will and is therefore not morally responsible for A'ing.
2. An agent manipulated in manner X to A is no different in any relevant respect from any normally functioning agent determined to do A from CAS.
3. Therefore, if S is a normally functioning agent determined to A from CAS, she does not A of her own free will and therefore is not morally responsible for A'ing.¹³

Now, a compatibilist advancing the hard-line reply to the manipulation argument admits the truth of the second premise (that there is no relevant difference between ordinary causally determined agents and certain manipulated agents) but denies the non-responsibility of ordinary causally determined agents and thus also denies the non-responsibility of certain manipulated agents.

Just as the hard-line reply to the manipulation argument denies the conclusion of that argument while granting the no-relevant-difference claim, my hard-line reply to Swenson's No Principled Difference Argument is to deny the conclusion of that argument while granting the no-relevant-difference claim. Instead of taking a "soft-line" approach to Swenson's cases, attempting to point out a relevant difference between Sharks and Pinned-in Sharks (or some other pair of cases),¹⁴ a Frankfurt-style

¹³ See McKenna (2008: 143).

¹⁴ This soft-line strategy is adopted by Fischer and Ravizza (1998). For another approach that would count as a soft-line reply to the No Principled Difference Argument, see Sartorio (2011), who argues that, contrary to first appearances, the presence of the sharks in Sharks *does* play a causal role in John's failure to save the child.

compatibilist can grant Swenson that there is not a relevant difference between the cases without accepting that agents in cases like FSC lack moral responsibility. Since the Frankfurt-style compatibilist antecedently judges agents in cases like FSC to be morally responsible, she can take the hard-line approach, codified in the Modified No Principled Difference Argument, and carry the moral responsibility through to the agent in Sharks.¹⁵

To be sure, Swenson and others will think that starting with the judgment that agents in FSCs are morally responsible is problematic, since it leads the hard-liner to conclude that the agent in Sharks is morally responsible. But the judgment that agents in FSCs are morally responsible is widespread, and not just among compatibilists.¹⁶ For those of us convinced of Swenson's no-relevant-difference claims, then, it will matter which case we take as our starting point. If we take Hero (which is structurally parallel to Original Frankfurt Case) as our starting point, then many of us (on both sides of the in/compatibilist divide) will judge the agent in Hero to be morally responsible, and we will conclude that the agent in Sharks is morally responsible as well. If we take Sharks as our starting point, however, then at least some of us will judge the agent in Sharks not to be morally responsible, and we will conclude that the agent in Hero (and in Original Frankfurt Case) is not morally responsible. Upon recognizing the lack of a relevant difference between the cases, though, one who was antecedently persuaded by FSCs may

¹⁵ For another route to the same "hard-liner" position, see Kearns (2011), who notes that cases like Sharks are not relevantly different from Locke's famous example of the man in the locked room (see Locke 1690, book 2, Chap. 21, Sect. 10).

¹⁶ For examples of *incompatibilists* who are convinced that agents in FSCs are morally responsible, see Stump (1996), Hunt (2000), and Pereboom (2003).

decide to give up the judgment that the agent in Sharks lacks moral responsibility. Swenson has not provided a reason to begin with one case rather than the other, and he has not shown there to be anything problematic about denying what one might have initially judged plausible about Sharks, given the initial plausibility of FSCs and given Swenson's no-relevant-difference point.

5.6.3 An Error Theory for the Attraction of a Soft-Line Reply

Given the simplicity of a hard-line reply to the No Principled Difference Argument, one may wonder why some Frankfurt-style compatibilists have been so eager to show that there is a difference between cases like FSC and cases like Sharks. That is, one may wonder why there has been such an attraction to treating the agent's responsibility in these cases as plausibly different. In what follows, I sketch a possible error theory for the widespread attempts at accommodating John's lack of moral responsibility in Sharks.¹⁷ As it happens, the resources invoked in this error theory will also be relevant to my discussion of giving up Rule A in a later section of the chapter.

Cases in which agents fail to be morally responsible for omissions when they could not have succeeded in doing otherwise are ubiquitous. Consider the following case:

Burglary: While John is at the bank, a group of men (who intend to rob the bank) begin pointing guns at everyone in the bank, threatening them not to move. Very close to John is a button labeled "Press In Case Of Emergency." If John were to press the button, the police would be notified and the burglary would be thwarted.

¹⁷ Just as my hard-line response to Swenson's No Principled Difference Argument paralleled McKenna's hard-line reply to the manipulation argument against compatibilism, so too the error theory I suggest parallels McKenna's suggested explanation for our intuitions about certain manipulated agents. See McKenna (2008: 156-158).

Because he is held at gun-point, however, John is unable to thwart the burglary, and the burglars succeed in robbing the bank.

In Burglary, not only is it clear that John is not morally responsible for omitting to thwart the burglary, but it is clear that the factors which made it the case that John could not have succeeded in thwarting the burglary also played a causal role in his omitting to thwart the burglary. Such cases are the basis for legitimate “I couldn’t help it!” claims, for we take it that the agent’s inability to do the thing in question actually played a role in preventing her from doing it.

Since cases like Burglary are so common, it should not be surprising that in similar but relevantly different cases, namely those in which the agent’s inability to do the thing in question does not actually play a role in preventing her from doing it, we find ourselves with the intuition that the agents are not morally responsible for their omissions.¹⁸ Our intuitions about cases of moral responsibility for omissions depend, to some extent, on the ordinary and common cases like Burglary, cases in which the agents’ inability to perform certain actions constitute genuine excuses for their not performing them, and on our typical practice of excusing agents in them. When we shift to a case like Sharks, we find that, when we consider the presence of the Sharks and the counterfactual scenario in which John attempts to save the child but fails, we have the same intuition about this case as about the ordinary cases in which the factors preventing the relevant action from *possibly* occurring also prevent it from *actually* occurring. But the sharks do

¹⁸ Frankfurt (1969) makes a similar claim about moral responsibility for actions and the intuitive appeal of PAP.

not play a role in John's failure to save the child, while the men holding John down in Burglary *do* play a role in his failure to thwart the burglary.¹⁹

Near the end of his classic article, Frankfurt remarked that agents in cases like FSC (hereafter "FSCs" for "Frankfurt-style cases") could not (without being disingenuous) offer certain excuses for what they had done:

We often do, to be sure, excuse people for what they have done when they tell us (and we believe them) that they could not have done otherwise. But this is because we assume that what they tell us serves to explain why they did what they did. We take it for granted that they are not being disingenuous, as a person would be who cited as an excuse for the fact that he could not have avoided doing what he did but who knew full well that it was not at all because of this that he did it. (1969: 837-838)

I agree with Frankfurt's explanation of why agents in FSCs could not offer as an excuse that they could not have done otherwise, but I see no reason to think that similar considerations do not apply in omission cases like Sharks.²⁰ Suppose that John, having decided not to attempt to save a drowning child, retires to his beachside hotel, eventually feeling some regret for his failure to save the child. The next morning, however, upon reading in the newspaper that a child had drowned and that no one could have prevented the child from drowning, due to presence of hungry sharks, John says to himself, "Would you look at that—the sharks made me do it! Time to stop beating myself up over

¹⁹ Similarly, as I will discuss below, the factors which bring it about that only one action is possible for an agent in a FSC do not also play a role in that action's actual occurrence.

²⁰ Nor do I think Frankfurt would disagree with applying these considerations to cases involving omissions. As he points out, "There appears to be no fundamental reason why instances of performing actions should be, as such, morally different from instances of not performing them. After all, the distinction between actions and omissions is not a very deep one" (1994: 620).

yesterday's incident!" Clearly it would be a moral failing of John to cite the sharks' presence as an excuse for what he failed to do.²¹

In cases like Burglary, however, it would be perfectly appropriate for John to offer as an excuse the fact that he was unable to thwart the burglary. The reason for this is that the factors that make it inevitable that John omits to thwart the burglary also play a causal role in his failing to thwart the burglary. And, as Frankfurt noted, it is precisely because the factors that make an agent's action inevitable in a FSC do not play a causal role in the bringing about the agent's action that the agent is apparently morally responsible (and thus that the case serves as a counterexample to PAP):

[T]here may be circumstances that constitute sufficient conditions for a certain action to be performed by someone and that therefore make it impossible for the person to do otherwise, but that do not actually impel the person or in any way produce his action. A person may do something in circumstances that leave him no alternative to doing it, without these circumstances actually moving him or leading him to do it—without them playing any role, indeed, in bringing it about that he does what he does. (1969: 830)²²

Crucially, the factors at play in FSCs that constitute sufficient conditions for the agent's action do not play a causal role in the production of his action.

As it happens, it is precisely these considerations which Swenson takes to give rise to an in principle reason to doubt that Frankfurt-style compatibilists will be able

²¹ To be fair, everyone grants that John would blameworthy for *not trying* to save the child in Sharks, and John would not be off the hook for this moral failing even upon reading about the sharks' presence (so, according to some non-hard-line approach, John could still beat himself up over *that*). Still, as I am about to discuss, it is unclear to me why any feature of the case that did not actually play a role in John's refraining from saving the child could potentially excuse his omission.

²² Part of this quotation is cited by Swenson (2015: 1283).

successfully to respond to his argument. Swenson notes that Fischer has helpfully distinguished between the factors of a situation which bring about a particular event, which Fischer dubs the “A-Factors,” and the factors which render the event inevitable but need not cause or bring about the event, which he dubs the “B-Factors.”²³ The lesson to be learned from the FSCs, then, is that mere B-Factors (which are not also A-Factors) are not relevant to agents’ moral responsibility. (In Frankfurt’s terminology: circumstances that constitute sufficient conditions for a certain action to be performed need not actually impel the person or in any way produce his action.) But Swenson argues that this lesson provides an in principle reason to doubt that a reply to the No Principled Difference Argument will be successful:

This reveals an additional challenge for anyone who wishes to reply to the no principled difference argument. The problem is that each case appealed to in the no principled difference argument centrally involves the presence of a mere B-Factor (the sharks in *Sharks*, the evil observer in *Penned-in Sharks*, etc.). Furthermore, accepting that the agent is not responsible in any of the cases apparently involves rejecting the claim that mere B-Factors are always irrelevant to moral responsibility. Frankfurt-Style Compatibilists (and any other defenders of FSCs) should say that the principle underlying our intuitions about FSCs is correct. So they should not accept the claim that John is not responsible in any of the cases appealed to in the no principled difference argument. Thus, they cannot plausibly draw a line anywhere between *Sharks* and *Hero* with regard to John’s responsibility. (2015: 1284)

Swenson’s argument puts pressure on the Frankfurt-style compatibilist to give consistent responses to the various cases we have considered, since all of them involve John’s action/omission being the result of mere B-Factors. For this reason, Swenson thinks that there is an in principle reason to doubt that a reply to his argument will be successful. But

²³ See Fischer (2010: 269); cited by Swenson (2015: 1283).

notice that the considerations to which Swenson appeals provide equal support for the hard-line reply that I have sketched and attempted to motivate here. The fact that Frankfurt-style compatibilists (who have the intuition that John is morally responsible in Hero) have reason to doubt that they can plausibly draw a line anywhere between Sharks and Hero should motivate them to adopt the hard-line reply to the No Principled Difference Argument. And taking this hard-line reply and granting the moral responsibility of John in Sharks is a live option for the Frankfurt-style compatibilist.

5.7. A Response to van Inwagen’s “Direct Argument”

5.7.1 Van Inwagen’s Argument

The other benefit (to semicompatibilism) of adopting a symmetrical account of the requirements for moral responsibility for actions and omissions is that it allows for a response to van Inwagen’s (1983: 182-188) Direct Argument. The Direct Argument is structurally similar to the Consequence Argument—which we considered in the introduction to this dissertation—but argues for the incompatibility of determinism and moral responsibility directly (instead of arguing that determinism precludes the ability to do otherwise, and then relying on a principle like PAP to get to a conclusion about moral responsibility). This argument relies on two inference rules that govern a “no-responsibility” operator. Let “NR p ” abbreviate “ p , and no one is even partly morally responsible for the fact that p .” The first rule, Rule A, says that if p is broadly logically necessary, then NR p . More formally:

$$A. \Box p \vdash \text{NR}p$$

The second rule, Rule B, says that if no one is even partly morally responsible for the fact that p entails q , and if no one is even partly morally responsible for the fact that p , then no one is even partly morally responsible for the fact that q . More formally:

$$B. NR(p \supset q), NRp \vdash NRq.$$

Now, let “ P_0 ” stand for a proposition describing the intrinsic state of the world in the distant past, let “ L ” stand for the conjunction of the laws of nature, and let “ P ” stand for any true sentence. Van Inwagen argues as follows (adapted from Capes 2016: 1479):

- | | |
|---------------------------------------|----------------------------------|
| 0. Determinism is true | assumption for conditional proof |
| 1. $\Box ((P_0 \ \& \ L) \supset P)$ | formal consequence of 0 |
| 2. $\Box (P_0 \supset (L \supset P))$ | from 1 |
| 3. $NR (P_0 \supset (L \supset P))$ | from 2 by Rule A |
| 4. $NR P_0$ | premise |
| 5. $NR (L \supset P)$ | from 3 and 4 by Rule B |
| 6. $NR L$ | premise |
| 7. $NR P$ | from 5 and 6 by Rule B |
| 8. Determinism is true $\supset NR P$ | conditional proof |

Since we used “ P ” as an abbreviation for any true sentence, it follows from this conclusion that, if determinism is true, then no one is even partly morally responsible for the fact that they perform their actions.

Now, among semicompatibilists like Fischer, the most popular strategy for responding to the Direct Argument has been to attempt to provide counterexamples to

Rule B. In the remainder of this chapter, I will summarize a recent critique of this approach and will show that, by adopting a symmetrical account of the requirements for moral responsibility for actions and omissions, semicompatibilists gain a principled reason for rejecting Rule A.

5.7.2 Attempts to Falsify Rule B

Recall that, according to Rule B, if no one is even partly morally responsible for the fact that p entails q , and if no one is even partly morally responsible for the fact that p , then no one is even partly morally responsible for the fact that q . To motivate the validity of this inference, van Inwagen appeals to some examples of instances of the inference. For example (van Inwagen 1983: 187), suppose that no one is even partly morally responsible for the fact that John was bitten by a cobra on his thirtieth birthday, and suppose also that no one is even partly morally responsible for the fact that if John was bitten by a cobra on his thirtieth birthday then John died on his thirtieth birthday. According to Rule B, it follows that no one is even partly morally responsible for the fact that John died on his thirtieth birthday.

But, notice that, as Fischer and Ravizza point out, this case involves “only one path to John’s death” (1998: 166), and the inference seems plausible only because of this feature. If we modify the example, Fischer and Ravizza continue, such that “just as the cobra bites John, an assassin (who is unaware of the cobra) shoots John in the head,” with the result that the assassin’s “bullet and the venom kill John simultaneously” (1998: 166),

then it looks like someone (namely the assassin) *is* (at least partly) morally responsible for John's death.²⁴ So it would appear that there are counterexamples to Rule B.

As Justin Capes has recently argued, however, counterexamples to Rule B do not falsify a related inference rule, which he calls "Transfer NR*" (since it is a modified rule about the transfer of non-responsibility). According to Transfer NR*, "if a person is not even partly morally responsible for any of the circumstances that led to a particular outcome, and if that person is not even partly morally responsible for the fact that those circumstances led to that particular outcome, then the person is not even partly morally responsible for the outcome in question either" (2016: 1484). In cases of overdetermination like Fischer and Ravizza's modified snakebite case, however, the agent *is* morally responsible for some of the circumstances that led to a particular outcome. As long as Transfer NR* can play the role that Rule B originally played in the Direct Argument, then, the popular response that appeals to cases of overdetermination will ultimately fail as a response to the Direct Argument.

As it turns out, Capes goes on to provide a modified version of the Direct Argument that aims to establish the same conclusion as the original Direct Argument but using Transfer NR* in place of Rule B. Here is Capes's machinery and formalized version of the new argument:

Let "a" be the proposition that "Jones A-ed at t," let " C_α " be a proposition describing all the antecedent circumstances that led to its being the case that Jones A-ed at t, including the laws of nature, and let "NR_{sp}" abbreviate "agent S is not even partly morally responsible for p." Here are two inference rules that, I contend, govern the use of the NRS operator:

²⁴ See Ravizza (1994) for other examples involving overdetermination.

A*. $\Box p \vdash NR_{Sp}$

B*. $NR_S (C_p \supset p), NR_S C_p \vdash NR_{Sp}$.

The first of these two inference rules is an agent-relative version of van Inwagen's rule A. It says that if it is broadly logically necessary that p, then we may infer that agent S is not even partly morally responsible for the fact that p. The second rule is a formal version of Transfer NR*. Where "C_p" is a proposition describing all of the antecedent circumstances that contributed to its being the case that p, this rule tells us that if agent S is not even partly morally responsible for the fact that C_p implies p, and if S is not even partly morally responsible for the fact that C_p, then we may infer that S is not even partly morally responsible for the fact that p.

With this formal machinery in place, I argue as follows:

- | | |
|---|--------------------------------------|
| 0. Determinism is true | assumption for conditional proof |
| 1. $\Box (C_\alpha \supset \alpha)$ | formal consequence of 0 |
| 2. $NR_{Jones} (C_\alpha \supset \alpha)$ | from 1 by rule A* |
| 3. $NR_{Jones} C_\alpha$ | premise |
| 4. $NR_{Jones} \alpha$ | from 2 and 3 by rule B* (2016: 1491) |

And, of course, with the completion of the conditional proof we get

5. $\text{Determinism is true} \supset NR_{Jones} \alpha$

from which we can generalize to the conclusion that if determinism is true, then no one is even partly morally responsible for the fact that they perform their actions

Given that the popular attempts to falsify Rule B will not succeed in falsifying Capes's rule B*, it would be nice for semicompatibilists like Fischer to have an alternative line of response to the Direct Argument (and to Capes's modified version of the argument). I will now argue that semicompatibilists can gain a principled reason for

rejecting Rule A (and Capes's rule A*, too) by adopting a symmetrical account of the requirements for moral responsibility for actions and omissions.

5.7.3 Against Rule A

Recall that, on the symmetrical view of moral responsibility for actions and omissions that I have articulated in response to Swenson's argument, an agent can be morally responsible for an omission even if the agent lacks the ability to perform the omitted action. If one accepts this view, one accepts the first premise of the following argument:

- 1) Agents can be morally responsible for the fact that they omit to do something that they were nonetheless unable to do
- 2) If agents can be morally responsible for the fact that they omit to do something that they were nonetheless unable to do, then agents can be morally responsible for facts that obtain necessarily
- 3) Agents can be morally responsible for facts that obtain necessarily²⁵

The conclusion of this argument is the denial of Rule A of van Inwagen's Direct Argument (and also of rule A* of Capes's modified version of the argument). Provided that one accepts the second premise of my argument, adopting my approach to responsibility for omissions provides a principled reason for rejecting Rule A and thus for denying the soundness of the Direct Argument. All that remains, then, is to determine the plausibility of the second premise of this argument.

²⁵ See Kearns (2011) and Hermes (2014) for different arguments for this same conclusion.

In my view, this premise enjoys considerable intuitive plausibility. Moreover, to deny it would be to maintain that, while one *can* be morally responsible for the fact that one omitted to do what one was unable to do, one *cannot* be morally responsible for the fact that one *necessarily* omitted to perform a certain action. But what reason could there be for maintaining this conjunction of views? If one already accepts that agents like the one in the Sharks case can be morally responsible for failing to prevent some inevitable outcome, then one also accepts that an agent can be morally responsible for failing to prevent an outcome that was inevitable because of circumstances over which no one had any control. It would be implausible, I submit, to say that agents can be morally responsible for a fact about some inevitable state of affairs *only when* that fact is not broadly logically necessary but only necessary *given* some features of the circumstances over which no one has any control.

I suspect that those inclined to reject the conclusion of the above argument will also be inclined to reject its first premise. After all, the first premise seems to be the easier target, and even many compatibilists have wanted to reject it (e.g., taking a soft-line response to Swenson's argument). But in this chapter I have, in effect, argued for the plausibility of that premise (or at least for the plausibility of that premise given a certain reaction to Frankfurt-style cases), motivating it and defending it against a recent objection. I conclude that semicompatibilists are best served by adopting a symmetrical account of the requirements for moral responsibility for actions and omissions and reaping the rewards that come with adopting that account.

Conclusion

In this dissertation, I have defended semicompatibilism—an actual-sequence approach to freedom and responsibility—against several objections, some of which targeted compatibilism in general and others that targeted semicompatibilism in particular. By constructing a manipulation argument (in chapter 1) against libertarian accounts of free will that parallels the manipulation argument against compatibilism, I have argued that compatibilist accounts do not come with a unique “theoretical cost,” or at least that worries about manipulation do not reveal such a cost. I addressed two worries about luck (in chapters 2 and 3, respectively) by defending two novel theses: first, that one's history can affect the *degree* to which one is morally responsible, even if it does not affect the *fact* that one is morally responsible, and second, that indeterminacy is no gain to the control relevant to moral responsibility. Using resources from recent work on the nature of abilities, I have argued (in chapter 4) that the dispute between semicompatibilists and classical compatibilists is not merely verbal, and I have shown that semicompatibilist accounts of freedom and responsibility need not require any ability to do otherwise. Finally, I defend the view (in chapter 5) that the requirements on moral responsibility for actions and omissions are symmetrical, and I highlight the theoretical advantages that semicompatibilists can enjoy by endorsing this non-standard view.

I want to conclude by sketching a few additional projects suggested by the work done in my dissertation. The first concerns the debate about the connection between an agent's history and her moral responsibility. According to several influential compatibilist accounts, whether an agent is morally responsible for an action depends

only on her psychological structure at that time (and not, say, on how she came to have that structure).¹ One of the main objections to such “structuralist” compatibilist accounts is that it is possible for the account’s allegedly sufficient conditions on moral responsibility to be satisfied by agents who have been manipulated—and who, thus, appear not to be morally responsible for their behavior. Partly to avoid this worry, “historicist” compatibilist accounts posit a historical condition on moral responsibility according to which an agent’s history (how she came to be a certain way) can make a difference as to whether or not she is morally responsible.

But given what I have said (in chapter 2) about solving the problem of constitutive luck, compatibilists must admit that agents can be morally responsible even when acting from a character with respect to which they are entirely constitutively lucky. Once this is accepted, however, and once we see that there is no relevant difference between these agents and agents who have been manipulated into acting from a character bestowed upon them by their manipulators (in particular, both are entirely constitutively lucky), then we should think (*contra* historicism) that such manipulated agents are just as morally responsible for their post-manipulation behavior as are non-manipulated but entirely constitutively lucky agents. In other words, solving the problem of constitutive luck should lead us to deny historicism about moral responsibility.

But reflection on constitutive luck should lead us not only to give up historicism but also to reject the extant version of structuralism on offer. According to the extant

¹ See especially Frankfurt (1988) and Watson (2004).

version of structuralism, manipulated agents are just as responsible for what they do as are relevantly similar non-manipulated agents, but manipulated agents are not responsible for having the character from which they act, whereas non-manipulated agents may well be. In other words, on this view, even though manipulated agents are just as responsible *for what they do* as are non-manipulated agents, non-manipulated agents are responsible *for more things* than manipulated agents. As I plan to argue, however, such an account fails to take seriously the extent to which constitutive luck can *mitigate* moral responsibility, since two agents may differ only with respect to how constitutively lucky they are and would, I submit, differ in their degree of moral responsibility, even though the extant version of structuralism cannot accommodate this result. Given this problem for the extant version of structuralism, I will propose a new structuralist position that is shaped by reflection on constitutive luck and can account for the mitigating effects of such luck on moral responsibility.

Another project suggested by work in my dissertation concerns luck and indeterminacy. I argued (in chapter 3) that indeterminacy is no gain to the freedom required for moral responsibility, and I plan to use this claim to construct a new argument against libertarianism—the view that we have freedom and are morally responsible despite the incompatibility of those things with determinism. Despite my commitment to compatibilism and thus my disagreement with libertarians about the compatibility question, I believe that libertarians have satisfactory responses to two standard challenges to their view, namely the problems of luck and of enhanced control. Whereas these two challenges are often taken as independent of each other, the argument that I will construct

will borrow claims from both problems (the problems of luck and of enhanced control) and will consolidate them into a single argument that is not vulnerable to the libertarian's responses to the challenges when taken independently of each other. Here, roughly, is the "Consolidated Argument":

- 1) Libertarianism is true only if agents who satisfy distinctively libertarian conditions on freedom possess more control than agents who are causally determined by factors beyond their control.
- 2) If an agent satisfies distinctively libertarian conditions on freedom with respect to some action, then that agent's performing that action is a matter of luck.
- 3) If an agent's performing an action is a matter of luck, then that agent does not possess more control in acting than is possessed by a relevantly similar agent who is causally determined by factors beyond her control.
- 4) Therefore, libertarianism is false.

Premise (1) of the Consolidated Argument is borrowed from the problem of enhanced control, and premise (2) of the Consolidated Argument is borrowed from the problem of luck. Since the satisfactory responses to the problems of luck and enhanced control target different claims from those challenges, I believe that libertarians must accept premises (1) and (2). What's left to defend is premise (3), and I will argue that it follows from the claim (defended in chapter 3 of this dissertation) that indeterminacy is no gain to the freedom required for moral responsibility.

Finally, in addition to these two extensions of my dissertation, I am also now in a position to use the constraints developed in my dissertation to introduce a novel version

of actual-sequence compatibilism. In the future, I plan to complete a book-length development and defense of my own actual-sequence view. My view will share some features with extant semicompatibilist accounts such as those defended by John Martin Fischer (2006; 2012) and Carolina Sartorio (2016), but unlike these rival semicompatibilist views, my account will be designed to satisfy the constraints developed in my dissertation. In particular, one especially interesting (and distinctive) feature of my account will be the nuanced approach to the connection between an agent's responsibility and her history that I discussed above.

But in addition to being better suited to handle the objections considered in my dissertation, I will aim to develop a "pure" actual-sequence view. I can only gesture at this project here, but the idea is that, on my view, freedom and responsibility will be *exclusively a function of the actual sequence* and will not depend at all on counterfactual facts, whether they be about causation (as in Sartorio's view) or about how the agent's operative mechanism would act in alternative sequences (as on Fischer's view). To ensure the "purity" of my actual-sequence account, I will draw resources from debates about grounding and explanatory dependence, ensuring that agents' freedom and responsibility are, on this account, solely a matter of the actual sequence leading to action. In developing this account, I hope to introduce a novel actual-sequence compatibilist view that not only enjoys a sort of internal coherency (in virtue of its purity) but that also avoids problems for extant actual-sequence accounts.

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Appendix A: Libertarian Accounts of Free Will

In this appendix, I consider several types of libertarian accounts and show that Ernie satisfies those accounts' conditions on free and responsible action in IMS—the scenario described in chapter 1 of this dissertation (pp. 37-38). The three main types of libertarian accounts of free will are event-causal, agent-causal, and non-causal accounts. To ensure that our survey is comprehensive, let us consider three event-causal accounts, two agent-causal accounts, and one non-causal account.

A.1. Event-Causal Accounts

The most popular type of libertarian account of free will is the event-causal type. On these accounts, the indeterminism required for free will and moral responsibility comes in the form of agent-involving events that indeterministically cause other events to occur. Some of these accounts are “leeway” accounts, while others are “sourcehood” accounts. According to the former, the main reason that determinism is a problem for freedom and responsibility is that it rules out alternative possibilities (or the ability to do otherwise); according to sourcehood accounts, the main reason that determinism is a problem is that it precludes our being the proper sources of our actions.¹ Robert Kane (1996) is an influential leeway libertarian, and Eleonore Stump (1990) has developed a

¹ Or, as Pereboom puts the distinction, “We might call those who incline toward the view that an alternative possibilities condition has the more important role in explaining why an agent would be morally responsible *leeway incompatibilists*, and those who are predisposed to maintain that an incompatibilist condition on the causal history of the action plays the more significant part *causal history incompatibilists*” (2001: 5).

clear sourcehood account.² Both of these require indeterminacy at the time of a non-derivatively free and responsible action, and so they can be distinguished from a further type of event-causal libertarianism, sometimes called “modest libertarianism” or “deliberative libertarianism,” that is often suggested on behalf of libertarians and that does not require indeterminacy at the time of non-derivatively free and responsible action. One version of modest libertarianism is suggested by Mele (1995; 2006).³ The details of this latter type of event-causal account will become clear after we look at Kane’s and Stump’s accounts.

A.1.1 Kane’s Leeway Libertarianism

A prominent leeway incompatibilist who is also a libertarian is Kane (1996).⁴ On Kane’s view, an agent is free in performing some action *A* only if she is ultimately responsible for *A*. In order for agents ever to be ultimately responsible for any of their actions, at least some of their actions must be non-derivatively free, that is, “some voluntary actions (including refrainings) of the agents’ life histories for which the agents are responsible...must be undetermined. Let us call these undetermined actions ‘self-forming actions’ (or SFAs) (taking the liberty of assuming that voluntary refrainings can

² Actually, Kane thinks that being the ultimate source of one’s actions is more important than having alternative possibilities, but since his account is the most sophisticated event-causal libertarian account that clearly requires alternative possibilities for non-derivatively free and responsible action, I will treat him as a leeway incompatibilist here.

³ Franklin (2011a) notes that this position is always suggested on behalf of libertarians but never by an actual libertarian, and he thinks rightly so since modest/deliberative “libertarianism” is not actually a brand of libertarianism at all; deliberative “libertarianism” does not entail incompatibilism, Franklin argues, but libertarianism does (2011a: 206-208). I will set aside this worry for modest/deliberative libertarianism here.

⁴ For an event-causal account that is similar to Kane’s, see Balaguer (2009).

be called actions)” (1996: 74). Kane gives many examples of types of SFAs, but the one that has received the most attention in the literature is that of choosing between doing what morality requires and what one takes to be in one’s own best interest. If it is undetermined whether an agent will *A* or will not *A* at time *t1*, and if *A* is what is morally required of the agent but not *A*-ing is what she takes to be in her best interest, then she can be non-derivatively ultimately responsible for *A*-ing or not *A*-ing, whichever she does.

Now, does Ernie (in IMS) satisfy Kane’s conditions on free and responsible action? According to the story, “At various points in his life, Ernie must choose between acting as is morally required of him and acting in his own perceived best interest, and when he does he influences his character traits.” Since Ernie is able to perform SFAs (and, of course, is not causally determined by factors beyond his control), Ernie satisfies Kane’s conditions on free and responsible action and is free and responsible when he does *A* at *t30*.⁵

⁵ One complication is that Kane has come to require that, in cases of SFAs, the agent must make dual efforts, one effort favoring *A*-ing and the other favoring not *A*-ing, and she must have control over these dual efforts. The control Kane requires for the dual efforts is not, however, the same robust control required for the SFA itself; the former, Kane says, need only be “a *compatibilist kind of control*...akin to what Fischer and Ravizza [(1998)] also call ‘guidance control’” (2011: 404, n. 14). It should be clear that Ernie (in IMS) satisfies this condition too.

A.1.2 Stump's Sourcehood Libertarianism

One version of sourcehood libertarianism is presented and defended by Stump (1990).⁶ According to Stump, an agent *S* freely does *A* just in case:⁷

1. *A* is not causally determined
2. *A* is in an appropriate sense *S*'s own act (1990: 260)

In explaining part of what it means for an action to be an agent's own act, Stump adds that "an agent's volition is his own only if his intellect represents what is willed as the good to be pursued (at that time, under some description), and the agent forms the corresponding volition in consequence of that representation on the part of his intellect" (1990: 261). Additionally, as is made clear by Stump (and her coauthor, Norman Kretzmann) later (1991: 398-400), for *A* to be *S*'s own is for *S*, in doing *A*, to be doing what he wants when he wants to do it.

Going back to IMS, we can now see that Ernie satisfies all of Stump's conditions on free action when he does *A* at *t30*. Ernie is not causally determined, and, according to the story, "Just before *t30*, Ernie's intellect represents *A* as the good to be pursued at *t30* (and represents *A* in just the way that Ernie in fact goes about performing *A* at *t30*), and Ernie's volition to *A* at *t30* is formed in consequence of that representation of his intellect. When Ernie does *A* at *t30*, he is doing exactly what he wants when he wants to do it." So Ernie satisfies all of Stump's conditions on free action.

⁶ Also see Stump and Kretzmann (1991) and Ekstrom (2000).

⁷ In giving the following conditions on free action, Stump is relying on the incompatibilist understanding of freedom suggested by Fischer (1982), which includes a third condition that Stump drops.

A.1.3 Mele's Modest Libertarianism

Both Kane's and Stump's accounts of free action required (at least for non-derivatively free actions) that there be indeterminacy at the time of action (or, in other words, that the action not be causally determined by its proximate causes). Modest libertarianism, by contrast, lacks this requirement. One version of modest libertarianism is presented and defended (though not endorsed) by Mele (1995; 2006).⁸ On this view, an agent has the control required for freedom and responsibility when (1) she satisfies Mele's *compatibilist* conditions on free and responsible action and (2) there is some indeterminacy internal to the agent but prior to the agent's formation of an intention and performance of an action, such as "doxastic indeterminism" during the agent's deliberation (1995: 211-221). Unlike the accounts we have already considered, then, modest libertarianism "rejects the idea that the *proximate* causes of free actions indeterministically cause the actions" (2006: 10). This is not to say that modest libertarianism requires deterministic connections between agents' actions and the proximate causes of their actions (since nearly all compatibilists reject this requirement), but just that there need not be indeterminacy at the time of free actions.

It is perhaps even easier to see how Ernie satisfies the conditions of modest libertarianism than the conditions of other libertarian accounts. Ernie satisfies all compatibilist conditions on free action (except those who require determinism for free agency), including Mele's proposed compatibilist conditions, and whenever Ernie

⁸ See Dennett (1978, chapter 15) and Clarke (2003, chapter 4) for other discussions of this type of event-causal libertarianism.

deliberates about what it would be best to do, including during his deliberation about whether to *A* at *t30*, what comes to mind during his deliberation is indeterministically caused to come to mind. The proximate causes of Ernie's *A*-ing at *t30* do not deterministically bring it about, but Ernie nevertheless satisfies compatibilist conditions on free action at *t30*. So, whether or not *A* was deterministically brought about by its proximate causes, Ernie freely does *A*, according to Mele's modest libertarianism.

A.2. Agent-Causal Accounts

We have just considered three event-causal libertarian accounts of free will. What distinguishes an agent-causal account from these is that it requires that certain events be indeterministically caused to occur not by events but *by the agent herself* (or, as it is sometimes characterized, *by the substance that is the agent*). On some agent-causal accounts, there are two distinct causal relations, the event-causal relation and the agent-causal relation. Timothy O'Connor (2000) advances a view of this type, and he thinks that free actions are not caused by events but rather by agents alone. On other agent-causal accounts, there is just one causal relation, but since both events and agents can be related in this relation, causation comes in two stripes. Randolph Clarke (2003) has defended a view of this type (though he ultimately rejects it), and on this view non-derivatively free actions are both caused by the agent and also nondeterministically caused by agent-involving events, such as the agent's having certain reasons (hence Clarke's is an "integrated" account).

A.2.1 O'Connor's Active Power Agent-Causal Libertarianism

On O'Connor's view, an agent's free action is her causing an action-initiating intention within herself via her active power as an agent-cause. O'Connor explains:

This direct causing by agents of states of intention goes like this: parallel to event causes, the distinctive capacities of agent causes ('active powers') are grounded in a property or set of properties. So any agent having the relevant internal properties will *have it directly within his power to* cause any of a range of states of intention delimited by internal and external circumstances. (2000: 72)

The event brought about in a free action (though the event itself is not a free action) is the agent-involving event *that the agent has a certain action-initiating intention*. Once an agent freely acts in this way, any intended overt action that results from such an instance of free action counts as a free overt action. Since this agent-caused intention cannot itself be caused by a reason (since this would involve event-, not agent-, causation), O'Connor builds into his view that agent-caused intentions possess content of the form *that one perform an action of type A in order to satisfy reason R*, with the result that the agent-caused intention will include a reason-based explanation for the intended action.⁹

Ernie satisfies each of O'Connor's conditions on free action. Ernie is an agent who regularly causes action-initiating intentions within himself via his active power as an agent-cause, thereby bringing about intentions that result in free overt actions, including Ernie's doing *A* at *t30*. Furthermore, as the story goes, Ernie's intention to *A* at *t30* has

⁹ For more on O'Connor on reasons and causes, see O'Connor (2000, chapter 5).

the content that Ernie performs *A* in order to satisfy *R*, which is exactly what O'Connor's account requires for Ernie's *A*-ing to be on the basis of Ernie's reasons and to count as a free action.

A.2.2 Clarke's Integrated Agent-Causal Libertarianism

Clarke's agent-causal libertarianism differs in important ways both from event-causal libertarian accounts and also from O'Connor's agent-causal account. Unlike an event-causal libertarian view, Clarke's view does not reduce causation by agents to causation by agent-involving events. Nevertheless, Clarke argues that event-causation can benefit an agent-causal view by allowing it to account for reasons-explanations for actions, which sets Clarke's account apart from O'Connor's. According to Clarke, an attractive account of explaining acting for reasons is that an agent acts for a reason only when the agent's having that reason caused the action. These instances of causation will contain as relata agent-involving events, though, rather than the agent herself. On this integrated account, non-derivatively free actions are both caused by the agent and also indeterministically caused by agent-involving events, such as the agent's having certain reasons. Other actions of agents might be caused solely by (agent-involving) events, according to Clarke, but directly free actions, on this view, must be caused by both the agent and certain agent-involving events.

As it turns out, IMS has it that Ernie's *A*-ing at *t30* is caused both by Ernie (the agent) himself and also indeterministically caused Ernie's having a reason for *A*-ing at *t30*. Ernie's *A*-ing at *t30*, then, counts as a non-derivatively free action, according to Clarke's integrated agent-causal account.

A.3. Non-Causal Accounts

So far we have been concerned with libertarian accounts of free will according to which free actions are those that are caused in certain ways, either by agent-involving events or by the agent herself (or both). The last type of libertarian account we need to consider denies that free actions are caused, hence such accounts are called *non-causal* accounts. Non-causal libertarians are non-causalists about action-explanation, denying that basic actions are to be explained by reference to causation by any agent-involving events (such as the agent's having a reason for action). Unfortunately, non-causal libertarians typically do not say much about what more is required for *free* action, but one intuitive idea relevant to manipulation seems to be that a basic mental action, explained non-causally, cannot be produced by a manipulator (external to the agent), and so *actions* cannot be brought about by manipulation, much less *free* actions. This might seem to make it difficult to construct a case in which a manipulated agent satisfies non-causal libertarian conditions on free action, but, as I will argue, IMS is just such a case. To see this, let us consider Carl Ginet's (1990) non-causal account.¹⁰

A.3.1 Ginet's Non-Causal Libertarianism

On Ginet's view, basic acts are uncaused mental acts, such as the making of decisions, which are described as having "what we may call (for lack of a better term) an *actish* phenomenal quality" (1990: 13). Ginet distinguishes his account from agent-causal ones, but he describes this actish phenomenal quality as it seeming like something is

¹⁰ For another non-causal libertarian account, see McCann (1998).

directly brought about by the agent herself. When an agent performs a basic action like making a decision, this action is not to be explained by reference to causation by the agent's reasons for action. What more is required for a basic mental action (such as a decision) to count as a *free* action? Ginet says little about this, but Clarke (2003: 18-19) notes that Ginet requires at least the following for some action *A*, performed by an agent *S*, to count as free:

1. *A* was not causally determined (Ginet 1990, chapter 5)
2. In performing *A*, *S* is not subject to irresistible compulsion (Ginet 1990: 121)
3. *S* is a rational agent (Clarke 2003: 19, n. 9)

As should be clear, Ernie satisfies each of these conditions. Ernie is a rational agent in an indeterministic world, and *A* is not causally determined by any antecedent event. Since Diana does not bring about Ernie's decision by tampering with his brain or otherwise affecting Ernie's normal way of making decisions, Ernie's making the decision to *A* at *t30* has an actish phenomenal quality, and he is in no way subject to irresistible compulsion. Ernie's decision to *A* at *t30* satisfies all of Ginet's conditions on free action.¹¹

This completes our survey of a representative sample of libertarian accounts of free will. Since I have argued that each of these accounts entails that Ernie is free (and

¹¹ One may doubt whether Ernie really satisfies the conditions on free action of a non-causal account like Ginet's since it is built into IMS that Ernie *causes* *A* at *t30*. But keep in mind that it is consistent with IMS that Ernie's decision to *A* is *uncaused*, and so it is that decision which Ernie does freely, according to an account like Ginet's. And yet Ernie is manipulated into making the decision to *A* despite his satisfying Ginet's conditions on free action.

responsible, though we have been focusing mainly on freedom) either for his decision to do *A* at *t30* or for his actually doing *A* at *t30*, I have been defending P2 of the following schema, which I introduced earlier:

P1. Intuitively, Ernie is neither free nor responsible for doing *A* (or for his decision to do *A*) at *t30* in IMS.

P2. According to [libertarian account of free will], Ernie is free and responsible for doing *A* (or for his decision to do *A*) at *t30* in IMS.

C. Therefore, [libertarian account of free will] is false.

Insofar as one finds it intuitive that Ernie lacks freedom and responsibility, then, one should take this to be a problem for libertarian accounts of free will. But notice that this is just the situation that the compatibilist is in with respect to the manipulation arguments against compatibilist accounts (such as the Four-Case Argument and the Zygote Argument).

Appendix B: Carolina Sartorio's Actual Sequence View

As I mentioned in note 2 of chapter 4, I agree with Christopher Evan Franklin that John Martin Fischer “is surely the first to come to philosophers’ minds when they consider prominent philosophers who putatively deny that the ability to do otherwise is necessary for moral responsibility” (2015: 2095). I also think, however, that there is at least one philosopher who is even less likely to be committed to a requirement of an ability to do otherwise, and that is Carolina Sartorio, who provides an account of reasons-sensitivity (which is part of her account of the freedom required for moral responsibility) by appealing to the absence of certain reasons in the actual sequence leading to action (rather than by appealing to the agent’s response to reasons in other worlds). The existence of Sartorio’s view—originally sketched in Sartorio (2015) and further developed in Sartorio (2016, chapter 4)—is another problem for Franklin’s claim that everyone thinks that an ability to do otherwise is necessary for free will and moral responsibility. In this short appendix, I will briefly summarize Sartorio’s account of reasons-sensitivity, highlighting its lack of an ability-to-do-otherwise requirement on moral responsibility.

Like Fischer, Sartorio defends an actual-sequence view. On Sartorio’s view, however, “actual sequences are, in fact, richer than they appear to be at first sight: they contain, in addition to reasons of certain kinds, absences of reasons of other kinds” (2016: 126). Two causal histories may look very similar, according to Sartorio, and they may even culminate in the same action, yet they may differ simply in virtue of one’s

containing the absence of a certain reason as a cause. Sartorio provides a helpful example:

To illustrate with another example, imagine that I like to dress in bright colors when it's a sunny day *and* no one has broken my heart recently. You, on the other hand, like to dress in bright colors when it's sunny, even if someone has broken your heart recently (that kind of thing doesn't affect your dressing habits). On a sunny day, you and I dress in bright colors. Although its being sunny is part of the causal history of our dressing in bright colors in both cases, there is also a difference between the two causal histories: mine contains the absence of a heart-breaking event and yours doesn't. For, in dressing in bright colors on that day, you are being insensitive to the occurrence of a heart-breaking event and I am not. (2016: 126)

Because the first agent (who likes to dress in bright colors when it's a sunny day *and* no one has broken her heart) would not have dressed in bright colors had her heart recently been broken, the absence of such an event is presumably a cause of her actually dressing in bright colors. Extrapolating from cases like this, Sartorio thinks that differences in agents' sensitivity to reasons "is reflected in the causal histories of their acts: the absences of the relevant reasons play a role in one of those causal histories but not in the other" (2016: 132).

With the basic idea on the table, and having seen a motivating example, we are now in a position to consider Sartorio's statement of the account:

CRS (Causal Reasons-sensitivity): An agent is reasons-sensitive in acting in a certain way when the agent acts on the basis of, perhaps in addition to the presence of reasons to act in the relevant way, the absence of sufficient reasons to refrain from acting in that way, for an appropriately wide range of such reasons. (2016: 132)

What is especially noteworthy is that, unlike Fischer's account of reasons-reactivity, Sartorio's CRS does not make reference to what an agent (or the agent's operative mechanism) does in some other possible world. She explains:

According to CRS, being sensitive to reasons is not a matter of doing otherwise in the relevant counterfactual scenarios, as traditional accounts of reasons-sensitivity would say; rather, it's a matter of acting on the basis of the right kind of causes—*actual* causes. On this view, agents are sensitive to reasons when there is a sufficiently wide range of reasons whose absence causes their acts (in the right kind of way). (2016: 132-133)

If her account were committed to requiring an ability to do otherwise, though, then it would have to require that there be a range of worlds in which an agent acted otherwise. Thus, on Sartorio's actual-sequence account, an agent can be free and morally responsible without having any ability to do otherwise.¹

¹ Interestingly, while Sartorio's view clearly does not require an ability to do otherwise, what counts as the actual causal sequence, on her view, depends on what happens (or doesn't) in various counterfactual scenarios. In particular, on Sartorio's account, for the absence of a reason to be a cause (and thus part of the actual causal sequence), it must be the case that the presence of that reason would have brought about a different effect than its absence actually did—see her account of causation as difference-making in (2016: 93-103). Given this aspect of her view, it would seem as though Sartorio's account, like Fischer's, has it that an agent's freedom is indirectly (partly) grounded in alternative, counterfactual sequences. A *pure* actual-sequence account of freedom and responsibility, by contrast, would only permit features of the actual-sequence to explain an agent's freedom and responsibility. While this point is orthogonal to the project of chapter 4 and of this appendix, I do hope to flesh out this tension for extant actual-sequence views and to sketch a pure actual-sequence compatibilism in future work, and I have said a bit more about this in the conclusion of this dissertation.