

## Source Incompatibilism and Alternative Possibilities<sup>1</sup>

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*Freedom, Responsibility, and Agency: Essays on the Importance of Alternative Possibilities*

edited by David Widerker and Michael McKenna, pp. 185-99.

Introduction.

The claim that moral responsibility for an action requires that the agent could have done otherwise is surely attractive. Moreover, it seems reasonable to contend that a requirement of this sort is not merely a necessary condition of little consequence, but that it plays a decisive role in explaining an agent's moral responsibility for an action. For if an agent is to be blameworthy for an action, it seems crucial that she could have done something to avoid this blameworthiness. If she is to be praiseworthy for an action, it seems important that at least she could have done something less admirable. Libertarians, in particular, have often grounded their incompatibilism precisely in such intuitions. By contrast, I shall argue that the availability of alternative possibilities is in a significant sense irrelevant to explaining an agent's moral responsibility for an action. At the same time I do not want to disavow incompatibilism, but rather to defend a version in which the pivotal explanatory role is assigned to features of the causal history of the action, and not to the availability of alternative possibilities.<sup>2</sup>

Leeway vs. source incompatibilism.

Arguments of the kind devised by Harry Frankfurt provide an especially formidable

challenge to alternative possibility conditions on moral responsibility.<sup>3</sup> Significantly, however, John Fischer points out that this type of argument would not refute the claim that moral responsibility requires that the actual causal history of the action not be deterministic. It leaves untouched the view that moral responsibility requires that one's action not actually result from a deterministic causal process that traces back to factors beyond one's control -- back to causal factors that one could not have produced, altered, or prevented.<sup>4</sup> I believe that this contention of Fischer's is correct. Frankfurt-style cases have not actually stipulated that the action at issue is causally determined in this way. Moreover, if it were just stipulated that the choice was deterministically produced by factors beyond the agent's control, by, for example, sophisticated neuroscientists, then the intuition that she could be morally responsible might well fade away.

This reflection suggests a different requirement for moral responsibility, a condition on the causal history of the action:

(CH) An action is free in the sense required for moral responsibility only if it is not produced by a deterministic process that traces back to causal factors beyond the agent's control.

In my view, what lies at the core of the intuition expressed by (CH) is a claim about origination, which might be formulated as follows:

(O) If an agent is morally responsible for her deciding to perform an action, then the production of this decision must be something over which the agent has control, and an agent is not morally responsible for the decision if it is produced by a source over which she has no control.

I think that (O) expresses the most fundamental and plausible incompatibilist intuition about how an agent's moral responsibility is grounded.<sup>5</sup> It explains not only why one might think that determinism and moral responsibility are incompatible, but also why one might believe that an agent cannot be morally responsible for a decision if it occurs without any cause whatsoever. For such a decision is produced by nothing, and for this reason the production of the decision is not something over which the agent has control.<sup>6</sup>

We might call those incompatibilists who incline towards the view that an alternative possibilities condition has the more important role in explaining an agent's moral responsibility 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 source incompatibilists.<sup>7</sup> Leeway incompatibilists would argue that the actual causal history of a morally responsible action must be indeterministic, but they would be amenable to the claim that this is so only because an indeterministic history is required to secure alternative possibilities. Source incompatibilists would tend towards the position that the part the causal history plays in explaining an agent's moral responsibility is independent of facts about alternative possibilities.

Robustness.

So which factor has the more fundamental role in explaining an agent's moral responsibility for an action —is it the availability of alternative possibilities to the agent, or is it the agent's capacity to be the causal origin of her action? I side with origination, but let us examine the case for the other side. Here one should note that even if origination turns out to

have the more fundamental role, the availability of alternative possibilities might still be explanatorily relevant to moral responsibility, as Michael Della Rocca points out, just by indicating that the causal history of the action is indeterministic.<sup>8</sup> Thus the issue for leeway incompatibilism (and leeway compatibilism as well) is whether alternative possibilities are relevant *per se* -- qua alternative possibilities -- to explaining an agent's moral responsibility for an action.

Some leeway incompatibilists have contended that a close examination of Frankfurt-style cases actually substantiates their position. For such cases feature some factor that the intervener's device is rigged up to detect that could have but does not actually occur in the agent, such as an intention to do otherwise.<sup>9</sup> The possible occurrence of such a factor -- a "flicker of freedom," to use Fischer's term -- is then held to be the alternative possibility that is required for moral responsibility.<sup>10</sup> Indeed, if the flicker turns out to be an intention to do otherwise, then the leeway incompatibilist's claim is far from incredible. Libertarians, in particular, are predisposed to locate the source of moral responsibility in the will, and if moral responsibility calls for alternative possibilities, it must require, more precisely, the possibility of willing to do otherwise. But it is not implausible that the formation of an intention to do otherwise should count as willing to do otherwise, and hence the possibility of forming such an intention might explain the agent's moral responsibility for the action at issue.

Fischer argues, however, that one can construct Frankfurt-style examples in which the intervener's device detects some factor prior to the formation of the intention. For instance, one might imagine that Jones will decide to kill Smith only if Jones blushes beforehand. Then Jones's failure to blush (by a certain time) might be the alternative possibility that would

trigger the intervention that causes him to kill Smith. Supposing that Jones acts without intervention, we might well have the intuition that he is morally responsible, despite the fact that he could not have done or chosen otherwise, even by forming an alternative intention. He could have failed to blush, but as Fischer argues, such a flicker is of no use to the libertarian, since it is not sufficiently robust, it is too "flimsy and exiguous" to play a part in grounding moral responsibility.<sup>11</sup>

I agree with Fischer, and here is a first pass at characterizing robustness. The main intuition underlying alternative possibility conditions is that if, for example, an agent is to be blameworthy for an action, it is crucial that she could have done something to avoid this blameworthiness. If the availability of an alternative possibility per se does in fact play a role in explaining an agent's moral responsibility for an action, it would have to be robust at least in the sense that as a result of securing that alternative possibility instead, the agent would thereby have avoided the responsibility she has for the action she performed -- it would be her securing of that alternative possibility itself that would explain why the agent would have avoided the responsibility. Failing to blush in the above scenario does not meet this criterion of robustness. For if Jones had failed to blush, he would not thereby have avoided responsibility for killing Smith -- it would not be the failure to blush itself that would explain why Jones would not be blameworthy. By typical libertarian intuitions, a robust sort of alternative possibility would at very least involve the agent's willing to act in such a manner that would have precluded the action for which he is in fact morally responsible.<sup>12</sup>

Robustness also has an epistemic dimension, and it is important that it be made explicit in the characterization of this notion. Imagine that the only way in which Jones could have

voluntarily avoided deciding to kill Smith is by taking a sip from his coffee cup prior to making this decision, and this is only because it was poisoned so that taking a sip would have killed him instantly. Suppose that Jones does not understand that this action would preclude his deciding to kill, because he has no idea that the coffee is poisoned. In this situation, Jones could have voluntarily behaved in such a manner that would have precluded the action for which he was in fact blameworthy, as a result of which he would have avoided the moral responsibility he actually has. But whether he could have voluntarily taken the sip from the coffee cup, not understanding that it would render him blameless in this way, is irrelevant qua alternative possibility to explaining why he is morally responsible for deciding to kill. Despite the fact that Joe could have voluntarily taken a sip from his coffee cup, and doing so would have rendered him not morally responsible for deciding to kill, this alternative possibility is nevertheless insufficiently robust to have an important role in grounding the agent's moral responsibility.

Accordingly, an alternative possibilities condition more plausibly relevant to explaining an agent's moral responsibility for an action must capture the notion that she could have willed otherwise in the following more robust sense: she could have willed something such that she understood that by willing it she would have avoided the moral responsibility she actually has for her action. Here, then, is the final notion of robustness I favor:

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Robustness: For an alternative possibility to be relevant per se to explaining an agent's moral responsibility for an action it must satisfy the following characterization: she could have willed something other than what she actually willed such that she understood that by willing it she would thereby have been precluded from the moral

responsibility she actually has for the action.

The Kane/Widerker objection to Frankfurt-style arguments.

It might now seem that any alternative-possibilities condition on moral responsibility can be defeated by a Frankfurt-style argument that employs a non-robust flicker of freedom. But this line of defense for Frankfurt-style arguments has proven to be too quick. For it is challenged by an important objection to these sorts of arguments that was initially raised by Robert Kane and then systematically developed by David Widerker.<sup>13</sup> The general form of the Kane/Widerker objection is this: for any Frankfurt-style case, if causal determinism is assumed, the libertarian will not have and cannot be expected to have the intuition that the agent is morally responsible. If, the other hand, libertarian indeterminism is presupposed, an effective Frankfurt-style scenario cannot be devised, for any such case will fall to a dilemma. In Frankfurt-style cases the actual situation always features a prior sign by which the intervener can know that the agent will perform the action she does, and which signals the fact that intervention is not necessary. If in the proposed case the sign causally determines the action, or if it is associated with something that does so, the intervener's predictive ability can be explained. But then the libertarian would not have the intuition that the agent is morally responsible. If the relationship between the sign and the action is not causally deterministic in such ways, then the libertarian can claim that the agent could have done otherwise despite the occurrence of the prior sign. Either way, some alternative possibilities condition on moral responsibility emerges unscathed.

The example Widerker uses as a vehicle for his objection is Fischer's, the one in which

Jones wants to kill Smith, but Black is afraid that Jones might become fainthearted, and so he is prepared to intervene if Jones fails to show a sign that he will kill Smith. The prior sign that he will kill Smith is Jones's blushing at t1. But Jones does indeed blush at t1, and he kills Smith without Black having to intervene. This case is designed to generate the intuition that Jones is morally responsible even though he could not have refrained from deciding to kill Smith.<sup>14</sup>

The salient features of the example are these:

- (1) If Jones is blushing at t1, then, provided no one intervenes, he will decide at t2 to kill Smith.
- (2) If Jones is not blushing at t1, then, provided no one intervenes, he will not decide at t2 to kill Smith.
- (3) If Black sees that Jones shows signs that he will not decide at t2 to kill Smith, that is, he sees that Jones is not blushing at t1, then Black will force Jones to decide at t2 to kill Smith; but if he sees that Jones is blushing at t1, then he will do nothing.

Finally, suppose that Black does not have to show his hand, because

- (4) Jones is blushing at t1, and decides at t2 to kill Smith for reasons of his own.<sup>15</sup>

Although this scenario is meant to elicit the conviction that Jones is morally responsible despite the fact that he could not have done otherwise, Widerker claims that this conclusion is not forced on the libertarian. He asks, first of all: What would ground the truth of (1), that is, what would make it true that if Jones is blushing at t1, then, provided no one intervenes, he will decide at t2 to kill Smith? If the example is to convince the libertarian that alternative possibilities are not required for moral responsibility, then the truth of (1) cannot be grounded

in the fact that Jones's blushing at t1 causally determines his decision to kill Smith, or that it indicates a state that causally determines that decision. For then the libertarian would deny that Jones is morally responsible. On the other hand, if the truth of (1) is not grounded in causal determinism, then the following options are available to the libertarian to support the contention that Jones has alternative possibilities after all. He could reject (1), claiming that the most that he would allow is

(1a) If Jones is blushing at t1, then Jones will probably decide at t2 to kill Smith.

But (1a) is clearly compatible with Jones's having an alternative possibility -- to refrain from deciding at t2 to kill Smith. Or else the libertarian may reconstrue (1) as a "conditional of freedom":

(1b) If Jones is blushing at t1, then Jones will freely decide at t2 to kill Smith, (in a sense that allows that the agent could have decided otherwise).

On this assumption, the libertarian obviously can again claim that in the actual situation when Jones is blushing at t1 he can refrain from deciding at t2 to kill Smith.<sup>16</sup> The question now arises: is it possible to construct a successful Frankfurt-style case that does not feature determinism in the actual sequence, and in which the agent nevertheless has no robust alternative possibilities?

Dialectical considerations.

It is in response to Fischer's blushing case that Widerker supplements the no-robust-alternative-possibilities condition with a no-determinism-in-the-actual-sequence requirement.

The worry that Widerker expresses about the blushing example is that either Jones's blushing, or

something associated with it, causally determines his action, or else the case will feature a robust alternative possibility after all. But recently, in response, Fischer makes an intriguing claim about the dialectical structure of the debate. He contends that it has already been made plausible by the early Frankfurt-style cases -- those not designed to meet the no-determinism-in-the-actual-sequence requirement -- that if the agent is not morally responsible, this is not simply because she could not have done otherwise, and the plausibility of this result is not undermined if it turns out that the causal history of the action in these cases is deterministic:

I think that the examples make highly plausible the preliminary conclusion that if Jones is not morally responsible for his choice and action, this is not simply because he lacks alternative possibilities. After all, everything that has causal (or any other kind of) influence on Jones would be exactly the same, if we “subtracted” Black [the intervener] entirely from the scene. And Jones’s moral responsibility would seem to be supervenient on what has an influence or impact on him in some way. So the relevant (preliminary) conclusion is, if Jones is not morally responsible for his choice and action, this is not simply because he lacks alternative possibilities. And it does not appear to beg the question to come to this conclusion, even if causal determinism obtains.<sup>17</sup>

For this reason Fischer maintains that the no-determinism-in-the-actual-sequence requirement is inadequately motivated.

I agree that the early Frankfurt-style arguments substantially enliven the possibility that facts about an action’s actual causal history, rather than alternative possibilities, are pivotal in explaining an agent’s moral responsibility, and that all by itself this yields at least some reason for thinking that these facts indeed have this explanatory role. But exactly how decisive a

reason do these early arguments provide for this conclusion? First of all, the answer might depend on one's initial position in the debate. Perhaps a Frankfurt-style argument of this early sort provides a more decisive reason for someone who is initially a leeway compatibilist than for someone who is initially a leeway incompatibilist. Suppose that a Frankfurt-style example is proposed in which it turns out that the actual causal history might well be deterministic, but the determinism is not of a sort that is responsibility-undermining given compatibilist intuitions. This example could well provide an Ayer-inspired leeway compatibilist with a strong reason to abandon her view, in favor, say, of Fischer's or Frankfurt's kind of compatibilism, each of which features an actual causal history account of moral responsibility. But many leeway incompatibilists might in fact agree that such an example provides some reason for endorsing such an account, but still contend that it is not nearly strong enough to sway them significantly towards this position. What would be needed here is a further argument, tailored specifically to these leeway incompatibilists, which would feature an example that met both the no-robust-alternative-possibilities condition and the no-determinism-in-the-actual-sequence requirement.

Now Fischer's thought might be that these leeway compatibilists would be unreasonable in their intuitive response to the early Frankfurt-style argument, because it should have swayed them further towards an actual causal history account than it did. But I doubt that we are in a position to make this assessment with any confidence. If we had access to an ideal ordering of reasons in which the real strength of those presented by such early Frankfurt-style arguments was directly manifest, we might be justified in regarding the leeway incompatibilists as unreasonable in their response. But I doubt that we have such access to the

real strength of these reasons, and it would seem that a claim that one did should carry little weight in this controversy. Fischer is more strongly motivated to reject alternative possibility conditions on the basis of early Frankfurt-style examples than is Kane or Widerker, and we have no way of knowing which reaction is more reasonable.

Alternatively, one might contend that the strength of the reasons presented by an early Frankfurt-style argument should be measured by its effect on an ideal audience -- perhaps fair, reasonable, and open-minded people who are as of yet uncommitted to any particular view on the relevance of alternative possibilities to moral responsibility.<sup>18</sup> The general standard for judging the strength of reasons that this proposal reflects might well have merit. However, I doubt that we have a way of knowing whether Fischer's response to the early Frankfurt-style cases would be the one such an ideal audience would have, or if Kane's or Widerker's would be, or if some other reaction would be exemplary in this way. This proposal, like the previous one, supposes a capacity to assess correctly these various intuitive responses to those early arguments, and again, it would seem that a claim that one had such a capacity should have little force in this dispute. Consequently, there is no recourse for the actual causal history theorist but to construct further arguments tailored to the particular audience at issue.

In addition, there is a problem for "prior-sign" Frankfurt-style cases featuring determinism in the actual sequence that should concern anyone, not only the leeway incompatibilist. Against Fischer's blushing example Widerker argues that the libertarian need not accept that the agent is morally responsible if the choice has a deterministic causal explanation in virtue of the blush, or something associated with it. In fact, the problem arises whenever the choice has a deterministic causal explanation in virtue of a sign that occurs prior

to the resolution of agent's deliberative process, where the absence of that sign is a non-robust flicker of freedom. For in such cases it is true by virtue of the nature robustness that the flicker of freedom -- the absence of the prior sign -- is irrelevant to explaining the agent's moral responsibility, and then it will generally be true that the sign itself will not be a factor in which the agent's moral responsibility can be grounded. In Fischer's scenario, if failing to blush is not robust and thus irrelevant to explaining Jones's moral responsibility, then his blushing will not serve to ground his moral responsibility. But if there is a deterministic explanation of the action in virtue of a prior sign that will not ground the agent's moral responsibility, or in virtue of something associated with such a prior sign, the intuition of responsibility will be threatened. Whether one initially has compatibilist or libertarian sympathies, the availability of such a deterministic causal explanation should make one question whether the action's causal history is responsibility-sustaining. For example, if the blush itself or something associated with the blush -- perhaps Jones's having eaten a Twinkie -- deterministically explains his decision to kill, then anyone should be concerned that his action is being produced by something other than a normal deliberative process, which in turn raises the possibility that Jones is not morally responsible after all.

For this reason it is best to devise examples that clearly preclude a deterministic causal explanation of the action in virtue of a prior sign that will not ground the agent's moral responsibility. But there is also an obstacle to constructing a successful Frankfurt-style case in which there is a deterministic explanation of the action from a prior sign that will ground the agent's moral responsibility, where the absence of that sign is the flicker of freedom that triggers the intervention. For because the prior sign is responsibility-grounding, the flicker of

freedom that is the absence of the sign would or could be robust, and a successful Frankfurt-style case can feature only a non-robust flicker. For example, if the prior sign is the formation of an intention to kill, the absence of this sign would indeed be robust. Consequently, any proponent of the Frankfurt-style strategy, no matter what her philosophical predilections, would be well-advised to develop cases in which there is clearly no deterministic causal explanation of the action in virtue of any prior sign.

In my view, cases without a robust flicker of freedom, and in which the actual causal history is not deterministic, extend the power of Frankfurt-style strategy to its limit. If this sort of case can be suitably constructed, it has the potential of convincing anyone whose intuitions don't track very closely some alternative possibility condition on moral responsibility. (And we've known from the outset that Frankfurt-style arguments would do little to sway those whose intuitions do very closely track such a condition.)

A "necessary condition" example.

Here is an example that I think strongly supports the contention that alternative possibilities are irrelevant per se to explaining an agent's moral responsibility for an action. Its distinguishing features are these: the cue for intervention -- the flicker of freedom -- must be a necessary rather than a sufficient condition, not for the action that the agent actually performs, but for the agent's availing herself of any robust alternative possibility (without the intervener's device in place), while the cue for intervention itself cannot be a robust alternative possibility, and the prior sign -- the absence of the cue -- clearly in no sense causally determines the action the agent actually performs.<sup>19</sup>

Tax Evasion (2)<sup>20</sup>: Joe is considering whether to claim a tax deduction for the substantial local registration fee that he paid when he bought a house. He knows that claiming the deduction is illegal, that he probably won't be caught, and that if he is, he can convincingly plead ignorance. Suppose he has a very powerful but not always overriding desire to advance his self-interest regardless of the cost to others, and no matter whether advancing his self-interest involves illegal activity. Crucially, his psychology is such that the only way that in this situation he could fail to choose to evade taxes is for moral reasons. (The phrase failing to choose to evade taxes is meant to encompass not choosing to evade taxes and choosing not to evade taxes.) His psychology is not, for example, such that he could fail to choose to evade taxes for no reason or simply on a whim. In addition, it is causally necessary for his failing to choose to evade taxes in this situation that he attain a certain level of attentiveness to these moral reasons. He can secure this level of attentiveness voluntarily. However, his attaining this level of attentiveness is not causally sufficient for his failing to choose to evade taxes. If he were to attain this level of attentiveness, Joe could, with his libertarian free will, either choose to evade taxes or refrain from so choosing (without the intervener's device in place). More generally, Joe is a libertarian free agent. But to ensure that he choose to evade taxes, a neuroscientist now implants a device, which, were it to sense the requisite level of attentiveness, would electronically stimulate his brain so that he would choose to evade taxes.<sup>21</sup> In actual fact, he does not attain this level of attentiveness, and he chooses to evade taxes while the device remains idle.

In this situation, Joe could be morally responsible for choosing to evade taxes despite the fact

that he could not have chosen otherwise.

This example does feature alternative possibilities that are available to the agent -- his achieving higher levels of attentiveness to moral reasons. But these alternative possibilities are not robust. First, note that in ordinary circumstances, without the intervener's device in place, it is not the case that by achieving some higher level of attentiveness Joe would have avoided responsibility for choosing to evade taxes. For under these conditions achieving some higher level of attentiveness is compatible with his not refraining from making this decision, or even ever being seriously inclined so to refrain, and choosing to evade taxes instead. Still, one might argue, given that the intervener's device is in place, by voluntarily achieving the specified higher level of attentiveness Joe would have voluntarily done something whereby he would have avoided the blameworthiness he actually incurs.<sup>22</sup> For had he voluntarily achieved the requisite level of attentiveness, the intervention would have taken place, whereupon he would not have been blameworthy for deciding to evade taxes. But recall the final characterization of robustness, which incorporates the epistemic dimension:

Robustness: For an alternative possibility to be relevant per se to explaining an agent's moral responsibility for an action it must satisfy the following characterization: she could have willed something other than what she actually willed such that she understood that by willing it she would thereby have been precluded from the moral responsibility she actually has for the action.

Joe does not have an alternative possibility available to him that is robust in this sense. First, he does not even believe that if he had achieved the requisite level of attentiveness he would thereby have been precluded from responsibility for deciding to evade taxes. For he believes

that achieving this level of attentiveness is compatible with his never refraining from making this decision, or even being seriously inclined so to refrain, and deciding to evade taxes instead. In addition, Joe does not know enough to understand that voluntarily achieving the requisite attentiveness would preclude him from responsibility for choosing to evade taxes. True, were he voluntarily to achieve this attentiveness, the intervention would take place, and he would not then have been responsible for this choice. Nevertheless, Joe does not understand that the intervention would then take place, or that as a consequence of this intervention he would be precluded from responsibility for choosing to evade taxes. Hence, no robust alternative possibility is available to him. Nevertheless, Joe is still morally responsible for deciding to evade taxes.

It is important to the example that the trigger for intervention be a certain level of attentiveness to the moral reasons, and not simply that Joe be aware of the moral reasons. For one might plausibly argue that it is a necessary condition on blameworthiness that the agent understands that his action is morally wrong, which in Joe's case would seem to require some awareness of moral reasons.<sup>23</sup> At the same time, his blameworthiness would not require that moral reasons occur to him with any particularly high level of attentiveness.

The core of the Kane/Widerker objection is that if the inevitability of the action given the prior sign is grounded in causal determinism, then the libertarian cannot be expected to agree that the agent is morally responsible for the action, but if we eliminate the causal determination then the agent has robust alternative possibilities after all. But in Tax Evasion (2) the inevitability of the action given the prior sign is not grounded in causal determinism, while at the same time no robust alternative possibilities are available to the agent. In this

example, the connection between the prior sign and the action is expressed in the following proposition (the analogue of Widerker's (1)):

(5) If Joe fails to achieve a certain level of attentiveness to moral reasons, then, provided no one intervenes, he will decide to evade taxes.

The inevitability of Joe's decision is not grounded in causal determinism since the absence of what would trigger the intervention at some particular time, that is, the absence of a certain level of attentiveness to moral reasons by a particular time, or a state indicated by this absence, does not, together with all the other actual facts about the situation, causally determine the decision. To see this, remove the intervener from the scenario -- we can do so safely, for by hypothesis, the intervener exerts no actual causal influence on Joe's deciding to evade taxes, so removing the intervener won't have any implications for whether Joe is causally determined to make this decision. There is no relevant time at which refraining from deciding to evade taxes in the future is impossible for Joe, since he can always achieve the right level of attentiveness, whereupon he can freely refrain from deciding to evade taxes -- or else freely decide to evade taxes. Suppose he does in fact decide to evade taxes and he never achieves the right level of attentiveness. Still, one cannot point to a deterministic process that results in his deciding to evade taxes, for it is never determined that he will fail to achieve the right level of attentiveness, and if he did achieve it, he could then refrain from deciding to evade taxes -- or indeed decide to evade taxes instead.

At the same time, the decision will occur, and not just probably occur, in the absence of what would trigger the intervention, even though it is not causally determined by this absence, because what would trigger the intervention is causally necessary for Joe's failing to

make the decision. Nonetheless, because he is not causally determined to make the decision he does, there is a libertarian sense in which he decides freely, but without its being the case that she could have decided otherwise.

Seeing how this example responds to Kane's version of the objection highlights the value of having the cue for intervention be causally necessary but not sufficient for the action, while ensuring that up to the time of the decision itself, the agent is not causally determined to make it. Kane argues, first of all, that supposing a Frankfurt-style case is to convince the libertarian, then if the agent in the example decides on his own, this decision must be causally undetermined. Now if the intervention does occur, the agent is not morally responsible. But if the neuroscientist "does not intervene to predetermine the outcome and the indeterminacy remains in place until the choice is made -- so that the outcome is [a "self-forming willing"] -- then the agent... is ultimately responsible for it. However, then it is also the case that the agent could have done otherwise."<sup>24</sup> But let the cue for intervention be the relevant sort of causally necessary condition for realizing a robust alternative possibility, such as, in our example, the achievement of a certain level of attentiveness to the moral reasons. Then if the neuroscientist does not intervene, even though the indeterminacy remains in place until the choice is made, it is not the case, contrary to Kane's supposition, that the agent could have decided otherwise. For in order to decide otherwise, the right level of attentiveness would have been achieved, and then the device would have been activated.

Consequently, the Kane/Widerker objection can be answered, for there is a Frankfurt-style case that does not feature determinism in the actual sequence and in which the agent has no robust alternative possibilities but is nevertheless morally responsible. From this we can

draw the general conclusion that the availability of alternative possibilities per se does not have a significant role in explaining an agent's moral responsibility.

A power for alternatives?

Michael McKenna has argued that what is critically necessary for moral responsibility is a power for alternatives of a certain sort -- specifically, a power to be the author of one's action or not.<sup>25</sup> An important fact about this sort of condition is that an agent could satisfy it at some particular time even if he cannot at that time activate the power, for the notion of retaining a power while not now being able to activate it is coherent. Even when Maurice Greene is asleep, it still seems true that he retains the power to run 100 meters in less than 10 seconds, despite the fact that his being asleep is currently an impediment to his activating this power. So one might argue that in Tax Evasion (2), Joe retains the power not to choose to evade taxes, and thus the power not to be the author of his action, despite the fact that he cannot activate these powers because of the device.

Indeed, as Greene's situation shows, there are cases in which it is natural to attribute a power to an agent when it cannot currently be exercised. However, it would be implausible to maintain that no matter what the nature of the impediment that prevents the current exercise, the agent still retains the power. Suppose, for example, that a patient has a tumor that places pressure on his brain so that he can no longer do cutting-edge mathematics. If it weren't for tumor putting pressure on his brain, he could do the mathematics. But imagine that it is causally impossible to remove the tumor, or for its existence to cease in any other way, without the patient dying. Then, it would seem, he in fact no longer has the power to do

cutting-edge mathematics. Analogously, suppose that in Tax Evasion (2) the neuroscientist has implanted his device in Joe's brain, which is triggered by the occurrence of the moral reason, but she has also made it causally impossible to remove or disable the device without killing him. As a result, Joe permanently cannot avoid choosing to evade taxes. Under these circumstances, Joe lacks the power not to choose to evade taxes. But still, he could be morally responsible for his choice.

Conclusion.

This Frankfurt-style argument indicates that the availability of alternative possibilities is not relevant per se to explaining an agent's moral responsibility for an action. It is compatible with this conclusion that the availability of alternative possibilities is necessary for moral responsibility, for it still may be that moral responsibility requires an indeterministic causal history of a certain sort, and that such a history entails the availability of alternative possibilities.<sup>26</sup> But these alternative possibilities would be relevant to explaining an agent's moral responsibility not qua alternative possibilities, but only because they indicate a causal history of a kind that is relevant per se to explaining an agent's moral responsibility.<sup>27</sup>

#### Notes

1. This article derives from my "Alternative Possibilities and Causal Histories," Philosophical Perspectives 14 (2000), pp. 119-37, and my Living Without Free Will (Cambridge: Cambridge University Press, 2001), pp. 1-22.
2. I develop my argument for this view in Living Without Free Will, Chapters 1-4; the

argument is summarized on pp. 127-8; see a list of others that have endorsed a position of this kind on p. 2, note 1.

3. Harry G. Frankfurt, "Alternate Possibilities and Moral Responsibility", Journal of Philosophy 1969, pp. 829-839; John Martin Fischer, "Responsibility and Control," in Moral Responsibility, Fischer, ed. (Ithaca: Cornell University Press, 1986), pp. 174-190.

4. Fischer, "Responsibility and Control," pp. 182-185.

5. Ted Honderich and Robert Kane express similar views about the relation between origination and moral responsibility; Honderich, A Theory of Determinism (Oxford: Oxford University Press, 1988), e.g. pp. 194-206; Kane, The Significance of Free Will, (New York: Oxford University Press, 1996), e.g. pp. 73-5. Gary Watson, although he is not an incompatibilist, also maintains that the condition on origination is the fundamental incompatibilist claim; "Responsibility and the Limits of Evil," in Responsibility, Character and the Emotions, Ferdinand Schoeman, ed. (Cambridge: Cambridge University Press, 1987), pp. 256-86, at p. 282.

6. I argue for this view in Living Without Free Will, Chapter 2.

7. The term is from Michael McKenna, "Source Incompatibilism. Ultimacy, and Transfer NR," American Philosophical Quarterly (2000).

8. Michael Della Rocca, "Frankfurt, Fischer, and Flickers," Noûs 32 (1998), pp. 99-105, at pp. 102-4.

9. Peter van Inwagen, An Essay On Free Will, (Oxford: Oxford University Press, 1983), pp.

166-80.

10. Fischer provides a lucid discussion and criticism of this strategy in The Metaphysics of Free Will (Oxford: Blackwell Publishers, 1994), pp. 134-147.

11. Fischer, The Metaphysics of Free Will, pp. 131-159; "Recent Work on Moral Responsibility, Ethics 110 (1999) pp. 93-139.

12. See also Alfred Mele's characterization of robustness, which I endorse, in "Soft Libertarianism and Frankfurt-Style Scenarios," Philosophical Topics 24 (1996), pp. 123-141, at pp. 126-7.

13. Robert Kane, Free Will and Values, (Albany: SUNY Press, 1985), p. 51 n. 25, and The Significance of Free Will, pp. 142-4, 191-2; David Widerker, "Libertarianism and Frankfurt's Attack on the Principle of Alternative Possibilities," The Philosophical Review 104 (1995), pp. 247-61, cf. Ishtayaque Haji, Moral Appraisability (New York: Oxford University Press, 1998), pp. 34-5. Carl Ginet develops a related objection in his "In Defense of the Principle of Alternative Possibilities: Why I Don't Find Frankfurt's Arguments Convincing," Philosophical Perspectives 10 (1996), pp. 403-417; see also Keith D. Wyma, "Moral Responsibility and Leeway for Action," American Philosophical Quarterly 34 (1997), pp. 57-70. Fischer provides a clear and helpful account of these views in "Recent Work on Moral Responsibility," pp. 111-2.

14. Fischer, The Metaphysics of Free Will (Oxford: Blackwell, 1994), pp. 131-159.

15. Widerker, "Libertarianism and Frankfurt's Attack on the Principle of Alternative

Possibilities," pp. 249-50.

16. Widerker, "Libertarianism and Frankfurt's Attack on the Principle of Alternative Possibilities," p. 250.

17. Fischer, "Recent Work on Moral Responsibility," p. 113.

18. Fischer suggests such a standard in "The Transfer of Non-responsibility," delivered at the 4<sup>th</sup> Annual Inland Northwest Philosophy Conference, University of Idaho, April 2001.

19. David Hunt, in "Moral Responsibility and Unavoidable Action," *Philosophical Studies* 97 (2000), pp. 195-227, considers making the prior sign a necessary condition of the alternative decision, but there he expressed skepticism about this approach (pp. 214-6). More recently, in "Moral Responsibility and Buffered Alternatives," delivered at the American Philosophical Association Eastern Division Meetings, 2000, Hunt endorses this sort of strategy, and he develops a case similar to mine.

20. Tax Evasion (2) differs from the version presented in "Alternative Possibilities and Causal Histories" (p. 128) and in Living Without Free Will (pp. 18-9) mainly in its necessary condition for the availability of a robust alternative possibility. The change is designed to enhance the example's psychological realism.

21. For the example to be successful it is not required that the intervention cause Joe to decide to evade taxes. The example would also work if the device, say, killed him instead. For as Fischer points out (in "Responsibility and Agent-Causation" in this volume) it is sufficient for the success of such an example that the agent lacks access to any robust alternative possibility,

which would be the case if the device killed him rather than causing him to choose to evade taxes.

22. cf. Michael Otsuka, "Incompatibilism and the Avoidability of Blame," Ethics 108 (1998), pp. 685-701; Keith D. Wyma, "Moral Responsibility and Leeway for Action," Michael McKenna, "Alternative Possibilities and the Failure of the Counterexample Strategy," Journal of Social Philosophy 28 (1997), pp. 71-85. Fischer provides a helpful account of these positions in "Recent Work on Moral Responsibility," pp. 117-119.

23. Thanks to Michael McKenna for suggesting that I make this point explicit.

24. Kane, The Significance of Free Will, p. 142.

25. McKenna, "Alternative Possibilities and the Failure of the Counterexample Strategy." John Duns Scotus and William of Ockham held a similar view; cf. Marilyn Adams, "Duns Scotus on the Will as Rational Power," Via Scoti: Methodologica ad Mentem Joannis Duns Scoti, ed. Leonardo Sileo, (Rome: PAA Edizioni Antonianum, 1995), pp. 839-854; and "The Structure of Ockham's Moral Theory," Franciscan Studies XXIV (1986), 1-35.

26. Della Rocca, "Frankfurt, Fischer, and Flickers," pp. 102-4.

27. A version of this paper was presented at Yale University, and it benefitted from the subsequent discussion. I also wish to thank David Christensen, John Fischer, Stewart Goetz, Robert Kane, Hilary Kornblith, Michael McKenna, Al Mele, Dana Nelkin, and David Widerker for helpful commentary. And