

Determinism and Frankfurt Cases

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The indirect argument (IA) for incompatibilism is based on the principle that an action to which there is no alternative is unfree, which we shall call 'PA'.¹ According to PA, to freely perform an action A, it must not be the case that one has 'no choice' but to perform A. The libertarian and hard determinist advocates of PA must deny that free will would exist in a deterministic world, since no agent in such a world would perform an action to which there were alternatives: an action there being the necessary consequence of preceding events and the laws of nature, it would not be possible for a person to perform actions besides those he actually performs. Determinism is seen here as "indirectly" ruling out free will by making the satisfaction of a necessary condition of free agency impossible, the former requiring, according to the leading proponent of libertarianism, Robert Kane, the performance of free actions. To have a free will, on his view, is to have committed "self-forming" actions, that is, to have done things to which there were alternatives the doing of which led to the development of the desires, preferences, and beliefs that make up one's character.²

The range of phenomena obeying probabilistic laws has yet to be ascertained. Under certain assumptions, both STR and GTR entail an indeterministic mechanics. But, contrary what is often claimed, quanta do not behave indeterministically: the wave function/probabilistic laws being necessary only insofar as we wish to macroscopically describe their behavior.³ It is far less clear, however, that the macro-events involved in human decision making and behavior, such as the releasing of neurotransmitters and the

contracting of muscles, occur indeterministically.⁴ The ontological status of these events- whether or not they are the necessary effects of prior occurrences- is, of course what matters in the free will debate. For present purposes, however, this question will be put aside. Instead, I will concentrate on buttressing the existing case against PA, aiming to show that even if deterministic laws hold at the level of macro-phenomena, free will remains a possibility.⁵ That is to say, I shall defend the thesis that so-called “Frankfurt cases” demonstrate that alternatives are not required to perform an action that is free in the sense of being something for which its agent is responsible.

My defense will be carried out in three stages. First, I must respond to those who maintain that a Frankfurt case is not a counterexample to PA because it is not an example of someone acting without alternatives. Here, I confront the question of how “robust” an alternative must be in order to provide an agent with a way of avoiding praise or blame for the action that she actually commits. Secondly, I must show that an agent may be praiseworthy or blameworthy despite lacking alternatives at the time at which she acts, i.e., an appropriate object of one of a Strawsonian “reactive attitude” *sans* what I shall call “local” alternatives.⁶ At this point, I must attend to David Widerker’s recent critique of the use of Frankfurt cases as counterexamples to PA.⁷ Finally, I set for myself what I take to be the most difficult task of a compatibilist: demonstrating that not even an “historical” alternative- the possibility of having chosen a different path in life than the one that one has actually taken- is needed to have a free will. In this connection, it will be incumbent upon me to explain why it would be fair to hold someone accountable for behavior issuing from a self she did not create, dispositions originating from natural conditions she did not establish. That is to say, in denying that a free will entails the

ability to transcend oneself, I shall be faced with what Kane calls the “ultimacy” problem: how to explain away the incompatibilist’s intuition that it is senseless to adopt a reactive attitude towards someone incapable of self-transcendence, even if such a reaction is itself unavoidable.⁸ By showing that the desire for self-transcendence is itself irrational, I intend to solve this problem. I will, thus, be left defending a version of compatibilism according to which a free will is to be understood as a healthy faculty- the will- being exercised in an environment conducive to self-realization, which is its purpose. We begin by discussing

Robust Local Alternatives

A Frankfurt case is supposed to provide an example of an agent who is responsible for some action to which there was no “local” alternative: a way to avoid performing the action that existed within the situation at hand. That is, it is intended to show that an agent may be praiseworthy or blameworthy- an appropriate object of one of the Strawsonian “reactive attitudes”- for a certain action despite currently being unable to do otherwise. A local alternative is to be contrasted with a “historical” one: something that could have been done prior to the situation at hand so that it would have had a different outcome. The inevitability of a Frankfurt case’s outcome is a matter of a process unfolding unbeknownst to the agent, set in motion by someone desiring that outcome, that will force him to perform a particular action should he not decide to do it ‘on his own’. Here is a case in point. Debbie ardently desires an affair with her neighbor’s husband Phil. To that end, she has had Phil’s neurologist surreptitiously install a mechanism in Phil’s brain that is set to compel him to approach Debbie, should he not decide to do so ‘on his own’ by midnight Friday. It proves superfluous, however,

as Phil himself does intimate a liaison, calling Debbie at twelve o'clock Friday night. Assuming that Debbie's 'backup mechanism' would have worked as intended, it seems that he had no choice but to initiate an affair. Moreover, despite his inability to avoid becoming involved with Debbie, conducting the affair is something for which he appears blameworthy. Certainly his wife, having discovered his unfaithfulness, would not absolve him, even were she apprised of Debbie's device. Defenders of PA, however, have challenged both of these claims.

Some maintain that a "Frankfurt agent" (FA) can be seen as having had more than one option depending on how we specify his action.⁹ Timothy O' Connor, e.g., holds that an FA, although he cannot avoid performing a certain action, can avoid its voluntary performance. The claim here is that an FA has more than a "flicker of freedom" in the form of a local alternative, viz., acting in a certain way involuntarily, rather than voluntarily. Thus, if we hold an FA responsible, not simply for what he did, but for doing it 'on his own', we will not be holding him responsible for something to which there was no alternative, so that his case satisfies PA. It would fail to satisfy PA only if we held him responsible for voluntarily or involuntarily performing his action, which was unavoidable. In the above Frankfurt case, since Debbie has decided that she must have Phil by midnight on Friday, he has no choice but to begin an affair with her "one way or the other." But when he approaches her on Thursday afternoon, he is still able to 'put off' initiating the liaison 'on his own'. If his exercise of that option is that for which he is blameworthy, then it is not true that he is responsible for doing something to which there was no alternative: he could have involuntarily entered into the relationship instead. Thus, this case does not seem to count as a counterexample to PA.

A “friend of Frankfurt cases” can respond here by pointing out that such a case would fail to be a counterexample to PA only if its agent not only had an alternative to what he did, but the possibility of doing something else entailing less blame or praise than his actual course of action, which would constitute a “robust” alternative on his part.¹⁰ It will not do for PA’s defenders to assert that an FA has other alternatives unless they are options he can be faulted or praised for not exercising. A Frankfurt case is supposed to show that an agent, without having had any way of avoiding performing an action having a certain moral or practical value, can still be praiseworthy or blameworthy for what he did, having voluntarily committed his action. If an FA cannot avoid doing something that is right/wrong or prudent/imprudent, he may yet be an appropriate candidate for one of the reactive attitudes provided that he acted ‘on his own’. Frankfurt cases establish as much unless PA’s proponents point up morally or practically unequal options on the part of an FA. That is to say, the version of PA that is under attack by the friends of Frankfurt cases is “robust” PA:

(RPA) An agent is responsible (praiseworthy/blameworthy) for a given act only if he could also perform a morally or practically unequal act

Were alternatives of this sort available to Phil? His only other option entailed acting involuntarily. Still, that may have been the morally preferable action, depending, I would argue, on why it would have been done. The involuntariness of the act involved does not by itself make it insufficiently robust to satisfy RPA’s requirement, since there

may be circumstances in which acting on one's own would not be morally/practically equivalent to acting involuntarily, given the "internal" reasons for doing one rather than the other. E.g., if at the onset of a war I enlist in the service rather than be conscripted, so as to gain the satisfaction of having volunteered, then, depending on whether or not the cause for which I will be fighting is just, I will be more or less praiseworthy than I would have been as a conscript. Thus, the answer to the question of whether or not Phil should be faulted for not acting involuntarily depends, I would maintain, on what he knew and what he intended.

There are several possibilities to consider. First, supposing that he was aware of Debbie's plans and his susceptibility to her charms and wanted to do the seducing himself, his unfaithfulness seems more reproachable than it would have been had he simply allowed it to occur, revealing as it does a lack of compunction. On the other hand, there is something to be said, as Luther maintained, for sinning wholeheartedly. Fortunately, we do not have to settle this issue, since it is of the essence of an FA that he not be aware that he is about to do something involuntarily should he not decide to do it on his own. What should we say, then, of Phil who is ignorant of Debbie's plans? Should we fault him for not doing that which would have caused him to act involuntarily, viz., delaying taking his decision until sometime after midnight Friday, an option, for all he knew, that existed? Not unless we have reason to believe that he also knew that exercising it would have led to forbearance *sans* her interference- that waiting would have done some good. If he had merely been struggling with qualms that he would have eventually set aside, 'working up the nerve', so to speak, then his conduct would have been no less contemptible than that in which he actually engaged. What is important here

is the reason for a delay. It would redound to his credit only if it had been caused by an attempt to avoid wrongdoing.

A friend of Frankfurt cases, thus, emerges from the debate over robust alternatives having to make a small concession to her opponent. To wit, she must stipulate that an FA is justifiably unaware of the option of exercising restraint until the counterfactual intervener's deadline has passed, otherwise there would be a local robust alternative to the action he can perform voluntarily: viz., allowing his desire to perform that action to dissipate, so that he would be performing involuntarily an action that he would have refrained from had he been 'left alone'. Obviously, our Frankfurt case can be revised so as to meet this requirement. We just need to imagine that Phil is under the perhaps mistaken but justifiable impression that his passion for Debbie will not cool any time in the foreseeable future, so that any delay on his part would be caused simply by apprehensiveness. He would, thus, be left with no local robust alternative to having an affair: either he will give in to his desire and initiate the liaison himself or the backup mechanism will force him into an affair. For him, the option of doing something less reprehensible than deliberately violating his marriage vows, viz., involuntarily being unfaithful for having tried to 'outlast' the temptation to have an affair, will not be one that he should be faulted for not exercising, since it will not be amongst his "epistemic" possibilities. An FA meeting this requirement we will refer to as an 'FA*'.

It could be countered here that even an FA* has a local robust alternative. It would have been morally preferable, someone might maintain, for Phil to have been involuntarily unfaithful for having been unable to overcome his compunctions before Debbie's deadline- even if he was just about to do it 'on his own'.¹¹ It makes no

difference whether or not he was on the verge of starting the affair, he would still have been less reproachable than he actually is, having not only contemplated being unfaithful, but also decided to set aside whatever qualms he had had about breaking his marriage vows. For the purpose of judging morally, the only relevant fact is whether or not wrongdoing occurred; the reasons why something was or was not done should not matter here.

This move, however, entails that a person's moral luck should not be disregarded in evaluating his conduct. The only difference here between actual philandering Phil and counterfactual philandering Phil is temporal: the latter is still in the process of 'making up his mind' when Debbie intervenes- an action over which he has no control. Had she not intervened, he would have done the very same thing as actual Phil, only later. Let us suppose that counterfactual Phil would have 'made his move' at 12:01 p.m. that night. Thus, by meeting her deadline, actual Phil has, according to the position being here entertained, made himself more blameworthy than he would have been had he hesitated for another minute. With this view in mind, we can imagine him saying to himself, upon discovering what Debbie had been up to, 'if I had waited just a little longer I wouldn't have become as bad a person as I am now'. Or to look at things from counterfactual Phil's perspective, it was his good fortune that Debbie intervened when she did, otherwise he would have been actual Phil's moral equal. As things stand, in virtue of nothing he did, he is less blameworthy. Debbie's intervention accounts for that moral fact.

It appears, then, that treating an FA* as having a robust alternative leads to the conundrum that has vexed philosophers such as Thomas Nagel and Bernard Williams: it

seems unfair that a person's moral standing in relation to others should depend upon factors over which she lacks control and, yet, that is precisely what is entailed by many of our moral judgments.¹² By treating an FA* as lacking a robust alternative, we sidestep this issue here: Phil could not have made himself less blameworthy by delaying his decision unless it was going to issue in the resolution to remain faithful. Debbie's intervention alone would not alter his moral status.¹³

O' Connor's specification move, thus, fails to clearly demonstrate the existence of alternatives on the part of an FA*. Ginet maintains, however, that this move does not exhaust the conceptual resources available to the incompatibilist. There are other ways of qualifying judgments of responsibility, which, when combined with an incompatibilist friendly revamping of the parameters of a Frankfurt case, entail robust alternatives on the part of an FA*. By Ginet's lights, an FA* (and any agent) should be held responsible for having acting precisely when he did, and not for having acted at any less specific time.¹⁴ Moreover, according to him, to avoid begging the question against the incompatibilist, the friend of Frankfurt cases must place the deadline for the voluntary performance of the desired act beyond the time at which it is actually performed. If this "time-shift move" is not made, if the actual and counterfactual actions are taken to have the same time of occurrence, then the process that would have led to the involuntary performance of the act would have failed to achieve that result only because the monitoring of the FA*'s neural processes revealed a sufficient condition for its voluntary performance, in which case the incompatibilist will claim that it was not a free act, being determined.¹⁵

I do not think that a Frankfurt case must be set up in this way to avoid begging the question against the incompatibilist: determinism *sans* PA does not preclude free will and

it is PA's fate that 'hangs in the balance'. But, at this juncture, I will not press this point. Instead, I will adjust the parameters of my Frankfurt case in the way Ginet prescribes and see whether or not it entails robust alternatives on the part of an FA*. Thus, let us stipulate that Phil made his overture at 11:59 p.m. on Friday and that it is that for which he is blameworthy.

The problem with Ginet's proposal is that it makes responsibility temporally relative. It allows for the possibility of someone being responsible for doing something at a certain time without deserving to be held accountable for its being done *simpliciter*.¹⁶ In our example, although Phil would be responsible for being unfaithful at 11:59 p.m. on Friday, which was not inevitable, it would be wrong to hold him accountable for being unfaithful, since that is not something he could have avoided doing, thus preserving PA. Thus, if we equate being an appropriate candidate for one of the reactive attitudes with being responsible, Phil's wife would be justified in being indignant with Phil for being unfaithful at 11:59 p.m. Friday, but not in feeling resentful towards him for being unfaithful. If the affair came to light, however, one could imagine that such hair-splitting on the part of Phil, suggesting that its inevitability mitigates his guilt for engaging in it at any time at all, would not change the way his wife feels. 'You betrayed me period!' she would respond. Thus, Ginet's proposal fails to track the way in which the reactive attitudes are actually held.

Ginet responds to this criticism with a putative counterexample to the principle in question: if an agent is responsible for an act being committed/consequence occurring at t, then he is responsible for that act being committed/consequence occurring at any time including t. Booth, he says, was responsible for Lincoln dying on 18 April 1865, but not

for Lincoln dying sometime before 1920 (when he would have been 111 years old).¹⁷ It must be asked, however, why shouldn't we hold Booth accountable for the fact that Lincoln died sometime before 1920? Admittedly, it is not a fact that would interest an historian, whose concern is with contingencies. That it was going to obtain regardless of what Booth did may tempt us to say that it is something for which no one is responsible. We must resist this temptation, however, as giving in to it would, in the present context, amount to question begging, since the issue at hand is whether or not inevitability entails lack of moral responsibility: the Booth case is part of a defense of PA. Thus, the question becomes: are we dealing here with just another Frankfurt case? If we are, then we may adjudicate it in the same manner as we treated the case of Phil, which shows that inevitability does not preclude moral responsibility. If it is not, then it is irrelevant to our present concern: determining whether or not an FA* should be held accountable for what is inevitable. That is to say, if Booth turns out not to be responsible for Lincoln's death *simpliciter*, but is not an FA*, then his case cannot serve the purpose of defending PA against the use of a Frankfurt counterexample. The friends of Frankfurt cases will concede Ginet's point about the required specificity of moral judgement vis-à-vis the Booth case, but insist that an FA* should be held accountable for that which is inevitable, viz., the less specific action entailed by the temporally indexed action he commits.

It is obvious that Booth was not an FA*, having been aware of Lincoln's mortality. The reason that he is not responsible for the (inevitable) fact entailed by the more specific (contingent) fact for which Ginet does hold him accountable is that he willed that the latter obtain rather than the former, not because its obtaining was inevitable.¹⁸ An FA*, however, is not cognitively in a position to make such a choice:

Phil, in our example, does not reject making the less specific fact of being unfaithful at some time or other obtain in order to have an affair at a definite time. He simply decides to initiate a liaison. Thus, the reason that Booth, who is knowledgeable in the way that Phil would have been had he been aware of Debbie's intentions, is not responsible for what is inevitable does not apply to an FA*.

There does not, then, appear to be a non-question begging way of demonstrating that responsibility is temporally relative that would help in explaining away the intuition that an FA* should be held accountable for performing an unavoidable act. It will not do to attribute this judgment to the failure to temporally specify that for which an FA* is responsible. Even having shifted an FA*'s action backwards in time, so that its counterfactual involuntary performance and actual voluntary performance are temporally separated, the friend of Frankfurt cases can still maintain that an FA* is responsible for what is inevitable- his performance of that action at some time or other- given his responsibility for what is not unavoidable- his performance of that action before it would have been done involuntarily. The Booth case is a counterexample to the principle 'Any agent who is responsible for the obtaining of F at t is also responsible for the obtaining of A at some time or other' but not the narrower principle 'Any agent, who does not specifically intend that F obtain at t rather than at some time or other, but who (nonetheless) is responsible for F obtaining at t, is also responsible for F obtaining at some time or other'. The obtaining of the fact that an FA* performed a certain action at some time or other is covered by the latter principle. Thus, that for which he seems responsible is inevitable.

Responsibility and Voluntary Action

Is there any way, however, for the compatibilist to justify his intuition that an FA* is responsible for his unavoidable action? So far, we have only shown that his action was indeed unavoidable and that it still seems to be something for which he is responsible, despite its inevitability, given that he did it ‘on his own’. But, given that an FA* lacked robust local alternatives, what reason is there for holding him accountable for his action? What does it mean to say that he has acted ‘on his own’ so as to become responsible for his action? To correctly answer this question, I believe that we must specify the aspects of his situation left unaffected by the process that was leading to his deed’s involuntary performance. We must ask ourselves, what could he still do, by way of determining his situation’s outcome, despite his act’s unavoidability? As noted above, he was yet capable of voluntarily ‘bringing it about’, which is precisely how he did it: his unfaithfulness was a function of his volition. Nothing that Debbie did interfered with Phil’s deliberations, the outcome of which was the intention to begin an affair. The execution of this intention was also completely controlled by Phil; he was neither aided nor abetted by Debbie. In a word, the process that was leading to involuntary unfaithfulness left Phil with a free will, in the sense of a faculty/neural network allowing him to exercise that option ‘on his own’. That his unfaithfulness was a function of his volition- that he motivated himself to have an affair by ‘giving in’ to the desire to do so, I would contend, is wherein his responsibility for having an affair lies. In other words, his performance of a series of mental acts constituting a free exercise of his will is what makes him responsible for the ensuing conduct: the former “confers” responsibility upon the latter.

Contra O'Connor', who would contend that Phil is responsible for the avoidable act of willingly having an affair, this view has it that Phil is responsible for having an affair *simpliciter*, which is unavoidable, for willing to have an affair. Of course, this move begs the question, why would he be responsible for that mental act, if it was unavoidable? To posit previous voluntary acts as the source of responsibility would seem to lead to a vicious regress unless sense can be made of an actual infinite regress of such acts. That would be one way of avoiding the conclusion drawn by Robert Kane at this point: that free will entails the performance of acts the responsibility for which stems from the performance of those acts themselves, not other acts.¹⁹ The other alternative would be to show that having a free will does not require being the ultimate source of one's character- the libertarian ideal- since the idea of a person forming herself independently of natural forces is incoherent. Defending one of these positions, however, would require going beyond the issue at hand: does free will require the existence of local, robust alternatives? Here we can answer in the negative. An FA*, whose intention forming and executing faculties were exercised parallel to the process leading to the involuntary performance of his act, rendering it causally superfluous, is an appropriate candidate for one of the reactive attitudes. While it may be inconceivable that an agent be praiseworthy/blameworthy for performing an act having never been able to do something to avoid it, Frankfurt cases show that at the time of acting one can be without alternatives yet still be responsible for what is done, given the fact that it is the outcome of the unimpeded exercise of one's will, not of the exertions of someone or something else.

Implicit here is the notion that, since an explanation of an FA*'s action need not reference the fact that it was unavoidable, this fact should be disregarded in determining whether or not he should be held accountable for its performance.²⁰ We should focus instead on the actual sequence of events leading up to the action's performance, specifically, its proximate causes. Widerker maintains that this Frankfurtian principle of moral judgment is untrue: that there are cases in which it is appropriate to take into account factors besides those in terms of which an act can be explained in order to determine whether or not it is something for which its agent is responsible.²¹ The first case that he cites as a counterexample was proposed to him by Ginet: superstitious Smith declined to perform the ritual that he mistakenly believed would have diverted a deadly storm's path, sending it out to sea.²² Should he be thought of as negligent, that is, blamed for not preventing the damage caused by the storm (not simply for not doing something to prevent the damage caused by the storm, for which, Widerker concedes, he is blameworthy)? If we apply the above principle, the answer appears to be 'yes', since it requires us to overlook the exculpatory fact that the storm was beyond his control. His desire to witness buildings being destroyed (we will suppose) explains his refusal to perform the ritual, not a realization of his powerlessness. But this principle is not meant to apply to cases of putative negligence, since they require us to consider not merely what an agent has done or not done, but also the consequences of his deed or omission, what he has accomplished or failed to accomplish. That factors beyond an agent's control may contribute to the success or failure of his project, as Kant noted in arguing against Consequentialism, warrants counterfactual speculation in determining the degree to which its agent is responsible for the realization of/failure to realize its goal.²³ In this

context, questions such as ‘What would have happened had he acted/not acted/ acted differently?’ are indeed appropriate: we must subtract in thought his action in order to determine the extent to which he influenced his situation’s outcome. That is to say, here we must look beyond the reasons why an action was committed because they are only a subset of the reasons for the occurrence of that which must be explained in order to assign responsibility. Where we are only concerned with morally assessing what an agent has done or not done, on the other hand, disregarding all but what actually transpired prior to his act or omission seems warranted. Otherwise, we risk losing sight of his role in determining what happened, the reason, if there is one, for him being responsible for its occurrence.

Widerker offers his own counterexample to Frankfurt’s principle linking explanation and responsibility, one that does not involve a judgement of responsibility for the consequences of an action or omission.²⁴ Here, lazy Green decides to stay in bed instead of reporting to work, shortly thereafter realizing that he is not feeling well anyway. Although his sickness had nothing to do with him missing work, Widerker maintains that it justifies his absence.²⁵ Following Ginet, he, thus, draws a distinction between having an “explanatory” and having a “justificationary” excuse for an action: the former, but not the latter, must be amongst the reasons for its performance.²⁶ In the context at hand, however, this distinction appears to involve question begging, since the justificationary excuses offered- the inevitability of the storm’s damage and the (near) unavoidability of staying home from work- are legitimate only if one assumes that unavoidability entails lack of responsibility, which is what the friends of Frankfurt cases deny. Moreover, it is not clear that Green’s sickness is not amongst his reasons for

staying home, though the fact of it did not enter into the deliberations from which his decision to stay home issued. That he did not feel well explains why he could not go to work; though it does not explain why he decided not to go to work. His sickness affords him merely a “convenient” excuse for being absent. Thus, this case is not a counterexample to the principle that all legitimate excuses are explanatory excuses.

Widerker, however, believes that the case of someone knowingly doing wrong for selfish reasons does undercut the broader claim that there is a conceptual link between explanation and responsibility.²⁷ For here our judgment of blameworthiness is based upon the fact that the agent in question disregarded his moral beliefs, which, Widerker claims, does not explain his action- as it can be accounted for by his selfishness. The first thing to be said in response is that such a case does not refute the claim that all legitimate excuses are explanatory excuses, since it presents us with an inexcusable act. Thus, since the judgment of blameworthiness in Frankfurt cases is based on this narrower claim (rather than the broader assertion that all non-explanatory facts are morally irrelevant) the purported upshot of Widerker’s case- that the reasons for blaming an agent may transcend his motives- does not render its premise false. Moreover, it is not clear that the fact on which our condemnation is based in this case- that its agent knowingly did wrong- is not part of the explanation for the act in question, albeit in another guise. For to knowingly do wrong, as just noted, is to disregard the claims of morality in deciding how to act. If this analysis is correct, then the verdict we reach in Widerker’s case is based on its agent motive: the unscrupulousness that makes his act intelligible. His selfishness alone cannot explain his act, since it is consistent with him doing the right thing. Without having contempt for morality, he would not have been able to overcome the resistance

supplied by his conscience. This attitude, then, must be considered part of his motive. Thus, Widerker's case of unscrupulous conduct, upon closer inspection, appears to accord with Frankfurt's principle linking explanation and responsibility. None of the cases he proffers, therefore, refute the basis of belief that an FA* is responsible.

Widerker's next poses a direct challenge to this belief. Instead of attempting to refute the specific principle on which it is based, Widerker argues that it is indefensible, given that it raises a question to which there is no adequate answer, viz., what should an FA* have done instead? Unless the friend of Frankfurt cases can provide an answer here, Widerker contends that it would be unreasonable for him to hold an FA* responsible.²⁸ That is to say, we should not blame someone like Phil for what he did, since we could not have reasonably expected him to do otherwise. This "W-defense," according to Widerker, provides a "good reason for holding PA," for refusing to hold an FA* accountable based on the inevitability of his action.²⁹

There is question begging going on here, however. It is true that an FA*, as shown above, had no robust local alternative to his action. The only question was, would he perform it voluntarily or involuntarily? Thus, friends of Frankfurt cases must concede 'up front' that an FA* could not have been reasonably expected to avoid performing his action. In other words, the W-defense invokes a principle entailing PA, which is what Frankfurt cases are designed to refute: you ought to be held responsible only if you could have been reasonably expected to do otherwise only if alternatives are requirement of moral responsibility. Such a move is, thus, dialectically inappropriate. The friend of Frankfurt cases, having rejected PA, would not accept Widerker's expectation principle. Moreover, there is an answer to the question that forms the basis of the W-defense. Even

though an FA*'s action was unavoidable, there is still an answer to the question what should he have done instead? An FA* who has done something blameworthy should have avoided developing a character trait that would manifest itself in wrongdoing. Widerker denies that an FA* of this sort has necessarily failed to meet such an obligation, assuming that "he is a morally conscientious agent."³⁰ However, this assumption is belied by his behavior. A morally conscientious agent would not break a promise to his uncle, which what Widerker's FA* does, or cheat on his wife, as Phil does. Thus, the W-defense fails to support PA.

Modified Frankfurt Cases

Let us now consider other attempts by friends of Frankfurt cases to avoid Ginet's charge of question begging. Here we are conceding that there cannot be a sufficient condition for an FA*'s action, otherwise it is not something for which he is responsible. Does that imply that it was avoidable? Rather than make Ginet's time-shift move, Al Mele and David Robb stipulate that an FA*'s action was produced by an indeterministic process that unfolded contemporaneously with a deterministic process that would have culminated, at the same time as the indeterministic process did, in its involuntary performance had it not been done voluntarily.³¹ (The case they give is of a Bob who decides to steal the car of an Ann. The deterministic process is neuronal and had been initiated by a man named Black whose goal was to have Bob make that decision.) Their approach, thus, does not generate the time-indexed alternative to committing that action *simpliciter*: without a temporal distance between his actual and counterfactual actions, it is not true that he could have avoided performing his action at its actual time of

performance. Mele and Robb, thus, are able to sidestep the issue of whether or not judgements of responsibility should be temporally relativized.

The problem with this approach, according to Widerker, is that makes it difficult, if not impossible, to understand how the process leading to the involuntary performance of an FA*'s action is preempted without its becoming avoidable.³² For once that process is 'shut down', the possibility of not performing it seems to be created: it is no longer the case that if the FA* does not do it 'on his own' there is a process unfolding that will culminate in him doing it against his will. If that process cannot be preempted, then the performance will be overdetermined, or at least it will unclear as to what caused it to occur, casting doubt upon the claim that it is something for which the FA* is responsible. Thus, Mele and Robb seem to be faced with a dilemma: either the involuntary performance process of a Frankfurt case is preempted, in which case an FA*'s action seems avoidable, or it is not, in which case his action is not clearly one for which he ought to be held accountable. In neither event would PA be violated.

By making Ginet's time-shift move, however, Mele and Robb could solve this dilemma, as it would make its first horn false. Since they have stipulated that an FA*'s action is indeterministically caused, they are left, as Ginet noted, with the action itself as the only possible preemptor of the process leading to its involuntary performance. In the end, they are, thus, required to modify their example ala Ginet so that its agent would have acted involuntarily at a time subsequent to the time at which he performed his action 'on his own', which could then be taken as what forestalled its involuntary performance. Of course, having made this modification, they are no longer able to sidestep the issue of whether or not judgements of responsibility should be temporally relativized. We have

just seen, however, that a compatibilist can rebut Ginet's suggestion that an FA* should only be held accountable for that to which there is a robust local alternative, viz., acting in a certain way at a specific time.

Another purported example of an FA* is provided by Eleonore Stump.³³ In her Frankfurt case, an elector's neural process D, whose initial stages are the spiking of neurons x, y, and z, is correlated with the decision to vote a Democratic ticket while another neural process R, whose initial stages are the spiking of neurons a, b, and c, is correlated with the decision to vote Republican a ticket. Neither sequence of events would be causally determined. The voter's neural processes are being monitored by a device designed to cause process R to occur by 7 p.m. on Election Day (which has been surreptitiously installed in his brain by a over-enthusiastic Republican neurosurgeon while he was performing an exploratory procedure). To that end, should it detect the spiking of x, y, and z, it will terminate D and initiate R. On the other hand, if it senses that a, b, and c have spiked, then it will not interfere with the working of the elector's brain. As it happens, R occurs sometime on Election Day, at that time the voter decides on the Republican ticket. The preemptor in this scenario is, thus, not the action itself, as in Ginet's case or the modified Mele/Robb example, but only one of its temporal parts: its initial phase. (We will assume here that it makes sense to treat the taking of a decision as temporally extended, which, as Widerker notes, is at least phenomenologically suspect.³⁴) Still, *ceteris paribus*, there must be at least a short temporal distance between what is actually done and what would occur counterfactually to allow for the spiking of x, y, and z, which did not actually take place. Thus, Stump's example, like Mele and Robb's, will count as a counterexample to PA only if Ginet is incorrect in temporally qualifying

judgments of responsibility. (Indeed, Widerker denies that the voter in Stump's case lacks a robust local alternative based on the assumption that "it is (deciding *at t* to vote for a Republican candidate) for which he is held responsible."³⁵) There are reasons, as we have seen, for rejecting this move.

The Frankfurt cases that we have considered so far are labeled "no prior sign" scenarios by Derk Pereboom.³⁶ This designation reflects the fact that in these cases Ginet's question begging charge is avoided by having intervention preempted by the observation of the performance of the desired act prior to a deadline, rather than the detection of an antecedently occurring sufficient condition. Pereboom himself, however, favors another response to Ginet's objection. His Frankfurt case features a device that will induce the performance of a certain action should it detect a necessary condition for its non-performance: a reason not to do it 'coming to mind'.³⁷ As it happens, the action in question is performed- the FA* claims an income tax deduction to which he is not entitled- but as the result of an indeterministic process. There appears to be no reason, then, for an incompatibilist not to hold the FA* here responsible, although he seemed to lack a robust local alternative. Since he failed to think of a reason to not claim the deduction, he had to cheat on his taxes; on the other hand, had should such a reason suggested itself, he would still have cheated on his income taxes, albeit involuntarily. To be sure, he could have brought a reason not to cheat on his income taxes to mind. But, in itself, according to Pereboom, that would not have been doing "something to avoid (his) blameworthiness," since it consistent with the blameworthy course of action that he actually took.³⁸ On his reading of PA, to have a robust local alternative, it is not enough to be able to improve one's chances of not becoming blameworthy; one must be able to

definitely escape blame. We need to ask ourselves, though, how we would have appraised this agent had he managed to think of a reason to be honest in making out his tax forms. Would we not have thought ‘more of him’ had he shown some scruples there, even if they would have been overcome *sans* interference? After all, we might be tempted under those circumstances to absolve him of blame because, for all we would know, he would have avoided acting dishonestly, that is, decided to follow his conscience (an option that the device, but not necessarily he, would have foreclosed). It is said that “the road to hell is paved with good intentions.” Still, an agent who is at least concerned with morality seems closer to salvation than someone who ‘never gives it a second thought’: a scrupulous but akratic individual appears morally superior to an unscrupulous character. The reading of PA that I proposed above has it that by exercising a robust local option an agent would have attained a different moral status than the one he has actually achieved. Despite being unable to definitely avoid blameworthiness by exercising his other option, the agent in Pereboom’s example could have done something to lessen his guilt: made a greater effort at ‘doing the right thing’. As things stand, we can say of him that he did not try as hard as he could have to act morally. (His case should be contrasted with the situation of Phil the FA*: in the former but not the latter there exists the epistemic possibility of acting wrongly for having made at least a brief attempt at doing the ‘right thing’.) Thus, it is not clear that making the prior sign in a Frankfurt case a necessary rather than a sufficient condition yields a counterexample to PA, as the incompatibilist can challenge the claim that it eliminates all robust local alternatives.

David Hunt provides another example of a Frankfurt case in which an action is unavoidable but not for being causally determined. Here the notion of divine omniscience is appealed to: if God knew in advance that an act would be performed, then it was unavoidable; at the time of its performance there would have been nothing else that its agent could have done, other wise God could not have been certain that it would be committed.³⁹ God, it is assumed, could possess such foreknowledge even in regards to a world in which only probabilistic laws obtained. Putting aside the question of how God could have known in advance that a given event was going to occur *sans* knowing that a sufficient condition for its occurrence would occur- an undetermined event would seemingly have been unpredictable- there are specifically libertarian objections to this approach to Frankfurt case construction. As Widerker points out, it raises the same concern as prior sign Frankfurt cases: if God's foreknowledge necessitates the performance of a given act, then its agent does not meet the libertarian standard of free agency.⁴⁰ Having refused to accept the compatibilist's claim that the agents of some causally necessitated actions act 'on their own', the libertarian would be disinclined to treat any metaphysically necessitated doings as free actions.

Frankfurt Cases and Question Begging

We must now address the Ginet/Widerker charge of question begging in the construction of Frankfurt cases. Must one modify the original Frankfurt scenario in one of the foregoing ways for it to be dialectically appropriate, removing a sufficient condition for the action performed? In the context of defending IA, the incompatibilist is not entitled to make this demand. To see why, consider this version of IA (taken from Stump):⁴¹

1. If all acts are determined, then no acts are avoidable.
2. If no acts are avoidable, then no acts are free (PA).
3. Thus, if all acts are determined, then no acts are free.

Frankfurt cases are given as counterexamples to 2. In maintaining that the actions involved are unfree unless they are undetermined, Widerker and Ginet are appealing to the conclusion of the very argument whose soundness is at issue! Thus, unless they have independent support for that proposition they are begging the question against the friend of Frankfurt cases. Such support exists, of course, in the form of the aforementioned “direct argument” for incompatibilism. Should they appeal to it, however, they would render PA and, thus, IA superfluous.

The salient aspect of Frankfurt cases, for the purpose of judgments of responsibility, is that the act involved is performed voluntarily. By focusing exclusively on the issue of determinism, Ginet and Widerker miss this point or, at least, downplay its significance. Ginet asks, if we do not believe that an FA* would have been responsible had his action been necessitated by the “backup mechanism,” why should we think of him as actually responsible, given that there was a sufficient condition for his action?⁴² But we would have declined to hold an FA* responsible had the backup mechanism operated, not because his action would have been necessitated, but because he would have lacked control over its performance.

Likewise, Widerker claims that “the circumstances that make it impossible (for an FA) to avoid performing (his action) ... bring it about” if it is “causally determined.”⁴³ A Frankfurt case, however, is supposed to be an “intuition pump” regarding the connection between avoidability and free will. Determinism seems to threaten our belief in free will

only because it would render our actions unavoidable. A Frankfurt case is meant to challenge this intuition, presenting a situation in which an agent seems responsible for his conduct even though it was unavoidable for reasons beyond its being causally determined: if unavoidability *per se* does not entail lack of responsibility, then the inevitability of our actions for their being causally determined leaves open the possibility of an agent having a free will. Thus, in assessing a Frankfurt case, the issue of determinism must be “bracketed.” The phrase ‘the circumstances that made it impossible (for an FA) to avoid performing (his) action (but which) in no way bring it about’ should not be taken to refer to its actual cause but to the backup mechanism, which, in allowing it to be performed voluntarily, gives an FA the chance to be responsible for its performance. Read in this way, a Frankfurt case is a counterexample to PA even if an FA’s action was causally determined, since at least one thing that made it unavoidable is not responsible for its performance; its agent is to be praised/blamed in virtue of having done it ‘on his own’ (more precisely in virtue of having freely performed each one of the series of actions bringing about its performance).

In sum, there are two strategies an incompatibilist can employ to rebut the claim that Frankfurt cases refute PA. He can either argue that an FA has a robust local alternative or show that he is not responsible for his action. If he takes the latter tack, he will wind up either begging the question against the friend of Frankfurt cases or obviating the need to defend PA. I have shown that the former approach will not work either, as a Frankfurt case can be reformulated so that the only alternative to performing the act in question voluntarily is not robust enough to ground an ascription of responsibility. The

failure to exercise that option is not what makes an FA* responsible. Rather, it is because he acted ‘in character’, having freely exercised his will.

Notes

1. John Martin Fischer and Eleonore Stump (“Transfer Principles and Moral Responsibility,” *Philosophical Perspectives* 14, 2000, ed. James Tomberlin, p. 47) distinguish between direct and indirect arguments for incompatibilism. The former arguments do not rely upon PA. At the 2001 Inland Northwest Philosophy Conference on Free will and Determinism, there was a lively “debate” over whether to call this principle “the principle of alternate possibilities” or the “the principle of alternative possibilities.” Listening to the disputants, it occurred to me that free will theorists could get by with “the principle of alternatives,” since what incompatibilists hold is that a free agent has alternatives, that is, more than one possible course of action.
2. Robert Kane, *The Significance of Free Will (SFW)*, (Oxford: Oxford University Press, 1996) pp. 74-78.
3. See Ted Honderich, *A Theory of Determinism*, (Oxford: Oxford University Press, 1988) pp. 304-334. John Earman discusses the status of determinism within STR and GTR in *A Primer on Determinism* (Dordrecht: Reidel, 1986) pp. 170-198. Roger Penrose takes up the issue of how quanta behave in *Shadows of Mind* (Oxford: Oxford University Press, 1994), pp. 246-258.
4. Chaos theory based speculation concerning indeterministic neural processes can be found in Henry Stapp’s *Mind Matter and Quantum Mechanics*, (New York: Springer Verlag, 1993), George P. Scott’s “Dissipative Structures and the Mind-

- Body Problem,” (in *Time, Rhythms, and Chaos in the New Dialogue with Nature*, ed. George P. Scott, Ames, IA: 1991, pp. 259-272), and Jesse Hobbs’ “Chaos and Indeterminism,” (*Canadian Journal of Philosophy* 21: 141-164).
5. I have already provided support for this thesis in “Re-examining Frankfurt Cases,” (*The Southern Journal of Philosophy* XXXVII No. 3, Fall 1999, pp. 363-376).
 6. Peter Strawson’s “Freedom and Resentment,” (in *Perspectives on Moral Responsibility*, ed. John Martin Fischer and Mark Ravizza, Ithaca, NY: Cornell University Press, 1993, 45-66) was the first of many works to draw attention to the relationship between the reactive attitudes and free will. It will be a goal of the present work to refute the “reactive naturalist’s” claim that the practice of adopting these attitudes does not require and cannot be provided with external (non-Humean) support. See John Martin Fischer and Mark Ravizza, “Introduction” (in *Perspectives on Moral Responsibility*, ed. John Martin Fischer and Mark Ravizza, Ithaca NY: Cornell University Press, 1993) pp. 14-25 for a discussion of this issue.
 7. David Widerker, ”Frankfurt’s Attack on Alternative Possibilities,” (in *Philosophical Perspectives* 14) pp. 181-201.
 8. Kane, *SFW*, pp. 33-35. Kane traces this principle back to Aristotle (*Nichomachean Ethics*, 1113b21, 1114a13-22, and 1114a18-19 and *Physics*, 255a8 and 256a6-8, both contained in *The Works of Aristotle*, ed. W.D. Ross, Oxford: Oxford University Press, 1915), Plotinus (*Ennead* 3.1.4 16-27, in *The Philosophy of Plotinus*, New York: Appleton, Century, Crofts, 1950), John Bramhall (*The Works of John Bramhall*, Oxford: John Henry Parker, 1844, p. 30 and p. 151), Thomas Reid (*The Works of Thomas Reid*, ed. William Hamilton, Hildesheim: George Ulm,

1983, p. 599), and Kant (*Religion within the Bounds of Reason Alone*, trans. T Greene and H. Hudson, New York: Harper and Row, 1960, p. 40). He cites Galen Strawson (*Freedom and Belief*, Oxford: Oxford University Press, 1986) Martha Klein (*Determinism, Blameworthiness, and Deprivation*, Oxford: Oxford University Press, 1990), as the contemporary philosophers who attach the most significance to the notion that free will entails being the ultimate source of one's character. Other recent discussion of it are to be found in Paul Gombert ("Free Will as Ultimate Responsibility," *American Philosophical Quarterly* 15, 1975: pp. 205-12), Thomas Nagel (*The View from Nowhere*, New York: Oxford University Press, 1986), Gary Watson ("Free Action and Free Will," *Mind* 96, 1987: 145-72), Ted Honderich (*A Theory of Determinism*, Oxford: Clarendon Press, 1988), Susan Wolf (*Freedom within Reason*, Oxford: Oxford University Press, 1990), James Lamb ("Evaluative Compatibilism and the Principle of Alternative Possibilities," *Journal of Philosophy*, 90, 1993: 517-27), David Widerker ("On an Argument for Incompatibilism," *Analysis* 47, 1987, pp. 37-41; "Frankfurt on 'Ought' Implies 'Can' and Alternative Possibilities," *Analysis* 49, 1991, pp. 222-4), Derk Pereboom ("Determinism *Al Dente*" *Nous* 29, March 1995, pp. 221-45; *Living without Free Will*, Cambridge: Cambridge University Press, 2001, pp. 4, 46-7), Saul Smilansky (*Free Will and Illusion*, Oxford: Oxford University Press, 2001, pp. 47-8, 52-5, 162-7, 209-12, 254), Bruce Waller (*Freedom without Responsibility*, Philadelphia: Temple University Press, 1990), and Richard Double (*The Non-Reality of Free Will*, Oxford: Oxford University Press, 1991).

9. Carl Ginet, "Comments on John Fisher's 'Responsibility and Agent Causation: A Reply to O'Connor'" (presented at the 2001 APA Pacific Division Meeting) pp. 4-6 and in correspondence. Timothy O'Connor, *Persons and Causes: The Metaphysics of Free Will* (New York: Oxford University Press, 2000) p. 19.
10. John Martin Fischer, "Responsibility and Agent-Causation: A Reply to O'Connor," (presented at the 2001 APA Pacific Division Meeting) pp. 12-13, lays out what I take to be a different set of requirements for a robust alternative: it must be such that it could be exercised voluntarily and would be something for which its agent is morally responsible. I maintain below that the first condition is not necessary and that the latter is not sufficient. An agent can be faulted for not doing something involuntarily rather than 'on his own' and it is not enough to be able to be responsible for something else: it must also be an alternative having greater/lesser moral/practical value than the option one is exercising. Pereboom, on the other hand, advances a definition of robustness similar (but, as we shall see, not logically equal) to the one formulated below, stating that "if, for example, an agent is to be blameworthy for an action, it is crucial that he could have done something to avoid being blameworthy," which is more than just something for which he would have been responsible (*Living without Free Will*, pp. 7-8). For another conception of robustness along these lines, see Al Mele's "Soft Libertarianism and Frankfurt-Style Scenarios," pp. 126-7 (in *Philosophical Topics* 24 (1996), pp. 123-41).
11. Consequentialists would favor such a position. See Saul Smilansky, *Free Will and Illusion* (Oxford: Oxford University Press, 2000) for a discussion of how consequentialists view responsibility.

12. Thomas Nagel, "Moral Luck," *Proceedings of the Aristotelian Society* vol. L; reprinted in Thomas Nagel, *Mortal Questions*, (Cambridge: Cambridge University Press, 1981) 24-38 and Bernard Williams' "Moral Luck" (in *Moral Luck*, Cambridge University Press, 1982).
13. It should be noted, however, that the problem of moral luck arises in other contexts. See Saul Smilansky, *Free Will and Illusion* (Oxford: Oxford University Press, 2000) for a comprehensive treatment of this issue.
14. Ginet, op. cit., pp. 4-5.
15. Ginet, op. cit., pp. 3-4. David Widerker also accuses the proponent of Frankfurt cases of question begging in "Frankfurt's Attack on Alternative Possibilities," (*Philosophical Perspectives* 14) pp. 181-201.
16. John Martin Fischer made a similar point during the question and answer period following Ginet's presentation referred to in note 9.
17. In correspondence.
18. In his own words, upon hearing Lincoln's speech on peace and reconstruction, delivered 11 April 1865: "(t)hat means nigger citizenship. Now by God I will put him through. That is the last speech he will ever make" (my emphasis). Related in *Battle Cry of Freedom*, James M. McPherson (Oxford: Oxford University Press, 1988), p. 852.
19. Kane, op. cit., pp. 73-5
20. Widerker, op. cit., p. 189. Frankfurt, according to Widerker, employs this premise in his original argument against PA. See "Alternate Possibilities and Moral Responsibility," *Journal of Philosophy* 66: pp. 829-39.

21. Ibid., pp. 189-90.
22. Ibid., p. 189.
23. Kant ?
24. Widerker, p. 190.
25. Ibid., p. 190.
26. Ibid., p. 199, note 23.
27. Ibid., p. 190.
28. Ibid., pp. 191-2.
29. Ibid., p. 192.
30. Ibid., p. 194.
31. Alfred Mele and David Robb, "Rescuing Frankfurt Style Cases," pp. 101-2, in *Philosophical Review* 107 (1998) pp. 97-112.
32. David Widerker, "Frankfurt's Attack on Alternative Possibilities," pp. 183-5.
33. Eleonore Stump
34. Widerker, p. 186.
35. Ibid., p. 198. Widerker also maintains that an event's time is essential to it, so that it is not true that the voter counterfactually performs the same act- voting Republican- as he actually does, given their distinct times. The only argument in the literature on event theory to support this claim is given by Lawrence B. Lombard in "Sooner or Later," *Nous* XXIX, No. 2 (Sept. 1995) pp. 343-59. I argue in _____ that his argument is unsound.
36. Derk Pereboom, "Alternative Possibilities and Causal Histories," (in *Philosophical Perspectives* 14, pp. 119-37) p. 124. David Hunt constructs a similar Frankfurt

case in “Moral Responsibility and Buffered Alternatives,” (presented at the 2000 APA Eastern Division Meeting). Michael McKenna criticizes Hunt’s approach in “Comments on David P. Hunt’s ‘Moral Responsibility and Buffered Alternatives,’” (presented at the 2000 APA Eastern Division Meeting).

37. Ibid., p. 128-31.
38. Ibid., 128-29.
39. David Hunt, “Frankfurt Counterexamples: Some Comments on the Widerker-Fischer Debate,” *Faith and Philosophy* 13, (1996): 395-401.
40. Widerker, 187-88.
41. Eleonore Stump and John Martin Fischer, “Transfer Principles and Moral Responsibility,” in *Philosophical Perspectives* 14, p. 47.
42. Ginet, op. cit., p. 3.
43. Widerker, op. cit., p.182.