

Fischer's Deterministic Frankfurt-Style Argument

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Abstract According to the Dilemma Defense, it is question-begging against the incompatibilist defender of the principle of alternative possibilities (*PAP*) to assume that the agent in a deterministic Frankfurt-style case (*FSC*) cannot do otherwise in light of causal determinism, but is nevertheless morally responsible. As a result, John Martin Fischer (2010, 2013) attempts to undermine *PAP* in a different manner via a deterministic *FSC*. More specifically, Fischer attempts to show that if causal determinism rules out an agent's moral responsibility, it is not in virtue of its eliminating the agent's alternative possibilities. I contend that, once we focus upon the distinction between entailment and explanation, the incompatibilist defender of *PAP* can successfully rebut Fischer's argument. I argue for this claim while granting Fischer a number of assumptions that only render a defense of *PAP* more difficult. Additionally, I cast doubt upon David Palmer's (2014) critique of Fischer's argument, which in turn renders my defense of *PAP* all the more critical.

1. The Dilemma Defense's Deterministic Horn

A Frankfurt-style case (*FSC*) is a putative counterexample to the principle of alternative possibilities (Frankfurt 1969):

PAP An agent is morally responsible for what she has done only if she could have done otherwise.

In a traditional *FSC*, Jones ϕ -s on his own, but lacks the ability to avoid ϕ -ing. This inability is at least partly due to a preemptive intervener, Black, who is lurking by, ready to directly alter or manipulate Jones' mental processing if, absent Black's intervention, Jones were about to avoid ϕ -ing. So, according to the Frankfurtian, although Jones cannot avoid ϕ -ing, Jones is nevertheless morally responsible for ϕ -ing since Black in no way causally contributes to Jones' ϕ -ing.

Incompatibilist defenders of *PAP* offer the Dilemma Defense in response (Kane 1985: 51, 1996: 142–145; Widerker 1995a, 1995b; Ginet 1996; Wyma 1997): if causal determinism is true, then although Jones cannot avoid ϕ -ing, it is question-begging to assume that Jones is morally responsible for ϕ -ing. On the other hand, if causal indeterminism (of the right sort) is true, then there cannot be a prior sign that infallibly indicates to Black whether Jones will (in the absence of Black's intervention) in fact ϕ . So, although Jones may be morally responsible for ϕ -ing, Jones *could have* avoided ϕ -ing. Hence, once *FSCs* are fleshed out in further detail, one can see that they fail to undermine *PAP*.

There have been many ingenious attempts to circumvent the Dilemma Defense.¹ In addressing the Dilemma Defense's deterministic horn, John Martin Fischer (2006: ch. 10) agreed that it would be question-begging against the incompatibilist defender of *PAP* to assume that Jones cannot do otherwise in light of causal determinism, but is nevertheless morally responsible. Instead, Fischer attempted to argue that Black's presence, device, and dispositions in themselves and apart from causal determinism render Jones unable to avoid ϕ -ing. If this claim were correct, then *PAP* would appear to be false. For, Black's presence, device, and dispositions in no way causally contribute to Jones' ϕ -ing, and thus appear to be irrelevant to Jones' moral responsibility for ϕ -ing.

However, Stewart Goetz (2005: 85) has highlighted the fact that unless Jones' ϕ -ing is *deterministically* caused by factors beyond his control, there cannot be a prior sign that infallibly indicates to Black whether Jones will (in the absence of Black's intervention) in fact ϕ . So it is false that Black's presence, device, and dispositions *in themselves and apart from causal determinism* render Jones unable to avoid ϕ -ing. Fischer (2010: 323–325) now concedes Goetz's point, and thus attempts to construct an improved deterministic Frankfurt-style argument against *PAP* (henceforth '*Fischer's Improved Argument*') that also doesn't assume that Black's presence, device, and dispositions *in themselves and apart from causal determinism* render Jones unable to avoid ϕ -ing. More specifically, Fischer attempts to refute *PAP* by showing that if causal determinism rules out an agent's moral responsibility, it is not in virtue of its eliminating the agent's alternative possibilities.

I contend that, once we focus upon the distinction between entailment and explanation, the incompatibilist defender of *PAP* can successfully rebut *Fischer's Improved Argument*. I argue for this claim while granting Fischer a number of assumptions that only render a defense of *PAP* more difficult. Additionally, in the appendix I cast doubt upon David Palmer's (2014) critique of *Fischer's Improved Argument*, which in turn renders my defense of *PAP* all the more critical.² Let's now turn to *Fischer's Improved Argument*.

2. Fischer's Improved Argument

Consider Fischer's deterministic *FSC*, which I'll refer to as *The Voting Case*:

[Black] has secretly inserted a chip in Jones's brain which enables Black to monitor and control Jones's activities. Black can exercise this control through a sophisticated computer that he has programmed so that, among other things, it monitors Jones's voting behaviour. If Jones were to show any inclination to vote for McCain (or, let us say, anyone other than Obama), then the computer through the chip in Jones's brain, would

¹ Frankfurt-style arguments that take on the indeterministic horn of the Dilemma Defense include (but are not limited to) Stump (1996; 2003), Haji (1998), Hunt (2000; 2003), McKenna (2003), Mele and Robb (1998; 2003), and Pereboom (2003; 2014: ch. 1). Like Fischer, Funkhouser (2009) appeals to a deterministic *FSC* against *PAP*. I, of course, can only address Fischer's argument in this paper. Hence, my aim is not to show that *PAP* has not been refuted. Rather, I only aim to defend the incompatibilist defender of *PAP* against Fischer's argument.

² With the exception of footnote 7, I will not discuss Widerker and Goetz's (2013) critique of *Fischer's Improved Argument*, to which Fischer (2013) has replied.

intervene to assure that he actually decides to vote for Obama and does so vote. But if Jones decides on his own to vote for Obama (as Black, the old progressive, would prefer), the computer does nothing but continue to monitor—without affecting—the goings-on in Jones’s head (Fischer 2010: 316).

Jones decides “on his own” at t2 to vote for Obama [at t3]; and imagine that Jones involuntarily exhibits some sign, such as (appropriately enough) a furrowed left brow, at an earlier time t1 (Fischer 2010: 319).

With *The Voting Case* in mind, **Fischer’s Improved Argument** against *PAP* goes as follows:

1. Assume that causal determinism obtains and that the Frankfurt case of Jones and Black unfolds as above.
2. At this point in the argument, causal determinism is not assumed in itself to rule out access to alternative possibilities. (Neither is it to be supposed here that Black’s presence, device, and dispositions in themselves rule out such access.)
3. Causal determinism plus Black’s presence, device, and dispositions rule out Jones’s freedom at t2 to choose otherwise.
4. If Jones is not morally responsible for choosing at t2 to vote for Obama at t3, it is not in virtue of the *mere* fact that he was not free at t2 to choose otherwise.

Thus:

5. If causal determinism rules out Jones’s moral responsibility for his choice at t2, it is *not* in virtue of its eliminating alternative possibilities (if in fact it does eliminate alternative possibilities) (Fischer 2010: 328).

Fischer (2010: 335) thinks that if (5) is true, then *PAP* appears to be false. The idea here is that if *PAP* is true, and *if* determinism eliminates Jones’ alternative possibilities, then determinism *would* rule out Jones’ moral responsibility in virtue of its eliminating such alternatives. For this reason, if (5) is true, then *PAP* is false. I grant Fischer this point for argument’s sake.³ I also grant the inference from (4) to (5). After all, if Jones’ lacking some feature *f* is irrelevant to Jones’ moral responsibility for his voting decision, then the mere fact that determinism eliminates *f* surely cannot imply that determinism renders Jones blameless for his voting decision.

³ Since (5) employs an ‘in virtue of’ locution, and *PAP* does not (at least as both Fischer (2010) and I articulate the principle), one might think that the truth of (5) *only* undermines the following strong reading of *PAP* as extensively discussed by Leon and Tognazzini (2010: 558):

(*PAP_{cc}*) A conceptually necessary constituent of being morally responsible is having the ability to do otherwise.

I am, however, willing to concede for the sake of argument that if *PAP_{cc}* is false, then so is *PAP* as both Fischer (2010) and I characterize the principle. For further discussion of these different readings of *PAP*, see also Fischer (1994: ch. 7), Della Rocca (1998), and Funkhouser (2009).

The real question, then, is why Fischer accepts (4). The short answer is that (4) may be inferred from (3). My criticism of *Fischer's Improved Argument* consists of a detailed assessment of this inference. To give a preview of what is to come, I will offer two interpretations of (3). One interpretation invokes the notion of entailment, while the other invokes the notion of explanation. Only the truth of (3) under the latter interpretation warrants an inference to (4). However, within the context of arguing against an incompatibilist defender of *PAP*, Fischer is not rationally permitted to affirm the truth of (3) under the latter interpretation, or so I will argue.

Now, I said that I am granting Fischer a number of assumptions that only render a defense of *PAP* more difficult. I now turn to the first assumption. According to Widerker (1995b: 248) the opponent of *PAP* must demonstrate the truth of the following thesis:

IRR There may be circumstances in which a person performs some action which although they make it impossible for him to avoid performing that action, they in no way bring it about that he performs it.

Fischer (2010: 333–335) thinks that even if *X* causally contributes to (or brings about) Jones' voting decision, so long as *X* is irrelevant to Jones' moral responsibility for his voting decision *insofar as X plays some role in ruling out Jones's ability to do otherwise*, then *PAP* is false. So, contrary to Widerker, the opponent of *PAP* need not demonstrate the truth of *IRR*. This is the first assumption I grant Fischer. In order to be perfectly clear about this, throughout the paper I will invoke the term 'irrelevance*' which is to be understood as follows:

X is **irrelevant*** to an agent *S*'s moral responsibility for ϕ -ing *iff* *X* is irrelevant to *S*'s moral responsibility for ϕ -ing *insofar as X plays some role in ruling out S's ability to avoid ϕ -ing*.⁴

The other assumption I grant Fischer is that an overdetermination of explanation for some proposition is possible. But in order to see *why* this assumption renders a defense of *PAP* more difficult, we must wait until section 6.

Finally, before proceeding, it is important to remember that I am only concerned with rebutting *Fischer's Improved Argument* on behalf of the incompatibilist defender of *PAP*. For, as will become evident later on, my critique of *Fischer's Improved Argument* arguably won't help a compatibilist defender of *PAP*. Let's proceed now to the two possible interpretations of premise (3).

⁴ The careful reader will see that the term '*X*' is being used loosely in this discussion to refer to either a proposition or an event. If you think that propositions cannot "play a role in ruling out an agent's ability", I invite you to think instead of a proposition's playing some explanatory role with respect to an agent's lacking an ability.

3. Two Avenues to Premise (4)

I will employ abbreviations for the following propositions (a sentence enclosed in brackets is a proposition):

[Jones cannot do otherwise] =_{df} [Jones is unable at t_2 to choose otherwise]

[Determinism] =_{df} [Deterministic laws L obtain, and Jones' choice at t_2 is causally determined by factors beyond his control]

[Black is present] =_{df} [Black is present, Black's device is present, and Black has certain dispositions]

Here, then, are the two possible interpretations of (3) that I offer:

3i. [[Determinism] and [Black is present]] *entails* [Jones cannot do otherwise].

3ii. [[Determinism] and [Black is present]] *explains* [Jones cannot do otherwise].

Before going into the details behind Fischer's move from (3) to (4), some clarifying remarks on the distinction between (3i) and (3ii) are in order. I am going to maintain the virtually unanimous position that even if P entails Q , it doesn't necessarily follow that P even partly explains Q . To demonstrate this point with just one example, every single contingent fact about The Beatles entails, but does not even partly explain, $[2+2=4]$. As a result, we should not immediately infer (3ii) from (3i) without further argument.

Additionally, I will not adopt any particular account of explanation for the purposes of this paper. This is a virtue of my critique of *Fischer's Improved Argument*, rather than a defect. For, I will be arguing that, in order to establish (4), Fischer must show us that some proposition at least partly explains [Jones cannot do otherwise], while simultaneously being irrelevant* to Jones' moral responsibility for his voting decision. So, *whatever* account of explanation one thinks Fischer must employ in order to establish (4) in the above manner, I contend that my objection to Fischer's argument for (4) will go through.

Let us now look into the details of Fischer's inference from (3) to (4). Fischer (2010: 330) claims to move from (3) to (4) by holding the following crucial claim:

C. The fact that Black's device (and dispositions) in a causally deterministic context rule out Jones's freedom to choose and do otherwise is irrelevant to Jones's moral responsibility.

According to (C), (3) is true, and the truth of (3) is irrelevant to Jones' moral responsibility for his voting decision. Although it is not made explicit in (C), as previously noted, Fischer (2010: 333–335) thinks that in order to move from (3) to (4), Fischer must only show that the truth of (3) is *irrelevant** to Jones' moral responsibility. I will thus understand (C) in that manner.

Notice that Black (and his device and dispositions) in a causally deterministic context is supposed to be irrelevant* to Jones' moral responsibility since Black (with his device and dispositions) in no way causally contributes to Jones' decision at t2 to vote for Obama. This line of reasoning appears to rely upon the following principle: if a fact is irrelevant to the causal explanation of a person's action, then that fact is irrelevant to *whether or not* that person is morally responsible for her action. I grant the truth of this principle.⁵

Now, since there are two possible interpretations of (3), and since (C) presupposes the truth of (3), there are likewise two possible interpretations of (C):

- Ci.** The truth of (3i) is irrelevant* to Jones' moral responsibility for his voting decision.
- Cii.** The truth of (3ii) is irrelevant* to Jones' moral responsibility for his voting decision.

We thus have two potential avenues to the truth of (4):

The First Avenue

3i. [[Determinism] and [Black is present]] *entails* [Jones cannot do otherwise].

Ci. The truth of (3i) is irrelevant* to Jones' moral responsibility for his voting decision.

Thus:

4. If Jones is not morally responsible for choosing at t2 to vote for Obama at t3, it is not in virtue of the *mere* fact that he was not free at t2 to choose otherwise.

The Second Avenue

3ii. [[Determinism] and [Black is present]] *explains* [Jones cannot do otherwise].

Cii. The truth of (3ii) is irrelevant* to Jones' moral responsibility for his voting decision.

Thus:

4. If Jones is not morally responsible for choosing at t2 to vote for Obama at t3, it is not in virtue of the *mere* fact that he was not free at t2 to choose otherwise.

Let us now turn our attention to *The First Avenue*.

⁵ In the appendix, I defend this principle against an alleged counterexample by Palmer (2014). Notice, moreover, that if principle is true, then a restricted form of this principle that employs the notion of irrelevance* rather than irrelevance is also true.

4. The First Avenue

Let's begin by assessing the truth of each premise of *The First Avenue*. I grant that there is good reason to accept the truth of (3i), as I will now explain. Recall that, according to (2), we are to remain agnostic about the truth of the following proposition:

(\wedge) Causal determinism rules out access to alternative possibilities.

So, given (2), Fischer is rationally permitted to affirm the truth of (3i) only if its truth does not depend upon the truth of (\wedge). Fortunately for Fischer, (3i) appears to be true *irrespective* of whether (\wedge) is true, as I will now illustrate.

If (\wedge) is true, then [Jones cannot do otherwise] is entailed by [Determinism] in conjunction with *any* other true proposition, including [Black is present]. So if (\wedge) is true, so is (3i). On the other hand, if (\wedge) is false, then [Determinism] does not by itself entail [Jones cannot do otherwise]. However, I agree with Fischer that [[Determinism] and [Black is present]] entails [Jones cannot do otherwise]. One way to motivate this claim is by conceiving of an agent's abilities in terms of her access to possible worlds, as I will now explain.

If an agent *S* who ϕ -s had the ability to avoid ϕ -ing, then there is a sufficiently nearby world *w* in which *S* does not ϕ , such that *w* was accessible to *S* (Lehrer 1976: 253–254). Accordingly, if (\wedge) is false, then there is a deterministic world in which *S* has access to worlds with a different past or different laws of nature (or both), at least if such worlds are sufficiently close to the world at which *S* is located. However, given [Determinism] *and* [Black is present], the closest world in which Jones does otherwise is, we may suppose, a world in which Black is absent (or Black's device is absent or defective, or Black has different dispositions). But *that* world is presumably sufficiently far such that it is *not* accessible to Jones. So Jones cannot do otherwise, *even if* (\wedge) is false.

To be clear, my intention is not to commit myself to an 'accessibility to worlds' account of abilities. Rather, I am only suggesting one natural way to motivate the position that (3i) is true even if (\wedge) is false. Moreover, I acknowledge that this position is contested by the so-called new dispositionalists (Smith 2003; Fara 2005, 2008; Vihvelin 2000, 2004, 2008).⁶ Notice, however, that by siding with Fischer (2008) on this position, I am by no means making matters easier for the incompatibilist defender of *PAP*. So, assuming for the sake of argument that Jones cannot do otherwise *even if* (\wedge) is false, we may conclude that (3i) is true *irrespective* of whether (\wedge) is true. For this reason, Fischer is rationally permitted to affirm the truth of (3i), even given (2).⁷

Let's turn now to (Ci). I will assume that if (3i) true, then the truth of (3i) is irrelevant* to Jones' moral responsibility for his voting decision if the conjunctive proposition [[Determinism] and [Black is present]] is irrelevant* to Jones' moral responsibility for his voting decision. But what does it take for a conjunctive proposition to be irrelevant* to Jones' moral responsibility?

⁶ For a response to the new dispositionalists on this issue, see Fischer (2008), Clarke (2009), Whittle (2010), Franklin (2011a), Kittle (2014) and Cohen (forthcoming).

⁷ Widerker and Goetz (2013) may be interpreted as rejecting (3i) given (2). For a response to Widerker and Goetz, see Fischer (2013). To repeat, I am both willing and inclined to side with Fischer on this point.

More specifically, is [[Determinism] and [Black is present]] irrelevant* to Jones' moral responsibility if at least one of its conjuncts is irrelevant* to Jones' moral responsibility? Well, if *The First Avenue* has any hope of being non-question-begging against the incompatibilist defender of *PAP*, it would appear so. For, if *both* conjuncts need to be irrelevant* to Jones' moral responsibility for his voting decision in order for (Ci) to be true, then, *a fortiori*, [Determinism] needs to be irrelevant* to Jones' moral responsibility. But it is question-begging against the incompatibilist defender of *PAP* to assume that [Determinism] is irrelevant* to Jones' moral responsibility. After all, if this assumption were not question-begging, then *FSCs* would be utterly superfluous to refuting *PAP*; Fischer could simply establish (5) by pointing out that [Determinism] at least partly explains Jones' inability to do otherwise while simultaneously being irrelevant* to Jones' moral responsibility.

So, in order for *The First Avenue* to be non-question-begging against the incompatibilist defender of *PAP*, we must assume that [[Determinism] and [Black is present]] is irrelevant* to Jones' moral responsibility for his voting decision if at least one of its conjuncts is irrelevant* to Jones' moral responsibility. In other words, we should understand the truth conditions for (Ci) according to the following principle:

The Irrelevance*-Responsibility Principle (IRP) If at least one conjunct of a conjunctive proposition *P* is irrelevant* to an agent *S*'s moral responsibility for ϕ -ing, then *P* is irrelevant* to *S*'s moral responsibility for ϕ -ing.

Fortunately, [Black is present] *is* plausibly irrelevant* to Jones' moral responsibility precisely because Black in no way causally contributes to Jones' voting decision. So, given the truth of (3i), and given *IRP*, there is good reason to accept (Ci).⁸

So, since there is good reason to affirm both premises of *The First Avenue* (at least given *IRP*), should we thereby affirm (4) on the basis of these premises? No. For, as I will now explain, since *The First Avenue* does not invoke the notion of explanation, there is good reason to think that it is invalid.

Consider once again *The Voting Case*, except that Black and his device and dispositions are deleted. Moreover, suppose that on the other side of town, Lisa is giving a lecture to her class. Call this ***The Lecture Case***. Now, like *The Voting Case*, we are supposing that causal determinism obtains in *The Lecture Case*. Let us also suppose that (\wedge) is true.⁹ Consequently, [Determinism] entails [Jones cannot do otherwise]. *A fortiori*, [Jones cannot do otherwise] is

⁸ One may have reason to doubt the truth of *IRP*. However, as I have just explained, in order for *The First Avenue* to be non-question-begging against the incompatibilist defender of *PAP*, *The First Avenue* requires the truth of *IRP*. I am thus willing to grant the truth of *IRP* for the sake of argument, regardless of what doubts one may have about its truth.

⁹ Fischer initially does not presuppose the truth of (\wedge) in *The Voting Case*. It does not follow, however, that it is problematic for me to assume the truth of (\wedge) in *The Lecture Case* for the purpose of showing that the notion of entailment (rather than the notion of explanation) is not the right tool for establishing (4). This issue will be further discussed at the end of this section. Moreover, as we will see in section 6, Fischer himself thinks (and I agree) that it *is* dialectically appropriate to assume the truth of (\wedge) in *The Voting Case*.

entailed by the following conjunctive proposition: [[Determinism] and [Lisa is lecturing]]. Moreover, since [Lisa is lecturing] is clearly irrelevant* to Jones' moral responsibility for his voting decision, it follows from *IRP* that [[Determinism] and [Lisa is lecturing]] is irrelevant* to Jones' moral responsibility. So, we have an argument for (4) that is structurally similar to *The First Avenue*:

The Bad Argument

3i*. [[Determinism] and [Lisa is lecturing]] entails [Jones cannot do otherwise].

Ci*. The truth of (3i*) is irrelevant* to Jones' moral responsibility for his voting decision.

Thus:

4. If Jones is not morally responsible for choosing at t2 to vote for Obama at t3, it is not in virtue of the *mere* fact that he was not free at t2 to choose otherwise.

Clearly, *The Bad Argument* is invalid. The best explanation for this is that, while [Lisa is lecturing] is undoubtedly irrelevant* to Jones' moral responsibility for his voting decision, [Lisa is lecturing] does not even partly *explain* [Jones cannot do otherwise]. What the opponent of *PAP* needs to do, then, is replace [Lisa is lecturing] with a proposition that at least partly *explains* [Jones cannot do otherwise] while simultaneously being irrelevant* to Jones' moral responsibility for his voting decision. More specifically, in order to establish (4), Fischer must establish the truth of the following thesis:

The Thesis There is some proposition *P* that at least partly explains [Jones cannot do otherwise] while simultaneously being irrelevant* to Jones' moral responsibility for his voting decision in *The Voting Case*.

In other words, *The Thesis* should be included as a premise of *The First Avenue*, whereby (4) follows from *The Thesis*, and *The Thesis* follows from (3i) and (Ci). The same holds, *mutatis mutandis*, for *The Second Avenue*.

So, even though (3i) and (Ci) appear to be true (given *IRP*), these premises don't establish *The Thesis*, just as (3i*) and (Ci*) don't establish *The Thesis*. Hence, *The First Avenue* doesn't establish the truth of (4). I will now consider an important objection to the conclusions that have been reached so far.

Recall that I assumed the truth of (^) in *The Lecture Case*. Hence, one might think that since we are not assuming the truth of (^) in *The Voting Case*, one can consistently maintain that [Jones cannot do otherwise] is not even partly explained by [Lisa is lecturing] in *The Lecture Case*, but *is* at least partly explained by [Black is present] in *The Voting Case*. The thought here is that since [Jones cannot do otherwise] is entailed by [Determinism] in *The Lecture Case* but not in *The Voting Case*, [Black is present] must be doing some work in explaining [Jones cannot

do otherwise], while [Lisa is lecturing] is doing no such work. So, (3i) and (Ci) do establish *The Thesis* after all.

The critical flaw in the above line of reasoning is the assumption that [Determinism] doesn't entail [Jones cannot do otherwise] in *The Voting Case*. We are simply not entitled to this assumption. For, recall that in *The Voting Case* we are to remain *agnostic* about the truth of (^), rather than *deny* its truth. Consequently, we must remain *agnostic* about whether [Determinism] entails [Jones cannot do otherwise] in *The Voting Case*. Fischer could of course replace (2) with the falsity of (^) in an attempt to establish *The Thesis*. I grant that such a move may succeed against the *compatibilist* defender of *PAP*. But such a move is dialectically inappropriate within the context of arguing against the *incompatibilist* defender of *PAP*. This concludes my assessment of *The First Avenue*. Let's now turn to the second one.

5. The Second Avenue

I have argued that in order to arrive at (4), Fischer must establish *The Thesis*. So, *The Thesis* should be viewed as a premise in *The First Avenue*, which is to be inferred from (3i) and (Ci). Similarly, *The Thesis* should be viewed as a premise in *The Second Avenue*, which is to be inferred from (3ii) and (Cii).

Since, (3i) only invokes the notion of entailment, *The Thesis* cannot be inferred from (3i) and (Ci). By contrast, since premise (3ii) of *The Second Avenue* invokes the notion of explanation, perhaps (3ii) and (Cii) can establish *The Thesis*, which in turn would establish the truth of (4). Let's begin, then, by assessing the truth of (Cii).

Similar to my remarks on *The First Avenue*, I will assume that if (3ii) true, then the truth of (3ii) is irrelevant* to Jones' moral responsibility for his voting decision if the conjunctive proposition [[Determinism] and [Black is present]] is irrelevant* to Jones' moral responsibility for his voting decision. So, similar to my remarks on (Ci), we must understand the truth conditions for (Cii) according to *IRP*: if (3ii) is true, and if at least one of the conjuncts of [[Determinism] and [Black is present]] is irrelevant* to Jones' moral responsibility for his voting decision, then (Cii) is true. Moreover, I have conceded that [Black is present] is irrelevant* to Jones' moral responsibility. So, I grant that (Cii) is true *if* (3ii) is true. So, let's turn now to (3ii).

Given that we accept the truth conditions for (Cii) according to *IRP*, a constraint must be placed on the truth conditions for (3ii) according to the following principle:

The Non-Monotonicity-Explanation Principle (NMEP) In order for some conjunctive proposition *P* to even partly explain some further proposition *Q*, each conjunct of *P* must at least partly explain *Q*.

Besides its intuitive plausibility (cf. Rosen 2010: 116–117), why must we accept the truth conditions for (3ii) according to *NMEP*? Well, suppose we instead held that (3ii) is true if at least one of the conjuncts of [[Determinism] and [Black is present]] at least partly explains [Jones cannot do otherwise]. We know that, irrespective of whether (^) is true, [Determinism] at least

partly explains [Jones cannot do otherwise]. So, (3ii) would undoubtedly be true if we rejected *NMEP*. So, if we rejected *NMEP*, then both premises of *The Second Avenue* would arguably be true. But notice that the incompatibilist defender of *PAP* would not thereby have any reason to accept *The Thesis*, and thus would not have any reason to accept (4), as I will now explain.

Recall once more that it is question-begging against the incompatibilist defender of *PAP* to assume that [Determinism] is irrelevant* to Jones' moral responsibility for his voting decision, but it is *not* question-begging to assume that [Black is present] is irrelevant* to Jones' moral responsibility.¹⁰ In that case, in order to establish *The Thesis*, Fischer must establish that [Black is present] at least partly explains [Jones cannot do otherwise]. But if we reject *NMEP*, then (3ii) can be (and arguably is) true without [Black is present] even partly explaining [Jones cannot do otherwise]. For this reason, in order for *The Second Avenue* to be non-question-begging against the incompatibilist defender of *PAP*, we must accept *NMEP*. So, given *NMEP*, the truth of (3ii)—and ultimately the success of *Fischer's Improved Argument*—hinges upon whether [Black is present] at least partly explains [Jones cannot do otherwise].

I won't argue that [Black is present] does not even partly explain [Jones cannot do otherwise] in *The Voting Case*. Instead, I will argue that the proponent of *Fischer's Improved Argument* is not rationally permitted to hold that [Black is present] even partly explains [Jones cannot do otherwise] in *The Voting Case*. If I am correct, then Fischer is not rationally permitted to affirm the truth of (3ii), and thus is not rationally permitted to affirm the truth of either *The Thesis* or (4). In that case, the incompatibilist defender of *PAP* has been given no reason to give up her position. My argument is as follows:

6. If (^) is true, then [Black is present] does not fully explain [Jones cannot do otherwise] in *The Voting Case*.
7. If (^) is true, then [Black is present] does not partly explain [Jones cannot do otherwise] in *The Voting Case*.
8. If (^) is true, then [Black is present] does not even partly explain [Jones cannot do otherwise] in *The Voting Case*. [(6), (7)]
9. If both (2) and (8) are true, then the proponent of *Fischer's Improved Argument* is not rationally permitted to hold that [Black is present] even partly explains [Jones cannot do otherwise] in *The Voting Case*.

Thus:

10. The proponent of *Fischer's Improved Argument* is not rationally permitted to hold that [Black is present] even partly explains [Jones cannot do otherwise] in *The Voting Case*. [(2), (8), (9)]

Working backwards, let's consider premise (9). Suppose I know the following: if *P* is true then *Q* is false, and I am (and should be) agnostic about the truth of *P*. Consequently, I am not rationally permitted to affirm the truth of *Q*. Similarly, if I am to remain agnostic about the truth

¹⁰ This is because Black in no way causally contributes to Jones' voting decision.

of (\wedge), and I know that *if* (\wedge) is true, then [Black is present] does not even partly explain [Jones cannot do otherwise] in *The Voting Case*, then I am not rationally permitted to hold that [Black is present] even partly explains [Jones cannot do otherwise] in *The Voting Case*. So premise (9) is very plausible.¹¹ Next, since (8) follows from (6) and (7), one must reject either (6) or (7) in order to reject (10).

No one should reject premise (6). Remember that Fischer is not arguing for the claim that [Black is present] *alone* rules out Jones' ability to do otherwise. For, as noted in the first section, Fischer (2010: 323–325) concedes Goetz's (2005: 85) point that unless Jones' ϕ -ing is *deterministically* caused by factors beyond his control, there cannot be a prior sign that infallibly indicates to Black whether Jones will (in the absence of Black's intervention) in fact ϕ . In that case, it is safe to assume that, irrespective of the truth of (\wedge), [Black is present] does not fully explain [Jones cannot do otherwise]. *A fortiori*, (6) is true.

The crux of my critique of *Fischer's Improved Argument*, then, hinges upon the truth of (7). As a first step towards establishing its truth, I contend that we should accept the following principle:

The Entailment-Explanation Principle (EEP) If proposition P partly explains proposition Z , and the following conditions obtain,

- i. P and Z are both contingently true.
- ii. There is no overdetermination of explanation of Z .
- iii. P does not entail Z .

then the further proposition Q that, in conjunction with P , fully explains Z , is such that Q does not entail Z .

The irony is not lost upon me that I am appealing to *EEP* while simultaneously emphasizing the importance of distinguishing between entailment and explanation. However, distinguishing between entailment and explanation is perfectly consistent with acknowledging certain connections between them, including the rather weak connection embodied in *EEP*. Now, I offer two cases in support of *EEP*.

First, let us consider whether *EEP* renders the correct verdict that [Rafael is reading] does not partly explain [The singleton set {Edna} exists]. Suppose there is no overdetermination of explanation of [The singleton set {Edna} exists]. In that case, condition (ii) of *EEP* is satisfied. It is safe to assume that conditions (i) and (iii) are likewise satisfied.¹² Moreover, let us rightly suppose that [The singleton set {Edna} exists] is at least partly explained by [Edna exists]. Now, according to *EEP*, if [Rafael is reading] partly explains [The singleton set {Edna} exists], then

¹¹ While denying some epistemic closure principle (or employing some other related epistemic move) may be appropriate when it comes to rejecting external world skepticism, I assume that no such move is appropriate for the purposes of rejecting (9).

¹² If one accepts Williamson's (2002) position that everything necessarily exists, I ask the reader to consider whether *EEP* renders the correct verdict in this case under the assumption that Williamson's position is false.

[Edna exists] must not entail [The singleton set {Edna} exists]. But it does. So, *EEP* renders the correct verdict that [Rafael is reading] does not partly explain [The singleton set {Edna} exists].

Second, let us consider whether *EEP* renders the correct verdict that [Lisa is lecturing] does not partly explain [Jones cannot do otherwise] in *The Lecture Case*. So, let us once again assume the truth of (\wedge), and also explicitly stipulate that there is no overdetermination of explanation of [Jones cannot do otherwise]. In that case, it is safe to assume that conditions (i)–(iii) of *EEP* are satisfied. Now, according to *EEP*, if [Lisa is lecturing] partly explains [Jones cannot do otherwise], then whatever further proposition that, in conjunction with [Lisa is lecturing], fully explains [Jones cannot do otherwise], that proposition must not entail [Jones cannot do otherwise]. Plausibly, the proposition that, in conjunction with [Lisa is lecturing], fully explains [Jones cannot do otherwise] is [Determinism]. But since [Determinism] *does* entail [Jones cannot do otherwise], *EEP* thus renders the correct verdict that [Lisa is lecturing] does not partly explain [Jones cannot do otherwise].

I have offered two cases in support of *EEP*. Many more could be given. I thus hope to have shown that, in the absence of counterevidence, we should accept this principle. Now, the truth of *EEP* is significant since, as I will now show, it establishes the truth of (7).¹³

Suppose that (\wedge) is true in *The Voting Case*.¹⁴ Now, with respect to the question of whether [Black is present] partly explains [Jones cannot do otherwise], it is safe to assume that conditions (i) and (iii) of *EEP* are satisfied. Moreover, given (6), we may also explicitly stipulate that there is no overdetermination of explanation of [Jones cannot do otherwise].¹⁵ So condition (ii) of *EEP* is also satisfied. Now, according to *EEP*, if [Black is present] partly explains [Jones cannot do otherwise], then whatever further proposition that, in conjunction with [Black is present], fully explains [Jones cannot do otherwise], that proposition must not entail [Jones cannot do otherwise]. Plausibly, the proposition that, in conjunction with [Black is present], fully explains [Jones cannot do otherwise], is [Determinism]. But since [Determinism] *does* entail [Jones cannot do otherwise],¹⁶ *EEP* thus renders the verdict that [Black is present] does not partly explain [Jones cannot do otherwise]. So, (7) is true.

¹³ Even if *EEP* turned out to be false, there would presumably be some *other* principle that renders the correct verdicts in the two aforementioned cases. We would thus need to see if *that* principle similarly establishes the truth of (7). If, however, one is skeptical of the existence of general principles that are supposed to explain a variety of philosophical phenomena, then I may put the point this way: even if *EEP* turned out to be false, the burden is arguably upon the opponent of *PAP* to show us, under the assumption of (\wedge), what the relevant difference is between *The Voting Case* and, e.g., *The Lecture Case*, such that [Black is present] partly explains [Jones cannot do otherwise] in *The Voting Case*, but [Lisa is lecturing] does not partly explain [Jones cannot do otherwise] in *The Lecture Case*.

¹⁴ The fact that Fischer does not initially assume the truth of (\wedge) in *The Voting Case* is irrelevant to my present argument for the truth of (7).

¹⁵ Since *The Voting Case* is supposed to involve an ordinary case of causal determinism (plus Black's lurking nearby), and since Fischer (rightly) grants Goetz's point that Black (with his device and dispositions) does not *all by himself* render Jones unable to do otherwise, it should not be controversial to explicitly stipulate that there is no overdetermination of explanation of [Jones cannot do otherwise]. However, if one still objects to this stipulation, see my discussion of this issue in the next section.

¹⁶ Recall that we are presently assuming the truth of (\wedge).

One might be left with a suspicion that (7) is false since there appears to be some important difference between [Black is present] in *The Voting Case* and, e.g., [Lisa is lecturing] in *The Lecture Case*. I will now explain the source of this understandable suspicion. I concede that if (^) is false in both cases, *then* [Jones cannot do otherwise] is partly explained by [Black is present] in *The Voting Case*, but is not even partly explained by [Lisa is lecturing] in *The Lecture Case*. However, I have not been concerned here with the implications of the falsity of (^). Rather, my aim has been to defend (7), which is a claim about the implications of the *truth* of (^). So, the above difference between [Black is present] and [Lisa is lecturing] in no way undermines (7).

This completes my argument for (10), which says that the proponent of *Fischer's Improved Argument* is not rationally permitted to hold that [Black is present] even partly explains [Jones cannot do otherwise] in *The Voting Case*. Thus, the proponent of *Fischer's Improved Argument* is not rationally permitted to affirm the truth of (3ii). So, she is likewise not rationally permitted to affirm the truth of either *The Thesis* or (4).

So far, I have attempted to show that in order to arrive at (4), Fischer must establish the truth of *The Thesis*. However, within the context of arguing against the incompatibilist defender of *PAP*, (3i) and (Ci) don't establish *The Thesis*. Moreover, while *The Thesis* may be inferred from (3ii) and (Cii) (given *IRP* and *NMEP*), as I have just shown, Fischer is not rationally permitted to affirm the truth of (3ii). I now turn to why it is important to my critique of *Fischer's Improved Argument* that I grant Fischer the assumption that an overdetermination of explanation for some proposition is possible.

6. On the Overdetermination of Explanation

Fischer (2010: 330) emphasizes that “*exactly the same core argument*” can be made against *PAP* given the truth of (^). In other words, Fischer thinks that a commitment to (2) is not essential to offering a non-question begging case against the incompatibilist defender of *PAP*. While I agree with Fischer on this point, it is worth exploring why Fischer thinks this, and how this bears upon my critique of *Fischer's Improved Argument*. Consider the following remarks:¹⁷

[I]t is not at all clear that the mere fact that a prior state of the universe (together with the laws of nature) explains why Jones cannot at t₂ choose otherwise entails that no other fact can play this sort of explanatory role. Why does the explanation in terms of causal determination “crowd out” all other explanations, including the explanation in which Black plays a crucial role? (Fischer 2010: 332)

Notice that I have *not* defended (and need not defend) the position that an overdetermination of explanation of [Jones cannot do otherwise] is impossible. Indeed, as noted at the outset of this paper, I grant Fischer the assumption that an overdetermination of explanation for some

¹⁷ Fischer's employment of the term 'explains' rather than 'entails' in the passage below lends further confirmation to (3ii) being the correct and charitable interpretation of (3).

proposition is possible. As an incompatibilist defender of *PAP*, I consider the following scenario to be one in which there is an overdetermination of explanation of [Jones cannot do otherwise]:

The Overdetermination Case Everything that obtains in *The Voting Case* obtains in this case, except that Black, and his device and dispositions, are deleted. Moreover, Jones' choice at t2 is causally overdetermined: first, Jones' choice at t2 is deterministically caused in exactly the same way it is caused in *The Voting Case*. Let us suppose that both in this case and in *The Voting Case* Jones' choice is deterministically caused by some belief-desire pair (henceforth '*BD*') that belongs to Jones. Second (and in addition), Jones' choice at t2 is deterministically caused in this case by an electromagnetic field, whereby this electromagnetic field and *BD* are mereologically and causally independent of one another.

Here are abbreviations for the following two propositions:

[*BD*] =_{df} [*BD* deterministically causes Jones' choice at t2]

[Electromagnetic field] =_{df} [The electromagnetic field deterministically causes Jones' choice at t2]

Given the truth of (\wedge), [*BD*] fully explains [Jones cannot do otherwise]. But this does not crowd out the possibility of other such explanations. Indeed, [Jones cannot do otherwise] is *also* fully explained by [Electromagnetic field]. Moreover, notice that this verdict is perfectly consistent with *EEP*, which is only concerned with scenarios in which there is *no* overdetermination of explanation for some proposition.

Can Fischer show that there *is* an overdetermination of explanation of [Jones cannot do otherwise] in *The Voting Case* in order for *EEP* not to apply to *The Voting Case*? Well, Fischer would presumably have to show that [Black is present] fully explains [Jones cannot do otherwise], and that some further proposition also fully explains [Jones cannot do otherwise]. But, as previously noted in support of (6), Fischer (2010: 323–325) concedes Goetz's (2005: 85) point that Black's presence, device, and dispositions *in themselves and apart from causal determinism* do *not* render Jones unable to avoid ϕ -ing.

Of course, *The Voting Case* could be modified in such a way that Jones' voting decision is *causally* overdetermined, thus guaranteeing that there *is* an overdetermination of explanation for Jones' voting decision. One may simply consider a case just like *The Voting Case*, except that (like *The Overdetermination Case*) Jones' voting decision is deterministically caused both by a belief-desire pair *and* an electromagnetic field. Call this case ***The Voting Case****.¹⁸ If Fischer were to replace *The Voting Case* with *The Voting Case**, then *EEP* would no longer apply, since this principle only concerns cases in which there is no overdetermination of explanation of [Jones cannot do otherwise]. However, replacing *The Voting Case* with *The Voting Case** is a

¹⁸ Unlike *The Overdetermination Case*, in *The Voting Case** it is true that [Black is present].

false hope. For, if [Black is present] does not even partly explain [Jones cannot do otherwise] in *The Voting Case*, then it is surely safe to assume that the same holds for *The Voting Case**. Surely, adding in an electromagnetic field that deterministically causes Jones' voting decision cannot suddenly make it the case that [Black is present] even partly explains [Jones cannot do otherwise].

We have thus seen that if Fischer were to run exactly the same core argument with (^) rather than (2), I would not object to such an argument on the grounds that an overdetermination of explanation of [Jones cannot do otherwise] is impossible. Rather, I would argue, as I already have, that premise (8) is true: if (^) is true, then [Black is present] does not even partly explain [Jones cannot do otherwise] in *The Voting Case*. So, if the proponent of *Fischer's Improved Argument* replaces (2) with (^), then (3ii) is false. Moreover, these results are perfectly consistent with the assumption that an overdetermination of explanation of [Jones cannot do otherwise] is possible.

7. Conclusion

Within the context of *Fischer's Improved Argument* being directed at an incompatibilist defender of *PAP*, I have argued for the following: in order to establish (4), one must establish *The Thesis*. But premises (3i) and (Ci) of *The First Avenue* don't establish *The Thesis*. Next, while premises (3ii) and (Cii) of *The Second Avenue* do establish *The Thesis* (under the constraints of *IRP* and *NMEP*), the proponent of *Fischer's Improved Argument* who accepts (2) is not rationally permitted to affirm the truth of (3ii). Moreover, if (2) is replaced with (^), then (3ii) is false. I have argued for these claims while granting Fischer two assumptions that only render a defense of *PAP* more difficult. The first assumption was that the opponent of *PAP* need not establish the truth of *IRR*, and the second one was that an overdetermination of explanation for some proposition is possible.

Now, in fairness to Fischer, I wish to emphasize that if the proponent of *Fischer's Improved Argument* were to replace (2) with the assumption that (^) is *false*, then a compatibilist defender of *PAP* must arguably give up her position. This is due to the fact that, if (^) is false in *The Voting Case*, then [Jones cannot do otherwise] still appears to be true, and [Black is present] appears to partly explain the truth of [Jones cannot do otherwise], despite being irrelevant* to Jones' moral responsibility for his voting decision. So, if Fischer replaces (2) with the *falsity* of (^), *Fischer's Improved Argument* is arguably successful against a *compatibilist* defender of *PAP*. However, I have only been concerned with showing that the *incompatibilist* defender of *PAP* can successfully rebut *Fischer's Improved Argument*.

Appendix: Palmer's Objection

Palmer (2014) thinks that the inference from (3) to (4) is unwarranted because he rejects (C). Palmer argues against (C) by entertaining and then in turn undermining a variety of principles that, if true, would seem to support (C). I am not convinced that Palmer has refuted all such

principles. More specifically, I do not think Palmer has refuted the following principle that, if true, would seem to support (C) (given the truth of (3)):

(IP-W) If a fact is irrelevant to the causal explanation of a person's action, then that fact is irrelevant to *whether or not* that person is morally responsible for her action (Palmer 2014: 3856).

Palmer thinks that (IP-W) is false because it is subject to the following alleged counterexample:

Modified-promise-breaker Suppose that Jones finds himself with an irresistible desire to decide to break his promise...[and] Jones is a moral person. So, upon finding himself with this desire, Jones tries his very best to resist it. However, despite trying his very best to resist the desire, he eventually succumbs to it and decides to break his promise (Palmer 2014: 3857).

The idea is that Jones' trying his very best to resist his desire to decide to break his promise is irrelevant to the causal explanation of Jones' decision to break his promise. However, Jones' trying his very best to resist his desire to decide to break his promise *is* intuitively relevant to whether or not Jones is morally responsible for his decision to break his promise. More specifically, Jones is intuitively *not* morally responsible for his decision to break his promise at least partly *because* he tried his very best to resist the desire to decide to break his promise. So, according to Palmer, (IP-W) is false.

Before addressing *Modified-promise-breaker*, I will precisify (IP-W) in two ways in order to stay clear of potential ambiguities. First, decisions are plausibly basic mental actions; they are things we do not in virtue of doing anything else. Second, the kind of basic desert moral responsibility with which *PAP* is concerned is *non-derivative* (or direct) as opposed to derivative (or indirect). With these two considerations in mind, let's reformulate (IP-W) in the following manner:

(IP-W*) If a fact is irrelevant to the causal explanation of a person's basic mental action, then that fact is irrelevant to *whether or not* that person is non-derivatively morally responsible for her basic mental action.

There is nothing objectionable about precisifying (IP-W) in the above manner given that (IP-W*) likewise supports (C)—a proposition which itself concerns non-derivative moral responsibility for the performance of a basic mental action. For, recall that *FSCs* are meant to show that Jones is non-derivatively morally responsible for performing a basic mental action that he could not have avoided.

Now, once we focus on (IP-W*) which explicitly concerns basic mental actions, it is initially puzzling as to how *Modified-promise-breaker* is supposed to falsify (IP-W*). After all, *Modified-*

promise-breaker involves Jones' *doing* something (viz. trying to resist his desire) before Jones decides to break his promise, which, *ex hypothesi*, is not something Jones does in virtue of doing anything else. So, how could Jones' trying to resist his desire be relevant to whether or not Jones is non-derivatively morally responsible for his decision to break his promise?

Perhaps Jones' trying to resist his desire is relevant to whether or not Jones is non-derivatively morally responsible for deciding to break his promise *at a particular time*. However, Jones' trying to resist his desire *is* relevant to the causal explanation of the *time* at which Jones decides to break his promise. So, irrespective of whether we focus on Jones' decision to break his promise *simpliciter* or whether we focus on the *time* at which Jones decides to break his promise, *Modified-promise-breaker* does not appear to be a counterexample to (*IP-W**). In order to see this more clearly, I suggest fleshing out *Modified-promise-breaker* in the following manner:

Modified-promise-breaker* Although it is up to Jones whether to refrain from deciding to break his promise from t1–t4, if Jones does not decide to break his promise at t4 or any earlier time, Jones will be causally determined by factors beyond his control to decide to break his promise at t5. Now, it so happens that from t1–t4 Jones tries to resist his desire by refraining from deciding to break his promise from t1–t4. As a result, at t5, Jones decides to break his promise, and Jones' decision is causally determined by factors beyond his control.

Two preliminary questions need to be asked in order to see whether *Modified-promise-breaker** falsifies (*IP-W**).

First question: Is Jones' refraining from deciding to break his promise from t1–t4 irrelevant to the causal explanation of Jones' decision to break his promise at t5? No. This fact *is* relevant. For, the fact that Jones refrained from deciding to break his promise from t1–t4 explains why, at t5 rather than some earlier time, Jones decided to break his promise.

Second question: Is Jones' refraining from deciding to break his promise from t1–t4 irrelevant to the causal explanation of Jones' decision to break his promise *simpliciter*? Yes. For, Jones' refraining from deciding to break his promise from t1–t4 makes no difference to whether Jones decides to break his promise *simpliciter*.

Now, *if* Jones' refraining from deciding to break his promise from t1–t4 is relevant to whether or not Jones is non-derivatively morally responsible for deciding to break his promise *simpliciter*, then (*IP-W**) is false. However, by the lights of the incompatibilist defender of *PAP*, this is *not* relevant to whether Jones is non-derivatively morally responsible for deciding to break his promise *simpliciter*. After all, it is not up to Jones whether to decide to break his promise *simpliciter*. So, by the lights of the incompatibilist defender of *PAP*—whom Palmer is defending—no matter at which time Jones decides to break his promise, Jones is not non-derivatively morally responsible for deciding to break his promise *simpliciter* in *Modified-promise-breaker**.

To be clear, the incompatibilist defender of *PAP* can still maintain that if Jones had instead decided at t_4 to break his promise, then Jones would have been non-derivatively morally responsible for deciding *at t_4* to break his promise. Indeed, along with Ginet (1996) and Franklin (2011b), Palmer (2011; 2013) himself defends this position.¹⁹ However, this position is consistent with (*IP-W**).²⁰

To conclude, I offered a reason to doubt that *Modified-promise-breaker* undermines (*IP-W**). Moreover, I have tried to flesh out the details of *Modified-promise-breaker* in order to further strengthen such doubt. Hence, unless we are given some new reason to reject (*IP-W**), the incompatibilist defender of *PAP* has good reason to accept (*IP-W**) since it is *prima facie* plausible. So, it appears that *Fischer's Improved Argument* can successfully resist Palmer's objection.

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¹⁹ For a critique of this approach to moral responsibility that focuses on the time at which an action is performed, see Hunt and Shabo (2013).

²⁰ Alternatively, the incompatibilist defender of *PAP* could maintain that if Jones had instead decided at t_4 to break his promise, then Jones would have been *derivatively* morally responsible for deciding to break his promise *simpliciter* in virtue of being *non-derivatively* morally responsible for deciding to break his promise *simpliciter* on his own (Robinson 2012). This position is also consistent with (*IP-W**).

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