**The Zygote Argument Is Still Invalid: So What?**

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1. **Introduction**

In “The Zygote Argument is Invalid: Now What?” (2015b), Kristin M. Mickelson argues that Alfred Mele’s original Zygote Argument (Mele 2006, 2008, 2012) is invalid: its two premises tell us merely that the truth of determinism is (perhaps spuriously) *correlated* with the absence of free human agents, but the argument nonetheless concludes with a specific *explanation* for that correlation, namely that deterministic laws (of the sort described by determinism)preclude*—*rule out, destroy, make impossible, conflict with, rob people of—free will. As such, the original Zygote Argument is deductively invalid (in classical logic), and to infer the Zygote Argument’s explanatory conclusion from its two premises is to commit the *cum hoc*, *ergo propter* (with this, therefore because of/on account of this) fallacy.

 In a recent essay, Gabriel De Marco (2016) grants that the original Zygote Argument is invalid for the reasons that Mickelson has identified, and claims that he has developed two new solutions to my objection. In this essay, I argue that both of his proposed solutions fail. The first fails as a “rescue” because it merely repeats (in slightly different jargon) a candidate solution that Mickelson proposed in Mickelson 2015b. The second solution fails because it consists in an invalid variant of the original Zygote Argument.

 This essay as four main sections. I begin (S2) with a brief overview of the traditional problem of free will and determinism, the problem that the Zygote Argument purports to solve. I then address De Marco’s first reply (S3) and second reply (S4) to my invalidity objection in turn. I close (S5) by identifying the role that covert best-explanation reasoning plays in De Marco’s second solution and offering a few reflections on the current state of the free-will debate.

**2. The Problem of Free Will and Determinism**

The traditional problem of free will and determinism has two basic components, the *correlation problem* and the *explanation problem* (Mickelson 2019a, 2019b, forthcoming). The correlation problem is the familiar challenge of settling the answer to this simple question: Is it metaphysically possible for a normal human to exercise free will when determinism is true? Free-will theorists have been deeply divided by this question for millennia, with many insisting that the answer is “yes” while others insist that the answer is “no.” Since a “no” answer is a commitment to the view that it is impossible for free human agents to exist in a world with deterministic laws (of the sort described by determinism), i.e. to the view that these two phenomena are *incompossible*, let us refer to the “no” answer as an *incompossibility solution* to the correlation problem. By contrast, a “yes” answer will be a *compossibility solution*.

Despite superficial appearances, the (in)compossibility debate is not simply a dispute about the modal distribution of free human agents. Rather, this debate is philosophically interesting because it is a debate about the nature of free will itself: anyone who finds the incompossibility solution intuitive has thereby discovered that, by their intuitive lights, any successful account of free will must include (at least) one necessary condition which is impossible for a human to satisfy when determinism is true. Those who find the compossibility solution satisfying are, thereby, denying that there is any such desideratum on a successful account of free will. As such, the (in)compossibility dispute can be understood both as fundamental dispute about the nature of free will and, so, a dispute about the standards by which a candidate account of free will should be judged.

 Although an incompossibility solution to the correlation problem is interesting and dialectically significant in its own right, it also raises a new and challenging *explanation problem*. This explanation problem consists in two closely related challenges:

***The Unmet Condition Challenge* (E1)**: Identify the necessary condition C on free will which humans cannot satisfy when determinism is true.

***The Condition-Underminer Challenge* (E2)**: Identify what keeps normal humans from satisfying condition C when determinism is true.

In order to solve (E2), one must identify the precise features/factors of normal humans and/or their environment which make it impossible for a person to satisfy the necessary condition named in the solution to (E1).

 Candidate solutions to (E1) are usually divided into three main categories: *could-have-done-otherwise* conditions (a.k.a. *leeway* conditions), *source* conditions, and *hybrid* conditions according to which an ability to do otherwise is what allows one to satisfy the source condition on free will. Since it is safe to assume these types of solutions to (E1) are already familiar to the target audience of this essay and they play no role in the present discussion, I will not review them here.[[1]](#footnote-1)

Within the mainstream free-will literature, philosophers do not have any standardized categories for candidate solutions to (E2). However, we can remedy this by importing into our discussion the three basic categories of “luck” introduced by Thomas Nagel in his early work on the paradox of moral luck.[[2]](#footnote-2) Following Nagel, I will use the phrase “due to luck” as shorthand for “due to factors beyond one’s control.”[[3]](#footnote-3) The three standard categories of luck (i.e. factors beyond one’s control) are: *causal luck*, *circumstantial luck*, and *constitutive luck*. A person is subject to *causal luck*, as it is to be understand here, when the factors which account for the diachronic (state-by-state and moment-by-moment) evolution of the physical world—causal relations, causal laws, laws of nature, or the like—are beyond one’s control. Non-causal/actor‐extrinsic *circumstantial luck* obtains when one’s action is due, at least in part, to circumstances (events, states of affairs, etc.) external to the actor that are beyond that actor’s control. *Constitutive luck* obtains when one’s actions are due, at least in part, to constitutive properties of the actor that are beyond the actor’s control.

We can easily categorize the most familiar types of solutions to (E2) based on which of these factors beyond one’s control is doing the *work* of keeping people from acting freely. A strict *causal-luck solution* the (E2) proposes that it is impossible for humans to act freely when determinism is true *because* humans are subject to deterministic causal relations (deterministic causal laws, deterministic laws of nature, or the like). Peter van Inwagen’s Consequence Argument (van Inwagen 1983) is generally considered to be an argument for a causal-luck solution to (E2).[[4]](#footnote-4) By contrast, a strict *constitutive-luck solution* to (E2) proposes that what keeps people from satisfying the condition named in (E1) is *constitutive luck*, i.e. the barrier to free agency is that the properties which constitute the agent (at least in key mental respects) are beyond the agent’s control. For example, Galen Strawson uses the Basic Argument to defend a strict constitutive-luck solution to (E2), claiming that that is constitutive luck alone which makes people unfree—from which it follows that the causal-luck solution to (E2) is false (cf. Strawson 1994; Mickelson 2015b, 2019b).

A strict *circumstantial-luck solution* to (E2) says that it is impossible to satisfy the condition on free will named in (E1) when determinism is true *because* people lack control over certain non-causal, agent-extrinsic events which obtained prior to their actions.[[5]](#footnote-5) Usually, though, philosophers who worry about circumstantial luck do not think that it is a lack of control over past circumstances *alone* that makes a person unfree, but rather combine circumstantial luck with some other type of luck to create a *hybrid solution* to (E2). Some philosophers have suggested that a circumstantial/constitutive luck solution could be correct (cf. Latus 2001, Nagel 1986: 113–14). Others have suggested a causal/circumstantial luck solution according to which it is the combination of our lack of control over the laws and circumstances in the remote past which makes us unfree now (cf. Bailey 2012: 361).

Our review of extant solutions to (E2) upsets the common assumption, popular in both the free-will literature and moral-luck literature, that broadly (i.e. strict and hybrid) causal-luck solutions to (E2) are the only sort available. When it comes to the supposed incompossibility of free will and deterministic laws, there is an in-house debate among incompossibilists about whether this incompossibility is spurious (as the constitutive-luck solution proposes) or not (as a broadly causal-luck solution proposes). This means that there is nothing peculiar to the dialectical structure of the problem of free will and determinism which allows one to safely infer a causal-luck solution to (E2) from an incompossibility solution to the correlation problem; to infer the former from the latter amounts to fallacious *cum hoc, ergo propter hoc* reasoning.

The reader will note that the terms ‘incompatibilism,’ ‘compatibilism,’ ‘compatibility,’ and ‘incompatibility’ have not been used in my characterization of the traditional problem of free will and determinism. This is because there is currently no consensus among philosophers about the meaning of these terms, so anyone who uses these terms must either assign a controversial definition to them or define them in such imprecise ways that the meaning of the terms are unclear.

When pressed, most free-will specialists agree that the term ‘incompatibilism’ has traditionally picked out a broadly causal-luck solution to (E2) of the explanation problem (cf. Pereboom 2001, 2014; Vihvelin 2008, 2013; McKenna 2010: 432; Levy 2011: 1; McKenna and Pereboom 2014: 151; Carolina Sartorio 2016). This is consistent with the etymology of the term ‘incompatibilism’: this bit of jargon was apparently coined by Keith Lehrer to pick out roughly the thesis that it is *owing to determinism* that the free-will thesis is false when determinism is true.[[6]](#footnote-6) By contrast, Alfred Mele contends that he is “following standard practice” when he uses this term to name nothing beyond a mere incompossibility solution to the correlation problem. He also proclaims (without argument or evidence) that philosophers who define the term otherwise are guilty of defining the term in a “nonstandard” or “nontraditional” way (Mele 2017: 6, n. 4, and 2019: 3, n.1; Mele forthcoming).[[7]](#footnote-7) As such, Mele uses the term ‘incompatibilism’ in a substantively different way than many eminent philosophers—*including the philosopher who coined the term*.

In order to sidestep this dispute about who is “correctly” defining a bit of technical jargon, I will not use the term ‘incompatibilism’ or its cognates in this essay; I will mention them only when doing so contributes to my assessment of De Marco’s proposed solutions to the invalidity objection.

**3. De Marco’s Terms and “Initial Solution”**

Mele has presented several statements of the Zygote Argument since it was first introduced, and it will be useful to adopt an intuitive way of tracking these distinct versions/variants of his manipulation argument. With that aim in mind, I will hereafter refer to statements of the Zygote Argument by the year they first appeared in print, starting with “ZA-2006” to label the very first statement of the Zygote Argument (Mele 2006).[[8]](#footnote-8) My invalidity objection targets a later statement of the Zygote Argument that Mele put forward in response to criticisms of ZA-2006, hereafter “ZA-2012”:[[9]](#footnote-9)

 **ZA-2012:**

P1. Ernie is not [free or] morally responsible for anything he does.

P2. Concerning moral responsibility of the beings into whom the zygotes develop,

there is no significant difference between the way Ernie’s zygote comes to exist and the way any normal human zygote comes to exist in a deterministic universe.

C. So determinism precludes moral responsibility – at least for human beings who develop from normal human zygotes. (Mele 2012: 15)

ZA-2012 is invalid: its premises entail merely that it is metaphysically impossible for a normal human born from a human zygote to act morally responsibly when determinism is true, but its conclusion says that it is *owing to determinism* that people lack moral responsibility when determinism is true.[[10]](#footnote-10)

It is generally accepted that the manipulation victim in any properly designed manipulation will satisfy all epistemic conditions on moral responsibility, such that the victim lacks moral responsibility in virtue of failing the control condition (i.e. the free-will condition) on moral responsibility (cf. Mickelson 2017). For the sake of simplicity, I will assume that ZA-2012’s conclusion, like that of ZA-2006, tells us that determinism precludes—undermines, conflicts with, makes impossible—*free action* and, so, moral responsibility. So understood, we can say that ZA-2012 is invalid because its premises support only (an idiosyncratically restricted variant of) the incompossibility solution to the correlation problem, but its conclusion forwards a controversial solution to (E2) of the explanation problem.

 Having shown that ZA-2012 is fallacious, Mickelson considers two ways to improve the original Zygote Argument, saying:

[T]here are *two ways* that one might repair the argument. The simplest repair

strategy is to weaken the original conclusion so that the Zygote Argument concludes

to mere incompossibilism [i.e. the thesis that deterministic laws and free action are incompossible]. However*,* if the original, explanatory conclusion of Mele’s argument is to be defended, the Zygote Argument must be amended to include a premise that identifies deterministic laws as a freedom-undermining feature of the manipulation story. (Mickelson 2015b: 2912; my emphasis)

Here, Mickelson propose two distinct strategies for responding to the invalidity objection. First, one may hold the two premises of ZA-2012 fixed and change its solution to the incompossibility thesis entailed by those premises. For clarity, let us call any argument which results from implementing this “simplest repair” strategy a *premise-preserving solution* to the invalidity objection. Second, one may keep the premises of ZA-2012 fixed and update its premises so that they support this explanatory conclusion in order to create a variant of the Zygote Argument which is invulnerable to my invalidity objection. Let us call any argument which results from this strategy a *conclusion-preserving solution* to the invalidity objection. Notably, Mickelson argues that the only dialectically felicitous way to develop a *conclusion-preserving solution* to my invalidity objection is to supplement ZA-2012’s original premises with a best-explanation argument (Mickelson 2015b: 2912).

 Mickelson clearly worries that philosophers might be tempted to brush off her complaints about the invalidity of ZA-2012 given how easy it is to develop a new, valid variant of ZA-2012 using the premise-preserving strategy (Mickelson 2015b: 2917). To demonstrate what such a response would look like, Mickelson offers a premise-preserving variant of the Zygote Argument, hereafter “Simple Repair,” which proceeds as follows:

 **Simple Repair:**

P1. Ernie does not freely A and is not morally responsible for A-ing.

P2. Concerning free action and moral responsibility, there is no significant difference between Ernie’s A-ing and any candidate for a free and morally responsible action in a deterministic universe.

C. So no candidate for a free and morally responsible action in a deterministic

universe is a free action nor an action for which its agent is morally

responsible.

In response to the invalidity objection and Mickelson’s overview of the two response strategies,[[11]](#footnote-11) Mele adopted the following premise-preserving variant of ZA-2012, hereafter “ZA-2013”:

**ZA-2013**:

P1. Ernie is not a free agent and is not morally responsible for anything.

P2. Concerning free action and moral responsibility of the beings into whom the zygotes develop, there is no significant difference between the way Ernie’s zygote comes to exist and the way any normal human zygote comes to exist in a deterministic universe.

C. So in no possible deterministic world in which a human being develops from a normal human zygote is that human being morally responsible for anything he or she does (Mele 2013: 176).

Mele has recently reaffirmed his commitment to the premise-preserving strategy in his restatement of ZA-2013 as a *modus ponens* argument that I will call “ZA-2019”:

 **ZA-2019:**

P1. Ernie is not [a free agent or] morally responsible for anything he does.

P2. If Ernie is not [a free agent or] morally responsible for anything he does, no human being who develops from a normal human zygote in a deterministic world is morally responsible for anything he or she does.

C.So in no possible deterministic world in which a human being develops from a normal human zygote is that human being [a free agent] morally responsible for anything he or she does. (Mele 2019: 120-121)

ZA-2019 is, uncontroversially, a valid argument.

 Mele presents ZA-2019 in response to the worry that *ZA-2013* is invalid.[[12]](#footnote-12) Mele’s attention to this invalidity objection is somewhat puzzling. Mele offers no evidence that any professional philosopher has had this sort of worry about the validity of his argument, nor does he mention that multiple free-will specialists (e.g. Mickelson 2015b: 2917, n.6; Sartorio 2016: 163-164) had already addressed this worry by pointing out that arguments such as ZA-2013 may be represented as *modus ponens* arguments. Moreover, Mele’s attention to this relatively trivial invalidity objection to ZA-2013 might confuse the average reader, for he does not distinguish it from my invalidity objection to ZA-2012—which is noteworthy because restating ZA-2013 as ZA-2019 does not address *Mickelson’s*  invalidity objection.[[13]](#footnote-13)

To stave off needless confusion, let us draw a clear line between Mickelson’s invalidity objection to ZA-2012 and Mele’s trivial invalidity worries about ZA-2013. Hereafter, let the latter type of invalidity objection be known as *the* *logic-text objection*, since it amounts to little more than the (arguably misguided[[14]](#footnote-14)) complaint that Mele should have stated ZA-2013 as a logic-text proof in classical deductive logic from the outset (rather than leaving this simple task as an exercise for his readers). By contrast, when an argument is invalid because it fails in its aim to close the “explanatory gap” between an incompossibility solution to the correlation problem and a specific solution to (E2) of the explanation problem, I will call it an *explanatory gap objection*.[[15]](#footnote-15)

While I grant that ZA-2013 and ZA-2019 are valid arguments, I do not think that Mele has, by adopting these new variants of ZA-2012/ZA-2006, adequately responded to the explanatory gap objection. Even if sound, ZA-2013 and ZA-2019 do nothing to adjudicate between the rival candidate *explanations* for the incompossibility of deterministic laws and free human agents. Mickelson has motivated this point by demonstrating that ZA-2013 may be used as a foundation for a more sweeping generalization argument which concludes that free will is impossible and that a strict constitutive-luck solution to (E2) is *true*, from which it follows that the causal-luck solution to (E2) promoted by ZA-2012 is *false* and the conclusion of ZA-2013 expresses a metaphysically arbitrary claim (Mickelson 2015b; see also Mickelson 2017, 2019a, and 2019b). Mickelson has never proposed that ZA-2013 is invalid, unimportant, or otherwise uninteresting; she has simply pointed out that the generally overlooked fact that the premises of this argument fall short of delivering a broadly causal-luck solution, or any solution whatever, to (E2).[[16]](#footnote-16) This observation does not suggest that the Zygote Argument is unworthy of attention, but it does suggest that the underlying logical structure and upshot of manipulation arguments are poorly understood and, so, are worthy of considerably more attention than they have been given.

De Marco (2016) enters the debate at this point, claiming that he has devised two ways to “rescue” the Zygote Argument from the explanatory gap objection:

According to Mickelson, *the only way to make such arguments valid* is to supplement them with an argument that is an inference to the best explanation. In this paper, I argue that there are *two other ways* in which the proponent of such manipulation arguments can modify their argument, neither of which requires an inference to the best explanation. (De Marco, 2016, abstract; my emphasis)

*Pace* De Marco, this summary of Mickelson’s position is flawed. It is not true that she say that the *only way* to change the invalid ZA-2012 into a valid argument is to “supplement them with an argument that is an inference to the best explanation.” As already discussed, she clearly identifies *two ways* to repair ZA-2012 in the face of the explanatory gap objection in Mickelson 2015b, namely the premise-preserving strategy and the conclusion-preserving strategy. Mickelson does claim that the only way to *a conclusion-preserving solution* to the explanatory gap objection to ZA-2012 is to add a best-explanation argument, but she also explicitly describes a premise-preserving solution that does not involve best-explanation reasoning of any kind (namely, “Simplest Repair” above).

 De Marco’s mischaracterization of my position is important when we look at his “two other ways” to repair manipulation arguments which are vulnerable to the explanatory gap objection.[[17]](#footnote-17) De Marco summarizes his “initial solution” to the explanatory gap objection as follows:

For those manipulation arguments that are invalid for the reasons that Mickelson gives [i.e., those that are subject to an explanatory gap objection], as well as for the Zygote Argument, an easy fix would be to change their conclusion to the claim that *compatibilism is false*. (De Marco 2016:1624, my emphasis)

Since De Marco stipulates his own definition for the term ‘compatibilism’ in the course of his 2016 essay, it is important to note that he uses the phrase “compatibilism is false” to pick out the following incompossibility thesis:

there is no possible universe in which deterministic laws obtain and someone who is subject to the laws performs a free action (De Marco 2016: 1624).[[18]](#footnote-18)

So, piecing things together, De Marco’s “initial solution” to the explanatory gap objection consists in the following premise-preserving variant of ZA-2012, call it “Easy Fix”:

**Easy Fix**

P1. Ernie does not act freely or responsibly.

P2. With regards to free action and moral responsibility, there is no significant difference between Ernie and a standard agent in a deterministic universe.

C. So, there is no possible universe in which deterministic laws obtain and a standard agent [i.e. someone who is, among other things, subject to the laws of nature] performs a free action.[[19]](#footnote-19)

Easy Fix is a valid argument, so it may appear that De Marco’s initial solution to the explanatory gap objection is a success.

 Stepping back, however, grave problems with De Marco’s first solution become apparent. The reader will note that the terms ‘compatibility,’ ‘incompatibility,’ ‘incompossibility, ‘compatibilism,’ ‘incompatibilism,’ and ‘incompossibilism’ do not appear in anyof the statements of the Zygote Argument we have considered so far, i.e. ZA-2006, ZA-2012, ZA-2013, ZA-2019, Simple Repair, and Easy Fix. As such, how one defines *these* *terms* is completely irrelevant to the validity of *these* *arguments*. By extension, how one defines the aforementioned terms is also irrelevant when assessing which of these manipulation arguments is vulnerable to an explanatory gap objection. It is irrelevant, then, that De Marco refers to the incompossibility thesis stated in the conclusion of Easy Fix by using the phrase “compatibilism is false” while Mickelson prefers the phrase “incompossibilism is true.” This means that we can safely set aside De Marco’s disapproval of Mickelson’s preferred labelling system[[20]](#footnote-20) and refocus on De Marco’s claim that Easy Fix constitutes a new solution to the explanatory gap objection to ZA-2012.

Once we focus on the propositional content of De Marco’s Easy Fix, the differences between it and my Simple Repair disappear: the two arguments are constituted by the same three propositions presented in the same logical form. Simply put, Easy Fix and Simple Repair *are the same argument*.[[21]](#footnote-21) It follows that De Marco’s first solution to the explanatory gap objection is a nonstarter.[[22]](#footnote-22)

**3. De Marco’s Second Solution**

In De Marco’s second response to the explanatory gap objection, he takes up a conclusion-preserving strategy. De Marco agrees that the original Zygote Argument’s explanatory conclusion *may* be defended by adding a best-explanation argument to the premises of the original Zygote Argument (De Marco 2016: 1627), but he rejects Mickelson’s proposal that best-explanation reasoning is *required* to felicitously fill the explanatory gap between an incompossibility solution to the correlation problem and a specific solution to (E2) of the explanation problem (De Marco 2016: 1625). Rather than identifying a flaw in the argument Mickelson uses to support this proposal (Mickelson 2015b: 2912), De Marco proposes a counterexample in the form of a new variant of the Zygote Argument.

De Marco claims that a conclusion-preserving variant of the original Zygote Argument can be created without using best-explanation reasoning by adding a third premise which asserts that *free-will possibilism* is true, i.e. that it is metaphysically possible for someone to act freely (De Marco 2016: 1625-1626). De Marco does not provide a simple statement of this new manipulation argument, but the argument he describes, call it “ZAP-2016,” may be summarized as follows:

**ZAP-2016**

P1. Ernie does not freely A and is not morally responsible for A-ing.

P2. Concerning free action and moral responsibility, there is no significant difference between Ernie’s A-ing and any candidate for a free and morally responsible action in a deterministic universe.

**P3.** **Possibilism**: **Possibly, someone (some metaphysically possible being) performs a free action for which he is morally responsible.**

C. So, determinism precludes—rules out, makes impossible, destroys, prevents the exercise of—free will and moral responsibility, i.e. it is impossible for someone who is subject to deterministic laws of nature to exercise free will and moral responsibility (at least in part) *because they are subject to deterministic laws of nature.*

ZAP-2016 is uncontroversially invalid. Like ZA-2012, there is an explanatory gap between the proposition that is entailed by the premises and the proposition that is expressed by the conclusion.

Since ZAP-2016’s invalidity is not immediately obvious to everyone, some commentary on its invalidity is called for. The reader will note that ZAP-2016’s premises entail that possibly, someone exercises free will in a universe *without* deterministic laws, but they do not tell us *why* no one acts freely in universes *with* deterministic laws. For all that is said in the premises of this argument, it may simply be a *brute fact* that no humans act freely when determinism is true. This means that although ZAP-2016 was specifically introduced to solve the explanatory gap objection ZA-2012, it nonetheless succumbs to it: the relevance-relation-affirming “because” clause in ZAP-2016’s conclusion does not follow from the argument’s three premises. ZAP-2016 is deductively invalid and to infer its conclusion from its premises is to commit the *cum hoc, ergo propter* *hoc* fallacy.

Since there are norms and narratives in place which make it easy for free-will theorists to overlook—or at least think it is wise to ignore—the fallacious reasoning found in arguments such as ZA-2012 and ZAP-2016, it will be useful to more fully expose the invalidity in ZAP-2016’s underlying logical form. In giving ZA-2016, De Marco is *de re* proposing that the conjunction of possibilism and the incompossibility solution to the correlation problem guarantees that a broadly causal-luck solution to (E2) is correct—and, by extension, that all rival solutions to (E2) are incorrect. As such, we may summarize De Marco’s commitments by restating ZAP-2016 as follows, hereafter “ZAP-2020”:

**ZAP-2020**

P1. The incompossibility solution to the correlation problem is true (assuming that

both premises of the original Zygote Argument are true).

P2. Possibilism, the view that free will is metaphysically possible, is true.[[23]](#footnote-23)

C. A broadly causal-luck solution to (E2) of the explanation problem is correct; non-causal solutions, such as the strict constitutive-luck solution, are incorrect.

De Marco implies that there is no value in calling the substantively difference propositions expressed in P1 and C of ZA-2020 by different names (De Marco 2016: 1623-1624). This is surprising, since he grants that it is fallacious to infer C from P1 alone (this is why ZA-2012 is invalid). By contrast, Mickelson suggests that the propositions expressed in C and P1 should be given distinct names on the grounds that free-will theorists otherwise tend to conflate them and overlook the fact that it is fallacious to infer C from P1. Specifically, she contends that the term ‘incompossibilism’ is an apt name to pick out the incompossibility thesis stated in P1, and the introduction of a new term for P1 allows us to continue using ‘incompatibilism’ (as it traditionally has been) to name the explanatory thesis stated in C.

Using Mickelson’s terminology, we can give an even more incisive summary the underlying structure of ZAP-2016 and ZA-2020, an argument I will call the “Core Argument”:*[[24]](#footnote-24)*

**The Core Argument** [[25]](#footnote-25)

P1. Possibilism[[26]](#footnote-26)

P2. Incompossibilism[[27]](#footnote-27)

C. So, Incompatibilism[[28]](#footnote-28)

The premises of the Core Argument entail that possibly, someone exercises free will in a universe *without* deterministic laws,[[29]](#footnote-29) but they do not tell us why someone cannot act freely in universes *with* deterministic laws (of the specific sort described by determinism). The premises of the Core Argument do not tell us that deterministic causation or deterministic laws, *qua* being deterministic, pose a direct threat to free will. Nor do the premises of the Core Argument tell us that there is something special about the subset of metaphysically possible beings *who are subject to the laws* which make them unfree.[[30]](#footnote-30) That is, the premises of the Core Argument do not indicate that the “subject to the laws” constraint on premise 2 tracks a freedom-relevant feature of agents; for all that said in premise 2, this scope restriction on the conclusion is completely arbitrary.[[31]](#footnote-31) In other words, the premises of the Core Argument do not tell us whether it is *relevant* to one’s ability to act freely that one is (or is not) subject to the law, yet the conclusion clearly asserts that it is partly *because* people are subject to the laws that they lack free will. In other words, there is still a sizable explanatory gap between the precise explanatory claim expressed in the Core Argument’s conclusion and the more modest conclusion entailed by the Core Argument’s premises. The Core Argument is subject to the explanatory gap objection—and, by extension, so is ZAP-2016 and ZAP-2020.

Having seen that ZAP-2016 is patently subject to the same type of explanatory gap objection as the original Zygote Argument, De Marcos’ second attempt to rescue Mele’s argument from the explanator-gap objection does not merely fall short of its aims; it falls short of qualifying as a viable attempt to address the problem. Moreover, since ZAP-2016 is invalid, this argument does not, *pace* De Marco, give us “reason to reject Mickelson’s thesis that such arguments need to be supplemented with an inference to the best explanation in order to be valid” (De Marco 2016: 1625).[[32]](#footnote-32) Indeed, De Marco provides the reader with no reason to question Mickelson’s argument for the claim that closing the explanatory gap between mere incompossibilist views and candidate solutions to (E2)—at least in the context of manipulation arguments—requires a best-explanation argument.

**5. Minimizing vs. Closing the Explanatory Gap**

Although De Marco’s conclusion-preserving solution technically fails, the reader might think that it still adequately addresses the explanatory gap objection: adding the assumption of possibilism to the incompossibility thesis does not *close* the explanatory gap between an incompossibility solution to the correlation problem and a causal-luck solution to (E2) of the explanation problem, but perhaps it *minimizes* the gap to the point that it is no longer worrisome. After all, if possibilism is true and so is the incompossibility thesis, what other thandeterministic laws could account for the lack of free human agents in deterministic universes? What *better explanation* could there be?

 This question is worth raising because it exposes the problem with De Marco’s claim that he does not partake in best-explanation reasoning by adding the assumption of possibilism to the premises of ZA-2012:

Notice that nothing of what I have said above [in constructing ZAP-2016] amounts to an inference to the best explanation. Adding C [the assumption of possibilism] to the Zygote Argument, or to manipulation arguments for incompatibilism [i.e. arguments for a broadly causal-luck solution to (E2) of the explanation problem], would not thereby make it a best explanation argument, nor would it need to be supplemented by one. (De Marco 2016: 1626)

Contrary to what De Marco’s commentary implies, there is more to a best-explanation argument than asserting a speculative explanatory claim. Among other things, one must build up a case for one’s preferred explanation by carefully considering viable alternative explanations and showing that one’s preferred explanation is *better* than its rivals.

Instead of taking up this difficult work (cf. Mickelson 2019a, 2019b), De Marco takes a dialectical shortcut: adding possibilism to the premises of ZA-2012 allows him to *reject out of hand* a swath of explanatory claims which imply that free will is impossible for reasons which have nothing whatever to do with the laws of nature. For instance, Mickelson demonstrates that ZA-2013 may be used as the foundation for a manipulation which supports the conclusion that G. Strawson’s constitutive-luck solution to (E2) of the explanation problem is correct, *and broadly causal-luck solutions are false* (Mickelson 2015b: 2923). To assume that possibilism is true, however, is to assume that G. Strawson’s preferred explanation for the impossibility free will—and, a fortiori, an explanation for its spurious incompossibility with *every possible phenomena* (from fluffy kittens to atom bombs)—is false.

In the light of the discussion above, the dialectical role played by ZAP-2016’s possibilism-affirming premise is now clear: this premise rules out all extant candidate solutions to (E2) which conflict with traditional causal-luck solutions to (E2).[[33]](#footnote-33) By adding possibilism to the premises of ZA-2012, De Marco clears away rivals to the broadly causal-luck explanation for the incompossibility without having to engage with them. He thereby clears the way for *a best-explanation inference* to the conclusion that deterministic laws undermine human free will. *Pace* De Marco, then, adding possibilism to the premises of the original Zygote Argument to create an argument incompatibilism (i.e. a broadly causal-luck solution to (E2) of the explanation problem) is to engage in a type of best-explanation reasoning after all.[[34]](#footnote-34)

 Moreover, as the careful reader may have already noticed, adding possibilism to the premises of ZA-2012 (i.e. to the assumption that the incompossibility solution to the correlation problem is correct) is, in effect, to assume that some *libertarian-friendly account of free will* is correct.[[35]](#footnote-35) By “libertarian-friendly,” I simply mean those accounts of free will which include at least one necessary condition which *cannot* be satisfied by a normal human when determinism is true, but *can* be satisfied (along with all the other necessary conditions on free will) when determinism is false. De Marco gives us no reason to think that it is dialectically felicitous to assume that a libertarianism-friendly account of free will is correct in a manipulation argument for incompatibilism. That is, De Marco gives us no reason to suppose that it is dialectically felicitous to assume that some libertarian-friendly solution to (E1) of the explanation problem is correct in an argument which purports to show that an incompossibility solution to the correlation problem is true, i.e. that all compossibility-friendly accounts of free will are false.

At precisely what point in the unfolding of a manipulation argument—if any—is it dialectically felicitous for a philosopher to appeal to their preferred libertarian-friendly account of free will to make their case for the causal-luck solution to (E2) and against, for instance, the constitutive-luck solution? Is a broadly causal-luck explanation for the incompossibility of free will and deterministic laws available only to those who are *already committed* to the truth of a specific libertarian-friendly view of free will?[[36]](#footnote-36) Can defenders of *any* type of libertarian-friendly account of free will (e.g. both event-causal and agent-causal views) accept the premises and conclusion of the Fundamental Argument, or only a subset? That is, can those who embrace a libertarian-friendly account of free will argue for a broadly causal-luck solution to (E2) of the explanation problem without begging the question against both those philosophers who accept a compossibility solution to the correlation problem and also those impossibilists who (like G. Strawson) reject libertarian-friendly accounts of free will? Does this discussion of the Zygote Argument have connections to the similar on-going disputes about the Consequence Argument, e.g. that it is question-beginning (cf. Fischer and Pendergraft 2013) and that it may not (contrary to popular billing) support *any* specific solution to (E2) of the explanation problem (cf. Campbell 2007: 111)[[37]](#footnote-37)? These fruitful new questions are raised by the explanatory gap objection, and their answers are by no means obvious. Since De Marco aims to trivialize the explanatory gap objection when he claims that it easily answered and rests upon distinctions that are not worth “fussing” over, he overlooks the interesting questions and fruitful new lines of inquiry that this objection have opened up.

1. **Conclusion**

In this essay, I have argued that both of De Marco’s proposed solutions to Mickelson’s explanatory gap objection are nonstarters. De Marco’s “initial solution” describes a successful premise-preserving solution to the objection but it cannot be credited to him: he merely repeats—using his own preferred and arguably problematic jargon—a type of premise-preserving solution that Mickelson had already identified and Mele had already adopted. De Marco’s second solution consists in an invalid variant of the Zygote Argument which, like Mele’s original argument, is subject to the explanatory gap objection. Finally, De Marco failed to see that best-explanation reasoning plays a covert role in making his new Zygote Argument appear valid. This means that De Marco fails to challenge Mickelson’s claim that there is no (non-question-begging way) to close the gap between an incompossibility solution to the correlation problem and a specific solution (e.g. broadly causal-luck solution) to (E2) of the explanation problem without using best-explanation reasoning.

If closing the explanatory gap between mere incompossibility views and views about what explains/accounts for that incompossibility were as trivial and philosophically uninteresting as many free-will specialists appear to think, then why is *fully closing the gap* between an incompossibility solution to the correlation problem and a broadly causal-luck solution to (E2) of the explanation problem proving to be so difficult? This question remains—along with many other interesting questions raised by the explanatory gap objection—unanswered. In my assessment, such questions help us to see the project of closing the explanatory gap for what it is: a surprisingly difficult and potentially illuminating philosophical challenge.

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1. For further discussion of these conditions, see McKenna and Pereboom 2016; for discussion of their important dialectical role in solving the explanation problem of free will and determinism, see Mickelson 2019a, 2019b, and “Hard Times for Hard Incompatibilism” (manuscript). [↑](#footnote-ref-1)
2. The *paradox of moral luck* was introduced in a pair of essays by Bernard Williams and Thomas Nagel (Williams and Nagel 1976). For an accessible overview of the problem of moral luck see Hartman 2017, and for a discussion of the theoretical connections between the problem of moral luck and the problem of free will and determinism, see Mickelson 2019b. [↑](#footnote-ref-2)
3. In other words, I will assume that the so-called “lack of control” account of luck captures the notion of luck which is central to the moral‐luck debate (cf. Anderson 2019, Hartman 2017, 23–31, Statman 2019). [↑](#footnote-ref-3)
4. However, the conclusion of the Consequence Argument is a growing matter of dispute in the wake of Joseph Campbell’s “No Past Objection” to the Consequence Argument (Campbell 2007). [↑](#footnote-ref-4)
5. Carolina Sartorio (2015) comes close to proposing a strict circumstantial-luck solution in her discussion of backward‐moving time travelers insofar as she suggests that their causal control over the past might allow them to be free even though we (as non‐time‐travelers) are not. [↑](#footnote-ref-5)
6. Lehrer has confirmed (in conversation and correspondence) that incompatibilism (as he understands it) is an explanatory view which is not fully captured by the inconsistency thesis *that necessarily, determinism materially implies the negation of the free-will thesis*, nor is it captured by the incompossibility thesis *that free will is incompossible (for unspecified reasons) with the sort of causal laws described by determinism*. This amends the etymological claim made in Mickelson 2015b, but lends support to the explanatory characterization of ‘incompatibilism’ that I endorse. [↑](#footnote-ref-6)
7. *Pace* Mele, has not consistently used this definition of ‘incompatibilism.’ First, Mele uses the standard ambiguous definitions of ‘compatibilism’ and ‘incompatibilism’ (such that *compatibilism* as the view that free will is *compatible* with determinism and *incompatibilism* as the view that free will is *incompatible*, where the nature of the compatibility and incompatibility relations is left undefined) at the outset of the monograph in which the Zygote Argument was introduced (Mele 2006: 1; see also Mele 1995: 9). Second, Mele uses ‘incompatibilism’ as Pereboom does (i.e. in the explanatory, etymological sense) when criticizing Pereboom’s manipulation argument, Mele’s conclusion that Pereboom’s argument “fails as an argument for incompatibilism” is untenable when ‘incompatibilism’ picks out a mere incompossibility claim (cf. Mele: 2005, 2006: 144). The ways in which Mele accepts/promotes different definitions of the term ‘incompatibilism’ in different dialectical contexts makes him vulnerable to a charge of fallacious motte-and-baileying, a charge I develop elsewhere (“Motte-and-Bailey Incompatibilism,” manuscript). [↑](#footnote-ref-7)
8. Mele used the shorthand “ZA” as the specific name for ZA-2006 and has since introduced labels such as “ZAM” and “ZAM2” for new variant of the argument. I prefer a labelling strategy that makes the timeline of the changes evident. [↑](#footnote-ref-8)
9. Mele calls ZA-2012 by the label “ZAM” and uses the same label for ZA-2013; in Mickelson 2015b, “ZAM-1” is the label for ZA-2012, and “ZAM-2” the label given to ZA-2013. It is not clear to me that we should grant that ZA-2012 is the same argument as ZA-2006 for reasons I discuss in “Hard Times for Hard Incompatibilism” (manuscript). However, I will grant Mele’s claim that ZA-2012 is just a clearer statement of ZA-2006, from which it follows that any substantive criticism of ZA-2012 applies equally to ZA-2006. [↑](#footnote-ref-9)
10. In a footnote, De Marco says that “some” might dismiss Mickelson’s claims that OZA is invalid by simply rejecting her interpretation of ‘precludes’ (De Marco 2016: 1623, fn.4). Perhaps so, but such a claim is neither an argument against the accuracy of Mickelson’s interpretation nor a defense of OZA’s validity. Speaking against such a dismissal is that Mickelson’s interpretation is consistent with both the lexical definition of ‘precludes’ and Mele’s use of the term (e.g. Mele 2017: 146, 148, 177; 2013: 18; 1995: 18).

 More carefully, Pereboom describes the argument he gives for the explanatory conclusion of the Four-case Argument as a best-explanation argument, but whether the reasoning he provides is, properly speaking, *abductive* reasoning is a matter of dispute (cf. Mickelson “Hard Times for Hard Incompatibilism,” manuscript). [↑](#footnote-ref-10)
11. Mickelson first presented the invalidity objection and my two response strategies in 2012 while serving as a commentator on Mele 2012 at CEU’s *Workshop on The Manipulation Argument* (<https://philosophy.ceu.edu/events/2012-06-07/workshop-manipulation-argument>). Mele’s premise-preserving solution appears in the published version of this essay, Mele 2013. [↑](#footnote-ref-11)
12. In Mickelson 2015b, ZA-2013 has the label “ZAM-2”. Since Mele now uses the label “ZAM2” for ZA-2019, I do not follow the Mickelson 2015b labelling system here. [↑](#footnote-ref-12)
13. This is not a merely theoretical concern: in my role as co-editor of an upcoming volume on free will, I received a manuscript which mistakenly stated that Mickelson’s invalidity objection targeted arguments with the logical form of ZA-2013. [↑](#footnote-ref-13)
14. The underlying logical structure of most manipulation (a.k.a. multiple-case) arguments is not deductive, so representing them as *modus ponens* arguments may generate needless confusion about the overall logical structure and conclusion of manipulation arguments (cf. Mickelson 2015b, 2019a, “Hard Times for Hard Incompatibilism,” manuscript; see also Pereboom 2014: 79, n.3). [↑](#footnote-ref-14)
15. Notably, Mele’s critique of Pereboom’s Four-Case Argument also qualifies as an explanatory gap objection, for Mele claims that the argument “fails as an argument for incompatibilism” on the grounds that Pereboom fails to defend his preferred diagnosis for the incompossibility of free will and determinism (Mele 2005, 2006, 2008; Mickelson “Motte-and-Bailey Incompatibilism,” manuscript). [↑](#footnote-ref-15)
16. Although Mele has made no comments on the matter in print, he has publicly stated that he is uninterested in what accounts for/explains the lack of free agency when determinism is true, i.e. he is uninterested in which solution to (E2) of the explanation problem is correct, and this is why he is unconcerned by the modesty of ZA-2013’s conclusion. De Marco echoes Mele’s position when he claims “Whether these [manipulation] arguments prove incompatibilism or incompossibilism is not very important for the debate” (De Marco 2016: 1624). [↑](#footnote-ref-16)
17. A person could fail to correctly identify Mickelson’s two replies but still successfully present two novel solutions (i.e. solutions not already in print), but this is not what De Marco has done. [↑](#footnote-ref-17)
18. De Marco also states, “I suggest that we take ‘compatibilism’ and ‘compossibilism’ to refer to the same thesis: the negation of incompossibilism” (De Marco 2016: 1624). [↑](#footnote-ref-18)
19. This argument is based on De Marco’s characterization of the “standard form” of manipulation arguments (De Marco 2016: 1623). [↑](#footnote-ref-19)
20. De Marco’s criticisms of my proposed taxonomy of free-will views does not take into account the literature devoted to the difficult project of identifying the best taxonomy of free-will views (especially discussion of Kadri Vihvelin’s “three-fold classification” found in Vihvelin 2008 and 2013, McKenna 2010, and Mickelson 2015a; see also Mickelson forthcoming), or the criticisms of the type of impoverished taxonomy of free-will views that De Marco adopts which is discussed therein. As such, he does not meet his argumentative burden in proposing that his use of jargon is superior to mine. [↑](#footnote-ref-20)
21. Moreover, it is overdetermined that Easy Fix is not a novel reply to the explanatory gap objection: Easy Fix differs only slightly from ZA-2013, so even if (counterfactually) I had not beaten De Marco to the punch, Mele clearly did. [↑](#footnote-ref-21)
22. This claim rests upon the assumption that one does not give *a* *new argument* simply by assigning *a new label* to the proposition expressed in the conclusion of an extant argument. My thanks to a blind referee (at another journal) for revealing that some philosophers reject this methodological assumption and, thereby, that I should make my commitment to this assumption explicit. [↑](#footnote-ref-22)
23. Support for P2 of ZAP\* may be given as follows:

(i) Ernie is not free (or morally responsible) for anything he does (as supported by the intuitive response to Ernie’s life story).

(ii) Concerning free action (and moral responsibility), there is no significant difference between Ernie and anyone who is subject to deterministic laws of nature.

(iii) So, P2. [↑](#footnote-ref-23)
24. Mickelson considers views consisting in the same two-place relation but different relata. She uses incompossibilism\* and incompatibilism\* for the views mentioned here to distinguish them from views which have no scope restriction on the agents of interest. Since I gloss over these scope restrictions on the free-will relata here (although I explain why they are critical to the free-will debate in Mickelson 2019a, 2019b, forthcoming), I will also drop the asterisk. [↑](#footnote-ref-24)
25. ZAP-2020 seems to be a fair interpretation of the new Zygote Argument that De Marco has in mind. In the course of his reply, De Marco presents the following three theses:

**D**. [Incompossibilism]: Necessarily, anyone who is subject to deterministic laws is unfree.

**E**. [Incompatibilism]: D is true because these agents are subject to deterministic laws.

**N**. [Impossibilism]: Necessarily, no agent acts freely or responsibly.

De Marco contends that D entails E *on the assumption that* *N is false* (De Marco 2016: 1625), but this is not the case. [↑](#footnote-ref-25)
26. Here, ‘possibilism’ names the view that it is metaphysically possible for a normal human to act freely. [↑](#footnote-ref-26)
27. Here, ‘incompossibilism’ names the view that it is impossible for a normal human to act freely when determinism (as defined in section 2 above) is true. Given my preferred definition of ‘determinism,’ there is no reason to include a “subject to the laws” restriction in this statement of incompossibilism, for it would be redundant. This unusual restriction was rhetorically useful in the narrow context of discussing ZA-2012 because, on the natural reading of Mele’s zygote story, Diana it seems, performs a miracle relative to the laws of nature when she creates Ernie’s zygote. If this is right, then Diana is not subject to the deterministic laws which obtain in Ernie’s universe, from which it follows that traditional determinism (as defined in Section 2 above) is false. This is important, for many philosophers hold that a being who is not subject to the laws may act freely even though beings who are subject to the laws cannot (cf. Pereboom 2001, 2014; Mickelson 2019a and “Hard Times for Hard Incompatibilism,” manuscript). My “subject to the laws” restriction was a charitable way to restrict the conclusion of my restatements of the Zygote Argument so that they did not suggest that miracle-working beings like Diana lacks free will, while sidestepping a discussion of Mele’s definition of the term ‘determinism’ and the related phrase “deterministic laws.” [↑](#footnote-ref-27)
28. Here, ‘incompatibilism’ is used in the traditional way, to name the view that determinism is incompatible with—precludes, undermines, destroys, makes impossible—human free will, from which it follows that it is impossible for a normal human to perform a free action (at least in part) *because* the person is subject to the type of causation and/or laws of nature described by determinism (as the latter is characterized in Section 2 above). Notably, De Marco does not object to this use of the term ‘incompatibilism’; he simply sees no reason to “fuss” over the distinction I draw between incompatibilism (so characterized) and incompossibilism (cf. De Marco 2016: 1622-1634). [↑](#footnote-ref-28)
29. The following seems to be good reasoning:

Possibilism

Incompossibilism

Some libertarian-friendly account of free will is correct and, possibly, someone satisfies it.

I discuss the role of libertarian-friendly accounts of free will in De Marco’s argument more in the next section. [↑](#footnote-ref-29)
30. That is, there is something about the *deterministic* quality of the laws (causation, evolution, or the like) which keeps people from satisfying (at least) one of the necessary conditions on free will. [↑](#footnote-ref-30)
31. Whether one should think this scope restriction is arbitrary or not depends partly on one’s preferred account of free will (cf. Mickelson 2019a and “Hard Times for Hard Incompatibilism” (manuscript)). Since De Marco provides no discussion of the dialectical significance of this scope restriction, I will not discuss its importance here. [↑](#footnote-ref-31)
32. Moreover, the pressing question is not fundamentally about deductive validity. The issue is better seen as whether the core reasoning for incompatibilism must be best-explanation reasoning, in which case any logic-text summary of the argument is just to give a deductive façade to an argument the quality of which turns on non-deductive reasoning. (For a similar suggestion, see Pereboom 2014:78-80, n. 3). [↑](#footnote-ref-32)
33. For a brief survey of some of these candidate explanations, see Mickelson 2019a and “Hard Times for Hard Incompatibilism” (manuscript). [↑](#footnote-ref-33)
34. There is good precedent for using phrases like “best explanation argument” and “best explanation reasoning” in this broad way. Pereboom (2001, 2014) and Mele (2013) say that the Four-case Argument includes a best-explanation argument even though Pereboom relies solely on a slippery-slope argument to *rule out* alternatives to his proposed solution to (E2) of the explanation problem (roughly, a causal-luck or causal-luck hybrid solution). For further discussion of the dialectical significance of the distinct between Pereboom’s “slippery-slope explanation argument” and more standard best-explanation arguments, see Mickelson “Hard Times for Hard Incompatibilism” (manuscript). [↑](#footnote-ref-34)
35. Kadri Vihvelin has rightly noted that possibilism was a standard background assumption of the research paradigm that dominated the 20th century free-will debate (what I elsewhere call *the* *classical paradigm*), and this assumption has serious implications for the dialectic of the free-will debate (Vihvelin 2013, Ch. 2). [↑](#footnote-ref-35)
36. A detailed discussion of the idea that a libertarianism-friendly account of free will must be assumed in any viable defense of incompatibilism is developed in Mickelson 2019a and “Hard Times for Hard Incompatibilism” (manuscript). [↑](#footnote-ref-36)
37. Campbell’s objection makes this point clear when he says: “Perhaps deterministic models help to expose our worries about free will but these worries persist whether or not determinism is true. It could even be the case that there is a necessarily true proposition that is incompatible with the free will thesis (Strawson 2004)” (Campbell 2007: 111). Unfortunately, Campbell’s objection is often misconstrued as raising the more narrow and lesson philosophically interesting question of whether the Consequence Argument supports a strict causal-luck solution to (E2) or some causal-luck hybrid (see Mickelson, “An Explanatory Gap Objection to the Consequence Argument” (manuscript) for further discussion.) [↑](#footnote-ref-37)