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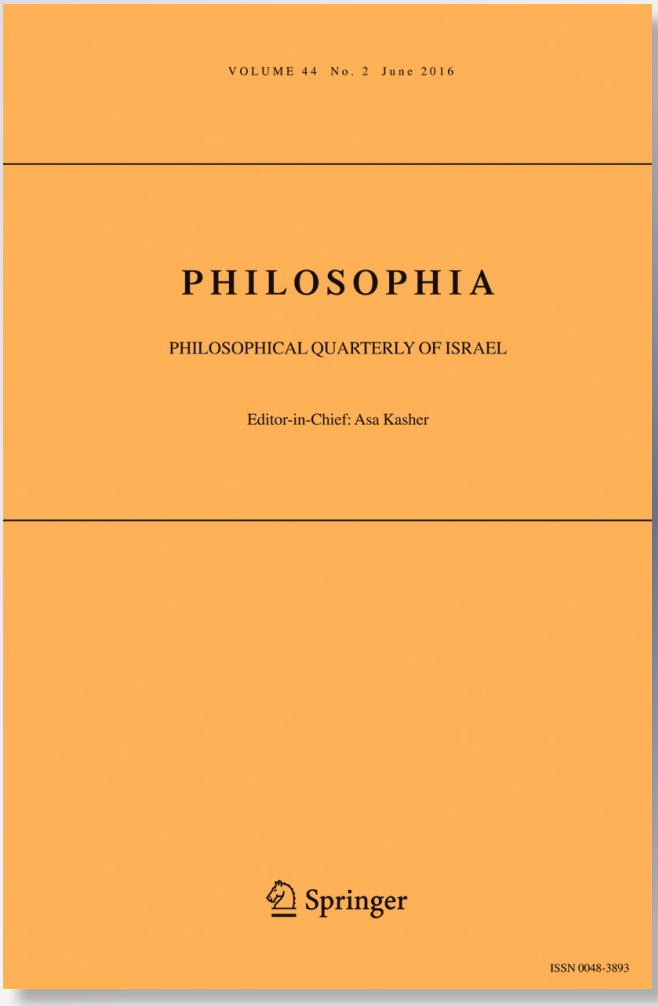


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# Frankfurtian Reflections: A Critical Discussion of Robert Lockie's "Three Recent Frankfurt Cases"

**Carlos J. Moya** [1,2]

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**Abstract** In a recent article, Robert Lockie brings about a critical examination of three Frankfurtstyle cases designed by David Widerker and Derk Pereboom. His conclusion is that these cases do not refute either the Principle of Alternative Possibilities (PAP) or some cognate leeway principle for moral responsibility. Though I take the conclusion to be true, I contend that Lockie's arguments do not succeed in showing it. I concentrate on Pereboom's *Tax Evasion 2*. After presenting Pereboom's example and analyzing its structure, I distinguish two strategies of Lockie's to defend PAP against it, which I call "No True Alternative Decision" (NTAD) and "No Responsibility" (NR), respectively. According to NTAD, Pereboom's example fails because the agent has alternatives to his decision. I hold that this strategy is faulty because the alternatives that Lockie points to are arguably not robust enough to save PAP. According to NR, the example fails because the agent is not blameworthy for his decision. After defending the intuitiveness of the agent's blameworthiness, I present Lockie's arguments against this blameworthiness and suggest that they might beg the question against Frankfurt theorists. I examine Lockie's main response to this question-begging objection and hold that it does not clearly succeed in meeting it. Moreover, I hold that this response faces other important problems. Additional responses appear to be unsatisfactory as well. Hence, Lockie's defense of the agent's blamelessness lacks justification. The general conclusion is that Lockie does not succeed in defusing Pereboom's *Tax Evasion 2* as a counterexample to PAP.

**Keywords** Frankfurt cases · Moral responsibility · Alternative possibilities · Pereboom · Blameworthiness · Robustness

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In his article "Three Recent Frankfurt Cases", Robert Lockie (2014) brings about a critical examination of three Frankfurt-style cases designed by David Widerker ("*Brain-Malfunction-W*") and Derk Pereboom ("*Tax Evasion 3*" and "*Tax Evasion 2*"). His conclusion is that these cases do not actually refute either the Principle of Alternative Possibilities (PAP) or some closely related leeway principle for moral responsibility. In some recent work (especially Moya 2011, 2014), which Lockie generously refers to in several places of his article, I have examined these same cases and arrived at the same conclusion. However, though I agree with Lockie in this conclusion, I disagree with him regarding the way to get to it.

In this paper, I try to argue that Frankfurt cases, and particularly those that Lockie examines, exert on PAP a more severe pressure than Lockie seems to assume. I try to defend the claim that Lockie's arguments do not warrant his intended conclusion, namely that the Frankfurt cases he examines fail to refute PAP or other cognate leeway principles. Again, though I take the conclusion to be true, I do not think that Lockie succeeds in showing it. For the sake of brevity, and also because it seems (to me, but also, apparently, to Lockie) to be the strongest example, I will concentrate on Pereboom's *Tax Evasion 2*. This is in fact the case that Lockie analyses in most detail.

The structure of the present paper is as follows. Section 1 presents Pereboom's Frankfurt case. Section 2 focuses on the structure of this example and on a notion that plays an important part in it and in my criticism of Lockie's views, namely the notion of the robustness of an alternative. In section 3 I distinguish two different strategies that, in my view, Lockie employs against Pereboom's example, which I call "No True Alternative Decision" (NTAD) and "No Responsibility" (NR), respectively. In section 4 I discuss NTAD and argue that it does not succeed, in that it stumbles on the problem of robustness. Section 5 starts the discussion of NR and of a first attempt to motivate it. In Section 6 I present further developments of NR, argue that they might beg the question against Frankfurt theorists and discuss Lockie's most important response against this objection. I hold that, even if Lockie's response did not amount to question-begging, the response faces other, very important problems. Section 7 discusses three additional responses of Lockie to the question-begging charge. Finally, section 8 contains concluding remarks and ties together the lines of argument developed in the preceding sections.

## Pereboom's *Tax Evasion 2*

In order to succeed in refuting PAP, a Frankfurt example has to satisfy two conditions. First, the agent has to be morally responsible for something she decides or does. Second, she has to lack any (robust, morally significant)[1] alternative possibility (AP

[1] The notion of robustness of an alternative possibility will be very important in my criticism of Lockie's defense of PAP. The central characteristic of a robust AP is its ability to (partly) explain the agent's moral responsibility in the situation at hand. Not any AP available to an agent can do this. More on this notion below, especially in section 2.

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for short) to this decision or action. According to Pereboom, these two conditions are satisfied in his *Tax Evasion 2*. Let us reproduce this example:

> *Tax Evasion* (*2*): Joe is considering claiming a tax deduction for the registration fee that he paid when he bought a house. He knows that claiming this deduction is illegal, but that he probably won't be caught, and that if he were, he could convincingly plead ignorance. Suppose he has a strong but not always overriding desire to advance his self-interest regardless of its cost to others and even if it involves illegal activity. In addition, the only way that in this situation he could fail to choose to evade taxes is for moral reasons, of which he is aware. He could not, for example, fail to make this choice for no reason or simply on a whim. Moreover, it is causally necessary for his failing to choose to evade taxes in this situation that he attain a certain level of attentiveness to moral reasons. Joe can secure this level of attentiveness voluntarily. However, his attaining this level of attentiveness is not causally sufficient for his failing to choose to evade taxes. If he were to attain this level of attentiveness, he could, exercising his libertarian free will, either choose to evade taxes or refrain from so choosing (without the intervener's device in place). However, to ensure that he will choose to evade taxes, a neuroscientist has, unbeknownst to Joe, implanted a device in his brain, which, were it to sense the requisite level of attentiveness, would electronically stimulate the right neural centers so as to inevitably result in his making this choice. As it happens, Joe does not attain this level of attentiveness to his moral reasons, and he chooses to evade taxes on his own, while the device remains idle (Pereboom 2014: 15; cf. 2009: 113, 2003: 193).

According to Pereboom's description, Joe is aware of moral reasons against evading taxes,[2] which means that he is aware that evading taxes is morally objectionable. Moreover, open to him is at least the following AP: to reach a rather high level of attentiveness to such reasons. However, the alternative of deciding to pay his taxes is not available to him, because, in order to make that decision, he should first become sufficiently attentive to moral reasons, which would cause the device to fire, stimulate the right centers in Joe's brain and cause the decision to evade taxes anyway. The device's intervention, however, is not necessary and never takes place, for Joe does not reach the required level of attentiveness to moral reasons, decides on his own to evade taxes and does so.

The intuition this example is intended to raise is that Joe is morally responsible, blameworthy in fact, for his decision to evade taxes, though he could not have made an alternative decision. The judgment that Joe is blameworthy for his decision has important support, for consider that Joe makes that decision fully on his own, for his own self-interested reasons, believing that he could decide and act otherwise and knowing that the decision he makes is morally wrong, for he is aware of moral reasons against it.[3] However, the lurking, but totally inactive, presence of the device in his brain rules out the decision not to evade taxes, or to pay them. So, at least apparently, it is a successful counterexample to PAP. But is it?

[2] There may be an ambiguity as to the object of Joe's awareness. This point is discussed in Section 5.
[3] Though see the preceding footnote.

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## Robustness and the Structure of *Tax Evasion 2*

Before going further with the discussion about the success of this example against PAP, and about Lockie's arguments against this success, it is important to stress some structural features of it.

The example is intended to assume indeterminism and even a libertarian free will in the agent. Joe does not reach a sufficient level of attentiveness to the moral reasons of which he is aware, but he is free to reach such a level at will. The reason for Pereboom to assume this is the need to escape the "WKG dilemma",[4] as Lockie calls it, an important defense of PAP against Frankfurt cases. One horn of this dilemma is, for the defender of the Frankfurt case, to take determinism (implicitly) for granted in the actual sequence of such cases. On this horn, the question is begged against incompatibilists, who will refuse to grant the agent's moral responsibility for a causally determined decision. Pereboom avoids this horn and opts for the other, in which determinism is not assumed and the agent's decision is not causally determined. In such a case, so proponents of the WKG dilemma argue, the agent is bound to have APs, so that PAP has not been refuted, either. Pereboom denies this consequence. He agrees that Joe has at least one AP, namely paying sufficient attention to moral reasons against evading taxes, but holds that this AP is not of the right sort to save PAP. This AP is not robust, in that its availability to the agent is not relevant to explaining why he is morally responsible for his decision to evade taxes. And an obviously relevant, robust AP, namely the decision to pay his taxes, is not available to Joe owing to the lurking presence of the device in his brain.

As we see, the notion of robustness is central to Pereboom's line of argument and it will also be central to my discussion of Lockie's criticism of it. It will then be important to have a clear grasp of it. A robust AP is such that its availability to the agent is relevant to an explanation of the moral responsibility she has for something she has decided or done. Suppose, for example, that John tells a malicious lie to Jane, with rather nasty consequences for her. John is blameworthy for telling Jane this lie, and what (at least partly) explains this blameworthiness is that it was in his power not to have lied. This AP, not lying, is then robust, or morally relevant. Now, John had other APs available to him. For example, he could have told the same lie with synonymous but slightly different words, or with a slightly louder voice. However, the availability of these APs to John is not even part of the reason why he is blameworthy for lying to Jane. These APs are not robust, or morally significant. It would be futile to try to save PAP against a Frankfurt counterexample by appealing to them.

It is very important to note that an AP is not robust for the mere fact that opting for it would exempt an agent from moral responsibility. In order to be robust, the explanatory link between the AP and the exemption of responsibility has to be, for want of a better word, 'rational', not merely causal or factual, and the agent has to be sensitive to this rational connection. To see this, imagine that, in our example of the malicious lying, John has in his pocket a candy that, fully unbeknownst to him, will make him feel very sick if he sucks it, with the consequence that he will forget about the lying. In these circumstances, John has an AP that he can opt for at will and such that, if he chose it, he

[4] "WKG" stands for Widerker, Kane and Ginet, for each of these authors has offered versions of this important objection to Frankfurt-inspired counterexamples to PAP.

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would not lie to Jane and would then not be blameworthy. However, if he finally did not suck the candy, lied to Jane and was blameworthy for that, it was not, even in part, because he could have chosen to suck the candy. And one reason for this is that John did not even suspect that, if he sucked the candy, he would become sick and not lie to Jane. The link between sucking the candy and John's blamelessness was purely causal and surely beyond John's understanding. Instead, it is true to say that he was blameworthy for lying because he could have refrained from lying. Refraining from lying was then a robust AP, while sucking the candy was not. Plausibly enough, Pereboom crucially includes a cognitive or epistemic condition in his conception of the robustness of an AP.[5]

Now, it seems pretty obvious that the APs required by PAP for moral responsibility are (at least implicitly) assumed to be of the robust variety. So, following Fischer (cf. 1994: 140 ff.), who was first to point to the importance of the robustness condition, Frankfurt theorists hold that the mere availability of APs in a Frankfurt case is not enough to vindicate PAP: in order to achieve this result, these APs have to be robust. Coming back to *Tax Evasion 2*, Pereboom's view is that, though Joe has in his power to become attentive enough to moral reasons against evading taxes, this AP is not relevant, and so not robust enough, to explain his blameworthiness for his decision to evade taxes. We can justify this as follows: in the same way as John could not reasonably foresee that merely by sucking the candy he would be precluded from the blameworthiness he now bears for lying to Jane, in *Tax Evasion 2* Joe could not reasonably foresee that merely by paying enough attention to the moral reasons against evading taxes he would be exempted from the blameworthiness he now bears for deciding to evade taxes. An obviously robust AP for Joe would be his decision to pay his taxes, but this AP was not available to him. So, if he is blameworthy for this decision, it cannot be because he could have decided otherwise, for he could not. What then explains his blameworthiness, if he bears it, for his decision to evade taxes? We have already pointed to an answer: Joe is blameworthy because he made that decision fully on his own, with no coercion; moreover, it was a rational decision, in the sense that he made it for his own self-interested reasons; in addition, he believed that he could decide and act otherwise and was aware that the decision he made was morally wrong. In these circumstances, I agree with Pereboom that the judgment that Joe is blameworthy for his decision to evade taxes is highly intuitive.

It is important to note that Pereboom can and does concede that Joe is blameworthy for not paying enough attention to moral reasons against evading taxes, and that for this he has a robust AP, namely paying attention to those reasons: "The Frankfurt defender can agree that Joe is blameworthy for not becoming more attentive to the moral reasons, and that for this he does have a robust, exempting alternative" (Pereboom 2012: 304). However, it is enough to refute PAP that Joe is *also* blameworthy for deciding to evade

[5] Here is Pereboom's last version of the idea of the robustness of an AP: "Robustness (B): For an agent to have a robust alternative to her immoral action A, that is, an alternative relevant per se to explaining why she is blameworthy for performing A, it must be that (i) she instead could have voluntarily acted or refrained from acting as a result of which she would be blameless, and (ii) for at least one such exempting acting or refraining, she was cognitively sensitive to the fact that she could so voluntarily act or refrain, and to the fact that if she voluntarily so acted or refrained she would then be, or would likely be, blameless" (Pereboom 2014: 13). In our example, refraining from lying satisfies this condition, but sucking the candy does not.

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taxes and that *for this* he has no robust AP. And this is what Pereboom holds.[6] Of course, for a conceptual refutation of the kind the Frankfurt literature aspires to, just *one* successful example, in which an agent is blameworthy for something he does while having no robust AP to *that*, is enough to falsify PAP.

A final remark about the conceptual structure of *Tax Evasion 2* is that it crucially contains a *buffer*, namely reaching a certain level of attentiveness to the moral reasons for not evading taxes, the overcoming of which buffer (i.e. achieving said level of attentiveness) is as such not morally robust regarding the decision to evade taxes, but the buffer has to be overcome in order for the agent to have access to a robust AP regarding that decision, namely the decision not to evade taxes, or to pay them. Of course, this access will be blocked by the device in the agent's brain (if he overcomes the buffer), but the blockage never operates, for the buffer is not overcome. As we saw, the agent could freely overcome the buffer by becoming attentive enough to moral reasons but, even if he did, this attentiveness as such would not be a robust AP to his decision to evade taxes, for he could not reasonably foresee that merely becoming attentive would preclude him from blameworthiness for that decision.

## Lockie's Twofold Strategy against *Tax Evasion 2* and in Favor of PAP

We have pointed out that, for a Frankfurt case to be successful, the agent has to be morally responsible for something she does (call this "the moral responsibility condition"), and she must have no (robust) AP to doing that (call this "the No-AP condition"). In order to defend PAP (or, more generally, a leeway condition on moral responsibility) against *Tax Evasion 2*, Lockie deploys different strategies, intended to show that this example fails to satisfy at least one of those two conditions.

As a preliminary support to his own defense of PAP, Lockie describes some previously designed strategies which, he holds, have overturned many putative counterexamples to PAP. He distinguishes three such strategies, which he labels Flicker of Freedom, Intentional PAP and the WKG Dilemma. The third, which we already know, denies that a Frankfurt case can fulfill simultaneously both conditions. If a causal deterministic chain is assumed to hold in the actual sequence, then the moral responsibility condition is breached, at least for incompatibilists. If that chain is not assumed, then the No-AP condition is not satisfied. The first two strategies claim to have found, from different perspectives, an AP in Frankfurt cases. According to the Flicker of Freedom strategy, in Lockie's characterization, the agent in a Frankfurt case had at least a tiny AP (a flicker), for she could have begun to act (or begun to decide to act) in such a way as to cause the device's intervention, so rendering her blameless (Lockie 2014: 1007). The Intentional PAP strategy insists instead on the difference between what takes place in the actual and in the counterfactual sequences of a Frankfurt case. Imagine, for example, that, in the context of a Frankfurt case, the agent shoots the victim dead. In the actual sequence, where the agent shoots the victim intentionally and on her own, she can rightly be said to have murdered the victim, but in the counterfactual sequence, where

[6] In effect, after the last quotation, he goes on: "But it's intuitive that Joe is also blameworthy for deciding to evade taxes, and for this, at least prima facie, he has no robust alternative" (Pereboom 2012: 304).

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the agent is manipulated by the device, she does not murder the victim, even if the victim dies anyway. In Lockie's words, "Victim *dies* either way, but Agent doesn't *murder* either way" (1007). Under the label "Intentional PAP", Lockie includes several principles, not all of which respond clearly to the indicated pattern: Otsuka's "Principle of Avoidable Blame" (PAB), Widerker's "Principle of Alternative Expectations" (PAE), Moya's "Doing Everything one Can" (DEC) or Copp's Argument from Fairness.

Let me go now to Lockie's line of argument. If I interpret him correctly (and this is not a merely formal caution, for his paper is quite intricate), Lockie deploys two main different strategies in defense of PAP against Pereboom's *Tax Evasion 2*.

One of these strategies is a version of Intentional PAP (and perhaps of Flicker of Freedom). Following this strategy, Lockie rejects Pereboom's description of the case, as follows. According to Pereboom, Joe makes the same decision, namely the decision to evade taxes, both in the actual and in the counterfactual sequences of the example. In the actual sequence Joe makes this decision fully on his own and for his own reasons. In the counterfactual sequence, Joe makes this decision owing to the device's activation of the right neural centers in his brain. Lockie, however, denies that, in the latter case, the decision is Joe's. According to him, Pereboom is wrong in describing what Joe would do in the alternative, counterfactual sequence, after the device's activation, as a choice or a decision. According to Lockie, this is "no longer *Joe's choice*, it's the neuroscientist's" (2014: 1021). Though it might be disputed, I find this contention of Lockie's quite plausible against Pereboom's description of the case. And this leads to Lockie's first line of argument against Pereboom: the example fails because Joe has a (putatively robust) AP to his actual decision to evade taxes. Joe may well be blameworthy for deciding to cheat on his taxes but, by becoming attentive enough to the moral reasons and causing the device's activation, he could have avoided making that decision, for this would have been made, if at all, by the neuroscientist, not by Joe. Avoiding making the decision himself was his morally relevant AP, which leaves PAP untouched. Let me call this the "No True Alternative Decision" strategy (NTAD). We will discuss it later on.

On a second, and more original, strategy Lockie contends that *Tax Evasion 2* does not get through for the agent is not morally responsible for what he decides and does. If NTAD disputes Pereboom's description of his own case, this other strategy seems to accept this description, but only for the sake of argument. Though, as we have seen in presenting NTAD, Lockie denies that Joe makes the same decision in both the actual and the counterfactual sequences,[7] he now seems to grant Pereboom this point, just for the sake of argument. So, if Joe decides to evade taxes in both sequences, then he has no AP to this decision and Lockie argues that he is not blameworthy for it. Let me call this the "No Responsibility" strategy" (NR).

Lockie's overall, twofold line of attack on *Tax Evasion 2* looks quite powerful. On one reading of the example, Joe has a robust AP. On another (and distinct) reading, Joe is not morally responsible. Either way, *Tax Evasion 2* fails to refute PAP. However, I will be arguing that neither strategy is finally successful against Pereboom's Frankfurt case. I will discuss NTAD first.

[7] Lockie holds that, in the alternative sequence, the decision is not Joe's, but, if at all, the neuroscientist's.

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## Lockie's "No True Alternative Decision" Strategy (NTAD)

As I pointed out, NTAD is a version of Intentional PAP, with some elements of Flicker of Freedom. According to Lockie, "These three responses [namely Flicker of Freedom, Intentional PAP and the WKG dilemma] represent, in concert, a powerful rebuttal of several generations of Frankfurt literature" (2014: 1007). I am a bit less optimistic about this. Let me explain.

In my view, the main problem that affects Flicker of Freedom and Intentional PAP is the problem of robustness. In different ways, both responses proceed by identifying an AP to the agent's actual decision. But, as has been argued, in order to succeed, this AP has to be robust. We can see the problem quite clearly in the case of Otsuka's Principle of Avoidable Blame (PAB), which (in Lockie's terminology) is a version of Intentional PAP. This principle is as follows:

> One is blameworthy for performing an act of a given type only if one could instead have behaved in a manner for which one would have been entirely blameless. (Otsuka 1998: 688)

Remember our example of the lie and the candy. Unlike deciding not to lie to Jane, sucking the candy is not an AP that can legitimately be pointed to in order to explain John's blameworthiness for his lie. Now, since John could have sucked the candy, he would have satisfied the necessary condition that PAB requires for someone to be blameworthy. Intuitively, however, this AP (unlike the AP of refraining from lying) was completely irrelevant to explaining John's blameworthiness. If John was blameworthy for lying to Jane, it is not because he could have sucked the candy, but (partly) because he could have refrained from lying. Suppose that we turn the example into a Frankfurt case, so that sucking the candy is the only AP open to John - by choosing which he would have been blameless. Surely it would not be legitimate for a PAP or a PAB defender to invoke this AP in order to save either principle. And part of the reason is that John could not have foreseen or been cognitively sensitive to the fact that sucking the candy would render him blameless.

The lying example is deliberately exaggerated in order to identify a very clear instance of a non-robust AP. But the AP that Lockie points to in his attempt to construct a version of Intentional PAP against *Tax Evasion 2* is not essentially different. Let us grant Lockie that what would take place after the device's activation would not be Joe's choice. It seems then that Joe has an AP to his decision to evade taxes, namely not to make this decision himself, or not to make a decision at all. Joe, then, can be blameworthy for his actual decision to evade taxes, but he could have avoided making that decision. If this is Lockie's argument to keep PAP (or a close leeway principle) safe, it does not succeed. In the same way as we could not say that John was blameworthy for lying to Jane because he could have avoided lying by sucking his candy, we cannot legitimately say that Joe is blameworthy for deciding to evade taxes because he could have avoided that decision by becoming attentive to the moral reasons against tax evasion. And the reason is the same: just as John could not plausibly foresee or be cognitively sensitive to the fact that, just by sucking his candy, he would have failed to lie and be thereby blameless, Joe could not have plausibly foreseen or have a cognitive sensitivity to the fact that, just by becoming attentive to moral reasons, he

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would have avoided the decision to evade taxes and be thereby precluded from blameworthiness. Not making the decision to evade taxes himself, and be thereby blameless, was not in the hands of Joe in the right, rational way: it was just a purely factual effect of his attending to moral reasons. If Joe's not deciding himself to evade taxes is the AP Lockie identifies to save PAP, this AP is not robust and cannot legitimately be invoked to attain that result, for Joe's not deciding himself would have been a merely causal result of the device's activation, not something that he could rationally foresee or understand. Joe's eventual blamelessness was not under his cognitive or conative control, just as John's eventual blamelessness was not under his cognitive or conative control in that it was a merely causal result of sucking his candy.

It might be objected that,[8] by paying enough attention to his moral reasons, Joe would have been trying to decide to pay his taxes, or starting to try to make this decision. This AP would then seem to have a rational link to paying his taxes and Joe could plausibly be said to be sensitive to that rational link. Hence, this AP was robust after all. True, this AP (this 'flicker') would have been detected and Joe would have been prevented by the device from making that decision, but then he would have been blameless in the right way. Against this, and on behalf of Pereboom, it may be retorted that attending to moral reasons and weighing them against non-moral, self-interested reasons, may be trying to make a decision as to whether to evade taxes or not to evade them, but it is not as such *trying to decide to pay his taxes.*[9]

In relation to this, it might also be objected that, in the context of the example, becoming attentive to moral reasons is for Joe to have done all he can in order to behave morally and pay his taxes, so that, invoking a principle such as Moya's DEC, this AP would be a robust AP to Joe's decision to evade taxes. But if Lockie, or someone on his behalf, takes this line, it is incumbent on him to respond to the following rejoinder by Pereboom:

> What is the motivation for thinking that becoming more attentive to moral reasons now becomes a robust alternative to deciding to evade taxes? Agreed: it is the next best action available to him. But it is not per se exempting for deciding to evade taxes, since, without the device in place, even if he did become more attentive, he could decide to evade taxes, and, we might suppose, he even would be likely so to decide. (Pereboom 2012: 304).

Lockie is aware of this text and in fact he quotes it (1020: fn. 16). However, he thinks that Pereboom's point does not concern him:

> I am arguing here that it is not a requirement on me to oppose Pereboom's claim that "without the device in place, even if he [Joe] did become more attentive he could decide to evade taxes" – I am claiming that this becomes a counterfactual space of epistemic and metaphysical 'maybes' over which the indeterminist of all people does not have to take a stance. I am claiming Joe is culpable for non-attention to moral reasons, not for non-payment of taxes. (Lockie 2014: 1020, fn. 16)

[8] Thanks to an anonymous referee for making this objection.

[9] Deciding to do A (unlike deliberating as to whether to decide or do A or B) is plausibly taken to be a simple, basic mental act, so that it is quite strange to speak about trying to decide to A.

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Now, Pereboom's point concerns only someone who accepts Joe's blameworthiness for deciding to evade taxes, something Lockie rejects (this is his second strategy, which I have labelled 'NR'). However, as I have advanced, I will contend that he is wrong about this, and that Joe *is* culpable for deciding to evade taxes and for evading them. I will try to justify this contention below, but, if I am right, then Lockie should eventually confront Pereboom's point after all and show that Joe has a robust AP to deciding to evade taxes.

In connection with his denial of Joe's blameworthiness for deciding to evade taxes, Lockie also points out that questions concerning what Joe would do in the absence of the device are part of a space of 'maybes' over which an indeterminist like him need not take a stance. But I think he is unjustified in holding this. It is enough for Pereboom's point to have a bite that, in the absence of the device, Joe *might* decide to evade taxes (and this is something that an indeterminist should surely accept) even after becoming more attentive. Here are my reasons for holding that Lockie should not disregard those counterfactual 'maybes'. As I interpret Pereboom, he insists that becoming attentive to moral reasons is not as such a robust AP to deciding to evade taxes partly because a cognitively normal agent could not be reasonably expected to be rendered blameless for deciding to evade taxes just by becoming attentive to moral reasons against doing it. And I think he is right on this account. Leaving aside the device, of whose inactive but lurking presence Joe is totally unaware, if he had paid more attention to moral reasons but had ended up deciding to evade taxes, a possibility that an indeterminist must allow for, he could not dream of being precluded from blame by claiming that he had attended to the moral reasons against that decision. Instead, this could even increase his blameworthiness, for it would unveil his decision as a perfectly conscious violation of moral norms.

We can conclude that Lockie's AP, namely Joe's not deciding to evade taxes himself, does not pass the test of robustness, and is then impotent to save PAP.

I am not sure that Lockie has a precise enough grasp of the nature and importance of the robustness requirement. In the context of his exposition of Intentional PAP, and assuming that, in a Frankfurt case, the target action in the actual sequence is the agent's murdering a victim, he writes:

> Intentionally, the difference between Victim murdering and Intervener murdering is a huge one – a difference which, at the level of action and agency, hence moral responsibility, *is most certainly* '*robust*'. And this is true however behaviourally or neurologically inconsequential a flicker it may be from Agent which constitutes the sign that would have led the Intervener to act – and in turn, regardless of how causally inconsequential that flicker would be for Victim (who is dead either way). (Lockie 2014: 1007; my emphasis)

Following Lockie's line of argument, suppose that, in a Frankfurt case, the agent decides to kill the victim and does so. In the counterfactual sequence, where the device detects the relevant sign, the agent merely causes the victim's death as an instrument in the hands of the neuroscientist. There is no doubt that the difference between what the agent actually does, namely murdering his victim, and what he would do after the device's activation, say merely causing the victim's death, is a huge one. But this huge difference in magnitude, in moral gravity *and* blameworthiness, does not make the AP

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of merely causing the victim's death per se into a robust AP to that for which he is blameworthy, namely murdering the victim. Whether this AP is robust depends on whether it consists in, or results from, the agent's doing something that she intends to lead to a morally right way of behaving and that she reasonably foresees will result in that morally right way. And this is not guaranteed by the mere fact that, in the alternative sequence, the agent does not murder the victim, but merely causes his or her death.

In the light of these considerations, it seems pretty clear that the AP Lockie invokes to save PAP against *Tax Evasion 2*, namely that, in the counterfactual sequence, Joe does not decide to evade taxes since (to use Lockie's words) "by hypothesis the 'decision' in question was a compelled mechanistic output of the neuroscientist's device" (2014: 1021), is not robust in the context of Pereboom's example.

## The "No Responsibility" Strategy: First Steps

Following this other strategy, which I labelled NR ("No Responsibility"), unlike NTAD ("No True Alternative Decision"), if I interpret him correctly, Lockie seems to accept Pereboom's description of *Tax Evasion 2* and agree, at least for the sake of argument, that Joe makes the same (real) decision in the actual and the counterfactual sequence of the example. This reading seems to be a concession to Pereboom, for Lockie's view appears to be, as we have seen, that Joe does not decide himself in the alternative sequence. Now, on this concessive reading, Lockie contends that *Joe is not blameworthy for his* (*actual*) *decision to evade taxes*. We can find several statements of this contention at different places in the paper. Obviously, if Lockie is right, Pereboom's example fails, for, in order a Frankfurt example to be successful, the agent has to be blameworthy for what she does. But is he right?

Lockie insists repeatedly, throughout his paper, that the only thing Joe is blameworthy for is not being attentive enough to his moral reasons: "But he [Joe] *hasn't* done something he should – which is to achieve the requisite level of attentiveness to his moral reasons. For this he is blameworthy, *but not for evading taxes*" (Lockie 2014: 1020; cf. also 1016–17, 1030).[10] So, according to Lockie, Joe is blameworthy neither for deciding to evade taxes nor for evading them, but only for not considering his moral reasons seriously enough. In terms of the NR strategy, then, Pereboom's example fails.

I can find two main lines of argument for the contention that Joe is not blameworthy for his decision to evade taxes. The first, which I will consider in this section, is intended to undermine the intuition in favor of Joe's blameworthiness by presenting him as a person with a rather peculiar and non-standard psychological structure. Lockie ascribes to Joe, for example, "a highly dissociated psychology" (Lockie 2014: 1023). He denies that Joe is "epistemically apprised of the fact that 'I, Joe, am evading taxes and that is morally wrong'" (2014: 1022), and claims that this is because "Pereboom expressly doesn't give us this" (2014: 1022). He also writes that "Joe is capable of

[10] Lockie's approach differs importantly from Moya's, whom he defers to at several places. Moya accepts Joe's full moral responsibility for his decision to evade taxes, and tries to defuse Pereboom's example by arguing for the robust character of his attending to moral reasons *regarding that decision*, not merely regarding his lack of sufficient attention to those reasons; this latter point is gladly conceded by Pereboom, as we have seen above, and does not have a bite against Pereboom's argument.

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some fairly sophisticated levels of active self-deception around moral issues" (2014: 1023). Now, the more an agent departs from the picture of a normal psychology, the weaker our intuition about his status as a morally responsible agent tends to be. But Lockie's intricate picture of Joe's personality is not mandatory. Pereboom's *Tax Evasion 2* can be plausibly read as featuring an agent with a rather common and not especially complex psychological setup.

A possible and plausible reading of *Tax Evasion 2*, which I would recommend, may be the following. Joe is an average person, who is frequently moved by self-interest but also, in some situations with salient moral profiles, by moral considerations. If having both kinds of motivations is having "a highly dissociated psychology", then a large number of human beings are psychologically dissociated. The perspective of having a certain sum of money in his own pocket rather than the State's is, then, highly attractive to him, so much so that only a high level of attentiveness to his moral reasons for not evading taxes could override that attraction. But he voluntarily keeps the voice of these moral reasons at a low volume, so to speak, or tries to deprive them of their importance, by saying to himself that evading such an amount of taxes is not too wrong after all, thereby allowing self-interested reasons prevail. Contrary to what Lockie writes in the quotation above (2014: 1022), Joe is "epistemically apprised" of the fact that he is evading taxes and that doing it is morally wrong. This is so because, as Pereboom presents him, Joe is aware of the moral reasons against tax evasion. So, in consciously deciding contrary to those reasons, he, like most human beings in his situation, is aware that he is doing something morally wrong. Against this point, Lockie contends (cf. 2014: 1022) that Pereboom's description of his example is ambiguous and can also be read in the sense that Joe is aware, not of moral reasons, but of the fact that the only way in which he can fail to choose to evade taxes is by becoming aware of moral reasons. Though I find this reading quite strained, in that, among other things, it confers on Joe an implausibly high level of self-knowledge, let us grant it for the sake of argument. On this reading, even if Joe is not aware of particular moral reasons, he is aware that there are such reasons and, therefore, that evading taxes is morally objectionable. On this alternative interpretation, Joe voluntarily refuses to recollect moral reasons and become attentive enough to them, probably because he does not want these reasons to get in the way of his tax evading purpose. Hence, I do not think this alternative reading introduces any important difference to Joe's awareness that, by deciding to evade taxes and evading them, he is doing something morally wrong.[11] Having said this, I will assume, in what follows, that, in Pereboom's example, Joe is aware of moral reasons against evading taxes.

In relation to this, Joe need not have a sophisticated ability for self-deception about moral matters. He does not deceive himself about the moral quality of his decision to evade taxes: as I have just argued, he knows it is morally wrong, but makes it anyway, and for good (self-interested) reasons. He is of course unaware of the fail-safe (and inactive) device in his brain, but the decision he makes is completely independent of this device; it is the decision he would make anyway, even if the device were absent, for

[11] Thanks to an anonymous referee for inviting me to respond to Lockie on this point. Of course, if Joe is aware *both* of moral reasons and of the fact that only by becoming attentive to these reasons he can avoid the decision to evade taxes, then it is even clearer that he decides to evade reason in full awareness that this decision is morally wrong.

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it did not intervene in Joe's deliberation and decision at all. In being ignorant of the device, he makes his decision while believing, as most agents would in his situation, that he could make a different and morally right decision instead.

Under this reading, which I take to be an entirely possible interpretation of the example, the judgment that Joe is a morally responsible agent and that he is blameworthy for his decision looks highly intuitive, in my view. Under Lockie's reading this intuition may be weaker. Assuming it is also possible, what speaks for either reading? In favor of Lockie's interpretation it may be argued that Pereboom's example is actually complex and tortuous, in order to meet several counters and objections that have been raised during the 45 years since Frankfurt's seminal paper came out.[12] This is no doubt correct. Frankfurt cases have become increasingly complex in response to the problems raised by PAP defenders against simpler cases. Concerning Pereboom's example, I have devoted section 2 to analyze some of its structural features, prominent among which are the availability of (allegedly) non-robust APs as a consequence of assuming indeterminism, and the presence of a buffer, overcoming which is open to the agent but not as such a robust AP. The question is whether this complicated structure leads necessarily to a very weak or even absent intuition about the agent's blameworthiness. I think it does not, and that the example, all its complexity notwithstanding, is perfectly compatible with a reading such as the one I have suggested, under which, I would think, the intuition in favor of Joe's blameworthiness is very strong.

Lockie disagrees. He writes: "I have no intuitive judgement that in these cases Joe is morally responsible, intensionally so-described for *tax avoidance*" (2014: 1027, footnote 22). To defend this, he insists on the importance of the "categorical difference" between the right and the good, as well as of the intentional/intensional description of the action: "When it comes to moral responsibility … we are and must be operating with an intensional (and intentional) level of evaluation: with the right and not the good" (2014: 1027). On this basis, he holds, "Joe … [is] as *morally responsible* (properly so-called) as [he is] … *epistemically aware*. Our intentional-level moral appraisal of [him] (the right) must travel in the same direction and to just the same extent as their subjective epistemic awareness, intensionally so-described" (2014: 1027). But I confess I cannot see how these remarks can support Lockie's denial that "Joe is morally responsible, intensionally so-described for *tax avoidance*". Agreed, he is not aware, nor could he reasonably foresee, that just by becoming attentive to moral reasons he would have been blameless. But does this show that he is not aware that he is deciding to evade taxes and doing so? I do not see how it could show this. Consider the example of John and the candy. John could not reasonably foresee that, by sucking the candy, he would be precluded from blame. Nevertheless, if he does not suck the candy and knowingly and voluntarily lies to Jane, he is a knowing liar, and is blameworthy for this lie, at the level of the right, intentionally and intensionally so-described. Similarly, Joe could not reasonably foresee that, by merely becoming attentive to moral reasons (as opposed to deciding and acting on these reasons) he would be exempted from blameworthiness. However, if he voluntarily refuses to become so attentive and knowingly decides to evade taxes for his own self-interested reasons, he is a willing and knowing tax evader, and is

[12] I owe this consideration to an anonymous reviewer for *Philosophia*.

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blameworthy for evading taxes, at the level of the right, intentionally and intensionally so-described.[13]

Now, why should we prefer my reading to Lockie's, if both are (conceptually) possible? I have already suggested one reason above. Just one successful Frankfurt case is sufficient to show PAP to be false. Now if, under my (no doubt sympathetic to Pereboom's view) reading, the example is successful, PAP is false, and it is of no consequence that, under Lockie's reading, its success is more dubious.

But, as I anticipated, besides his considerations about Joe's psychology, Lockie has additional arguments for his judgment that Joe is not morally blameworthy for his decision to evade taxes. Let us turn to them.

## The "No Responsibility" Strategy: Further Steps

On the concessive interpretation of *Tax Evasion 2*, which assumes Pereboom's description of his own case, Joe makes the same decision (to evade taxes) both in the actual and in the counterfactual sequences. He has no alternative to that decision. In these circumstances, Lockie contends, Joe is not blameworthy for deciding to evade taxes. He writes: "If considering his moral reasons is stipulated to be all that Joe *can* do, then doing this is all that he may be (positively) *obliged* to do, and not doing this is then all he may be *blamed* for doing – all that he may (negatively) be held responsible for" (Lockie 2014: 1016–17). Again: "Joe is plausibly only morally responsible … for not considering his moral reasons" (2014: 1030). He is "*not* [*blameworthy*] *for evading taxes*" (2014: 1020). So, since Joe could and should have paid more attention to moral reasons, he is so far blameworthy for not doing that, but since he could not have made a different decision, he was not obliged to do it; hence, he is not blameworthy for not making a different decision and *therefore* he is not blameworthy for the decision he made. But this reasoning seems to include a requirement of APs for blameworthiness, with the risk of begging the question against Pereboom (and Frankfurt theorists generally), for whether APs are required for moral responsibility (blameworthiness in particular) is precisely the very question at issue.

Lockie is aware of this possible and important objection, of "invoking PAP in defense of PAP" (2104: 1017–18), and tries to meet it. He offers several rejoinders.

His first, and in my view most important, response is that what is being invoked in defense of PAP is not PAP itself, but the Kantian maxim "ought-implies-can" (OIC). His argument, paraphrasing his own reconstruction (cf. Lockie 2014: 1018), would be the following: Joe can pay more attention to his moral reasons, but he cannot decide to pay taxes; if he cannot decide to pay taxes, he is not obliged to decide this (by contraposition of OIC); so, he is not to blame for deciding not to pay his taxes. Now, this argument is enthymematic as it stands. An additional premise is

[13] In favor of my reading, under which Joe is a knowing tax evader, and aware that his decision to evade taxes is morally wrong, I can make some additional considerations. According to Pereboom, for an agent to be blameworthy for a decision, this decision (or action) has "to be hers in such a way that she would deserve to be blamed if she understood that it was morally wrong" (2014: 2). Now, a successful Frankfurt case has to raise a strong intuition in favor of the agent's moral responsibility (blameworthiness). It is then clear that Pereboom intends his example to be read in such a way that Joe understands that his decision is morally wrong, so that he is aware of its moral wrongness.

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needed to reach the conclusion, namely that if someone is not obliged to do A, she is not to blame for not doing A. Moreover, the conclusion should read: he is not to blame for not deciding to pay his taxes. Not deciding to pay his taxes is not the same thing as deciding not to pay them. The former does not require a decision, while the latter does. So, the argument, as presented by Lockie, has some problems. However, I think that a similar and valid argument can be developed, on Lockie's behalf, to reach the conclusion that Joe is not blameworthy for his decision to evade taxes. Let me try:

1. If Joe is blameworthy for his decision to evade taxes, he has a moral obligation not to make this decision (Premise)
2. If Joe has a moral obligation not to make this decision, he is able not to make it (OIC).
3. Joe is not able not to make that decision (Premise: description of the case)
4. Joe has not a moral obligation not to make that decision (2, 3). Therefore,
5. Joe is not blameworthy for his decision to evades taxes (1, 4)

Let us call this argument JNB (from "Joe is not blameworthy"). I think JNB is valid and gets to Lockie's intended conclusion in a perspicuous way. I hope that he will be happy with it. Let me now comment on it.

A first remark, in favor of Lockie's response to the question-begging suspicion, is that, at least formally, JNB is not question-begging for, though OIC is a premise of JNB, PAP is not. Moreover, OIC and PAP are different principles. Neither implies directly the other. OIC relates moral obligation to A and ability to A. PAP relates blameworthiness[14] for A and ability not to A.[15] Several authors (Widerker 1991: 223; Nelkin 2011: 99–101) have convincingly argued that PAP (for blameworthy actions) can be logically derived from OIC, but for this, as they also point out, an additional premise is needed so as to connect blameworthiness and moral obligation, namely that blameworthiness for doing A implies a moral obligation not to do A.

So far, then, Lockie's response to the question-begging objection succeeds. However, even if JNB does not formally and overtly beg the question, it may do so in a more subtle and implicit way. Let me explain. The premise that, as I have just pointed out, permits PAP to be derived from OIC, namely that blameworthiness for doing A implies a moral obligation not to do A, is in fact premise 1 of JNB. And this premise, together with premise 2 of JNB, imply (an application of) PAP for blameworthy actions, for consider that, from these two premises, we can derive, by transitivity of the implication, the thesis that, if Joe is blameworthy for his decision to evade taxes, then he is able not to make this decision. And this is precisely PAP itself, applied to Joe's case. Does this amount to begging the question? The problem of what begging the question consists in is, admittedly, a difficult one, and it is not easy to detect it beyond flagrant instances of it, which is not Lockie's case. But, as we have seen, PAP can be directly derived from premises of JNB, and this *may* amount to begging the question

[14] At least. Whether praiseworthiness for A also requires ability not to A is more contentious (see e.g. Wolf 1990 and Nelkin 2011 for a denial of this claim).

[15] Lockie quotes Frankfurt in support of this difference: "With respect to any action, Kant's doctrine [OIC] has to do with the agent's ability to perform *that* action. PAP, on the other hand, concerns his ability to do *something else*" (Frankfurt 1983: 95–6).

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against Pereboom and Frankfurt theorists. So far, then, the question-begging suspicion has not been dispelled.

It seems plausible to think that an opposition to Frankfurt-style (or any other sort of) attacks on PAP must be inspired by a conviction that PAP (or a close leeway principle for moral responsibility) is true. This is not, of course, to beg the question. But PAP cannot legitimately be assumed as a premise in an argument against those who question it. This *is* to beg the question. And, though Lockie does not do this in an obvious, overt and explicit way, he may be doing it (presumably unawares) in a more subtle, covert and implicit way, as I have suggested.

However, even if I am wrong and Lockie's "No Responsibility" strategy does not beg the question, still resorting to OIC in order to save PAP may have other, not insignificant problems. And an important problem is that Pereboom's Frankfurt case may (putatively) be a counterexample, not only to PAP, but to OIC as well. And, if this is so, OIC is not the right support in order to defend PAP against that putative counterexample to it. It is to Widerker's credit (Widerker 1991: 224) to have argued convincingly that a successful Frankfurt case refutes both PAP *and* OIC. Fischer (2003: 248) has also suggested that Frankfurt cases falsify, in addition to PAP, OIC as well. We can justify this contention on the basis of Pereboom's *Tax Evasion 2*. In the actual sequence, Joe has normal abilities for practical thinking and some sensitivity to moral reasons (these abilities and sensitivity will only be undermined in the counterfactual sequence, after the device's firing). Exercising these abilities, taking into account his strong reasons of self-interest for evading taxes, being aware of moral reasons against this (or of the fact that there are such reasons), and believing he can decide otherwise, Joe decides, rationally and on his own, to evade taxes. I think it is quite intuitive that, in so deciding, he has violated his moral obligation to pay his taxes, a moral obligation that concerns him like any other adult citizen. Nevertheless, owing to the lurking but inactive device, he could not have decided to pay his taxes. But then, he seems to have the moral obligation to decide to pay his taxes even if, unbeknownst to him, he could not have decided to pay them. And, if this is so, OIC is refuted by Pereboom's example, which means that, independently of the question-begging problem, it is not the right support for PAP against this example.

But OIC seems to respond to our deep sense of justice. It certainly seems unfair to say that a person has an obligation to do something that she cannot do. I think this sense of unfairness is fully justified in cases in which the factor that renders an agent incapable of doing something is in fact exercising its incapacitating power at the time of her relevant omission. This is the case of someone who does not save a drowning person because he is disabled or cannot swim. This is the sort of example that accounts for our strong belief in the truth of OIC. However, Joe's case is different. The factor that renders him unable to decide to pay his taxes is *not* operating at the time he deliberates and decides to evade them. This makes this case very different from the case of the disabled person that we have referred to. And this is a reason why assuming the truth of OIC in the context of a Frankfurt case in order to keep PAP safe, as Lockie says he does, is highly problematic.

It may well be that OIC's scope is not unrestricted, but has limits, and that Frankfurt cases, where the incapacitating factor does not actually operate, but merely *would* operate, lie beyond those limits.

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## Lockie's Additional Responses to the Question-Begging Reply

In the preceding section I have examined what I take to be Lockie's strongest response to the question-begging objection. But he deploys three additional rejoinders, which I will consider in the present section.

We can present Lockie's second response by quoting his own words:

> A second point against the claim that this argument begs the question is that it may be made by appeal only to a widely endorsed epistemic constraint on responsibility: that, as a principle of justice, we can only be morally responsible for the foreseeable (by us) consequences of our acts (the right) and not to the non-culpably unforeseeable (by us) consequences of these acts (the good). (Lockie 2104: 1019)

If I have not badly misunderstood this point, I think that, contrary to Lockie's intentions, it reinforces the view that Joe *is* morally blameworthy for his decision to evade taxes.[16] Let me explain. Lockie's considerations in the preceding quotation would work if Joe's decision to evade taxes, which is the relevant object of responsibility assessment, were unforeseeable by him on the basis of his prior low attentiveness to moral reasons. But it seems that it was rather foreseeable for Joe that, in (willingly) not paying much attention to moral reasons against evading taxes, and being correspondingly highly attentive to his self-interested reasons, he would end up deciding to evade taxes (under this description, intentionally and intensionally). Surely, his decision did not come as a surprise to him.

In a related vein, Lockie writes: "We can't be fully responsible for *tax evasion* intentionally so-described if we are epistemically aware ("cognitively sensitive") only to the fact of our culpably not 'voluntarily achieving the requisite level of attentiveness' to our moral reasons" (Lockie 2014: 1028). But Joe is not only aware of this; he is also aware of his self-interested reasons for tax evasion, his decision, on the basis of those reasons, to evade taxes, and his action of evading taxes. Hence, we can take Joe to be "fully responsible for *tax evasion* intentionally so-described" without rejecting Lockie's insistence on intensionality, intentionality, subjective awareness, and the distinction Right vs Good. In fact, as I have tried to show, Lockie's insistence on these points speaks, if at all, in favor of the contention that Joe is blameworthy for deciding to evade taxes rather than against it.

Lockie's third consideration in response to the question-begging charge is the following, in his own words:

> … the structure of Pereboom's (and Widerker's) arguments requires that normal moral decision-making may be broken down into a series of discrete, temporally linear stages … One stage is consideration of moral reasons; the next stage is a full-fledged consideration of whether to evade taxes. Independent of the theory, it seems intuitive that Joe can't be morally culpable for non-payment of taxes until he gets to that stage, and Pereboom has stipulated he does not. If, by stipulation of

[16] My remarks at almost the end of section 5 are also relevant here. But let me add some additional considerations here.

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> the thought experiment, he only gets to temporal stage one – consideration of moral reasons – then his actions up to that stage are what he may be held morally responsible for. (Lockie 2014: 1019)

The point seems to be, if I understand it correctly, that Joe does not consider properly whether to evade taxes or not; it seems that he only gets to the stage of becoming attentive enough to moral reasons or not. And since the decision to evade taxes pertains to the second stage, to which Joe does not get, he is not responsible for that decision. Why not? I guess that the response is that Joe's decision does not derive from a careful and full-fledged process of considering whether to evade taxes or not.

If the preceding interpretation of Lockie's point is correct, I do not think it vindicates his central thesis of Joe's blamelessness for his tax-evading decision. Before getting to this, however, it is not totally clear to me that Pereboom (or Widerker) conceives of moral decision-making as so sharply divided in the two stages Lockie distinguishes. But even if we accept that division, it does not follow that Joe does not consider whether to evade taxes or not. Lockie describes his first stage as consideration of reasons. But these reasons are not general and abstract remarks. In the context of Pereboom's example, the reasons Joe considers are of two types: reasons of self-interest for evading taxes and moral reasons for not evading taxes. Pereboom explicitly says that Joe is aware of the latter (and, of course, of the former). But how could Joe consider reasons for evading taxes and reasons for not evading them without considering whether to evade taxes or not to evade them? So, it seems clear to me, on the basis of Pereboom's description of the case, that Joe does consider whether to evade taxes or not. It is also true that Joe does not pay sufficient attention to the moral reasons against tax evasion, so that we can conceive his consideration of whether to evade taxes or not as rather superficial and not very careful. Maybe it was not a full-fledged deliberation. But if we were only responsible for those decisions that we make after careful and full-fledged processes of deliberation, this would wildly and implausibly restrict the scope of our responsibility. It is not necessary, in order to be morally responsible for a decision, that it be the result of such a careful and full-fledged process of practical reasoning. We are also responsible for many decisions we make without much reflection or detailed deliberation. And this holds also for Joe, who, contrary to Lockie's thesis, may well be morally blameworthy for his decision to evade taxes.

As a fourth and final response, Lockie seems to suggest that, in the particular case of PAP, defending this principle by assuming its truth against putative counter-examples might have some justification:

> In these debates the defender of PAP is engaging in a dialectic to defend against Frankfurt counter-examples directed against a principle he nevertheless holds to be both a priori and fundamental to moral theory. There is a limit to how question-begging a reliance on PAP (or some cognate intentional leeway principle) may be taken to be given that such principles have always been conceived thus by their defenders. (Lockie 2104: 1019)

My reply to this fourth rejoinder goes in two directions. The first has already been suggested above and is as follows. The conviction that a principle such as PAP, or some cognate leeway principle, is fundamental to moral theory as well as a priori or "at least

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self-evident in some strong sense" (Lockie 2104: 1008), a conviction that Lockie shares, is perfectly legitimate. This conviction is likely to stimulate the search for new and good arguments and considerations in defense of the principle. A conviction like this is very important in doing philosophy as a source of inspiration and a sustainer of intellectual efforts to save and promote views that we care deeply about. However, what is not dialectically legitimate is to use the principle whose truth one is convinced of as a premise or consideration in an argument in favor of that very principle. These two roles should be carefully held apart.

My second reflection has to do with the alleged (by Lockie) a priori or self-evident character of PAP (or a cognate leeway principle for moral responsibility). The prospect of being morally responsible, and especially blameworthy, for something that we could not avoid doing or to which we had no alternative strikes us as profoundly unfair. It is this deep impression of unfairness that fuels our allegiance to PAP (or a cognate principle). But the sort of cases that come to our mind when we recoil from the idea of being both responsible and unable to do otherwise are cases where the factor that deprives us of alternatives also brings about our way of acting, as when someone threatens us with a gun or with a horrible penalty. These are cases of coercion, and coercion, beyond certain limits, precludes from responsibility. But, as Frankfurt himself pointed out in his seminal paper, "the doctrine that coercion excludes moral responsibility is not a particularized version of the principle of alternate possibilities" (Frankfurt 1969: 5). Frankfurt suggests that the appeal of PAP may derive "from association with the doctrine that coercion excludes moral responsibility" (Frankfurt 1969: 5). If we keep these two doctrines apart, PAP may well lose much of its lure. If an agent makes, consciously, rationally and voluntarily, with no coercion, a morally wrong decision, then it is quite plausible to hold her responsible for it, even if, unbeknownst to her, there are circumstances that prevent her from doing otherwise, provided that they do not cause or influence her decision at all. Frankfurt cases are supposedly like this.

The lesson is that, before taking PAP to be a priori or self-evident, we should make sure that we are not implicitly associating this principle with the principle that, beyond certain limits, coercion excludes moral responsibility. I am not saying that Lockie has associated these two principles, but I have not found in his article a clear awareness of the difference between them. To conclude these reflections, let me say that the principle about coercion may well account for our deep intuitions of unfairness with regard to holding responsible someone who could not have done otherwise. Hence, though I think that PAP is true, it might be that its falsity did not undermine our moral convictions, judgments and practice to an unreasonable extent. We could still go on precluding from responsibility someone who could not do otherwise owing to an irresistible external force, a grave pathological impulse or a strong coercion.

## Concluding Remarks

After presenting Pereboom's *Tax Evasion 2* and analyzing its structure, I have discerned in Lockie's article two strategies to defend PAP, or a cognate leeway principle, against the putative threat that this case seems to exert on it. The first strategy (NTAD) is intended to show that the example violates one condition for a successful Frankfurt case, namely that the agent has no (robust) APs to her decision. I have argued that this

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strategy stumbles on the problem of robustness. The strategy fails because the APs that Lockie detects in Pereboom's example are arguably not robust enough to save PAP. The second strategy (NR) is intended to show that the example breaches the other condition for a successful Frankfurt case, namely that the agent is morally responsible for her decision. I have distinguished two lines of argument for this contention. Regarding the first, I have defended a certain reading of Pereboom's example under which the judgment that the agent is blameworthy for his decision to evade taxes appears as highly plausible, and I have given reasons to prefer this reading to Lockie's. Regarding the second line, I have raised the objection that it might be begging the question against the Frankfurt theorist, by assuming the truth of PAP itself in arguing for it. I have examined Lockie's responses to this challenge, of which the first, according to which what he assumes is not PAP itself, but OIC, is the strongest. I have suggested, nonetheless, that, if not overtly, Lockie might well be covertly assuming PAP, in that PAP can be derived from two premises in his argument for Joe's blamelessness. I have further argued that, even if the suspicion of question-begging were finally dispelled, the appeal to OIC to defend PAP may not work if, as it plausibly seems, Pereboom's case is a (putative) counterexample to OIC as well. After examining other three responses, I have concluded that they do not succeed in justifying Lockie's contention that the agent in Pereboom's example is not morally responsible for his decision. Finally, though I think that PAP is true, I have offered reasons to think that its falsity might not have such disastrous effects on our moral judgments and practices as some philosophers seem to believe.

As a general and final consideration, I tend to think that, in dealing with the Fankfurt cases he examines, Lockie focus primarily on features of the alternative sequence of such cases, rather than the actual sequence. But by insisting on paying special attention to the former, rather than the latter, Lockie misses some important considerations that Frankfurt theorists can offer in favor of the agent's blameworthiness for his decision and his lack of robust APs.

So, in spite of the interest and philosophical quality of Lockie's long and complex paper, my general conclusion is that, in the end, it does not succeed in defusing Pereboom's *Tax Evasion 2* as a counterexample to PAP.

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