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CLOSE CALLS AND THE CONFIDENT AGENT: FREE
WILL, DELIBERATION, AND ALTERNATIVE
POSSIBILITIES

ABSTRACT. Two intuitions lie at the heart of our conception of free will. One intuition locates free will in our ability to deliberate effectively and control our actions accordingly: the ‘Deliberation and Control’ (DC) condition. The other intuition is that free will requires the existence of alternative possibilities for choice: the AP condition. These intuitions seem to conflict when, for instance, we deliberate well to decide what to do, and we do not want it to be possible to act in some other way. I suggest that intuitions about the AP condition arise when we face ‘close calls,’ situations in which, after deliberating, we still do not know what we really want to do. Indeed, several incompatibilists suggest such close calls are necessary for free will. I challenge this suggestion by describing a ‘confident agent’ who, after deliberating, always feels confident about what to do (and can then control her actions accordingly). Because she maximally satisfies the DC condition, she does not face close calls, and the intuition that the AP condition is essential for free will does not seem to apply to her. I conclude that intuitions about the importance of the AP condition rest on our experiences of close calls and arise precisely to the extent that our deliberations fail to arrive at a clear decision. I then raise and respond to several objections to this thought experiment and its relevance to the free will debate.

1. A CLASH OF INTUITIONS

The interminable philosophical debates about free will often come down to a clash of intuitions about which of two conditions is more important for free will. One intuition locates the essence of free will in the abilities of an agent to deliberate about what she really wants to do and to act on those deliberations.¹ Free will (of the sort tied to moral responsibility) requires that an agent can determine what she really wants,

that she is not compelled by external or internal forces to act against it, and that she can control her actions accordingly. Call this the ‘Deliberation and Control’ condition (DC) since it emphasizes that the agent must possess the general capacities to deliberate effectively in light of her desires and reasons and then to control her actions in light of her deliberations.

The other intuition locates the essence of free will in the ability of an agent to do or choose otherwise. For an agent to act of her own free will (and to be morally responsible), she must be able, when she acts or chooses, to act or choose in more than one way. Incompatibilists interpret this ‘Alternative Possibility’ condition (AP) to mean that at some point in an agent’s coming to act, it is possible that she acts in one way and – given the exact same circumstances (and laws) – it is possible that she acts in some other way. Hence, since they claim that determinism entails that it is *not* possible for an agent to act other than the way she does act, she cannot do otherwise; therefore, they claim it is impossible for free will to exist in a deterministic world.

Our experience of deliberation and choice seems to involve both the DC and AP conditions, and philosophers have tried to analyze free will in ways that capture both. Indeed, each word in ‘free will’ seems to emphasize one of the conditions, ‘free’ suggesting the openness of AP and ‘will’ suggesting the powers involved in DC. But the two conditions can also appear to conflict. If you focus on the DC condition, alternative possibilities (AP) seem to detract from your freedom: if you deliberate effectively to decide what you really want to do, but there’s a real chance you will do something else in those exact circumstances, you seem to lose some of your control. On the other hand, if you focus on the AP condition, the DC condition may seem constraining: if, in some particular situation, your deliberations lead to a manifestly clear decision, then there seems to be no viable alternative for action in *that* situation.²

Compatibilists, while emphasizing the DC condition, often attempt to satisfy the AP condition with controversial (perhaps untenable) *conditional* analyses of ‘can’ or ‘the ability to do

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otherwise': for instance, the ability to do otherwise *means* that an agent would do otherwise *if* he had chosen to do otherwise.³ On the other hand, when incompatibilists, who emphasize the AP condition, offer a positive (libertarian) account of free will, they often attempt to satisfy the DC condition with implausible (perhaps incoherent) theories of agent causation, such that the agent, by his uncaused choice, makes the difference in determining an otherwise undetermined event.⁴

In this paper, I will avoid these deadlocked metaphysical debates about how to interpret the ability to do otherwise (or the controversial word 'can'), whether agent causation can be made coherent, and indeed whether determinism precludes free will – debates that have led to 'dialectical stalemates' and claims that free will is a mystery.⁵ Instead, I want to suggest a sort of diagnosis of the debate itself by examining what I believe is an underlying source of the intuition behind the AP condition and seeing whether its grip on us may be loosened. I will suggest that intuitions about the importance of the AP condition are largely driven by situations in which, at the moment of choice, we do *not* know what we really want to do. Conversely, when we *do* know what we really want, we don't want there to be a chance we might not do it. Hence, the AP condition seems important precisely when the DC condition is not satisfied – when, even *after* we deliberate, we face a 'close call' between two (or more) alternatives, such that we feel we could act on either one. Conversely, when the DC condition is maximally satisfied, the AP condition seems insignificant, perhaps even detrimental, to our sense of freedom and control. Deliberating effectively and being able to act on one's deliberations thus appear to be the primary conditions required for free will, suggesting the need for the supplementary AP condition only when they are not met. Finally, these considerations reveal that libertarian theories that *require* the existence of close call situations for free will have the counterintuitive implication that an agent who faces no such close calls, who always reaches a confident decision about how to act, does not have free will.⁶

I am thus arguing in the tradition of compatibilists who contend that the AP condition for free will is overrated, especially in comparison to the DC condition. John Locke (1690), for instance, pointed out that a man locked in a room, but happy to be there, acts voluntarily in remaining, despite not being able to leave were he to try (i.e., to do otherwise). Harry Frankfurt (1969) moves Locke's room inside the head; he proposes that Jones is responsible (and free) in committing a murder even if a nefarious neuroscientist, Black, would have made Jones decide to kill if he showed any signs of not doing so. Hence, Jones is responsible when – *without* Black's interference – he decides to kill his victim, despite being unable to do otherwise. (Like Locke's locked door, Black has blocked the relevant alternatives, but these alternatives are insignificant given the actual sequence of the agent's deliberations).⁷ Daniel Dennett (1984) claims Martin Luther acted freely in refusing to recant even though his moral commitment led him to claim, "I can do no other."⁸ And Susan Wolf (1990) wonders why we would want the possibility of doing otherwise if we were psychologically determined to act in accord with the True and the Good – that is, why would we want it to be possible to act *irrationally*.⁹

I will add another intuition pump to this tradition: What would our intuitions be about a 'confident agent,' one who, after deliberating, *always* feels confident about what she really wants (or, if you prefer, what she feels she should do), chooses it, and then effectively acts on her choice? Maximally satisfying the DC condition, would she feel the pull of the AP intuition? And if not, should we?

2. CLOSE CALLS

Let me begin by describing what I see as a major source of the intuition that the AP condition is essential for free will: situations in which we are making a choice between two or more perceived alternatives and, even *after* deliberation, we don't know which represents what we really want to do. I am not referring to the uncertainty that drives us to deliberate about what to do. Rather, I am referring to cases in which

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deliberation does not deliver a clear answer about what to do. For instance, as we make our decision, we remain torn between prudence and passion – do I work on my paper or go dancing with friends? Or between moral demands and self-interest – do I give up the taxi to the elderly man or make my meeting on time? Or between conflicting desires – should I keep watching TV or play with my son?¹⁰ We recognize good reasons and/or feel strong desires to choose each of the alternatives and we recognize the incompatibility of acting on both. We search for considerations to tip the balance one way or the other but discover that neither set of reasons or desires, by our own estimations, clearly outweighs the other. In these cases the conflicts not only initiate our deliberation, they remain at the end of deliberation. Indeed, deliberation may crystallize the nature of the conflict and make it even more salient. We (usually) make a choice in the end but we may wonder whether we chose well, sometimes immediately regretting the choice we end up making. Even if we feel we had good reasons for the choice we make, we may continue to feel the pull of the ‘losing’ reasons and desires. We may lament having had to choose at all. William James aptly captures the phenomenology of such decisions:

It often happens that no paramount and authoritative reason for either course [of action] will come. Either seems a case of a Good, and there is no umpire as to which should yield its place to the other.... It often happens, when the absence of imperative principles is perplexing and suspense distracting, that we find ourselves acting, as it were, automatically, and as if by spontaneous discharge of our nerves, in the direction of one of the horns of the dilemma. (1890: 532)

Let us call these moments of (in)decision, which leave the agent, after deliberation, with nearly equally compelling alternatives for choice, ‘close calls.’ When we face such dilemmas, we feel we could justifiably choose one way *and* we could justifiably choose the other way. Once we have chosen one way, we might feel we should have chosen the other. Indeed, given the reasons and desires we had, we feel we *could have*

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chosen otherwise in the sense that, for all we knew and felt, we ‘might as well’ have chosen otherwise.¹¹

At the same time, close calls can seem significant precisely because of their inherent equilibrium: we may feel especially responsible for their outcome because we feel *we* must be what make the difference in the resulting action – what else could have made the difference? The impetus for making the final choice does not seem to be ‘out there’ in the world, in the objects of choice, so they must be ‘in us.’ We sometimes wish we could have it both ways and experience both outcomes, perhaps because that seems to be the only way we could get the information that would help us know which alternative would be better. Consider Frost’s famous lines: “Two roads diverged in a yellow wood,/ And sorry I could not travel *both*/ And *be one traveler*. . . .”¹² Close calls can be exhilarating, but they can also induce angst because we realize we cannot in fact be one traveler on two distinct roads but must choose our lives by choosing one road. We recognize that we cannot bifurcate, so we want the next best thing – that we really could choose *either* alternative given the situation we are in. Faced with diverging roads, I – as the exact same agent – could choose the road less traveled *and* I could choose the road more traveled, and hence, as Frost concludes, my choice “has made all the difference.”¹³

3. RESTRICTIVISM

Libertarians have highlighted the connection between the AP condition and close calls. In fact, some argue that we exercise free will *only* in close calls situations, a view called ‘restrictivism.’¹⁴ C.A. Campbell (1951) suggests that an agent exercises free will only in cases of conflict between duty and desire: “Free will does not operate in practical situations in which no conflict arises . . . between what he conceives to be his ‘duty’ and what he feels to be his ‘strongest desire’” (460–461). Peter van Inwagen (1989) adds the case of incommensurable values, often cashed out in terms of competing

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life plans. These cases are “characterized by *indecision* – often agonized indecision” (234). He argues that the existence of AP (and hence free will) is possible *only* in close call cases, because otherwise there are conditions (e.g., feelings of duty unopposed by inclination or feelings of unopposed inclination) that are sufficient for one specific action. He concludes that such sufficient conditions entail that the agent could not act otherwise.¹⁵ Van Inwagen thus believes “there are at most *two* sorts of occasion on which the incompatibilist can admit that we exercise free will: cases of an actual struggle between perceived moral duty or long-term self-interest, on the one hand, and immediate desire, on the other; and cases of a conflict of incommensurable values” (235). He thinks such cases are relatively rare – hence, ‘restrictivism.’

Other libertarians argue that such cases are not so rare, but nevertheless agree that libertarian freedom requires close calls. Timothy O’Connor (2000), for instance, requires them for his theory of agent causation to work. He asserts, “sometimes we can truly explain why an agent performed an act rather than any of the alternatives he considered. I insist only that this is not always possible, and when it isn’t so, we can still give perfectly good non-contrastive explanations of the chosen action” (93). His point here is that sometimes the reasons an agent acts cannot explain (contrastively) why one act was chosen *rather than* the other, though they can still explain why the act was chosen. Though such explanations may indeed be possible, it also seems possible for there to be an agent whose choices can always be explained contrastively in terms of the reasons she considers and the desires she has for one course of action *rather than* any alternative. And, as I will suggest below, it seems counterintuitive to suggest such an agent would thereby lack free will.

Finally, Robert Kane’s (1996) impressive event-causal libertarian theory similarly relies on close calls: “To have free will, individuals must be attracted to a plurality of incommensurable goals” (205). The indeterminism he believes necessary for free will occurs not during deliberation but at the moment of choice. Since the agent has good reasons for choosing either

alternative, she can be seen as the causal source of either choice. But what the agent really wants is determined *by* the act of deciding, which itself is an undetermined event: “both options are wanted and the agent will settle the issue of which is wanted *more* by deciding” (133). Kane’s descriptions suggest that, even after surveying the relevant desires and reasons for each alternative, we may remain “of two minds,” and we only make up our mind when “our effort of will,” which is “an indeterminate event or process,” terminates in one outcome or the other (128).¹⁶ Again, even if such indeterministic processes do occur in close call situations, I will suggest that Kane’s requirement that such situations are necessary for free will loses appeal if we consider an agent who does not experience close calls.

It is clear why libertarians need to argue that close calls are required for free will, since they believe alternative possibilities (AP) are necessary for free will, and the AP condition seems unattractive, if not impossible, to satisfy except in close call situations (though see objection 6 below). If you don’t feel the pull of both alternatives at the moment of choice, why would you want both alternatives to be possible, given conditions *exactly* as they are at the moment of choice? Unless you feel, after deliberating, that you still have adequate reasons and/or desires to choose either action, why worry whether you actually could choose either one? By examining these questions, we can see whether the incompatibilist intuition that the AP condition is necessary for free will loses some of its appeal.¹⁷

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What would happen if an agent never faced close calls? What would become of the intuition that free will requires alternatives for action in the exact same circumstances? It is, of course, difficult for us to imagine *never* feeling pulled by two conflicting alternatives after we deliberate, but we can begin to imagine such a life since we do go through significant stretches of our own lives in this way. As van Inwagen suggests, “we are

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rarely in a situation in which the need to make a choice confronts us and in which it isn't absolutely clear what choice to make" (1989: 232). Sometimes we recognize "diverging roads" in the distance, we deliberate about which to take, and *after* considering our desires and reasons for each alternative, we feel confident that we really want to take one road and not the others – the alternatives, though they were real options for us before deliberation, are no longer seen as real options at the moment of choice.¹⁸ Once again, William James aptly describes the phenomenology of such confident choices:

the arguments for and against a given course seem gradually and almost insensibly to settle themselves in the mind and to end by leaving a clear balance in favor of one alternative, which alternative we then adopt without effort or constraint. Until this rational balancing of the books is consummated we have a calm feeling that the evidence is not yet all in, and this keeps the action in suspense. But some day we wake with the sense that we see the thing rightly... We have, however, a perfect sense of being *free*, in that we are devoid of any feeling of coercion... A reasonable character is one who has a store of stable and worthy ends, and who does not decide about an action till he has calmly ascertained whether it be ministerial or detrimental to any one of these. (1890: 531)¹⁹

It will help if you try to remember some specific examples of confident choices you have made in your own life – perhaps some trivial and some momentous – cases where your deliberation arrives at an *answer*, rather than a suggestion, to the question "What should I do?" Now imagine going through a whole day like this, or even a week, fortuitously facing choices where, once you consider what you value, believe, desire, and care about, you feel certain about which option to take. (Keep in mind that, during this span of time, you are still deliberating and making decisions – it's just that you aren't deciding based on deliberations that still feel, as it were, indecisive.) Now imagine an agent who happens to live her whole life this way, recognizing alternatives for action, deliberating about which to choose, but experiencing no close calls *at* the moment of choice or action. What James called the 'reasonable character' I will call the 'confident agent.' She feels confident about which decision to make after any and every process of deliberation (and

during the process of deliberation as she makes any ‘sub-decisions,’ for instance, about how important certain considerations are – see objection 3 below). Furthermore, she has the knowledge and control to then act accordingly, so she also satisfies the *control* aspect of the DC condition (we may want to call her the confident and *competent* agent).²⁰ I will first describe the confident agent in more detail to show that she is conceivable and that, intuitively, she seems to have free will, despite the fact that she need never satisfy the AP condition. Then I will discuss some objections to this thought experiment and to the implications I suggest it has for the free will debate.

The first thing to notice about the confident agent is that she both needs to deliberate and does deliberate.²¹ She faces situations that require deliberating and making choices just like the rest of us. Often, she is not confident *before* deliberation – she is not preprogrammed to act immediately in any situation (perhaps as we imagine computers or some animals).²² Using Frankfurt’s language, we can imagine that she always comes to *identify* herself with one of her conflicting desires or values such that, even if she does not eradicate her conflicting desires or values (or want to eradicate them), she does not want to *act* on them in the particular situation she is in.²³ It is important to note that she, like us, can still *feel* the pull of the reasons and desires she confidently decides against. Often we decide to act in one way, fully confident that we are doing what we really want, but we would not want to lose our desires for the alternative type of action. For instance, I choose to fulfill my obligation to finish this paper instead of spending a Saturday with my family, but I do not want to do so by *eradicating* my desire to spend the day with my family. None of this suggests that I feel that, at the time of *deciding* and *given the exact same circumstances* (including the relevant situation and considerations), it is important that the alternative remains an open possibility for action. It seems the confident agent would never feel the need for this unconditional sense of alternative possibilities.

Furthermore, the confident agent never *acts* against the decisions she makes or the desires with which she identifies,

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including desires to do what would be prudent or moral. She does not suffer weakness of will (again, she is competent as well as confident). So, unlike Kane's libertarian agent who makes an *indeterminate* effort of will to overcome temptation in moral or prudential dilemmas, the confident agent identifies either with her immediate desires or with her prudential or moral reasons, and having done so, her effort of will is determinate. If she decides she really wants to 'do the right thing,' she will. I see no reason why, in such cases, the possibility of doing otherwise (e.g., acting on one's temptations despite one's best judgment), as required by Kane's theory, would *increase* her freedom or her responsibility.²⁴

The next thing to notice about the confident agent is that she is not a fatalist who feels she has no alternative possibilities for action or that her deliberations do not make a difference to what will happen. Quite the contrary. She recognizes alternatives for action and believes her deliberation and decision will 'actualize' one of the alternatives.²⁵ Deliberation is at least as important to her as it is to us, since often it is only by deliberating that she attains her confidence. It is crucial to recognize that the confident agent is not confident because she is unreflective or uncritical about her values and motivations. The difference between her and us is not in *how* or *how much* she deliberates, but in the outcome of her deliberations. When she chooses, she feels she has deliberated well *and* as sufficiently as circumstances allow; she does not experience the phenomenology of close calls described above.²⁶

In what sense, then, might the confident agent have or desire to have AP at the moment of choice or action? I have suggested that she would not need or want AP *when she chooses*, since she will no longer experience the unchosen alternatives as compelling in her particular circumstances. What about *before she chooses*? Won't even the confident agent want to feel, when she is first confronted with having to make a choice – say, between helping her friend move or going to the lake – that she could choose either alternative? Yes; as Aristotle pointed out, we do not deliberate about what is certain nor impossible but only about what is "attainable by human

action.”²⁷ So, in initiating deliberation the confident agent must believe that neither alternative is necessary and neither is impossible – she can conceive of choosing to help her friend and she can conceive of choosing to go to the lake.

But this ability to deliberate does not require the unconditional sense of AP – of alternatives for choice or action being possible given the *exact* same conditions – since at the time of choice or action, the conditions will include the fact that she has deliberated to a confident decision, while at the time she initiates deliberation, she believes that either alternative is possible, *depending* on how she actually deliberates. The confident agent, like us, needs to be able to *imagine* the alternatives and to consider the reasons for each. But the abilities to *imagine* and consider acting in more than one way do *not* require the metaphysical possibility of choosing or acting in one way or the other *after* such consideration. She wants the power to act on her deliberations, which includes the capacity to conceive of acting in more than one way, but once she has deliberated to reach her confident choice, she is not troubled if it is no longer possible, given the actual situation including her deliberations, for her to act in a way that she is confident would be the *wrong* way for her to act. Instead, she is glad if there is no chance, in those circumstances, that she might act against her decision. For instance, if she comes to recognize that, despite her desire to relax at the lake, she wholeheartedly endorses helping her friend move, she would feel out of control and unfree if she then found herself going to the lake. Furthermore, I think we should consider her to have diminished control and freedom to the extent that there are genuine possibilities that, in her precise circumstances, she might decide *not* to help her friend move.

One way to see that deliberation does not require a belief in metaphysically open alternatives but only epistemically open alternatives is to consider what we seem to believe when we begin deliberation. We believe that *if* our considerations favor alternative *A*, then (barring interference) we will choose *A*, and *if* our considerations favor alternative *B*, then (barring interference) we will choose *B*. We may also believe that

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nothing external interferes with our considering the relevant alternatives. But none of these beliefs entail the belief that, after deliberation, both alternatives remain open to us given our actual considerations. Rather, the belief that both alternatives need to remain open to us, given our *actual* considerations, manifests itself only when our deliberations leave us facing a close call, such that we remain with the feeling that, given our actual considerations, both alternatives still make sense for us to choose.²⁸

But, one might ask, won't the confident agent still want that, in general, it is possible for her to deliberate in different ways than she in fact does, such that she might choose otherwise in various cases? Such a desire could be interpreted in several ways. First, it might mean that she wants the possibility of different reasons or desires coming to mind or influencing her with different intensities. Especially if a chosen course of action goes awry (e.g., she hurts herself helping her friend move), she may wish it were possible she had considered reasons she didn't consider (e.g., the fact that she'd thrown her back out in the past). But in such cases she does not want to consider just *any* different reasons; she wants to consider more *appropriate* reasons. She wants to have deliberated better. In general, we want the possibility of different considerations coming to mind *not* so that we can choose otherwise in the *exact* same situation, but so that the situation would be *different* – such that we more informatively decide what to do. We wish that the situation leading to our choice had *not* been exactly the same, because we wish that *different* considerations had come to mind (see objection 3 below).²⁹

The second way to interpret the desire to be able to deliberate differently than one does is that the agent might want to be a different sort of person, with different desires and preferences, with sensitivity to different reasons. But the possibility of becoming a different sort of person does not require being able to choose otherwise in a particular situation. It requires being able to deliberate about what sort of person you are – your desires, preferences, and reasons, even the way you deliberate – and to change accordingly. Indeed, such self-reflective

deliberation seems essential to being a person.³⁰ But the confident agent *can* engage in such deliberation. Like us, her life is not perfect; some of her choices don't turn out as she expected; she can become dissatisfied with the criteria she has applied to her deliberations and doubt the wisdom of her prior choices. When these problems prompt her to engage in higher-order reflection, she, like us, envisions alternatives and sees them as possible for her, but after she deliberates, she, *unlike* us, always feels confident about her choice. So, even in choosing what sort of person she wants to be, she will reach a state of certainty, such that any alternative outcome would undermine her choice.³¹ Despite van Inwagen's suggestion that decisions about "What sort of life shall I live?" are characterized by indecision (1989: 234), in fact we sometimes manage to feel quite confident about our answers to these important and fundamental questions. To imagine the confident agent, we need only imagine an agent who always manages to do what we only sometimes manage. She asks such fundamental questions, imagines various ways she might lead her life, deliberates about them, and comes to a confident decision about what sort of life she wants to lead.³²

Perhaps, however, *after* the confident agent acts she will wish she could have chosen otherwise given the exact same (earlier) circumstances. She, like us, will sometimes feel *regret* when her choices go awry, and the experience of regret suggests a desire to have had AP. When she misses the putt, won't she still say, "I could have done otherwise (i.e., made the putt)"? If she is rear-ended on the drive home, won't she think, "That wouldn't have happened if only I had driven home the other way today"? The nature of regret is complex and under-explored by philosophers. However, I would suggest that in such cases of regret what the confident agent would believe is important is not that she had alternative possibilities for choice but rather that *things could have gone differently*. Since she does not lack control over her actions, we can assume she tried as hard as she could to make the putt. So, there's nothing *she* could have done differently to make it. If she really could make it, it's only because small differences within her (perhaps

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her muscle tension) or in the world (perhaps a bent blade of grass) might have made the difference.³³ If she wishes she had chosen to drive home a different way – a rational wish given the accident that occurred – what she really wishes is that she'd not been so unlucky. But for all she knew, a truck might have killed her if she had driven home by the other route. She, like us, should not wish for something impossible – that is, the ability to choose based on better reasons provided by unforeseeable future outcomes. Rather, we can only hope to do (or choose) the best we can given what we know, and the existence of AP alone does not help us know more or choose better.³⁴

So, if the reality of regret leads to a desire for AP, it is not, I would suggest, a desire for alternatives for choice or action but rather a desire for alternative outcomes, perhaps combined with a desire for some ability to know more about the way things might turn out following the alternative actions. In other cases, we may experience a type of regret when we must choose between two desired alternatives – feeling “sorry I could not travel both and be one traveler.” Our longing for something metaphysically impossible – living two actual futures (as the same person) – may lead us to desire what seems like the next best thing – metaphysically open futures. Indeed, we may have other reasons to desire the ‘metaphysical openness’ allowed by AP – especially if we picture determinism as ‘hardening’ the universe – but these reasons should not be confused with an ability to choose better or to have more control over one’s actions (see objection 4 below). The confident agent, by hypothesis, chooses as she really wants and controls her actions accordingly, such that any possibility of doing otherwise would only detract from her effective deliberation and control.

If the problem of regret undermines the confident agent thought experiment as is, we might further imagine a confident and *successful* agent, one who never regrets her choices because they always turn out well, or as well as could be hoped. Or even a confident and *optimistic* agent who simply never regrets her well-thought-out choices, even if they turn out bad.³⁵ However, I don’t think these less realistic agents

are required to make my general point, and I suspect they would raise new problems.³⁶

I have argued that the confident agent, who maximally satisfies the DC condition, has no need and no desire to satisfy the AP condition. What does this intuition pump tell us about free will? Assuming, as I believe, that the confident agent is conceptually coherent, she illustrates that the strength of the AP intuition about free will rests on our experiences of close calls – that is, it rests on the cases of choice where the DC conditions founder because we either cannot reach a clear decision about what we really want to do (or what we feel we should do), or we cannot control our actions in light of our decision (e.g., we act akratically). The intuitive appeal of the AP condition for free will is significantly diminished once we realize that, as restrictivist libertarians are right to point out, it can be satisfied *only* in close call situations, yet that an agent who faces no close call situations certainly seems to act of her own free will.³⁷ Because she maximally possesses the abilities associated with the DC condition, the confident agent does not face close calls. Hence, the intuition that the AP condition is essential for free will does not seem to apply to her.

One might respond that, nonetheless, *we* are not confident agents, so even if the AP condition does not seem essential for the confident agent to have free will, it may be essential for *us* to have free will. Such a response, however, must be more specific. Thought experiments often work only by positing possibilities that are not actual (e.g., Frankfurt cases). To suggest that they are irrelevant requires an explanation of why the non-actual aspect of the thought experiment *is* relevant to the question at hand. So, in this case, the objector would have to explain why exactly the AP condition is relevant for us but *not* the confident agent, or why, despite initial appearances, the confident agent does not have free will precisely because she fails to satisfy the AP condition.³⁸ And such a response cannot simply assert that free will can only occur in close call situations, since that is the question at hand. I will be addressing below some of the more specific

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objections to the claim that the confident agent does have free will.

For now, however, I suggest that the strength of intuitions about the AP condition for free will derives from our experiences of close calls and arises precisely to the extent that our deliberations fail to arrive at a clear decision about what to do. The more we satisfy the DC condition, the less the AP condition seems appealing or necessary for free will. Thus, when intuitions about the AP and DC conditions conflict, as they often do in debates about free will, this thought experiment suggests that the DC condition should take priority.

I should pause to note, however, that philosophers are usually too quick to suggest that some claim or some response to a thought experiment is intuitive or commonsensical. What they usually mean is that the claim is intuitive *to them*. But there is often no shortage of opposing philosophers who will say that the claim is *counterintuitive* to them. This battle of intuitions is especially poignant in the free will debate. It would be helpful in these cases to *test* the intuitions and judgments of ordinary people who have not been influenced by the philosophical arguments and theories. Determining what people's commonsense judgments actually are would not, of course, demonstrate that those judgments are correct, but it would demand of a philosopher who rejects them some explanation of both why the judgments are made and why they are erroneous. It would shift the burden of proof to the philosopher making counterintuitive claims.³⁹ So, in the case of the DC versus the AP conditions for free will, it would be helpful to know whether ordinary people view as paradigmatic instances of free choice cases where agents come to a confident decision or cases where they choose between closely attractive alternatives such that they have good reasons to choose either one in the same circumstances.

There is no significant body of psychological work on these questions. However, some studies on 'perceived freedom' indicate that subjects attribute higher freedom to agents when they act on a choice that accords with their clear preferences than when they choose between two nearly equally attractive

alternatives or act in other situations of uncertainty. Furthermore, attributions of responsibility tracked these judgments of freedom of choice.⁴⁰ These studies asked subjects to judge the freedom and responsibility of *other* people. Another set of studies asked subjects to rate experiences of freedom from their *own* point of view. These studies also found that choices in the face of uncertainty were rated as significantly less free than actions which might be described in terms of confidence, such as exercising skilled behavior, taking successful steps towards goals, and acting with self-discipline. Furthermore, behind only external constraints and emotionally unpleasant situations, the situations subjects most frequently described as *limiting* their freedom involved experiences of conflict and indecision.⁴¹ I am not suggesting that these studies demonstrate that the intuition that the confident agent acts freely has the decided support of commonsense. It would be interesting to probe ordinary intuitions more directly about this question. But they provide some evidence that people share my intuition that the confident agent is a free and responsible agent.

5. AGAINST RESTRICTIVISM

If, as I have suggested, the idea of a confident agent is conceivable and our intuitions support the idea that she has free will, then this puts pressure on those libertarian accounts that suggest that free will requires close calls. The argument looks like this:

- (1) Some incompatibilists (e.g., van Inwagen, O'Connor, Kane) suggest that free will requires AP and that the AP condition requires the existence of close calls.
- (2) The confident agent does not face close calls.
- (3) So, according to them, the confident agent does not have free will.
- (4) But, intuitively, the confident agent does have free will.
- (5) So, insofar as the AP condition can only be satisfied in close call cases, it seems free will does not require AP.⁴²

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In responding to objections below, I will offer further defense for the intuition that the confident agent has free will (premise 4). However, I do not take myself to have *established* that the confident agent actually has free will, much less that this would show free will to be compatible with determinism (see objection 5 below). Rather, I am suggesting a diagnosis of why the AP condition appeals to us and how its appeal might be diminished, along with the appeal of libertarian theories that demand that the AP condition be met. This argument carries only the strength of intuition, but in the free will debate, this is not uncommon. Many arguments bottom out in some appeal to intuition: for instance, the validity of van Inwagen's principle Beta (1983), Frankfurt cases, the Luck arguments against libertarianism (e.g., Strawson, 1986), and generalization arguments suggesting determinism is no different than covert manipulation (e.g., Pereboom, 2001). Such appeals are not unique to the free will debate, but the degree to which intuitions clash in this debate is more pronounced than most, suggesting perhaps that this debate is either particularly intractable or particularly misconceived. In this case, trying to understand the sources of these conflicting intuitions may help us move forward, and the thought experiment of the confident agent, I believe, sheds light on the source of our intuitions about the AP condition.

The idea of a confident agent raises another problem specifically for restrictivist libertarian theories. In order to prevent restrictivism about free will from entailing restrictivism about when agents can be held morally responsible, van Inwagen (1989) and Kane (1996) suggest that an agent can be responsible for an action she could *not* have avoided so long as she did have alternatives for action available at some earlier time that would have made the action in question avoidable. Such 'tracing' principles expand the scope of responsible action beyond the scope of close-call (free) decisions that could satisfy the AP condition. But the confident agent raises problems for the plausibility of such views, beyond the substantial practical problem of determining

whether, for an agent whom we want to hold responsible for action *A*, that action can be traced to some prior action or choice she could have avoided – especially if we add any sort of epistemic condition such that the agent could reasonably *foresee* that her avoidable choice might lead to the unavoidable action *A*.⁴³ But if we had reason to believe there might be confident agents in the world, the libertarian would further require that we should distinguish them from other agents in order to attribute responsibility – on their view, an agent who never faced a close call could not be responsible for any of her actions.

It would be both bizarre and practically impossible to try to make such distinctions – to determine, for instance, whether a businessman who embezzles money without compunction had the relevant close call in his past. If we found in his biography a seemingly relevant incident when he deliberated about whether he should maximize his own interests or consider strangers' interests and we found that he confidently decided to value selfishness, rather than its being a close call, would that be a reason to excuse him (or to continue searching for the relevant close call in his past)? Remember that it is not the case that his confidence keeps him from recognizing the potential value of caring about strangers' interests. He may recognize that *potential* value but dismiss its value for him as confidently as most of us recognize the potential value of stealing from strangers and dismiss its value for us. The possibility of confident agents suggests a counterintuitive practical requirement for libertarian claims about our practices of responsibility attribution, which highlights one implausible implication of such 'tracing' accounts.⁴⁴

6. OBJECTIONS AND REPLIES

Now I turn to some objections to the very idea of a confident agent and to the implications I have suggested the thought experiment has for the free will debate.

6.1. *Objection 1*

One may wonder whether the clearest real life examples of confident agents are brainwashed or indoctrinated agents, who are ‘programmed’ to go through the motions of deliberating so as to always arrive at a confident decision that accords with the appropriate doctrines. (Some might suggest that this represents the *only* way for a confident agent to exist.) But “going through the motions of deliberating” is not deliberating. Though I can’t offer a theory of deliberation here, one criterion of genuine deliberation is that it requires reasons-responsiveness.⁴⁵ If an agent is confident only because she is not responsive to reasons, then she is not really deliberating – perhaps she is not really an *agent*. Brainwashed and indoctrinated people form their beliefs and desires (or at least their ultimate goals) through a process we recognize as aberrant and autonomy-compromising; they do not develop their confidence (if that’s the right word for it) by considering the reasons they make the choices they do. The confident agent does.⁴⁶ When I look around for examples of confident agents, it is true that I sometimes find agents who are not particularly reflective (a fictional example that comes to mind is James Bond), but it is easy to confuse careful reflection with uncertainty since the latter often leads to the former. We should remember, however, that the confident agent begins her deliberations in a state of uncertainty about what to do and also that careful reflection is sometimes precisely what leads us to reach confidence about what we really want, especially in making important life decisions (see note 32).

6.2. *Objection 2*

Nonetheless, one might object, confident agents still look like robots, “moral or prudential robots never tempted to do otherwise,” as Kane puts it (1996: 132). But I do not see why deliberating should be seen as mechanical just because it arrives at a clear ‘answer.’ Again, the confident agent is able to feel uncertain, since uncertainty is required to *begin* deliberation. But the aim of deliberation is to arrive at some

measure of certainty. The fact that *we* sometimes end up where we begin – that is, feeling that the alternatives are nearly equally compelling – does not entail that the confident agent, who does *not* end up where she begins, is carrying out a process any more mechanistic than we are.

It is also unclear why, after reaching a certain answer, being able to control her actions accordingly, with no chance of acting against her decision, would make her any more robotic or any less free or responsible than an agent who has the genuine possibility of acting weak willed. The confident agent can also decide that she really wants to do the immoral or imprudent thing. Finally, if predictability is the concern, keep in mind that I am not suggesting the confident agent reaches her decisions by consulting ‘objective Reason’ such that her reasoning and hence her actions might be accessible to anyone with the relevant information.⁴⁷ Her deliberations are based on her reasons and desires as *she* sees them (and if we accept that she has, on some occasions, privileged access to, for instance, the strength of her desires as she experiences them or to the reasons she considers, some of her decisions will not be as predictable for any observer as they are for her).

6.3. *Objection 3*

One might object to the possibility of a confident agent by arguing that, in deliberating, confidence must come to an end somewhere, and at that point a close call is inevitable. This objection suggests a problematic regress. Suppose a confident agent (call her Frannie – short for Phronesis, the name her philosophical parents afflicted her with) gets a phone call from her good friend, Prudence, asking for help moving that afternoon. Frannie had plans to relax at the lake that day. Frannie asks Prudence to hold on a second while she thinks about it. When she returns to the phone she is confident that she should help her friend move, and though she still wants to go to the lake, she has no doubt that she does not want to *act* on that desire since helping her friend is more important

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to her. Accordingly, she tells Prudence she will help. At that point, I have suggested, any possibility that Frannie chooses or does otherwise (e.g., tells Prudence she won't help) – *given the circumstances as they actually are* – would be detrimental to Frannie's exercising free will.⁴⁸

One may then ask, however, *how* Frannie arrived at this confidence: what went on while she “thought about it”? Presumably, she considered reasons for each alternative and weighed them against each other. But it seems there might be a potentially innumerable number of reasons that bear on her deliberations and that each of the reasons Frannie considers might have variable influence on her deliberations depending on its strength (or when it comes to mind). To begin let's just examine two specific considerations: (A) she considers how relaxing the lake usually is and how she could really use some relaxation, and (B) she considers how Prudence helped her move last year and how friends should help each other. Given these two considerations, Frannie feels certain that reciprocating her friend's assistance is more important to her than relaxing. She then thinks about whether there are any other considerations to take into account. She doesn't think of anything, so she feels confident that she should help her friend.

But now, a host of questions arise: Why did those two considerations come to mind? Why *only* those two? Why did they have the strengths they had? Why did she stop deliberating when she did? Why didn't any other considerations come to mind? For instance, why didn't a crucial consideration come to mind – namely, (C) that she strained her back when she moved last year? For each of these issues, we want to know whether Frannie has any choice about their outcome. We want to know whether, ‘within her deliberative tree,’ Frannie has choices about which branches she considers and which she takes. And we want to know whether it makes sense to say she could be confident about any and all of the ‘sub-choices’ that occur during deliberation.

That an alternative (such as considering her strained back) is logically or nomically possible does not seem *sufficient* to

provide Frannie with a *choice* about whether it occurs to her. For her to have a choice requires that she can consider the alternative (that it is ‘open’ to her conscious awareness). If she is unaware of the alternative, the only way it can affect her is without her awareness, which would make it beyond her immediate control (though she may have had control earlier about what sort of considerations would come to mind by thinking about how to think about such things). The only way she can currently become aware of some alternative consideration is to try to become aware of it. But she cannot become aware of a *specific* alternative by trying to become aware of it, since in that case she would have to be aware of it already. All she can do is try to become aware of more alternatives in general. Whether or not a specific alternative comes to mind is, hence, currently beyond her control. So, the control she has depends on her control over how long and how hard she will try to consider alternatives. She either deliberates about these questions or she does not. If she *does* then she is, by stipulation, confident about the answer – for instance, she is confident that she no longer wants to consider further alternatives. If she does *not*, then the outcome is not a choice she makes.

The skeptic about the confident agent is here suggesting a regress of sub-decisions within any deliberative process, which must eventually end with a close call. My response is that the regress comes to an end at the point where the agent has some decision to make, at which point she is aware of various considerations and chooses based on them, confidently in the case of the confident agent. If the skeptic then suggests that she could always try to become aware of more considerations, then we can ask whether *that* decision (i.e., about considering more) is one that she is aware of.⁴⁹ At some point we reach a situation where the confident agent either has a decision to make or she does not. I have stipulated that when she *does* have competing considerations in mind, she is confident about which she wants to move her to action, so that the possibility of any other alternative becoming actual is unappealing (and, if it did become actual, it would undermine

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her control). And if she is *unaware* of some alternative, including an alternative to consider more factors, then she has no choice (of the sort relevant to freedom and responsibility) to make about whether the alternative occurs.⁵⁰

Another way of putting these points is that eventually deliberation must ‘go unconscious.’ At that point the question of free will is no longer relevant because either the unconscious activity has been molded by her previous actions and thoughts or it has not. If it has been molded, then we will want to trace those previous actions to conscious deliberations (in which the confident agent arrived at confident decisions). If not, then she has no control (or responsibility) over the unconscious activity so that the question of free will no longer pertains.⁵¹

6.4. *Objection 4*

Some will hold that the confident agent, despite appearances, simply does not have free will. Sartre states that “a choice is said to be free if it is such that it could have been different than what it is” (in Cummins, 1965: 255). If this claim is interpreted to mean that a choice is free so long as it could be different *if the agent had (or considered) different reasons*, then the confident agent’s choices can be free. But if it is interpreted as Sartre meant it, to suggest that sometimes (when we choose our fundamental projects) we must make a ‘radical choice,’ then it’s less clear how to respond. A radical choice, such as Sartre’s young man choosing between joining the Resistance and staying with his mother, is *defined* as a close call (the man has compelling reasons for either choice and does not know what he should do even after deliberation). As Sartre describes it, no amount of deliberation will make him confident that one choice is right for him. Indeed, radical choices are ‘absurd’ because the reasons for one alternative’s being chosen over the other (i.e., the contrastive explanation) only come into existence *when* the choice is made.⁵² If the confident agent is possible, she will not face radical choices so defined. If Sartre is right that it is impossible to be a free agent without facing

radical choices, then the confident agent cannot be a free agent.

Perhaps, however, such radical choices are not constitutive of free will but *are* definitive of our experience as human beings. We cannot imagine having the epistemological and psychological wherewithal to escape all close calls (or radical choices) and thus to be entirely confident agents. But when we want to have *free will*, is this uncertainty, irresolvable by any further deliberation, the part of being human we want, or rather, do we want to know what we really want and be able to act on it? As Frankfurt puts it, the agent “must be resolutely on the side of one of the forces struggling within him and not on the side of any other. Concerning the opposition of these forces, he has to know where he himself stands. In other words, he must know what he wants” (1991: 100).⁵³

This is not to say that metaphysically open alternatives are not attractive. But perhaps the openness we want, the feeling that things could go otherwise, is not tied to our desire for freedom but instead to other things we may value, such as the feeling that things could have gone better for us or the feeling that anything is possible or the feeling that the future is “a garden of forking paths,” etc. (though I do not mean to suggest that any of these qualities are clearly impossible if determinism is true). So, perhaps metaphysical openness is valuable even if, given the attractions of being confident (and not akratic), it is not valuable for free will.⁵⁴

We should also remember, as explained above, that both the confident agent and non-confident agents like us rightly value epistemic freedom – that is, the sense of AP involved in justifiably believing (in many cases) as we deliberate that we are free to do *A* if we choose to do *A* and we are free to do *B* if we choose to do *B*. We may mistakenly assume that epistemic freedom requires metaphysical freedom – i.e., AP given the exact same circumstances – but reflecting on the confident agent can help us recognize that this is indeed a mistake, because we can see that in her case, as in our own, which of the imagined alternatives we take depends crucially on which we decide we really want to take (see Velleman,

1989). The ‘garden of forking paths’ we represent as we consciously consider what path to choose need not exist beyond the confines of our minds. This becomes clearer when we consider confident agents, and our own confident decisions, since in these cases all but one of the forking paths are closed off within the mind during the process of deliberation such that their remaining ‘open in the world’ would only have the result that we might end up doing what we do *not* really want to do.

6.5. *Objection 5*

One might also object that the confident agent, as I describe her, may have free will but only if she does not exist within a deterministic universe or only if she has agent causal powers. This objection suggests that I have begged all the important questions about the traditional problem of free will. It is true that I have not tried to respond directly to some of the strongest arguments for incompatibilism. My aim has not been to demonstrate that free will is compatible with determinism, though I hope to have offered some reasons to think it is, since the confident agent could certainly deliberate, choose, and act as she does in a deterministic universe.⁵⁵ Rather, my aim has been to show that one of the strongest intuitions *leading* to incompatibilist conceptions of free will and underpinning incompatibilist arguments – namely, that the AP condition is a necessary component of free will – arises from our experience of close calls, the precise occasions when we do not deliberate to a clear conclusion or do not control our actions accordingly (i.e., we act akratically). Furthermore, since most libertarian theories of free will require the existence of close calls to allow room for AP, I have offered reasons to think free will is not enhanced by such theories.

However, some incompatibilists argue that the problem with determinism is not that it threatens the AP condition but that it conflicts with an agent’s ability to be the ‘ultimate source’ of her actions.⁵⁶ So, while the confident agent thought experiment may suggest that the AP condition is not essential

for free will, it does not challenge this ‘source incompatibilism’ since there is no reason to think she is the ultimate source of her actions (at least if she exists in a deterministic universe). If my thought experiment helps motivate more incompatibilists to take this position, as have Frankfurt cases, then that will be a significant result, since the arguments for source incompatibilism are, I think, even more controversial than those relying on the AP condition. I also think the confident agent can help us see why this is. Even though she is not described as initiating some choice such that there are no complete causal explanations for her choice, she clearly endorses the reasons that are essential proximate causes of her actions. As long as those reasons themselves arise through her own deliberative process and are not manipulated in some autonomy-undermining way, it is not clear why we should demand that, if she is to be considered free, those reasons themselves cannot have sufficient prior causes.

6.6. *Objection 6*

Finally, one may object that even though the confident agent never experiences close calls and seems to be free without AP, she nonetheless satisfies the AP condition. She has AP in the sense that she possesses the *ability* to act contrary to what she is confident she really wants even if she never *exercises* that ability. As Fischer and Ravizza (1992) write, “surely there is nothing incoherent about a person having a power which she never exercises” (258). A bird may be able to fly but never fly; a woman may have the capacity to bear children but never actually bear any; a confident agent may have the *ability* to act against what she decides she really wants but never do it. Or should we say there is a *possibility* that she so acts, perhaps because she (or her counterpart) does so in other possible worlds. It is difficult to know what to say about these abilities and possibilities.⁵⁷ One thing to note is that these ideas highlight a point that has been lurking below the surface in this paper, and in the free will debate: the relationship between the existence of ‘alternative

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possibilities' (AP) and 'the ability to do otherwise' is unclear – the former by itself does not involve an *ability* at all. In any case, it seems to me that a theory of free will requiring that we have abilities we would never want to exercise or possibilities we would never want to occur is a counterintuitive theory.

Suppose, for instance, that the confident agent has agent causal powers but that such powers can only be exercised in close call situations. So if she were in a close call situation, then she would be able to agent cause either of the alternatives available. But, for whatever reason, she never *is* in a close call situation. Now she seems to be an agent who has abilities she never has an opportunity to exercise. I fail to see why we would want to say either (1) that she has free will only because she has these abilities, even though she never uses them, such that she would *not* have free will if she did not have these unused abilities, or (2) that she does not have free will precisely because she never has the opportunity to exercise these abilities.

Of course, I have not denied that the confident agent may have agent causal powers or that she may exist in an indeterministic universe. But I have suggested that these features do not seem necessary for her to act of her own free will and to be morally responsible for her actions. Without close calls and the need for AP, indeterminism seems superfluous and agent causal powers seem to have no place to do any causal work.

7. CONCLUSION

We are not confident agents. But if we were it seems we would have more, not less, free will, and we would be more, not less, responsible for our actions. Indeed, to the extent we *are* able to make confident decisions (i.e., to satisfy the DC condition), to that extent we seem to act of our own free will and to be morally responsible. The aim of deliberation is to reach a decision, to dispel the uncertainty about what to do that initiates the deliberation itself. While close calls may

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offer us the experience that things really could go either way, everything remaining the same, they come at the cost of lingering uncertainty. After a close call decision we may feel as if we could have done otherwise, but perhaps only because we feel as if, given our actual considerations in coming to a decision, we *might as well* have done otherwise. If, on the other hand, one suggests that the uncertainty is actually dispelled by the very act of deciding – Kane writes, “the agents will settle the issue of which is wanted *more* by deciding” (1996: 133) – then this looks to me like retrospective rationalization – “I decided to do *A* rather than *B* so *A* must be what I really wanted.” The confident agent has no need for such rationalizations. And, I have suggested, she has no need for the metaphysically open alternatives incompatibilists argue are required for free will. For various reasons we may not want to *be* confident agents, but I am confident that one of those reasons is not that such agents would lack free will.⁵⁸

NOTES

¹ An agent’s doing what she really wants to do may be interpreted in several ways. For example:

1. Doing what she (second-order) wants to want to do (Frankfurt, 1971) or identifies with (Frankfurt, 1991);
2. Doing what she values or believes she should do (Watson, 1987 and perhaps Taylor, 1977);
3. Doing what Reason calls for – acting in accord with the True and the Good (Wolf, 1990).

These differences among various compatibilist positions should not affect my discussion (though see note 9 below), and I will continue to use the phrase ‘an agent’s doing what she really wants’ (or what she feels she should do) to refer to these views generally.

² Dostoyevsky’s *Underground Man* highlights this tension, defining ‘free will’ as one’s ability to “choose what is contrary to one’s own interests” (1992: 17). However, he is more concerned with our ability to act on our impulses against objective Reason (this is one reason I use the open-ended construction of ‘what the agent really wants’ since it allows that sometimes an agent may really want to act impetuously).

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³ More generally, nearly all compatibilists reject an *unconditional* interpretation of AP and suggest, rather, that the ability to do otherwise involves doing otherwise if *something* were different (e.g., the agent's reasons, desires, incentives, or circumstances – even the laws of nature or the past). One problem with the original conditional analyses is that they seem to lead to an infinite regress; one may still ask whether the agent is able to *choose* otherwise in the particular circumstances. See, for instance, Robert Kane's discussion (1996: 52–54).

⁴ Most philosophers, including many incompatibilists, reject agent causation as incoherent or as physically impossible (see O'Connor, 2000, for a recent defense of agent causation, and Clarke, 2003, for an overview of libertarian theories). Gary Watson writes: "Agent-causation simply labels, not illuminates, what the libertarian needs" (1982: 10). See the opening of Watson (1987) for an eloquent discussion of the conflict between the AP and DC intuitions about free will.

⁵ Fischer (1994: 83–85) offers the apt 'stalemate' diagnosis. van Inwagen (1998) follows Colin McGinn in suggesting that free will is a mystery beyond our comprehension. In other work (Nahmias, 2001) I argue that the truth or falsity of determinism is not the question of interest in understanding the concept of free will.

⁶ My discussion will not directly challenge another, recently advanced claim about the basis for incompatibilist intuitions – that determinism undermines our ability to be the ultimate source of (or ultimately responsible for) our choices (e.g., Kane, 1996, Pereboom, 2000, McKenna, 2001). But see objection 5 below.

⁷ Debates about Frankfurt-cases are extensive. For a comprehensive collection, see McKenna and Widerker (2003).

⁸ Cases such as these have generated interesting discussions of 'volitional necessity' (see Frankfurt, 1988, 1993; Williams, 1995; Watson, 2002). The case of the confident agent I develop shares some features with these cases but differs in that the confident agent need not view her decision as necessary for her such that acting otherwise is "unthinkable," involving some substantial alteration to her character or basic concerns, or *cares*, as Frankfurt calls them (see note 30 below).

⁹ See especially pp. 53–62. She writes, "To want autonomy [her name for the AP condition] is to want not only the ability to act rationally but also the ability to act *irrationally* – but the latter is a very strange ability to want, if it is an ability at all" (56). Below I try to avoid Wolf's focus on rationality, in part because it is much more difficult to imagine the possibility of an agent's *always* having clearly better reasons for one course of action over the alternatives than the possibility of an agent's always deciding she really wants to act in one way over the others (incommensurable *reasons* may be ineliminable in a way incommensurable *desires*

are not). I therefore take a more subjectivist (Real Self) view of free will than Wolf's objectivist Reason view.

¹⁰ These examples map onto the types of choice situations suggested by Kane (1996, chapter 8; see also van Inwagen, 1989). My examples, for simplicity, have involved just two alternatives, but of course we can have close calls between more than two alternatives.

¹¹ Sometimes we feel *equally* drawn to each alternative, as in Buridan's ass cases, such that we might as well decide by flipping a coin, but close calls need not be *that* close.

¹² Robert Frost, 'The Road Not Taken,' from *Mountain Interval* (1920), my italics.

¹³ Frost's poem is ambiguous about whether the narrator, in the end, makes his choice with confidence or not. Two stanzas of deliberation seem to have made him confident, though the fact that he "shall be telling this with a sigh" suggests that, even after deliberation, he feels the choice remains a close call. Or perhaps the sigh represents the feeling that such choices are momentous since they can lead to entirely different futures: "I doubted if I should ever come back."

¹⁴ Fischer and Ravizza (1992) dubbed van Inwagen's (1989) view 'restrictivism.'

¹⁵ van Inwagen uses a principle similar to Beta from his Consequence argument (1983) to argue that when an agent is in a 'confident' situation, with reasons or desires to do *X* and no opposing inclinations, then he has no choice but to do *X*. O'Connor (2003: 101–107) argues against the rarity of such cases, suggesting that even in such cases, the agent is free to carry out the action *X* in a variety of ways. For other arguments about the frequency of close calls (and hence the degree of restrictivism entailed by such libertarian theories), see Laan (2001) and Pettit (2002). Searle (2001), in a restrictivist vein, suggests that free will requires a "gap" between deliberations and actions such that "our conscious experiences of making up our minds and our conscious experiences of acting ... are not experienced as having psychologically sufficient causal conditions that make them happen" (63).

¹⁶ Kane's theory relies on indeterministic efforts of will (which supervene on neural networks whose causal efficacy is affected by quantum events), such that when an agent tries, for instance, to overcome temptation and do what she sees as moral, there is some (irreducible) probability that her effort succeeds and some probability that it does not – the probabilities indicate that the agent's will (i.e., what she really wants) is indeterminate.

¹⁷ Note that most hard determinists (or skeptics about free will) share the libertarian's intuition that free will requires AP, and their arguments rely on the libertarian conception of free will. It is only by adopting *this* conception of free will that they can argue that it is not (or could not be) satisfied.

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¹⁸ For example, I sample various flavors of ice cream and realize I am sure I want strawberry today. Or after considering a trip to the lake, I decide I definitely should help my friend move instead. Such confidence is also common in situations where we act without conscious deliberation. But this does not entail that we *never* deliberated about how we want to act in such situations. An athlete can think before a game that she will employ certain strategies which she then employs without deliberation (indeed, she plays best when she is ‘unconscious,’ ‘in the zone’ ... *confident*). Similarly, we can consciously reflect on what sort of preferences we want to have and later act with confidence on those preferences without deliberating.

¹⁹ Notice that in James’ article, ‘The Dilemma of Determinism,’ in which he defends incompatibilism (and coins the derogatory term ‘soft determinism’ for compatibilists), James focuses on a close call case to pump our intuitions: his decision whether to go home by one route or another roughly equivalent one. It is interesting to note that many close calls seem to involve either such trivial decisions or, the opposite, very momentous decisions (e.g., the radical choices Sartre discusses; see below).

²⁰ If she is *unable* to act accordingly because she is constrained by external agents or by internal compulsions, then she is uncontroversially unable to act of her own free will. On this point, libertarians agree with compatibilists that such DC conditions are *necessary* for free will.

²¹ She is, therefore, importantly different from Galen Strawson’s ‘natural Epictetans’ (1986: chapter 13). The Epictetans are “never undecided in any way” about what to do and always succeed in what they do (249), but their confidence goes well beyond the confident agent’s in that they “never consciously deliberate about what ends to pursue, or about how to pursue them” (249), they “never ponder alternatives ... [and] they do not attach any sense to ‘I could do otherwise’” (250). The confident agent, as I will emphasize, does consciously deliberate, does ponder alternatives, and does feel she could do otherwise (has alternatives) as she begins her deliberations, though by the end of deliberations she does not feel she would, or would want to, do otherwise in the unconditional sense (i.e., all conditions remaining the same).

²² Of course, the confident agent need not deliberate before every action, just as we are often able to do what we really want without thinking about it – that is, she need not consciously deliberate and make a choice before every action. See note 18 above and van Inwagen’s discussion of acting automatically (1989: 232).

²³ See Frankfurt (1991). Following Kane (1996) we might instead say that she *endorses* the reasons that move her to act.

²⁴ As Clarke (2003, chapter 6) suggests, Kane’s theory, because it makes the future metaphysically open, may satisfy some values we associate with free will, but it does not offer a conception of free will that supports

moral responsibility any more than compatibilist theories that similarly satisfy the DC condition. See objection 4 below.

²⁵ This could be true even if the confident agent were to believe that determinism is true. The claims that rational deliberation is incompatible with a belief in determinism (e.g., Searle, 2001), or that one holds inconsistent beliefs if one deliberates and also believes determinism is true (e.g., van Inwagen, 1983, chapter 5) have been adequately addressed by Double (1991), Velleman (1989), Bok (1998), Nelkin (2004), and Fischer (forthcoming). The responses generally involve clarifying, as I will below, the differences between the epistemic possibilities (or ‘openness’) required for deliberation and the metaphysical possibilities allowed by indeterminism.

²⁶ Like a good jury, she recognizes and considers the reasons for either judgment, but her choice is decisive, just as a non-hung jury’s verdict is unanimous. Again, it may be difficult to imagine that the confident agent finds *all* her decisions clear-cut in the end. We may wonder whether this means she never faces the *hard* decisions we do. But it *is* a thought experiment: we are meant to imagine that she faces hard decisions, just like us, but that she finds them clear-cut *after* deliberation, *unlike* us. Furthermore, this does not require that she uncovers some objectively right answer about what choice is best; her confidence is relative to the reasons and desires she (subjectively) identifies herself with. Finally, her intuitions and emotions can play an important role in her deliberations. She should not be pictured as a robotic reasoner (see objections 1 and 2 below).

²⁷ Nicomachean Ethics III, 3.

²⁸ For well-developed defenses of these claims about epistemic openness in deliberation, see citations in note 25.

²⁹ Susan Wolf writes, “it is reasonable to want the ability to respond differently on different occasions, but to want this is to want not autonomy [AP] but the ability to respond as the occasion demands” (1990: 55–56). Some philosophers, however, have suggested that free will might be enhanced if it is causally undetermined exactly which considerations come to mind or what strength they have when we deliberate (e.g., Alfred Mele, Robert Nozick, and Laura Ekstrom). This sort of indeterminism may be useful as an attempt to avoid incompatibilist arguments, but it does not give the agent any more control over her deliberations or actions, nor does it improve the agent’s ability to deliberate well (to an effective outcome), and there are powerful arguments to the effect that such indeterminism would not enhance the agent’s moral responsibility for their actions (e.g., Mele, 1995; Clarke, 2003).

³⁰ It is the cornerstone of Frankfurt’s (1971) theory of free will that we can care about what sort of desires move us to act (see also Taylor, 1977). Frankfurt’s later conceptions of identification and wholeheartedness nicely describe what it would mean to be a confident agent; when you identify with a desire, you are confident that that desire is what you really

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want to motivate you, “a state constituted just by the absence of any tendency or inclination to alter its condition” (1991:104). But such confidence need not entail that acting otherwise is *unthinkable* for the agent. The notion of ‘volitional necessity’ developed by Frankfurt, Williams, Dennett, and Watson (see note 8) offers one variety of confidence, but the confident agent may often feel that the unchosen alternative is quite ‘thinkable’ for her (i.e., she can imagine having the same essential character and ‘cares’ but having chosen otherwise because the circumstances were different in some small but relevant way). For instance, my confident decision to work on this paper does not mean that deciding to spend the day with my family is unthinkable; I would be confident about making the alternative decision if, for instance, I found out that the deadline for finishing the paper had been extended.

³¹ But it seems such confidence must fade if she is ever to *re-consider* similar questions about herself. That’s OK; she does not need to feel confident forever, only when she chooses and acts.

³² In fact, we sometimes reach a confident decision when faced with the most important choices in our life, precisely because we deliberate so extensively about them until we feel we have considered all the relevant reasons for the various alternatives, and this process often leads us to recognize one alternative as the one we clearly want (or think best) to act on. Consider, for example, decisions about which college to attend, which job to take, or whether (or when) to have a child. We sometimes reach confidence even about the various criteria we feel we should use to make such decisions.

³³ As Kane (1996) suggests, whether she makes the putt may be indeterministically caused. But if that is the case, she still does not control whether she makes the putt. Whether she in fact makes it would be a chance outcome (even if we still want to say she was the cause of success or failure, whichever occurs). Austin’s famous footnote, in which he suggests that the putter is saying he could have holed the putt with “conditions as they precisely were,” does not convince me (nor Dennett, 1984, chapter 6) – the conditions the putter likely has in mind are only those he is aware of.

³⁴ See Wolf (1990: 56) for a similar point about an agent who acts rationally not wanting the ability to act irrationally. See Fischer and Ravizza (1992) for a response to this point, which they call the ‘Wolf/Dennett slide.’

³⁵ Perhaps she takes an attitude I sometimes try to adopt: you never know what might have happened if you’d chosen differently – you could have ended up dead – so as long as you aren’t dead, you should not regret what you chose but just learn from the past and move on.

³⁶ For instance, one might worry that if the confident agent never felt regret, she might never feel the need to consider the reasons and desires

(the ‘standards’) on which she acted, and as I suggested above, such considerations seem essential to be a free and responsible agent. Compare Bok (1998, esp. chapter 4).

³⁷ Assuming, of course, she satisfies other conditions necessary for free will (e.g., that she is not covertly manipulated to deliberate as she does) – again, conditions generally advanced by both libertarians and compatibilists.

³⁸ Furthermore, incompatibilism is supposed to be a necessity claim – free will is impossible in *any* deterministic world – not just the claim that if *our* world happens to be deterministic, then we would not be free. So, incompatibilists must explain the relevant difference between a confident agent in a deterministic world and one in an indeterministic world.

³⁹ See Nahmias et al. (2005).

⁴⁰ See Trope (1978), Kruglanski and Cohen (1973, 1974), and Upshaw (1979).

⁴¹ See Westcott (1988, chapter 7): “The present studies indicate that in choosing among reasonably balanced alternatives, respondents feel less free than in any one of the other conditions described” (148). For further discussion of the phenomenology of free will, including the experiences of close calls versus confident choices, see Nahmias et al. (2004).

⁴² van Inwagen (1994) reports that when he presented his argument for restrictivism, Daniel Dennett said, “Thank you, Peter, for the lovely *reductio* of incompatibilism” (110).

⁴³ Manuel Vargas (forthcoming) is developing the epistemic problem. Compare Dennett’s claim that, “If our responsibility really did hinge . . . on the question of whether we could do otherwise than we in fact do *in exactly those circumstances*, we would be faced with a most peculiar problem of ignorance: it would be unlikely in the extreme . . . that anyone would ever know whether anyone has ever been responsible” (1984: 135).

⁴⁴ See Fischer and Ravizza (1992) for other criticisms of van Inwagen’s tracing principle, and van Inwagen (1994) for his response.

⁴⁵ See, for instance, Fischer and Ravizza (1998).

⁴⁶ Perhaps a convincing argument could be mounted to show that being reasons-responsive requires a sensitivity to the complexity of reasons that necessarily involves some close calls. Such an argument would certainly put pressure on the conceivability of a confident agent’s having the requisite capacities to be considered free and responsible, but establishing such a claim would be difficult. If a confident agent is the product of brainwashing or indoctrination, she may not be free, but it will not be because she is a *confident* agent, it will be because she has been subject to an autonomy-undermining process (though explaining why such processes *are* autonomy-undermining is notoriously difficult. For a compelling recent attempt, see Yaffe, 2003).

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⁴⁷ This sort of predictability is Dostoyevsky's worry in 'The Underground Man' (see note 2). Notice that even Wolf's view allows for a plurality of 'true and good' reasons so she may not be subject to this criticism either.

⁴⁸ As O'Connor suggests (2000: 103), Frannie might still have many options about *how* to tell Prudence she will help (e.g., does she mention that she had planned to relax at the lake?). As the discussion below will suggest, these options either are or are not ones that Frannie considers. If she does, then being a confident agent, she will reach a decision she is certain she really wants to act on. If she does not consider how to tell Prudence, then the precise *way* she answers is not a choice at all, or not a choice relevant to questions about freedom and responsibility unless, perhaps, it is traceable to prior considered choices, which, in Frannie's case, will be confident ones.

⁴⁹ The stipulation that an agent could always be confident about when to end the deliberation process is indeed the most difficult to accept as realistic or perhaps even conceivable. In response, we can imagine that the external pressures of specific situations happen to always be sufficient for the agent to feel confident about the need to make a decision without further deliberation – and at that time, she is confident about what she wants to do given the desires and reasons she has so far considered.

⁵⁰ Again, the nomological possibility of alternatives outside her conscious deliberation affecting her decision may have some appeal by making the universe 'open,' but such alternatives do not provide 'free *will*' or increased moral responsibility since they are not willed at all (see note 29). And if they provide any sort of freedom, it is not any different than the freedom that would be allowed by nomological possibilities of alternative events occurring *outside* the agent that affect her deliberations (such as a quantum event's effect on the trajectory of a reflected light ray which would, were it to hit Frannie's eye, alter her course of deliberations, perhaps increasing her desire to be out in the sun at the lake).

⁵¹ Those familiar with debates about Frankfurt cases concerning the robustness of 'flickers of freedom' may notice interesting parallels between these debates and the preceding discussion.

⁵² Sartre (1943: 559). Compare Kane's claim: "both options are wanted and the agents will settle the issue of which is wanted *more* by deciding" (1996: 133).

⁵³ Or as a sage in one of my son's story books, *Panda's Puzzle and His Voyage of Discovery*, puts it, "If you don't know what you are, how can you decide on anything?" Sartre, it seems, would say that the sage and Frankfurt have it backwards – that we create our identity by making radical choices.

⁵⁴ That we may value different conceptions of free will for different reasons is becoming more recognized in the philosophical debates (see,

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e.g., Clarke, 2003, chapter 6, and Mele, forthcoming, chapter 5). It may be that the confident agent lacks something we value, perhaps something some people might want to identify with free will. If so, then my discussion may at least help to clarify the slippery nature of the concept of free will and remind us that philosophers need to come to a better understanding of how people use the concept in different contexts and recognize the different values they may associate with the concept. See Nahmias *et al.* (2005).

⁵⁵ Compare Bok (1998, chapters 2 and 3).

⁵⁶ See Kane (1996), Pereboom (2001), McKenna (2001), and Fischer (1982).

⁵⁷ These questions arise when we consider whether God has free will. For instance, does God have the *ability* to do evil, even if His omni-benevolent nature is such that He would never do evil? See, for instance, van Inwagen (1998).

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