

Leeway Compatibilism and Frankfurt-Style Cases

Abstract The new dispositionalists defend the position that an agent in a deterministic Frankfurt-style case (FSC) has the ability to do otherwise, where that ability is the one at issue in the principle of alternative possibilities. Focusing specifically on Kadri Vihvelin's proposal, I argue against this position by showing that it is incompatible with the existence of structurally similar cases to FSCs in which a preemptive intervener bestows an agent with an ability.

1 Introduction

According to a traditional Frankfurt-style case (FSC) Jones *X*-s on his own, but lacks the ability to avoid *X*-ing. This inability is at least partly due to a preemptive intervener, Black, who is lurking by, ready to directly alter or manipulate Jones' mental processing if, absent Black's intervention, Jones were about to avoid *X*-ing. So, according to the Frankfurtian, although Jones cannot avoid *X*-ing, Jones is nevertheless morally responsible for *X*-ing since Black in no way causally contributes to Jones' *X*-ing. We should thus reject the principle of alternative possibilities (PAP), according to which an agent is morally responsible for what she has done only if she could have done otherwise (Frankfurt 1969).

Incompatibilist defenders of PAP offer the Dilemma Defense in response (Kane 1985, p. 51; 1996, pp. 142–45; Widerker 1995; Ginet 1996; Wyma 1997): if causal determinism is true, then although Jones cannot avoid *X*-ing, it is question-begging to assume that Jones is morally responsible for *X*-ing. On the other hand, if causal indeterminism (of the right sort) is true, then there cannot be a prior sign that infallibly indicates to Black as to whether Jones will in fact *X*. So, although Jones may be morally responsible for *X*-ing, Jones *could have* avoided *X*-ing. Hence, according to the Dilemma Defense, FSCs fail to undermine PAP, at least when FSCs are directed at an incompatibilist defender of PAP.

Leeway compatibilists—proponents of both PAP and the compatibility of moral responsibility and causal determinism—obviously cannot employ the Dilemma Defense in response to *deterministic* FSCs since it is *not* question-begging against *them* to assume that Jones is morally responsible for *X*-ing, even if Jones' *X*-ing was causally determined by factors beyond his control. As a result, leeway compatibilists must employ a different strategy for defending PAP against deterministic FSCs.

Kadri Vihvelin (2000; 2004; 2008; 2013), a champion of the so-called new dispositionalism, offers us such a strategy. She argues that under a certain kind of deterministic FSC (to be discussed below) Jones *does* have the ability to do otherwise, where that ability is the one at issue in PAP.¹ I argue against this position by showing that it is incompatible with the existence of structurally similar cases to FSCs in which a preemptive intervener bestows an agent with an ability.² Before turning to my argument, let us review Vihvelin’s position of FSCs.³

2 Vihvelin on Frankfurt-Style Cases

Vihvelin (2013) offers a helpful distinction between two methods that a preemptive intervener *F* can employ in an FSC in order to ensure that subject *S* does what *F* wants *S* to do. One is the **Bodyguard** method in which *F*’s intervention is “causally triggered by

¹ Other new dispositionalists include Smith (2003) and Fara (2008). According to the new dispositionalism, abilities are, or behave in a similar manner to, dispositions, whereby non-manifested dispositions *are* compatible with causal determinism (see Clarke’s (2009) thorough discussion of the new dispositionalism). Nelkin (2011) is a close cousin of the new dispositionalists in light of her position that an ‘interference-free capacity’ sense of an ability to do otherwise is compatible with causal determinism. Like Vihvelin, these three authors claim that an agent in a deterministic FSC retains the ability to do otherwise, whereby that ability is the one at issue in PAP (Nelkin actually holds that only blameworthiness requires the ability to do otherwise). I will rest content with arguing against one of the more developed leeway compatibilist responses to deterministic FSCs. For, it should be fairly straightforward as to how my criticism of Vihvelin’s position applies to the other three authors’ positions.

² Vihvelin’s position has also been contested, among others, by Fischer (2008), Whittle (2010), Franklin (2011a), and Kittle (2014). My argument is independent of these criticisms. Moreover, unlike previous criticisms, I will be engaging with Vihvelin’s recent (2013) work which seems to depart in subtle ways from her (2000; 2004; 2008) work in regards to deterministic FSCs (see footnote 4).

³ After writing this paper, it has come to my attention that, in developing a distinct argument from my own, Levy (2008; 2012; 2014) likewise employs what he calls a ‘Frankfurt-enabler case’. So, lest I be perceived as rehashing the same argument, it is crucial that I highlight that we are arguing for strikingly different conclusions.

By employing a Frankfurt-enabler case, Levy cleverly attempts to show that “[t]he mere presence of a counterfactual intervener...can strip an agent of a responsibility underwriting capacity” (2012, p. 607). So, according to Levy, while an agent in an FSC may indeed lack the ability to do otherwise, we should not accept that the agent is responsible for what they have done. Hence, FCSs do not succeed in motivating Frankfurt-style compatibilism, according to which an agent’s moral responsibility for her action only depends upon her actual sequence properties (For replies to Levy, see Haji and McKenna (2011) and Cova (2014)).

Notice, then, that Levy implicitly rejects what I will call *The Principle*: if an agent *S* ϕ -s, and something, *Z*, in no way causally contributes to *S*’s ϕ -ing, then *Z* is irrelevant to whether or not *S* is directly/non-derivatively morally responsible for ϕ -ing. My argument, by contrast, is consistent with *The Principle*, as well as with the success of FSCs in motivating Frankfurt-style compatibilism. For, I will only be defending the claim that, even if the ability to do otherwise is compatible with causal determinism, an agent in a deterministic FSC lacks the ability to do otherwise, where that ability is the one at issue in PAP. This is a conclusion that the Frankfurt-style compatibilist can (and is likely to) wholeheartedly accept.

the *beginnings of any action* (overt or mental) contrary to the intervener's plan" (Vihvelin 2013, p. 97). Here is an example:

Bodyguard FSC Unbeknownst to Jones, Black implants a device in Jones' brain. Black wants Jones to decide to vote republican. Jones decides to vote republican on his own. However, if Black detects that Jones is beginning to decide to vote democrat, Black is committed to intervening by pressing a button that, via the implanted device, causes Jones to decide to vote republican instead.

I grant for the sake of argument that "no story about a Bodyguard [FSC] can, *in principle*, provide a genuine counterexample to PAP" (Vihvelin 2013, p. 99). What I disagree with Vihvelin about concerns the other method *F* can employ. According to the **Preemptor** method, *F*'s intervention is *not* causally triggered by the beginning of any action. Instead, *F*'s intervention is causally triggered "by some *earlier event* that is a reliable indicator of the fact that the subject will, in the absence of intervention, perform some action (overt or mental) contrary to the Preemptor's wishes" (Vihvelin 2013, p. 98). Here is an example:

Preemptor FSC Unbeknownst to Jones, Black implants a device in Jones' brain. Black wants Jones to decide to vote republican. Jones decides to vote republican on his own. Moreover, Jones would have (in the absence of Black's intervention) decided to vote democrat on his own if an involuntary prior sign *s* had occurred to Jones. However, if Black detects *s*, Black is committed to intervening by pressing a button that, via the implanted device, causes Jones to decide to vote republican instead.

Vihvelin says that the "presence of a Preemptive intervener of the sort Frankfurt described does not rob a free agent of the ability to choose otherwise" (Vihvelin 2013, p. 105). Now, the kind of ability to which Vihvelin is referring must be the one at issue in PAP. Otherwise, PAP will not have been rescued from deterministic FSCs. While Vihvelin does distinguish between two kinds of abilities (to be discussed momentarily), she does not explicitly say which ability Jones retains in *Preemptor FSC*. Let us, then, consider both abilities in order to offer the most charitable interpretation of Vihvelin's position.

S has the **narrow ability** to *X* iff *S* "has what it takes" to *X* (Vihvelin 2013, p. 11), i.e. *S* has the salient capacities and skills to *X* which are constituted by *S*'s intrinsic properties. For instance, Joan Mitchell has the narrow ability to paint an abstract masterpiece even if she is presently flying on an airplane in which there is no brush, paint, or canvas. Next, *S* has the **wide ability** to *X* iff *S* has the narrow ability to *X*, and *S* has "the means and the opportunity and nothing external stands in her way" (Vihvelin

2013, p. 11). So, if Mitchell is presently flying on a plane in which there is no brush, paint, or canvas, she has the narrow ability to paint, but lacks the wide ability to paint. By contrast, if Mitchell is in her studio with a brush, paint, and canvas, then she has the wide ability (and, *a fortiori*, the narrow ability) to paint an abstract masterpiece.

With this basic understanding of these abilities in place, we may thus offer two interpretations of PAP:

Narrow-PAP An agent is morally responsible for what she has done only if she had the narrow ability to do otherwise.

Wide-PAP An agent is morally responsible for what she has done only if she had the wide ability to do otherwise.

Since Wide-PAP entails Narrow-PAP, the question at issue is not whether Vihvelin must defend Narrow-PAP. Rather, the question is whether Vihvelin must *also* defend Wide-PAP. I will now argue that Vihvelin must in fact defend Wide-PAP.

Consider the following two cases:

Grand Canyon Michael Phelps is on vacation, and is walking around a section of the Grand Canyon in which there is no large reserve of water nearby (and he knows this). An armed and irrational Phelps-fan tells Phelps that unless he presently completes a 200-meter butterfly stroke, the irrational fan will kill an innocent bystander.

Pool Michael Phelps is on vacation, and is swimming in an Olympic-size pool. An armed and slightly less irrational Phelps-fan tells Phelps that unless he presently completes a 200-meter butterfly stroke, the irrational fan will kill an innocent bystander.

Whereas in *Grand Canyon* Phelps only has the narrow ability to complete a 200-meter butterfly stroke, in *Pool* Phelps has the wide ability to complete a 200-meter butterfly stroke. Now, in contrast to *Pool*, Phelps clearly cannot be morally responsible for not completing a 200-meter butterfly stroke in *Grand Canyon*. Hence, *if* moral responsibility requires the ability to do otherwise, the best explanation for why Phelps cannot be morally responsible for not completing a 200-meter butterfly stroke in *Grand Canyon* is that moral responsibility requires the *wide* ability (the narrow ability plus the *opportunity*) to do otherwise. For this reason, Vihvelin must uphold Wide-PAP, and thus must maintain that Jones retains the wide ability to avoid deciding to vote republican in

Preemptor FSC.⁴ However, I will now argue against the position that Jones retains the wide ability to avoid deciding to vote republican in *Preemptor FSC* by showing that this position is incompatible with the existence of structurally similar cases to FSCs in which a preemptive intervener bestows an agent with an ability.

3 The Argument

Consider the following admittedly bizarre case:

Bridge Julie is standing on the edge of cliff *A* which is adjacent to cliff *B*. There is an injured camper at cliff *B* who needs help getting back to camp. Julie cannot jump from *A* to *B* because the gap is far too wide. However, Julie knows the following: Black is hundreds of miles away, and thus cannot help the camper. However, Black has implanted a device in Julie's brain, and thus can detect whether Julie is about to decide to take the first step off of cliff *A* towards cliff *B*. More specifically, since causal determinism is true, Black can infallibly detect this by observing an involuntary prior sign *s*, whereby Julie decides to take the first step off of cliff *A* towards cliff *B* if *s* had just occurred. Moreover, if Black detects that Julie is about to decide to take that step, Black plans on pressing a button that results in a bridge immediately manifesting, and this bridge would in turn allow Julie to walk with ease from *A* to *B*. Now, despite Julie's knowledge of all of this (though she doesn't know whether she will in fact decide to help the camper), Julie will be late for a once-in-a-lifetime concert if she helps the camper. So Julie decides to walk away from the edge of cliff *A*. As a result, the camper waits for hours at cliff *B* until someone else helps the camper get back to camp.

Under the assumption that the wide ability to do otherwise is compatible with causal determinism—an assumption I make throughout the paper for the purpose of the present dialectic—the following is obviously true:

⁴ In her earlier (2004) work, Vihvelin seemed to only commit to Narrow-PAP (see especially Vihvelin 2004, p. 447). For this reason, Whittle (2010, pp. 12–5) and Franklin (2011a, pp. 97–9) contest that Vihvelin's position on deterministic FSCs is unsuccessful since moral responsibility for one's action arguably requires both the (narrow) ability and the *opportunity* to do otherwise (similar remarks apply, *mutatis mutandis*, to Fara's (2008) defense of PAP; see Whittle (2010, pp. 8–12) and Franklin (2011a, pp. 99–102)). Hence, by committing to Wide-PAP, Vihvelin can accommodate Whittle's and Franklin's point that responsibility requires the opportunity to do otherwise. Of course, whether possessing the opportunity to do otherwise is compatible with causal determinism is a contested issue that I will not take up here (cf. Franklin 2011b).

1. Julie has the wide ability to help the camper in *Bridge*.⁵

What best explains the fact that Julie has wide ability to help the camper? I submit that the best explanation for why Julie has this ability includes, among other things, the truth of the following claim:

(*) In *Bridge*, if Julie's involuntary prior sign *s* were to occur, then Black would (rather than standing idly by) press the button that results in the bridge immediately manifesting.

It is extremely difficult to see how Julie has the wide ability to help the camper if the bridge would *not* manifest if Julie's involuntary prior sign were to occur. After all, helping the camper requires walking from *A* to *B*, and walking from *A* to *B* requires the manifestation of the bridge. So, since (*) is part of the best explanation for why Julie has the wide ability to help the camper, we should conclude that the following is true:

2. If Julie has the wide ability to help the camper in *Bridge*, then (*) is true.

It therefore follows from (1) and (2) that:

3. (*) is true.

Now, consider the following claim about *Preemptor FSC* that is structurally similar to (*):

(**) In *Preemptor FSC*, if Jones' involuntary prior sign *s* were to occur, then Black would (rather than standing idly by) press the button that results in Jones deciding to vote republican (via the implanted device).

Given the structural similarity between (*) and (**), I suggest that we have good reason to accept the following:

4. If there is no relevant difference between the relationship between Black and Julie's involuntary prior sign in *Bridge*, and the relationship

⁵ An anonymous referee has suggested to me that perhaps the plausibility of (1) derives from the apparent fact that Julie is morally responsible for not helping the camper. Moreover, perhaps one can deny (1) and maintain instead that Julie can do something (viz. decide to take the first step) that would *result* in her having the wide ability to help the camper, because deciding to take the first step would result in the manifestation of the bridge. However, as the referee rightly notes, Vihvelin could only adopt this move at the cost of denying PAP, the very principle Vihvelin wishes to defend.

between Black and Jones' involuntary prior sign in *Preemptor FSC*, then (*) is true iff (**) is true.

Now, consider the following claim, which is the antecedent of (4):

5. There is no relevant difference between the relationship between Black and Julie's involuntary prior sign in *Bridge*, and the relationship between Black and Jones' involuntary prior sign in *Preemptor FSC*.

Notice that, as is the case in *Preemptor FSC*, in *Bridge* Black is only employing the Preemptor method. In other words, in *Bridge* Black's intervention is only causally triggered by an involuntary prior sign, as opposed to the beginning of an action (overt or mental). I thus suggest that, in the absence of finding some relevant difference between *Bridge* and *Preemptor FSC*, we should accept (5). I will now consider two objections to (5), each of which attempt to posit a relevant difference.

First objection: Perhaps Vihvelin would want to maintain that the presence of idle interveners can bestow us with new wide abilities, but never remove our wide abilities.⁶ But what accounts for this asymmetry? Unless we are provided with some explanation, this move seems entirely *ad hoc*. Moreover, as I will now argue, this position seems false.

Recall that, in accordance with (2), if we wish to maintain that Julie has the wide ability to help the camper, we must *not* hold fixed the fact that Black is standing idly by in the counterfactual scenario in which Julie's involuntary prior sign occurs. Now, consider a case like *Bridge*, except that the bridge between *A* and *B* is already present, but Black plans on *removing* the bridge if Julie's involuntary prior sign occurs (and Julie knows this). Call this case *Bridge 2*. If we do *not* hold fixed the fact that Black is standing idly by in the counterfactual scenario of *Bridge*, then surely the same goes for the counterfactual scenario of *Bridge 2*. But if we do not hold fixed the fact that Black is standing idly by in the counterfactual scenario of *Bridge 2*, then it follows that Black's presence, along with his device and intentions, remove Julie's wide ability to help the camper in *Bridge 2*. Hence, it is untenable to suppose that the presence of idle interveners can bestow us with new wide abilities, but never remove our wide abilities. I suggest, then, that the only potentially relevant difference between *Bridge* and *Preemptor FSC* concerns what each agent knows.⁷ Let us now explore whether this difference undermines (5).

Second objection: In *Bridge*, Julie knows that Black is present with certain intentions. By contrast, in *Preemptor FSC* Jones knows neither that Black is present, nor that Black has certain intentions. So, an objection to (5) might go as follows: Jones' lack of knowledge of Black's presence and intentions implies that when we assess what would

⁶ I am grateful to an anonymous referee for bringing this consideration to my attention.

⁷ One is at liberty to replace "knows" with "believes", "justifiably believes", "is cognitively sensitive to", etc. This detail makes no difference to my argument.

happen if Jones' involuntary prior sign were to occur, we hold fixed the fact that Black is standing idly by. By contrast, Julie's knowledge of Black's presence and intentions implies that when we assess what would happen if Julie's involuntary prior sign were to occur, we do *not* hold fixed the fact that Black is standing idly by. Call this the *knowledge-difference* objection to (5).

It is certainly not obvious as to why an agent's knowledge makes a difference to whether we should hold fixed the fact that Black is standing idly by in the counterfactual scenario in which the involuntary prior sign occurs. We may suppose that Black does not know, or care about, what Julie and Jones know. Instead, Black only cares about pressing the button if the involuntary prior sign occurs. We may even suppose that Black does not know, or care about, what happens if he presses the button. How, then, could knowledge of Black's presence and intentions make a difference to what would happen if the involuntary prior sign were to occur? To borrow a phrase from Fischer (1994, p. 141) on FSCs made in a different context, this seems to involve a kind of alchemy.⁸

To be clear, the possession of certain pieces of knowledge can sometimes *add to* one's abilities (Shabo 2014). Indeed, I am willing to concede that if Julie did *not* have knowledge of Black's presence and intentions, Julie would lack the wide ability to help the camper. But notice that we are concerned here with the possession of certain pieces of knowledge that in turn *remove* one's wide abilities.

Perhaps losing one's wide abilities is possible when one attains knowledge about the *consequences* of certain actions. For example, if I learn that pressing a certain elevator button will result in an explosion that will kill me, it is not implausible to suppose that I had, but now lack, the wide ability to press the elevator button given my subjective motivational set. However, Julie's knowledge in *Bridge* does not fit this description. Her knowledge of Black's presence and intentions has nothing to do with the *consequences* of helping the camper. It appears, then, that the *knowledge-difference* objection to (5) fails. Hence, since there does not appear to be any further relevant difference between the relationship between Black and Julie's involuntary prior sign in *Bridge*, and the relationship between Black and Jones' involuntary prior sign in *Preemptor FSC*, I conclude that (5) is true. Now, it follows from (4) and (5) that:

6. (*) is true *iff* (**) is true.

Moreover, it follows from (3) and (6) that:

7. (**) is true.

⁸ Perhaps *de se* foreknowledge—foreknowledge of one's own actions—results in one losing the wide ability to do otherwise. Such a proposal seems to go against the spirit of leeway compatibilism. But never mind that. The more important point for our purposes here is that, precisely in order to avoid this type of concern, I have stipulated in *Bridge* that Julie does *not* possess *de se* foreknowledge.

Lastly, I contend that we have excellent reason to accept the following claim:

8. If Jones has the wide ability to avoid deciding to vote republican in *Preemptor FSC*, then (**) is false.

What (8) says is that in order for Jones to have the wide ability to avoid deciding to vote republican, it must be the case that if Jones' involuntary prior sign were to occur, Black would stand idly by, rather than press the button. Besides (8)'s *prima facie* plausibility, Vihvelin seems to (rightly, in my opinion) endorse this claim. For instance, consider these remarks:

Insofar as Black is a Preemptor he has the *power* to make a difference to the facts about what Jones is able to choose. But since Black does not exercise his power, these facts remain unchanged and Jones remains as free to choose as he was before Black came on the scene (Vihvelin 2013, p. 106).

In a case in which Black is absent, and Jones decides to vote republican on his own, if Jones retains the wide ability to do otherwise, then it must be the case that if Jones' involuntary prior sign were to occur, then Jones would avoid deciding to vote republican.⁹ So, according to Vihvelin, since these facts remain unchanged once we add in Black's presence (and his device and intentions), then it must be true in *Preemptor FSC* that if Jones' involuntary prior sign were to occur, then Jones would avoid deciding to vote republican, and thus (**) is false. So, (8) is true.

To be clear, I do not think that we should hold fixed the fact that Black is standing idly by if Jones' involuntary prior sign were to occur (if we are assessing what occurs in the counterfactual scenario). But this is because I do not think that Jones has the wide ability to do otherwise. Thus, in accordance with (8), I *agree* with Vihvelin that *if* Jones has the wide ability to do otherwise in *Preemptor FSC*, then we must hold fixed the fact that Black is standing idly in the counterfactual scenario in which Jones' involuntary prior sign occurs. In other words, I agree that *if* Jones has the wide ability to do otherwise, then (**) is false. So, everyone in the debate should accept (8) without hesitation.

However, as I have shown, (**) is true (i.e. premise (7) is true). Thus, it follows from (7) and (8) that:

9. Jones lacks the wide ability to avoid deciding to vote republican in *Preemptor FSC*.

⁹ Recall that, within the present dialectic, we are assuming the truth of causal determinism, as well as the compatibility of causal determinism and the wide ability to do otherwise.

We have thus seen that Vihvelin's position on FSCs (one of the more developed positions among the new dispositionalists) is untenable given its incompatibility with the existence of structurally similar cases to FSCs in which a preemptive intervener bestows an agent with an ability (such as *Bridge*). Moreover, since leeway compatibilists cannot employ the Dilemma Defense in response to deterministic FSCs, leeway compatibilism's prospects are uninviting.

Acknowledgements

I am grateful to Janice Dowell, John Martin Fischer, André Gallois, Mark Heller, Derk Pereboom, Travis Timmerman, and an anonymous referee for this journal for helpful feedback on earlier versions of this paper.

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