

The Explanatory Power of Local Miracle Compatibilism

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Abstract Local miracle compatibilists claim that we are sometimes able to do otherwise than we actually do, even if causal determinism obtains. When we *can* do otherwise, it will often be true that if we *were* to do otherwise, then an actual law of nature would not have been a law of nature. Nevertheless, it is a compatibilist principle that we cannot do anything that would be or cause an event that violates the laws of nature. Carl Ginet challenges this nomological principle, arguing that it is not always capable of explaining our inability to do otherwise. In response to this challenge, I point out that this principle is part of a defense against the charge that local miracle compatibilists are committed to outlandish claims. Thus it is not surprising that the principle, by itself, will often fail to explain our inability to do otherwise. I then suggest that in many situations in which we are unable to do otherwise, this can be explained by the compatibilist's analysis of ability, or his criteria for the truth of ability claims. Thus, the failure of his nomological principle to explain the falsity of certain ability claims is no strike against local miracle compatibilism.

Keywords free will; determinism; compatibilism; local miracle compatibilism; ability

1 Introduction

Consider a scenario that occurs all too often: I raise my coffee cup to take a drink. Compatibilism is the view that my freely raising the cup is consistent with that action being determined by the actual past, together with the laws of nature. Here I will assume (what is contentious in other contexts) that acting freely requires the ability to do otherwise; so my freely raising the cup requires my having the power to refrain from raising it. Given this assumption, there are different ways of developing the compatibilist's consistency claim.

Backtracking compatibilists say that we can, without being inconsistent, conjoin certain can-claims, such as

- (1) I can refrain from raising the cup,

with certain backtracking counterfactuals—such as

- (2) If I had refrained from raising the cup, then some past state of affairs that actually obtained (which, together with the laws of nature entailed that I would raise the cup) would not have obtained.

Backtracking compatibilism, then, is the view that backtracking counterfactuals are sometimes consistent with can-claims.

Alternatively, *local miracle compatibilists* say that we can, without being inconsistent, conjoin (1) with certain local miracle counterfactuals, such as

- (3) If I had refrained from raising the cup, then a law of nature (at the actual world) would not have been a law of nature.

The proponent of local miracle compatibilism argues that sometimes agents are able to do something such that an actual law of nature would not have been a law—that local miracle counterfactuals, or “counterlegals,” are sometimes consistent with can-claims.

Incompatibilists, of course, will claim that the truth of either (2) or (3) entails the falsity of (1). Incompatibilists will also typically claim that when local miracle compatibilists give up the entailment between the truth of counterlegals and the falsity of can-claims, their account loses much of its explanatory power. For local miracle compatibilists must acknowledge that there are some cases in which the relevant counterlegal is true, and yet the corresponding can-claim is false (for example, cases in which the can-claim involves an action that the agent obviously cannot do). But the compatibilist apparently cannot explain the agent’s inability in these cases, because he cannot appeal to the truth of the counterlegal as the reason why the can-claim is false. The upshot of my response to this challenge is that in these cases (in which a counterlegal is true, but the corresponding can-claim is not) the compatibilist should use his preferred analysis of ‘can’ to explain the falsity of the can-claim.

My aim, in what follows, is to develop a version of local miracle compatibilism along these lines. More specifically, this version of the local miracle view is designed to be immune to the incompatibilist challenge as presented by Carl Ginet in his seminal book, *On Action* (Ginet 1990). After summarizing the main claims of local miracle compatibilism, I will consider a common objection to the view. My response to this objection will set the stage for Ginet’s challenge, which I

will consider at length. I will then offer and defend a response to Ginet's argument on behalf of the local miracle compatibilist.¹ I will close by summarizing the state of the dialectic.

2 Local miracle compatibilism (and its detractors)

I begin with some general remarks about local miracle compatibilism. This view is notable because it provides a distinctive answer to the question of which counterfactuals would be true, if causal determinism were to obtain (and yet we could do otherwise than we actually do). So, contrary to backtracking compatibilists (who, recall, hold that backtracking counterfactuals would be true were causal determinism to obtain), local miracle compatibilists claim that typically (though not invariably), the counterlegal conditionals would be true.²

Another way of describing local miracle compatibilism, as we have seen, is to say that its proponents are committed to the claim that counterfactuals such as (3) are consistent with can-claims such as (1). This commitment, however, is not equivalent to the claim that *only* counterlegals (and thus not backtracking counterfactuals) are consistent with can-claims.³ Nor is it equivalent to the claim that counterlegals are *always* consistent with can-claims. Instead, the local miracle compatibilist maintains (or at least should maintain) that in any given case, it is an open question

¹ Another recent defense of local miracle compatibilism (written in response to a different and more recent complaint) can be found in Graham (2008).

² Jonathan Bennett, for example, is a backtracking compatibilist (Bennett 1984). John Perry, in personal conversation, has also identified himself as a backtracking compatibilist.

³ It is possible, of course, to hold a more restrictive, or "pure," version of local miracle compatibilism according to which only counterlegals are consistent with can-claims (and hence the truth of backtrackers would rule out freedom). Such purism seems to me unnecessary and implausible. Below I say more about the benefits of a "hybrid" view.

whether (and which) counterfactuals are true. Moreover, he maintains that local miracle compatibilism does not in itself have any general answer to this question.

Failure to understand this aspect of the local miracle view leads some of its critics into thinking that defenders of the view are attempting to provide both necessary and sufficient conditions for being able to do otherwise. But typically they are not. This is clearest in the case of David Lewis (Lewis 1981). Lewis's defense of local miracle compatibilism begins with intuitions about what we can and cannot do. We can raise our arms (when everything is in working order) but we cannot jump over buildings. He then moves from these intuitions, taking them for granted, and says that if determinism is true, then it follows that certain counterlegal conditionals are true. But not to worry—those conditionals do not require attributing to the agent the incredible ability to cause lawbreaking events. In the context of this defense, Lewis is clearly not taking himself to be providing an informative account of what exactly we are able to do or of which counterfactuals are true and which are false. Instead, he is merely defending his compatibilism against an attack from the consequence argument. Thus, to interpret his view (and local miracle compatibilism in general) as providing an exhaustive account is to misconstrue the dialectical situation.⁴

With these preliminary points in mind, let us examine what is perhaps the most common criticism of local miracle compatibilism, namely that its proponents are committed to saying fantastic things. For example, Peter van Inwagen claims that it is incoherent to challenge the limits that laws of nature impose on our abilities:

Suppose a bureaucrat of the future orders an engineer to build a spaceship capable of traveling faster than light. The engineer tells the bureaucrat that it's a law of nature

⁴ Thanks to Michael Nelson for this way of formulating the point.

that nothing travels faster than light. The bureaucrat concedes this difficulty, but counsels perseverance: “I’m sure,” he says, “that if you work hard and are very clever, you’ll find some way to go faster than light, even though it’s a law of nature that nothing does.” Clearly his demand is simply incoherent. (van Inwagen 1983, 62)

If the local miracle compatibilist’s commitment to the consistency of (3) and (1) is relevantly similar to the bureaucrat’s counsel above, then the compatibilist’s view would be fantastic indeed. But of course the local miracle compatibilist will deny the similarity between his commitment and the bureaucrat’s demand. On what basis is the local miracle compatibilist entitled to this denial? Well, the laws of nature entail that nothing can travel faster than light. If the engineer were to carry out the bureaucrat’s demand, then he would have to falsify this fact that nothing can travel faster than light—i.e., he would have to build something that travels faster than light. And nobody can falsify something that is entailed by the laws of nature. (Following Ginet (1990, 112), I will say that an event falsifies p if and only if its occurrence is sufficient for the falsity of p .) Thus, the reason the bureaucrat’s demand is incoherent is that, for it to be carried out, the engineer would have to do the impossible: falsify something that is entailed by the laws of nature. The bureaucrat’s demand is inappropriate because the content of the demand is something that no one can do.

These considerations can be brought together in the following principle:

- (4) If p is entailed by the laws of nature, then it is never open to anyone to perform an action that would be or cause an event that falsifies p .⁵

⁵ See Ginet (1990), although the general strategy comes from Fischer (1997), who is following in the footsteps of Lewis.

What (4) tells us, then, is that no agent can perform an action that would be or cause a lawbreaking event. This principle is important for at least two reasons. First, it explains why the bureaucrat in van Inwagen's example is in no position to demand that the engineer build a spaceship that can travel faster than light: given our laws, satisfying such a demand is inconsistent with (4). Second, this principle illustrates a crucial disanalogy between the bureaucrat's demand and the local miracle compatibilist's claim that (3) and (1) are consistent. The key difference between the two is that the bureaucrat's demand—but not the compatibilist's claim—requires that the agent in question do something that would be or cause a lawbreaking event. Building a spaceship that travels faster than light would cause a lawbreaking event, whereas refraining from raising a coffee cup would not be (and would not cause) a lawbreaking event. This is because, according to local miracle compatibilism, had I refrained from raising my cup, the “miracle” would have occurred just prior to the cup-raising.⁶ Hence, the bureaucrat's demand, but not the local miracle compatibilist's claim, runs afoul of (4). The proponents of local miracle compatibilism can defend themselves against the charge that they are committed to fantastic results by adopting (4).

3 Ginet's argument against the local miracle view

Despite its apparent usefulness as a response to van Inwagen's bureaucrat case, Ginet is not satisfied with (4); he thinks it is too weak to capture “our conception of the limits placed on our freedom by the laws of nature.” (Ginet 1990, 113) And of course any compatibilist view, such as the local miracle view, that is built on an inadequate conception of the ways in which the laws of nature constrain our freedom will itself be inadequate. Ginet thinks (4) is too weak because it is not able to

⁶ This, at least, is the standard view about when the local miracle occurs. Vihvelin (2000) takes a different approach according to which the miracle occurs at the same time as the relevant choice.

license certain commonsense inferences from premises involving antecedent conditions and laws of nature to conclusions about what we as agents can and cannot do (the latter class of actions being especially important). The principle encapsulated in (4) licenses such inferences in a wide range of cases (e.g., in van Inwagen's bureaucrat case), but Ginet argues that there are certain cases in which it cannot do the work that it needs to do. In support of this claim, he provides the following case:

Suppose that some time before t , S ingested a drug that quickly causes a period of complete unconsciousness that lasts for several hours. Suppose that, because of the drug, there is true of S a certain proposition of the form

At t , S 's neural system was in state U

and it follows from this proposition and the laws of nature that S was unconscious for at least thirty seconds after t . (Ginet 1990, 113–114)

Now consider the following propositions:

(5) At t , S 's neural system was in state U .

(6) Beginning at t plus five seconds, S voluntarily exerted force with her right arm for ten seconds.⁷

⁷ These propositions are taken, though numbered differently, from Ginet (1990, 114).

According to Ginet, given the details of the case, we should be able to conclude that (6) is false: “we are surely entitled to deduce that it was not open to S to voluntarily exert force with her arm in the five seconds after t .” (Ginet 1990, 114) But, as Ginet points out, (4) fails to license this inference. To see why, first assume that the limitations that the laws of nature place on our actions are in fact encapsulated by (4)—which, recall, can be rendered as

- (4) If p is entailed by the laws of nature, then it is never open to anyone to perform an action that would be or cause an event that falsifies p .

On this assumption, in order for us to be able to infer that it is not open to S to voluntarily exert (i.e., raise) her arm at $t+5$, we have to suppose that she does raise her arm at $t+5$, and then show how that event, in itself, falsifies some proposition p entailed by the laws of nature. The relevant p in Ginet’s example is this: “If S ’s neural system is in state U at t , then it is not the case that she raises her arm at $t+5$.” But S ’s voluntary exertion at $t+5$ does not falsify this p , because her raising her arm then does not entail that she was in state U at t . In other words, we can imagine a possible scenario in which S raises her arm at $t+5$, but was not in state U at t . Thus, her raising her arm does not entail the falsity of the conditional p because it is consistent with the falsity of p ’s antecedent. Moreover, we cannot infer (at least not from (4) alone) that it was not open to S to raise her arm at $t+5$.

Perhaps Ginet’s argument will become clearer if we look at some of the other inferences that might be made, based on the details of his case. Consider two action descriptions, A_1 and A_2 . Let A_1 be *S raises her arm at $t+5$ while in state U* , and let A_2 be *S raises her arm at $t+5$* . The incompatibilist claims that we can only perform actions that extend the actual past, consistent with the actual laws. Given the details of the case, the incompatibilist can infer that S is unable to perform the actions described by both A_1 and A_2 . (This is because, as the story goes, S is as a matter of fact in state U at

$t+5$, so there is no extension of the actual past in which she raises her arm at that time.) The compatibilist, however, does not require that free actions be an extension of the actual past, consistent with the laws. (And recall that even the local miracle compatibilist will allow for the truth of the occasional backtracker—a point I will have more to say about below.) The compatibilist *can* infer that S is unable to perform the action described by A_1 , since her performing that action would falsify p (“If S ’s neural system is in state U at t , then it is not the case that she raises her arm at $t+5$ ”), which is entailed by the laws of nature. But the compatibilist *cannot* infer that S is unable to perform the action described by A_2 , because there is no p (that is entailed by the laws of nature) that such an action would falsify. The incompatibilist, then, has a rule of inference that allows him to conclude, based on the details of the case, that S is unable to perform the action described by A_2 ; the compatibilist’s adoption of (4) invalidates this rule of inference. Less formally, we might say that the compatibilist has opened up some “wobble room” by endorsing (4) rather than the stricter incompatibilist criterion.

Ginet’s challenge can be summarized as follows: From the details of the case he presents, along with certain principles about the past and the laws, we should be able to infer that S was not able to voluntarily move her arm at $t+5$ —i.e., that S does not have it within her power to so act that (6) would be true. But the principle in (4) cannot deliver this result, because the laws of nature do not entail, by themselves, that S does not raise her arm for 10 seconds. Thus, there is nothing involved in her raising her arm that would be or cause an event that falsifies something that is entailed by the laws of nature, and as a result we have no explanation of S ’s inability to raise her arm. In what follows, I will defend the local miracle compatibilist against this powerful challenge.

4 In defense of local miracle compatibilism

The gist of my response to Ginet's challenge is that the local miracle compatibilist's principle about the relationship between the laws of nature and our ability (or inability) to do otherwise need not provide, in and of itself, an explanation of our inability to do otherwise in *every* scenario in which we cannot do otherwise. This is because the compatibilist has another principle or set of principles, derived from his analysis of 'can,' or his criteria for the truth of can-claims, which rules out doing otherwise in certain circumstances—and in some cases this latter principle is what does the explanatory work. (What I am doing, in other words, is roughly gesturing toward the informative account that Lewis was not interested in providing.)

Recall that local miracle compatibilists are notable for arguing that, given mere causal determination, counterlegal conditionals such as the following are often true:

- (3) If I had refrained from raising the cup, then a law of nature (at the actual world) would not have been a law of nature.

Moreover, in some cases the truth of a conditional such as (3) does not rule out a corresponding can-claim, such as

- (1) I can refrain from raising the cup.

Finally, recall that the details of various situations in which both determinism and a can-claim like (1) are true—and not some prior commitment of the local miracle compatibilist—will determine which counterfactuals are true in those situations. With these points in mind, the first step in my defense of

local miracle compatibilists is simply to note that their basic claim is consistent with an acknowledgement that there are certain cases in which a backtracking counterfactual could be true as well. The local miracle compatibilist can insist that (3) and (1) could both be true, while also allowing that it might be true that

- (2) If I had refrained from raising the cup, then some past state of affairs that actually obtained (which, together with the laws of nature entailed that I would raise the cup) would not have obtained.

In other words, the local miracle compatibilist can allow that there are some situations in which both a counterlegal and a backtracker will be true (although in such a circumstance presumably the backtracker will not trace back indefinitely into the past).⁸

The second step in my defense is the claim that there may be cases in which both a counterlegal and a backtracker will be true, but the corresponding can-claim will *not* be true. However, in such cases the proponent of local miracle compatibilism should not say that the truth of either conditional, in itself, rules out the can-claim. Rather, the local miracle compatibilist should invoke his preferred analysis of ‘can’ (or his criteria for when can-claims are true) and point out that the obtaining of some related condition or circumstance (e.g., the agent’s being unconscious) is what renders the can-claim false.

⁸ There is a stronger claim that we could make here, namely that certain local miracle strategies, such as Lewis’s, *require* the truth of at least some backtrackers, because the lawbreaking event that makes some agent’s action possible will have to have occurred before the agent’s willing—which of course means that had the agent done otherwise, the past would have been different. For more on counterlegals and backtrackers, see Lewis (1979).

The second step leads us to the third and most important element of my proposed defense. Ginet's challenge, recall, is that the local miracle compatibilist's principle (4), which details the relationship between the laws of nature and our (in)ability to do otherwise, does not explain why we are licensed to infer that S is not able to raise her arm at $t+5$. I propose that the appropriate response to this challenge is to point out that, for the local miracle compatibilist, the status of a principle such as (4) is similar to the status of the relevant counterlegals and backtrackers. In certain situations, the relevant can-claim is false and there are true counterlegals and backtrackers; but in these situations, it is not necessarily the truth of these conditionals that rules out the truth of the can-claim. It may be that in these situations the compatibilist's analysis of 'can' is what explains the falsity of the relevant can-claim. Similarly, the local miracle compatibilist can say that in certain situations, the relevant can-claim is false and this is explained by (4)—because for the can-claim to be true, the act in question would have to falsify something that is entailed by a law of nature. In other situations, the relevant can-claim is false and this is explained by his analysis of 'can,' or his criteria for the truth of 'can' claims. In other words, the compatibilist's principle (4) need not explain, in and of itself, the falsity of can-claims in every scenario—because he has another principle (derived from his analysis of 'can'), which details the circumstances in which we are unable to do otherwise than we actually do, and in certain cases this latter principle is what does the explanatory work.

My proposal becomes clearer if we take a closer look at the role that (4) plays in the dialectic surrounding local miracle compatibilism. Recall that the local miracle compatibilist who distinguishes between an ability to break a law and an ability to do something such that, were he to do it, a law would have been broken, is not necessarily attempting to provide an exhaustive account (and hence an explanation) of what we can and cannot do. In other words, (4)—as we saw above—is an essential element of a *defense* against the charge that local miracle compatibilists are committed

to fantastic claims. Given its status as part of a defense, it is not surprising that (4), by itself, will often fail to license inferences about what we are unable to do. (In fact, it would be strange to expect it to invariably license such inferences.) The fundamental explanation of why we are unable to do the things that we are unable to do is not going to be in terms of (4), but rather in terms of the compatibilist's analysis of ability.

What I am suggesting, then, is that Ginet's case, in which *S* is unable to raise her arm, is a case in which the compatibilist's analysis of 'can,' rather than a principle such as (4), is what explains the relevant inability. To see how this suggestion might play out, consider first a simple (and no doubt false) conditional analysis of 'can':

(CA) *S* can do *A* just in case if *S* were to choose to do *A*, then *S* would do *A*.

According to this analysis, *S*'s doing *A* is "choice-dependent."⁹ (Similarly, proponents of this analysis would presumably want to say that *S*'s being able to do otherwise than *A* consists in her doing otherwise, were she to choose to do otherwise.) But if we apply this analysis to Ginet's case, it should be obvious that it gives us the wrong result. *S* is unable to raise her arm at *t*+5, and we want to be able to explain why she was unable to raise her arm (i.e., could not have done otherwise than she did). But her inability to raise her arm is not the result of a faulty connection between her (hypothetical) choice and her exertion. For it is true that had she chosen to raise her arm, then she would have raised her arm; it is just that she cannot choose to raise her arm at *t*+5 (because she is unconscious). So (CA) tells us that *S* could have done otherwise (because her choosing to raise her arm is choice-dependent), which is the wrong result.

⁹ I have adopted this treatment of the conditional analysis (including its problems and possible revisions) from Fischer (2007, 49–53).

However, it is open to the proponent of (CA) to acknowledge that, by itself, the truth of the right side of the biconditional in (CA) is not sufficient for the truth of the left side; it is instead merely a necessary condition for S 's ability to do A . He can then modify (CA) by adding a further necessary condition to the effect that there is no obstruction or barrier preventing S 's choosing to do A . These two conditions (the original condition and the new condition) would then be individually necessary and jointly sufficient for the truth of " S can do A ." So the revised analysis would look something like this:

- (CA') S can do A just in case
- (1) if S were to choose to do A , then she would do A , and
 - (2) there is no barrier to S 's choosing to do A .

If we apply this revised analysis to Ginet's case, then it seems to deliver the right result: it is true (we are assuming) that if S were to choose to raise her arm, that she would raise her arm, but it is *not* true that there is no barrier to her choice. There is in fact a fairly obvious barrier to her choice, namely the fact that she is unconscious. So, according to (CA'), S is not able to raise her arm at $t+5$.

Unfortunately, even (CA') suffers from at least three weaknesses. The first weakness is that the notion of "barrier to choice" is too vague. The second is that some barriers to choice are more controversial than others. (For example, one's being unconscious is an uncontroversial barrier to one's choice, whereas one's being the subject of subliminal advertising, or hypnosis, might be more controversial.) So (CA') will be of limited use when the choice in question is prevented by a controversial barrier. The third weakness is that (CA') arguably begs the question against the

incompatibilist, and is therefore of limited utility in the debate over whether an appropriately robust sort of freedom is compatible with causal determinism.¹⁰

Despite these admittedly serious weaknesses, (CA') is sufficient for my purposes. First, even though the “barrier to choice” notion is vague, the basic idea is intuitive. For my purposes, all the local miracle compatibilist needs is the possibility of a suitably refined notion and the resultant suitably refined analysis. (And I see no reason to think that this refined notion is *impossible*.) Second, notice that at this stage in the dialectic the local miracle compatibilist is not trying to cover all cases in which there are barriers to choice. Nor, thirdly, is he trying to settle the issue of whether freedom is compatible with causal determinism. (Although he is presupposing *some* defense of the compatibilist thesis.) Rather, he is simply trying to point out that his view is capable of dealing with Ginet’s case—which is to say that his view can deliver the result that *S* is not able to raise her arm, given that she is unconscious. His view says that *S* was unable to do otherwise in Ginet’s case because there was an obstacle to her choice: the fact that she was unconscious. An analysis of ‘can’ such as (CA') will admittedly not help establish the truth of compatibilism. But it need not, so long as there is another aspect of the compatibilist’s view that can do that job.

Note also that my defense of the local miracle compatibilist does not force him to adopt a conditional analysis of ‘can’; we could press the same point with a different compatibilist analysis. The local miracle compatibilist could, for example, adopt Keith Lehrer’s possible worlds approach, according to which ‘can’ is not analyzed in terms of conditionals, but rather in terms of accessibility relations between the actual world and various possible worlds (Lehrer 1976). Although his analysis is complex, and worthy of a fuller treatment than I will give it here, a rough sketch should suffice to

¹⁰ (CA') arguably begs the question against the incompatibilist because the incompatibilist will no doubt insist that some action’s being entailed by the past and the laws is a “barrier” to an agent’s being able to refrain from that action. This point comes from Fischer (2007, 51–52).

show that the plausibility of local miracle compatibilism does not depend on the plausibility of any conditional analysis of ‘can.’¹¹

Lehrer’s first point is that the conditional analysis falls prey to various counterexamples; hence the need to seek out a superior analysis. His alternative proposal begins with a possible worlds semantics according to which “minimal difference” (rather than the comparative similarity approach advocated by Stalnaker and Lewis) is used to evaluate subjunctive conditionals.¹² Lehrer’s basic claim is that whether S can do A depends on “what sort of minimal difference would be required” to accommodate S ’s doing A in some possible world (Lehrer 1976, 240). An important additional element of Lehrer’s analysis is that the minimally different possible world in terms of which S ’s abilities are evaluated (call it w_1) cannot be one in which S has an unfair (or “inadmissible”) advantage, relative to the actual world w_0 (in which S does not do A). Lehrer offers a precise definition of which sorts of advantages are admissible,¹³ but the intuitive idea is that an advantage is

¹¹ Fischer (1979) offers a fuller treatment of Lehrer’s article, as well as an extended criticism.

¹² For Lehrer, minimal difference is evaluated while holding fixed the laws of nature. But this is not an essential part of his view, and so could be dropped by the local miracle compatibilist, were he to adopt Lehrer’s analysis of ability. For examples of approaches to evaluating minimal difference between worlds that do not hold the laws fixed, see Audi (1978), Horgan (1977), and Horgan (1979).

¹³ Lehrer’s analysis, including his definition of an admissible advantage, can be found in Lehrer (1976, 256–257): “‘ S could (at t_i) have done A at t_n ’ is true in the actual world \mathcal{W} if and only if there is a possible world w having the same laws as \mathcal{W} and minimally different from \mathcal{W} so that ‘ S does A at t_n ’ is true in w in such a way that any advantage S has in w for doing A at t_n which he lacks in \mathcal{W} is admissible for S from \mathcal{W} and t_n is past. An advantage S lacks in \mathcal{W} is admissible for S from \mathcal{W} if and only if either (a) the advantage results from S doing something B at t_j ($t_i \leq t_j \leq t_n$) when he has no additional advantage for doing B at t_j in w which he lacks in \mathcal{W} or (b) the advantage results from S doing something C at t_k ($t_i < t_k \leq t_n$) when S has no additional advantages for doing C at t_k in w which he lacks in \mathcal{W} except those advantages admissible to S from \mathcal{W} resulting from what S does prior to t_k .”

admissible only if it can be gained through *normal* means between the time t_1 at which the can-claim is evaluated and the time t_2 at which the action is performed. Of course, “normal” is not exactly a precise term, and would need to be replaced with something more precise, were I considering adopting Lehrer’s analysis as part of an overarching compatibilist theory. But I am merely trying to illustrate how Lehrer’s analysis might be applied to a case such as Ginet’s, and for that purpose the intuitive notion of a normal way of gaining an advantage should suffice.

So, for example, this morning (as I write this) it is true that I can drive to the airport this afternoon. Doing so requires some advantages that I do not have now (e.g., being in my car), but these are the sorts of advantages that I can gain through normal means (e.g., by walking out to my car, opening the door, and getting in). So even though I do not actually go to the airport this afternoon, the minimal difference required in a possible world in which I do go to the airport is one which does not include any inadmissible advantages. On the other hand, if it is now 10 minutes before I am supposed to be at the airport, and it normally takes 30 minutes to drive there, then the minimal difference between w_0 and w_1 would involve me having an inadmissible advantage (e.g., the freeways being completely empty between here and the airport, and a car that will go three times the speed limit). This advantage is inadmissible because there is no way for me to bring it about (using normal means); something completely and radically fortuitous would have to happen for me to make it to the airport in 10 minutes. Hence, such an advantage is not an admissible advantage, and Lehrer’s analysis tells us that it is false (10 minutes before I am supposed to be at the airport) that I can make it to the airport on time.¹⁴

In summary: Lehrer analyzes can-claims by saying that S can do A in w_0 if and only if S does A in some possible world w_1 that is accessible to S . For w_1 to be accessible to S , it must be

¹⁴ The airport example comes from Ginet (1990, 111). See note 18 for a discussion of his version.

“minimally different” than w_0 , and that minimal difference must not include any inadmissible advantages. It seems clear that this analysis will also deliver the result that S , in Ginet’s example, is unable to raise her arm at $t+5$. This is because there do not seem to be any possible worlds that are accessible to S in which she raises her arm at $t+5$. The only worlds in which she raises her arm are going to be worlds in which she has an inadmissible advantage, and hence worlds that are not minimally different (and so not accessible) from the actual world.

There are, admittedly, legitimate doubts about the ultimate success of Lehrer’s account as a reductive analysis of ability.¹⁵ But I am not trying to provide a reductive analysis of ability. A complete defense of local miracle compatibilism would perhaps require commitment to some specific analysis; but I am not trying to provide a complete defense either. Instead, I am seeking merely to defend the view against one important challenge by making a point about the *structure* of local miracle compatibilism. I am pointing out that the structure of local miracle compatibilism is such that compatibilists can appeal to certain additional principles to explain why we are unable to do certain things in certain situations (e.g., the situation Ginet describes, in which S is unable to raise her arm). It is true that these principles are hard to nail down, and it is probably also true that no satisfactory account of them has yet been offered. But of course it does not follow that no such account is possible, and I see no reason why a compatibilist should not be confident that some such account exists.¹⁶ For my purpose (i.e., a response to Ginet), all the local miracle compatibilist needs

¹⁵ See for example Fischer (1979).

¹⁶ Thanks to Peter A. Graham for this way of formulating the point. Graham also points out (in personal correspondence) that the incompatibilist is not really in a better position than the compatibilist, at least when it comes to explaining why certain people are unable to do certain things in certain situations. To understand this point, recall that Ginet’s criticism is that the compatibilist cannot appeal to (4) to license an inference to the conclusion that S is unable to raise her arm. The incompatibilist is supposed to be in better shape with respect to this inference, since he can appeal to

is the possibility of an analysis of ability that is able to deliver the appropriate result in Ginet's case (and cases relevantly similar to it).¹⁷

In short, it seems as though the local miracle compatibilist should respond to Ginet's challenge by saying something resembling the following:

First, it is obvious that *S* cannot raise her arm (at $t+5$). And if she did raise her arm, then the past would have been different—i.e., she would not have been given the drug that caused her neural system to be in state *U* (or at least it would have failed to cause her neural system to be in state *U*). But it is not the truth of this backtracker,

a principle about the inescapability of the laws (i.e., a principle which states that nobody can do anything such that were she to do it, a law would have been broken) to license the inference in question. But Graham provides a slightly modified case in which the inescapability of the laws cannot provide the inability verdict that seems intuitive. The modified case is simply an indeterministic variation on Ginet's. Suppose that *S* takes the drug, which causes her to be unconscious for 30 seconds following *t*. Suppose also that while she is unconscious, a number of indeterministic events happen, one or two of which are such that had they gone the other way (a way that it was physically possible for them to go), *S* would have woken up and raised her arm. It seems intuitive that even in this modified case we would want to say that it is false that *S* is able to raise her arm at $t+5$. Presumably the incompatibilist will agree that *S* is unable to raise her arm in this scenario. But what resources does the incompatibilist have here that will allow him to explain why *S* is unable to raise her arm? He cannot appeal to the inescapability of the laws, because there are a number of physically possible worlds in which she does raise her hand. What the incompatibilist needs is some principle—apart from the principle of the inescapability of the laws—that rules out these other physically possible worlds (in which *S* raises her arm) as accessible to the agent. Thus, the incompatibilist, contrary to what is implied by Ginet's challenge, is not in a better position to explain why *S*, for example, is unable to raise her arm when intuitively it seems that she cannot.

¹⁷ As I have alluded to above, a local miracle compatibilist might even refrain from adopting any specific analysis of 'can' claims, but rather accept certain constraints on any plausible analysis—where those constraints ensure that the analysis will deliver the appropriate verdict in cases such as Ginet's.

or a principle about the laws of nature, that renders the can-claim false. Instead, the can-claim is false because the conditions of my compatibilist analysis of ‘can’ are not met—there is a (non-nomological) barrier to S ’s choice that obtains at the relevant time. (Alternatively, S ’s not being in U at $t+5$ would be an inadmissible advantage that she lacks in the actual world.) Thus, I can infer that S is unable to raise her arm (at $t+5$) without making the further claim that the truth of the counterlegal (or the backtracker) rules out the truth of the can-claim; I can say that the truth of the can-claim is ruled out by my analysis of ‘can.’

We can now review our progress. First, the local miracle compatibilist says that causal determinism does not, in itself, imply that the conditions for ‘can’ are not met. Further, we have seen that the compatibilist can adopt (4) as a defensive strategy against the charge that he is committed to fantastic claims about the relationship between can-claims and the laws of nature. We have also seen that the compatibilist has additional resources available to him: in addition to a principle that relates the laws of nature to our inability to perform various actions (the principle encapsulated in (4)), he has an analysis of ‘can’ that delivers plausible inability verdicts in certain scenarios. (This might be a conditional analysis, or a possible worlds analysis, or some other, more satisfying analysis.) In some cases (such as van Inwagen’s) an agent (the engineer) may not be able to perform some action, and this might be true because performing that action would require falsifying something that is entailed by the laws of nature. In other cases (such as Ginet’s), the agent (S) also may not be able to perform some action, but in those cases the agent’s inability will be explained by there being an uncontroversial barrier to her choosing to do that action—a condition that obtains that will prevent her from performing the action no matter what analysis of ‘can’ is adopted. (Note

also that because of the presence of this barrier, there will be a backtracker that is true of the scenario: had the agent performed the action, the barrier would have to have been absent.¹⁸)

¹⁸ There is evidence that Ginet might be sensitive to the point that I am making here—for example, when he says the following:

The Local Miracle View can allow for *exceptions* For example, if it is true that Jones was at the faculty meeting at ten minutes before noon and it is true that, if he had been in the airport at noon, then it would have to have been the case that he was not at the faculty meeting at ten minutes before noon, then it must also be true that it was not open to Jones at any time during that ten minutes to make it the case that he was in the airport at noon. (Ginet 1990, 111, my emphasis)

This case is structurally identical to the case in which *S* is unable to raise her arm, as evidenced by the fact that we can straightforwardly plug in the details from that case:

If it is true that *S* ingested a drug (at *t*) that quickly causes a period of complete unconsciousness that lasts for several hours and it is true that, if she had raised her arm at *t*+5, then it would have to have been the case that she had not ingested the drug at *t*, then it must also be true that it was not open to *S* at any time between *t* and *t*+5 to make it the case that she raised her arm at *t*+5.

(For clarity of exposition, I have changed the time at which *S* ingested the drug from “some time before *t*” to *t*. In other words, I am assuming that the drug acts immediately.)

The modified example is somewhat convoluted, but the point is simple: if *S* took the drug at *t*, then she is not able to raise her arm at *t*+5. Hence, if she does raise her arm at *t*+5, then it must be that she did not take the drug at *t*. Moreover, there is nothing she can do between *t* and *t*+5 that will enable her to raise her arm. The explanation for these facts, as we saw above, is that there is a barrier to *S*'s choosing to raise her arm at *t*+5 (namely, her being unconscious at *t*). If she does raise her arm, then the barrier must not have been in place. Likewise, the explanation for Jones's situation is that there is a barrier to his being at the airport at noon (namely, his being in the faculty meeting ten minutes before noon). If he is at the airport at noon, then the barrier must not have been in place. If an “exception” is allowable in Jones's case, then, given the parallel between his predicament and *S*'s predicament, it is hard to see why it is not allowable in *S*'s case.

The view I am suggesting, then, is a “mixed” or hybrid view insofar as it holds that in any given scenario, counterlegals or backtrackers might be true. But, again, it will not be the truth of these counterfactuals that explains our abilities to do what we are able to do. Similarly, the view I am proposing is one that will, on occasion, appeal to a principle such as (4)—but (4) will not always be what explains our *inabilities* to do what we are *not* able to do. To criticize the local miracle compatibilist for not being able to use (4) to deliver an inability verdict in certain cases—as Ginet does—is to disregard the compatibilist’s analysis of ability, and hence to unfairly limit his access to his theoretical resources.

5 Ginet’s response

Ginet does consider a response like mine, so it is worth examining the way in which he rejects it. He begins as follows:

The compatibilist may reply that, although the example shows *that we rely on something stronger than (Y)* [my (4)], its apparent demonstration that we rely on the inescapability of the laws is still an illusion. (Ginet 1990, 114, my emphasis)

The principle of the inescapability of the laws is the principle that Ginet favors over (4). This inescapability principle says, roughly, that nobody can do anything such that, were she to do it, a law would have been broken (and thus not a law).¹⁹ The inescapability of the laws is clearly a stronger

¹⁹ More precisely, the principle of the inescapability of the laws says that “if p is deducible from the laws of nature, then it is never open to anyone to make it the case that not- p .” (Ginet 1990, 105) According to Ginet’s notion of making it the case that p , “ S made it the case that p if and only if p and S caused (at least) the last thing needed for it to be the

principle than (4), as it rules out a broader range of actions than (4) does. For example, supposing that I raise my coffee cup in a deterministic world, it rules out my refraining from that raising of my coffee cup, whereas (4) does not. It seems, then, that Ginet interprets the local miracle compatibilist as acknowledging that (4) is too weak, but maintaining that there is a principle out there that is stronger than (4) but still weaker than the inescapability of the laws.

Although it is true, formally speaking, that the compatibilist response I am proposing is in part an acknowledgement that the compatibilist needs something stronger than (4), putting it in those terms obscures the essence of the move I am suggesting. What I am suggesting is that Ginet's example shows that the compatibilist relies on something *in addition* to (4)—namely, his analysis of 'can.' The reason why it is misleading to view this addition as simply a stronger version of (4) is that the compatibilist's analysis of ability, as I point out above, is going to be what provides the fundamental explanation in the vast majority of cases in which an agent S is unable to do something A . Recall that (4) is merely employed as part of a defensive maneuver, and so should not be viewed as a basic principle that is strengthened in the face of counterexamples. It is, rather, an ancillary principle that is used to fend off the charge that local miracle compatibilists are committed to saying fantastic things.

The remainder of Ginet's response can be summarized as follows (Ginet 1990, 115–117). What the compatibilist might say (in response to his example) is that S 's doing A at t_2 was avoidable at t_1 , even if S was nomically necessitated at t_1 to do A at t_2 —so long as the necessitation passed through S 's prior motivational states and processes in the right sort of way. The compatibilist might further claim that the example in which S is unconscious only supports the inescapability of the laws

case that p ." (Ginet 1990, 100–101) Thus, the inescapability principle implicitly holds fixed certain aspects of the actual past—including the actual laws of nature. And if the laws must be held fixed in this way, then I am not able to do anything such that, were I to do it, an actual law would not have been a law.

if we import in the additional premise that the necessitation according to which S cannot raise her arm does not pass through her motivational states. Without this implicit premise, the example fails to establish the inescapability of the laws.

This compatibilist suggestion does not work, argues Ginet, because freedom to do otherwise is in fact lost if one's actions are nomically necessitated—even if that necessitation involves motives and will in the right sort of way. To see this, imagine what it would be like to know the laws of nature that govern our actions, and to use this knowledge to manipulate someone else (S) into performing some action A . In this case, we should conclude that S is not able to avoid doing A —even if she is being manipulated in a way that utilizes her normal motivational processes. And this conclusion will be supported, in part, by the inescapability of the laws—“as part of a more complex inference of the form given in our [i.e., Ginet's] argument for incompatibilism.” (Ginet 1990, 116)²⁰

This is a powerful response to what is perhaps the standard compatibilist line, but it fails if considered as a challenge to the defense of compatibilism that I am proposing. This failure can be demonstrated in the form of a dilemma.

Ginet's response here is either intended to rule out what he considers the most plausible compatibilist analysis of ability (i.e., one according to which it is essential to S 's freely doing A that A be the right sort of result of her motives and will), or intended to rule out the possibility of *any* compatibilist analysis of ability. If his response is directed toward a single compatibilist analysis (or family of analyses), then all it has shown is that a compatibilist principle (or set of principles) designed to explain our inability to do otherwise will not deliver the right result in manipulation cases—at least not if the principle is appealing only to motivational states. But this claim from Ginet is consistent with my own claim, namely that the imagined principle (which is, let us grant, unable to

²⁰ Ginet then considers and dismisses the soft compatibilist line about there being a difference between necessitation as a result of manipulation and necessitation as a result of natural causes.

deal with manipulation cases) is the *sort* of principle that the compatibilist should appeal to when dealing with Ginet's case in which *S* takes the drug. The introduction of manipulation cases makes it clear that the compatibilist has work to do before he can claim that he has produced necessary and sufficient conditions for our being able to do otherwise. But it does not follow from this that no such compatibilist conditions are possible.

But perhaps—moving now to the second horn of the dilemma—Ginet is intending that his response rule out *all* compatibilist analyses of ability. (His comment about the “more complex inference of the form given in [his] argument for incompatibilism” supports this interpretation.) The problem with this strategy is that it is dialectically inappropriate. The only argument (in the current context) that is capable of such a sweeping conclusion is the consequence argument, a version of which Ginet presents earlier in his book.²¹ But, to reiterate, local miracle compatibilism was developed precisely as a response to the consequence argument. Local miracle compatibilism may, in the end, fail—but one cannot simply point to the consequence argument as the reason why it fails. Its embrace of the truth of certain counterlegals moves the dialectic beyond the consequence argument. Moreover, I would add that the possibility of a hybrid version of local miracle compatibilism (according to which certain backtrackers might be true in addition to the true counterlegals, and according to which it is not necessarily the truth of any counterfactual that explains our inability to do otherwise) makes it far from clear that all compatibilist accounts of ability must fail.

6 Conclusion

I will close by summarizing what I take to be the state of the dialectic. Those who are critical of local miracle compatibilism tend to think that the local miracle compatibilist is committed to saying that

²¹ See Ginet (1990, chapter 5).

in all cases in which an agent intuitively is not able to do otherwise, that inability can be explained by invoking a principle about the laws of nature (and how they constrain our abilities). But this assumption, as I hope to have shown above, is not true. The distinctive feature of local miracle compatibilism is indeed the willingness of its proponents to affirm local miracle counterfactuals such as (3)

- (3) If I had refrained from raising the cup, then a law of nature (at the actual world) would not have been a law of nature.

Moreover, the truth of these counterfactuals is consistent with some relatively weak principle, such as (4)

- (4) If p is entailed by the laws of nature, then it is never open to anyone to perform an action that would be or cause an event that falsifies p ,

which tells us what some proposition's being entailed by a law of nature means for our abilities regarding the truth of that proposition. But both of these features, or components, of the view are employed in the service of a defensive strategy: The local miracle compatibilist says that free will is compatible with determinism; his detractors wonder how that can be, since determinism precludes the ability to do otherwise. The local miracle compatibilist responds with a local miracle counterfactual: we (often) can do otherwise, and if we had done otherwise, then an actual law of nature would not have been a law of nature. His detractors say this is ridiculous, because if it were true then we could, for example, hire someone to build a spaceship that travels faster than the speed of light. The local miracle compatibilist says, on the contrary, that he has a principle relating the laws

of nature to our (in)ability to do otherwise, and according to that principle it is not open to anyone to do something as fantastic as build a spaceship that travels faster than light. The detractors then point out that this principle cannot explain our inability to do otherwise in every scenario. The local miracle compatibilist in turn points out that his principle need not provide, in and of itself, such an explanation in every scenario, because he has another principle (derived from his analysis of ‘can’), having to do with straightforward (i.e., non-nomological) barriers to our doing otherwise, and in certain cases this latter principle is what does the explanatory work.²² At each turn, detractors accuse the local miracle compatibilist of saying something outlandish; in response, the compatibilist employs resources for explaining why his commitments are not outlandish after all.

I hope that a careful consideration of Ginet’s critique of local miracle compatibilism has helped to make clear that the local miracle compatibilist has more resources available than merely a proposition such as (4), relating power and the laws of nature. Yes, the local miracle compatibilist adopts (4) as a means of defense against the accusations of extravagant or outlandish consequences. But such a compatibilist can avail himself of other resources—such as an analysis of the relevant sort of power or ability, or even just plausible components of such an analysis—in order to explain cases such as the one Ginet offers. Ginet’s critique, then, while not fatal to the local miracle view, can be seen as prompting local miracle compatibilists to go at least some way toward developing the informative account that earlier proponents of the view were not interested in providing.

Local miracle compatibilism is thus a nuanced doctrine, involving different layers of ingredients and typically coming in a hybrid form (that allows for some true backtracking counterfactuals along with some true counterlegals). While it is important to note the complex

²² Moreover, the local miracle compatibilist might continue, this proliferation of principles is not *ad hoc* or otherwise unjustified, because any local miracle account is going to (1) need an analysis of ‘can’ and (2) want to evaluate the truth of various counterlegals and backtrackers in the most plausible way.

logical structure of local miracle compatibilism, this is not in itself an argument for the acceptance of the doctrine. Rather, I have sought to defend local miracle compatibilism against a specific challenge, with the hope of thereby gaining a more precise understanding of what is at stake in the evaluation and further development of this view.

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