

# Free Will and Moral Responsibility



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Edited by

Ishtiyaque Haji and Justin Caouette

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P U B L I S H I N G

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# INTRODUCTION

## MAPPING THE TERRAIN

### ISHTIYQUE HAJI AND JUSTIN CAUETTE

#### **Introduction: Mapping some of the Terrain**

With his typical wit and moral insight, in a passage (laced with irony) Mark Twain pronounces, “I am morally superior to George Washington. He couldn’t tell a lie. I can and don’t.”<sup>1</sup> Irony aside, and assuming that, unlike Washington, Twain could do something it was morally impermissible for him to do—he could, on relevant occasions lie—but intentionally did not, what are we to make of the claim of superiority? Michael Zimmerman astutely comments that “a person who can commit a wrong but deliberately refrains from doing so warrants a sort of moral recognition that someone who is constitutionally unable to commit the wrong does not” (1993, p. 382). Twain’s remark is interesting for another reason. It calls to our minds characters, fictional or real, perhaps a Charles Ponzi-like (or, maybe a Nixon-like!) figure, who could not, on various occasions, fail to lie. If we take seriously the dictum that one ought not to do something only if one can refrain from doing it, then it was not wrong for Ponzi to lie when he could not but lie. Hardening one’s heart to the dictates of morality seems to preclude wrongdoing! Furthermore, if one accepts, as many do, the principle that one cannot be blameworthy for doing something unless it is wrong for one to do it, it seems that Ponzi is off the hook—he was *not* blameworthy for lying on those occasions on which he could not but lie! These *prima facie* puzzling examples feature two prominent types of moral appraisal—deontic evaluations concerning obligation, right, and wrong and moral responsibility assessments concerning blameworthiness and praiseworthiness. Although the essays in this anthology lean heavily toward the latter sort of appraisal, the former sort is represented as well. However diverse they may be in other respects, these two varieties of appraisal share something of fundamental interest in the essays to follow: both seem to presuppose a species of freedom. But as

an age-old dilemma supposedly substantiates, maybe this is a species of freedom beyond reach.

## An Age-Old Dilemma

Determinism is the doctrine that, for any given time, a complete statement of the “genuine” facts about that time, together with a complete statement of the laws of nature, entails all truths. The free will thesis affirms that with respect to some acts, we have both the ability to perform and the ability to refrain from performing them. This thesis entails that for something we did do “of our own free will”—making a decision or performing some overt action, for instance—we were at some time prior to our doing it able to refrain from doing it (van Inwagen 2008, p. 329). Incompatibilism regarding free will is the view that determinism is incompatible with our having free will. Its sister doctrine—incompatibilism with respect to moral responsibility—avers that determinism is incompatible with our being morally responsible—our being morally praiseworthy or blameworthy—for our conduct. Compatibilism concerning, for instance, moral responsibility is the denial of incompatibilism concerning moral responsibility.

The famous consequence argument seeks, or more accurately, versions of the consequence argument seek, to establish that determinism and free will are incompatible.<sup>2</sup> In Peter van Inwagen’s famous summary of this argument: “If determinism is true, then our acts are the consequences of the laws of nature and events in the remote past. But it is not up to us what went on before we were born, and neither is it up to us what the laws of nature are. Therefore, the consequences of these things (including our present acts) are not up to us” (1983, p. 16). Assuming that if an act is “not up to” one, one could not have refrained from performing it, if sound the argument sustains the conclusion that determinism expunges free will.

This conclusion, in turn, is an essential plank in an esteemed line of reasoning for the incompatibility of determinism and moral responsibility: If determinism is true, one lacks the freedom to do otherwise. But one is morally responsible for having done something only if one could have done otherwise (the principle of alternate possibilities). Hence, determinism rules out moral responsibility (van Inwagen 1983; Ginet 1990; O’Connor 2000; Ekstrom 2000). Another venerable line of reasoning for incompatibilism regarding responsibility exploits the thought that one is morally responsible for some action only if one is its “ultimate originator” (Kane 1996; Pereboom 2001). But determinism, relevantly like covert manipulation, appears to preclude “ultimate origination” of one’s

behavior. For if determinism is true, one's choices and actions are the mere consequences of the far distant past—a past, for example, in which there were no human beings—and the laws of nature.

It has also been widely thought that, regarding responsibility, things get no better if determinism is not true. One event deterministically causes a second if and only if the first causes the second, and given the laws of nature and the past, there is no chance that the first occurs without causing the second. An event indeterministically causes another if and only if the former causes the latter, and it is consistent with the laws of nature and the past that the former occurs and not have caused the latter. Some have proposed that responsibility for one's choices requires that one's apt reason states *indeterministically* cause these choices (Kane 1996; Clarke 2003). This sort of causation appears to make room for alternative possibilities. It also seemingly gives us freedom from control by the past, thereby apparently ensuring that the reins of control are squarely in our hands: we are the ultimate originators of our choices. Unfortunately, as Hume (2000) and others cautioned, indeterministic choice may not be the panacea for the concerns that determinism seemingly engenders for responsibility. The worry is that indeterminism entails luck or randomness, but these things are not compatible with responsibility (Hobart 1934, Mele 1999a, 1999b, 2006; van Inwagen 2000; Franklin 2011a; Levy 2011; Haji 2012a).

In sum, a venerated, age-old dilemma concerning determinism and responsibility distils to this: if determinism is true, we lack “responsibility-grounding” control. If determinism is not true, we also lack such control. Either determinism is true or it is not true. So, we lack responsibility-grounding control. Without such control, no one is ever morally responsible for anything.

Needless to say, the dilemma has not gone unchallenged. One array of responses to the “deterministic horn” questions one or more of the premises of the consequence argument, thereby casting doubt on its conclusion that determinism precludes free will. Another set of responses to this horn takes issue with the premise that moral responsibility requires freedom to do otherwise. An important member of this set invokes Frankfurt-style examples (FSEs).

## Frankfurt-Style Examples

These examples attempt to establish that a person can, for instance, be morally blameworthy for doing something despite not being able to do otherwise, as long as the conditions that render her unable to do otherwise

play no role in bringing about her action.<sup>3</sup> In a template of such an example, in its initial stage, Augustine is morally responsible for stealing some pears. Next, this stage is modified so that something precludes Augustine from doing anything incompatible with stealing but *without* in any way interfering in Augustine's actually stealing as it turns out. A mind reader, Ernie, who can tell what Augustine is about to do, will do nothing if he detects some reliable and involuntary sign Augustine displays that he, Augustine, is about to steal, but will force Augustine to steal if he discerns the reliable and involuntary sign that Augustine is about to refrain from stealing. The “insurance policy” is never invoked because Augustine proceeds exactly as before, so Ernie has no need to intercede. Since Augustine in the absence of Ernie is morally responsible for stealing, and since in the modified stage Augustine does not behave any differently, he is morally blameworthy for stealing here too, even though he could not have done otherwise (Frankfurt 1969; Kane 1996; Fischer and Ravizza 1998; Pereboom 2003; Fischer 2006c; 2010; Mele 2006).<sup>4</sup> Hence, the principle of alternate possibilities is false.

FSEs, if successful, are significant for a number of reasons, including the following. First, if freedom to do otherwise is not the sort of control that moral responsibility requires, then the search is on for a “one-way” or avoidability-free conception of control. Second, the examples motivate an “actual sequence” account of moral responsibility according to which responsibility depends on apt features of the actual sequence that unfolds—it depends on appropriate features of the etiology of the pertinent behavior—and not on whether one had access to alternatives. Third, the examples go a long way (though not all the way) to underpin semicompatibilism regarding responsibility. Semicompatibilism about responsibility is the doctrine that even if determinism is incompatible with freedom to do otherwise, determinism is not incompatible with moral responsibility (Fischer and Ravizza 1998, p. 53). Fourth, the examples bring into relief a tension between the control (or freedom) requirement of moral responsibility and the “deontic requirement.” Some background on the latter requirement and on moral obligation will be helpful to appreciate the concern.

Moral obligation, just like moral responsibility requires control. Ish Haji has proposed that if no action can be obligatory for a person unless that person is free regarding that action—if “ought” implies “can” (*Kant's Law*)—then similar things are true with respect to moral permissibility and moral impermissibility; they, too, have analogous freedom requirements. Now argue as follows to conclude that impermissibility, obligation, and permissibility require alternative possibilities: Starting with impermissibility,

if it is impermissible for one to do something, one ought not to do it. If one ought not to do something, one can refrain from doing it. Hence, if it is impermissible for one to do something, one can refrain from doing it. But impermissibility also entails “doability”: if it is impermissible for one to do something, one can do it. So, impermissibility requires alternatives. Next, regarding obligation, if one ought not to do something, it is impermissible for one to do it. Exploiting the principle that “impermissibility” implies “can,” we may infer that if one ought not to do something, one can do it. But it is also true that, given *Kant’s Law*, if one ought not to do something, one can refrain from doing it. So, obligation, just like impermissibility, requires that we have free will. If obligation and impermissibility both require that we have free will, barring cogent reason to believe otherwise, permissibility requires our having free will as well. Hence, nothing is morally obligatory, permissible, or impermissible for one unless one could have done otherwise (Haji 1998; 2002; 2011; 2012b).

With respect to responsibility’s deontic requirement, we confine attention here to moral blameworthiness. There is widespread agreement on there being a close association between moral blameworthiness and moral impermissibility. A popular principle concerning this association is that moral blameworthiness requires moral impermissibility (*Blame/Impermissibility*): necessarily, one is morally blameworthy, for example, for an action, only if it is impermissible for one to do it (see, e.g., Smith 1991, p. 271; Widerker 1991, p. 223; Fields 1994, pp. 408-409; Copp 1997, 2003, pp. 286-87; Fischer 2006c, p. 218; Arpaly 2006, p. 91, n. 3.)

Reverting to our Frankfurt example, we may assume that, in stage 1, although Augustine steals the pears, he could have refrained from stealing them. We may also reasonably assume that in this stage it is impermissible for him to steal the pears. In stage 2, however, Augustine cannot but steal the pears. Since impermissibility requires avoidability, it’s false that, in stage 2, it is impermissible for Augustine to steal the pears. Suppose, now, that blameworthiness requires impermissibility. Then we can infer that, in stage 2, it is false that Augustine is blameworthy for stealing the pears. So, it may be proposed, it cannot both be the case that the principle of alternate possibilities concerning blameworthiness (*PAP-Blame*)—persons are morally blameworthy for what they have done only if they could have done otherwise—is false, and the principle that blameworthiness requires impermissibility is true, or so, it may be proposed. A one-way account of control for moral responsibility suggested by Frankfurt examples, whatever it precisely amounts to, appears to conflict with the deontic

requirement of blameworthiness if this requirement is the requirement that blameworthiness requires impermissibility.

One may, however, be convinced both that FSEs impugn *PAP-Blame* and *Blame/Impermissibility* is true. So how could one reasonably renounce the former without giving up the latter? One strategy is to eschew *Kant's Law*. It is the principle that “ought not” is equivalent to “impermissible” (*Equivalence*) together with *Kant's Law* that generates the result that impermissibility requires avoidability (if it is impermissible for one to do something, then one ought not to do it (from *Equivalence*); if one ought not to do something, one can refrain from doing it (from *Kant's Law*); so, if it is impermissible for one to do something, one can refrain from doing it). Renounce *Kant's Law* and this result is blocked. Indeed, some might propose that if Frankfurt examples undermine *PAP-Blame*, they should undermine *Kant's Law* as well. At least intuitively, even in stage 2, it is impermissible for Augustine to steal the pears. As this is so, and the conjunction of *Equivalence* and *Kant's Law* entails that impermissibility requires avoidability, assuming *Equivalence* is unassailable, the culprit is *Kant's Law*.

However, it is not clear that this way of rejecting the principle that impermissibility (or obligation) requires avoidability is cogent. Notice that *Kant's Law* (if one ought to do something, one can do it), a power or control principle, is pertinently like the following highly credible control principle.

*Blame/Control*: One is blameworthy (or, more generally morally responsible) for performing an action only if one can perform it.

This principle simply affirms the connection between control and blameworthiness (or moral responsibility). It expresses the widely held and plausible view that one is morally responsible for an action only if one has control regarding it. Notably, Frankfurt examples do *not* undermine this principle. The principle of alternate possibilities regarding blameworthiness:

*PAP-Blame*: One is morally blameworthy for having done something only if one could have done otherwise,

is a conjunction of *Blame/Control* and

*Control*: One can perform an action only if one can refrain from performing it (Zimmerman 1996, p. 86).

It is *Control* that provides the alleged link between blameworthiness and alternative possibilities. However, Frankfurt examples undermine *Control*.

If Frankfurt examples leave unscathed the principle that blameworthiness requires control (*Blame/Control*), they should leave unscathed the principle that obligation requires control (*Kant's Law*) or impermissibility requires control:

*Impermissibility/Control*: It is impermissible for one to do something only if one can do it.

The link between obligation and alternative possibilities is provided not by *Control* but by *Impermissibility/Control* and *Equivalence*. Recall the apt argument: if one ought not to do something, it is impermissible for one to do it; if it is impermissible for one to do something, one can do it; therefore, if one ought not to do something, one can do it. Together with the principle that if one ought not to do something, one can refrain from doing it, we derive the principle that obligation requires alternatives. Just as Frankfurt examples do not impugn the principle that impermissibility (or obligation) requires control, so they do not impugn *Equivalence*.

There is, then, this significant difference between *PAP-Blame* and the principle that obligation requires alternatives: Regarding the former, essential to the link between blameworthiness and alternative possibilities is principle *Control*, but *Control* is false as Frankfurt examples confirm. Regarding the latter, essential to the link between obligation and alternative possibilities are *Impermissibility/Control* and *Equivalence* (and *not Control*). Frankfurt examples threaten neither of these principles. Or, minimally, if one grants that Frankfurt examples leave untouched the principle that blameworthiness requires control, one should also grant that they leave untouched the principle that impermissibility (or obligation) requires control. Moreover, it is implausible to suppose that Frankfurt examples undermine *Equivalence*.

Fifth, Frankfurt examples are significant because they showcase how moral obligation or impermissibility is subject to luck. Provisionally, something is a matter of luck if it is beyond one's control. Suppose Ernie is not a principled counterfactual intervener in that sometimes he is on Augustine's case, but at other times he is not. Nor, when Ernie is on the scene, is it within Augustine's power to influence any of Ernie's activities. If Ernie is not on the scene, it is impermissible for Augustine to steal the pears or so we may assume. If Ernie is on the scene, it is not impermissible for Augustine to steal the pears even though Ernie's presence or absence

makes no difference *whatsoever* to how Augustine acts. Again, it is false (in stage 2) that Augustine ought to refrain from stealing the pears, because impermissibility requires avoidability. Moreover, whether or not Ernie is on the scene is a matter of luck for Augustine. The presence of such a counterfactual intervener “changes” an otherwise mundane situation from one in which Augustine has a moral obligation to refrain from performing an action to one in which he has no such obligation. The “change” is accomplished by eradicating alternatives.

Rather than abandon *Kant’s Law*, and hence, abandon the principle that impermissibility requires avoidability, a “Frankfurt defender” may opt for another strategy: abandon the principle that blameworthiness requires impermissibility. The Frankfurt defender may insist both that blameworthiness does not require alternatives (as Frankfurt examples reasonably show); and Augustine is indeed blameworthy for stealing the pears in stage 2 even though it’s not true that it is impermissible for him to steal the pears (in this stage).

In sum, FSEs motivate a reconceptualization of the control requirement of moral responsibility; they provide incentive to develop an actual sequence account of responsibility; they go some way toward validating semicompatibilism regarding responsibility; they may be used to challenge *Kant’s Law*, or such principles as the principle that impermissibility requires avoidability, or blameworthiness requires avoidability; and they illustrate the influence of luck on obligation.

However, these examples themselves face serious objections. One objection concerns the rationale for the view that in stage 2, when all alternatives save the one performed are presumably eliminated, Augustine is still responsible for stealing the pears. The gloss of the rationale previously advanced is that as Augustine acts no differently in this stage than he does in the first (because the intervener does not show his hand), since he is responsible in the first stage, he must be responsible in the second as well. One may propose that implicit in this sort of rationale is this principle:

(R1): If something (e.g., the failsafe mechanism’s elimination of a person’s alternative possibilities) does not in any way influence how a person’s decision is caused, then that thing cannot bear on the issue of the person’s moral responsibility.

However, R1, as David Palmer and others have argued, is false. Here is a slight variation of Palmer’s counterexample against R1: Augustine decides to steal the pears in spite of believing that it is morally

impermissible for him to do so. His decision to lie is caused by his desire to do the self-interested thing, and his belief that so deciding would satisfy this desire. Augustine's belief that it is impermissible for him to decide to steal in *no way* influences how his decision is caused by his desire to do the self-interested thing and his belief that so deciding would satisfy this desire. According to R1, the fact that Augustine believes that it is morally impermissible for him to decide to steal *cannot* bear on the issue of his moral responsibility for his decision. But this is false. The fact that Augustine believed it was impermissible for him to decide to steal *is* relevant to his moral responsibility. He is *more* blameworthy, it would seem, if he decided to steal while believing that it is morally wrong for him to do so than if he had made the decision to steal *without* believing it to be morally wrong (Palmer n.d.; also see Widerker 2009, pp. 97-98).

But one need not invoke R1 to defend the view that Augustine is blameworthy for stealing (in stage 2). The primary contention to be supported is that since the failsafe mechanism—the counterfactual intervener and his mind-reading gismo—does not affect the way in which Augustine acts, if Augustine is responsible in the initial scenario without the fail-safe mechanism in place, he should be responsible in the second, too. Alternatively, assume that (A1) Augustine is indeed responsible in stage 1. Then he is responsible in stage 2 as well. Why so? We registered that incompatibilists generally have advanced two broad considerations in favor of the view that determinism is incompatible with responsibility: (i) responsibility requires freedom to do otherwise—the ability and the opportunity to do otherwise—but determinism precludes such freedom. (ii) Responsibility requires that we be the ultimate originators of our action, but determinism precludes ultimate origination; it precludes freedom from control by the past. It is the first consideration that Frankfurt examples are designed to challenge. Now, given (A1)—the assumption that Augustine is responsible for stealing in stage 1, we can argue for (A2)—he is responsible for stealing in stage 2 as well—in this way: Presumably, if Augustine is responsible in stage 1, he is so because he satisfies what is deemed to be a set of necessary and sufficient conditions for moral responsibility. If this set, as incompatibilists might insist, includes the condition that the agent is free to do otherwise, suspend judgment on this condition because it is the very condition under scrutiny. This same set of conditions is satisfied in the second scenario. The failsafe mechanism has no influence on this set of conditions. So, there is good reason to believe that Augustine is responsible in this scenario as well.

Perhaps the most potent objection to FSEs is the dilemma objection initially formulated by Robert Kane (1985, p. 51; 1996, pp. 142-44, 191-

92) and then developed independently by Carl Ginet (1996) and David Widerker (1995, pp. 247-61). We will sketch this objection in connection with “prior-sign” FSEs although a similar objection can be mobilized against FSEs that do not feature any such sign. The objection is in the form of a dilemma. If the involuntary sign that is the cue for intervention is reliable, in the sense of being infallible, it can only be so because states of the agent (Augustine) prior to the occurrence of the supposedly free action (or choice) are causally sufficient for this action (and the sign indicates this). But if that is the case, then a *deterministic* relation obtains between the prior sign and Augustine’s subsequent action, and this begs the question against incompatibilists who believe that determinism is incompatible with freedom or responsibility. On this first horn of the dilemma, the incompatibilist will insist that Augustine is not responsible for her action because it was causally determined. If, on the other hand, the involuntary sign is not infallible and is only reliable in some weaker sense, then an agent (such as Augustine) who acts freely in a Frankfurt example retains the ability to do otherwise when he acts on his own. On this second horn, the connection between the prior sign and subsequent action (or choice) is not deterministic. The presence (or absence) of the prior sign is, thus, consistent with the agent acting or choosing in a manner other than the manner in which he does. So on this second horn, Augustine could well be responsible for his action; but as he could have done otherwise, the incompatibilist will claim that the principle of alternate possibilities remains unscathed.

In reply to the Dilemma Objection, Frankfurt defenders have responded in many different ways. For example, some have attempted to reject the second horn by developing Frankfurt examples that include indeterminism: even though the pertinent action, such as Augustine’s stealing the pears, is indeterministically caused, the agent could not have done otherwise but is, seemingly, morally responsible for what he does or chooses (Mele and Robb 1998, 2003; Hunt 2000, 2005; Pereboom 2001). Others, attending to the first horn, have attempted to argue that it is not damaging to include determinism in FSEs (Haji 2009, n.d., Fischer 2010).

It is worth bearing in mind that even incompatibilists regarding responsibility might accept FSEs. They may propose that alternative possibilities are not required for moral responsibility, but insist that determinism rules out responsibility because it precludes ultimate origination. If you make a choice merely because, unbeknownst to you, you have been manipulated to make that choice, depending on the species of manipulation, you may well not be responsible for making that choice because you are not its proper “source.” Analogously, it may be proposed

that if your choice is simply the “outcome” of the distant past and the laws of nature, then the choice does not originate in you, at least not in the way in which you can be praiseworthy or blameworthy for it. Compatibilists regarding responsibility may well accept the constraint that responsibility requires ultimate origination but may reject the incompatibilist assumption that ultimate origination requires the falsity of determinism.

## Indeterminism and Control

Libertarianism about free action and responsibility is the conjunction of incompatibilism concerning free action and responsibility and the view that there are at least some free actions or free choices for which people are morally responsible. To our minds, the most promising version of libertarianism is some version of modest libertarianism.

Modest libertarian accounts require that to choose or act freely an agent must have the capacity to engage in practical reasoning and to guide her behavior in light of the reasons she has.<sup>5</sup> Such accounts are *modest* because they make no appeal to Kantian noumenal selves, Cartesian minds, or the like, and they avoid agent causation in their explanation of free action. They dictate that behavior that is free, and for which an agent is morally responsible, be the outcome of causal processes. In addition, this sort of libertarianism requires that a free decision (or action) be made for reasons, and its being made for reasons consists, partially, in its being nondeviantly and indeterministically caused by the agent’s having those reasons.

Libertarian views allow that an indirectly free action whose freedom derives from the freedom of other actions to which it is suitably related may be determined by its immediate causal precursors. A directly free action is free independently of inheriting its freedom from the freedom of other events. Modest libertarian theories differ from compatibilist ones in that they imply that even the immediate causal antecedents of a directly free action do not determine that action: given these antecedents, and the natural laws, there is some chance that that action will not occur.<sup>6</sup> In *action-centered* modest libertarian views the event that is directly free and indeterministically caused is the making of a decision (Clarke 2000, p. 23).

Accounts of acting for a reason generally require that the connection between an agent’s having the reason and her action comprise, partly, the exercise of a certain degree of control by the agent. The minimal template for constructing modest libertarianism starts with our best compatibilist view of freedom, to which “host” is added the constraint that free decisions themselves are those that are indeterministically caused by

germane reason states. The resulting libertarianism specifies that an agent's "active" control in making a decision consists in apt agent-involving events causing nondeviantly that decision. In such a libertarian view, the factors that constitute an agent's active control in making a free decision are the very ones shared by this view and its compatibilist host: deliberative processes with appropriate causal histories causing nondeviantly the decision.

Unlike its compatibilist rivals, modest libertarianism gives us dual control: with directly free actions, given exactly the same past and the laws, one could have done otherwise. As Robert Kane insists, any modest libertarian account of free action or responsibility worth its salt should give us dual intentional control. He explains that an agent's decision is free only if that agent exercised plural voluntary control in making that decision. Assuming that an agent had genuine options—consistent with the past and the laws remaining "fixed," the agent could have made an alternative decision—she had plural voluntary control over these options only if she was able to bring about whichever of the options she willed (or desired) when she willed to do so, for the reasons she willed to do so, on purpose, rather than accidentally or by mistake, without being coerced or compelled in doing so or in willing to do so, or otherwise controlled in doing or in willing to do so by other agents or mechanisms (Kane 2005, p. 138, 2011 pp. 384–85, 389).

Modest libertarianism encounters two challenging problems of control, the problem of diminished control and that of enhanced control. According to the first, indeterminism so diminishes control that it is incompatible with an indeterministically caused act's being free or an agent's being morally responsible for such an act. Here is a sketch of one way to develop this problem. Imagine that in the actual world, *W*, Peg has reasons to decide to *A*, and she also has reasons to decide to *B*. After some deliberation, she forms the all-things-considered judgment that it is best for her to decide to *A*, and she contiguently decides to *A*. Assume that this decision is nondeviantly and indeterministically caused by the reasons that she has to *A*. To introduce a term of art, the causal trajectory, or a segment of such a trajectory, of an action or choice of an agent is *smooth* provided it is free of responsibility-undermining factors, such as, for instance, the impact of manipulation of the sort that vitiates responsibility, the agent does not succumb to akratic or other irrational influences in making the decision she does, and, barring unusual circumstances, such as the occurrence of events over which she lacks any control and which would prevent her from deciding consistently with her best judgment, and in the absence of new information, further deliberation, and so forth, she decides

in accordance with such a judgment. Now consider two variations of Peg's initial scenario. In the first, the segment of the causal trajectory that "commences," roughly, with Peg's deliberations about whether to decide to *A* and extends to her making at *t* the decision to *A* in *W*, is smooth. We may suppose that Peg exercises self-control in deciding to *A*, and at *t* she indeterministically decides to *A*. We may assume, furthermore, that there is an apt reasons explanation of Peg's deciding at *t* to *A* in *W*: her reason states nondeviantly cause her decision. It is vitally important that there be such a causal explanation because modest libertarians agree that active control is necessary for responsibility-level control, and active control just consists in one's actions being appropriately caused by one's reason states. As Peg at *t* indeterministically decides to *A* in *W*, there is a world, *W*\*, that has the same natural laws as *W*, and is past-wise indiscernible from *W*, right up or just prior to *t* in which at *t* Peg decides to do something other than *A*—at *t* she decides to *B*. But then in virtue of what is it true that Peg indeterministically decides at *t* to *B* in *W*\*? On the stipulation that *W* and *W*\* have the same laws of nature and pre-*t* history, it appears that there are no appropriate causal connections between her deciding to *B* and her reason states to account for Peg's deciding as she does in *W*\*. Without such connections, though, Peg does not exercise active control in deciding to *B* in *W*\*. As modest libertarians concede that active control is essential for responsibility-level control, it would appear that she is not responsible for deciding to *B* in *W*\* (Haji 2012a).

If the worry of diminished control is a legitimate worry, then FSEs featuring indeterminism miss the mark. For they will not be cases in which the agent's relevant action (or choice) is indeterministically caused, the agent is unable to do otherwise (or to refrain from choosing as she did), and the agent is morally responsible for this action (or choice).

According to the problem of enhanced control, since event-causal libertarianism's metaphysical or agency commitments are no richer than those of its best compatibilist rivals, how does event-causal libertarianism secure for libertarian free agents more control than these rivals? More simply, how do libertarian free agents enjoy enhanced control over an action merely in virtue of the action's being nondeviantly and indeterministically caused than by its being nondeviantly and deterministically caused? If such agents do not enjoy enhanced control, why is this species of libertarianism preferable to compatibilism?<sup>7</sup>

Modest libertarianism faces another sort of objection. According to the scientific plausibility objection, while modest libertarianism may at first glance appear to be a compelling philosophical analysis of freedom and responsibility, its empirical commitments render it untenable (cf.

Honderich 1988; Churchland 2002; Vargas 2004). Plausibly, mental events, such as an agent's making a choice, supervene on physical events, specifically, on neural events. If apt mental events of interest to modest libertarians are indeterministically caused, and these supervene on physical events, then these subvening events must also be indeterministically caused. But some have expressed doubts about whether pertinent brain events are so caused.

## **A Dilemma Concerning Moral Obligation**

The traditional, age-old dilemma threatens moral responsibility. There is an analogous, although generally far less discussed threat, to moral obligation. Moral obligation, like moral responsibility, requires freedom. *Kant's Law* captures part of the freedom requirement for obligation. As we previously explained, credibly, obligation presupposes that we have alternative possibilities: no action is morally obligatory, permissible, or impermissible for one unless one could have done otherwise. But determinism expunges alternatives. So, if obligation requires avoidability, and determinism precludes our being able to do otherwise, then determinism and obligation are incompatible. Furthermore, in the wake of various concerns with indeterministic choice, arguably, even if such choice opens the doors to our having alternative possibilities, it does not accommodate the *control* that obligation demands. Hence, we are lead to the conclusion that regardless of whether or not determinism is true, nothing is ever morally obligatory for anyone (Haji 2012b). It would be an interesting exercise to see whether the moves made in an attempt to evade the traditional dilemma concerning responsibility can be adapted to circumvent the structurally similar dilemma concerning obligation.

## **Free Will Skepticism**

One may, of course, be convinced by the traditional dilemma concerning responsibility or at least by crucial elements of it, and endorse skepticism about free will or skepticism regarding responsibility: irrespective of whether determinism is true or false, no one ever performs free actions or actions for which one is morally responsible. Derk Pereboom, for example, embraces free will skepticism. He theorizes that we *would* be morally responsible for some of our actions if these were agent caused, but believes that empirical considerations tell against our being agent causes. Driven partly by his commitment to free will skepticism, perhaps more than any contemporary philosopher, Pereboom has engaged

and continues to engage in a fascinating inquiry: what would life be like if we are without the freedom that moral responsibility requires? In intriguing work, he develops the position that a conception of life without such freedom would not be devastating to morality or to our sense of meaning in life, and in certain respects it may even be beneficial (1995, 2001, 2009, 2013, 2014).

Pereboom's provocative position has invited opposition. To take only one strand of resistance, some people have proposed, or their relevant views imply, that the costs of living without responsibility-grounding freedom would be very high. Interpersonal relationships would be jeopardized because of their conceptual or otherwise necessary connection to certain reactive attitudes or moral sentiments that, in turn, presuppose that we are indeed morally responsible for at least some of our actions. One example is forgiveness. It would seem that genuine forgiveness presupposes that the person who is forgiven is forgiven for doing something it is morally impermissible for her to do, and for which she is morally blameworthy.

## Practical Applications

Responsibility is of interest to many partly because it is so enmeshed with everyday life. We have already mentioned interpersonal relationships that in many and varied ways seem intertwined with responsibility. The legal arena is another in which questions of responsibility are prominent. Clarity on conceptual or theoretical issues of the sort that many philosophers investigate in the free will debate may shed light on practical issues such as whether psychopaths and others inflicted with mental illness are indeed blameworthy for their criminal offenses (see Haji 1998; Vargas and Nichols 2007; Levy 2007, 2013; Glannon 2011; Shoemaker 2012; Caouette 2013; Caouette and Boutland 2013; Nadelhoffer and Sinnott-Armstrong 2013). But practical issues may also impel analytical or theoretical inquiry. For example, vicarious or “secondhand” responsibility is well-entrenched in the law: one can be legally responsible for the actions of another even if one did not foresee and was far removed from the actions of the other. Should there be an analogue of such responsibility in the moral realm—for example, if one can be morally blameworthy for the actions of others even if one was not expected to have control or did not have control over these actions—how precisely is the control condition for responsibility to be analyzed? Going further, some might even think that secondhand responsibility calls into question the control condition.

## The Contributions

The papers in this anthology address the following topics: the consequence argument, FSEs, libertarian control, forgiveness, a “desert free” notion of responsibility, and vicarious legal and moral responsibility.

Joe Campbell focuses on the consequence argument. A set of such arguments encapsulates the thought that determinism “transfers” a condition that undermines free will—for example, lack of control regarding events in the remote past—to the present. In his paper, Campbell argues that not all the premises of such arguments are necessary truths because there need not be a past. If Adam exists at each moment at which some possible world,  $W$ , exists, then  $W$  has no remote past devoid of human beings. Contrary to the consequence argument, it is false that given all the temporally non-relational facts,  $Po$ , of  $W$  at a time, nobody in  $W$  had a choice about whether these facts obtained at this time. After all, Adam was able to act so as to ensure that  $not-Po$ , or so it is alleged. In deterministic worlds without a past, like Adam’s world, seemingly there is no freedom-undermining condition that gets “transferred” by determinism. Hence, the consequence argument fails to establish incompatibilism regarding free will. Campbell also discusses what he takes to be problems with incompatibilist analyses of “could have done otherwise.”

It may be worth recording that there is a different way to conceptualize what lies at the core of the family of consequence arguments. Suppose  $P$  is a proposition expressing all the non-relational facts of the actual world at time,  $t$ ; and at  $t$ ,  $S$  decides to  $A$ . Then if  $S$  has free will with respect to  $A$ , there is a non-actual world with  $t$  and the same laws, in which, at  $t$ ,  $S$  refrains from deciding to  $A$ . But if determinism is true, the conjunction of  $P$  and the laws entails that  $S$  decides to  $A$  at  $t$ . So, it seems, there is no (non-actual) world which shares with the actual world  $t$  and the laws in which at  $t$   $S$  refrains from deciding to  $A$ . If this core can be sustained, then it seems that incompatibilism regarding free will cannot be easily ruled out.

In his paper, responding to the deterministic horn of the dilemma objection to FSEs, John Fischer develops a FSE featuring determinism. He then turns to addressing the objection that such examples are too contentious to overturn the principle of alternate possibilities. They are so, it is claimed, because this principle is highly intuitive, almost universally accepted, and deeply ingrained in common sense and “more reflective theorizing both in philosophy and the criminal law” (p. 44). In reply, Fischer proposes that a package of considerations build up to a plausibility argument for the view that these examples do indeed cast substantial doubt

on the principle of alternate possibilities. The package includes an error theory that explains the attractions of the principle of alternate possibilities. The error is to fail to distinguish one-way guidance control from two-way regulative control, and to fail to see that guidance control, and not regulative control, is more fundamental with regard to moral responsibility. The package also appeals to a picture about the “value” of responsibility. Its value is the value of a “distinctive kind of self-expression rather than the value of ‘making a difference’ (which is associated with the traditional view that freedom to do otherwise [regulative control] is required for moral responsibility)” (p. 51). In addition, this picture of the value of responsibility dovetails with the notion Fischer defends that moral responsibility depends on the features (perhaps modal or dispositional) of the actual pathway to action and not on the availability of alternative pathways.

Whereas Fischer is optimistic about FSEs, Robert Kane is deeply pessimistic about them. Kane has crafted one of the most influential versions of modest libertarianism. He proposes that self-forming actions are paradigmatic examples of free actions for which persons are morally responsible. Persons perform such actions to resolve conflicts that occur when they are torn between conflicting sets of reasons. For example, they have moral reasons to do one thing, prudential reasons to do another, and they cannot do both. When faced with these sorts of choices, they mold or “form” themselves by acting on the basis of one or another of these reasons. Suppose some agent does the moral thing in such a situation. To do so, she exerts an “effort of will” to resist the option that is in her self-interest. Kane argues that this effort of will is an *“indeterminate* (event or process), thereby making the choice that terminates it [the self-forming action] *undetermined*” (1996, p. 128). In a nutshell, in Kane’s view libertarian free will and moral responsibility require some actions in an agent’s lifetime, self-forming actions, that are “undetermined and such that the agents have robust alternative possibilities with respect to them” (p. 67). With this in mind, Kane argues that sophisticated FSEs that feature indeterminism all fail to show that an agent can be morally responsible for an action that she cannot avoid because the fail-safe mechanism makes it impossible for the agent to perform *self-forming* actions. If Kane is right, and no cogent FSE can be constructed, primary support for semicompatibilism is undercut.

David Palmer defends modest libertarianism against two objections, the “disappearing agent” objection and the “no-further-power” objection. Regarding the first, on a modest libertarian view (or, alternatively, on an event-causal libertarian picture), having contributed all she can to the

causal conditions that issue in a putatively free decision, it is still open whether this decision will be made, and the agent has no further causal role in determining whether it will be made. One might then argue, as Pereboom does (2012, pp. 2-3), that no causal factor involving the agent—no agent-involving event—or, for that matter no other event antecedent or concurrent to the supposedly free decision settles whether this decision occurs. Hence, on the modest libertarian picture, agents lack the control that moral responsibility requires. In response, Palmer constructs various analyses of the notion of settling, and argues that none of these sanctions the conclusion that modest libertarian agents lack responsibility-grounding control.

The no-further-power objection is a variation of what we previously called the “problem of enhanced control for modest libertarianism.” The problem, remember, is that if modest libertarian agents have no *further* positive power over their decisions and actions than they would have if those decisions and actions were causally determined, what reason is there to believe that modest libertarianism is true? Palmer questions an assumption of this objection that, in addition to having genuine alternatives available to her, and in addition to these alternatives being such that *if* the agent performed one of them, she will have acted with plural voluntary control, she *also* requires further causal powers to influence which of these alternatives becomes actual. Furthermore, (like Kane) he proposes that libertarian agents do have more control over their free decisions than deterministic agents insofar as, unlike deterministic agents, they would have been able to do otherwise given the same past and the laws. Notably, FSEs, if successful, would jeopardize this sort of response, but Palmer, like Kane, is not persuaded by these examples.

Alfred Mele’s paper, like Palmer’s, largely attends to libertarian control. Consistent with the past and the laws of nature remaining “fixed,” modest libertarian agents can do (or choose to do) other than what they actually do (or choose). Many have taken this implication of modest libertarianism to engender problems for this libertarian position. For example, Randolph Clarke (2004, p. 58) argues against a libertarian proposal (*Luck-Cross World*) that even if the difference at  $t$  between the actual world in which  $S$  decides at  $t$  to  $A$  and a world with the same past up to  $t$  and the same laws in which  $S$  decides at  $t$  to do something else,  $B$ , is just a matter of luck, both decisions may be free. Mele rejects this argument. Libertarians may also be attracted to *Luck-Up-to-One*: Even if the difference at  $t$  between the actual world in which  $S$  decides at  $t$  to  $A$  and a world with the same past up to  $t$  and the same laws in which  $S$  decides at  $t$  to do something else,  $B$ , is just a matter of luck, it is up to  $S$

which decision (or choice) he makes. Mele gives reasons to believe that *Luck-Up-to-One* may well be true. He also proposes a sufficient condition compatibilists can accept for its being up to *S* whether he will decide at *t* to *A* or instead decide at *t* to *B*: “*S* is free from compulsion and coercion, has good reasons to *A* and good reasons to *B*, is unsettled right up to *t* about whether to *A* or *B*, and, for the duration of his unsettledness about this, is able (on a compatibilist reading of ‘able’...) to decide at *t* to *A* for reasons that recommend his *A*-ing and able to decide instead at *t* to *B* for reasons that recommend his *B*-ing” (p. 92) He further proposes that it is open to libertarians to accept a version of this proposed sufficient condition that differs from it only in that ‘able’ is read in a suitable libertarian way.

Chris Franklin defends modest libertarianism against a version of the scientific plausibility objection that Manuel Vargas (2004) has advanced. Again, mental events, such as the making of decisions, of central interest to modest libertarians, if free, are undetermined: they are indeterministically caused by apt reason states of the agent. Assuming that mental events supervene on physical events, specifically, assuming that they supervene on neurophysical events, the subvening events must also be undetermined. Franklin refers to the commitment that germane brain events are indeterministic as “the libertarian hypothesis.” Against the libertarian hypothesis, Vargas argues that there is no evidence that the brain is indeterministic and, moreover, there is evidence internal to neuroscience for thinking that the brain is deterministic. Franklin argues against these views. Furthermore, he resists Vargas’s contention that libertarianism is comparatively less plausible than compatibilism. Franklin plausibly proposes that if a theory has a commitment that “requires a radical departure from current and widely accepted scientific theories, then this will count more heavily against the theory’s overall plausibility than if the commitment is one that is consonant with, even though not demonstrated by, what we currently take science to show” (p. 128) That is, in addition to considering the quantity of empirical commitments of a theory, “we must also consider the *quality* of such commitments—specifically how demanding they are” (p. 128). Franklin attempts to show that the libertarian hypothesis is relatively undemanding, “requiring not a departure in what we observe concerning the workings of the brain but rather a change in our assessment of these observations” (p. 139).

Ish Haji discusses the “scope” of semicompatibilism. Suppose semicompatibilism concerning moral responsibility—the thesis that although determinism may expunge alternative possibilities, determinism is still compatible with responsibility—is defensible. The semicompatibilist ventures that compatibilism is still viable because (but not only because)

moral responsibility does not require access to alternatives of *any* sort. Fischer remarks that he has sought to argue that causal determinism is compatible with moral responsibility partly by defending FSEs, but this “result would be considerably less interesting if causal determinism were nevertheless incompatible with the central judgments of deontic morality [i.e., judgments of moral obligation, permissibility, and impermissibility]” (2006c, p. 203). Maybe Fischer’s position is that semicompatibilism regarding moral obligation—the thesis that although determinism may expunge alternative possibilities, determinism is still compatible with obligation—is defensible. Haji argues against the viability of this sort of semicompatibilism because he believes that the truth of judgments of obligation, permissibility, and impermissibility presupposes that we could have done otherwise. Nonetheless, he proposes that semicompatibilism has extended reach. His view is that besides moral praiseworthiness and blameworthiness, there are other varieties of praiseworthiness and blameworthiness, such as prudential praiseworthiness and blameworthiness (Haji 1998). Semicompatibilism concerning these other species of praiseworthiness and blameworthiness, like semicompatibilism regarding moral responsibility, may well be on sure footing.

We remarked that interest in responsibility and free will can be sparked not merely through musings about whether certain metaphysical views (such as determinism) can accommodate these things but as a result of reflecting on various practices or activities (such as artistic creativity), interpersonal relationships, conceptions of personal welfare, or even the value of worlds, each of which is deeply interconnected with responsibility and deemed to be centrally important to us. In *Freedom and Resentment* (Strawson 1962) Peter Strawson suggests that some of the sentiments or reactive attitudes constitutive of, or integral to interpersonal relationships, are indignation, guilt, resentment, forgiveness, gratitude, and mature love. But a number of these sentiments or attitudes, in turn, seem to presuppose that we are morally responsible for, or it is morally obligatory, permissible, or impermissible for us to perform, at least some of our actions. One example we previously commented upon is forgiveness. Well-founded forgiveness seems to entail that the person who is forgiven is forgiven, for instance, for something it was morally impermissible for her to do and for which she was morally blameworthy.

We have also registered that the view that responsibility is vitally important to conceptions of the good life (because things we deeply value would not exist without responsibility) has not gone unchallenged. Pereboom has argued that living without free will is not such a big deal.

He claims that a conception of life without moral responsibility would not be “devastating to our sense of meaning and purpose” (2002, p. 477).

One way to approach Dana Nelkin’s paper is to regard it as contributing to this debate about whether living in a world devoid of free action or moral responsibility is a big deal. Nelkin focuses on the nature of forgiveness. Her interesting analysis implies that the one forgiven (the “offender”) is indeed responsible for the thing for which she is forgiven by the forgiving party, the “victim.” Nelkin proposes that forgiveness is partly *constituted* by a special kind of release from a species of personal obligation the offender has to the victim, acquired as a result of committing an offense that harms the victim. She claims that “when we wrongfully and culpably harm others, we incur at least two sorts of obligations: the obligation to make restitution for the loss or harm suffered... and the obligation to somehow make up for or in some way address the wrong itself” (pp. 176-77). Think of the offender as procuring a debt to the victim owing to incurring this (or these obligations). When one forgives, one ceases to hold the offense against the offender, and one releases the offender from her debt to discharge the personal obligation incurred as the result of harming the victim. Nelkin emphasizes that this debt release model of forgiveness “is committed to the proposition that the offender acted freely and was responsible for the offense” (p. 183) She says this “picture contrasts with a model of forgiveness that omits any requirement of an attribution of responsibility. Derk Pereboom (2009) puts forward this sort of account which implies that forgiving involves a decision to continue the relationship, despite one’s having been wronged and recognizing that one’s relationship has been impaired as a result (2009, pp. 183-84).”<sup>8</sup>

Brandon Warmke and Michael McKenna’s contribution is of interest for several reasons. First, it advances a novel analysis of the concept of moral responsibility, the conversational model. Second, the analysis is extended in the paper to provide a model for forgiveness; so this analysis can profitably be compared to Nelkin’s. Finally, the paper contributes to the debate on whether living without responsibility is as damaging as some think.

Building on Gary Watson’s proposal that the reactive attitudes are expressive and incipiently communicative (Watson 1987), McKenna proposes that the actions of morally responsible agents are the bearers or potential bearers of agent meaning, a species of meaning somewhat analogous to Grice’s speaker meaning. The agent meaning of actions is to be understood (presumably not exhaustively) in terms of an agent’s quality of will they express (should they express quality of will). For instance, in a

particular context, your shoving someone might have the agent meaning “you have low moral regard for so and so.” Responding to an agent’s action by holding her morally responsible is analogous to engaging in an unfolding conversation with the agent whose act can be thought of as the initiation of a conversation. One may identify at least three stages in such a conversation or “*Moral Responsibility Exchange*” among morally responsible agents “operating within the ‘language’ of a particular form of moral responsibility practices” (2012, p. 89): At the stage of *Moral Contribution*, some agent performs an act indicative of the moral quality of her will. For example, Leslie makes a moral contribution by sharing a prejudicial joke with Daphne. At the stage of *Moral Address*, the relevant other agent, holding responsible the person who initiated the exchange, responds with reactive attitudes deemed appropriate, such as resentment or indignation, or engages in blaming practices. Daphne, for instance, morally addresses Leslie by a rebuke. At the stage of *Moral Account*, one tenders an explanation of one’s behavior. One may apologize, defy, or perhaps merely acknowledge wrongdoing. For example, Leslie offers Daphne an account of her behavior and in doing so “acknowledges the offense, apologizes, and asks for forgiveness” (2012, p. 89).

Warmke and McKenna propose that in exemplar cases of “directed” forgiving, a “form of overt forgiveness that is aimed at communicating with the forgiven,” (p. 198) forgiveness is to be understood as yet another conversational response at a further stage—*Moral Reconsideration*—by the victim. Typically, forgiveness is a conversationally meaningful or intelligible response to the offender’s contribution—an apology, an act of contrition, or effort at restitution, and so forth—at the stage *Moral Account*. In mainstream cases, forgiving has characteristic behavioral manifestations. In particular, it has “the common criterial indicators of relinquishing resentment” (p. 203). Warmke and McKenna also suppose, somewhat in agreement with Nelkin, that typically, forgiveness presumes that the offender is indeed blameworthy, and was previously (overtly) blamed or held morally responsible and blameworthy by the victim.

Regarding their contribution to the debate on whether living without responsibility is as damaging as some think, McKenna argues that the conversational model is compatible with rejecting *basic desert*: the thesis that “someone who has done wrong deserves to be blamed and perhaps punished just because he has done wrong, and someone who has performed a morally exemplary action deserves credit, praise, and perhaps rewards just because she has performed the morally exemplary action” (p. 213). So a proponent of the conversational model, who rejects the thesis of basic desert, can reject the following argument: (1D) Responsibility