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MORAL RESPONSIBILITY AND THE ABILITY TO DO OTHERWISE

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ABSTRACT: Frankfurt-style examples (FSEs) cast doubt on the initially plausible claim that an ability to do otherwise is necessary for moral responsibility. Following the lead of Peter van Inwagen and others, I argue that if we are careful in distinguishing events by causal origins, then we see that FSEs fail to show that one may be morally responsible for *x*, yet have no alternatives to *x*. I provide reasons for a fine-grained causal origins approach to events apart from the context of moral responsibility, and respond to the objection that moral responsibility depends on abstract entities other than events. In response to John Martin Fischer and others, I argue that the alternatives available in recent FSEs are robust enough for moral responsibility. If one thinks that the ability to do otherwise is a necessary condition for moral responsibility, the FSEs give no reason to relinquish this belief.

Principles of Alternative Possibilities (PAPs) affirm that having alternatives—an ability to do otherwise—is a necessary condition for moral responsibility.[1] Frankfurt-style examples (FSEs) and related arguments have caused many to doubt the veracity of various PAPs.[2] For example:

> Jones plans to shoot Smith, and Black wants Smith to be shot, but prefers that Jones do the shooting. Black implants a device in Jones's brain that allows him to monitor and control his actions. If it seems that Jones is *not* going to shoot Smith, Black will detect this and intervene through his device, causing Jones to decide to shoot Smith. As it happens, Jones proceeds to shoot Smith without Black's intervention, and it seems he is responsible for deciding to shoot Smith, though he had no alternatives to that decision.

Similarly constructed situations have been widely taken to show that the ability to do otherwise is not necessary for moral responsibility. FSEs have undergone

elaborate revisions since their introduction, and these revisions have prompted numerous varied and intricate responses. I evaluate the strategies of both defenders of PAPs and proponents of FSEs, and assess two distinct facets of the ongoing dialogue concerning the ability to do otherwise. The first facet involves the issue of whether FSEs successfully describe situations lacking alternatives, and the second involves the significance of alternatives within FSEs, if there are any. By developing an insight of Peter van Inwagen, I argue that if we distinguish events by causal origins, it becomes evident that the FSEs most threatening to PAPs include alternatives, and the first stage of the dialogue favors the defenders of PAPs.[3] I then argue that despite various objections, these alternatives are significant enough to be relevant for moral responsibility. Thus, FSEs fail to provide adequate reasons to reject initially plausible PAPs.

I. DIALOGUE OVERVIEW

The current debate surrounding FSEs has a strange feature. FSEs are presented as conclusive counterexamples to PAPs, showing that there could be situations in which a person is morally responsible but has no alternatives. Yet John Martin Fischer—probably the most prolific and influential proponent of FSEs—and other proponents of FSEs (e.g., Derk Pereboom) have conceded that FSEs may include alternatives for the agent, or what Fischer calls "flickers of freedom."[4] For example, in the case described above, Jones seems to have an alternative: shoot Smith on his own initiative or refrain and force Black to intervene. FSEs are intended as counterexamples to the PAPs, yet if an alternative remains in FSEs as Fischer allows, they fail as counterexamples. Why has the debate continued when some significant proponents of FSEs have conceded that FSEs include alternatives and thus are not counterexamples to PAPs? The answer is twofold. First, not all proponents of FSEs have been as conciliatory as Fischer. Some argue that FSEs may be revised in ways that eliminate all alternatives, so that not even a flicker of freedom remains.[5] In response, defenders of PAPs continue the debate by arguing that even in the most sophisticated revised FSEs, there are alternatives.[6] This is the first facet of the ongoing dialogue on moral responsibility and the ability to do otherwise. A second reason the debate continues is that those defenders of FSEs who acknowledge that subtle alternatives may remain in the described situations (e.g., Fischer and Pereboom) go on to argue that these alternatives are not robust enough to ground moral responsibility. They argue that if alternatives are necessary for moral responsibility, then the significance of the flickers of freedom should be explicable by the defenders of PAPs, and this has not been accomplished to their satisfaction. A few defenders of PAPs have attempted to show why subtle alternatives may be robust enough to ground moral responsibility, contrary to the claims of FSE supporters, and thus the debate continues on this second issue as well as the first.[7] For defenders of PAPs, the second portion of the dialogue can succeed only if there is also success in the first stage. There has to be an alternative present if there is a robust alternative.

II. THE FIRST STAGE

Apparently believing that FSEs were failing to accomplish their mission, Alfred Mele and David Robb proposed a rescue operation.[8] Mele and Robb consider an agent (Bob) who acts in a world that has some causal indeterminism, but also has some events that are causally determined.

> At *t*1, Black initiates a certain deterministic process P in Bob's brain with the intention of thereby causing Bob to decide at *t*2 (an hour later, say) to steal Ann's car. The process, which is screened off from Bob's consciousness, will deterministically culminate in Bob's deciding at *t*2 to steal Ann's car unless he decides on his own at *t*2 to steal it or is incapable of making a decision (because, e.g., he is dead by *t*2) . . . . The process is in no way sensitive to any sign of what Bob will decide. As it happens, at *t*2 Bob decides on his own to steal the car, on the basis of this own indeterministic deliberation about whether to steal it, and his decision has no deterministic cause. But if he had not just then decided on his own to steal it, P would have deterministically issued, at *t*2, in his deciding to steal it. Rest assured that P in no way influences the indeterministic decision-making process that actually issues in Bob's decision. . . . [Bob's decision making processes are analogous to a machine that produces widgets of different colors.] The colors of the widgets produced are determined by the color of a ball bearing (bb) that hits the machine's receptor's at a relevant time . . . if a bb of color *x* hits [the machine's] receptor, and the machine is not already in the process of making a widget, it at once starts a process designed to result in the production of an *x*-colored widget . . . . Whenever two or more bbs hit the machine simultaneously, the machine produces a widget the color of the rightmost bb. . . . [Bob's decisions are such that] if an unconscious deterministic process in his brain and an indeterministic decision making process of his were to coincide at the moment of decision, he would indeterministically decide on his own and the deterministic process would have no effect on his decision.

The Mele-Robb example seems to provide an FSE in which an agent acts on his own indeterministic mechanisms, is morally responsible for an action (deciding to steal a car), and yet lacks alternatives to that action. The primary advantage of the Mele-Robb FSE is that there is no reliance on a prior sign to indicate to a potential intervener what to do, in contrast to Frankfurt's original example and most revisions of FSEs.

How do defenses of PAPs fair against the Mele-Robb FSE? Various defenders of PAPs, including Carl Ginet, Robert Kane, and David Widerker, have used the same general strategy in responding to FSEs, though their responses differ significantly in details. Frankfurt's original story and many subsequent versions involved a potential intervener watching and waiting for a signal, an aspect of FSEs that Ginet, Kane, and Widerker exploit. They argue that the potential intervener in FSEs either acts on the signal, thus causing the agent in question to act in a manner such

that we would not and should not hold the person responsible, or the signal does not occur, and the potential intervener does not act, and yet the agent has alternative possibilities (assuming that the agent's actions are brought about through an indeterministic process). The alternatives that the agent has may be very similar to one another, yet there are alternatives.[9]

The defenses of PAPs proposed by Ginet, Widerker, and Kane are similar in their emphasis on a very brief period of time in which an agent may have an alternative due to the indeterminism that exists during a temporal gap. The temporal gap is bounded by the last moment the signal may occur and serve its purpose on the "front side" and the last moment available for the agent to act on the "back side." Alternative actions are available within this gap, so that this type of FSE fails to provide a case with moral responsibility, yet lacking alternatives. As responses to FSEs that rely on prior signs for intervention, this general strategy is effective, since those FSEs include a temporal gap that may be exploited to reveal alternatives that exist. The potentially intervening agent must wait for a prior sign that allows a window of opportunity. If indeterminism is assumed, the prior sign (or lack of one) does not *assure* that the expected action occurs, and the agent has the opportunity to do otherwise than expected.

But Mele and Robb have recognized the weaknesses inherent in FSEs that rely on prior signals, and have provided revisions as described above. Other proponents of FSEs also are sensitive to the weaknesses associated with a reliance on prior signals, and modify FSEs in attempts to overcome these weaknesses. For example, David Hunt, like Mele and Robb, develops an FSE without prior signals, and Eleonore Stump and Pereboom modify the way prior signals function in their FSEs in order to strengthen those stories.[10] In the Mele-Robb FSE, since the deterministic mechanism that assures that Bob will steal Ann's car acts simultaneously with Bob's indeterministic decision process, there is no temporal gap involved (we might say that the gap has been reduced to its limit: zero). Thus, it seems that an appeal to a temporal gap that provides an opportunity for alternatives will fail. Recent FSEs seem to eliminate even the briefest temporal window of opportunity to do otherwise, and apparently render ineffective earlier responses to FSEs that focus on temporal gaps. If proponents of these recent FSEs are correct, then performing an action by an indeterministic process alone does not assure that an agent has the ability to do otherwise, since other simultaneous processes may prevent alternatives from being taken.

Some defenders of PAPs who focus on temporal gaps argue that their strategy is still successful against these more recent FSEs. For example, Widerker argues that Bob's indeterministic mechanism would produce a decision too late to prevent the deterministic mechanism from being causally effective, and if so, the FSE does not describe a situation in which Bob is morally responsible.[11] It seems, however, that there is no reason why a potential intervening process would require a temporal gap. Despite Widerker's objections, the Mele-Robb example apparently succeeds in describing such a possibility. But even if it does not, the ultimate success of new FSE seems to hinge on a matter of creative engineering. There is no apparent logical

contradiction in constructing a mechanism with a simultaneous process as suggested in recent FSEs. If these types of simultaneously active mechanisms are possible, then a temporal gap is not essential to FSEs and any response that attempts to exploit a temporal gap to allow alternatives is on tenuous ground at best. Widerker may be correct in his defense at this stage of the dialogue, but defenses of PAPs with this type of general strategy are not secure, and many have found them unconvincing. So, let us suppose that the defenders of PAPs grant the benefit of the doubt to the proponents of FSEs, and assume that temporal gap exploitation fails for the reasons just suggested. Even so, the first stage of the dialogue is not over.

Another strategy of the defenders of PAPs has been to focus on the causal origin of the action or event in question in order to show that FSEs do not coherently describe situations in which there is some one thing *x*, such that both (1) A person *P* has no alternatives to *x* and (2) *P* is morally responsible for *x*. This response was one of three reactions to FSEs proposed by Peter van Inwagen, and similar responses have been developed with various particular details by William Rowe, Keith Wyma, Scott Davison, and Michael McKenna.[12] A causal origin response to FSEs does not rely on a specific temporal gap of opportunity. Instead, it focuses on a feature essential to FSEs, that of having two possible causal paths leading to an end result (the shooting of Smith, the theft of a car, etc.). All FSEs include one causal path that may be initiated by the agent independently—a path that has a causal origin including the motives, beliefs, values, actions, or will of the agent such that it is plausible to ascribe moral responsibility to the agent if that path is taken—and another causal path that assures the end result will occur (e.g., one initiated by a counterfactual intervening mechanism, whether personal or not). Since a causal origin approach focuses on a feature essential to FSEs, it has an advantage over approaches that focus on temporal gaps, and it may be successful against the recent FSEs even if other criticisms fail.

III. A CAUSAL ORIGIN RESPONSE APPLIED TO RECENT FSES

If we differentiate events by causal origin, an alternative may be identified, even in the Mele-Robb example. Bob has the following options available: decide to steal Ann's car due to his own indeterministic process, or refrain from making that particular decision and be forced to decide to steal Ann's car due to a deterministic process initiated by Black. If the story is coherent, there must be a possibility that the deterministic process is causally effective, and the only way that it could be causally effective is if Bob indeterministically refrained from initiating the decision to steal the car precisely at *t*2. These alternatives are essential to the coherence of the story. Since these two events have differing causal origins, they are distinct alternatives for Bob. There is no temporal gap exploitation in a causal-origin approach. There is no need to identify a temporal gap between a prior signal and an action, during which the indeterministically caused action must occur. Instead, either of the alternatives differentiated by a causal-origin approach may occur at *t*2. Yet alternatives remain.

In general, FSEs that involve a morally responsible agent include alternatives that may be classified into one of two types.[13] The first type of alternative pairing is available in FSEs involving potential but inactive intervention, such as Frankfurt's original example that includes a prior sign, and the Mele-Robb FSE that includes a simultaneously active mechanism, but lacks a prior sign. In these types of FSEs, either event *x* occurs when agent *P* does action A_1 without process *z*'s influence, or event *y* occurs when *z* causes *P* to do A_2. For the case of Bob, event *x* is deciding to steal Ann's car from his own indeterministic process, and event *y* is deciding to steal Ann's car due to a deterministic process initiated by Black. Both A_1 and A_2 fall under the same description, "deciding to steal Ann's car." The second general type of FSE involves redundancy or preemption. In these situations, event *x* and event *y* may be described by the same locution, e.g., "the destruction of the village," but either event *x* occurs when person *P* does action *A*, or *P* refrains from doing *A* and event *y* occurs as a result of *z*—some other process initiated externally to *P*.[14] The phrase "*y* occurs as a result of *z*" simply means that *z* was a relevant causal factor in the occurrence of *y*. Since (we have assumed—the claim is defended below) a different causal origin implies a different event, in both types of settings, it is not the case that *x* ' *y*. When causal origins of events are taken into account, we see that FSEs involving morally responsible agents include alternatives. The agent either initiates an action (event *x*), or refrains with the result that event *y* occurs.

The causal origin response to FSEs provides insight into another FSE recently proposed by Hunt in a case that also does not rely on a prior sign.

> Imagine then a mechanism that blocks neural pathways. . . . Suppose that the actual series of Jones's mental states leading up to the murder of Smith is compatible with [a] PAP, except that the mechanism is in operation. The mechanism is not intervening directly in the series itself; it is allowing the series to unfold on its own, but simply blocking all alternatives to the series. Of course it can't block alternatives *in response* to the way the series is unfolding, because then the blockage would be coming too late to have any effect on the avoidability or unavoidability of Jones's actions. Instead the mechanism blocks alternatives in advance, but owing to a fantastic coincidence the pathways it blocks just happen to be all the ones that will be unactualized in any case, while the single pathway that remains unblocked is precisely the route the man's thoughts would be following anyway (if all neural pathways were unblocked). Under these conditions, the man appears to remain responsible for his thoughts and actions, given [our] intuitions [yet lacks alternatives].

I agree with Hunt that the man of his story is morally responsible, but contrary to Hunt, it seems that alternatives remain. Fischer responds properly to the Hunt example by questioning whether the actual neural series that unfolds has the capacity to "bump up against" a blocked pathway.[15] If the neural process leading to killing Smith is indeterministic, then the series could make contact with a blocked path, (only to be returned on its way), but this would involve a different causal origin

for an action leading to a killing of Smith. So Jones would have the following alternatives: either he kills Smith without the blocking mechanism's causal influence (event *x*), or event *y* occurs when the blocking mechanism plays a causal role in Jones killing Smith. Differentiating events by causal origin, event *x* is not identical with event *y*; there are genuine alternatives for Jones.[16]

The motivation for focusing on different causal origins has been described by a few defenders of PAPs, and Fischer and Ravizza consider a similar response to FSEs, although Fischer and Ravizza believe this type of response will fail.[17] Van Inwagen gives an initial and brief defense of this approach by comparing the individuation of events with that of substances such as persons.[18] Since it is plausible to focus on the causal genesis of a person in determining identity in counterfactual situations, it is plausible to use this method for events as well. McKenna suggests we should distinguish particular act-tokens of agents when assessing FSEs. He argues that the alternatives in an FSE are "either doing what one does of one's own intention, or being coerced into performing the same kind of action against one's will." These alternatives "mean all the difference between one's doing something of one's own will, and one's not doing that kind of thing of one's own will."[19] Wyma has made similar claims,[20] and William Rowe also argues for a fine distinction of causes in response to FSEs.[21]

IV. GENERAL OBJECTIONS TO A CAUSAL ORIGIN APPROACH

There are plausible reasons for using a fine-grained approach to the individuation of events in the context of moral responsibility. There is a difference between doing something "on one's own" and being coerced into doing something by a mechanism external to one's normal decision making processes. But objections arise in regards to such a fine-grained approach to differentiating actions or events.

One objection to a fine-grained approach is that individuating events by causal origin makes them fragile—more easily destroyed, to speak metaphorically. Events simply should not be individuated so finely. David Lewis and W. R. Carter have argued that individuating events in a very fine-grained manner is sometimes inconsistent with the way we speak about events, and this raises questions about the fragility of events.[22] Suppose Bob has a headache which is relieved after he takes 400 milligrams of Ibuprofen. It seems that the event of his being relieved of a headache would have been the same event had he only taken 399 milligrams of Ibuprofen, or had he taken two different tablets than he actually took. Such a minute difference in causal origin does not imply that there is a completely different relief-of-headache event. If their objections are applied to FSEs, one may conclude that Bob deciding to steal a car due to a determined process instead of an indeterminate one does not make it a different decision. There is only one option for Bob—deciding to steal the car—and there are no alternatives to that.

As Lewis continued to address the issue of event differentiation, however, he softened his resistance to the fragility of events.[23] He spoke of fragile "alterations of

events" such that a differing time or causal origin implies an alteration of an event. He then left it open whether we should consider these various fragile alterations as distinct events, and claimed that an alteration may be one of several very fragile versions of a single event or a very fragile alternative event (as has been suggested here). This makes evident the tentative status of the objection, and Lewis's more recent arguments are consistent with individuating events by causal origin.

There is also positive motivation for individuating events by causal origin outside the context of FSEs and moral responsibility. Some human endeavors require a concept of fragile events. In the process of investigating accidents of various sorts, in forensic investigations, and in many other circumstances, events must be distinguished by causal origin. For example, detailed precision about causal origins may be needed in order to determine if a plane crash was caused unintentionally by defective materials or by sabotage, in order to determine if a transaction involving a possibly counterfeit $100 bill is legitimate, and in order to determine if an emergency room patient was short of breath due to an allergic reaction, an asthma attack, or hyperventilation. If events cannot be identified by causal origin, important questions—questions that have answers in actuality—would be impossible to answer. Investigators, attorneys, physicians, and metaphysicians often have good reason to differentiate events in a fine-grained manner. There are positive motivations for distinguishing events by causal origin apart from concerns about moral responsibility. The fact that we can differentiate events by causal origin when necessary shows that such distinct events really exist. The distinctions possible are similar to distinctions one might make with colors. If one is ordering a pen, choosing "blue" as the color of ink may be precise enough for the situation. But if one is having some body work done on a blue car, more precision in selecting a color is needed and "midnight blue," though much more specific, may not be precise enough for a match. Concerns about such precision would not be possible if fine-grained distinctions of color did not actually exist. Similarly, it may suffice to describe an event as "the shooting of Smith" in one context, yet much more precision may be required in another context. But precision would not be possible were it not for the existence of events that can be distinguished in a fine-grained fashion.

These considerations do not demonstrate that a difference in causal origin implies a different event, but rather show that distinguishing events in a fine-grained manner that considers causal origins is plausible and sometimes necessary independently of the context of FSEs. Though various contexts may require various degrees of distinction, the best explanation of the fact that some contexts require very fine-grained distinctions of events by causal origin is that the causal origin of an event is necessary for that event. Thus we have inductive support for specifying events in this way.

Another objection that may be raised against a causal origin response to FSEs in terms of events is that we may be morally responsible for things other than concrete particular events. This claim has been made by defenders of PAPs (e.g., van Inwagen) as well as proponents of FSEs (e.g., Fischer and Mark Ravizza).[24] They are very likely correct. We may be responsible for abstract universal states

of affairs or facts, or we may be responsible for omissions as well as events. But if we are responsible for something other than events, one may object, my proposed response to FSEs based on the causal origin of events is ineffective against FSEs emphasizing non-events.

Some consider events to be abstract entities; here it has been assumed that events are concrete particular occurrences, though this is not essential to a causal origin response. We should distinguish concrete particular entities from entities that are abstract, but a further refinement within these two groups is unnecessary in discussions of moral responsibility. It is assumed that we are sometimes responsible for concrete particulars such as actions, consequences of actions, and intentional omissions, which are treated in our context as types of concrete particular events. Each of these have causal origins that may be identified to various degrees (epistemological concerns need not delay us, the important issue is the existence of differing causal origins, not their recognition). But we may also be responsible for *abstracta* such as states of affairs, non-intentional omissions, and facts. For the sake of convenience, those abstract entities that we may be responsible for are lumped under the general class "facts." Facts (those that we can be morally responsible for) are facts *because of* certain concrete events that actually occur. There is an intimate relation between facts that we are responsible for and events. We are responsible for facts that supervene on concrete particular events. The fact that Bob stole Ann's car is a fact because of the event that occurred when Bob took her car. If someone is ever morally responsible for a fact, then there is a corresponding concrete event that makes the fact a fact. If there are facts for which people are morally responsible, then there are corresponding events that may be finely distinguished, and the person had alternatives to those events (as described above). So although the present response to FSEs is stated in terms of events, the general approach is applicable to events, actions, omissions, states of affairs, facts, or whatever may be involved in moral responsibility and FSEs.

Details on the role of events may differ slightly according to one's particular ontology. The diverse views of events, facts, and the relation between them prevent precision that would satisfy everyone's ontology, yet causal origins have a significant role in moral responsibility regardless of one's ontology. For example, suppose one objects to the approach described because she does not countenance events in her ontology, but instead affirms the existence of objects having properties at a time.[25] In such an ontology, one may be morally responsible for *abstracta*, but not events. However, the abstracta would be dependent on the relevant objects, properties, and times and moral responsibility would be dependent on the causal origins of these properties and times. For example, if Smith has the property of having a gunshot wound at 2:34 P.M., while he lacked that property at 2:33 P.M., the causal origin of the property will be sought. The relevance of carefully distinguishing causal origins would remain even in an ontology lacking events.

We may conclude that the first stage of the dialogue goes to the defenders of PAPs. Even in recent complex FSEs, a plausible ontology that distinguishes events

by causal origins allows one to identify subtle alternatives, and so these FSEs fail as counterexamples to PAPs. The next question concerns the significance of these fine-grained alternatives, and the second stage of the dialogue awaits.

V. ROBUSTNESS OBJECTIONS

Fischer has argued that the alternative possibilities cited when taking a narrow approach to events similar to that described above are "not sufficiently *robust* to ground the relevant attributions of moral responsibility."[26] Pereboom develops a similar criticism that also questions the robustness of alternatives apparently available in FSEs.[27] This objection may be understood as an extension of the fragility objection considered above. Fischer and Pereboom grant the claim that events can be properly differentiated in a fine-grained manner (e.g., by causal origin), however, they go on to question the capacity of fragile events to bear the weight required of them in the context of moral responsibility. Pereboom holds that such slight alternatives fail to play a significant role in explaining the nature of moral responsibility. Fischer claims that it is odd to think that moral responsibility would be grounded in the possibility of bringing about similar but minutely different events. He argues that it is "puzzling and unnatural" to suppose that alternative pathways that are not taken would provide grounds for moral responsibility.[28] He challenges the proponent of the flicker approach to show that "these alternatives *ground* our attributions of moral responsibility."[29]

In order to respond to their concerns, a bit more clarification is needed. Pereboom does not specify what playing a significant role in an explanation involves and Fischer's initial objection leaves unclear what he means by the locution "grounding moral attributions." Elsewhere, Fischer gives a more perspicuous explanation of his challenge to defenders of PAPs, and we may focus on his more recent clarification of the challenge. He argues that if we took away the limited alternatives that might remain in FSEs, and there were absolutely no alternatives (and according to defenders of PAPs, no moral responsibility), then it is hard to see how merely adding back an extremely sparse alternative would create a situation sufficient for moral responsibility.[30] How would adding a scant alternative back into the picture provide a grounding for moral responsibility?

An initial response is simple: tell a coherent story about how the alternatives are removed, and then the question may be answered according to the details of the story. Merely describing an FSE will not provide an adequate story that lacks alternatives, for at this stage of the dialogue, those raising the robustness objection are assuming that alternatives remain in FSEs.

VI. THE ROBUSTNESS OF A FLICKER

Some may argue that the alternatives that remain in recent FSEs lack a robust level of control because they involve non-voluntary omissions; they are not something that can be chosen or intentionally willed. For example, in the Mele-Robb

FSE, Bob cannot directly choose to have the deterministic process causally initiate an action since we presume he is ignorant of its presence. Any alternative that cannot be intentionally willed is not a robust alternative and could not provide a necessary condition for moral responsibility.[31] Stump raises a criticism along these lines, claiming that the (apparent) alternatives in FSEs are not *actions* that the agent is able to perform (and thus are not genuine alternatives at all), and Pereboom argues that robust alternatives must be ones that could be consciously willed.[32] Yet, the reasons for requiring a high level of direct control over both alternatives have not been stated clearly by proponents of FSEs.

These high standards cannot rely on the assumption that we are never responsible for events or actions that are not intentionally willed, for such an assumption is false. Common cases of negligence show that we can be morally responsible for consequences that were not intended or consciously chosen. If I leave a sharp knife accessible to a toddler and fail to provide adequate supervision, I will be at least partially morally responsible for any harm that may occur even if I had no intention of harm, and no specific action was willed. Intentionally willed actions need not directly precede the event in question for one to have adequate control to be morally responsible for that event.

Cases of negligence that clearly involve some control and moral responsibility show the significance of an agent's past alternatives when evaluating responsibility for a later event. Though a negligent agent may have no control over the event immediately prior to its occurrence, previous alternatives are relevant to the agent's indirect control. Suppose Nurse N is admitting patient P for surgery. In the preparatory interview with N, P states that she has an allergy to Valium, but then immediately begins to complain of abdominal pain. N provides comfort and arranges for the appropriate evaluation by a physician, but fails to document the allergy. When N is leaving work, he recalls the allergy and pauses to consider returning in order to document it, but since he is in a hurry to get to the golf course, chooses not to do so. Later, when N is golfing and P is being prepared for surgery, P receives Valium, goes into shock, and suffers immensely. N had no directly relevant alternatives at the time of the administration of the Valium, as he was not even in the hospital at the time. There was no intention of harm, and no specific action taken by N that lead directly to P's suffering. Yet N is at least partially morally responsible for an event, the suffering of P, even though N did not intend for P to suffer, and had no immediate or direct control over the event.[33] But N had a relevant alternative that was causally related to P's suffering, i.e., the option of returning to record the allergy. Failing to do so was an omission that was causally relevant to the suffering. Cases of negligence show that past alternatives may allow for indirect control and partial responsibility for morally significant events that occur later. Though N lacked direct control over the suffering of P, his indirect control was robust enough to blame him for the suffering of P. Had N acted responsibly earlier, P would not have suffered. Voluntary and intentional actions need not be directly and immediately involved in order for one to have sufficient control and be morally responsible. This is one

reason why defenders of PAPs such as Kane properly place historical clauses within the PAP.[34] Cases of moral responsibility involving negligence include only indirect control over the event in question.

Very subtle alternatives that do not involve intentional actions can be under the agent's control, if only indirectly. Even if the sparse alternative in an FSE is not properly conceived as an action (as Stump argues), it may be an omission indirectly controlled by an agent that causes something morally significant. Causation by omission is not problematic *per se*, and there is good reason to think that moral responsibility can be dependent on causation by omission. E.g., if a groom has agreed to be at the church for the wedding scheduled at 2:00 P.M., and he fails to show up because he falls asleep at noon, his omission causes many things, including the wrath of a bride left waiting at the altar, and he may be morally responsible for much of what is caused by his omission. Cases of negligence and omission show that a mere lack of intentionality and action immediately preceding the event does not mean that there is no control over that event.

A more elaborate example provides an informative analogy for evaluating the relevance of alternatives that involve omissions in FSEs. Consider an assassin, hired by a band of terrorists, who has developed an elaborate plan to shoot the president as he drives by in a motorcade. There is a limited time to act and then the motorcade will be out of range. As the motorcade approaches, the potential assassin hesitates, suppose due to a fleeting sensation of guilt, and although he never consciously decides *not* to shoot, he simply momentarily refrains from acting. (Surprisingly, in this case there are no counterfactual interveners ready to assure that the assassination takes place!) The guilt and subsequent hesitation were not directly in the potential assassin's control. But the guilt he senses is indirectly under his control, as it is related to earlier actions. Suppose the potential assassin is not methodically vicious, but was motivated to accept the job primarily due to financial difficulties and a need to provide for his family. He occasionally reflects on his activities as he prepares for the assassination and questions whether he should continue on this morally dubious path. Instead of intentionally avoiding the moral concerns, he reflects on them and allows them to influence his behavior—he plans to make this a one time event, though he fully intends to assassinate the president. These previous ruminations put him in a psychological state such that guilt arises, even though he is not consciously making a decision as the motorcade passes. As he refrains from shooting, the window of opportunity is gone and the planned assassination does not occur. The alternatives available were morally significant—one resulting in the loss of a president, the other having consequences of much less importance. Had the potential assassin not been sensitive to moral concerns earlier and seriously evaluated the morality of his actions, he would not have had the timely sensation of guilt. It is to the assassin's moral credit that he hesitated, for the hesitation revealed some moral sensitivity that is a positive characteristic and in this case was a causal (but not determining) factor in the outcome. (Politics aside, let us assume

that assassinating the President has negative moral value.) The two alternatives: shoot or refrain, are both morally significant, and some aspects of the assassin's moral character were relevant to each alternative; the option to refrain was in his control to the extent that the assassin's character was in his control due to past choices. Similar to one who is negligent, the potential assassin acted in the past in ways that affected future events, even if he did not directly and immediately decide to hesitate at the relevant time. The past decisions and actions of a person may affect such things as fleeting sensations of guilt, which in turn may affect actions taken or not taken. The potential assassin is morally responsible for what happened (though we assume the actual outcome was better than the alternative, those who hired him will not be pleased, and will hold him accountable for his failure to fulfill the mission).

FSEs describe situations analogous to the potential assassin's in respect to the moral significance of the alternatives available and also in respect to the degree of control over the alternatives available. The agents in FSEs and the potential assassin above have limited and only indirect control. Due to previous choices more directly within the potential assassin's control, it is within the scope of the potential assassin's indirect control to avoid the assassination, even though he did not form an intention not to assassinate the president. In the case of the potential assassin, the actual events that occur parallel the alternative potential events in FSEs. Both involve non-intentional omissions that are morally significant alternatives. Suppose Bob (of Mele and Robb's FSE) had a similarly conflicted psychological history when considering the theft of Ann's car, a supposition consistent with the FSEs as described. He could decide to steal Ann's car due to his own initiative at *t*2, or not take that initiative and allow the intervening deterministic process to cause the decision. If Bob hesitates due to a sensation of guilt similar to that experienced by the potential assassin, and as a result, does not steal the car on his own initiative, he is morally responsible for the actualization of the alternative—he deserves some credit for the hesitation—and it is Black who deserves the blame for the theft that occurs. The relevant aspects of the analogy of Bob and the potential assassin are the level of control over the events that transpire and the associated moral responsibility. In both cases moral responsibility exists, but there are also subtle alternatives over which the agents have indirect control.

Obviously the history of an agent is important for moral responsibility, and my defense only includes those PAPs that have a historical clause. In response to PAPs with historical clauses, some FSEs have been expanded to include an entire life of an agent, and Mele and Robb also suggest that their example could be expanded over a lifetime, successfully refuting PAPs with historical clauses.[35] Due to some colossal miracle, the deterministic process follows exactly the same path as every one of Bob's indeterministic choices over several years. If the Mele-Robb FSE is expanded to include Bob's entire life, then there will be circumstances in which Bob made choices that led up to him deciding to steal Ann's car. For example, he very likely would have previously stolen something else of lesser value. Sup-

pose Bob's history includes stealing money from petty cash at his work place. He was never caught and he never confessed. Bob should have taken an action (confess to the theft of the petty cash) that he did not. The lifelong deterministic mechanism assured that he did not confess. But (distinguishing events by causal origin) there were numerous slight alternatives that Bob should have taken but did not. Suppose, as Bob's life actually occurred, due to remorse, he considered confessing to his boss about the stolen cash, but when an opportunity arose, he remained silent. At some point, he should have acted in response to a sensation of remorse in a way that he did not. Suppose that doing so would have been a relevant step in an indeterministic causal process that would have led to a confession at $t0$.[36] Had Bob responded to his sensation of remorse properly, the deterministic process would have been causally effective instead and it would have prevented the confession at $t0$. This alternative is in contrast to the actual events in which Bob's own indeterministic decision making process led to a lack of confession, and the level of control is more direct than in the initial FSE scenario. As things actually occurred, Bob was morally responsible for not confessing, had an alternative to that, and had control over which alternative occurred. In an FSE expanded over a lifetime, there will be thousands of cases in which Bob's indeterministic decision making processes should have conflicted with Black's deterministic process, thereby making the latter causally effective. In such cases, Black, the initiator of the deterministic path, would be blamed for the morally significant event caused, rather than Bob, because Black's efforts were the causally decisive factors in what occurred. These cases are different from ones in which Bob should have refrained, but did not, as in the typical FSE. Lifelong FSEs will necessarily involve alternatives with more direct control than those emphasizing one episode, since a person's life will include many circumstances in which they should have acted but did not (unlike single episodes in which a person should have refrained but did not, as emphasized in Mele and Robb's, Hunt's, and most other FSEs). Thus even a global or lifelong FSE would not serve as a counterexample to PAPs with historical clauses.

In single episode FSEs, if we differentiate events by causal origin, we can identify two possible events, and two alternatives for the agent. In these cases, one may appeal to the history of the agent to identify previous choices that provide indirect control over the present alternatives. For Bob, we can tell a plausible story about why the alternative was significant and in his control, even if only indirectly, due to his psychological history. The initially plausible FSEs such as Hunt's and Mele and Robb's focus on situations in which the agent should have refrained from acting, but did not. In a lifelong FSE, there will be situations in which one ought to have acted, but did not. In those cases, the alternatives available are more directly in the agent's control, and are also robust enough for moral responsibility. Thus, we may conclude that the best FSEs described thus far—those that convincingly present a morally responsible agent—leave room for alternatives that are robust enough to be relevant for moral responsibility.

VII. CONCLUSION

FSEs cast doubt on the initially plausible claim that an ability to do otherwise is necessary for moral responsibility. Following the lead of van Inwagen and others, I have argued that if we are careful in distinguishing events by causal origins, then we see that FSEs fail to show that one may be morally responsible, yet have no ability to do otherwise. I have provided reasons for a fine-grained causal origins approach to events apart from the context of moral responsibility. Recent FSEs apparently overcome the criticisms of those who focus on a temporal gap that allows for alternatives, but upon close inspection, even in these later FSEs there are alternatives present, and the presence of alternatives is robust enough to allow moral responsibility. There are no FSEs that describe a person who is morally responsible for an event and had no alternatives to that event. If one thinks that the ability to do otherwise is a necessary condition for moral responsibility, then FSEs give no reason to relinquish this belief.[37]

ENDNOTES

1. For a generic example, "An agent *P* is partially morally responsible for event *E* at time *t*, only if *P* could have prevented *E* at or prior to *t*."

2. Frankfurt-style examples derive their name from Harry Frankfurt's attempts to provide counterexamples to PAP in "Alternate Possibilities and Moral Responsibility," *Journal of Philosophy* 66 (1967): 829–839.

3. Peter van Inwagen, "Ability and Responsibility," *Philosophical Review* (1978): 206–209.

4. John Martin Fischer, *The Metaphysics of Free Will: An Essay on Control*, (Cambridge Mass: Blackwell Publishers, 1994), 134–147. The concession is repeated in Fischer's "Responsibility and Self Expression," *The Journal of Ethics* 3 (1999): 280. Derk Pereboom, like Fischer, thinks that some PAP may not have a counterexample, but thinks FSEs succeed in showing the irrelevance of alternatives for moral responsibility. See Pereboom's *Living Without Free Will*, (Cambridge: Cambridge University Press, 2001), 25.

5. See, among others, Alfred Mele and David Robb, "Rescuing Frankfurt-Style Cases," *Philosophical Review*107 (1998): 97–112; Eleonore Stump, "Alternative Possibilities and Moral Responsibility: The Flicker of Freedom," *Journal of Ethics* 3 (1999): 299–324; and David Hunt, "Moral Responsibility and Unavoidable Action," *Philosophical Studies* 97 (2000): 195–227.

6. For example, David Widerker, "Frankfurt's Attack on Alternative Possibilities," *Philosophical Perspectives, 14, Action and Freedom* (2000): 181–201; Stewert Goetz, "Stumping for Widerker," *Faith and Philosophy* 16 (1999): 83–89; and Robert Kane, in "Symposium on *The Significance of Free Will*," *Philosophy and Phenomenological Research* 60 (2000):129–134.

7. Keith Wyma, "Moral Responsibility and Leeway for Action," *American Philosophical Quarterly* 34 (1997): 57–70; Scott A. Davison, "Moral Luck and the Flicker of Freedom," *American Philosophical Quarterly* 36 (1999): 241–251; and Michael McKenna, "Alternative

Possibilities and the Failure of the Counterexample Strategy," *Journal of Social Psychology* 28 (1997): 71–85.

8. Mele and Robb, 101–103.

9. Carl Ginet, "In Defense of Incompatibilism," *Philosophical Studies* 44 (1983): 391– 400, and "In Defense of the Principle of Alternative Possibilities: Why I Don't Find Frankfurt's Argument Convincing," *Philosophical Perspectives, 10 Metaphysics* (1996); Robert Kane, *The Significance of Free Will*, (New York: Oxford University Press, 1996), 142–143; David Widerker, "Libertarianism and Frankfurt's Attack on the Principle of Alternative Possibilities," *Philosophical Review* 104 (1995): 247–261.

10. Hunt, 195–227; Stump, 299–324; and Pereboom, 25–50.

11. Widerker, 184.

12. Van Inwagen, "Ability and Responsibility," 201–224, and *An Essay on Free Will*, (New York: Oxford University Press, 1983), 165–189; William Rowe, "The Metaphysics of Freedom: Reid's Theory of Agent Causation," *American Catholic Philosophical Quarterly* 74 (2000): 425-446. See also Wyma; Davison; and McKenna.

13. Some proposed FSEs may succeed in eliminating alternatives, but these also fail to give convincing reasons to think that the agent in question is morally responsible. Any particular FSE must be assessed according to its unique features, but the quantity and variety of FSEs in the literature force some generalizations such as the ones made here. I address only those FSEs that describe situations in which it is plausible to think that the agent is morally responsible.

14. See Mark Ravizza, "Semi-Compatibilism and the Transfer of Non-Responsibility," *Philosophical Studies* 75 (1994): 61–93, and Fischer and Ravizza, *Responsibility and Control*, (New York: Cambridge University Press, 1998), 29ff.

15. Fischer, "Recent Work on Moral Responsibility," *Ethics* 110 (1999): 119.

16. For an FSE in light of Hunt's, but including the use of a prior sign, see Pereboom, 18–25. Pereboom acknowledges, however, that his FSE may fail as a counterexample to a PAP with a well stated historical clause.

17. Fischer and Mark Ravizza, *Responsibility and Control*, (New York: Cambridge University Press, 1998), 97–101.

18. Van Inwagen, *An Essay on Free Will*, 167–170.

19. McKenna, 75.

20. See Wyma, 57–70.

21. See Rowe, 425–446.

22. David Lewis, "Events," *Philosophical Papers*, Vol 2 (New York: Oxford University Press, 1986), 250; and W.R. Carter, "On Transworld Event Identity," *Philosophical Review* 88 (1979): 443–451.

23. Lewis, "Causation as Influence," *The Journal of Philosophy* 99 (2000): 182–197.

24. Van Inwagen, *An Essay on Free Will*, 153–189; and Fischer and Ravizza, 28–150, among many others.

25. Some would say an object having a property at a time *is* an event. Whether they find the above claims or the following claims more relevant to their ontology, I leave to them.

26. Fischer; *The Metaphysics of Free Will: An Essay on Control*, 140–141.

27. Pereboom, 26–28.

28. Daniel James Speak echoes Fischer's concerns in "Fischer and Avoidability: A Reply to Widerker and Katzoff," *Faith and Philosophy* 16 (1999): 239–247.

29. Fischer, *The Metaphysics of Free Will: An Essay on Control*, 140 (italics are his).

30. Fischer, "Responsibility and Self Expression," 280.

31. Fischer has suggested this in conversation.

32. Stump, 299–324; Pereboom, 26.

33. In the context of this discussion, being partially morally responsible for an event is sufficient for being morally responsible. There is no reason to attempt to assign "full responsibility," for an event, whatever that may be.

34. The relevance of history is emphasized in Kane, "Responsibility, Luck and Chance," *The Journal of Philosophy* 96 (1999): 224, and discussed at length in *The Significance of Free Will*. Due to the importance of an agent's history, I am only defending those PAP with a historical clause.

35. Mele and Robb, 108ff. This lifelong approach was suggested earlier by John Martin Fischer, *The Metaphysics of Free Will: An Essay on Control*, 214, and Alfred Mele, *Autonomous Agents*, New York: Oxford University Press (1995), 141.

36. Mele and Robb would likely grant the assumption that the agent has control over indeterministic processes involved in decisions; the compatibility of freedom and indeterminism is not under dispute here.

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