

# MODAL PRINCIPLES IN THE METAPHYSICS OF FREE WILL

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## 1. Introduction

Discussions of free will have frequently centered on principles concerning ability, control, unavoidability and other practical modalities. Some assert the closure of the latter over various propositional operations and relations, for example, that the consequences of what is beyond one's control are themselves beyond one's control.<sup>1</sup> This principle has been featured in the unavoidability argument for incompatibilism: if everything we do is determined by factors which are not under our control, then, by the principle, we are unable to act and choose other than we actually did. A second family of principles concerns the fixity of the past and the laws of nature. If no one is able to alter the past or violate the laws it seems but a small step to conclude that no one can do anything such that if they did it then the past would be altered or the laws violated. Accordingly, if an agent's performing an act is necessitated by the past and laws, then the agent is unable to refrain from that act at that time. Generalizing, determinism precludes anyone from doing anything other than what he or she did.<sup>2</sup>

These arguments are significant because they rely on apparently neutral principles without explicitly assuming that ability to do otherwise entails absence of determining factors. Yet the incompatibilist canon lurks nearby. The challenge to compatibilism depends upon a third sort of principle linking responsibility to avoidability. Included are the principles of

alternate possibilities and possible action, permitting attribution of responsibility only to those who could have refrained from an action performed or performed an action omitted. Both are retrospective principles whose prospective counterparts are that responsibility (obligation) at time  $t$  to do [refrain from] an action  $A$  at a future time  $t'$  implies that one is able at  $t$  to do [refrain from]  $A$  at  $t'$ . Only if the unavoidability and fixity arguments purport to show that determinism precludes the relevant kind of ability of doing otherwise do they challenge compatibilism.

Compatibilists have adopted different expedients in light of these considerations. Some have followed Harry Frankfurt in rejecting the demand of avoidability, while others have questioned the principles of closure and of fixity. These moves require justification because of the initial plausibility of each type of principle and the interconnections among their instances, especially if requirements of avoidability derive from the linkage of obligation to ability.

I argue that it is mistaken to view the closure and fixity principles -- properly construed -- as threats to compatibilism. What has happened is that questionable accounts of ability have led to an acceptance of various mutants which have spawned confusion, while a deficient modal imagination has derailed discussion of avoidability. Once these errors are exposed, the way is open for a novel approach fully compatible with the determinist hypothesis.

## **2. Three Concepts of Ability**

Some economy can be achieved through reduction to a small number of modalities, ideally, to one. Consider the ability to perform or refrain from performing a course of action, specifically, ability to do an given act at a particular time. What does it involve? For one thing, circumstances must be such that were the agent to engage in certain sorts of intentional behavior

then he or she would perform the act in question, say, voting for the local alderman. This minimal sort of opportunity can be formulated by,

**Efficacy Condition.** If S is able at time  $t_1$  to do a course of action K at  $t_2$  then for some course of action K' at  $t_1$ , were S to undertake K', S would do K at  $t_2$ .

where one undertakes a course of action by acting on either an intention to do it or an intention to enact some plan within which it is embedded. The condition can be refined in various ways, for instance, by taking K' as a basic action or phrasing the consequent to assure that S's doing K be intentional. Those who equate "S could have" with "would have if S had chosen" might locate a sufficient condition for ability close at hand, but others take it as a distinct requirement that it be possible for S to do the actions in question. What sort of possibility? It is trivial that the action be logically possible or nomologically possible (consistent with all the laws).

Presumably, a relative modality -- possibility given the circumstances obtaining at a particular time -- is what is needed, where P is possible relative to a set of particular circumstances C just in case P is consistent with C.<sup>3</sup> The condition is best set forth as a schema:

**Possibility Condition** If S able at  $t_1$  to do K at  $t_2$  then for some type of relative possibility  $\gamma$ , it is  $\gamma$ -possible at  $t_1$  for S to do K at  $t_2$ .

As long as the relevant species of possibility is unspecified, compatibilists may acquiesce, but they cannot agree that the possibility be complete, where P is completely possible at time t just in case P is consistent with the entire past at t or, equivalently, logically consistent with the union of the entire past and the laws of nature.<sup>4</sup> Insisting on complete possibility at the outset would end debate quickly, though deprive the incompatibilist arguments of their independent appeal.

Before proceeding further, let us adopt the conventions that 'course of action' be used for

either single action-types or temporally-ordered sequences and plans constituted by action-types, and that bringing about a result P is itself a course of action, hence, something one can be said to "do." Further, ability may be expressed through a sentence operator such as 'A<sub>S,t</sub>P' abbreviating 'at time t, agent S is able to bring about that P'. To simplify terminology, subscripts will be left tacit, with 'AP' shorthand for 'A<sub>S,t</sub>P'. We may then formalize 'S at t is able to prevent some state-of-affairs P from obtaining' with 'A-P', and 'S at t is unable to bring about P' with '-AP'. Further, letting 'CP' read 'at t, P is under the control of S', we have the equivalence:

$$\underline{CP} \text{ iff } AP \text{ and } \underline{A}-P.$$

Since S is unable to prevent P just in case '-A-P' is true, then a notion of unavoidability or power necessity, abbreviated as 'NP', amounts to,

$$\underline{NP} \text{ iff } P \ \& \ -\underline{A}-P$$

I assume these equivalences to be uncontroversial.

Although 'brings about' is used differently, allow that an agent brings about his own performances and omissions, at least if they are intentional. So, if S brings about his own K-ing insofar as he does K, then S is able at t to do K just in case S is able at t to bring it about that he does K. This equivalence secures a unity between the ability-to-bring-about and the ability-to-do, and might be thought to anchor a reduction save for two barriers; what one "brings about" seems derivative upon what one "does," suggesting the latter notion cannot be reduced to the former, whereas explanation in the other direction fails to produce a general analysis for 'AP'. However, there are other reductive proposals. For instance, John Fischer writes,

The strategy I have been presenting construes certain statements of the form, "S can bring about such-and-such," as implicitly involving conjunctions. The two conjuncts are a

"can-claim" such as "S can do X" and a conditional, such as "If S were to do X, then Y would occur".<sup>5</sup>

This passage supports a characterization of what will be called *broad ability*:

**A1**    AP iff there is a course of action K such that at t (i) S is able to do K, and (ii) were S to do K then P.

If we add that S's doing K be intentional then, given our conventions, AP implies satisfaction of the Efficacy Condition with respect to S's bringing about P. While the subjunctive in (ii) normally indicates conditional dependency -- P is conditionally dependent upon Q just in case Q would be true if P were in the prevailing circumstances -- it will be taken to cover all types of consequence relation, so that (ii) can also be phrased: that P is a consequence of S's doing K.

A broad sense of 'brings about' is evident in **A1**, sanctioning, for instance, ability to bring about mathematical necessities. A more restrictive interpretation treats the locution as expressing (in part) a causal relation, as when I bring about that a tuning fork vibrates upon striking it against a hard surface or that my team wins by scoring a winning goal. Various non-causal connections might also be involved: the one who killed Kennedy brought it about that Mrs. Kennedy became a widow, that Kennedy perished while Churchill was still living, and that the conditional "the Eiffel Tower is in Paris  $\epsilon$  Kennedy is dead" is true. In each case, the relation is distinguished from the broad sense in that the item "brought about" does not obtain prior to one's action and comes about via what the action caused. Expressing it by the phrase 'make it the case that', we have this characterization of what we can call *causal ability*:

**A2**    AP iff there is a course of action K such that at t (i) S is able to do K, and (ii) S's doing K would make it the case that P.<sup>6</sup>

This construal of the ability-to-bring-about may be preferable in explaining responsibility for the effects of one's actions. Finally, tacit probability qualifiers might govern clause (ii) in both **A1** and **A2**.

A liberal sense of ability is sanctioned by both equivalences, and here is a simple argument on its behalf: since bringing about P is itself a course of action then S's being able to bring about P if S brings about P is an instance of the principle that one is able to do whatever one in fact does (Fischer 1985, p. 237). This sounds fine except that the principle grants an agent ability to bring about what is produced only by accident, without the faintest conception of what is being accomplished. Its plausibility may derive from a more promising cousin, namely, "if S does A intentionally then S is able to do A," which implies that S knew what he was doing in A-ing. Whether the latter holds is another matter, but it is of no help to the simple argument; as **A1** and **A2** squeeze ability out of blind luck, they afford no guarantee that P be brought about intentionally or even with foresight. If I shoot an arrow towards a target 50 meters away circumstances might be such that the arrow hits the bull's-eye. Yet, total novice that I am, I cannot repeat this feat in the next 10,000 tries. Lacking the general ability or skill to guide the arrow towards the bull's-eye, there is a narrow or strict sense, not captured by **A1**, **A2**, or the simple argument, in which I am unable to bring about the arrow's hitting the bull's-eye, despite luck on my maiden attempt.<sup>7</sup>

Lack of ability in the strict sense blocks the ascription of responsibility despite presence of ability in the broad and causal senses. Were I an expert I might be responsible for the arrow's hitting the bull's-eye -- think of the Swiss archer, William Tell, whose obligations were a function of his skill. Or, suppose the pilot and copilots of a passenger plane suddenly die en

route due to a poison ingested before take-off. The head steward, apprised of the dreadful situation, is faced with the task of guiding the plane to a safe landing. He knows nothing about flying the plane, but were he to press certain buttons and levers and manipulate the steering mechanism in certain way -- actions he is able to perform -- the plane would land safely on the designated runway. As it is, he fiddles madly with the controls and manages to do something that results in the plane's landing, though, unfortunately, not safely. All aboard perished except for the steward himself who survived minor injuries. Should he be blamed for not bringing it about that the plane landed safely? Was he responsible for bringing it about that it landed in a way that all the passengers were killed? Certainly not. The steward lacked the critical ability to bring about a safe landing of the plane and for this reason is not responsible for the result. Yet, by **A1** or **A2**, he was able to bring it about that the plane landed safely since he was able to perform each of the motions jointly sufficient for a safe landing. Someone else in his position differing only in having the requisite skill would have been responsible. If ability makes a such a difference to assessments of responsibility, it cannot be what is offered by **A1** or **A2**; they assure only opportunity and do not supply sufficient conditions for the ability-to-bring-about relevant to responsibility.

**A1** and **A2** are also oblivious to the demand that a responsible agent possess know-how. Under their auspices, I am able to bring about complex molecular changes in my brain by drinking coffee or prevent certain of the Sun's neutrinos from reaching the center of the Earth by suddenly jumping upwards. But I have utterly no idea I can do these things. Again, the pilot knows how to land the plane safely, the steward does not, even though both are able to perform the very movements which would activate the right mechanisms. The pilot understands which

sorts of actions to perform and when to perform them, actions he can execute at will, and differs from the steward not in ability to do these actions at the time, but in realizing what they produce and how to reproduce them with that realization in mind. The difference in know-how is a difference in what they are strictly able to accomplish. A similar thing distinguishes those who know how to run a computer program from those who don't; at issue is not the mundane ability to hit various keys in a given order, but of being informed about which sequences are correlated with getting the job done.

S is able to bring about P in the strict sense only if P is a reliable consequence of his effort, requiring not only a regular connection between his intentionally acting and a P-type of result, but repeatability of that sort of action coupled with an envisionment of a route whereby a P-type situation results from that sort of action.<sup>8</sup> Accordingly, at  $t_1$  P would be a reliable consequence of S's doing A at  $t_2$  only if at  $t_1$ , P would result from his doing A at  $t_2$  by way of S's exercising this know-how. There need be no guarantee that P will obtain given performance of K or that P is brought about intentionally -- it is sufficient if P is a foreseen or readily foreseeable result. An analysis of *strict ability* may now be proposed:

**A3**    AP iff there is a course of action K such that at t (i) S is able to do K, and (ii) that P would be a reliable consequence of S's doing K.

In other words, S is strictly able to bring about P just in case S is able to act upon a reliable strategy for bringing about P. Strict ability entails both broad and causal ability, and like them, guarantees satisfaction of the Efficacy Condition. It differs in requiring that "bringing about" be reliable and, consequently, that certain cognitive requirements be satisfied, particularly, that the agent has a conception of both the result and a strategy for producing that result. Recalling the

airplane example, the important claim here is that responsibility for results implies strict ability to bring about or prevent them.

### 3. The Closure Principles

The three conceptions of ability differ as regards the closure principles. Interpreting the 'A' operator first as broad ability, and allowing 'P' and 'Q' to take nominalizations of sentences as substituends, we have,

**C1** If AP and if P were the case Q would be the case, then AQ.

Proof. Suppose the antecedent; then there is a course of action K which S is able to do such that if S did it then P would be the case. Then Q would be the case. Hence, by transitivity of consequence, there is a course of action which S is able to do such that if S did it Q would be the case. By **A1**, it follows that AQ.<sup>9</sup> Similar reasoning sanctions the less general,

**C2** If AP and P entails Q then AQ.

By means of standard propositional logic, **C2** yields,

**C3** If A-Q and P entails Q, then A-P

which has been called a "trivial truth" (van Inwagen 1983, p. 72). Further, **C1** implies,

**C4** If  $\neg$ A-P and if P were the case Q would be the case, then  $\neg$ A-Q.

Proof. Suppose the antecedent. Then, contraposing, if  $\neg$ Q were true then so would be  $\neg$ P.<sup>10</sup>

Then, by **C1** and propositional logic, if A-Q then A-P and, by contraposing again, if  $\neg$ A-P then  $\neg$ A-Q. The consequent is derivable by modus ponens. Given the definition of the power necessity operator above, it is a short step from **C4** to,

**C5** If NP and if P were the case Q would be the case, then NQ.

Recalling our broad reading of the conditional as expressing any sort of consequence relation, an instance of **C5** is,

**C6** If NP and P entails Q, then NQ.

Finally, we derive the familiar "transfer" principle for power necessity:

**C7** If NP and  $\neg(P \varepsilon Q)$ , then NQ.

Proof. Suppose the antecedent. Being unable to prevent P, there is no course of action that S is able to do whose performance would result in  $\neg P$ , and, similarly for the proposition "if P then Q". So, there is no course of action S is able to do which would result in  $\neg Q$ ; if there were, S would be able to do an action which would result in S's preventing either P or " $P \varepsilon Q$ ", contrary to the supposition. Hence,  $\neg \underline{A} \neg Q$ . Since Q follows from the antecedent, we have NQ.

Each of **C1-C3** can readily be seen to fail for causal ability, though the following analogue to **C1** is true assuming the relation expressed by 'would make it the case that' is transitive:

**C8** If AP and P's obtaining would make it the case that Q, then AQ.

where 'A' is now understood in terms of causal ability. The failure of the relation to contrapose, however, blocks inference to analogues of **C4-C7**. The analogue to **C4**,

**C9** If  $\neg \underline{A} \neg P$  and P's obtaining would make it the case that Q, then  $\neg \underline{A} \neg Q$ .

does not hold in any case. Suppose I am able to prevent a situation Q within the next hour where had a certain situation P occurred before my birth then it would have made it the case that Q. Even if P did not occur, I am not now in a position to make it the case that P did not occur, so, the antecedent of **C9** holds even though the consequent does not. Generalizing, the mere fact that S does not have control over a certain way in which Q might have been brought about does

not imply that S is unable to prevent Q.

Contrast **C9** with an analogue to **C5** where 'N' is understood in terms of causal ability:

**C10** If NP and P's obtaining would make it the case that Q, then NQ.

Can this be shown? Granting the antecedent, since P makes it the case that Q, one might conclude that S is unable to bring about  $\neg Q$  by recourse to the general principle that no one is able to bring about what is already causally necessitated not to obtain. However, recourse to this signature doctrine of incompatibilism is not an independent means of defending **C10**. An alternative route goes through this principle:

**C11** If AP and P entails Q and Q is false, then AQ.<sup>11</sup>

That is, if S can do something that makes it the case that P then, since P entails Q and Q is false, S's making it the case that P would make it the case that Q. Hence, S can do something that makes it the case that Q. If **C11** is acceptable for causal ability, then we may establish **C6** as well, and, by reasoning similar to that used to derive **C4** and **C5** from **C1** for broad ability, we can derive **C10**. In addition, if "P entails Q" is sufficient for "N(P  $\epsilon$  Q)", then **C6** yields,

**C12** If NP and N(P  $\epsilon$  Q), then NQ, for all P, Q such that Q is made true latter than P.

It is by means of one of the principles **C5-C7**, **C10** or **C12** that the unavoidability argument is generated.<sup>12</sup>

None of **C1-C12** holds when 'A' is interpreted as the strict ability. The bull's-eye and airplane examples refute **C1** and **C8** as well the following variants,

**C13** If S is able at t to do K and by doing K brings about P then AP.

**C14** If in circumstances C, S able to do K and doing K is  
(would be) doing J, then S is able to do J in C.

Further, given the cognitive constraints on reliability, **C2** is falsified any time an agent is able to bring about a truth some of whose entailments he cannot conceive. For example, by virtue of certain biological laws, my inhaling cigar smoke may entail that my nervous system is in chemical state NIC. Ignorant as I am of physiology, I have no idea what this state is or that it is brought about by my smoking a cigar. It was induced by something I did intentionally, but, lacking the requisite concepts, I did not bring it about reliably. By virtue of equivalence, **C3** also goes.

How do the closure principles for power necessity fare? Let  $W$  be the proposition that the window in Sam's office is closed throughout the 20 minute interval  $t$ . He possesses the skill to open the window and there are no impediments to his doing so again within  $t$ . However,  $W$  is causally necessitated, that is, where  $H$  is a complete description of some past state of the world and  $L$  a conjunction of the laws of nature, then the conjunction of  $H$  and  $L$  entails  $W$ . Consider this instance of **C7**:

**C15** If  $N(H \& L)$  and  $N((H \& L) \varepsilon W)$ , then  $NW$ .

The antecedent of this conditional is true given that Sam lacks the strict ability at  $t$  to prevent either  $H \& L$  or  $(H \& L) \varepsilon W$ , but the consequent is false. Sam may well be able to do something that he correctly understands would reliably result in the window's being opened, namely, grasping the sash handle and pulling upwards until the window opens. Hence, with strict ability at issue, **C15** is false and with it goes **C7**. The same example refutes **C4-C6** as well.<sup>13</sup>

It might be complained that the compatibilist is begging the question against the incompatibilist by assuming that Sam is able to bring it about that the window is opened within  $t$ ; after all, if the window's remaining closed during  $t$  is causally necessitated then the Possibility

Condition is not satisfied and Sam can hardly be said to have the ability to open it. But the compatibilist can reply that the incompatibilist is equally begging the question by ruling out this plausible ability claim due to the absence of complete possibility. Here we reach a "dialectical stalemate" (Fischer 1994, pp. 83-5) or a case of "burden-tennis" (Lycan 1994, p. 199). The best we can ask is that the rival conceptions of ability and possibility be measured against other considerations concerning action, responsibility, and practical thought to determine which is most adequate. Without additional moves in these directions then the example stands and the closure principles for power necessity fail in the case of strict ability (see Section 6).

The example does not rule out other refinements of the closure principles, but it remains to be seen whether any can generate the unavoidability argument. However, there is interesting extension of the incompatibilist's strategy which exploits the entailment of both broad and causal ability by strict ability. Consider, first,

- (a) If S is strictly able to bring about P then S is broadly able to bring about P.

By contraposing (a) we get,

- (b) If S is broadly unable to bring about P then S is strictly unable to bring about P.

Returning to the example of Sam and the window, we have,

- (c) (H & L) entails W.

as well as,

- (d) Sam is strictly unable to bring about  $\neg(H \& L)$ .

It seems equally true that,

- (e) Sam is broadly unable to bring about  $\neg(H \& L)$ .

However, from (c), (e) and **C6** for broad ability it follows that,

(f) Sam is broadly unable to bring about  $\neg W$ .

Then, by (b),

(g) Sam is strictly unable to bring about  $\neg W$ .

Hence, we get the incompatibilist's conclusion without assuming a closure principle for strict inability.

A familiar compatibilist rejoinder to this argument denies (e); given **A1**, Sam is able to do something which would bring about  $\neg(H \& L)$ , namely, open the window. Granting the counterfactual,

(h) If Sam were to open the window then it would be the case that  $\neg(H \& L)$ .

then, by **C1**, Sam is broadly able to bring about  $\neg(H \& L)$  and (e) is false. The counterfactual, in turn, follows from either an appropriate backtracker or a "miraculous" conditional, conditionals endorsed by the Multiple Pasts and Local Miracle Compatibilisms respectively, but discussion of these strategies carries us into the next section.

The compatibilist rejoinder does not work for causal ability in any case. Here, the relevant entailment is given by,

(i) If S is strictly able to bring about that P then S is causally able to bring about P.

There is good reason to accept,

(j) Sam is causally unable to bring about  $\neg(H \& L)$ .

Consider this instance of **C11**:

(k) If  $A\neg W$  and  $\neg W$  entails  $\neg(H \& L)$  and it is false that  $\neg(H \& L)$ , then  $A\neg(H \& L)$ .

where the tacit indicies on the causal ability operator 'A' refer to Sam and the interval in question. Then, given that the second and third conjuncts of this antecedent are stipulated to be

true, (j) supports inference to,

- (l) Sam is causally unable to bring about  $\neg W$ .

Hence, by (i),

- (m) Sam is strictly unable to bring about  $\neg W$ .

By generalizing, we arrive at the original incompatibilist conclusion.<sup>14</sup>

Does this clinch it? Not obviously, for if we accept the hypothesis of the example then, by **A2** and (i), there is a course of action which Sam is causally able to do -- pulling up on the sash handle -- such that his doing it would make it the case that  $\neg W$ . So, the antecedent of (k) would hold, yet there is no way to satisfy its consequent since Sam is unable to do anything which would "make it the case that"  $\neg(H \ \& \ L)$ . Consequently, (k) must be false for causal ability, and with it, **C11**, contrary to what might have at first appeared. **C11** would be acceptable only if we could accept this pattern of reasoning:

- F1** S's doing K would make it the case that P.

P entails Q.

Q is false.

- S's doing K would make it the case that Q.

The example of Sam and the window example shows this pattern to be invalid. Whatever appeal it might hold is parasitic on the plausible counterpart,

- F2** S's doing A would make it the case that P.

P's obtaining would make it the case that Q.

Q is false.

- S's doing A would make it the case that Q.

The difference between **F2** and **F1** is just the difference between the acceptable **C8** and the unacceptable **C11**; as long as Q is not such as to be made to be the case by P there is no appealing to transitivity to generate an **F1**-conclusion from the initial **F1**-premise. Yet, **F2** is of no use to the present strategy since the obtaining of  $\neg W$  would not make it the case that  $\neg(H \ \& \ L)$ . Hence, there is no more reason to think we can reason from (i) and (j) to (m) than we can from (b) and (e) to (g). The extended incompatibilist strategy fails.

Do any closure principles hold for strict ability? For example, is it not correct to hold that you can do what is required by what you can do? Indeed, but this insight must be properly formulated. With 'A' interpreted as strict ability it becomes,

**C16** If  $A \rightarrow P$  and Q would be a reliable consequence of S's bringing about P, then  $A \rightarrow Q$ .  
where the subjunctive conditional is indexed to the temporal parameter on N. Hence,

**C17** If  $A \rightarrow \neg P$  and  $\neg Q$  would be a reliable consequence of S's bringing about  $\neg P$ , then  $A \rightarrow \neg Q$ .

and so,

**C18** If  $\neg A \rightarrow \neg Q$  and  $\neg Q$  would be a reliable consequence of S's bringing about  $\neg P$ , then  $\neg A \rightarrow \neg P$ .

Hence,

**C19** If  $NQ$  and  $N(\neg Q)$  would be a reliable consequence of S's bringing about  $\neg P$ , then NP.

On the other hand, counterparts to **C4-C7**, **C10**, or **C12** formulated in terms of reliable consequence are implausible. For example, the principle,

**C20** If NP and Q would be a reliable consequence of S's bringing about P, then  $NQ$ .

is falsified any time S possesses more than one way of reliably bringing about Q.<sup>15</sup> Inability to prevent a situation from obtaining does transfer to any action which would reliably prevent it, but there is no automatic transfer from sufficient conditions to actions.

Compatibilists need have no quarrel with any of **C16-C19** since they cannot be used to support the incompatibilist's argument. To illustrate, suppose, as before, that H & L entails W and we accept the backtracker,

(n) If Sam were to bring about  $\neg W$  then he would prevent (H & L).

as well as,

(o) Sam is strictly able to bring about  $\neg W$ .

Were **C1** true for strict ability, we could infer the implausible,

(p) Sam is strictly able to bring about  $\neg(H \& L)$ .

However, **C1** fails to govern strict ability, and to get (p) from (o) by **C16** we would need the conditional,

(q)  $\neg(H \& L)$  would be a reliable consequence of Sam's bringing about  $\neg W$ .

Yet (q) holds only when Sam correctly envisions a route from his opening the window to  $\neg(H \& L)$ , and since Sam cannot envision such a route without having a conception of  $\neg(H \& L)$ , the antecedent is impossible to satisfy for finite agents like ourselves.<sup>16</sup> Alternatively, from the negation of (p), namely,  $\neg \underline{A}\neg(H \& L)$ , and the truth of H & L we can infer,

(r) H & L and Sam is strictly unable to prevent H & L.

Now **C4-C7** permit inference of NW from (r), hence,  $\neg \underline{A}\neg W$ , the negation of (o), but each principle fails for strict inability. On the other hand, **C18** could be used to infer  $\neg \underline{A}\neg W$  from (r) were (q) true, but (q), as we have seen, is false.

Since the closure principles operative in the unavoidability argument do not hold for strict ability, I conclude that this case against compatibilism fails.

#### 4. The Fixity Principles

Any account of responsibility which implies that we are able to alter the past or violate the laws of nature seems doomed. Yet, van Inwagen, Ginet, and Fischer have formulated arguments which push compatibilism perilously close to such folly. Fischer's formulation of what he calls the "conditional version" of the argument for incompatibilism is based on the following principles:

**FP** If S were to do Y at t then some fact about the past at t would not have been a fact, then S cannot do Y.

**FL** If S were to do Y at t then some natural law would not obtain, then S cannot do Y at t.

Fischer takes these as expressing the intuitive idea that the past and the laws are "fixed" and "out of our control" (Fischer 1994, p. 9). Both are plausible when their conditional antecedents are read causally, but the non-causal variants are relevant to the following argument:

Suppose S's A-ing at  $t_1$  were a consequence of the union of the conjunction of laws L and a total state of the world H at some past time  $t_2$ . Then, were S to refrain from A-ing at  $t_1$  either H would not have been the total state of the world at  $t_2$  or L would not obtain. By the non-causal readings of **FP** and **FL**, however, either alternative requires that S cannot refrain from A-ing at  $t_1$ . Hence, if determinism is true, then no one is able to do otherwise than they in fact do.<sup>17</sup>

Given principle (b) of the previous section, the conclusion holds for strict ability. This argument does not rely upon the standard closure principles for power necessity (Fischer 1994, pp. 64-66).

The familiar Local Miracle and Multiple Pasts responses to the earlier unavoidability argument deny one of its premises by sanctioning, respectively, miraculous or backtracking counterfactuals.<sup>18</sup> To be applicable here, either **FP** or **FL** must be rejected, a troubling result if the latter are implied, respectively, by,

**TFP** No one is able to bring about that the past is altered.

**TFL** No one is able to bring about that a law of nature is violated.

Understanding either in terms of broad ability, the non-causal readings of **FP** and **FL** are easily derived. Thus, under **A1**, the Multiple Pasts and Local Miracle strategies must reject **TFP** and **TFL** respectively. Under **A2** and **A3**, both **TFP** and **TFL** are true, but only the causal readings of **FP** and **FL** are implied, not the non-causal readings needed for the conditional version.

Assuming **A3**, might it follow from **TFP** and **TFL** alone that we are strictly unable to act otherwise given determinism? Suppose S refrains from A-ing at t and that the following backtracker holds:

- (a) If S were to do A at t then some event E which occurred in the past relative to t would not have occurred (that is, S would have done something which falsifies the past).

The question is whether we can validly infer,

- (b) S is strictly unable to do A at t.

Grant that **TFP** implies,

- (c) S is strictly unable to bring it about that some event E which occurred in the past

relative to  $t$  did not occur.

To derive (b) from (c) and (a) requires a closure principle like,

**C21** If  $S$  is strictly unable to prevent  $E$  and by doing  $A$  would prevent  $E$  then  $S$  is strictly unable to do  $A$ .

which, in turn, is equivalent to,

**C22** If  $S$  is strictly able to do  $A$  and by so doing would prevent  $E$  then  $S$  is strictly able to prevent  $E$ .

a refinement of **C14**. However, both principles are subject to counterexamples applicable to **C14**, making it doubtful that the derivation of (b) from (a) and (c) can succeed without utilizing a dubious closure principle. Generalizing, the attempt to generate incompatibilism from the fixity principles shares the fate of the unavoidability argument, and for much the same reason. Both **TFP** and **TFL** can be retained for strict ability.<sup>19</sup>

Carl Ginet's version of the fixity argument centers on what is open to an agent at a time, where ' $O_{st}P$ ' reads 'it was open to  $S$  at  $t$  to make it the case that  $P$ ' (Ginet 1990, p. 101). The argument utilizes a principle of the "inescapability of laws,"

**G1** It is never open to anyone to make false what is entailed by the laws of nature. specifically, no one can falsify a relation of nomological consequence, and a principle asserting the "fixity of the past,"

**G2** If  $O_{st}a_t$  then  $O_{st}(b_t \ \&a_t)$  – where  $b_t$  is any truth about what happened before  $t$ , and  $a_t$  is any proposition about what happens at or after  $t$ .

Ginet is careful to distinguish abroad sense of openness -- roughly, the causal ability of **A2** -- from a narrow conception which requires skill and precludes luck, strict ability in sense **A3**.

Noting that whatever is narrowly open is also broadly open, he announces his strategy:

The incompatibilism for which I shall argue is the thesis that if determinism is true, then at no time does anyone have broadly open to her more than one alternative action. This entails the other incompatibilism, where broadly is changed to narrowly. (Ginet 1990, p. 97)

The argument is this: since determinism entails that any truth $a_t$  is a nomological consequence of some past truth  $b_t$  then, by **G1**,  $\neg O_{st}(\underline{b}_t \ \& \ \underline{a}_t)$ . Since **G2** yields "if  $O_{st}\underline{a}_t$  then  $O_{st}(\underline{b}_t \ \& \ \underline{a}_t)$ ," then, by modus tollens,  $\neg O_{st}\underline{a}_t$ . Assuming that the  $O_{st}$  operator expresses broad openness, then if determinism is true, it is never broadly open to anyone to falsify a future truth. Since broad openness is entailed by narrow (strict) openness, it is never narrowly open for anyone to render a false a future truth.

This argument is valid if the notion of openness is univocal throughout, but it fails to be sound. Thus, while **G2** works well for broad openness, it violates the cognitive requirements of the skill needed for narrow openness. If S has no concept of the situation described by  $b_t$ , then S possesses no strategy for bringing about the conjunction of  $b_t$  with anything else, in which case  $O_{st}\underline{a}_t$  might hold even when  $O_{st}(\underline{b}_t \ \& \ \underline{a}_t)$  fails. So, **G2** fails for narrow openness. On the other hand, **G1** is true of narrow openness but not of broad openness. Suppose  $\underline{a}_t$  is narrowly open for S at t, yet  $a_t$  is a nomological consequence of  $b_t$ . Then,  $\neg(\underline{b}_t \ \& \ \underline{a}_t)$  is entailed by the laws of nature and it is not narrowly open for S at t to make true  $(\underline{b}_t \ \& \ \underline{a}_t)$ . Since it follows, by Ginet's reasoning, that  $\underline{a}_t$  is broadly open for S at t, then S can do something that will make it the case that  $\underline{a}_t$  is true. If S did, then there is something he can do which would make it the case that  $b_t \ \& \ \underline{a}_t$  is true, that is,  $b_t \ \& \ \underline{a}_t$  would be broadly open for S at t. Therefore, **G1** does not hold for

broad openness.

Only if we prohibit  $\neg a_t$  from being narrowly open for someone when  $a_t$  is determined by a past truth can we salvage a univocal reading of both **G1** and **G2**, but the compatibilist will rightly sense that this maneuver invokes complete possibility as a requirement on narrow openness. Consequently, like Fischer's, Ginet's version of the fixity argument fails to advance the case against compatibilism.

## **5. Possibility and the Ability-to-Do**

The proposed counterexample to the closure principles for power necessity invoked an ability claim that must be defended. So doing will prepare the ground for a renewed look at the Possibility Condition and the principles of avoidability.

Recall that being able to reliably produce P implies having a concept of P and of a strategy for producing P via a causal route. A further cognitive factor seems operative when we examine how profoundly considerations of an agent's cognitive states affect our modal judgments. On a given day, Adrian can sue the local mayor, inasmuch as there is a course of action whose performance would assure that he sue the mayor. Yet, in other respects, Adrian might be unable to perform this act. Perhaps throughout the day he never possesses the knowledge that there is a local mayor or who that person is. Or, knowing that his neighbor Carolyn is the local mayor, he might be ignorant of how to raise a lawsuit, to the extent of not understanding what a lawsuit is. Lacking the requisite information, the bare opportunity to sue is not a real opportunity, i.e., one about which Adrian is sufficiently informed and would do were he to try.<sup>20</sup> Alternatively, though a veteran of litigation and fully aware that he would sue the

neighbor were he to try, Adrian might believe he cannot sue Carolyn, not because he lacks the requisite skill or opportunity, but because his peculiar values and beliefs "practically necessitate" his refraining (Williams 1980, pp. 124-131). In each case, Adrian's inability traces to a cognitive deficiency, specifically, a failure to take suing the mayor as an open course of action for him at the time. A further requirement of ability is in order:

Cognitive Condition. If S able at  $t_1$  to do K at  $t_2$  then at  $t_1$ , S presumes that it is yet open that he do K at  $t_2$ .

This condition adds to the cognitive requirements implied by strict ability-to-bring-about, and it is a step towards unpacking the ability-to-do posited in clause (i) of **A3**.<sup>21</sup>

Two main presumptions make up the sense of openness: of the efficacy of one's intentional effort -- one's undertaking -- and of its contingency.<sup>22</sup> Neither exists in a doxastic vacuum; each stands against a set of background assumptions about prevailing circumstances. I do not deliberate about attending the ballet in the evening without supposing that the requisite means and opportunities are in place, unless I assume it is both possible that I attend the ballet this evening and possible that I refrain given things as they now stand. This qualifier reflects my reference to a totality by means of a universal quantifier, for it is not enough that I view attending the ballet as open relative to this or that circumstance alone, allowing other circumstances to rule it out. Yet, it is doubtful that I, or most deliberators, make a sweeping reference to the entire past. Prospective undertakings are viewed as contingent relative to background circumstances one takes to be relevant, yet these might be only a proper subset of the past, more accurately, a subset of what the agent takes to be the past.<sup>23</sup> Call it the agent's practical context relative to that prospective undertaking at the time.

What general description of a "practical context" is suitable for the Cognitive Condition?

How must agents implicitly construe the background circumstances against which they hold a course of action to be open? Perhaps the minimal practical context can be described by what agents take themselves to believe or know, making the presumed contingency epistemic, or, better, doxastic. It is reflected in the response of a deliberator who, when asked if she is aware of anything which determines her eventual decision, responds: "Not at all; as far as I can tell it is entirely up to me which alternative I choose." The words 'as far as I can tell' reveal the deliberator's cautious assumption of efficacy; she takes her choice to be efficacious within circumstances as she herself now understands them, allowing that unforeseen factors might prevent success. Her practical context is fixed not only by the time at which she holds the presumption of openness, but also by the accessibility of the beliefs in question. She takes an act to be contingent relative to a set characterized by "what I now believe," -- delimiting what we will label her internal beliefs at the time -- whereas deep in her doxastic storehouse may be the belief that she is already determined not to do it, a belief she has temporarily forgotten. The relativization occurs within attitudinal scope, and it is to internal beliefs that are immediately accessible to her consciousness.<sup>24</sup>

The presumptions of efficacy and contingency can now be combined to yield a characterization of an agent's sense of openness:

**PO** At  $t_1$ , S takes his K-ing at  $t_2$  to be open for him iff at  $t_1$ , S believes that relative to what he himself then believes (i) he would perform K at  $t_2$  were he to undertake K-ing at  $t_2$  and he would refrain from K-ing at  $t_2$  were he to undertake not to K at  $t_2$ , and (ii) his undertaking K at  $t_2$  is, as yet, contingent.

To this we may add the following corollaries:

**POa** If at  $t_1$  S takes his K-ing at  $t_2$  to be open for him then at  $t_1$  S believes that his K-ing at  $t_2$  is as yet contingent relative to what he himself then believes (thus, as not yet determined by anything he himself then believes).

**POu** If at  $t_1$  S takes his K-ing at  $t_2$  to be open for him then at  $t_1$  S believes that he himself does not believe that he will K at  $t_2$ .

The former records a sense of the contingency of action, hence, of freedom from determining conditions, and the latter one's presumption of uncertainty about what one will do.<sup>25</sup>

With **PO** we are closer to an account of ability-to-do, though still a step away from satisfying the Possibility Condition. A way forward is suggested in an intriguing passage from Kant's *Grundlegung*:

Now I say that every being which cannot act otherwise than under the idea of freedom is thereby really free in a practical respect. That is to say, all laws which are inseparably bound up with freedom hold for it just as if its will were proved free in itself by theoretical philosophy.<sup>26</sup>

The proposal is that the presumption of freedom is sufficient for freedom in a practical respect, not, of course, for the existence of a will wholly undetermined by antecedent events. In the present context, an act presumed open actually is open whenever clauses (i) and (ii) in **PO** are satisfied, that is, when the agent's presumptions of contingency and efficacy, relativized to immediately accessible internal beliefs, are true. And they are true whenever the agent is minimally rational, that is, both sufficiently self-reflective and locally consistent with respect to that class of beliefs.

To make this clearer, introduce a further practical modality by way of definition:

Doing K at  $t_2$  is doxastically open to S at  $t_1$  =<sub>df</sub> relative to what S at  $t_1$  takes himself to believe (i) he would perform K at  $t_2$  were he to undertake K-ing at  $t_2$  and he would refrain from K-ing at  $t_2$  were he to undertake not to K at  $t_2$ , and (ii) his undertaking K at  $t_2$  is, as yet, contingent.

It immediately follows that a doxastically open action is possible in this special sense:

P is doxastically possible for S at t =<sub>df</sub> P is possible relative to what S at t takes himself to then believe.

To illustrate, suppose, while driving her car, Margo takes breaking the speed limit to be open for her. She might be deluded in thinking she has the opportunity; mechanical defects in the car might prevent speeding, or, overlooking her own motivation, she might deceive herself in thinking that she could undertake breaking the law in that manner. Freedom is precluded by external factors if circumstances outside her practical context relative to breaking the speed limit prevent her from performing that act. However, openness is relativized to her internal beliefs; Margo accepts the proposition, my breaking the speed limit is possible relative to what I now believe, where 'my,' 'I,' and 'now' are schemata for her indexicals.<sup>27</sup> If true, then, it is possible -- doxastically possible in the sense defined -- for her to break the speed limit.

The principal hypothesis summarizing the present discussion is this:

**DO** If a minimally rational agent S believes at time  $t_1$  that K-ing at  $t_2$  is open for him, then K-ing at  $t_2$  is doxastically open for S at  $t_1$ .

Things would be left inappropriately subjective if we went no further, since a prospective action might be doxastically open even though the agent is unable to do it. But when we add the

objective factor of opportunity, an account of the ability-to-do emerges:

**AA** S is able at  $t_1$  to do course of action K at  $t_2$  iff at  $t_1$  (i) doing K at  $t_2$  is doxastically open for S, and (ii) were S to undertake K-ing at  $t_2$  then he would K at  $t_2$  and were S to undertake refraining from K-ing at  $t_2$  then he would refrain from K-ing at  $t_2$ .

Since it follows that it is doxastically possible for S to do K whenever S is able to do K, we have a way of satisfying the Possibility Condition. At last, we can justify the ascription of ability in the proposed counterexample to **C4-C7**, **C10** and **C12**. Combining **AA** with **A3**, Sam is strictly able to bring about the window's being open during t because there some course of action he is able to do such that the window's being opened within t would be a reliable consequence of his performing that action.

Whether this notion of ability meets the modal demands of responsibility is another matter, but let me close with a few steps in that direction.

## 6. Avoidability and Alternative Abilities

The avoidability constraint is standardly formulated in terms of the principles of alternate possibilities and of possible action, respectively,

**PAP** An agent S is morally responsible for having done action A at time  $t_1$  only if there is a time  $t_2$ , suitably prior to or simultaneous with  $t_1$  such that at  $t_2$  S was able to have refrained from doing A at  $t_1$ .

**PPA** An agent S is morally responsible for failing to perform action A at time  $t_1$  only if there is a time  $t_2$ , suitably prior to or simultaneous with  $t_1$  such that at  $t_2$  S was able to have performed A at  $t_1$ .

The Frankfurt-style counterexamples can be better understood if we distinguish between the moral character with which a person acted and the reactive attitudes and practices others are entitled to have towards the person in virtue of that act. The former is the internal dimension of responsibility wherein an agent possesses a virtuous or a faulty moral character in doing or omitting an act, whereas the latter is the external aspect whereby one may be justifiably blamed or praised for such behavior, that is, be justifiably held responsible (Kapitan 1986b, 1989). The determining factors of internal responsibility are the agent's motivational, cognitive, and intentional dispositions and thoughts, states whose presence is independent of opportunity for carrying out alternate choices. Hence, regarding internal responsibility, the Frankfurt counterexamples are effective against requiring the avoidability that entails opportunity, though not necessarily against avoidability of another sort. The critical factor for external responsibility, on the other hand, is the evidence available that the agent possessed such states in violating or complying with obligations, and here the Frankfurt cases are less decisive. Let us develop these ideas.

Return to the internal dimension for the moment. It is safe to say that only a person who takes himself or herself to have a choice, who has a sense of alternatives, is capable of moral character. One argument for an avoidability principle begins with this premise:

- (1) If *S* is internally responsible for *A*-ing at  $t_1$  then at some suitably prior time  $t_2$ , *S* presumed that refraining from *A* at  $t_1$  was open for him at  $t_2$ .

If *S* is minimally rational, then by **DO**,

- (2) If at  $t_2$  *S* takes refraining from *A* at  $t_1$  to be open at  $t_2$  then refraining from *A* at  $t_1$  is doxastically open for *S* at  $t_2$ .

Define S as being able\* to do K iff doing K at is doxastically open for S; then S's K-ing at  $t_1$  was avoidable just in case at some suitably prior time  $t_2$ , S was able\* to refrain K-ing at  $t_1$ .

Therefore, from (1) and (2),

**PAP\*** If S is internally responsible for A-ing at  $t_1$  then at a suitably prior time  $t_2$ , S was able\* to have done otherwise than A at  $t_1$ .

Here, then, is an acceptable version of **PAP** for internal responsibility. A similar argument demonstrates a variant of **PPA** for internal responsibility.

Praising or blaming someone needs justification, and insasmuch as these reactive practices involve influencing people with respect to certain behavioral patterns, it must be taken for granted that they possess normative beliefs and have a sense of open alternatives.

Consequently, anyone justified in praising or blaming S for having done A at  $t_1$  must have evidence that,

- (a) S did A at  $t_1$  intentionally or with foreknowledge;
- (b) at some time  $t_2$  suitably prior to  $t_1$ , S had the requisite beliefs about the normative status of his doing A at  $t_1$ ;
- (c) at some time  $t_2$  suitably prior to  $t_1$ , S was able\* to A at  $t_1$ .

and, sometimes,

- (d) S was obligated to do [omit] A at  $t_1$ .

Such judgments are defeasible given additional evidence, but (c) places this constraint on external responsibility:

- (3) If S' is morally justified in praising or blaming S for A-ing at  $t_1$  then S' has adequate evidence that there was a time  $t_2$  suitably prior to  $t_1$  at which S was able\*

to have refrained from A-ing at  $t_1$ .

Is opportunity for refraining required for an agent to be externally responsible? Strictly speaking, no; the Frankfurt counterexamples succeed here since it is evidence which justifies the reactive attitudes and evidence is defeasible. However, matters are complicated through a further evidential condition:

- (e) at some time  $t_2$  suitably prior to  $t_1$ , the opportunity existed for S to refrain from A-ing at  $t_1$ .

Why include it? Because it is difficult to determine what a person's motives, perceived options, and intentions actually were, external indicators are indispensable for appraising moral character.

If we have evidence that there was no opportunity for refraining, that S would not have done otherwise even if S had chosen, then, for all we know, perhaps S did choose otherwise but was prevented by circumstances from carrying out his choice, or, alternatively, perhaps S felt that he had no choice. To increase the chance this was not so, (e) should be included among the evidential conditions for justifiable praise and blame, that is,

- (4) If S' is morally justified in praising or blaming S for A-ing at  $t_1$  then S' has adequate evidence that there was a time  $t_2$  at which S would have refrained from doing A at  $t_1$  if S had undertaken at  $t_2$  not to A at  $t_1$ .

A similar principle is appropriate for omissions.

Neither (3) nor (4) is a version of **PAP** or **PPA** for external responsibility, but in combination with **AA** they support the following conditionals as criteria that should be adopted in order to justifiably hold people responsible:

- PAP<sub>e</sub>** If S is externally responsible for A-ing at  $t_1$  then at some suitably prior time  $t_2$ , S

was able to have refrained from A-ing at  $t_1$ .

**PPA<sub>e</sub>** If S is externally responsible for having refrained from A-ing at  $t_1$  then at some suitably prior time  $t_2$ , S was able to have performed A at  $t_1$ .

Assuming that S is able at t to do K just in case S is able at t to bring it about that he does K, these principles imply analogues with regards to responsibility for consequences. Therefore, there are versions of **PAP** and **PPA** relevant to judgments of moral responsibility.

## 7. Conclusion

I have argued that the sort of ability required by responsibility is a strict ability satisfying requirements of cognition and reliable causation. While it is subject to various principles of closure and fixity, these are not sufficient to undermine compatibilism. Unlike some compatibilisms, the present account honors the conviction that responsibility for one's intentional endeavor is inextricably wedded to its avoidability and contingency, though in a manner consistent with the determinist hypothesis.

## Notes

1. See van Inwagen 1983, pp. 94-105, and Ginet 1980, 1983. Some refer to the modality in question as 'power necessity' (Ginet 1980, 1990), and to the principle as the 'transfer of power necessity' (Fischer 1994, O'Connor 1993).
2. Versions of this argument can be found in Van Inwagen 1983, chp. 3, Ginet 1990, chp. 5, and Fischer 1994, chps. 3 and 4.
3. A generalized notion of consistency is used here, definiable in terms of an equally general notion of consequence: P is consistent with set S iff  $\neg P$  is not a consequence of S. Acknowledging different consequence relations, relative modalities can be defined with a double index: if C is any consequence relation and S any set of true propositions, then P is C-ly possible relative to S iff  $\neg P$  is not a C-consequence of S, in other words, P is C-consistent with S.
4. Ginet 1990 p, 118, places such a condition on ability.
5. Fischer 1994, p. 75. It is not clear that Fischer holds to this view throughout, and I cite the passage only for heuristic purposes. Peter van Inwagen gives a similar construal of the locution 's can render p false' (van Inwagen 1983, p. 68), as does David Lewis with 'I could have rendered a proposition false' (Lewis 1981, p. 120).
6. Carl Ginet provides a similar formula: "It was open to S at t to make it the case that p if and only if it was open to S at t to act in such a way that had S so acted, S would thereby have made it the case that p" (Ginet 1990, p. 102). On noncausal bringing about, see Kim 1974.
7. That ability in the circumstances requires skill has been emphasized by several

philosophers, notably, Kenny 1975, Gert and Duggan 1979, and Brown 1988, 1990.

Brown attempts to incorporate skill into a characterization of ability-to-bring-about in this way: "When I say that I can bring it about that **A** is true, I can be understood to mean that there is an action open to me, the execution of which would assure that **A** would be true" (Brown 1988, 4 [my emphasis]). On the importance of general ability see also Wallace 1994, pp. 182-192.

8. There are several accounts of intentional action where the intentional status of projected actions is understood in terms of envisioned routes. See, for example, Goldman 1970, chp. 3; Castaneda 1975, chp. 12; Brand 1984, chps. 1, 8, and 9; Bratman 1987, chps. 3 and 8, and Mele and Moser 1994.
9. This reasoning assumes the transitivity of consequence. In the case of conditional dependency, transitivity is defensible when the relevant contexts or circumstances in which the dependency holds are held constant, as argued by Lycan 1984, p. 449; Honderich 1988, p. 33; and Lowe 1990, pp. 84-5.
10. Contraposition of conditional dependency, like transitivity, is defensible when contexts are held constant. To illustrate, suppose my vote happens to be the tie-breaker between candidates A and B. Then, in the circumstances, it is true that if I were to vote for A then A would win. Holding those circumstances fixed, if A were not the winner then I would not have voted for A, even though there are other circumstances in which the contrapositive is false.
11. This principle is deemed "unassailable" in Hasker 1989, pp. 112-114.
12. Principle **C7** is used in Ginet 1980 and van Inwagen 1983, **C6** is featured in Widerker

1987, while **C12** is favored by O'Connor 1993.

13. A refinement of **C6**: "ifN(S does X) andN(S does X  $\epsilon$  S does Y), thenN(S does Y)" (Fischer 1994, p. 221), is legitimate provided that the doings are intentional. However, it is too weak to generate the unavoidability argument. It should be mentioned here that a form (schema, pattern)  $F_1$  is refinement of form  $F_2$  just in case every instance of  $F_1$  is an instance of  $F_2$ , and the strict asymmetric counterpart of this relation is one of deeper refinement. If  $F_1$  is a valid form, then so is every refinement, though the non-validity of a form does not preclude valid refinements. See Castañeda 1975, chp. 3 and Kapitan 1984 for further clarification of refinement.
14. This strategy is similar to that used in Ginet 1990 (see Section 4 below). In comments offered at the Central Division meetings of the APA in 1991, Ginet suggested the application I have presented here.
15. A similar point is in Fischer 1994, p. 29. This corrects an obvious error in Kapitan 1991b, p. 240 (top).
16. If Sam manages to identify certain past facts H and laws L as determining P, then (f) is not obviously false, and from it together with (d) we could infer his ability to prevent H & L. In that case (d) is questionable; if Sam thinks W is already determined, then he will not presume that his opening the window is open and, thus, he will not be strictly able to open it (see Section 5 below). This possibility does not threaten the effectiveness of the Sam case as a counterexample to **C4-C6** since it suffices that there be at least one conjunction of the laws with certain true propositions about the past which Sam has not managed to identify (Kapitan 1991c).

17. This paraphrases an argument in Fischer 1994, pp. 62-63. Van Inwagen 1990 has challenged the reasoning on formal grounds, but Fischer has responded that its validity is not formal but dependent upon the content of the involved claims (see Fischer, "Free Will and the Modal Principle" (manuscript)).
18. These strategies are discussed in Lewis 1981, Horgan 1985, Fischer 1988, 1994, and Kapitan 1991c.
19. Fischer writes that it is "bad enough" that the compatibilist allows that one can do something that is "truly describable as violating the laws of nature" (Fischer 1994, p. 28). Holding the past fixed, the compatibilist must allow that one is strictly able to do what is "truly describable as" a violation of laws in the sense that it implies violation of the laws, specifically, one can do what one is causally necessitated to refrain from. It takes an illegitimate closure principle like **C1** to infer that one is strictly able to violate the laws of nature; the acceptable **C12** does not suffice.
20. Dennett 1984, pp. 116-118. "If I knew that there was a purse in the trash can then I would be presented with a real opportunity, i.e., a situation in which my decision would be the decisive factor in whether or not I retrieve the purse, thus, in rendering the action "up to me." It is not enough that I know that there is a purse in the trash can; I must also know how to go about retrieving it and be convinced that I can perform the requisite actions. Hence, a confidence factor must be operative to whittle down the extensive number of bare opportunities to the more manageable domain of real opportunities.
21. Among those who find belief in ability or openness a condition for ability are Dennett 1984, pp. 116-118; Strawson 1986, p. 196; Zimmerman 1988, pp. 21-2; Vihvelin 1988, p.

- 238; and Glannon 1995, pp. 267-9.
22. I have argued for this in Kapitan 1986a, 1989, and 1991a.
  23. Several philosophers have claimed that a determinist is deeply inconsistent during the course of deliberation, for example, Taylor 1966, pp. 178-182, and van Inwagen 1983, p. 160. Their position is contested in Kapitan 1986a.
  24. An example of this sort is discussed in Kapitan 1989, pp. 32-35.
  25. That these are corollaries is argued in Kapitan 1986a and 1991a.
  26. See Kant, *Groundwork for the Metaphysics of Morals* (Bobbs-Merrill), L. W. Beck trans., p. 66. Strawson 1986, pp. 69-75, takes this passage as a commitment to "real freedom," a reading I have disputed in my review of Strawson's book in *Nous* 1990, pp. 807-810, note 4. I cite it not to attribute any view to Kant, but only to milk its rich suggestion.
  27. What is taken as possible is a first-person content, and I assume, throughout, the irreducibility of indexical reference (see Castañeda 1989, chps. 4 and 12, and Kapitan 1989).

## References

- Brand, M., 1984. *Intending and Acting*
- Bratman, M., 1987. *Intentions, Plans and Practical Reason* (Harvard).
- Brown, M., 1988. "On the Logic of Ability," *Journal of Philosophical Logic* 17, 1-26.
- Brown, M., 1990. "Action and Ability," *Journal of Philosophical Logic* 19, 95-114.
- Castañeda, H-N., 1975. *Thinking and Doing* (Reidel).
- Castañeda, H-N., 1989. *Thinking, Language & Experience* (Minnesota).
- Dennett, D., 1984. *Elbow Room* (Oxford).
- Fischer, J. M., 1985. "Scotism," *Mind*
- Fischer, J. M., 1988. "Freedom and Miracles," *Nous* XXII, 235-52.
- Fischer, J. M., 1994. *The Metaphysics of Free Will* (Blackwell)
- Gert B. and T. Duggan, 1979. "Free Will as the Ability to Will," *Nous* XIII, 197-217.
- Ginet, C., 1980. "The Conditional Analysis of Freedom," in P. van Inwagen, ed., *Time and Cause* (Reidel).
- Ginet, C., 1990. *On Action* (Cambridge).
- Glannon, W. 1995. "Responsibility and the Principle of Possible Action," *The Journal of Philosophy* 92, 261-274.
- Goldman, A., 1970. *A Theory of Human Action* (Princeton).
- Hasker, W., 1989. *God, Time and Knowledge* (Cornell).
- Honderich, T., 1988. *A Theory of Determinism* (Oxford).
- Horgan, T., 1985. "Compatibilism and the Consequence Argument," *Philosophical Studies*

- 47, 339-356.
- Kapitan, T., 1984. "Form and Implication," *Logique et Analyse* 27, 15-38.
- Kapitan, T., 1986a. "Deliberation and the Presumption of Open Alternatives," *The Philosophical Quarterly* 36, 230-51.
- Kapitan, T., 1986b. "Freedom and Moral Choice," *Nous* XX, 241-60.
- Kapitan, T., 1989. "Doxastic Freedom: A Compatibilist Alternative," *American Philosophical Quarterly* 26, 31-42.
- Kapitan, T. 1991a. "Agency and Omniscience," *Religious Studies* 27, 105-120.
- Kapitan, T., 1991b. "Ability and Cognition: A Defense of Compatibilism," *Philosophical Studies* 63, 231-243.
- Kapitan, T., 1991c. "How Powerful Are We?" *American Philosophical Quarterly* 28, 331-338.
- Kenny, A., 1975. *Will, Freedom, and Power* (New York: Barnes and Noble).
- Kim, J., 1974. "Noncausal Connections," *Nous* VIII, 41-52.
- Lewis, D., 1981. "Are we free to break the laws?" *Theoria* 47, 113-121.
- Lowe, E. J., 1990. "Conditionals, context and transitivity," *Analysis* 50, 80-87.
- Lycan, W., 1984. "A Syntactically Motivated Theory of Conditionals," *Midwest Studies in Philosophy IX* (Minnesota).
- Lycan, W., 1994. *Meaning and Modality* (Kluwer).
- Moser, P. and A. Mele, 1994. "Intentional Action," *Nous* XXVIII, 39-68.
- O'Connor, T., 1993. "The Transfer of Necessity," *Nous* XXVII, 204-218.
- Strawson, G., 1986. *Freedom and Belief* (Oxford).

Taylor, R., 1966. *Action and Purpose* (Prentice-Hall).

Van Inwagen, P., 1983. *An Essay On Free Will* (Oxford).

Vihvelin, K., 1988. "The Modal Argument for Incompatibilism," *Philosophical Studies* 53,  
227-244.

Wallace, R. J., 1994. *Responsibility and the Moral Sentiments* (Harvard).

Widerker, D. 1987. "On an Argument for Incompatibilism," *Analysis* 37, 37-41.

Williams, B., 1981. *Moral Luck* (Cambridge).

Zimmerman, M., 1988. *An Essay on Moral Responsibility* (Rowman and Littlefield).