

Freedom, Frankfurt and Fischer

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Abstract

This essay surrounds the discussion of the compatibilist position within the free will and determinism debate. Not only is this debate still thoroughly discussed in modern philosophy today, the conclusions it draws regarding the existence of moral responsibility could have significant impacts on our understanding of day to day life. I discuss compatibilism because, if successful, it is likely to be the least damaging conclusion we can draw as it fits with our current common sense understanding of the world.

Specifically, I focus on Frankfurt's 'argument against the principle of alternative possibilities' and Fischer's development of this argument 'semi-compatibilism', which are both compatibilist responses to Ginet's incompatibilist 'Consequence Argument'. I discuss and evaluate each response in detail using opposing philosopher's and my own critiques, with particular focus on the flaws in the structure of these arguments as a result of the insufficient use of specific language, before concluding that neither are sufficient enough responses to defend compatibilism against Ginet's argument.

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Introduction

Throughout this essay, I will be discussing the compatibilist position in the debate of free will with particular reference to Harry G Frankfurt's argument against the Principle of Alternative Possibilities and its contemporary development by Martin Fischer. I will begin by defining key terms used throughout the philosophical debate of free will before outlining the debate itself. I will then introduce where compatibilism stands in this debate. The main discussion will then focus on Frankfurt's defence of compatibilism in response to Carl Ginet's 'Consequence Argument', outlining the criticism that Frankfurt's argument has faced from Ginet as well as raising my own objection to his theory. Similarly, I will then discuss Fischer's contemporary development of Frankfurt's argument discussing whether his position avoids the pitfalls of Frankfurt's theory and commenting on new criticism I believe Fischer's argument is open to. I will finally conclude that neither Frankfurt's nor Fischer's arguments are sufficient enough replies to defend compatibilism against Ginet's 'Consequence Argument'.

Outline of the Free-Will and Determinism Debate

Before we discuss our question in detail it is important to clearly introduce key theories and ideas which will be used throughout this essay. The three key ideas I will define below are all, as with most philosophical ideas, continually debated and questioned and there is no way we could possibly cover every variation of these theories here. Therefore, I have decided to give definitions of the terms: free will, moral responsibility and causal determinism, which I believe are sufficient enough

so we can use the terms throughout this essay without confusion but are not so prescriptive that they limit the scope of our discussion

Free Will

One of the first concepts I'd like to define to help us understand the significance compatibilism is free will. Free will is usually thought of as a "designator" for an agent having a "significant kind of control over [their] actions" (Franklin & O'Connor, 2019, Online). This type of control is different from autonomy and other concepts of "human agency" as well as being separate to other "freedom concepts" like political or religious freedom (Fischer, et al., 2007, p. 1).

Traditionally, free will gives an agent the ability to make decisions for which they can be held "morally responsible" (ibid, p.1). It is this idea of moral responsibility which we will define next.

Moral Responsibility

If an agent has free will they are generally seen as having moral responsibility for their actions. There are two claims which, in common sense thought, are considered as pre-requisites for moral responsibility. Although, as we will see throughout this essay, these common-sense notions are debated and refuted. For an agent to be free and morally responsible for their actions we probably assume that they:

- Have the option to act otherwise, and
- Are the "ultimate source" of [their] will to perform an action and the source of the action performed (ibid, p.1).

The denial of the thought that agents require an option to act otherwise or have 'alternative possibilities' open to them will be a key idea in the arguments we will look at in this essay. However, I have still included the idea here as I believe it helps exemplify a common sense understanding of moral responsibility, and it is quite often arguments which are backed up by our common sense that seem most appealing.

Determinism

Causal determinism is the idea that "every event is necessitated by antecedent events and conditions together with the laws of nature" (Hoefer, 2016, Online). To put it simply, everything that occurs is the result of something (or things) that have previously occurred which were also caused in the same way. Following from this, we can say that something is "deterministic if it has only one physically possible outcome" (Fischer, et al., 2007, p. 2). If determinism were true all of our actions and choices would be predetermined, stemming, in infinite regress, from preceding action to preceding action. In this case, we would not have an option to act otherwise and an agent may not necessarily be the 'ultimate' source of their action. Instead, the source of the action is the chain of events that went before it combined with the laws of nature. If we are taking the common-sense view of moral responsibility to be true we can see how these ideas demonstrate that determinism is incompatible with free will and moral responsibility.

The Role of Compatibilism

As we can see, depending on whether we agree with free will or determinism will vary our views on moral responsibility. The libertarian who thinks that we have free

will, and therefore moral responsibility, believes this free will is incompatible with determinism. Whilst the hard incompatibilist believes that if the world is deterministic then we cannot have moral responsibility as the libertarian suggests is possible (Fischer, et al., 2007, p. 3).

This argument has been and still is, thoroughly debated in philosophy, not only because of the variety of viewpoints contained within the disagreement but because of the conclusion's possible impact on our life. Possibly one of the most obvious impacts being the effect on criminal justice and punishment. In day to day life, it is generally assumed that someone is morally responsible for their actions if they made a free choice to act in the way in which they did and that they could have acted otherwise. But if determinism was true, how would we explain the way in which we punish criminals for crimes we hold them morally responsible for? If determinism were true, then no one would be morally responsible for their actions and it would seem unfair to punish people for actions they were destined to commit and are therefore not morally responsible for.

Supposing, then, that determinism is true - and surely many intelligent and well-informed people believe that it is - how can we any longer uphold the notion of responsibility in our courts of law? (Kenny, 2009, p. 401)

It seems that to overcome this issue, unless we are okay with changing our entire criminal justice system, we either need to disprove determinism, which it is generally believed not to have yet been done, or we can argue that free will is compatible with a deterministic universe (Fischer, et al., 2007, p. 3). It is this sort

of 'middle-ground' position which compatibilists hold, arguing that these two apparently incompatible positions are, in fact, compatible.

There are various forms of the compatibilist argument, the ones we will focus on in this essay are the arguments from Frankfurt and Fischer, although the general 'aim' of the compatibilist's argument is the same: to reason that free will is possible in a deterministic universe.

An Introduction to Compatibilism

As we have discussed, compatibilists claim that free will and moral responsibility are compatible with a deterministic world. Thomas Hobbes is seen as being a very influential classical compatibilist so it is his argument which we will look at now to exemplify traditional compatibilism reasoning. For Hobbes, a person's freedom "consists in his finding 'no stop', in doing what he has the will, desire, or inclination to do" (*Leviathan, Part 2*, p. 161). This idea of freedom consists of two parts:

- 1. An agent doing what they will or desire.
- 2. An agent acting 'unencumbered'.

An 'encumbered' action is one which someone is compelled to do by something "by some external source to act contrary to one's will" (Coates & McKenna, 2019, Online). To put this idea simply, for the classic compatibilist, freedom requires an agent acting on what they want to do.

Determinism states that all of our actions are pre-determined, but it does not suggest that agents can never do anything that they want. A moral agent may

'want' to perform a pre-determined action; therefore, the compatibilist can argue that free will can be compatible with determinism.

However, as we have previously discussed it is widely accepted as common sense that an agent is required to have been able to act otherwise in order for them to be free. The problem the classic compatibilist faces here is that their argument does not address the need for alternative possibilities, leaving the incompatibilist to argue that even if an agent wants to perform a pre-determined action, it is only because they are pre-determined to have those wants, they still could never have acted otherwise and therefore do not have free will. At best, the freedom an agent might feel when they perform an action they 'want to' is just an illusion, as they could not have acted otherwise.

Although the compatibilist does not accept this argument, because of its grounding in common sense it is necessary for them to argue against it or argue why we should change our common-sense view of freedom, in order to conclude that freedom is compatible with determinism. One argument against compatibilism which many compatibilists have attempted to disprove is 'The Consequence Argument' or the argument from the 'Principle of Alternative Possibilities'. Similarly to the challenge we have just looked at, this argument stems from the idea that an agent requires alternative possibilities to be open to them for them to have moral responsibility.

Harry G Frankfurt has possibly the most influential response to this argument and his ideas have continued to be developed by contemporary philosophers. His highly regarded 'argument against the principle of alternative possibilities' argues

that we change our common-sense view of freedom and is the theory we will be focusing on today, evaluating whether, despite its continued impact on contemporary compatibilist theories today, it is a sufficient response to defend compatibilism against the consequence argument.

The Consequence Argument and Subsequent Responses

Ginet's Consequence Argument

The Consequence Argument in support of incompatibilism was first suggested by Ginet in his essay: *Might We Have no Choice?* (1966). It was developed 20 years later by van Inwagen and named 'The Consequence Argument' (1983).

The theory states that a determined agent has no control over alternatives and relies on the inference of 'power necessity' in order to support this claim. Power Necessity "concerns facts that a person does not have power over" (Coates & McKenna, 2019). For example, an agent cannot act in a way that would make mathematic truths false. Therefore, the mathematic truths are power necessities over agents. If an agent has no power over fact x , and they have no power over the fact that x has a consequence, z , then they also have no power over the fact z . The inference of powerlessness transfers from facts through to their consequences. For example:

A man is playing cards and draws a hand with two pairs. Another player at the table is dealt a hand that is a straight flush. In this game, a straight flush beats two pairs. The man has no power over the hand he was dealt and no power of the rules of the game. Therefore, he also has no power over the fact that he loses this hand to the other player at the table (Coates & McKenna, 2019, Online).

If we believe that determinism is true, then we accept that our choices and actions are the consequences of prior choices and actions in an ever-regressing chain. If I am free to make the current choice that I do now and free to do the current action which I carry out then, in a similar way, this must follow from me having free choices in the past which would entail the past being different. We “intuitively” see the past as being fixed, in such a way that nothing that we do not can affect what has happened in the past (Fischer, 2007, p. 54). Assuming that determinism is true and acknowledging that we cannot change the past and that it was not up to us what happened in the past, we can say that the consequences of the past, including our current choices, are pre-determined. Therefore, we cannot make any other choices than the ones which we do, there are no alternative options open to us and therefore we are not morally responsible for our actions.

Van Inwagen summarises this theory as follows:

“If determinism is true, then our acts are the consequence of laws of nature and events in the remote past. But it's not up to us what went on before we were born, and neither is it up to us what the laws of nature are. Therefore, the consequences of these things (including our present acts) are not up to us” (van Inwagen, 1983, p. 56).

It can also be written in the form:

- P1. “No one has power over the facts of the past and the laws of nature.

- P2. No one has power over the fact that the facts of the past and the laws of nature entail every fact of the future (i.e., determinism is true).
- C. Therefore, no one has power over the facts of the future.” (Coates & McKenna, 2019).

Following this, we can say that, if causal determinism is true, the consequence argument suggests that agents have no power over their future. This strengthens the assumption made by the incompatibilist that an agent is only free if they are the ultimate source of their actions and that they could have done otherwise, a determined agent has no control over alternative actions, therefore a determined agent does not have free will.

Frankfurt’s Challenge to the Principle of Alternative Possibilities

Frankfurt accepts that determinism means it is impossible for an agent to act otherwise (as reinforced by Ginet’s argument) but suggest that this ability to act otherwise is *not* required for free will. Frankfurt refers to this statement, stemming from Ginet’s argument, as “The Principle of Alternative Possibilities” or ‘PAP’ which he takes as an accepted cornerstone of the determinist argument (Frankfurt, 1969, p. 829). He defines PAP as the principle that states: “a person is morally responsible for what he has done only if he could have done otherwise” (ibid, p.829).

Ginet, since it is his argument that Frankfurt is trying to summarise, explains PAP as follows: “An agent S is morally responsible for its being the case that p only if S could have made it not the case that p” (Ginet, 1996, p. 403).

Frankfurt believes the “plausibility” of this statement, generally accepted by those of both sides of the compatibilist argument, is actually an “illusion” (Frankfurt, 1969, p. 830). He argues that an agent *can* be morally responsible for their actions even if they could *not* have done otherwise. This is the case when a particular set of circumstances occur in which an agent may perform a certain action, and in these circumstances, it would be impossible for the agent to perform any other action, but the circumstances did *not* “impel” the agent to act in this way or “produce” the agent’s actions (ibid, p.830). For Frankfurt, this undermines the need for an agent to have the option to do otherwise to have moral responsibility for their actions. The following example from Frankfurt is key in demonstrating this claim (ibid, p.835).

A man, Jones, has decided to kill another man, Smith. Another man, Black, also wants Jones to kill Smith. Black would like Jones to shoot Smith without having to get involved himself. However, Black decides that he will put a plan in place so that if Jones has hesitations about killing Smith, he will be able to manipulate Jones into killing Smith. Without Black having to get involved or having any contact with either party, Jones goes ahead with killing Smith.

In this example, Jones killed Smith freely and unencumbered. However, having Black in the situation meant that Jones could never have *not* killed Smith. Jones killed Smith without knowing of Black, just as he would have done if Black was not involved at all, a situation in which we would commonly hold Jones morally responsible. Black didn’t play any role in Jones’ actions to kill Smith. This shows

how an agent can have no alternative option open to them but, according to Frankfurt, we still want to hold them morally responsible for their actions.

Responses to Frankfurt's Challenge to PAP

To begin this criticism I we need to breakdown Frankfurt's example. Rather than being 1 situation, I suggest that Frankfurt's example is more accurately explained as 2 situations.

- In situation 1: Jones has decided to kill Smith, he has no idea about Black, he chooses to kill Smith freely and unencumbered. Black just happens to be in the background planning to force Jones to kill Smith *if* he freely decides not to kill Smith.

This *if* is important. In situation 1 Jones has the free choice to kill Smith or not to kill Smith. It is only *if* he freely decides not to kill Smith that Black will step in and force Jones to go through with the action.

- So, situation 2 is as follows: Jones freely decides not to kill Smith. Black then steps in and forces Jones to kill Smith- in this situation Jones has not killed Smith freely.

It's important to note that it is only *if* Jones freely decides not to kill Smith that he is forced to kill him. His option to not to kill Smith is only taken away when he has already made the decision not to kill Smith, demonstrating that he had that option to make that free decision in the first place- whether he was able to *act* on that free decision is a different matter.

In situation 1 we would take Jones to be morally responsible for killing Smith; he made a free choice to kill Smith, the option for him to decide not to kill Smith was still there- whether he could act on it or not. In situation 2 Jones made the free choice *not* to kill Smith but was then forced to do so. In this situation, we would not consider Jones morally responsible as he made a free choice not to kill Smith but had no chance to act on this decision.

By breaking down Frankfurt's example I believe that it is clear that we only hold Jones morally responsible when he makes a free *decision* to kill Smith. When Jones makes the free decision not to kill Smith but is forced to kill him anyway, we do not see Jones as being morally responsible.

Frankfurt is trying to argue against PAP by showing an example of a situation in which circumstances lead it to be impossible for an agent to perform any other action than the one which they do, without these circumstances bringing about the action itself. Frankfurt was attempting to argue that in this example there was no alternative for Jones than to kill Smith, in order to criticise PAP. This may have been the case, but I believe a crucial distinction is missed in Frankfurt's argument: Jones did have the free *choice* to decide whether he would kill Smith or not. The option to *decide* either way was always open to Jones. There was always an alternative decision open to Jones, it was only the action which Jones had no option over- but the way he got to the same option was based on his free decision.

Frankfurt words his example in such a way so it is easy to miss the distinction between these two possible situations. In situation 2, when Jones has decided not to kill Smith and Black must step in, rather than saying that Black 'forces' Jones to

kill Smith, Frankfurt explains: Black takes “effective steps to ensure that Jones **decides to do**, and does” go through will killing Smith (Frankfurt, 1969, p. 835).

Rather than simply saying that Black ‘blackmailed’, ‘forced’ or ‘coerced’ Jones into killing Smith, Frankfurt’s wording implies that Jones still *decides* to kill Smith, whilst glossing over the ‘steps’ Black takes to ensure Jones kills Smith.

When we break the situation down it is clear that Jones makes a free decision whether to kill Smith or not in the first instance. It is only once Jones has freely chosen one of the two options open to him that Black steps in and does not allow him to act upon his free decision by *forcing* him to make a new one. However, as we’ve seen in the discussion above, the way in which Frankfurt words his argument misleads the reader into missing this important distinction.

The Principle of Alternative possibilities maintains that “a person is morally responsible for what he has done only if he could have done otherwise” (Frankfurt, 1969, p. 129). Frankfurt is trying to argue against this by demonstrating an example in which we still hold an agent morally responsible even though they couldn’t have done otherwise. However, in our explanation of the Jones, Smith and Black example above we can see that although Jones would have killed Smith in both situation 1 and 2, in both situations he had the choice to *decide* to willingly act either way. In both situations Jones could have *chosen* to do otherwise, it just happens that if he chose to not kill Smith he would have been forced to. It is this free choice that Jones has in Frankfurt’s example which I believe means that Frankfurt’s argument is not a strong enough response to argue against the Principle of Alternative Possibilities.

Ginet's Response to Frankfurt's Challenge to PAP

Another criticism of Frankfurt's challenge comes from Ginet in retaliation to Frankfurt's attempted argument against his theory. Ginet points out that in the example of Jones, Smith and Black above, it is likely that Black wants Jones to kill Smith by a certain point in time, Ginet calls this time t_3 (Ginet, 1996, p. 405). Black is going to make sure that Jones kills Smith by t_3 . Ginet's first criticism is that Frankfurt's example does not make it sufficiently clear that a condition for PAP is violated, in this case, Jones could not avoid killing Smith by t_3 .

This criticism stems from Frankfurt's vague, or non-specific wording of his argument, the same pitfall my criticism also pick up on. Ginet points out that it is not clear that Black's intervention makes it such that Jones will kill Smith by t_3 as we are not told what exactly Black needs to observe about Jones in to make it clear to him that he needs to, only that he is an "excellent judge of such things" (Frankfurt, 1969, p. 835). Ginet suggests that this means that Black could be waiting a very long time before it's clear to him whether he needs to intervene or not, this leaves the opportunity for Jones *not* to kill Smith open for an indefinite amount of time. For Ginet, for PAP to be clearly challenged Jones needs a deadline, t_3 , which he needs to have done the action by, in order for Black to take the option for Jones not to kill Smith away. So Ginet revises Frankfurt's example to add this timescale meaning that the condition of PAP (Jones having no other option but to kill Smith).

Ginet revises the argument so that Black has a 'mechanism' which "monitors Jones's actions" and would ensure that Jones killed Smith by t_3 "if he had not

already done so by some deadline t_2 " (Ginet, 1996, p. 406). If Jones has not killed Smith by t_2 the mechanism triggers and causally necessitates that Jones kills Smith by t_3 in a way which means Jones has no option to not kill Smith. Jones does not know about Black's mechanism and the mechanism is not triggered if Jones kills Smith before t_2 .

In this revised example by Ginet the PAP condition, that Jones has other options open to him, is violated, as before and at t_3 the option for Jones to not kill Smith was not open and he had no way to prevent this from being the case as he was unaware the Black had set up his mechanism. Ginet admits that even in this new set-up, it may be Frankfurt's intuition that Jones is still morally responsible for killing Smith in all situations. However, Ginet disagrees and states that Jones is only partially responsible for one part of this scenario.

Ginet explains that Jones is only responsible for performing the action *at a specific time*, t_1 . T_1 is the specific time at which Jones killed Smith, which would have been at some point before t_3 , a time which Jones would call 'now' when he performed the action. For Ginet, Jones is responsible for performing the action at the specific time t_1 , as he was 'free' (to a certain extent) to kill Smith anytime before t_3 , he chose t_1 , he could have avoided killing Smith at precisely t_1 by picking any other time before t_3 . However, Jones was not responsible for performing the action in the 'less specific' time of 'before t_3 '. Jones, because of Black's mechanism, has to kill Smith before t_3 , he has no choice in this matter because he knows nothing about the mechanism so cannot stop it. But Jones does have a choice of specifically when to kill Smith before t_3 . Therefore, for Ginet, Jones is responsible

for killing Smith at the specific time t_1 , but he is not responsible for killing Smith in the less-specific time frame, before t_3 .

To put this into some sort of practical context, we can call t_3 (the time when Jones had to kill Smith by) 2pm, let's say t_2 is 10am (the time at which Black's mechanism is triggered) and finally let's call t_1 , 1pm (the time at which Jones actually kills Smith). Jones is not responsible for killing Smith within the general time frame of 10am to 2pm as he had no other option but to kill Smith within this time frame. However, Jones is responsible for killing Smith at precisely 1pm, he could have killed Smith at any point between 10am and 2pm but he chose 1pm. Meaning Jones is responsible for killing Smith at precisely 1pm but not for killing him in the less specific time frame of 10am to 2pm.

Although this theory at first can seem rather abstract, even when we apply real times to the situation, Ginet is actually able to strengthen his idea of 'temporal specificity' with a common-sense example similar to the following:

We would generally say we are responsible for being where we specifically are at this moment, for example, being in my room at my desk. However, we would not say that we are responsible for being almost 4,000 miles from the centre of the Earth; that's just how far away from the centre of the Earth my desk happens to be. I'm responsible for where I specifically am right now, at my desk, but not responsible for where I am less-specifically, approximately 4000 miles from the centre of the Earth (Ginet, 1996, p. 406).

Ginet points out Frankfurt's vague wording in his example leads to him failing to distinguish between these two situations of varying "temporal specificity" which

lead to two different conclusions about the agent's moral responsibility (ibid, p.406).

Ginet believes that the confusion is not helped because, even in the less temporally specific situation of Jones killing Smith before t_3 , we would hold Jones morally responsible (just like we do for him killing Smith at precisely t_1) if Black's mechanism was not in place, as Jones would have been free to make the decision whether to kill Smith or not at any point in time at all. The problem is that Jones does not know about Black's mechanism at any point, so on the surface, we may view him as morally responsible, as if the mechanism hadn't been there at all and there had been no time frame. It is only when Ginet breaks the example down, showing us that Jones is only responsible for killing Smith at the specific time he does, not for killing Smith within a general timeframe, that we see Frankfurt's conclusion of Jones being morally responsible for killing Smith does not hold.

Ginet's criticism stems from the observation that Frankfurt uses vague language and lacks specificity in his argument, as does my own criticism of Frankfurt's argument. I would like to take a moment here to develop my criticism in light of our discussion of Ginet. In my criticism of Frankfurt, I concluded that he fails to distinguish between two separate situations in his example. We can combine my original distinctions which focus only on language with Ginet's criticism which uses the idea of temporal specificity.

- Situation 1: Jones makes a free choice to kill Smith before Black's mechanism is activated- before t_2 . The option for Jones to decide not to kill

Smith was still there- whether he could act on it or not. We would view him as morally responsible.

- Situation 2: Jones made the free choice *not* to kill Smith by t_2 but was then forced to do so by t_3 . In this situation, we would not consider Jones morally responsible as he made a free choice not to kill Smith but had no chance to act on this decision.

From the combination of my criticism along with Ginet's, we can see that in one of the two distinct situations here we would hold Jones morally responsible whereas in the other we would not. Therefore, I believe that Frankfurt's criticism of PAP is not sufficient and falls down due to its vague language and lack of specificity.

Development of 'Frankfurt-Examples' from Fischer

In his chapter 'Compatibilism' in *Freedom and Determinism*, contemporary philosopher Martin Fischer develops Frankfurt's argument we have just looked at and evolves it into a theory he calls 'Semi-Compatibilism' (Fischer, 2007, pp. 56-61). Fischer explains that although he believes we need some form of 'control' in order to have moral responsibility, he distinguishes between two types of control and concludes that we only need one type to have moral responsibility.

He uses the following example to explain this distinction:

You are driving a car to get to the coffee shop, the car you are in is functioning normally. The coffee shop is on the right, so you make a right-hand turn and guide the car into the car park. You are going to the coffee shop for your own reasons and have been able to do so because the car is functioning correctly.

When you are driving the car, which is functioning normally, Fischer explains that you have “guidance control” of the car making a right-hand turn (ibid, p. 56).

For Fischer, this ‘guidance control’ is “more than mere causation or (...) determinism (ibid, p.67). Examples of causation having control of the car turning right would be if you sneezed and accidentally swerved right, or if you had a seizure which resulted in you steering right. As long as no scenarios like the ones above occurred and the car was functioning normally, for Fischer, you guiding the car to turn right means you have ‘guidance control’ of the vehicle.

In this scenario Fischer says we also have another type of control “regulative control”, this type of control stems from our ability in the situation to guide the car otherwise (ibid, p. 57). If you could have chosen to turn the car left, or carry on straight ahead instead, then Fischer affords us ‘regulative control’ over the car.

Fischer recognises that in day to day life we assume that our guidance control *of* something, and our regulative control *over* something some together but changes his example slightly to demonstrate how this is not necessarily the case. In this second example we are still driving the car to the coffee shop, because that’s where we want to go, but this time the car is not functioning normally. The steering in your car is broken in such a way that it can only turn right- no matter which way you try to steer. It just so happens that the coffee shop is on the right, so we steer right, and the car turns right, but even if we had decided to turn left instead the car would still have turned right. In this case, we still have guidance control *of* the car as you “actually guide it in a certain way” and this guidance to the right is not caused by sneezing or something similar. You have guidance control over the car

just as you did in the first scenario. However, you do not have regulative control over the car, as you do not have the power to make the car turn in a different way (Fischer, 2012, p. 120). Even if we had tried to steer to the left, the car would have still turned right. You have control of the car but not over the movements of the car.

For Fischer 'regulative control' requires access to alternative possibilities (freedom to choose and do otherwise). However, 'guidance control' does not require this access to alternative possibilities yet, according to Fischer, is still the only type of control which we need for moral responsibility.

It seems as if in the second scenario the agent still chooses to turn the car right even though they could not have possibly steered it in any other direction. We would still say that the agent has moral responsibility in this situation as they still chose to turn the car right, even though they were unaware that it could not go any other way.

With this example, Fischer is attempting to suggest that we don't need regulative control, in other words: access to alternative possibilities, to be in control of a situation in which we would normally be assumed to have moral responsibility. In other words, an agent only needs guidance control to have moral responsibility.

The problem, which Fischer admits, with this type of situation, is that the agent could still have *tried* to steer in a different direction, not just thought about it. The agent could have tried to steer the car right, they would have just failed. It is in this ability to actually *attempt* to do otherwise, not just consider doing otherwise, in which we see the existence of alternative possibilities being open to the agent.

These alternative possibilities which the agent can attempt to act on mean that the agent *does* have some regulative control in this scenario. Although this example does clearly demonstrate the idea of separating regulative and guidance control, it is not an example of a situation in which an agent has no regulative control, and therefore is not a demonstration of an agent being morally responsible for their actions with no alternative possibilities open to them. In an attempt to find an example which demonstrates an agent having guidance control, but no regulative control Fischer turns back to examples by Frankfurt, such as the Jones, Smith and Black example we discussed earlier. Fischer believes that his adapted Frankfurt-example clearly demonstrates an agent having guidance control but absolutely no regulative control.

As we've already explored, I believe there is a key flaw Frankfurt's example which means it does not satisfy the criteria to argue against the consequence argument. However, Fischer re-words and adapts Frankfurt's example, giving him the opportunity to overcome the pitfalls we exposed in Frankfurt's original argument. This makes Fischer's argument worth discussing.

The following is an outline of Fischer's revised Frankfurt example (Fischer, 2007, pp. 58-59):

A neuroscientist and Democrat, Black, wants to ensure that the Democrats win the next US election. Jones, a person who is eligible to vote in this election, has left his decision to the last minute. When he enters the voting booth, he deliberates his decision, as anyone usually would, and votes Democrat. However, Jones is unaware that Black has implanted a 'chip' into his brain which allows Black to track

Jones' thoughts and alter them should he be swaying towards voting Republican by stimulating his brain in a way which ensures that he chooses to vote Democrat. Just like in the original example, if Jones always intends to vote Democrat from the moment he starts deliberating to the moment he votes, Black will not intervene. It is only if Black's chip detects that Jones is swaying towards voting Republican that Black uses the chip to affect Jones' brain in such a way that it ensures he votes Democrat. It turns out that when Jones enters the booth he only thinks about voting Democrat and therefore Black's chip is never activated.

Fischer points out that in this example it seems that Jones has made a free choice, yet the presence of Black's chip means that Jones "could not have done otherwise" (Fischer, 2007, p. 58). This is because Jones has guidance control over his choice, in so far as he makes a decision, but lacks regulative control of his choice and his vote, as he could not have chosen otherwise. For Fischer, this is an example of a situation in which we see an agent as making a free choice and acting on that choice, making them, by common sense standards, morally responsible for their actions, even though they had no option but to do otherwise.

Fischer's aim here was to give an example of a situation in which an agent has guidance control but no regulative control. He believes the above example is one in which the 'external factor', in this case, Black and his chip, has no influence on the agent's deliberation or the choice that they make. But at the same time, the presence of this factor "renders it true that the agent could not have done otherwise" (ibid, p. 58). If this argument is successful, and Fischer can exemplify a situation in which an agent has guidance control but absolutely no regulative

control (no alternative options open to them). Then even if The Consequence Argument was true, and an agent's control over acting on alternative possibilities (regulative control) is ruled out, it does not follow that an agent does not have guidance control. Therefore, the possibility of the agent having moral responsibility is still open, but only if we assume, as Fischer does, that moral responsibility does not require the control over alternative possibilities (regulative control), only of actions (guidance control). Throughout his argument Fischer makes no definitive statement about the truth of causal determinism or free will- only that causal determinism, if it is true, is compatible with moral responsibility in the ways we've just discussed- he calls this view semi-compatibilism.

Responses to Fischer's Semi-Compatibilism

We have discussed this argument, despite it being based on Frankfurt's original example which I have already argued is flawed, because of Fischer's re-working of the example which allowed the idea to overcome some of the problems with the original example. Unfortunately, I believe that Fischer's example is equally unusable as a defence of compatibilism.

This new Frankfurt-style example from Fischer does avoid a challenge which Frankfurt's original argument faced from Ginet regarding temporal specificity. Ginet argued that Frankfurt's original argument lacked specificity when it came to the discussion of times and *when* exactly action took place and when they had to be completed by. Fischer's development is more specific on these matters and seems to have developed this new example with Ginet's objection in mind. For

example, Fischer specifies that Jones starts deliberating when he enters the voting booth and must have cast his vote before voting closes. Although this may, on the surface, remove the specific criticism from Ginet regarding temporal specificity by implementing a timeframe in which Jones has to vote Democrat in and also noting exactly what Black is looking for to intervene, I do not believe that Fischer sufficiently uses these comments sufficiently to avoid Jones only being morally responsible in one of two situations, if at all.

Just like is Frankfurt's example, I believe Fischer fails to distinguish between two separate situations contained within his example which, when broken down, would not lead us to think Jones was morally responsible for his actions.

- In situation 1: Jones enters the booth, only ever thinks about voting Democrat, and votes Democrat.
- In situation 2: Jones enters the booth and starts to freely think about voting Republican. Following this free choice to think about voting Republican, Black steps in and removes Jones' ability to think about voting Republican and alters his brain so he must vote Democrat.

In situation 1, Jones acts as if Black's chip wasn't there at all. He only ever thought about voting Democrat and freely went through with that option. In this case, we would see Jones as morally responsible. Jones may not have had the chance to act in a different way, but as we'll look at now, he did have the option to freely deliberate otherwise, if only for a moment.

In situation 2, Jones makes the free decision to think about voting Republican but this ability is then immediately taken away from him. It is only when Jones makes

the free decision to think about voting Republican that Black removes this ability from him. Just like in Frankfurt's example, in situation 2, Jones makes a free choice (considering not voting Democrat) and it only following this initial free choice that the ability to continue to think freely or act on this free thought is removed.

Watson also comments that contemporary versions of Frankfurt's original argument, for example Fischer's, "may differ from their predecessors in the details" but they "usually exhibit the [same] structure" meaning they fall at the same hurdles as Frankfurt's original argument when it comes to structural criticism of their argument (Watson, 1987, p. 146). Watson's comments here were written around 20 years before this particular contemporary version of Frankfurt's argument by Fischer. But as I've detailed above, it seems that when we break Fischer's example down he runs into similar mistakes as Frankfurt, just as Watson suggests that many versions of this argument do.

Fischer is trying to demonstrate a situation in which an agent has no other options open to them, no regulative control (and by incompatibilist standard no moral responsibility), but we still view them as having a 'free choice' and want to say that they are morally responsible. However, one could argue that when we separate the example into two situations and break down Jones' thought process and ability in both situations, we can see that even if at one moment we would hold Jones morally responsible for his choice, this view does not hold throughout the example. The thought of possibly voting Republican during Jones' deliberation, even if this thought is immediately taken away, is enough to demonstrate that an alternative

possibility was open to Jones- he made a free choice to freely think this way, it is only when he initially freely think about voting Republican that the ability is removed. Depending on whether Jones does or does not have this alternative possibility open to him depends on whether we think Jones has moral responsibility for his actions. We would hold Jones morally responsible for making the free decision to think about voting Republican, but then not morally responsible when this alternative possibility is taken away from him by Black and he has no option but to vote Democrat. Even if this option was quickly taken away, Jones was able to think about voting Republican and could have made that choice over voting Democrat if it hadn't been taken away after the thought occurred. Following from this, we could argue that in this situation there was in fact, an alternative possibility open to Jones and when it was open we saw Jones as being morally responsible. And when this alternative possibility is taken away from Jones, we also remove the moral responsibility we previously considered Jones to have. This example from Fischer is therefore not a situation in which we see an agent having no alternative possibilities open to them but hold them morally responsible. It's clear that, if only briefly, an alternative possibility is open to Jones and with this comes moral responsibility and when this alternative possibility is removed, so is his moral responsibility.

Fischer's Counter

Fischer predicts this response to his argument. He argues in response, that the brief moment in which Jones debates voting Republican is not a sufficient enough example of an alternative possibility which we would normally consider as

affording Jones moral responsibility. For Fischer, moral responsibility requires an agent to have control over choosing “from among various paths that are genuinely open to [them]” (Fischer, 2007, pp. 58-59). Therefore, an involuntary, random or, in this case, a brief neurological thought, is not enough to say that Jones has a sufficient enough alternative possibility open to him to equate to him having freedom and moral responsibility.

However, I believe this is an extremely weak argument, especially when applied to Frankfurt examples. The only reason Jones only experienced a “flicker of freedom” was because Black was quick off the mark in pressing the button to alter Jones’ brain when he realised that Jones might not vote Democrat. But if Black hadn’t been so quick in doing so (ibid, p.59)? Maybe he’d popped to make a cup of tea and wasn’t monitoring Jones’ brainwaves for a little while. The whole time Black was distracted Jones could have been swaying towards voting Republican but then when Black returned and noticed he pressed the button to alter Jones’ brainwaves. In this example Jones doesn’t just have a brief ‘flicker of freedom’, rather he is experiencing the prolonged ability to freely debate his decision before this ability is taken away from him by Black. Therefore it is not just a brief moment of freedom that Jones experiences, it could have easily been a sufficient enough alternative possibility for Jones to have moral responsibility if Black hadn’t been so quick.

Further Criticisms of Semi-Compatibilism

Even if we do accept Fischer’s argument that Jones only experiences a ‘flicker of freedom’ and that this is not enough for the traditional incompatibilist to say that

Jones has alternative possibilities open to him, I still do not think that Fischer's conclusion that we should see Jones as morally responsible in this situation is a reasonable argument.

Despite my previous criticism of Frankfurt's original argument, I actually find his argument for finding Jones morally responsible in that situation more persuasive than Fischer's. In Frankfurt's original example, Jones had previously thought about killing Smith- Black just wanted to make sure that Jones went through with this thought that he had originally had himself. To a certain extent here, we could possibly see how we might hold Jones morally responsible for killing Smith.

Because we generally see killing as morally wrong, we want to blame someone for that action. Jones was the one that had this morally wrong idea in the first place and because of our automatic response to want to blame someone for Smith's death, we can see how it might be appealing to hold Jones morally responsible for Smith's death as he is an easy candidate for us to assign blame to before we have truly evaluated Frankfurt's example.

In contrast, in Fischer's example, Jones has not previously thought about particularly voting Democrat or Republican. Jones did not have a prior 'sway' as he did in Frankfurt's example and therefore he seems even less morally responsible for his actions. At least in Frankfurt's example, Jones had genuinely considered killing Smith and Black was there to make sure he went through with it. In Fischer's example, Black is there to ensure he forces Jones to vote Democrat, even if this is something Jones would naturally have no intention of even considering voting in this way.

Fischer also chooses to talk about voting rather than murder. I think this in itself is a clever choice of example in an attempt to strengthen his argument, but a choice which ultimately does not help Fischer's case. Unlike murder, voting is not something we usually want to 'blame' people for- it is usually considered a good thing to be engaged politically. So why would Fischer choose this example in an attempt to show how Jones is morally responsible for his actions? Of course, moral responsibility isn't just about blame, it is also about praise- if someone was forced to give to charity, we wouldn't say that they deserved praise for that action. But generally, especially in the philosophical debate of freewill and determinism, most examples of moral responsibility seem to focus on 'blaming' an agent (or not). I believe that Fischer chooses voting over murder because we are less likely to thoroughly examine the situation of voting as we are in the example of murder. Because we want to blame someone for murder, we may dive deeper into the details of Frankfurt's example to figure out who we believe should be held responsible for Smith's death. In contrast, we don't really want to blame anyone for voting, it's not really such a 'thrilling' example to talk about as murder is, so we're probably less likely to engage with Fischer's example. I believe Fischer deliberately chooses voting for this reason; if we are less likely to engage with his example because we find it more mundane then we are less likely to find faults and criticise it as we did with Frankfurt's argument.

I believe that Fischer is attempting to avoid as much questioning to his conclusion as Frankfurt faced with his more hard-hitting case, suggesting that Fischer may be aware that, when exposed to the same questioning as Frankfurt, his argument

may not hold as a defensible compatibilist position. Although this is not an evaluation of the content of Fischer's philosophical theory, we could say that this apparent attempt to avoid criticism or in-depth analysis suggests that Fischer may be aware that his argument does fall foul in similar ways to Frankfurt's. It's through this comparison of Frankfurt's and Fischer's examples that I believe shows that we are even less likely to conclude that Jones is morally responsible in Fischer's example and therefore further undermines his semi-compatibilism conclusion.

Even without comparing Fischer's example to Frankfurt's original I still do not think that Fischer has reasonable grounds to make his claim that we would hold Jones morally responsible in this situation. Although Jones still 'chooses', in so far as he makes a decision (for Fischer meaning he has guidance control), it's not as if he could have possibly made any other choice because as soon as Jones had any thoughts about voting Republican, his brain was altered and the option to choose between Democrat and Republican was immediately removed, the only thing he could choose was to vote Democrat. In common sense terms, we would not say that someone in Jones' position had the type of choice which allows them to be held morally responsible. If an agent had a gun held to their head and were told to torture someone otherwise they would be shot, we would find it easy to say that even if the agent did torture the person that they were not morally responsible for their action as they were being 'forced' into making the decision to torture the person by the threat of being shot. In this situation, the agent does actually have

the 'choice' to not go through with the torture and instead choose to be killed, but we would not recognise this as an option that was really open to the agent.

However, in Jones' situation, he didn't even have this type of option, he could not possibly have chosen otherwise. He was not 'forced' to vote Democrat like the agent was forced to torture someone, he was in a position where that was the only option he could possibly do. This may be exactly what Fischer is trying to demonstrate with his example, but I think his conclusion that we would see Jones as morally responsible for his actions is simply not a conclusion anyone could reasonably agree with knowing Jones' situation- especially in comparison to a situation like the agent held at gunpoint.

One could argue here that yes, if everyone knew what was happening to Jones then we wouldn't see him morally responsible. But it's made clear in Fischer's argument that no one apart from Black knows about the chip in Jones' brain and therefore to everyone else, even to himself, Jones does seem morally responsible.

The problem I see with this response is as follows: the example Fischer has given us is theoretical, yet to defend the fact that Fischer is holding Jones morally responsible we are suddenly saying that 'well *practically* people would hold him morally responsible' because they don't know otherwise. Not only is this taking a theoretical example and drawing a conclusion only from what *might* happen practically- it is suggesting that people's ignorance is the deciding factor in whether an agent is morally responsible or not. I believe that, at best, all that Fischer is proving is that in an example like the one of Jones and Black, the agent and those around them have the 'illusion' that the agent is morally responsible, but

this illusion is soon shattered when we are made aware of the true circumstances surrounding Jones' decision.

However, a supporter of Fischer could interject here and suggest that I've missed the point completely- it doesn't matter that maybe we don't feel like saying Jones has moral responsibility when we know his situation, the fact is he has guidance control and no regulative control and therefore he does have moral responsibility, as demonstrated by Fischer's initial example of driving cars.

The problem I once again find here is that in his initial example of driving a car Fischer did not sufficiently prove, or even persuade us, that moral responsibility only requires guidance control. He might make the distinction between what he thinks is guidance control and regulative control but Fischer himself admits that in this example the agent is not completely lacking in regulative control because they could have chosen to try and steer, otherwise they would have just failed. So yes, maybe in this example we would say that the agent has moral responsibility, but they do not lack completely regulative control. This is when Fischer moves on to his Frankfurt-example in an attempt to demonstrate a situation in which an agent has guidance control but no regulative control. We can firstly argue that Fischer's argument is not sufficient enough to prove this from our discussion of Jones' free choice to deliberate otherwise, demonstrating alternative possibilities being open to him and therefore having regulative control. Then even if we do accept Fischer's 'flicker of freedom' reply, as we have just discussed we can argue that his Frankfurt-example is not successful in persuading us that we should believe that Jones is morally responsible.

Nowhere, in my opinion, in Fischer's argument does he sufficiently prove or persuade us that an agent can be held morally responsible whilst completely lacking regulative control. I believe that this is a fatal flaw in Fischer's whole argument in defence of compatibilism and his modern compatibilist theory.

Conclusion

From the discussion of Frankfurt's and Fischer's arguments throughout his essay, I believe that neither of these theories are sufficient enough responses to Ginet's 'Consequence Argument' to defend the compatibilist position.

Ginet's 'Consequence Argument' strengthened the incompatibilist claim that a determined moral agent has no control over alternative possibilities and therefore no free will. This prompted a direct response from Frankfurt in defence of compatibilism. Frankfurt's argument against the 'Principle of Alternative Possibilities' argued that despite it being impossible for an agent to act otherwise in a determined universe, as suggested by Ginet, this ability is not required for the agent to have free will. He outlines an example in which an agent has no alternative possibilities open to them yet, he claims, we would still see the agent as morally responsible for their actions. I refute this claim and argue that Frankfurt fails to distinguish between two separate situations contained within his example which, when broken down, demonstrates that the agent would clearly not be held morally responsible for their actions. I then present Ginet's 'temporal specificity' criticism of Frankfurt's argument, and despite its at first abstract appearance, the argument is supported by its common-sense applications. I then link my argument, regarding Frankfurt's vague language, and Ginet's argument regarding Frankfurt's

lack of temporal specificity, and discuss how together they refute Frankfurt's example and argument against the 'Principle of Alternative Possibilities'.

We then move onto Fischer's contemporary development of Frankfurt's argument which he calls 'semi-compatibilism'. We see how Fischer attempts to exemplify two different types of control an agent has, guidance control and regulative control, before he moves on to his claim that we only require guidance control, not regulative control, in order to have free will using a Frankfurt-style example.

Although I agree that Fischer's revised example does avoid Ginet's criticism from temporal specificity I outline how my criticism of Frankfurt's failure to distinguish between two situations contained within his example due to his vague language can also apply to Fischer's example. Fischer does predict this response in his 2012 defence of his theory and claims that the breakdown of his example does not show a sufficient enough alternative possibility to afford the agent free will.

However, I claim that his response is weak and does not hold against simple counterexamples. I then also discuss possible reasons for Fischer's choice of example compared to Frankfurt's and although I do not believe that this discussion directly challenges his philosophical theory, I do comment that his choice of example could suggest that Fischer is not confident that his argument will hold up against thorough evaluation. Finally I breakdown Fischer's whole theory further in order to demonstrate that nowhere in his argument does he sufficiently prove that an agent can have guidance control without regulative control, or that we only require guidance control for free will.

This discussion of both Frankfurt's and Fischer's examples leads me to conclude that neither of these theories are sufficient enough responses to defend compatibilism against Ginet's 'Consequence Argument'. Although both of these theories have been thoroughly discussed by many philosophers and there has been dialogue between the originators of these theories and their critics in this essay I have suggested new responses which have not yet had the opportunity to be responded to or evaluated and therefore their impact on Fischer and Frankfurt's theories could change in the future meaning dialogue needs to be continued.

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