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## › Responsibility and the Actual Sequence

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### I. Introduction

I favor what I have called an “actual-sequence” approach to moral responsibility. Although it is perhaps unclear what exactly this means, I would simply point out that, on my view, an actual-sequence model of moral responsibility does not require freedom to do otherwise (access to alternative possibilities) at any time prior to (or simultaneous with) the time of the behavior under evaluation.<sup>i</sup> Thus, the account of moral responsibility given by an actual-sequence approach will fix on putatively relevant features of the actual sequence issuing in the behavior in question (where these features could include modal or dispositional features). Even when the properties invoked in such an account of moral responsibility are modal or dispositional, and thus involve for their analysis reference to other possible worlds, these worlds are *not* relevant in virtue of indicating that the agent has freedom to do otherwise (or access to the worlds in question). Rather, these possible worlds may simply help to give an analysis or account of the pertinent modal or dispositional features of the *actual sequence*.

A considerable virtue of an actual-sequence model of moral responsibility is that it allows us to side-step the traditional and apparently intractable metaphysical disputes about the relationship between (say) causal determinism and freedom to do otherwise. If freedom to do otherwise is not necessary for moral responsibility, and if we are interested in giving an account of moral responsibility, we will not need to consider the relationship between freedom to do otherwise and doctrines such as causal determinism. Thus, the development of an adequate actual-sequence account of moral responsibility holds out the hope of making significant philosophical progress on the issue of moral responsibility.

Whereas there are various appealing ways of seeking to motivate and justify the acceptance of an actual-sequence model of moral responsibility, my preferred philosophical *modus operandi* has been via the “Frankfurt-style cases”, in which there is a distinctive kind of preemptive over-determination.<sup>ii</sup> In this paper I wish to defend the employment of such cases in service of the actual-sequence view of moral responsibility against a significant worry.

i Carolina Sartorio

ii Harry G. Frankfurt, “Alternate Possibilities and Moral Responsibility,” *Journal of Philosophy* 66 (1969), pp. 828–39; reprinted in John Martin Fischer, ed., *Moral Responsibility* (Ithaca, N.Y.: Cornell University Press, 1986), pp. 145–52.

## II. The Frankfurt-Style Cases

It will be helpful to have before us a “Frankfurt-style case,” versions of which Frankfurt proposed as counterexamples to the Principle of Alternative Possibilities (PAP), according to which moral responsibility requires the kind of control that involves freedom to choose and do otherwise.<sup>iii</sup> Here is an updated version of a Frankfurt example:

Black is a stalwart defender of the Democratic party, despite some disappointments about Obama. He has secretly inserted a chip in Jones’s brain which enables Black to monitor and control Jones’s activities. Black can exercise this control through a sophisticated computer that he has programmed so that, among other things, it monitors Jones’s voting behavior. If Jones were to show any inclination to vote for Romney (or, let us say, anyone other than Obama), then the computer, through the chip in Jones’s brain, would intervene to assure that he actually decides to vote for Obama and does so vote. But if Jones decides on his own to vote for Obama (as Black, the old progressive would prefer), the computer does nothing but continue to monitor—without affecting—the goings-on in Jones’s head.

Now suppose that Jones decides to vote for Obama on his own, just as he would have if Black had not inserted the chip in his head. It seems, upon first thinking about this case, that Jones can be held morally responsible for this choice and act of voting for Obama, although he could not have chosen otherwise and he could not have done otherwise.<sup>iv</sup>

Initially it can seem that Black’s presence (as described in the example), perhaps together with other features (an issue to which we return below), makes it the case that Jones cannot choose or do other than he actually does. Further, it seems to me that Black’s presence (in the context of those other features) is *irrelevant* to Jones’s moral responsibility. It might be helpful to have before us Frankfurt’s statements on behalf of the contention that Black’s presence is irrelevant to Jones’s moral responsibility:

The fact that a person could not have avoided doing something is a sufficient condition of his having done it. But, as some of my examples show, this fact may play no role whatever in the explanation of why he did it. It may not figure at all among the circumstances that actually brought it about that he did what he did, so that his action is to be accounted for on another basis entirely. ... Now if someone had no alternative to performing a certain action but did not perform it because he was unable to do otherwise, then he would have performed exactly the same action even if he *could* have done otherwise. The circumstances that made it impossible for him to do otherwise could have been subtracted from the situation without affecting what happened or why it happened in any way. Whatever it was that actually led the person to do what he did, or that made him do it, would have led him to do it or made him

iii Frankfurt, “Alternate Possibilities and Moral Responsibility.” For a selection of papers on Frankfurt-style examples, see David Widerker and Michael McKenna (eds), *Moral Responsibility and Alternative Possibilities: Essays on the Importance of Alternative Possibilities* (Aldershot, U. K.: Ashgate, 2003).

iv I originally presented such an example in John Martin Fischer, “Responsibility and Control,” *Journal of Philosophy* (1982) 79, pp. 24–40.

do it even if it had been possible for him to do something else instead. ... When a fact is in this way irrelevant to the problem of accounting for a person's action it seems quite gratuitous to assign it any weight in the assessment of his moral responsibility.<sup>v</sup>

I agree with Frankfurt's intuition that it would be "quite gratuitous" to assign any weight to Black's presence in assessing Jones's moral responsibility. After all, Black's device, although present, is *untriggered*. I like to call Frankfurt's intuition here, "Frankfurt's Quite Gratuitous Point". But I concede that the name suffers from a kind of infelicitous, if delicious, ambiguity. I shall follow David Palmer in crystallizing a principle—The Irrelevance Principle (IP)—that arguably captures Frankfurt's point here:

(IP) If a fact is irrelevant to a correct account of the causal explanation of the person's action, then this fact is irrelevant to the issue of the person's moral responsibility.<sup>vi</sup>

Unfortunately, the (IP), as formulated, suffers from containing the multiply ambiguous phrase, "the issue of the person's moral responsibility." The problem is that there are various issues in the neighborhood here, and they include at least the following: issues about the *degree* of the person's responsibility (or perhaps the degree of her praiseworthiness or blameworthiness), the *content* of the person's responsibility (i. e., what the individual is morally responsible for), and whether the individual is morally responsible to at least *some* degree for at least *something*. I call the latter family of issues the question of whether the agent is "morally-responsible-at-all". (IP) is subject to various counterexamples when it is interpreted in terms of the degree or content of moral responsibility, but, in my view, *not* when it is interpreted as pertaining to an agent's being morally-responsible-at-all. And it is in any case most plausible to seek to capture Frankfurt's intuition employing this notion. Here is the corresponding version of (IP):

(IP) If a fact is irrelevant to a correct account of the causal explanation of the person's action in a given context, then this fact is irrelevant to the issue of the person's "moral responsibility at all," i. e., to the issue of whether the agent is morally responsible *to at least some degree for at least something in the context in question*.

Now for my purposes it is crucial that the existence of Black—the so-called "counterfactual intervener" in the Frankfurt-style case presented above—meet two conditions. His presence (and dispositions) must (in the context) make it the case that Jones cannot do other than he actually does. And Black (so disposed) must satisfy the antecedent of (IP); his presence must be irrelevant to the causal explanation of Jones's action. If the two conditions are met, then we can conclude that the fact that Jones cannot do otherwise is irrelevant to his moral responsibility.

But a problem now emerges. It is unclear, upon more careful consideration, whether Black's presence really does meet the first condition, that is, whether it really does rule out Jones's freedom to do otherwise. Further, the very measures that I am inclined to take to ensure that the first condition is indeed met seem to call into question whether the second condition is met, that is, whether Black's presence is irrelevant to the explanation of Jones's action. In the next section I turn to these issues.

v Frankfurt, "Alternate Possibilities and Moral Responsibility", pp. 836–7.

vi David Palmer, "Deterministic Frankfurt Cases," unpublished manuscript, University of Tennessee, Knoxville, Department of Philosophy.

### III. The Dilemma Defense and a Reply

Does the mere presence of Black, together with his dispositions and technology, really make it the case that Jones cannot at just prior to the time of his choosing to vote for Obama (say time  $T_2$ ) do (i. e., choose) otherwise at  $T_2$ ? Some philosophers have found it illuminating to pose the question in terms of a dilemma. On the first horn, we suppose that causal indeterminism obtains, and that it obtains specifically in the relationship between Jones's mental states prior to  $T_2$  and his choice at  $T_2$ . Now it would seem that, no matter what occurs along the sequence to  $T_2$ , Jones can still at least begin to choose to vote for someone other than Obama (or not at all) right at  $T_2$ . So under the assumption of causal indeterminism (underwritten or made true by lack of determination in the appropriate location), Jones would seem to have at least *an* alternative possibility, truncated as it would be. Although Jones's effort to choose otherwise would be blocked, his beginning to choose to vote for someone other than Obama (or not at all) would appear to be sufficiently robust to ground attributions of moral responsibility, on the alternative-possibilities picture of moral responsibility.

On the other horn of the dilemma, we assume a causally deterministic relationship between Jones' prior mental states and his choice at  $T_2$  to vote for Obama. Now the proponent of the so-called "Dilemma Defense" will contend that it would be question-begging to extract the conclusion that Jones is morally responsible for choosing at  $T_2$  to vote for Obama. After all, the proper conceptualization of the relationship between causal determinism and moral responsibility is precisely what it at issue in the context in which the Frankfurt-style cases are invoked.

Note that something important for my purposes is at stake here. I wrote above that two conditions must be met, if the Frankfurt-style cases are to have the implication intended by their proponent: it must be the case that Black's presence rules it out that Jones has the freedom to choose (and do) otherwise, and that Black's presence is irrelevant to the explanation of Jones's actual choice and behavior. Otherwise, we do not get the conclusion that Jones's lack of freedom to choose and do otherwise is irrelevant to his moral responsibility for his actual choice and behavior. Note that on the first horn of the Dilemma Defense, it appears that the first condition is not met; that is, it seems that Black's presence does not successfully remove Jones's freedom to choose (and do) otherwise. And if we assume causal determinism as a remedy, it might seem that we cannot get the conclusion that Jones is morally responsible, despite his lack of freedom to do otherwise, insofar as this would seem to be question-begging.

In previous work I have sought to address the Dilemma Defense by denying its second horn.<sup>vii</sup> My strategy can be sketched as follows. We assume that the story is as in the original presentation of the Frankfurt case above, except we make it explicit that causal determinism obtains and we also are explicitly *agnostic* about the relationship between causal determinism and freedom to do otherwise. That is, we make no assumption about whether causal determinism rules out alternative possibilities.

To understand how the presence of Black under such assumptions is supposed to rule out freedom to do otherwise, assume first that Jones chooses at  $T_2$  to vote for Obama at  $T_3$ . Assume also that Jones exhibits a reliable sign at  $T_1$  that indicates how he will choose to vote at  $T_2$  (and vote at  $T_3$ ). Let's say that if he raises his left eyebrow at  $T_1$  he will choose at  $T_2$  to vote

vii John Martin Fischer, "The Frankfurt Cases: The Moral of the Stories," *Philosophical Review* 119 (2010), pp. 315–36.

for the Democrat, and if he raises his right eyebrow at  $T2$  he will choose at  $T2$  to vote for the Republican. Here is how the example is supposed to work to get to the conclusion that Jones cannot at or just prior to  $T2$  choose otherwise:

Black checks and sees the ‘prior sign’ at  $T1$  that is associated with a subsequent vote for the Democrat—say, the [raised] *left* brow. Given that Black knows that causal determinism obtains, he can now relax, as it were; under these circumstances, Black knows that Jones in fact will subsequently choose to vote for Obama and carry out that choice. It is *also* true, given Black’s device and dispositions, that if Jones were to show the sign at  $T1$  associated with voting for a Republican at  $T2$  (appropriately enough, a raised *right* brow), Black’s device would swing into action and stimulate Jones’s brain so as to ensure that he chooses at  $T2$  to vote for Obama and does so vote at  $T3$ . I claim that this additional fact, when added to the assumption of causal determinism and the fact that Black can thus be sure that Jones’s showing the prior sign at  $T1$  will in fact be followed by his choosing accordingly at  $T2$ , renders it true that Jones cannot at  $T2$  choose to vote for [Romney] (or subsequently vote for Romney). These two facts *together* make it the case that Jones cannot at  $T2$  choose to vote for [Romney] or carry out such a choice.<sup>viii</sup>

To be explicit: I claim that, although causal determinism is not here assumed to rule out Jones’s freedom to do otherwise in itself, it, together with Black’s presence and dispositions, does indeed rule out Jones’s freedom at or just prior to  $T2$  to do otherwise. Again, to be explicit: the fact that rules out Jones’s freedom to do otherwise is Black’s presence (disposed as he is) within a causally deterministic context (that is, on the assumption that causal determinism obtains).

Initially it seems plausible that my contention that Black’s presence within a causally deterministic framework rules out Jones’s freedom to do otherwise (at the relevant time) is entirely consistent with the fact that this factor—Black’s presence within a causally deterministic framework—is not part of the explanation of Jones’s actual choice at  $T2$  and vote at  $T3$ . After all, the factor in question—Black’s presence within a causally deterministic context—does not entail anything about Jones’s choice at  $T2$ . First, Black does not actually intervene—he and his fancy terminology remain dormant and untriggered. Second, the factor in question simply posits that causal determinism obtains—it does not say anything about, and thus is compatible with difference in, the specific facts and conditions at  $T1$ . I contend, then, that the Frankfurt-style case, interpreted as above, provides an example in which an agent cannot do otherwise, but the fact that he cannot do otherwise is irrelevant to the explanation of his behavior and thus to his moral responsibility for it. I shall return to this point below, but I pause here to situate this move within a larger discussion. For now, we can take it that we have at least a “preliminary strategy” on the table for responding to skeptics about the (purported) implications of the Frankfurt-style examples.

#### **IV. A Further Elaboration and Defense**

Various philosophers have worried about the kind of strategy I have developed (both in previous work and sketched above) to defend compatibilism about causal determinism and moral responsibility. They have pointed out that the counterfactual interveners (such as Black) in the

viii Fischer, “The Frankfurt Cases: The Moral of the Stories,” p. 326.

Frankfurt-style cases are *untriggered interveners* and are thus *wholly counterfactual* interveners. It then seems problematic, according to these philosophers, to move from the claim that the relevant agent (such as Jones) could be morally responsible in the Frankfurt-style cases to a claim about an agent in a causally deterministic context. After all, causal determinism “flows through the actual sequence”, as I put it in my 1982 paper, “Responsibility and Control.”<sup>ix</sup>

Randolph Clarke articulates the objection nicely:

... in Frankfurt cases what ensures that one does a certain thing need have nothing to do with what actually brings it about that one does that thing. What remains jarring, then, is the view that we can be fully responsible for much of what we do, even though the very processes that bring about our doing these things preclude its ever being up to us whether we do them. No reflection on Frankfurt cases can render this an entirely comfortable thought.<sup>x</sup>

In light of this kind of worry, it might seem that there is a problem for the strategy I have adopted in this paper for specifying what makes it the case in the Frankfurt-style cases that (say) Jones cannot do otherwise. Recall that my specification of what rules out Jones’s freedom to do otherwise includes a reference to causal determinism: Black’s presence (and dispositions), within a causally deterministic context. Now it might not seem so obvious that what makes it the case that Jones cannot do otherwise “has nothing to do with what brings it about that [he] does [what he actually does].” Put somewhat differently, it might not seem so obvious that what makes it the case that Jones cannot do otherwise is not relevant to, or part of, the explanation of Jones’ actual behavior.

Indeed, this alternative formulation points to an uncharacteristic flash of rhetorical excess on Clarke’s part. Similarly, it indicates a slight unclarity or (in my view) infelicity in the formulation of (IP), even as I have adjusted it above. Recall the version of (IP) with which we have been working:

(IP) If a fact is irrelevant to a correct account of the causal explanation of the person’s action in a given context, then this fact is irrelevant to the issue of the person’s “moral responsibility at all,” i. e., to the issue of whether the agent is morally responsible *to at least some degree for at least something in the context in question.*

Clarke’s talks of “having nothing to do with” what actually brings something about, and Palmer of a fact’s being “irrelevant to a correct account of the causal explanation of the person’s action...” I find these expressions both somewhat vague and, on some interpretations, needlessly strong. I would thus offer the following as an additional adjustment that arguably better captures Frankfurt’s original intuition:

(IP) If a fact is not part of a correct account of the causal explanation of the person’s action in a given context, then this fact is irrelevant to the issue of the person’s “moral responsibility at all,” i. e., to the issue of whether the agent is morally responsible *to at least some degree for at least something in the context in question.*

ix John Martin Fischer, “Responsibility and Control,” *Journal of Philosophy*

x Randolph Clarke, “Determinism and Our Self-Conception [part of a book symposium on John Martin Fischer, *My Way: Essays on Moral Responsibility*], *Philosophy and Phenomenological Research* 80 (2010), pp. ; the quotation is on pp. 247–8.

Now consider the factor I have specified as ruling it out that Jones could have done otherwise: Black's presence (and dispositions) situated within a causally deterministic context. It just seems to me obvious that this fact—the fact about Black—is *not* part of the explanation of Jones's actual behavior. Invocation of Black—his technology and willingness to use it—is clearly not helpful in explaining Jones's actual behavior. And the fact that the context is causally deterministic might have *something* to do with what brings it about that Jones acts as he does, or be *relevant* to a correct explanation of Jones's actual behavior (in the sense that it would specify a property of the explanation, it would nevertheless *not* be a part of the explanation of Jones's actual choices and actions).

To elaborate. The fact that a given context is causally deterministic might imply (or at least open the possibility that) a given explanation of the agent's behavior in that context is a deterministic explanation; the explanation would have the property of being a deterministic explanation. Thus, causal determinism in the relevant scenario would in this sense be "relevant" or "have something to do with" the correct explanation of the agent's actual behavior. But I do not think that this is the appropriate interpretation of the relevant part of (IP), at least insofar as (IP) is supposed to capture the basic intuitive insight of Harry Frankfurt (the "quite gratuitous" point about the irrelevance of Black). Rather, we should interpret the relevant part of (IP) as imagining that a certain fact is not part of the correct explanation of *why the agent acted as he did*:

(IP) If a fact does not help to explain why an agent acted as he did in a given context, then this fact is irrelevant to the issue of the person's "moral responsibility at all," i. e., to the issue of whether the agent is morally responsible *to at least some degree for at least something in the context in question*.

It should be clear that Black's presence and dispositions do not help to explain why Jones chooses to vote for Obama at *T1* and does so vote at *T2*. Further, it should be obvious that the fact that the context is causally deterministic does not help to explain why Jones chooses and acts as he does. After all, the claim that the context is causally deterministic does not in itself include any information as to the initial or distal inputs into the causal chain; it only implies that the chain, however it is specifically constituted, has the property of being causally deterministic. Further, and granting the difficulty of evaluating the relevant sort of counterfactually, there is just no reason to suppose that, if the context had not been causally deterministic, Jones would not have chosen at *T1* to vote for Obama and gone ahead and voted for Obama at *T2*. Thus, it seems that the factor, "Black's presence and dispositions situated in a causally deterministic scenario" both makes it the case that Jones could not have chosen or done otherwise and also is irrelevant—in the appropriate sense—to the correct explanation of Jones's actual choice and behavior: it does not help to explain *why* Jones acted as he actually did.

Unfortunately, I do not think that a skeptic about the Frankfurt cases (i. e., a skeptic about their significance) will be satisfied at this point. Note again that it is crucial to the preliminary strategy sketched above that the factor I specified—Black's presence in a causally deterministic context—does indeed make it the case that Jones cannot do otherwise but does not include as a component any information about the specific links in the actual causal chain. (Otherwise it would follow that a component of the specified factor would arguably be part of the explanation of why Jones acted as he actually did.) But a skeptic might point out that what is at issue is not simply that Jones cannot do otherwise (abstractly speaking); rather, it is *also* relevant that he *cannot do otherwise than choose at T1 to vote for Obama at T2 and so vote at T2*. And what makes it the case that he could not have done other than choose and act in these specific



ways *does* include more than the abstract point that the causal chain is causally deterministic; it includes the specific components of that chain. Arguably, now, what makes it the case that Jones cannot do otherwise than he actually does also *is* part of the explanation of why he acts as he does.

At this point I am willing to grant that what makes it the case that Jones cannot do otherwise than choose to vote for Obama and act in accordance with that choice is (arguably, at least) part of the explanation of why Jones chooses and acts as he does. But I resist the claim that its playing such a role is what matters for moral responsibility. Rather, I contend that what is crucial for an agent's moral responsibility is not the mere fact that a factor is part of the explanation of why an agent acts as he does; in order to rule out or vitiate an agent's moral responsibility, the factor must be part of a *certain sort of explanation* of why an agent acts as he does. More specifically, when a factor that rules out an agent's freedom to do otherwise is part of an explanation of why the agent acts as he does that entails that some links on the actual causal chain contain responsibility-undermining features, then the fact that the agent cannot do otherwise is relevant to the agent's moral responsibility. But when this is not so—that is, when the factor that makes it the case that the agent cannot do otherwise is not part of an explanation of the agent's behavior that entails that some responsibility-undermining event occurs along the actual sequence—then the fact that the agent cannot do otherwise is irrelevant to his moral responsibility. What is relevant, then, to the agent's moral responsibility is not that the freedom-undermining factor is part of an explanation of the agent's behavior; it must be part of a *certain sort of explanation* of the agent's behavior. I claim that the Frankfurt cases help us to see this. After all, the Frankfurt cases help us to see that it is not the *mere fact* of lack of freedom to do otherwise that threatens moral responsibility, but *the way in which*—or *that in virtue of which*—such freedom is ruled out that threatens moral responsibility.

Of course, I must note that causal determination in the actual sequence will be taken by the incompatibilist to be a moral responsibility-undermining factor. So we need to proceed with caution here. The factor I have specified as ruling out the Jones's freedom to do otherwise than he specifically does (i. e., choose to vote, and vote for Obama) is *not* part of an explanation of Jones's behavior that entails that an *uncontroversially* responsibility-undermining factor is contained in the actual sequence. Thus, at this point in the dialectic we can say that the mere fact that the agent lacks freedom to do otherwise is *arguably* irrelevant to his moral responsibility—it *may* be irrelevant to his moral responsibility. In order to make further progress, we would need to focus on whether causal determination in the actual sequence is indeed a responsibility-undermining factor in itself. But whereas the question of whether causal determination in the actual sequence is a responsibility-undermining factor in itself is challenging and contentious, it moves us away from considering the relationship between causal determinism and freedom to do otherwise; and that is exactly the point of the Frankfurt cases.<sup>xi</sup>

I should emphasize that I do not take it that there is a straightforward or simple one-step argument from the Frankfurt cases to the conclusion that causal determinism is consistent with moral responsibility. Rather, the Frankfurt-cases are meant to help us to get to a helpful (but by no means decisive) first step: the conclusion that *if* casual determinism rules out moral responsibility, it is not in virtue of eliminating freedom to do otherwise.<sup>xii</sup> As I have interpreted

xi John Martin Fischer, "Frankfurt-style Compatibilism."

xii John Martin Fischer, ethics overview, Frankfurt-style Compatibilism," and "The Frankfurt Cases: The Moral of the Stories".

the Frankfurt-style argumentation above, the cases point us to the importance of the actual sequence; they require us to focus on whether causal determination in the actual sequence is indeed a moral responsibility-undermining factor in itself (and apart from considerations pertaining to alternative possibilities). If this can be established, then the Frankfurt-cases would indeed show that the lack of freedom to do otherwise is irrelevant to an agent's moral responsibility. Thus, we will have established (to a reasonable degree of plausibility) that causal determinism is consistent with moral responsibility.

I wish to develop and defend my response to Clarke's worry a bit more. I have previously written:

Call the factors that actually bring a certain thing about the 'A-Factors,' and the factor or factors that render the thing in question inevitable 'B-Factors'. As Clarke points out, in the Frankfurt cases the B-Factor is not an A-Factor; indeed, this reflects the signature structure of preemptive over-determination that seems to be distinctively potent in calling into question the {Principle of Alternative possibilities (PAP)}. Thus, the Frankfurt cases have 'disjoint factors'. In contrast, causal determination is (or involves) factors that are (arguably) both A-Factors and B-Factors. Thus, causal determination is a context of 'overlapping factors'. Of course, one cannot move straightforwardly from a context of disjoint factors to one of overlapping factors.<sup>xiii</sup>

I went on to write:

I grant this point, but I have never supposed one could make the sort of transition here envisaged. Rather, the argument takes place in steps. First, the Frankfurt-cases are supposed to show that the *mere* lack of alternative possibilities (of the relevant sort) does not imply that the agent in question is not morally responsible for the behavior. Second, my claim is that *if* the mere lack of such alternative possibilities does not imply that the agent is not morally responsible, then it is puzzling as to why the lack of alternative possibilities *as a result of causal determination* would have that implication. That is, if the end-state of not having alternative possibilities (of the relevant sort) does not *in itself* rule out moral responsibility, why does *this particular way of getting to that end-state* rule out moral responsibility?

... The question under consideration at this point is essentially this: if the end-state of lacking alternative possibilities does not in itself rule out moral responsibility, why does a particular path *to that end-state* rule out moral responsibility?<sup>xiv</sup>

Although I am not entirely objective in this matter, I still think that this response was headed in the right direction. Of course, it is contentious whether the presence of a mere counterfactual intervener in any of the "classical" Frankfurt-style cases really does make it the case that the relevant agent lacks freedom to do otherwise. (As above, the Dilemma Defense challenges the notion that a purely counterfactual intervener can rule it out that the agent has freedom to do otherwise.) But there are various explicitly indeterministic versions of the Frankfurt-cases in

xiii John Martin Fischer, "Replies" [part of a book symposium on John Martin Fischer, *My Way: Essays on Moral Responsibility*], *Philosophy and Phenomenological Research* 80 (2010), pp. 267–78; the quotation is from p. 269.

xiv Fischer, "Replies," p. 269.

the literature; these cases involve purely counterfactual interveners plus the explicit assumption of causal indeterminism. Perhaps the most promising versions of these indeterministic Frankfurt-style cases are the “Buffer Zone” examples proposed by such philosophers as David Hunt and Derk Pereboom.<sup>xv</sup>

For my purposes here, it will not be helpful (or necessary) to lay out in detail indeterministic Frankfurt-style cases or to evaluate whether they do indeed show that the Principle of Alternative Possibilities (PAP) is false. Rather, here I am concerned with the *transition* from such cases—involving purely counterfactual intervention—to a deterministic version of the case. That is, I am seeking to address Clarke’s worry that the transition in question is spurious. So for the sake of argument here, I will simply assume that some indeterministic version of the Frankfurt-style cases “works” in the sense that it is a case in which the fact that makes it the case that the agent is not free to do otherwise is not part of the explanation of the agent’s actual behavior.

Now even if we are inclined to be persuaded that in such a case the fact that the agent could not have done otherwise is irrelevant to his moral responsibility, how can we go from this claim to a claim that in a *causally deterministic* Frankfurt-style case the fact that the agent could not have done otherwise is irrelevant to his moral responsibility? After all, causal determination “flows through the actual sequence”; it thus seems crucially different from a purely counterfactual intervener.

Consider the following interesting passage from Harry Frankfurt’s famous 1969 article, “Alternate Possibilities and Moral Responsibility”:

The fact that a person could not have avoided doing something is a sufficient condition of his having done it. But, as some of my examples show, this fact may play no role whatever in the explanation of why he did it. It may not figure at all among the circumstances that actually brought it about that he did what he did, so that his action is to be accounted for on another basis entirely.<sup>xvi</sup>

In this passage, Frankfurt points out that when a factor does not “figure at all among the circumstances that actually brought it about that [an agent] did what he did,” then it (or a description of it) will not play any role in the explanation of the behavior.

It is important however to note that Frankfurt is here claiming that a factor’s not figuring among the circumstances in the actual sequence is *sufficient* for its not being part of the explanation of the behavior in question and thus irrelevant to the agent’s moral responsibility. And it may well be that a factor’s figuring among the circumstances in the actual sequence is sufficient for its being part of the explanation of the agent’s behavior. But it does not follow that the factor in question is part of the *kind of explanation* of the agent’s behavior that would call his moral responsibility into question. And this is the crucial point. I argued above that the fact that Black is present and disposed as he is—in a causally deterministic framework—is not part of an explanation of Jones’s action that entails that some uncontroversially moral-responsibility-undermining factor occurs in the actual sequence leading to Jones’s choice and action. Further, no component of this fact is part of such an explanation; more specifically, the fact that causal determinism obtains in the context does not help to explain why Jones chooses to vote for Obama and does vote for Obama in such a way that the explanation entails that an uncontroversially

xv David Hunt ; Derk Pereboom

xvi Harry Frankfurt, “Alternate Possibilities and Moral Responsibility,” p. 150 in JMF

sially responsibility-undermining factor occurs along the sequence to Jones's choice and action. Thus, a factor that is indeed among the circumstances and events of the actual sequence may still play no role in the *designated kind of explanation* of the relevant behavior. So there is no bar to concluding that in the causally deterministic Frankfurt-style cases the factor that rules out the agent's freedom to do otherwise may well be irrelevant to the explanation of his behavior—and thus to the agent's moral responsibility. To make further progress we would need to home in on the actual sequence *qua* actual sequence. That is, we would have to figure out whether causal determination in the actual sequence counts as a moral-responsibility-undermining factor in itself and apart from indicating the lack of the agent's access to alternative possibilities.

So we now have an answer to the question posed (rhetorically) above: if the end-state of lacking alternative possibilities does not in itself rule out moral responsibility, why does a particular path *to that end-state* rule out moral responsibility? That is, if there are cases in which the agent lacks freedom to do otherwise but is nevertheless morally responsible for the relevant behavior, why would it be the case that, if the agent lacks freedom to do otherwise *in virtue of causal determination in the actual sequence*, he would *not* be morally responsible? Perhaps the way to think about this is that the mere fact that the actual sequence is causally deterministic may not in itself provide even part of an answer as to why the agent acts as he does that also entails that some indisputably responsibility-undermining factor takes place in the actual sequence. Thus, a factor that rules out an agent's freedom to do otherwise may include causal determinism (together with the relevant inputs to the chain) as a component, and yet it would *not* follow that this factor is part of the pertinent *kind* of explanation of why the agent actually acts as he does. Thus, it might be irrelevant to the agent's moral responsibility. The transition from indeterministic to deterministic Frankfurt-style cases is facilitated by the fact that in *both* sorts of scenarios, the factor that rules out the agent's freedom to do otherwise is not uncontroversially part of the *relevant kind* of explanation of his behavior. And this is true, even though the factor plays a role in the actual sequence in the causally deterministic versions, whereas it plays no such role in the indeterministic versions. The latter asymmetry gives way to a deeper, more significant symmetry.