

Moral Responsibility without General Ability

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Abstract: It is widely thought that, to be morally responsible for some action or omission, an agent must have had, at the very least, the *general* ability to do otherwise. As we argue, however, there are counterexamples to the claim that moral responsibility requires the general ability to do otherwise. We present several cases in which agents lack the general ability to do otherwise and yet are intuitively morally responsible for what they do, and we argue that such cases raise problems for various kinds of accounts of moral responsibility. We suggest two alternative approaches to thinking about the connection between moral responsibility and abilities to do otherwise, one of which denies that there is any ability-to-do-otherwise requirement on moral responsibility and the other of which requires only an opportunity to do otherwise. We also argue that a *general-ability-to-do-otherwise* requirement not only faces counterexamples but also lacks positive motivation.

Keywords: general ability, moral responsibility, opportunity

1. Introduction

It is widely thought that, in order to be morally responsible for some action or omission, an agent must have had, at the very least, the *general* ability to do otherwise than that action or omission.¹ For example, suppose that John, who lacks the general ability to swim, omits to rescue a child who is drowning far from shore in a deep lake; if John does not have even the general ability to swim, it would seem that John could not be morally responsible for omitting to

¹ As the term is standardly used, to have the *general ability* to perform some action is to have “the relevant skills, competence, or know-how required to do that thing” (Vihvelin 2013: 7). (Although Vihvelin notes that people use the term *general ability* for this notion, she herself uses different terminology. See note 9 below.) A person can have such an ability without having the opportunity to exercise it, as when Mele (2003: 447) has the ability to play golf even though he is in his office, which is too small to house a golf course. Yet general abilities are more robust than mere possibilities. Perhaps there is some sense in which Mele is able to make a hole-in-one—it’s *possible* that he does it—but, like all golfers, Mele does not have the general ability to make a hole-in-one.

save the child. And what is true of John may seem true in general: moral responsibility requires the general ability to do otherwise.²

As we argue in this paper, however, there are counterexamples to the claim that moral responsibility requires the general ability to do otherwise. We begin by presenting several cases in which agents lack the general ability to do otherwise and yet are intuitively morally responsible for what they do. We go on to argue that such cases give rise to a problem for various kinds of accounts of moral responsibility, all of which maintain that a general ability to do otherwise is required for moral responsibility. After considering two objections, we suggest two alternative approaches to thinking about the connection between moral responsibility and abilities to do otherwise, one of which denies that there is any ability-to-do-otherswise requirement on moral responsibility and the other of which requires only an opportunity (but not a general ability) to do otherwise.

2. *The cases*

Consider the following two cases:

Free Throw: Shaq is terrible at free throws, only sinking about 5% of shots he takes

(making him worse than the real Shaq, even on his worst days). (Let us even suppose that

² In fact, some philosophers, including Wolf (1990) and Nelkin (2011) as well as the “new dispositionalists,” whom we’ll discuss below, have responded to the so-called “Frankfurt-style examples” by pointing out that, even in such cases, the agent retains the general ability to do otherwise (e.g., to decide otherwise, or to vote for a different candidate). Such philosophers endorse something like the following:

(PAP-Robust General Abilities) An action is free in the sense required for moral responsibility only if the agent has the general ability to perform a robust alternative to that action. (McKenna and Pereboom 2016: 120)

In what follows, we present and discuss several counterexamples to this principle.

this percentage reflects the number of possible worlds in which Shaq succeed in making the shot out of all of the worlds in which Shaq tries to sink the free throw (in relevantly similar circumstances.) As Shaq is preparing to take a shot, however, an infallible predictor approaches Shaq and predicts that, if Shaq makes an attempt at time t , Shaq will sink the free throw.³ Having heard the prediction, Shaq refrains from making the attempt.

Lottery: Hurley sometimes purchases lottery tickets but has never won, which is unsurprising given the incredibly low odds. As he is deliberating about whether to purchase a ticket today, however, an infallible predictor approaches Hurley and predicts that, if Hurley plays a certain sequence of numbers (4, 8, 15, 16, 23, 42) today, Hurley will win the lottery. Having heard the prediction, Hurley refrains from buying a ticket.

Can Shaq be morally responsible for failing to sink the free throw? Intuitively, yes, since he knew that, were he to make the attempt, he would have sunk the shot. Can Hurley be morally responsible for failing to win the lottery? Intuitively, yes, since he knew that, were he to purchase a ticket (playing a certain sequence of numbers), he would have won.

Before we turn to more cases, suppose one were to object to our use of infallible predictors in these cases. In particular, one might wonder how an infallible predictor could know what would happen in various counterfactual circumstances.⁴ Perhaps there are no such facts for

³ Here and in the next case we use the expression “infallible predictor” to refer to someone who knows what would happen if some state of affairs obtains. Strictly speaking, then, our infallible predictors are not predictors of the actual future, but, for ease of exposition, we will continue to use the same expression.

⁴ Thanks to an anonymous reviewer for raising this objection. If one had remaining worries about the *infallibility* of the predictors in these two cases, we could stipulate that they are merely *reliable* predictors (and that the agents who interact with them are justified in believing in their reliability) without any change to the argument of the paper. And if even this does not allay

her to know. One way to secure both the existence of such facts and her ability to know them would be for there to be a deterministic connection in the counterfactual scenario between, say, Shaq's attempt to make a free throw and his succeeding in making the free throw. We can stipulate that such connections are present in **Free Throw** (and **Lottery**). This would not be to stipulate that Shaq's entire world is deterministic but only that the predictor can see that the proposition that Shaq attempts a free throw, together with the state of the universe at the moment of choice and the laws of nature would entail *Shaq's success*. This stipulation is compatible with incompatibilist accounts of freedom because it need not be determined that Shaq makes any particular choice. It is only determined that, if he chooses to make an attempt, he will succeed.

Now consider another pair of cases that are similar to the first pair but that do not involve any infallible predictors:

Golf: Like all golfers (even the best of them), Andrew lacks the general ability to make a hole-in-one. However, given some recent heavy rain, the green on a certain hole is sunken in such that it slopes down toward the hole from each direction. Andrew sees that if he tries to make a hole-in-one, he will succeed, but because he already has a substantial advantage over his opponent, and because he wants their scores to be close, he omits to make the hole-in-one, aiming for the rough instead.⁵

The Claw: While Debbie enjoys playing "The Claw"—a game in which the player attempts to retrieve toys called "Little Green Men" using a claw crane—she is only

worries about these predictors, we introduce another pair of cases below that are parallel to these two cases but that do not involve predictors of any sort.

⁵ Thanks to Andrew Law for suggesting this sort of case.

successful in winning a prize about 5% of the time. However, on this occasion, she sees a "Buzz Lightyear" toy resting on the pile of other toys and not packed tightly among the other toys as is usually the case. Debbie sees that she would retrieve Buzz if she tried, but because she realizes that she already has more than enough toys and wants to leave this one for someone else, she omits to retrieve the toy.⁶

As in the first pair of cases, intuitively the agents in these cases can be morally responsible for their respective omissions despite lacking the general ability to do otherwise (i.e., to perform the omitted actions).⁷ In what follows, we will refer back mainly to **Free Throw** and **Lottery**, but what we say about them applies just as well, *mutatis mutandis*, to **Golf** and **The Claw**.⁸

3. *The problem*

The cases introduced in section 2 give rise to a problem for any account of moral responsibility according to which some general ability to do otherwise than what one in fact does

⁶ Thanks to Debbie Nelson for suggesting this sort of case.

⁷ One might think that Debbie has the general ability to retrieve lightly packed toys and thus, in **The Claw**, has the general ability to do otherwise. (Thanks to an anonymous reviewer for raising this point.) But we could circumvent this worry by changing the case such that Buzz is actually densely packed among the other toys but appears to Debbie to be only lightly resting on top. Furthermore, we could stipulate that Debbie is justified in believing that if she tried, then she would succeed in retrieving Buzz, and we could also stipulate that, luckily enough, it's true that if she tried on this occasion, then she would succeed, despite the dense packing.

⁸ The observant reader will have noticed that all four of our cases involve moral responsibility for omission, and one may wonder whether there can be cases in which an agent is morally responsible for an action despite lacking the general ability to do otherwise (including the general ability to omit to perform that action). We think that agents nearly always (or perhaps always) have the general ability to omit to do what they actually do, which is why it is difficult (or perhaps impossible) to construct cases in which agents are intuitively morally responsible for what they do (i.e., for their actions) despite lacking the general ability to omit. Thanks to an anonymous reviewer for raising this point.

is required for moral responsibility. In this section, we raise this problem for two very different accounts of moral responsibility.

3.1. *The problem for the “new dispositionalism”*

Recently, several philosophers have introduced dispositional accounts of general abilities that are roughly equivalent to the following:⁹

General Ability: *S* has the general ability to *A* iff, in a wide range (or suitable proportion) of circumstances, if *S* were to choose (or attempt) to *A*, then *S* would *A*.

This analysis of general abilities is meant to improve upon a simple conditional analysis of general abilities—which does not require success in a wide range (or suitable proportion) of circumstances—in exactly the way that recent accounts of dispositions have improved upon earlier, simpler accounts. You might have thought, say, that a glass is fragile iff it would break if struck; however, since it is possible for a fragile glass to be masked (wrapped in bubble-wrap, say) or for it to be finked (for a wizard to alter the intrinsic properties of the glass when it is struck), this account would be too simple. Because of this, metaphysicians have introduced more sophisticated accounts of dispositions that require success in a wide range (or suitable proportion) of circumstances. Similarly, you might have thought that Adele has the general ability to sing iff Adele would sing if she chose to sing; however, since it is possible for Adele’s general ability to sing to be masked (as when she is gagged) or for it to be finked (for a wizard to

⁹ See Fara (2008), Maier (2015), Smith (2003), and Vihvelin (2013). Note that, while Vihvelin does not use the term *general ability*—as she has worries about this term (2013: 240, n. 26)—what we say here applies to her “narrow ability,” which we take to be exactly what people who use the term *general ability* are talking about.

alter her intrinsic properties, perhaps by making her hoarse, when she chooses to sing), this account would be too simple. Because of this, several philosophers have introduced more sophisticated accounts of general abilities like *General Ability*.¹⁰

In addition to improving upon a simple conditional analysis of general abilities, some philosophers take *General Ability* to secure compatibilism about moral responsibility and causal determinism by 1) analyzing free will (which is required for moral responsibility, on their view) partly in terms of *General Ability* and 2) defending the claim that (even unexercised) general abilities are compatible with causal determinism. Following Randolph Clarke (2009), let us refer to this view as the “new dispositionalism.” Free will, according to the new dispositionalism, requires the freedom to do otherwise, so the general abilities required for free will are general abilities to do otherwise than what we are causally determined to do. Now, since it is clearly possible for an object to possess a disposition that is not manifested, so too, according to the new dispositionalism, it is possible for us to possess general abilities to do otherwise than we do even if these are never manifested. According to the new dispositionalism, then, even though general abilities to do otherwise are required for us to be morally responsible (since they are required for free will, which is required for moral responsibility), causal determinism does not preclude such abilities, and thus compatibilism is true.

¹⁰ The details of what is required by the “wide range (or suitable proportion) of circumstances” clause varies from account to account, but they all share this formal structure. It is important to see that, no matter how this clause is specified, the result will be importantly different from the simple conditional analysis. One might think that if an agent succeeds in doing what she chooses in some possible world, then there will be a wide range of worlds (with slight differences, such as differences to the arrangement of particles in distant galaxies) in which she succeeds. Clearly, though, this is not the sort of range (or proportion) of circumstances intended by *General Ability*, since these worlds would constitute only a very narrow range (or proportion) of circumstances. One might worry whether this range (or proportion) can be adequately specified, but it is not our aim to defend this account here, so we set this aside.

But general abilities to do otherwise are not required for moral responsibility. In **Free Throw**, Shaq fails to satisfy *General Ability* with respect to his sinking a free throw, but he can be morally responsible for failing to sink the free throw despite lacking the general ability to do otherwise (i.e., despite lacking the general ability to sink the free throw). Similarly, in **Lottery**, Hurley fails to satisfy *General Ability* with respect to his winning the lottery, but he can be morally responsible for failing to win the lottery despite lacking the general ability to do otherwise (i.e., despite lacking the general ability to win the lottery).

3.2. *The problem for Franklin's analysis of 'can'*

Christopher Evan Franklin (2011) defends an event-causal libertarian account of free will and moral responsibility. One worry for *event-causal* libertarianism is that it seems that agents who satisfy its conditions for free will and moral responsibility do not possess any more control than can be had by agents in deterministic worlds, and this is in tension with the libertarian's commitment to incompatibilism about free will/moral responsibility and determinism. According to Franklin, this "problem of enhanced control" can be solved by attending to the fact that free will, on the event-causal libertarian's account, requires both the *ability* (which Franklin thinks corresponds to the 'will' in 'free will') and the *opportunity* (which Franklin thinks corresponds to the 'free' in 'free will') to do otherwise. Franklin does not provide an analysis of the ability that he takes to be required for free will and moral responsibility (since he thinks that determinism only limits opportunities and thus that only an analysis of opportunities is crucial to his project), but it is clear from Franklin's examples of abilities (the ability to swim, the ability to play the piano) and from his characterization of abilities as grounded in agents' intrinsic properties—"an agent's abilities nomologically supervene on her intrinsic properties" (Franklin 2011: 694)—that

he takes these abilities to be general abilities (similar, in fact, to those captured by *General Ability*).

On Franklin's event-causal libertarian view, then, an agent exercises her free will and is morally responsible for what she does only if she can do otherwise, where the 'can' at issue (in the free will debate) is analyzed as follows:

(CFW*) An agent S can φ at t in possible world W iff (i) S has the ability to φ at t in W and (ii) there is a possible world W* in which S φ s at t and, at the very least, everything except S's φ -ing and the causal consequences of her φ -ing is the same as in W. (Franklin 2011: 698)

Setting aside Franklin's claims about opportunities, what is interesting for our purposes is that Franklin's account of moral responsibility requires that agents can do otherwise, and, given his analysis of the 'can' at issue in debates about free will and moral responsibility, this implies that moral responsibility requires the general ability to do otherwise.

But, as we saw above, moral responsibility does not require the general ability to do otherwise. In **Free Throw**, it is not true of Shaq that he can do otherwise (i.e., sink the free throw), on Franklin's analysis of 'can' (CFW*), but intuitively he is nevertheless morally responsible for failing to sink the free throw. Similarly, in **Lottery**, it is not true of Hurley that he can do otherwise, on Franklin's analysis of 'can' (CFW*), but intuitively he is nevertheless morally responsible for failing to win the lottery.

4. *Objections*

4.1. *Objection 1*

We claim that Shaq and Hurley lack the general ability to do what they refrain from doing but that such a general ability is not required for moral responsibility. Suppose someone objects to this claim in the following way:

In **Free Throw**, Shaq has the general ability *to sink a free throw when an infallible predictor predicts that Shaq will sink a free throw at a certain time*, for Shaq does sink his attempted free throw in all of the possible worlds in which an infallible predictor predicts that Shaq will sink it if he tries. And in **Lottery**, Hurley has the general ability *to win the lottery when an infallible predictor predicts that Hurley will win by playing a certain sequence*, for Hurley does win the lottery in all of the possible worlds in which he buys the ticket that an infallible predictor has predicted will be the winner. It is *these* abilities that explain how Shaq and Hurley can be morally responsible for refraining as they do, and since these are general abilities, there is no worry for the new dispositionalism.

This is a very interesting challenge, and it cannot be met by claiming that the putative general abilities possessed by these agents are too fine-grained to be genuine general abilities. It is common to talk about agents' abilities at at least this fine-grained level of description, such as when we say that Alison has the general ability to beat Terrence at racquetball, or that Chris has the general ability to beat Sergio at chess when they play under time constraints. The context of utterances about general abilities can pick out very fine-grained levels of description, so it will

not suffice to meet the challenge by denying that the agents possess these fine-grained general abilities.¹¹

But there are, we think, two better ways that we might address the challenge. First, **Free Throw** and **Lottery** show that an agent can be morally responsible for refraining from performing a certain action *A* (sinking a free throw, winning the lottery) at a specific level of description *X* even though the agent lacked the general ability to *A* at level *X*. It might be true, as the challenge has it, that Shaq and Hurley nevertheless possess *some* general abilities (to do some action *B* at finer-grained level of description than *X*, such as the ability to sink a free throw when an infallible predictor predicts success if attempted), but in addition to being morally responsible for refraining from exercising *those* abilities, we claim that Shaq and Hurley can be morally responsible for refraining from performing *A*.

Here is another way to articulate this first response to the objection under consideration.¹² We take it that the general-ability-to-do-otherwise requirement on moral responsibility is best understood as claiming that, to be morally responsible for an action or omission at a specific level of description, one must have the general ability to do otherwise *at that same level of description*. In the cases we present, the agents lack the general ability to perform the omitted action holding fixed a certain level of description. For example, in **Free Throw**, Shaq is morally

¹¹ As we saw above in the discussion of *General Ability* and Franklin's analysis of 'can', it is common to take agents' general abilities to supervene their intrinsic properties. One might wonder how a fine-grained general ability like the general ability to beat Terrence at racquetball could be an intrinsic property, though, since it would seem to depend on the properties of Terrence, something extrinsic to the agent who possesses the ability. But if our agent, Alison, has the extrinsic power to beat Terrence at racquetball, then she also has the intrinsic power to beat agents who are relevantly similar to Terrence. By building Terrence's properties into the description of Alison's ability, we can rightly ascribe to her the intrinsic property that grounds her general ability to beat Terrence at racquetball. Thanks to an anonymous reviewer for suggesting this clarification.

¹² We are indebted to an anonymous reviewer for suggesting this alternative expression of our point.

responsible for omitting to sink a free throw despite lacking the general ability to sink a free throw. Shaq is not just morally responsible for *omitting to sink a free throw when an infallible predictor predicts that Shaq will sink a free throw at a certain time*, but he's also morally responsible for the omission as omissions are typically identified (Shaq simply omitted to make the free throw).

Second, slightly modified versions of the cases can escape this worry. Here is how the modification to **Lottery** works, but the same could be done to **Free Throw**:

Lottery*: Diana, a mischievous goddess, often approaches mere mortals and makes predictions about what will happen, only a small fraction of which are accurate predictions based on what she knows about the future. As Hurley is deliberating about whether to purchase a lottery ticket, Diana approaches him and predicts that, if Hurley plays a certain sequence of numbers (4, 8, 15, 16, 23, 42) today, Hurley will win the lottery. Hurley has good evidence that Diana is telling the truth (he has witnessed her make accurate predictions in the past, say, yet has not heard of her mischievousness), but, having heard the prediction, Hurley nevertheless refrains from buying a ticket.

As in the original **Lottery** case, intuitively Hurley can be morally responsible in **Lottery*** for failing to win the lottery. But it is false, in this case, that Hurley has the general ability *to win the lottery when Diana predicts that he will win if he enters*. So even if the challenge to our original cases succeeds, there are modified versions of them that will do the same work and that can nevertheless escape the challenge.

Might Hurley still possess a general ability to do otherwise, even in **Lottery***? One might be tempted to say that Hurley has the general ability *to win the lottery when Diana truly predicts that he will win if he plays these specific numbers*.¹³ Even if it is true that Hurley has this general ability, we think, he nevertheless lacks the general ability *to do otherwise than refraining from performing A*, and intuitively he is nonetheless responsible for exactly that omission (not merely his omission *to win the lottery when an infallible predictor has truly predicted that he will win the lottery if he plays these numbers*).

4.2. Objection 2

Here's another way the proponent of a general-ability-to-do-otherwise requirement on moral responsibility could attempt to account for our claims about **Free Throw** and **Lottery**. It is common to distinguish between direct and indirect responsibility. The proponent of a general-ability-to-do-otherwise requirement could say that the general ability to do otherwise is required only for *direct* responsibility. They could then claim that Hurley is *indirectly* responsible for failing to win the lottery in virtue of refraining from some other act (e.g., buying a ticket) that he *does* have the general ability to perform (and is thus directly responsible for). Parallel claims could be made about **Free Throw**.

¹³ We think that there is something suspect about building into the ability that Diana *truly* (or *correctly*) predicts that Hurley will win—just as Lewis (1976: 151) warned against inferring from the fact that I *won't* do a certain thing that I *can't* do it, we would warn against inferring from the fact that I *will* do a certain thing (if I try) that I have the *ability* to do it. Moreover, since anyone who requires a general ability to do otherwise for moral responsibility should admit that there are *some* actions with respect to which we *lack* the general ability to perform them, we can construct cases *with respect to those actions* that are parallel to **Free Throw** and **Lottery** and in which agents who lacks such a general ability nevertheless appear morally responsible for omitting to do the things they lack the general ability to do.

We do not think that this is a promising approach, for we can construct a version of **Lottery** where Hurley lacks even the general ability to buy a ticket but is told that he will succeed if he makes the attempt. More generally, it seems that Hurley could be in this position with respect to all of the relevant act types. Suppose Hurley suffers from a neurological condition such that, when he attempts any sort of action at all, he is very likely to immediately become unconscious, normally failing to perform the act he is attempting to perform. Thus he lacks even the general ability to perform acts such as speaking or moving his arm. But suppose the infallible observer tells him that he will not be knocked unconscious if he attempts to buy a ticket now. It seems that he is responsible for failing to buy a ticket and that there is no relevant act which he possesses the general ability to perform.

Perhaps the proponent of a general-ability-to-do-otherwise requirement could say that what agents are directly responsible *for* is *attempts*, rather than actions, and that Hurley does still possess the general ability to attempt to buy a ticket. But this move puts pressure on the proponent of a general-ability-to-do-otherwise requirement to provide an account of the general ability to attempt. Suppose they endorsed an analogue of the new dispositionalists' account for action:

General Ability to Attempt. *S* has the general ability to *attempt to do A* iff, in a wide range (or suitable proportion) of circumstances, if *S* were to choose (or attempt) to *attempt to do A*, then *S* would *attempt to do A*.

If it is possible for S to attempt to *attempt to do A* without succeeding in *attempting to do A*, then we can give a case where Hurley lacks the general ability to even *attempt to do A* (because he often falls unconscious if he so much as attempts to *attempt to do A*).

On the other hand, if attempting to *attempt to do A* entails successfully *attempting to do A*, then *General Ability to Attempt* would apparently render all agents omnipotent with regard to attempts, which is surely a bad result! So it looks as though the proponent of a general-ability-to-do-otherswise requirement on moral responsibility cannot restrict direct responsibility to attempts in order to avoid our objection, while sticking with their preferred account of general ability.

Suppose instead that the objector endorsed an account of ability to attempt that did not refer to attempts to attempt in the analysis:

*General Ability to Attempt**: An agent S has the ability to attempt to ϕ at time t in possible world W iff S attempts to ϕ at t in a sufficient proportion of all the worlds that are such that (i) they have the same laws of nature as W, and ii) S's intrinsic properties are sufficiently similar to her intrinsic properties in W at t.¹⁴

While this proposal avoids the problems just raised for *General Ability to Attempt*, suppose that Hurley suffers from a neurological condition that constantly renders him unconscious, preventing him from even attempting to buy lottery tickets in a sufficient proportion of the relevant worlds. If our predictor told Hurley that, nevertheless, he won't be rendered unconscious this time, Hurley could omit to attempt to buy a ticket (and could be morally responsible for this omission) without satisfying *General Ability to Attempt** with respect to the attempt to buy a ticket.

¹⁴ This proposal is inspired by an account of abilities that Franklin (2018) provides but applied specifically to attempts.

5. *Two alternatives*

5.1. *No ability requirement on moral responsibility*

One alternative to the view that moral responsibility requires general abilities to do otherwise is the view that there is no ability to do otherwise requirement on moral responsibility. This suggestion is likely to call to mind the semicompatibilist position developed by John Martin Fischer (at times with Mark Ravizza) according to which moral responsibility is compatible with determinism even if the ability (or freedom) to do otherwise is not. As it turns out, it is actually contentious whether or not Fischer's view requires a general ability to do otherwise.¹⁵ We will argue, however, that it is open to actual-sequence compatibilists like Fischer to deny that moral responsibility requires general abilities to do otherwise. But the view that there is no ability to do otherwise requirement on moral responsibility is also available, at least in principle, to *incompatibilists*, and we will argue for this claim by showing how two sorts of incompatibilist views can reject a commitment to an alternative possibilities requirement on responsibility. Let us consider each of these views in turn.

According to Fischer and Ravizza (1998), in order for an agent to be morally responsible for some action (or omission or consequence, but we will stick to actions), the action must have issued from the agent's own moderately reasons-responsive mechanism. For a mechanism to be an agent's own, the agent must have taken responsibility for it, which in turn requires three things: first, the agent must see herself as efficacious in the world; second, the agent must accept

¹⁵ Fischer (2018) concedes to Franklin (2015) that his semicompatibilist view does require a general ability to do otherwise in order for agents to be morally responsible. Given the cases discussed in this paper, we think that it would be better for Fischer to adopt the strategy we sketch in this section.

that she is a fair target of the reactive attitudes as a result of how she exercises her agency in certain contexts; and third, the agent's view of herself specified in the previous ingredients must be based, in an appropriate way, on the evidence. So far, nothing in Fischer and Ravizza's account of moral responsibility requires an ability to do otherwise.

For a mechanism to be moderately reasons-responsive is for it to be both moderately receptive to reasons and at least weakly reactive to them. Moderate receptivity to reasons requires that the agent's mechanism recognize sufficient reasons in an appropriately patterned way, both actually and hypothetically. Weak reactivity to reasons says that "there must exist some possible world in which there is a sufficient reason to do otherwise, the agent's actual mechanism operates, and the agent does otherwise" (Fischer 2006: 68). It is only this last component, weak reasons-reactivity, that is even a candidate for introducing an ability to do otherwise requirement into the account of moral responsibility, since it is the only component that makes reference to what the agent (or the agent's mechanism) does in other possible worlds. But it would be a mistake to think that Fischer and Ravizza are committed to such a requirement, for their notion of weak reasons-reactivity only requires that the agent succeed in doing otherwise in *some* possible world in which the agent has a sufficient reason to do otherwise. As we saw above, success in *some* possible world is insufficient to guarantee a general ability. There is some world where Shaq succeeds in sinking a free throw, but he lacks the pertinent general ability. Likewise, there is some world in which Hurley (or any of us, for that matter) wins the lottery, but it does not follow that he has the general ability to win the lottery. (These agents may nevertheless be morally responsible for failing to sink the throw/win the lottery since, we may stipulate, the mechanisms that issue in action are moderately reasons-responsive—they recognize sufficient reasons to do otherwise in an appropriately patterned way, and there is some possible

world in which the mechanisms operate on sufficient reasons to do otherwise—and the agents satisfy the epistemic condition on moral responsibility as well.) So, on Fischer and Ravizza’s account, no general ability to do otherwise is required for moral responsibility.

Might some other ability to do otherwise be required, on their account? It is true that, on Fischer and Ravizza’s view, it must be possible that the agent (in virtue of her mechanism) react to a sufficient reason to do otherwise. It is open to Fischer and Ravizza, however, to claim that even if this guarantees that, in some sense, morally responsible agents can (or are able to) do otherwise, on their account, it does not require anything that rises to the level of an ability.¹⁶ Here they might agree with Kadri Vihvelin: “It’s *possible* that I win the lottery; I *might* win it; I *could* win it. But I don’t have the *ability* to win the lottery. ‘Might’, ‘could’ and ‘it’s possible’ are compatible with luck in a way that ‘has an ability’ is not” (Vihvelin 2013: 7). If Vihvelin is right, then it would not follow from the mere fact that an agent (in virtue of her mechanism) reacts to a sufficient reason to do otherwise in *some* world that she therefore has any *ability* to perform that action, and thus Fischer and Ravizza could maintain that no ability to do otherwise is required for moral responsibility.¹⁷

There are also two sorts of incompatibilist views that avoid commitment to an alternative possibilities requirement on responsibility (though perhaps the first should be interpreted as a specific version of the second). Consider first deliberative libertarianism (or “modest

¹⁶ Alternatively, an actual-sequence compatibilist could reject Fischer and Ravizza’s account of reasons-reactivity and develop an alternative that does not require this possibility. See Sartorio (2015; 2016, chapter 4) for an example of this alternative.

¹⁷ For more on this point, see Cyr (2017). Taking this suggestion, it is worth noting, would require denying that reactivity is “all of a piece,” as Fischer and Ravizza originally maintained (1998: 73), since, if an agent’s reactivity is all of a piece, then there will be a wide range (or suitable proportion) of worlds in which that agent reacts to a sufficient reason to do otherwise (and thus the agent would satisfy *General Ability*).

libertarianism,” as it is sometimes called).¹⁸ Because this view is a libertarian account of freedom, it denies that freedom is compatible with causal determinism. Nevertheless, on this view, in order for agents to possess a sufficient degree of control over their actions, their actions must be deterministically caused by their proximate causes, and thus the indeterminacy required for freedom must be located at a different place. On the version of this view suggested by Alfred Mele (1995; 2006), the indeterminacy may be located earlier in the causal chain leading to an agent’s action, prior to the agent’s arrival at a judgment about what it would be best to do. For example, it may be undetermined what comes to mind during the agent’s process of deliberation. Now, because the indeterminacy required for freedom is not located at the time of action, the conditions of this type of account could in principle be satisfied by agents who lack the ability to do otherwise than what they do. The only alternative required by this account are alternatives in what occurs to agents during their deliberations, which is not something the agent has any ability concerning.

Source incompatibilists can also deny that alternative possibilities are required for moral responsibility. Source incompatibilists hold that moral responsibility requires being the “ultimate source” or “originator” of one’s actions. And they construe being an ultimate source in a manner which is incompatible with causal determinism. Some source incompatibilists hold that being an ultimate source entails possessing alternative possibilities.¹⁹ But others, convinced by Frankfurt-style examples, deny that alternative possibilities are required for being an ultimate source.²⁰ So

¹⁸ This view has been discussed by Dennett (1978, chapter 15), Fischer (1995: 122-124), Mele (1995: 211-221; 2006: 9-14), and Clarke (2003, chapter 4).

¹⁹ See, for example, Kane (1996).

²⁰ For the classic presentation of Frankfurt-style examples, see Frankfurt (1969). For examples of source incompatibilists who are convinced by such examples, see Timpe (2012) and Pereboom (2014).

it is open to source incompatibilists to maintain that there is no ability to do otherwise requirement on moral responsibility.

5.2. Only an opportunity is required for moral responsibility

Recall that Franklin's account of 'can' has both a (general) ability component and an opportunity component. As we discussed above, one potential lesson of cases like **Free Throw** and **Lottery** is that there is no interesting sense in which responsibility requires that the agent 'could have done otherwise'. But another potential lesson is that only the opportunity to do otherwise, and not the general ability to do so, is required for moral responsibility. Perhaps an agent 'could have done otherwise', in the relevant sense, so long as they had the opportunity to do otherwise.

Here is Franklin's account of opportunity, which is the second component of his analysis of 'can' considered above (CFW*):

- (O*) S has the opportunity to φ at t in W iff there is a possible world W* in which S φ s at t and, at the very least, everything except S's φ -ing, and the causal consequences of her φ -ing, is the same as in W. (Franklin 2011: 697)

We prefer a slightly different account of opportunity. Franklin's account does allow for the fact that the causal consequences of one's act need not be held fixed in determining what one has the opportunity to do. So, for example, we do not need to hold fixed that Jonah's car started when determining whether he had the opportunity to avoid turning the key. However, there are also facts that non-causally depend on Jonah's action, which also should not be held fixed.

Suppose that Jonah's turning the key grounds the existence of the singleton set containing only the concrete event of Jonah's turning the key. On Franklin's O^* , it follows that Jonah did not have the opportunity to avoid turning the key. This is because the set {Jonah's turning the key} does not exist in any world where Jonah does not turn the key. And the existence of the set is neither identical to, nor a causal consequence of, Jonah's act. But surely Jonah did have the opportunity to avoid turning the key.

Swenson (2016a) defends an account of opportunity that appeals to *explanatory dependence*. Explanatory dependence is a broad notion that includes both causation and grounding as sub-types. Here is a very slightly modified version of Swenson's account:

No Independence Account: S has the opportunity to do A at T in W iff there is a possible world in which all of the facts in W that do not (at least partially) explanatorily depend on S's choice(s) at T still obtain and S does A. (Swenson 2016a: 662)

The **No Independence Account** allows us to hold that Jonah did have the opportunity to avoid turning the key. This is because the set {Jonah's turning the key} is grounded by Jonah's act. Thus we do not need to hold it fixed in evaluating Jonah's opportunities. (Note also that this account of opportunity, like Franklin's, does not entail that the agent has the general ability to do whatever she has the opportunity to do.)

Is it plausible that a mere requirement that the agent have the opportunity to do otherwise (in the sense captured by the **No Independence Account**) can play the role traditionally filled by the ability to do otherwise requirement on moral responsibility? We think so. A problem would arise if there were cases of non-responsibility that could not be plausibly explained without

appealing to a requirement that the agent has the *general* ability to do otherwise. But we do not think that there are such cases.

The most plausible candidates for such cases are variants on our initial cases in which the agents do not realize that they would succeed if they made an attempt. So consider:

Unwitting Free Throw: Shaq is terrible at free throws, only sinking about 5% of shots he takes (making him worse than the real Shaq, even on his worst days). Thus Shaq lacks the general ability to make free throws. But unbeknownst to Shaq, if Shaq had made an attempt at time t , Shaq would have sunk the free throw. And nothing about the world prior to t entailed that he would not do so. Thus he does (at time t) possess the opportunity to make a free throw. Believing he would fail if tried, however, Shaq refrains from making the attempt.

Intuitively, Shaq is not responsible for failing to make a free throw. One potential explanation of his non-responsibility is that he lacks the general ability to do so. However, there is another plausible explanation available, namely that Shaq fails to meet the epistemic condition on responsibility. The reason that he is not responsible for failing to make the free throw is that he cannot reasonably foresee that attempting the free throw will (or even likely will) result in a made free throw. This explanation is especially plausible since, as we have seen, if we alter the case so that Shaq can foresee that he would make the free throw, he *is* responsible for failing to make the free throw. Thus we need not appeal to a requirement that the agent has the *general* ability to do otherwise in order to explain why Shaq is not responsible in **Unwitting Free Throw**.

This discussion reveals an important fact. The general ability to do otherwise requirement not only faces difficulties (as revealed by **Free Throw**, **Lottery**, and other cases). It also lacks positive motivation! The cases which *prima facie* support the general ability to do otherwise requirement can be explained perfectly well by appeal to an opportunity requirement along with an epistemic condition. Given this, we recommend that those attracted to an ability to do otherwise requirement on moral responsibility endorse the view that only the opportunity to do otherwise, and not the general ability to do so, is required for moral responsibility.

Perhaps there is some type of ability which is less coarse grained than general ability but which still requires more of a dispositional profile than mere opportunity. Consider:

Speaker 1: an excellent speaker of French who is currently gagged.

Speaker 2: an excellent speaker of French who is not gagged.

Speaker 3: is not gagged but does not speak French.

Both Speaker 1 and Speaker 2 have the general ability to utter a French sentence. Speaker 2 also has the opportunity. Speaker 3 does not have the general ability but may have the opportunity. Perhaps nothing about the current state of world rules out his making a series of sounds that would constitute a French sentence. (He is like a would be safe opener who is free to enter any series of numbers but does not know the combination.)

Perhaps there is a sort of ability that Speaker 2 possesses but neither Speaker 1 or Speaker 3 possesses. Something distinct from both general ability and mere opportunity. Call this *specific ability*. Might *specific ability* be required for moral responsibility?

One attractive account of specific ability is the following:

General Ability+Opportunity: *S* has the specific ability to do *A* iff (i) *S* has the general ability to do *A* and (ii) *S* has the opportunity to do *A*.

Since, on this account, the possession of a specific ability entails the possession of a general ability, **Free Throw** and **Lottery** provide counterexamples to the claim that the specific ability to do otherwise is required for moral responsibility as well. In order to maintain that some specific ability to do otherwise is required for moral responsibility, then, one would need to drop the general ability requirement in *General Ability+Opportunity*, replacing it with something specific to the agent's circumstances beyond that the agent has the opportunity. In **Free Throw**, Shaq must gain the relevant specific ability to make a free throw when the predictor tells him that he will succeed if he tries, despite the fact that he does not gain the general ability. Here is a modified account of specific ability that would secure the desired result:

Opportunity+Knowhow: *S* has the specific ability to do *A* iff (i) *S* has the opportunity to do *A* and (ii) *S* knows how to do *A* in the very specific circumstances *S* is in.

It is plausible that Shaq knows how to make a free throw in his very specific circumstance. He knows that all he needs to do is attempt. Thus he does possess the specific ability to make a free throw on this account.

If one is inclined to take there to be some ability to do otherwise requirement on moral responsibility (rather than taking the first option discussed above), we think that requiring the specific ability (in the *Opportunity+Knowhow* sense) to do otherwise is a plausible view.²¹ But

²¹ Another option is to take something like specific ability as an unanalyzable primitive (see Maier 2015). But we don't see a reason to go this route unless *Opportunity+Knowhow* fails.

note that it is not in conflict with the opportunity requirement we suggested above, since, on this account, specific ability entails opportunity.²²

To be clear, we are not endorsing the claim that the opportunity (or specific ability) to do otherwise is required for responsibility. One might think that the Frankfurt-style examples show this is false.²³ Rather, we are claiming that, if there is some ability to do otherwise requirement on moral responsibility, then appealing to opportunity (or specific ability) rather than general ability is the way to go.

6. *Can we go further?*

Mele (2003) provided a different motivation for a view along the lines of our claim that the general ability to do otherwise is not required for responsibility. Mele gives this case:

Intending to vote for Gore, [Al] pulled the Gore lever in a Florida voting booth.

Unbeknownst to Al, that lever was attached to an indeterministic randomizing device:

pulling it gave him only a 0.001 chance of actually voting for Gore. Luckily, he

succeeded in registering a Gore vote. (Mele 2003: 467)

²² Suppose Sarah the safe-cracker doesn't know the combination to the safe but makes a guess at the combination and (luckily) succeeds. Sarah opened the safe, and so one might think that she therefore had the specific ability to open the safe, but she didn't know how to open the safe in the very specific circumstances she was in, and so it might appear that having the specific ability to *A* doesn't require knowing how to *A*. (Thanks to anonymous reviewer for raising this point.) We do not think that this is a counterexample, however, because we reject the inference from "Sarah did it" to "Sarah had the specific ability to do it." It seems plausible that in order to have a specific ability to do something one must be able to control whether one succeeds to a greater extent than Sarah does. Her success is a matter of luck.

²³ We are divided on this issue. One of us, Cyr, is convinced by the Frankfurt-style cases, whereas the other of us, Swenson, defends the claim that the Frankfurt-style cases fail—see Swenson (2015; 2016b) and Capes and Swenson (2017).

Mele also suggests this *conjecture*: "If an agent's freely *A*-ing at *t* requires his being able at *t* to perform an action that is an alternative to *A*, the level of the required "alternative" ability is no higher than the highest-level ability to *A* required for his freely *A*-ing" (Mele 2003: 467).

It is plausible that Al freely votes for Gore (and is responsible for doing so) despite not possessing the general ability to vote for Gore. (We can imagine that in most nearby worlds indeterministic randomizing devices render his voting for Gore unlikely.) And if we accept Mele's conjecture, it then seems plausible that Al is not required to possess any sort of ability to do otherwise which is as demanding as the general ability to do otherwise. (Mele does not quite put the point in terms of "general ability" but we think he is onto related issues here.)

We find Mele's argument attractive, but we think that our argument possesses an important advantage. In order for Mele's argument to go through, one must accept his conjecture. This gives proponents of a general ability requirement a way to resist the argument without biting the bullet in the face of a counterexample. They can simply reject the conjecture. Our argument does not rely on anything similar to Mele's conjecture. Rather, we present apparent counterexamples to the general ability requirement. Thus, progress has been made.

Reflection on Mele's example (along with **Lottery** and **Free Throw**) may suggest the thought that general abilities are entirely irrelevant to moral responsibility, for it is easy to construct cases in which agents are morally responsible for doing something despite lacking the general ability to do the thing in question.²⁴ Consider a (Mele inspired) variation of **Lottery** in which Hurley buys the ticket, thereby winning the lottery. Although he lacks the general ability to win the lottery, Hurley is nevertheless morally responsible (we submit) for winning the lottery in this case. But if the general ability to do something is not required to be morally responsible

²⁴ Thanks to an anonymous reviewer for suggesting the stronger claim that general abilities are irrelevant to moral responsibility.

for it, and, as we have argued in this paper, the general ability *to do otherwise* is not required for moral responsibility, how might general ability be relevant to moral responsibility at all?

We maintain that general abilities are less relevant to moral responsibility than is typically assumed. And we are by no means endorsing the claim that general ability *is* relevant to moral responsibility. We do not think that it follows from the above points, however, that general abilities are entirely irrelevant to moral responsibility. We haven't ruled out, for example, that there *can* be cases in which, to be morally responsible, an agent must have some general ability (either to do some action or to do otherwise). Another possibility is that having (or lacking) general abilities may affect an agent's *degree* of moral responsibility, as it seems plausible that having various general abilities amounts to having more control and that this may play a role in determining an agent's degree of moral responsibility. These are, of course, only a couple of underdeveloped suggestions, but we want to leave it open whether general abilities may be relevant to moral responsibility in some way despite their not being necessary for moral responsibility.

7. Conclusion

In this paper, we presented several cases in which agents are intuitively morally responsible despite lacking the general ability to do otherwise. We went on to argue that such cases undermine certain kinds of accounts of moral responsibility, using the new dispositionalism and Franklin's analysis of 'can' as examples. We then developed three alternatives concerning the connection between moral responsibility and abilities to do otherwise: the first alternative denies that there is any ability-to-do-otherwise requirement on

moral responsibility; the second requires only an opportunity (but not a general ability) to do otherwise; and the third requires a specific ability (defined in a particular way) but not a general ability to do otherwise.

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