

Incompatibilism and the Past*

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Abstract

There is a new objection to the Consequence Argument for incompatibilism. I argue that the objection is more wide-ranging than originally thought. In particular: if it tells against the Consequence Argument, it tells against other arguments for incompatibilism too. I survey a few ways of dealing with this objection and show the costs of each. I then present an argument for incompatibilism that is immune to the objection and that enjoys other advantages.

1. Arguments for Incompatibilism

1.1. *The Consequence Argument*

Incompatibilism is the thesis that free will is incompatible with—not compossible with—determinism. Incompatibilism says that it *couldn't* be that someone acts freely and determinism is true. The Consequence Argument:

If determinism is true, then our acts are the consequences of the laws of nature and events in the remote past. But it is not up to us what went on before we were born, and neither is it up to us what the laws of nature are. Therefore, the consequences of these things (including our present acts) are not up to us.¹

* Thanks to anonymous referees, Justin Capes, Sean Choi, John Fischer, James Gibson, Bill Hasker, Roberto Loss, Jonah Nagashima, Al Plantinga, Mike Rea, Brad Rettler, Patrick Todd, Peter van Inwagen, and audiences at Biola, IUPUI, Northern Illinois, Notre Dame, UC Riverside, UI Urbana-Champagne, and Western Michigan for helpful conversation and comments on ancestors of this paper. Special thanks to Joe Campbell and the van Plantingwagena reading platoon for lively discussion and encouragement.

¹ van Inwagen (1983): 16.

The No Past Objection: the premises of the Consequence Argument are not necessary truths because there needn't be a past. The Consequence Argument thus does not support incompatibilism, a thesis that is necessarily true if true.² Joe Campbell illustrates the contingency of *it is not up to us what went on before we were born*:

Consider, for instance, the possible world *W*. Suppose that *W* is a determined world such that some adult person exists at every instant. Thus, *W* has no remote past. At its first moment of existence lived Adam, an adult person with all the knowledge, powers, and abilities necessary for moral responsibility. Shortly after Adam comes Eve, and the rest is history.³

At worlds like these, it is false that Adam is unfree with respect to the past; for at Adam's first moment of existence, there is no past. Campbell uses the Adam case to object to van Inwagen's 'First' and 'Third' versions of the Consequence Argument.⁴ But we can go further. The objection constitutes in-principle reason for thinking that nearly *every* formulation of the Consequence Argument is unsound or not an argument for incompatibilism after all. The Consequence Argument suggests that some freedom-undermining feature of the remote past (e.g., that it is fixed, or that it is beyond our control) is transferred via determinism to the present. But if there needn't be a remote past, then it needn't be that determinism undermines freedom in this way. At worlds without a past there isn't *anything there* to exhibit the relevant freedom-undermining feature; so the feature cannot get transferred. We thus have an in-principle reason for thinking that the No Past Objection applies to nearly all Consequence-style Arguments.⁵

² Warfield (2000) also points out that a Consequence Argument with merely contingent premises does not support incompatibilism. Stone (1998) makes a similar point.

³ Campbell (2007): 109. There are variations. 1: The structure of time is like the real numbers from one to zero, minus zero: a half-open interval. Adam exists at every moment of time, but there is no first moment of time. 2: Time is circular. 'In that world exists oscillating Adam. He has always existed and will always exist. Adam is in the grips of an oscillating eternal recurrence. He spends his time growing 'older' and getting 'younger'.' See Campbell (2010) for further discussion.

⁴ For more on No Past Objection, see Brueckner (2008), Campbell (2008), Campbell (2010), Franklin (manuscript), Loss (2009), and Nagashima (manuscript).

⁵ The same point applies to variations on the Consequence Argument offered by Ekstrom (2000), Finch and Warfield (1998), Ginet (1966), Ginet (1983), Ginet (1990), Huemer (2000), Kane (1996), Lamb (1977), O'Connor (2000), and Wiggins (1973). Most opponents of the Consequence Argument have focused on showing that it is invalid. If I'm right, there is a much easier strategy of resistance: find a premise assuming a remote past and proclaim it a merely contingent truth.

1.2. The Addition Argument

There are arguments for incompatibilism that do not proceed as the Consequence Argument does. In particular, they do not rely on the ‘transfer’ of some freedom-undermining property from the past into the present and future via determinism. Carl Ginet has helpfully sloganized the idea behind one such argument:

If I have it open to me now to make the world contain a certain event after now, then I have it open to me now to make the world contain everything that has happened before now plus that event after now. We might call this the principle that *freedom is freedom to add to the given past* [...].⁶

Here’s an argument built around this slogan:⁷

- A1. Necessarily, someone freely performs an action only if her not performing that action in that way is a consistent addition to the past and the laws (premise).
- A2. Necessarily, if determinism is true and someone acts in a particular way, the past and the laws strictly entail that she acts in that particular way (premise).
- A3. Necessarily, if determinism is true and someone acts in a particular way, then it is not a consistent addition to the past and the laws that she fail to act in that particular way (from A2).
- A4. Therefore: necessarily, if determinism is true, no one acts freely (from A1 and A3).

Reflection on the Adam case gives us reason to doubt both premise (A1) and (A2)—or to doubt their standard motivations, at any rate. Against (A1): Suppose Adam freely performs an act at the first moment of time. There is then no past, and hence no conjunction of past and laws for Adam to ‘add to’ by acting. Against (A2): Adam’s world might be deterministic even if Adam’s first act isn’t entailed by the past and the laws, for there isn’t a past to do the entailing.

⁶ Ginet (1990): 102–103. Emphasis is in the original.

⁷ Variations on this theme are in Fischer (1994): 88ff, Haji (2009): 52–55, and Warfield (2003): 628ff.

1.3. The New Argument

Fritz Warfield has argued for the strict incompatibility of freedom and determinism. In Warfield's New Argument, '*D*' abbreviates determinism. '*H*' abbreviates the conjunction of the complete state of the world in the distant past with the laws of nature. '*F_{sx}*' abbreviates '*s* is free to make it the case that *x*'. According to Warfield, a consequence of these two premises:

$$\text{N1. } \Box \forall s \forall x (F_{sx} \rightarrow \Diamond (H \wedge x)).$$

$$\text{N2. } \Box \forall x (D \rightarrow (x \rightarrow \Box (H \rightarrow x))).^8$$

is the conclusion that:

$$\text{N3. } \Box \forall s \forall x ((D \wedge x) \rightarrow \neg F_{s\neg x}).$$

And (N3) is supposed to just *be* incompatibilism. Warfield has an argument for (N1). I shall not challenge that argument here, although I do think that reflection on Adam's case tells against (N1). Instead, consider (N2). It does not follow from determinism that there is a past, and hence it is not a necessary truth that if determinism is true then there is some proposition expressing the complete state of the world at some time in the past. There needn't be a proposition fitting the description '*H*' abbreviates, and so it needn't be (even if determinism is true) that *H* strictly implies all truths, as (N2) claims. The No Past Objection strikes again.

1.4. The Source Argument

The Consequence Argument and the Addition Argument have this feature in common: they suggest that determinism rules out free will because it strips agents of the ability to do otherwise than they actually do. They suggest an image of the past—at a deterministic world—reaching into the present and future by means of the laws and making it that we *have to do* what we in fact do. There is another way of arguing for incompatibilism that focuses, not on alternative possibilities, but rather on sourcehood. The basic idea is this: to be free with respect to a choice just is to be the *ultimate source* of that choice. Proponents of this style of argument understand 'ultimate source' in various ways. Some think that we are the ultimate sources of our choices only if *we* literally cause them ('agent-causation' theorists). Others will think that we are the ultimate sources of our choices only if

⁸ In Warfield's statement of the argument, the bound variable '*x*' appears in both object and sentence positions. The latter are, I take it, to be read as '*T_x*'—or '*x* is true'.

our choices are not caused by factors that are external to us or if they are caused by events into which we figure in the right way.⁹

It is supposed to be irrelevant to this style of argument whether human persons at deterministic worlds are able to do otherwise than they in fact do. Here is one version of the Source Argument:¹⁰

- S1. Necessarily, someone freely acts only if she is the ultimate source of that action (premise).
- S2. Necessarily, if determinism is true and someone acts in a particular way, then her acting in that way is brought about by the past and the laws (premise).
- S3. Necessarily, if someone's acting in a particular way is brought about by the past and the laws, then she's not the ultimate source of her acting in that way (premise).
- S4. Therefore: necessarily, if determinism is true, no one is the ultimate source of any of her actions (from S2 and S3).
- S5. Therefore: necessarily, if determinism is true, no one acts freely (from S1 and S4).

The No Past Objection tells against the standard motivation for premise (S2). Adam inhabits a deterministic world and makes a choice at the first moment of time. There is, at that time, no past; so it is false that Adam's choice is brought about by the past and the laws. There is thus no reason to think that Adam *isn't* the source of his action. At best, it seems that premise (S2) is a contingent truth. But a merely contingent truth will not support the incompatibilist's full-blooded conclusion.

1.5. *The No Control Argument*

Michael McKenna has recently suggested that an adaptation of one of Peter van Inwagen's arguments 'deserves to be on any list of [...]

⁹ The argument I discuss in this section concludes with what's known as 'Source Incompatibilism', although that title is also given to the distinct thesis that determinism rules out *moral responsibility* by undermining a sourcehood condition. For variations on the Source Incompatibilist theme, see Kane (1996): 60–78, Pereboom (2001): chapter 1 (especially his discussion of 'causal history incompatibilism', and McKenna (2001) and (2010): 437–438.

¹⁰ The argument I present here is similar to the 'Causal Chain Argument' discussed in Vihvelin (2007), section 4.

the best arguments for incompatibilism'.¹¹ Suppose determinism is true. Where control* is the control that is '(allegedly) distinctive of non-godlike persons (basically, for creatures like us, should we be free in the pertinent sense)', and where someone *s* has done *a*, the argument goes:

- C1. Necessarily, no one even partly controls* the facts of the remote past or the laws of nature
- C2. Necessarily, no one even partly controls* the fact that, because determinism is true, the facts of the past and the laws of nature entail that *s* does *a*.
- C3. Therefore: necessarily, no one (including *s*) even partly controls* the fact that *s* does *a*.

Since *s* and *a* are chosen arbitrarily, the argument goes, it follows that necessarily, if determinism is true, no one is free. And that just is strict incompatibilism. (I have prefixed McKenna's premises with necessity operators to show how the argument looks when deployed on behalf of strict incompatibilism).

It is obvious how to apply the No Past Objection to the No Control Argument. At worlds like Adam's, determinism is true, but there are no facts of the remote past. Since it is not a fact at such worlds that (because determinism is true, past facts and the laws entail that *s* does *a*), it is not true at such worlds that no one even partly controls* that fact. (C2), when prefixed with a necessity operator, is false. (Similar remarks apply to (C1).)

1.6. The Manipulation Argument

Some have argued for incompatibilism by analogy. Denizens of deterministic worlds, we're told, are rather like the victims of manipulation or brainwashing. Since victims of manipulation aren't free, the argument goes, neither are those in the grip of determinism. Where *M* is some manner of (allegedly) freedom-undermining manipulation, we can put the argument like this:¹²

¹¹ McKenna (2010): 441

¹² I here broadly follow McKenna (2010): 439. While some philosophers have used manipulation cases to argue that *moral responsibility* is incompatible with determinism, I here focus only on an argument purporting to show that *free will* is incompatible with determinism.

- M1. Necessarily, someone manipulated in manner *M* does not act freely.
- M2. Necessarily, there are no relevant differences between *M* and determinism.
- M3. Therefore: necessarily, determinism undermines freedom just as *M* does (from M1 and M2).
- M4. Therefore: necessarily, if determinism is true, no one acts freely (from M3).

(M2) is subject to the No Past Objection. It's easy to think that determinism is like manipulation when we think of determinism as a means by which the past stretches forth into the present and future, fixing all the facts. Manipulators set up the facts before their subjects act, and thereby bring it about that their subjects act in a particular way. Manipulators are to the present acts of their subjects as facts about the past and laws are to the present acts of the denizens of deterministic worlds. But what of worlds where there is no past? What of Adam? The analogy between determinism and manipulation here breaks down; for at such worlds there is no analogue of the manipulator.

2. Objections

I have argued that a wide variety of arguments for incompatibilism are subject to the No Past Objection. I have not argued that the objection is a good one, but merely that if it applies to the Consequence Argument, it applies to the other arguments too. But I do think the No Past Objection should give incompatibilists pause. So in this section, I consider three ways of responding to the No Past Objection. I'll argue not that these ways fail, but that each has costs. These costs will motivate a search for an incompatibilist argument that is unquestionably immune to the No Past Objection.

2.1. *The Way of Resistance*

The No Past Objection's success turns on the cases like Adam's. Are those cases possible? I have my doubts. Here's one of them. Plausibly, someone *S* performs *a* (or more modestly, *freely* performs *a*) only if some *historical* condition is satisfied, a condition that entails

that *S* exists prior to her performing *a*. Some candidate historical conditions:¹³

- *S*'s having a belief-desire complex that's causally sufficient for the truth of (though it needn't entail) *S* performs.¹⁴
- *a*'s resulting in a way that *S* can anticipate.¹⁵
- *S*'s having deliberated whether to perform *a*.¹⁶
- *a*'s having issued from a mechanism for which *S* has taken responsibility or ownership.¹⁷

It is not obvious that *S*'s having a belief-desire complex, anticipation, deliberation, or the owning of a mechanism cannot occur simultaneously with *S*'s performing *a*. But if they cannot, then each of the above conditions are historical. Are these—or any other—historical conditions necessary for action or for free action? I do not know. But if they are, then the incompatibilist has an easy response to the No Past Objection: the cases driving the No Past Objection are impossible or irrelevant. For the subjects of those cases do not satisfy some historical condition, and hence aren't free, and hence are not relevant to premises like *if determinism is true, then our acts are the consequences of the laws of nature and events in the remote past* or *necessarily, if determinism is true and someone acts in a particular way, the past and the laws strictly entail that she acts in that particular way*.

The Way of Resistance—the claim that the Adam cases are impossible or irrelevant—is plausible. But it has a cost. It takes on rather specific metaphysical commitments about (free) action, belief-desire complexes, anticipation, deliberation, and what it is to take responsibility for a mechanism. Incompatibilists (especially incompatibilists who believe that sometimes we are free—libertarians) have often been accused of propagating metaphysical mysteries. Resting the case for incompatibilism on contentious views about, say, deliberation, will not

¹³ For extensive discussion of such conditions and their bearing on this debate, see Nagashima (manuscript).

¹⁴ See, e.g., Davidson (1963).

¹⁵ See, e.g., Kapitan (2000): 83.

¹⁶ See, e.g., Brueckner (2008).

¹⁷ See, e.g., Fischer and Ravizza (1998): Chapters 7–8 and Haji (2000) for discussion of such a condition as necessary for moral responsibility. It's not hard to also think that ownership is a necessary condition for freedom too—especially if moral responsibility and freedom are closely related.

help on this front. There is a cost to claiming that Adam cases are impossible or irrelevant. Perhaps this cost is one that incompatibilists should pay willingly. As we shall see, they needn't so do.

2.2. *The Way of Retreat*

I now consider two retreats; both consist in finding theses strictly weaker than incompatibilism and claiming that arguments for these weaker theses go untouched by the No Past Objection.

2.2.1. *Weak Incompatibilism*

Incompatibilism, recall, is the thesis that free will is incompatible with—not compossible with—determinism. Weak incompatibilism is the thesis that free will is incompatible with the conjunction of determinism and the thesis that there is a past. All of the arguments I have discussed above can be easily deployed in defense of weak incompatibilism. And they will, suitably modified, be immune to the No Past Objection. One example—an adaptation of the Addition Argument—shall suffice.

The thought is this: simply add ‘if there is a past, then’ to the relevant premises and to the conclusion.¹⁸ The argument will conclude, not with incompatibilism, but with weak incompatibilism. Let's call this the ‘Weak Addition Argument’:

- W1. Necessarily, if there is a past, then: someone freely performs an action only if her not acting in that way is a consistent addition to the past and the laws (premise).
- W2. Necessarily, if there is a past, then: if determinism is true and someone acts in a particular way, the past and the laws strictly entail that she act in that particular way (premise).
- W3. Necessarily, if there is a past, then: if determinism is true and someone acts in a particular way, then it is not a consistent addition to the past and the laws that she fail to act in that particular way (from W2).
- W4. Therefore: necessarily, if there is a past, then: if determinism is true, no one acts freely (from W1 and W3).

¹⁸ There is a past, let us say, just in the case that humans exist at some time and it's true at some prior time that humans do not exist.

The Weak Addition Argument is at least as strong as the Addition Argument. Ginet's intuitive appeals tell in favor of its premises to the same extent as before. It is also immune to the No Past Objection. For neither (W1) nor (W2) imply that there is a past. The allegedly insidious assumption (that there must be a past) made by the Addition Argument is nowhere to be found. Similar repairs can be made to the Consequence Argument, the New Argument, the Source Argument, the No Control Argument, and the Manipulation Argument.

Suppose the Weak Addition Argument is sound. Then weak incompatibilism is true. Ought this satisfy the incompatibilist? Campbell says 'no' for two reasons. First, an expanded Adam case is still puzzling:

[...] we should judge that Adam is free in *W* but that Eve [who came to exist shortly after Adam and hence has a past] is not free. Yet it is hard to see how Adam and Eve differ in any important respects. Good arguments for incompatibilism are supposed to expose the tension between the thesis of determinism and the free will thesis.¹⁹

Campbell concludes that if arguments like the Weak Addition Argument are 'the best that the incompatibilist has to offer, it remains a mystery why it cannot show that Adam lacks free will in determined world *W*.'

Campbell's response is inconclusive. It is plausible that freedom is subject to a 'tracing condition'. We might say that a human person is *basically free* at a time *t* just in the case that she can do otherwise at that time and that she is *derivatively free* at a time *t* just in the case that she could have done otherwise at some time prior to *t* such that had she done otherwise then, she might have been basically free at *t*. When considering whether Adam is free or not, we can find some moment in his life when he was basically free—the first one. Since he's basically free at some time it might be that he is derivatively free at subsequent times. Eve has no such flicker of freedom and hence cannot be free—whether basically or derivatively—at any moment.²⁰

The general strategy of the Weak Addition Argument is to find some thesis *C* such that *C* and determinism together entail that no one is free, and thereby to generate an argument for a conclusion strictly weaker than incompatibilism. Campbell worries about this general strategy:

[...] my results suggest that most philosophers have failed to identify the conclusion of the Consequence Argument. We thought it proved, or attempted to prove, incompatibilism but at most it proves something

¹⁹ Campbell (2007): 110.

²⁰ Campbell should find this response persuasive. He has, after all, made a rather similar point several times—in print! See the 'Drunk Driver' case in his (2007) and his application of the case in his (2008): 266.

weaker. We should be careful not to draw hasty conclusions about the Weaker Argument, as well. Consider thesis C of the Weaker Argument: the thesis that, when conjoined with the thesis of determinism, entails that no one has free will. What is the full content of C? It might be that C, or some other proposition that entails C, is incompatible with the free will thesis independent of the thesis of determinism. Perhaps deterministic models help to expose our worries about free will but these worries persist whether or not determinism is true. It could even be the case that there is a necessarily true proposition that is incompatible with the free will thesis. Here the incompatibilist's victory is a mere technicality, so the compatibilist should be able to live with this result, too.²¹

These worries, too, are inconclusive. Campbell asks: 'what is the full content of C?' Reply: that there is a past, that's what. More precisely: that humans exist at some time and it's true at some prior time that humans do not exist. Suppose that fatalism is false and that free will is possible; then that there is a past does not obviously entail that no one is free. The thesis we have thrown into the mix is not so mysterious as to raise Campbell's worries.

There is nothing all that surprising about the results thus far. Consider: van Inwagen's official definition of determinism entails that worlds with only one temporal moment—if such there be—are deterministic.²² And yet *no one* has worried that human persons couldn't be free at such worlds. For as long as philosophers have worried about freedom and determinism, they have worried about the conjunction of determinism with the thesis that there is a past. This just *is* the worry that drives the compatibility problem. The incompatibilist has not engaged in a nefarious bait-and-switch in retreating to weak incompatibilism, I think. In so retreating she only expresses more carefully what was on her mind all along.

Exchanging arguments for incompatibilism proper for arguments like the Weak Addition Argument is not a terrible strategy. But it is a retreat. For those incompatibilists who wish to argue for incompatibilism proper and not merely some weaker thesis, this retreat is a cost. I've argued that the cost isn't large; but those not wanting to pay had best look for other options.

2.2.2. *Incompatibilism De Dicto and De Re*

Incompatibilism and weak incompatibilism are cousins. I turn now to another member of the family. If incompatibilism is a *de dicto* thesis,

²¹ Campbell (2007): 110–111.

²² Determinism is true just in the case that: for every time, there is a proposition expressing the complete state of the world at that time; and if ϕ and ψ are any propositions expressing the complete state of the world at some times, then the conjunction of ϕ with the laws of nature entails ψ . van Inwagen (1983): 65.

the thesis I here have in mind is its *de re* counterpart.²³ While incompatibilism states:

DE DICTO: $\Box(\text{determinism is true} \rightarrow (\text{for any human person } s, s \text{ does not act freely}))$.

I have in mind:

DE RE: For any actual human person s , $\Box(\text{determinism is true and } s \text{ exists} \rightarrow s \text{ does not act freely})$.

DE RE is strictly weaker than DE DICTO. It is strictly weaker, that is, than incompatibilism. Interestingly, the usual arguments for incompatibilism can be marshaled in favor of DE RE without falling prey to the No Past Objection.

It is not a necessary truth that there are humans. Nor is it a necessary truth that there is a past. Might it still be the case that all *actual* humans are such that necessarily, if they exist, then there is a past? Maybe there could have been some human like Adam who had no past, but could *we* have been like him? If not, then we may straightforwardly argue for DE RE. As before, I shall use an adaptation of the Addition Argument for illustration. Let's call this the 'De Re Argument':

- D1. For any actual human person s , necessarily, s freely performs an action only if her not acting in that way is a consistent addition to the past and the laws (premise).
- D2. For any actual human person s , necessarily, if determinism is true and s acts in a particular way, the past and the laws strictly entail that she act in that particular way (premise).
- D3. For any actual human person s , necessarily: if determinism is true and s acts in a particular way, then it is not a consistent addition to the past and the laws that she fail to act in that particular way (from D2).

DE RE. Therefore: for any actual human person s , necessarily: if determinism is true, s does not act freely (from D1 and D3).

The De Re Argument is modest. It doesn't require that necessarily, all human persons are such that they have no choice over the past and

²³ So called (roughly) because in the former but not the latter, no open formulae appear in the scope of a modal operator.

laws. It merely requires that *actual* human persons are like this. The argument doesn't require that necessarily, all human persons are such that they have a past. It only requires that *actual* human persons are like this (at deterministic worlds).

Arguments for incompatibilism are of interest in part because of their connection to the question of whether *we* are free. The De Re Argument connects with this question. Its conclusion, DE RE, is limited in scope to actual human persons. But this is still of interest. Wasn't that, after all, what we were concerned with all along? *Ourselves? Who cares* whether gods or demons or humans radically unlike us could be free at deterministic worlds; we want to know whether *we* could enjoy such freedom. So the argument is of some interest. Is it sound?

Saul Kripke—in one of his longer footnotes—has claimed that every human person essentially has the parents she has.²⁴ Suppose so. There is an Origins Argument from this thesis to the conclusion that each of us exists only if there's a past:

- O1. Every actual human person *s* is such that necessarily, if *s* exists and *s* has parents, *s* has the parents *s* in fact has. (Premise, Origin Essentialism)
- O2. Therefore: every actual human person *s* is such that necessarily, if *s* exists, there are some *x*s such that the *x*s are *s*'s parents. (From O1)
- O3. Necessarily, for any *x*s and any *y*, if the *x*s are the parents of *y*, then there is a time prior to *y*'s first moment of existence. (Premise)
- O4. Therefore: every actual human person *s* is such that necessarily, if *s* exists, there is a time prior to *y*'s first moment of existence. (From O2, O3)

The Origins Argument is valid. And if it is sound, then it looks like the de re incompatibilist can give support to the premises of the De Re Addition Argument. For if every human person is such that necessarily, she exists only if there's a time prior to her first moment of existence, then every human person is such that necessarily, she has a past to add to. Conjoin this thought with Ginet's intuitive picture of

²⁴ Kripke (1980): 114–116. I will here assume that if someone has parents, she is distinct from each of them. But see Heinlein (1959) for an interesting story in which this assumption does not hold.

freedom as the ability to add the past, and we have a motivation for the premises of the De Re Addition Argument.

Is the Origins Argument sound? The answer is unclear. It is unclear whether one must have begun to exist at some non-first moment of time in order to have had parents. Maybe simultaneous causation is possible and my parents might have caused me to exist at their own first moment of existence. Or maybe backwards causation or time travel are possible and they might have reached into the past and caused me to begin to exist at the first moment of time. I, at least, am unsure whether origin essentialism is true (and thus whether O1 is true). I doubt I'm alone here. I suspect many are agnostic about (O1) or (O3).

The de re incompatibilist may here simply insist on origins essentialism. And she may further insist that backwards or simultaneous causation or time travel are impossible. I shall not here comment on the plausibility of this strategy, except to say this: it has a cost. If incompatibilists are willing to take on some rather substantive metaphysical commitments (e.g., a particular brand of origin essentialism, or the impossibility of backwards and simultaneous causation or time travel), they have a way of advancing the Origins Argument and the De Re Argument. But without these metaphysical commitments, the prospects for the De Re Argument don't look nearly as good. De re incompatibilism may be for sale, but it has a price.

Interestingly, there is one role that DE RE cannot play. Many philosophers have deployed their incompatibilism in defense of theism. In particular, they have responded to the logical problem of evil with the free will defense. Says the free will defense: God couldn't have determined that all creatures freely do only good things, for their being free requires their being undetermined. Unlike its stronger cousin—incompatibilism proper—de re incompatibilism does not secure this result. For although de re incompatibilism rules out as impossible worlds where God determines that *we* (actual human beings) do only good things, it doesn't rule out as impossible worlds where God determines that some other creatures do only good things. The free will defender (when equipped with only de re incompatibilism) has no argument against the usual premises of the logical argument from evil. A similar point applies to other way of retreat, the retreat to weak incompatibilism. Weak incompatibilism doesn't ensure that God couldn't have determined that all creatures do only good things. It ensures only that God couldn't have done this at worlds with a past. The way of retreat has this cost: it is a thesis that's of little help when it comes to the problem of evil. Those wishing to avoid that cost (and there are many in this camp, I think) would do best to avoid this way of retreat.

2.3. *The Way of Renewal*

Roberto Loss has recently responded to the No Past Objection by offering a Renewed Argument for incompatibilism. The Renewed Argument is immune to the No Past Objection; it makes no assumptions about the existence of a past. Campbell argues that the Renewed Argument's assumptions imply that no one is able to do otherwise than she actually does.²⁵ In this section, I take a different tack. I argue that the central assumption of the Renewed Argument is probably false; it is probably subject to counterexample. And as it turns out, defending that assumption against my counterexamples involves some of the same costs as the way of resistance (see §2.1).

The Renewed Argument employs the sentential operator ' N '. ' $N_t p$ ' abbreviates ' p and no one has any choice at time t whether p '. Two inference rules are said to govern ' N ':

(α^*) For all t : from $\Box p$ deduce $N_t p$

(β^*) For all t : from $N_t(p \rightarrow q)$ and $N_t p$ deduce $N_t q$

a and b are any two moments such that a is earlier than b . p_a is a proposition expressing the complete state of the world at time a , while p_b is any proposition expressing a fact about time b . L is the conjunction of the laws of nature. Assume determinism and then derive the conclusion that for any proposition p and time t , no one has any choice at time t whether p .

R1. $\Box((p_a \wedge L) \rightarrow p_b)$ (assumed, determinism)

R2. $\Box(p_a \rightarrow (L \rightarrow p_b))$ (from (R1) by exportation)

R3. $N_a(p_a \rightarrow (L \rightarrow p_b))$ (from (R2) by (α^*))

R4. $N_a p_a$ (premise)

R5. $N_a(L \rightarrow p_b)$ (from (R3), (R4), by (β^*))

R6. $N_a L$ (premise)

R7. $N_a p_b$ (from (R5), (R6), by (β^*))

Since a and b were arbitrary, the conclusion of the Renewed Argument can be generalized to reach the desired conclusion that for any proposition p and time t , no one has any choice at t whether p . (I have omitted several intermediate steps toward RA's generalized conclusion; my criticism of the Renewed Argument will not challenge these steps). Thus, incompatibilism.

²⁵ Campbell (2010). Loss replies—somewhat plausibly—in Loss (2010).

In support of (4), Loss appeals to the *necessity of the present* according to which no one now has a choice about the present state of the world. Where p_t is a proposition expressing some fact about time t , Loss states the principle as:

$$(\gamma) \forall t(p_t \rightarrow N_t p_t)$$

Incompatibilism says that it *couldn't* be that someone acts freely and determinism is true. If the Renewed Argument is to be an argument for this general and modally loaded conclusion, we must be able to generalize its premises—and (γ) —across all worlds. (γ) , that is, must be a necessary truth. But (γ) is not a necessary truth. It is subject to counterexample. (Let a bracketed sentence name the proposition expressed by the sentence in the brackets.)

Case 1: The Awakening. I begin to exist at t_1 , but am caught in a dreamless sleep. Indeed, I am asleep at every moment from t_1 up to (but not including) t_2 . At t_2 , I freely perform an action; I choose, say, to consider the question of whether I was dreaming. In so choosing, I acted freely at t_2 . So I have a choice about [I consider the question of whether I was dreaming]. And I have such a choice only if there's a time at which I have such a choice. The relevant time couldn't be before t_2 . I was, after all, asleep then—or in some other freedom-stripping state, if you like. And the relevant time couldn't be *after* t_2 ; no one could now have a choice about past facts. Thus, I have at t_2 a choice about [I consider the question of whether I was dreaming]. We could, if we liked, further add that indeterminism is true in at least this sense: for every proposition x expressing the complete state of the world at any time up to but not including t_2 , the conjunction of x with the laws of nature is compatible with [I do not consider the question of whether I was dreaming].

Case 2: The Instantaneous Chooser. I exist for but a moment (call it t): no more, no less. And when I exist, I freely perform an action; I choose, say, to consider the question of whether I will dream. [I consider the question of whether I will dream] is a fact about t , but I had a choice in the matter. And surely I didn't have a choice in the matter before—or after—my one moment of existence. So I had a choice in the matter at t . As before, we could, if we liked, add that indeterminism is true in at least this sense: for every proposition x expressing the complete state of the world at any time up to but not including t , the conjunction of x with the laws of nature is compatible with [I do not consider the question of whether I will dream].

Case 3 The Prisoner. This case is like unto the first, with one key difference: in the interval before my choice, I am conscious. I begin to exist at t_1 , but am a mental prisoner; my jailer has implanted a device in my brain that renders me unable to choose (perhaps it stops up the pineal gland in just the right way). When implanted with the device, I am able to form belief-desire complexes, to deliberate (to weigh the value of various alternatives), and to do many other things besides; but I cannot choose between various alternatives. In the interval from t_2 up to but not including t_3 , the device is removed. My chains fall off, and by t_3 , my heart is free. At t_3 , I freely perform an action. I choose, say, to try to raise my hand. I am unable to make choices at any time prior to t_3 ; so I am, at those times, unfree with respect to all truths at all times. But at t_3 , I am free with respect to a truth about t_3 . I am free with respect to [I try to raise my hand]. And as before, we could, if we liked, further add that indeterminism is true in at least this sense: for every proposition x expressing the complete state of the world at any time up to but not including t_3 , the conjunction of x with the laws of nature is compatible with [I do not try to raise my hand].

For all I can tell, these cases are possible. If that's right, it's possible that p is a fact about some time t and that someone has, at t , a choice about p . So (γ) is not a necessary truth. Indeed, if these cases are possible, the Renewed Argument is unsound. For the Renewed Argument can be generalized only if it is a necessary truth that for every time a , $N_a p_a$. If there could be a time a such that not- $N_a p_a$, the selection of a was not arbitrary and premise (R4) of the Renewed Argument cannot be generalized.

Objection. The Awakening is not a counterexample to (γ) . Says Keith Lehrer: 'statements affirming that a person can do something have a double time index, one time reference being to the time at which the person has the capability, and the second being to the time of action'.²⁶ We must double-index our ascriptions of ability, and when we do so properly, we see that your cases don't threaten (γ) . The correct way to describe The Awakening is that the subject—if free at all—had a choice at some time prior to t_2 concerning some fact about t_2 . Reply: this is a characterization of the case that I cannot believe. I cannot believe that someone—while in a dreamless sleep—has a choice about anything. I can believe that a sleeping subject may *later* have a choice about something, but that is another matter. So our subject must either be unfree or have a choice at t_2 (no later time will do). Furthermore, my second

²⁶ Lehrer (1976): 243. See van Inwagen (1983): 231fn12 for illuminating discussion.

case is immune to the objection. The Instantaneous Chooser exists for but one moment. So in every ability ascription, we must plug the same time into both temporal index slots. (I assume no one could have an ability at a time at which she doesn't exist.)

Objection. The Instantaneous Chooser is impossible. It involves someone freely acting at an instant. But no one can act at an instant since no cause can be instantaneous (and all free acts are causes). That is, it can't be that any cause (a mental episode, say) exists for but an instant and is simultaneous with its effect (an action, say). Reply: the Instantaneous Chooser can be defended, for the impossibility of instantaneous causation is less than obvious.²⁷ Thus far, defenders of arguments for incompatibilism haven't made a case for the impossibility of instantaneous causation (or action). And if arguments for incompatibilism must rest on such abstract considerations about causation, this does not bode well for them.

Objection. Your cases are impossible because there is a historical condition on free action. At best, you've given cases where someone acts instantaneously, but not ones in which someone *freely* does so. Reply: this is the way of resistance. It has all the benefits—and the costs—of that way (see §3.1). Those wishing to avoid the costs had best not rest their defense of the Renewed Argument (or of incompatibilism) on such grounds. More importantly, it's not obvious that The Prisoner is subject to this complaint. For the Prisoner is able to form beliefs, deliberate, and more in the moments prior to his first choice. Nothing in the case implies that the Prisoner doesn't satisfy the relevant historical conditions.

Objection. You've convinced me at least of this: these are dark metaphysical waters. Perhaps it's best to suspend judgement about the possibility of your cases. Reply: then it is best to suspend judgement on (γ) too, for (γ) is a necessary truth only if my cases are impossible. And surely we should not endorse an argument that has as a premise a thesis about which we suspend judgement.

I conclude my discussion of the Renewed Argument with this thought: it is not *obvious* that the above cases are possible. Nor is it obvious that they are *not*. Perhaps their subjects are creatures of darkness. Incompatibilists who share this judgement will want to find an argument for incompatibilism that does not rest on substantive judgements about the cases. For all its merits, the Renewed Argument does not fit this bill.

²⁷ Descartes, Kant, and Lewis, at least, have endorsed this possibility. See Gorham (2004) and Lewis (1997): 136. Huemer and Kovitz (2003) defend instantaneous causation. According to *exdurantism* or *stage theory* you and I are instantaneous. See Hawley (2001) and Sider (2001). Stage theorists who reject my cases owe an explanation of why you and I might freely act while The Instantaneous Chooser cannot.

3. Another Argument

I have not argued that the No Past Objection is conclusive. But if it's a good objection to the Consequence Argument, it's a good objection to other arguments too. I've considered some ways of responding to the No Past Objection; I've concluded, not that they all fail, but that each has a cost. These costs can be avoided. For there is a better way to make the case for incompatibilism. It is to present an argument that assumes neither the necessity of the present nor the necessity of the past. I shall now present such an argument.²⁸

The thought this: I am free with respect to some truth only if it could be false. But its being false in just any old world will not do. I am free with respect to a truth only if it's false in some *sufficiently nearby* world. A world is sufficiently nearby only if it shares the laws with the actual world. And a world is sufficiently nearby only if it shares at least one time with the actual world.²⁹ This is not a sufficient condition for free will, but it is a necessary one. And determinism rules it out. For if determinism is true, a world sharing *any* time with the actual world (and sharing the actual world's laws) shares all times and all truths with the actual world. The Addition Argument says that a world is sufficiently nearby only if it shares the past with the actual world. My argument doesn't assume this; it assumes only that sufficiently nearby worlds share at least *one* time (whether past, present, or future) with the actual world.

Where $s(t)$ is a proposition expressing the complete state of the world at time t , and where x and y are compossible just in the case that their conjunction is possibly true, I provide Another Argument for incompatibilism as follows:

- P1. Necessarily, for any subject S , and any truth p , if S is ever free with respect to p , then there is some time t such that the conjunction of $s(t)$ and the laws is compossible with not- p (premise).

²⁸ The argument I offer strongly resembles the 'Second' formal rendition of the Consequence Argument in van Inwagen (1983): Chapter 3. Perhaps it is the same argument, perhaps not. I shall not, at any rate, employ van Inwagen's formal machinery in my official statement.

²⁹ Worlds x and y share a time just in the case that the complete state of the world at some time (or, if you like, a proposition expressing that state) in x is an intrinsic duplicate of the complete state of the world at some time in y (or a proposition expressing that state). Read 'the complete state of the world at a time' as including only facts strictly about that time; the facts that are *present-tense* at that time, as it were.

- P2. Necessarily, if determinism is true, then for any time t and truth p , the conjunction of $s(t)$ and the laws entails p (definition of determinism).
- P3. Therefore: necessarily, if determinism is true, then for any time t and truth p , the conjunction of $s(t)$ with the laws is not compossible with not- p (from P2).
- P4. Therefore: necessarily, if determinism is true, for any subject S , and any truth p , S is not ever free with respect to p (from P1 and P3).

Another Argument is valid. Its conclusion is strict incompatibilism, the thesis that necessarily, if determinism is true, no one acts freely. The argument expresses a standard motivation for that view, and not implausibly, I think. I have no knock-down argument for its central assumption, (P1).³⁰ But I note that it is no less plausible than the slogan driving the Addition Argument. Anyone drawn to the Addition Argument but worried about the modal status of its premises (worried about the No Past Objection) may turn instead to Another Argument.

And that's not all. Another Argument has some other important virtues. First, it is an argument for the strict incompatibility of free will and determinism; it is an argument for full-blooded incompatibilism. Second, it is immune to the No Past Objection. Like the Addition Argument and van Inwagen's First and Third formulations of the Consequence Argument, Another Argument assumes the fixity of the laws. But it does not assume the existence or fixity of the past. Third, it makes no use of controversial 'transfer' principles (e.g., that *being unfree with respect to* is closed under entailment).

Perhaps the most tempting objection to Another Argument is that its central premise—(P1)—is, in some sense, equivalent to (P4). So, the ('Equivalence') objection says, Another Argument presupposes its conclusion.³¹

I offer three replies. First: one version of the Equivalence Objection points out that a premise of Another Argument is broadly logically equivalent to (true in exactly the same worlds as) its conclusion. But such is the case with *any* argument from premises that are necessarily true if true to conclusions that are also necessarily true if true. Such is

³⁰ But see Warfield (2000) for an argument that certain obviously valid inferences hold only if something like (P1) is true. For critical discussion, see Nelkin and Rickless (2002) and Kramer (2004).

³¹ Objections along these lines appear in Flint (1987): 438ff and Hill (1992): 52–55. Thanks to an anonymous referee for pressing this point.

the case, that is, in *many* (perhaps most) arguments in metaphysics. This does *not* give us reason to think that many or most arguments in metaphysics presuppose their conclusions; nor does it, I think, give us reason to think that of Another Argument. Second: that the premise of an argument is broadly logically equivalent to its conclusion needn't tell against that argument *if the premise has some independent motivation*. That there is such independent motivation is, I take it, the point of passages like the Ginet paragraph quoted in §1.2. Third: compatibilists may very well reject (P1); indeed, since Another Argument is valid, they had better do so. But my primary project in this section is not to persuade *compatibilists* that Another Argument is sound. Rather, it is to show that Another Argument is at least as well off as, say, the Addition Argument and that it is *immune* to the No Past Objection. If the Addition Argument was good enough to persuade an audience not committed to compatibilism, then so also is Another Argument. To insist that compatibilists wouldn't or shouldn't accept (P1) and conclude from this that Another Argument is no good is to miss the point; as Timothy Williamson is said to have said, 'Arguments aren't for convincing your opponents. They are for winning over unaffiliated graduate students.'³²

The proponent of the Equivalence Objection may point out that (P1) is equivalent to incompatibilism in an even stronger sense. The two are not just broadly logically equivalent (true in exactly the same worlds). They are equivalent in a formal sense—narrowly logically equivalent, we might say. Each can be *derived* from the other. And this suggests that Another Argument objectionably presupposes its conclusion. Though Another Argument is valid, it is not convincing.

I offer two replies. First: it is not obvious that any argument whose one substantive premise is narrowly logically equivalent to its conclusion thereby objectionably presupposes its conclusion. So the claim that Another Argument exhibits this feature does not, by itself, show that Another Argument objectionably presupposes its conclusion. Second, and perhaps more importantly: even if (P1) is narrowly logically equivalent to incompatibilism, one can *argue* for (P1) by appealing to theses that are not narrowly logically equivalent to incompatibilism. For example, (P1) is itself a consequence of three theses:

- T1. Necessarily, for any subject *S*, and any truth *p*, if *S* is ever free with respect to *p*, then there is some world *w* such that *p* is false at *w* and *S* can make *w* actual.

³² van Inwagen (1992) offers an illuminating discussion of dialectical issues surrounding the Equivalence Objection.

- T2. Necessarily, for any subject *S*, and world *w*, *S* can make *w* actual only if *w* shares the laws with the actual world.
- T3. Necessarily, for any subject *S*, and world *w*, *S* can make *w* actual only if *w* shares a time with the actual world.

Neither (T1), (T2), nor (T3) are narrowly logically equivalent to incompatibilism. Moreover, each enjoys a measure of independent plausibility, and they together imply (P1). (T1) expresses the view that someone is free with respect to a true proposition only if she has it in her power to make it the case that the proposition is false—to make actual a world at which that proposition is false.³³ (T2) expresses the fixity of the laws—itsself a plausible consequence of leading non-Humean accounts of laws.³⁴ And (T3) expresses the view that someone has it in her power to make a world actual only if that world exhibits a kind of *minimal resemblance* to the actual world.³⁵ Put slightly differently: no one has it in her power to do something the doing of which would require that the history of the world fails to overlap at all with the actual world’s history. To be clear: my claim is not that (T1), (T2), and (T3) are uncontroversially or *obviously* true. But they each enjoy a measure of independent support; and none are narrowly logically equivalent to incompatibilism. This tells against the Equivalence Objection. For even if (P1) is narrowly logically equivalent to incompatibilism, it can be motivated by appeal to theses that are *not* themselves narrowly logically equivalent to incompatibilism. The defender of Another Argument need not objectionably presuppose incompatibilism. I conclude, then, that the Equivalence Objection is unsuccessful. Those who wish to resist Another Argument have their work cut out for them.

Here is another way to think about Another Argument, and to see its modest appeal. As David Lewis pointed out long ago, ‘To say something can happen means that its happening is compossible with certain facts. *Which* facts? That is determined, but sometimes not determined well enough, by context’.³⁶ Which facts are relevant is precisely what’s

³³ Descartes denies this doctrine. Indeed, on his view, someone might have the power to bring it about that *x* even if *x* is *impossible*. For discussion, see Kaufman (2002).

³⁴ Though Beebe and Mele (2002) argue that Humean accounts of laws undermine theses like (T2).

³⁵ Fischer (1994): 98–109 and Fischer and Fischer and Pendergraft (manuscript) argue for the fixity of the past on the basis of considerations about practical reasoning. Such arguments can be adapted to support (T3), itself strictly weaker than—but a consequence of—the fixity of the past.

³⁶ Lewis (1986): 77, emphasis original.

at stake between compatibilists and incompatibilists. Suppose that *S* in fact does *x* at time *t* and that determinism is true. We can evaluate the thesis that *S* could have not done *x* at *t* by asking if it's compossible with some set of relevant truths (henceforth, 'the facts') that *S* not do *x* at *t*.

Incompatibilists have long urged that the facts include the complete past up to *t* and the laws of nature. Given determinism, these facts aren't compossible with *S* not doing *x* at *t*. So given determinism, no one can do anything she doesn't actually do. Thus incompatibilism. Multiple-Past-Compatibilists have denied that all of the history of the world up to *t* must be included in the facts. We need only include *some* of the past: those elements of the past, perhaps, that aren't counterfactually dependent on the present or the future in some interesting way. Similarly, Local-Miracle-Compatibilists have denied that the laws of nature must be included in the facts. Thus, it's compossible with the facts (even if determinism is true) that *S* does not do *x* at *t*; she could have not done *x* at *t*. And thus, compatibilism.³⁷

Another Argument—unlike other formulations of the Consequence Argument, the Addition Argument, the New Argument, the Source Argument, the No Control Argument, and the Manipulation Argument—does not require that the past be included in the facts. And unlike the Renewed Argument, it doesn't require that the present be included in the facts either. It assumes only that *some* time or other (better: the sharing of some time or other with the actual world) makes its way into the facts. If that modest assumption is right, incompatibilism follows quickly enough.

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³⁷ On Multiple-Past-Compatibilism and Local-Miracle-Compatibilism, see Perry (2008) and Lewis (1981), respectively.

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