My Way and Life's Highway: Replies to Steward, Smilansky, and Perry

John Martin Fischer

Abstract   I seek to reply to the thoughtful and challenging papers by Helen Steward, Saul Smilansky, and John Perry. Steward argues that agency itself requires access to alternative possibilities; I attempt to motivate my denial of this view. I believe that her view here is no more plausible than the view (which she rejects) that it is unfair to hold someone morally responsible, unless he has genuine access to alternative possibilities. Smilansky contends that compatibilism is morally shallow, and that we can see this from the "ultimate perspective." In reply, I explore the nature of "zooming" arguments, and I contend that even from a somewhat more detached perspective, important features that distinguish us from mere animals can be discerned (even in a causally deterministic universe). Finally, I seek to address Perry's defense of classical compatibilism. My main objection to his form of compatbilism is that agents must be construed as having a certain kind of "baggage"— even on his own account.

> *It ain't no use to sit and wonder why, babe*
> *It don't matter, anyhow*
> *An' it ain't no use to sit and wonder why, babe*
> *If you don't know by now*
> *When your rooster crows at the break of dawn*
> *Look out your window and I'll be gone*
> *You're the reason I'm trav'lin' on*
> *Don't think twice, it's all right*

J. M. Fischer (✉)
University of California, Riverside, CA 92521, USA
e-mail: john.fischer@ucr.edu

I'm walkin' down that long, lonesome road, babe
Where I'm bound, I can't tell

(Bob Dylan, "Don't Think Twice, It's Alright")

I am extremely grateful for the thoughtful and probing critical essays by Helen Steward, Saul Smilansky, and John Perry. I thank the authors for their insightful essays, and for their graciousness—especially for their graciousness! In what follows I will (perhaps inevitably) select only some of the most important points to seek to address in my (not entirely compelling) way.[1]

1 Reply to Steward: Where the Action Is

1.1 Semicompatibilsm and Fundamentalism

Steward agrees with my claim that whether we are morally responsible agents should not be conceptualized in such a way that it hangs by a thread (in a certain sense). For instance, it does not seem correct that our basic status as persons and morally responsible agents should depend on "the arcane ruminations—and deliverances—of the theoretical physicists and cosmologists".[2] Steward kindly says, "For that point, I concede, seems absolutely correct. It just seems preposterous to suppose that anything a physicist might report as the ultimate scientific verdict about the nature of the basic physical laws which govern the universe might have the potential to settle the question whether or not we truly are morally responsible agents."[3] One of Steward's projects in her essay is to explain how an incompatibilist can agree with this basic point but still defend the incompatibility of causal determinism and moral responsibility. Steward's second aim is to make explicit her reason for supposing that alternative possibilities are necessary for moral responsibility. On her view, lack of alternative possibilities rules out moral responsibility because it threatens our very status as *agents*. Further, since agency is required for moral responsibility, and causal determinism rules out alternative possibilities, it also rules out moral responsibility.

Steward points out that on the (perhaps) standard metaphysics ("Fundamentalism"), according to which higher-level phenomena supervene on the lower-level or "basic" phenomena, physicists would be in the position of telling us whether we are morally responsible, given incompatibilism. Steward agrees with me that this would be an uncomfortable result, but she wishes to sidestep it without giving up her incompatibilism; she does this by rejecting Fundamentalism. If one rejects Fundamentalism, one can even accept that causal determinism obtains at the fundamental level; but since higher-order phenomena do not supervene on the phenomena at the fundamental level, and the laws of nature need not be formulated in language that picks out the entities or events at the fundamental level, the physicists would have to give way to the metaphysicians about matters of moral responsibility.

My initial reaction is that I am not so much concerned about the fact that the physicists are the wrong *people* to tell us whether we are morally responsible. That is, my worry was not about *their* lack of authority; rather, it was an intuition about the content of the *doctrine*

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[1] The reader will have noted that—for obvious reasons—I expunged the parenthetical material from the book's title!

[2] Fischer (2006a, p. 5).

[3] Steward (2008).

of causal determinism. It seems to me that our moral responsibility should not depend on whether causal determinism is true—and thus, on my view, whether the laws of nature have associated with them 100% probabilities or (say) probabilities of 98%. *This* difference should not make a difference as to our moral responsibility. Whereas I am certainly willing to say that *some* empirical discoveries are relevant to our views about whether we are in fact morally responsible, I do not see how *this particular difference* (apparently flowing from causal determinism) should make a difference.

Although these matters are certainly beyond the scope of this discussion (as is also conceded by Steward), I do not believe that one must give up fundamentalism to maintain a robust "realism" about mental states, free will, personhood, and moral responsibility. Of course, one needs to distinguish "eliminativism" about higher-order phenomena—such as mental states and what is built up out of them or analyzed in terms of them—and mere claims of identity, constitution, and supervenience. The latter claims do not, in my view, entail any sort of eliminativism, and they do not threaten to etiolate our ascriptions of the higher-order phenomena.

Now of course I recognize that Steward will dispute my view here. She believes that the denial of Fundamentalism is more promising than the acceptance of Semicompatibilism, with all its (theoretical) gaps and challenges. I prefer Semicompatibilism (with all its warts—of which various critics, including Steward, have helped to make all of us aware) to the denial of Fundamentalism; after all, if one denies Fundamentalism, one is apparently saddled with the challenges of explaining the relationships among the various levels of reality, and perhaps also the difficult doctrine of "downward causation". But it is not crucial here that I argue for my preference. Rather, I shall simply point out that it would be very unfortunate if one's basic views about personhood, free will, and moral responsibility *depended* on a denial of Fundamentalism. Again, moral responsibility would hang on a thread, *albeit* a different thread.

To elaborate a bit. Some philosophers are attracted to Fundamentalism, whereas others are attracted (for various reasons) to a more complex, "dappled" picture.[4] In my view, there are plausible considerations on behalf of each metaphysical picture; as with most such debates, it is not straightforward to argue decisively for either of the two big views. In my view, then, it would be nice to have a way of conceptualizing personhood, freedom, and moral responsibility that does not *depend* on one, rather than the other, metaphysical view. And, as far as I can see, Semicompatibilism is entirely neutral with respect to the issue of Fundamentalism versus the Dappled Universe; Semicompatibilism fits with either view. It is an attractive feature of Semicompatibilism that it can be embraced by either a proponent or an opponent of Fundamentalism. Of course, one might think that one has strong arguments in favor of one's favorite metaphysical picture; but is it not an advantage of a more specific view—such as Semicompatibilism—that it can be embedded in a range of plausible metaphysical Big Pictures? Is it not an advantage that one does not *have to* establish a particular—and indeed a contentious—metaphysical picture in order to defend Semicompatibilism?

Leave aside the physicists for now; as far as I am concerned, it would be equally problematic to have one's views about personhood and moral responsibility held hostage (in certain respects) by the metaphysicians! That is, I take it as a virtue of Semicompatibilism that one does not have to await the provision of an adequate account of the metaphysics of "downward causation" or "emergentism" in order to accept it!

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[4] Cartrwright (1999).

1.2 Agency and Alternative Possibilities

I turn now to Steward's view that being an *agent* requires a two-way power (and thus freedom not to do the act one in fact does). She grants that the Frankfurt-type cases show that having such a two-way power is not required in virtue of considerations of *fairness* (that it would be unfair to hold someone morally responsible for performing a certain kind of act, when she could not have avoided performing an act of that kind). When developed properly, Frankfurt-type cases leave only exiguous "flickers of freedom" that are irrelevant to fairness: "But how could such apparently unimportant little powers as these give her the sort of control which would make it fair for us to judge her morally responsible for her action? Such a suggestion would surely be ludicrous."[5] Steward goes on to say, "One might rather think that the deepest and most important reason why alternative possibilities are required for moral responsibility is that they are required for *agency*…"[6]

But, perhaps not surprisingly, I am not at all convinced that agency requires the relevant sort of dual power (or freedom to do otherwise). And equally unsurprisingly, I believe that *if* the Frankfurt-style examples indicate that it would not be unfair to hold responsible someone who lacked the relevant sort of dual power, they *also* show that agency does not require this sort of power (and thus freedom to do otherwise). The basic insight derived from the examples is that what matters is how the actual sequence progresses, not the availability of alternative possibilities. This basic insight gets applied to the context of fairness in holding responsible; here it shows that it would not be unfair to hold someone responsible, despite the lack of alternative possibilities, insofar as what matters is present in the actual sequence. When this same insight is applied in the context of assessing agency, it shows that one can exercise genuine agency despite the lack of alternative possibilities, insofar as the actual sequence flows in a certain way.

I believe that agency is a matter of how the actual sequence proceeds. Less abstractly, whether an individual performs an action is a matter of how the actual sequence develops—not whether there are alternative possibilities open to the agent. Just as moral responsibility is an "actual-sequence" notion, so is agency (and thus whether a particular bit of behavior is properly characterized as an action). To motivate this idea, compare an ordinary case of Jones's performing some action with a case in which we add the counterfactual intervener, Black; that is, compare Jones in an ordinary context with Jones in a Frankfurt-type example. In both scenarios there is no intervention by an individual such as Black (or any similar factor); in both scenarios the actual sequence flows in the same way. We can stipulate (given Steward's agreement on this point) that Black's presence in the Frankfurt-style case would rule out alternative possibilities sufficiently robust to ground moral responsibility (so far as considerations of *fairness* are concerned). Now if we are willing to say that Jones *acts* in the ordinary case, I think we should also say that he *acts* in the Frankfurt-style case; after all, in the latter case everything that happens in the actual sequence is exactly the same as in the ordinary case!

Consider another way in which the presence of some individual or factor appears to make it the case that an individual could not have done otherwise, and yet does not in any relevant way affect the way the actual sequence proceeds. This time we will compare the ordinary case of Jones with a case of Jones behaving in exactly the same way—but with the addition of a sempiternal and essentially omniscient God. Here we are assuming—what is no doubt contentious—that God has no (relatively direct) causal effect on Jones, and that

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[5] Steward (2008).

[6] Steward (2008).

God is able to know future contingent truths without having evidence of the causal determination of those truths. Perhaps He knows the truths based on non-causally deterministic facts, or perhaps He knows them via knowing so-called "counterfactuals of freedom".[7]

If we are allowed to say that in the "ordinary" scenario (with no special assumptions about causal determination or God's existence) Jones *acts*, it seems to me that we should say exactly the same thing about the scenario with God (envisaged as above) added. But it is plausible to suppose that God's foreknowledge rules out Jones's freedom to do otherwise.[8] If one accepts the coherence of the picture of God sketched above, and one accepts that such a God would rule out freedom to do otherwise, then Jones lacks freedom to do otherwise in the second scenario. And yet it seems correct that if Jones acts in the first case—the ordinary scenario—he also acts in the second case (with God added); after all, nothing is different about the way the actual sequences flow. As with Black, God's presence has no effect on the way the actual sequence develops; rather, it simply makes it the case that there are no alternative possibilities. How can this in itself and apart from affecting the way the actual sequence flows make a difference with respect to agency and action?

It seems to me that Steward will reply by contesting my way of separating the actual sequence from the alternative sequence. Indeed, she says:

> … I think we ought to agree with Fischer that the whole 'alternative sequence' in which Black intervenes and brings it about that Jones votes for Clinton in any case is entirely *irrelevant* to the question whether or not Jones is responsible for what he does in the actual scenario—what matters is indeed, as Fischer maintains, only what happens in what he calls the 'actual sequence'. Where I differ from Fischer is only in my insistence that the question what *does* happen in the actual sequence is not independent of the question whether the agent has any alternative possibilities—for unless she possesses the power to refrain from the particular actions he undertakes, I maintain, the actual sequence cannot constitute the occurrence of an action.[9]

This is an important point, and it does mark a difference between Steward and me. I claim that, in the relevant sense, *how the actual sequence goes* does not include or depend upon the existence of alternative possibilities; in contrast, Steward takes it that whether there are alternative possibilities is a fact about the actual sequence. Thus one would not be able straightforwardly to invoke intuitions about "the way the actual sequence flows" in order to argue that in the pairs of scenarios discussed above, the second cases contain agency even though they are not different from the first cases with respect to the actual sequences. Under Steward's assumption, if the agent could have done otherwise, then this fact makes for an importantly different actual sequence than what would have occurred had the agent lacked this ability. In the first cases (ordinary Jones) the actual sequences would be importantly different from those in the second cases (with the counterfactual intervener Black or God); thus Steward presumably would argue that whereas the first cases do involve agency, the second cases do not.

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[7] Alfred J. Freddoso's introductory essay in Freddoso (1988) is an important presentation of (and commentary on) Molina's views, and it has been highly influential in the subsequent evaluation of those views (and their application to the traditional problem of the relationship between an omniscient God and human freedom. See also Flint (1998). For some recent reflections on Molinism, see: Fischer (forthcoming a).

[8] For a selection of contemporary readings, see Fischer (1989).

[9] Steward (2008).

Perhaps we have now put our finger on a locus of basic disagreement between Steward and me. I think it is useful to see that it is not straightforward, as I have always supposed, to separate the issue of whether there are alternative possibilities (and what kind of alternatives they are) from the issue of "how the actual sequence develops"; one might think, after all, that the alternative possibilities correspond in some way to gaps in the actual sequence. But I still do not see why we cannot simply focus on the "positive" features of the actual sequence, abstracting away from the gaps (if they are indeed to be considered part of the actual sequence). It seems to me that agency is a matter of these positive features.

So, suppose, for the sake of the argument, that in the ordinary case of Jones (without any special assumptions say that causal determinism obtains or a certain sort of God exists), he has alternative possibilities; let us further say that these correspond to gaps "built into" the actual sequence. Now suppose that an essentially omniscient and sempiternal God as sketched above exists, and His existence expunges alternative possibilities. I do not see how this affects Jones' agency in any way; if he acts in the first scenario, he acts in the second, because the mere addition of a non-interventionist God does not in any way affect the way the actual sequence goes *in any way that seems relevant to me*. To be sure, the ordinary Jones and the Frankfurt-example Jones differ in one important way: the first has a power the second lacks. But why exactly should this be relevant to his agency?

Imagine that in the ordinary case, Jones's decision D is preceded along the actual sequence by an interconnected set of positive events, $e_1, e_2, e_3, \ldots$ that issue in D. If we add God (as envisaged above), we have *exactly the same set of positive events $e_1, e_2, e_3, \ldots$ issuing in D*. Perhaps metaphorically, we can say that in the first case there are gaps in the sequence, whereas in the second case there are no gaps; but the sequences of positive events are exactly the same. My contention is that what matters to agency is the sequence of positive events. *This* is what we care about in focusing on the way the actual sequence flows or develops—*this* is, as it were, where the action is.

Whereas I do not have any knockdown argument that the gaps should not be considered part of the actual sequence, and additionally I do not have any such argument that we should only take the positive features—and not the gaps—as *relevant to agency*, this is suggested to me by consideration of the pairs of cases discussed above. I do not find it plausible that simply by adding a *counterfactual intervener* or a *noninterventionist God* (of the Molinist sort) we go from a situation of agency to a situation of no agency. After all, the mere existence of (say) a counterfactual intervener does not in any way affect e_1, e_2, e_3, or for that matter *any* of the positive events that lead to D; nor does it affect the fact that they do in fact lead to D. I suppose that Steward could insist that nevertheless the addition of even a counterfactual intervener reconfigures the actual sequence insofar as it affects *the way $e_1, e_2, e_3, \ldots$ leads to D*. But my view is that, even if it is correct to say that simply subtracting (or, for that matter, adding) gaps between at least some of the positive events in the sequences changes *the way* they lead to D, *this change* is simply not relevant to whether there is action. With only a small apology for the pun, I would suggest that we focus on the "positive"; I suppose that it could be said that whereas I am looking at the sequence as (at least) half-full, Steward requires that it be half-empty.

1.3 Responsibility and Distal Causation

Steward states:

> As I see it, the tensions implicit in Fischer's attempt to make agency altogether independent of alternative possibilities surface eventually in the difficulties he faces

in attempting to clarify the second component of his account of guidance control—the need for the reasons-responsive mechanism which generates the agent's action to be the 'the agent's own'. … [I]t is extremely difficult for someone in Fischer's position to offer a satisfactory account of what it is for a mechanism to be 'the agent's own' which will solve the problem of manipulation. … any mere chain of events and circumstances, whatever it contains, and however complex it may be, would seem to be potentially reproducible in all its complex entirety by a manipulative agent, so that whatever set-up is offered by Fischer as being allegedly sufficient for the exercise of guidance control would seem to be open to the objection that that very set-up might itself be brought into existence (and maintained) by the manipulative agent…For instance, Fischer's own suggestion that the mechanism on which one acts becomes 'one's own' in virtue of one's having certain beliefs about one's own agency and its effects in the world, seems obviously vulnerable to the objection that such beliefs could perfectly well be induced, alongside the original manipulative activity, by the manipulative agent.[10]

It is a significant challenge to address the problem of manipulation—the problem of distinguishing the various sorts of responsibility-undermining manipulation from contexts of mere causal determination. I do not suppose that I have solved this problem, although I have sought to address it seriously. Here I wish simply to point out that my account of "taking responsibility" and "mechanism ownership" does not posit that we simply add the extra beliefs—beliefs about one's own agency and effects in the world. Indeed, I explicitly note the problem that these beliefs may be the result of the manipulative agent, just as the original manipulated activity is. Rather, I contend that the beliefs in question must be based on the agent's evidence in an "appropriate way".[11] I certainly grant that this move does not take us far toward an adequate specification, but my co-author and I did make some (admittedly preliminary and provisional) suggestions for unpacking the notion of "appropriateness". Although we did not provide a completely adequate reductive characterization of mechanism ownership, I would not be inclined to leap to the conclusion that the account, as it is, is unhelpful, or that no (more) adequate account can in principle be given.

Perhaps part of Steward's skepticism about the possibility of such an account is crystallized in this passage:

It appears to me, moreover, that this same basic difficulty is going to infect *any* view that fails to assign actions the sort of metaphysically exceedingly distinctive nature I have been insisting they must have. Any view which descends from the level of agents to the level of such things as mechanisms, processes and events is going to face the problem that any mechanism, process or event which occurs inside an agent can be set in train by someone, or something, which is not the agent. Only if one accepts that an action is *essentially* the exercise of a power by the agent whose action it is can this difficulty possibly be avoided.[12]

I agree that this is a bullet the compatibilist must bite; no matter how he specifies what he takes to be the signature nature of responsibility-conferring sequences, this "can be set in train by someone, or something, which is not the agent." But although the bullet in

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[10] Steward (2008).

[11] Fischer and Ravizza (1998, pp. 213–214).

[12] Steward (2008).

question appears initially to be unappetizing, I am not convinced that it is in the end entirely indigestible. For instance, go back to the broadly-speaking "Molinist" picture of God I sketched above. On this picture, God actualizes a particular possible world precisely because He believes that it is on balance the best of all possible worlds; and God knows in advance just what human agents will freely do in each possible circumstance. If the fact that the process issuing in behavior is set in motion by "someone, or something, which is not the agent" would rule out moral responsibility, then it would presumably follow that no one could be morally responsible, on the Molinist picture. Further, it would seem to follow that on many plausible religious views about the creation of the universe, no human agent could be morally responsible. But even if it is indeed contentious whether we human beings can ever be morally responsible, it is not plausible to me to suppose that simply because God created the world (with foreknowledge of what humans would do under various circumstances) it would follow (apart from skeptical worries about alternative possibilities) that we are never morally responsible.

It seems to me that moral responsibility is a matter of how the actual sequence proceeds; but it does not follow that such responsibility is expunged by facts about the distal features of the actual sequence, such as whether it is set in motion by an agent with certain intentions. So, for example, an agent can exercise guidance control along a certain sequence; that is, the sequence can contain behavior that issues from his own, appropriately reasons-responsive mechanism. Now whether this sequence was set in motion millions of years ago (or thousands or hundreds…) by an individual with the intention that it proceed just as it does seems to me to be entirely irrelevant to the agent's moral responsibility.[13]

2 Reply to Smilansky: Zooming In and Zooming Out

It will be helpful to have before us Smilansky's "moral arbitrariness challenge", which he distinguishes from the "metaphysical challenge":

> … we hold people responsible for their actions and put them in prison for very long periods. Take an ideal Fischerian-compatibilist agent, who chose to commit a crime. Is it fair that he will end up serving a twenty year prison service, so that his life will, in effect, be ruined? Fischer has given us a metaphysical basis for distinguishing such an agent from that of (say) a mentally ill person with no control over her actions. Yet even after we grant that, there is *also* a level at which the criminal is not responsible for being who he is, with his specific motivation set, which he then acts upon in the only (actual) sequence that was really available. This Fischer accepts. But once one does so, this (I claim) limits control, in a way that makes this person's ruined life a moral problem. The reason, in a nutshell, is that the situation is grossly *unfair*. Many things are going on in such a case, and some of them do merit a compatibilist description, but one of the important things that are happening is that this person is a victim of forces, ultimately beyond his control, that have formed his motivation set in such a way so as to set him up for compatibilist punishment. Given the way the world was, he had no actual opportunity to be someone who does not make that choice. And this makes such punishment (in one important way) not within his control, and thus fundamentally unfair.

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[13] I have discussed the issue of the relevance of distal causation by an agent with specific intentions in various places, including, most recently, Fischer (forthcoming b).

Other issues will exhibit a similar pattern. A central basis for one's self-respect, or respect for others, is one's actions: how well one confronted challenges, whether one did 'one's best'. If one puts things, in retrospect, under the ultimate perspective, the greatest personal struggles, and the most amazing achievements, or triumphs over the odds, or overcoming of temptations, begin to appear as no more than the way things developed, inevitably. Now we see that that is just the sort of person that I was molded into being, by forces beyond my control, and all of my admirable actions are merely the unfolding of this given. For people who understand and internalize the ultimate-level insight, and are not insensitive, this should be emotionally deflating. A similarly deflating analysis could be made of the devotion, sacrifices and efforts of admirable people one cares about (one's loved ones, or a hero one admires): in the end, that's just the way he or she was built to act. And one could foresee that, in the future, others (such as one's children) would be able to perceive oneself in such deflating ways. As with the ultimate unfairness of punishment, even when we accept that compatibilism is partly valid, the compatibilist story will be inherently shallow…[14]

In my view, the proper metaphor for our moral responsibility is "playing the cards that are dealt you".[15] This involves freely making the best of the situation one finds oneself in—doing the best one can, given the constraints. Smilansky says that given the way the world is (in the deterministic scenario he discusses above), the agent is "set up for compatibilist punishment," despite the fact that "he had no actual opportunity to be someone who does not make that choice. And this makes such punishment (in one important way) not within his control, and thus fundamentally unfair."

Assuming causal determinism and the soundness of the Consequence Argument, I agree that in a deterministic scenario an agent's behavior is "in one important way out of his control"; in my terms, he would lack "regulative control". But I do *not* agree that it follows that the behavior is not in any relevant or significant way within his control, or that punishment for the behavior is "fundamentally unfair". This is because I distinguish between regulative and guidance control, and I argue that guidance control is all the control required to underwrite moral responsibility. Of course, Smilansky is aware of my distinction, and even in the light of it, presumably he would continue to maintain that it is fundamentally unfair (at a certain level of analysis) to administer punishment in deterministic world.

In reply I would at least point out that this needs some argumentation, unless it is taken to be a basic insight; I wonder why it is that it is fundamentally unfair to punish someone who acts freely—whose behavior exhibits guidance control? I believe that the Frankfurt-style examples show (to a high degree of plausibility, even if they are not decisive) that regulative control—and thus genuine access to alternative possibilities—is not required for moral responsibility. Given this, why is it so obvious that it would be fundamentally unfair to punish an individual in a causally deterministic world? If causal determinism rules out the fundamental fairness of punishment but not in virtue of ruling out regulative control, exactly what is it about causal determinism in virtue of which it rules out moral responsibility?

Smilansky applies a "zooming out" argument that, he points out, can also be applied within the context of issues pertaining to the meaning of life (or perhaps the

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[14] Smilansky (2008).

[15] Fischer (2006b).

meaningfulness of lives). With respect to the meaning of life, it is sometimes argued that, although our lives have meaning to us from "within", the meaning is drained if we take a more abstract perspective—perhaps a more "objective" perspective. As Smilansky put the point above, "If one puts things, in retrospect, under the ultimate perspective, the greatest personal struggles, and the most amazing achievements, or triumphs over the odds, or overcoming of temptations, begin to appear as no more than the way things developed, inevitably. Now we see that that is just the sort of person that I was molded into being, by forces beyond my control, and all of my admirable actions are merely the unfolding of this given."

I think that in this last quotation there are at least two separate worries presented by Smilansky. One is the worry that from the ultimate perspective we could see that, however things go, it is just the way an individual was "molded into being"—"that's just the way he or she was built to act." Here I believe we have a re-inscription of the worry about distal causation by an agent with specific intentions discussed above. As I said in reply to Steward, this is indeed a bullet a compatibilist must bite, but I am not convinced that it is problematic. Apart from this worry, there seems to be a somewhat less than fully articulated worry to the effect that, once one takes the ultimate perspective, one can see that everything is the "mere unfolding of the given" and thus without deep meaning. I am not exactly sure what the worry is and how to articulate it in a nonquestion-begging way, but it may be helpful to focus first on the worry as it applies to the meaning of life, and then move to the worry about moral responsibility.

As Smilansky notes, one finds the "zoom-out" argument in the discussions of the meaning of life. Most notably, one frequently finds this strategy in the work of Richard Taylor.[16] Taylor points out that Sisyphus' existence (as portrayed in the original myth) is tedious, cyclical, and pointless—and thus essentially meaningless. Taylor goes on to say that the lives of non-human animals, such as migratory birds, spawning fish, and even the glow-worms in the caves in New Zealand, are fundamentally the same: cyclical, pointless, and without objective meaning. And now comes a crucial move: Taylor contends that, if we take a certain perspective—the perspective "from a distance"—we will see that ordinary human lives are really no different from the lives of Sisyphus and the non-human animals.

Taylor says:

> We toil after goals, most of them—indeed every single one of them—of transitory significance and, having gained one of them, we immediately set forth for the next, as if that one had never been, with the next one being essentially more of the same. Look at a busy street any day, and observe the throng going hither and thither. To what? Some office or shop, where the same things will be done today as were done yesterday, and are done now so they may be repeated tomorrow…[17]

He concludes, "The two pictures—of Sisyphus and of our own lives, if we look at them from a distance—are in outline the same and convey to the mind the same image."[18]

Now it is indisputable that, looked at from a more detached perspective—from a distance, as it were—we can discern certain patterns (even cycles) in our lives. But surely this does not entail that our lives—even from a distance—will look relevantly similar to those of Sisyphus, salmon, or the glow-worms! Even from a distance, our lives can be seen to be

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[16] For example, see Taylor (2000, reprinted in Benatar 2004).

[17] Taylor (2000, in Benatar 2004, p. 24).

[18] Taylor (2000, in Benatar 2004, p. 25).

significantly more complex and richer than those of Sisyphus and the non-human animals, and it is plausible that this rich complexity can underwrite substantial meaning. Our composition and functional complexity can, after all, support not just consciousness, but advanced cognition and sophisticated affective and executive capacities. Creatures with such capacities can presumably have lives that are significantly different from those of Sisyphus (in the original myth), migratory birds, salmon, and (most certainly) the New Zealand glow-worms; human lives may contain friendship, love, pursuit of scientific, scholarly, and artistic projects, and so forth. Why would the relevant capacities and activities disappear from view from the zoomed-out perspective? And, if they would, why would such a perspective be at all relevant?

I suppose that if you take a perspective that is sufficiently distant, then all relevant distinctions will disappear. So, for example, from a mile away I certainly could not distinguish—nor could anyone, I take it—a fine diamond from something that came out of a "Crackerjacks" box. But this is of no interest whatsoever. It simply shows that distance obliterates the ability to discern the distinctions; but they are still there. So we can construct a rather obvious dilemma. On the one hand, we could take the perspective from afar. From this perspective, any relevant distinctions between our lives and those of Sisyphus and the non-human animals seem to disappear. But so what? Why take this perspective? (Presumably, if you were trying to pick out a diamond ring for your wife from hundreds of yards away, she would simply tell you to come closer!) On the other hand, we could take a detached perspective from which we can nevertheless see the phenomena that are there to be seen; from this perspective, there are clear differences between our capacities (and lives) and those of Sisyphus and the birds, salmon, and glow-worms.

In general, I believe that we should ask various questions when we are invited to take up a perspective "from a distance" for the purposes of evaluation of something (the meaning of life, the nature of moral responsibility, and so forth). The first question is about what can in fact be seen from the commended perspective. The second question is why this perspective should be taken at all—and why it should be deemed hegemonic, if indeed it is putatively so. Applying this schema to Taylor's invitation to take the perspective "from a distance", it should be evident first that if the distance is not too great, there are many important differences that should be visible between us and (say) salmon. Of course, if the distance is too great, the differences will not be discernible. Then the question will arise as to why we ought to take this perspective.

It is often suggested that we take a temporally distant perspective in order properly to see that our current lives are meaningless. But consider Thomas Nagel's insightful critique:

> It is often remarked that nothing we do now will matter in a million years. But if that is true, then by the same token, nothing that will be the case in a million years matters now. In particular, it does not matter now that in a million years nothing we do now will matter.[19]

Nagel's point is that the fact that nothing will matter in a million years does not decide the issue; why take the perspective of a million years in the future as hegemonic?

One can bring forward considerably more mundane examples that appear to show that even a less drastic projection into the future may not be fruitful. Consider how absurd it would be to say that, because the pleasures of going to a concert will after all be over at some point in the future, we should not go to the concert at all! Similarly, one might argue that, because the pleasures of sex will be over at some point after the activities are finished,

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[19] Nagel (1971, reprinted in Benatar 2004); the quotation is from Benatar (2004, p. 30).

there is no point in engaging in the sexual activities. (This would be a new excuse, a fancy version of, "I have a headache.") But surely the argument would be ludicrous. In such contexts one wants to say that the temporally distant perspective is not decisive; what matters surely at least includes the "current" temporal perspective (or the perspective simultaneous with the relevant activities). Of course, the overall or all-things-considered desirability of engaging in certain activities might be fruitfully assessed from a temporally distant perspective; but the argument that, simply because the pleasure will end, it would be pointless to engage in it, is a manifestly bad argument.

Again, I do not wish to suppose that it can never be illuminating or helpful to take a more detached perspective—either temporal or spatial. I just think we have to be very careful about such moves. It is certainly not the case that as we get more and more distant temporally or spatially, we always get closer to the truth, no matter what the domain. Frequently it is quite the opposite.

Return to Smilansky's invocation of the "ultimate" perspective: "If one puts things, in retrospect, under the ultimate perspective, the greatest personal struggles, and the most amazing achievements, or triumphs over the odds, or overcoming of temptations, begin to appear as no more than the way things developed, inevitably… the mere unfolding of the given. For people who understand and internalize the ultimate-level insight, and are not insensitive, this should be emotionally deflating." I have a dilemma for Smilansky (based on the considerations sketched above). Let us consider the first horn, according to which one takes either a temporally or spatially distant perspective that allows for some detachment but does not render invisible the real characteristics and properties that are there to be seen in the domain of human action. Then, just as in the case of the distinction between human beings and (say) birds, salmon, and glow-worms, I would insist that there is a rich complexity that can underwrite moral responsibility. That is, from this perspective, one can see that individuals sometimes exhibit guidance control—they sometimes act from their own, moderately reasons-responsive mechanisms. The structures that permit this signature kind of control can surely be visible from a suitably detached perspective; indeed, they presumably cannot be seen from the subjective perspective of an agent—some detachment is required.

Now for the other horn: we might consider adopting a perspective from afar—so far that one cannot see that there are features in some creatures in virtue of which they exhibit guidance control, whereas other creatures and entities lack the relevant characteristics. From such a distance, the view would be deflating. But why take this perspective? Why take it here, any more than taking it when we are trying to distinguish a fine diamond from the prize in a Crackerjacks box? Why should it be thought that the perspective from afar has hegemony?

Perhaps Smilansky would reply as follows.[20] Taking the ultimate perspective is not a matter of attending to the same thing and merely zooming out. Rather, it is a matter of zooming out for the purpose of seeing how what you are focusing on fits in the world as a whole. For example, if you are at the theatre watching an excellent musical, you may be inclined to praise the actors. But if you zoom out and then find that what you thought were real people on the stage are actually marionettes, your attitude toward them will change. It is not that you zoom out and then complain that you can't see their distinctive features any more; it is that you zoom out, realize how they are connected to other things in the world, and then zoom back in. You can still see the features you saw in the first place, but your view of them has been tainted by the knowledge of their strings, so to speak.

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[20] I am indebted here to very helpful comments by Neal Tognazzini.

I concede that Smilansky presumably has in mind something like what is sketched in the previous paragraph. I do not intend to dismiss all "zooming" arguments; zooming out frequently is helpful in identifying crucial (and perhaps unexamined) assumptions, pre-suppositions, and connections. Rather, I am plumping for a more nuanced and careful application of such arguments. I believe that Taylor's invocation of zooming out is troubling because he seems to leave the phenomena behind—the rich and intricate structure and nature of human life looks like that of the New Zealand glow worms from afar. I think there is a similar danger in zooming so far out that one cannot see the features of causally deterministic sequences that plausibly ground moral responsibility—the features in virtue of which agents can sometimes exercise guidance control.

Yes, if we take a perspective from which we can see that the actors we previously thought were human beings turn out to be robots or marionettes, then we will change our views toward them. But I deny that zooming out and apprehending that causal determinism is true will lead us to believe that we are relevantly similar to robots or marionettes; it will only do so if the view from afar obscures the features of certain causally deterministic sequences that ground moral responsibility: mechanism ownership and reasons-responsiveness. These features can be present in a causally deterministic sequence, and they are in no way vitiated or etiolated when one sees them as embedded in a larger context.

But perhaps Smilansky will point out that from a certain perspective the "meaning" of the phenomena can be seen to be different from what we had previously supposed. When astronauts see Earth from space, they remark on its extraordinary beauty. Some attribute the beauty to God or a supernatural force; others simply are awe-struck by the beauty of nature. The perspective from afar might give an individual a different way of interpreting the phenomena on Earth, and these phenomena may be transformed for him forever—even upon his return to Earth.[21] Similarly, zooming out and seeing the way in which we are embedded in nature as a whole—perhaps a causally deterministic natural world—might well change the "meaning" or perhaps "significance" for some people of the features I have identified as responsibility-conferring. I do not have a knockdown argument against such a re-evaluation. I can only warn against losing a clear and lively view of those features, when one takes the view from afar, just as one must keep a clear and lively view of the genuine differences between human beings and glow-worms, even from afar. One must not lose the trees for the forest.

3 Reply to Perry: The Problem of Baggage

I wish to reply to three contentions in Perry's piece. First, Perry defends "Multiple-Pasts Compatibilism". Semicompatibilism is officially agnostic about this doctrine, although I am inclined to reject it; Perry adduces considerations pertinent to a diagnosis of the failure of fatalism to defend the tenability of this sort of compatibilism. Second, Perry

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[21] Compare Thomas Nagel's discussion of skepticism:

Philosophical skepticism [epistemological zooming out] does not cause us to abandon our ordinary beliefs, but it lends them a peculiar flavor. After acknowledging that their truth is incompatible with possibilities that we have no grounds for believing do not obtain—apart from grounds in those very beliefs which we have called into question—we return to our familiar convictions with a certain irony and resignation. Unable to abandon the natural responses on which they depend, we take them back, like a spouse who has run off with someone else and then decided to return; but we regard them differently (not that the new attitude is necessarily inferior to the old, in either case) (Nagel, 1971, reprinted in Benatar, ed., 2004; the quotation is on p. 37 of Benatar 2004).

contends that, although the Frankfurt-examples do show that an agent can be morally responsible even though he did not have alternative possibilities with respect to the relevant mental state (he could not have "changed his mind"), this does nothing to show that moral responsibility does not require regulative control. Finally, Perry contends that the sort of methodology I employ against the modal transfer principle that plays a role in the "Direct Argument" for the incompatibility of causal determinism and moral responsibility should also be deployed against the parallel modal transfer principle that plays a role in the Consequence Argument.

3.1 Multiple Pasts Compatibilism and the Problem of Baggage

Perry has an elegant way of showing that Fatalism is mistaken. He employs a rather simple but powerful apparatus—one that fits well with common sense. On his view, propositions are abstract objects, and they are either true or false. Further, they do not change their truth-value; Perry thus uses tenseless verbs to identify them. So, instead of "the proposition that Nixon was inaugurated in 1975," he states, "the proposition that Nixon *be* inaugurated in 1975," and so forth. Perry goes on to assume that propositions are "made true" by what happens in the world. He argues:

> Consider the proposition that Nixon was inaugurated President in 1975. Someone might claim—*someone* no doubt *has* claimed—that the various events that led to his inauguration in 1975 happened *because* it be true that he be inaugurated; events unfold to meet the needs of the class of true propositions. But I assume it goes the other way around; the proposition that Nixon be inaugurated in 1975 is true because events unfolded the way they did; among other things, back in the days when that was a necessary condition for being inaugurated, Nixon got more votes than Humphrey in enough states to gain more than half of the electoral college.

> This means that in addition to being true or false, (many) propositions have a relation to events; the events up to a certain time *make* the proposition true, or make it false, or leave it open for later events to determine.[22]

Perry points out that the fatalist mistakenly applies the common sense principle that one cannot change the past. Indeed, one cannot change the truth-value of a proposition that has *already* been made true or false; but the fatalist makes a more sweeping claim—one not licensed by common sense.

Perry appears to believe that the incompatibilist about causal determinism and human freedom to do otherwise makes exactly the same mistake as the fatalist, or perhaps a related mistake. That is, Perry seems to hold that nothing about the intuitive, common-sense notion of the fixity of the past conflicts with causal determinism; after all, even if causal determinism obtains, an agent who is free to do otherwise need not (according to Perry) have the power to change the past in a problematic sense (to change the truth value of a proposition already made true or false).

Perry states:

> Suppose at *t* I want on balance to scratch my head, and there is nothing affecting whether I scratch my head at *t* that turns on anything except my own wants a nanosecond before. If I were to refrain from scratching my head at *t*, it would be because I did not want to scratch my head at *t* a nanosecond before. This does not

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[22] Perry (2008).

mean that if I deliberate about whether to scratch my head, the fixity of the past, properly understood, limits my freedom in any way. I cannot do anything to change the past, but to scratch my head I do not have to change the past. I merely have to move my arm to my head and scratch.[23]

As Perry notes, I distinguish between FPc and FPnc:

FPc: For any action Y, event e, agent S, and time t, if it is true that if S were to do Y at t, S would thereby initiate a causal sequence issuing in the non-occurrence of some event e which actually occurred in the past relative to t, then S cannot do Y.

FPnc: For any action Y, event e, agent S, and time t, if it is true that if S were to do Y at t, some event e which actually occurred in the past relative to t would not have occurred, then S cannot at t do Y at t.

My view is that both FPc and FPnc are plausibly thought to be endorsed by common sense. Indeed, I believe that if one accepts FPc, one ought also to accept FPnc, but I concede that there is dialectical wiggle-room to accept FPc without thereby accepting FPnc. Perry, on the other hand, believes that, whereas there is good reason to accept FPc, there is no good reason to accept FPnc:

To deny FPc would be to give up the principle that one cannot change the truth values of propositions that have already been made true, and all that comes with it. To deny FPnc requires only that we refrain from making a gratuitous replacement of 'will not' with 'cannot' in the last clause. The denial of FPc would require us to abandon our basic metaphysical assumptions about time and causality. The denial of FPnc does not require this, and protects intuitive judgments of what one can and cannot do.[24]

I am not, however, convinced that there are no problems pertaining to the fixity of the past, as commonly understood, in envisaging a denial of FPnc. The main problem, as I see it, with a denial of FPnc is that, although (on the assumption of the denial of FPnc) one need not be able to "change" a proposition already made true, one is envisaged as having the power so to act that such a proposition—a proposition already made true—would not have been true. And I do not see the difference, with regard to common-sense intuitive ideas about the past and its fixity, between being able to change the truth value of a proposition that has already been made true and being able so to act that some proposition that has already been made true would have been false. This is a difference that does not make a difference (in the context of debates about the Consequence Argument), as far as I can see.

To explain. My wife just brought me a freshly-baked blueberry muffin. (This does not happen often when I am writing—or otherwise—but I will take it!) Well, you have no way of knowing for sure, but I just ate it, and it was delicious! Consider the proposition (Pt_2) that John eats the blueberry muffin at t_2. Supposing that causal determinism obtains, there is a proposition (Pt_1 expressing that conditions C^* obtained at t_1 which, together with the laws of nature, entail Pt_2. Thus, holding the natural laws fixed, if John has it in his power at or just prior to t_2 to insult his wife by not eating the blueberry muffin, then he has the power so to act that Pt_1 would not have been true. That is, John would have the power to perform some action (refrain from eating the muffin), which is such that, were it to occur, Pt_1 would

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[23] Perry (2008).

[24] Perry (2008).

not have been true. But Pt_1 is made true by the temporally nonrelational phenomena at t_1; thus, Pt_1 is already made true by events that occur well before t_2.

Now note that if John were to refrain from eating that delicious blueberry muffin, Pt_1 would *always* have been false. So, arguably, John does not have the power to *change* the truth value of a proposition that has already been made true. I will grant this, insofar as changing a proposition involves making it the case that some proposition that is true in (or "at" or "relative to") a given possible world at a time is false *in that same world* at a subsequent time. Compatbilism (MPC) does not imply that John has this sort of power. But it does entail something equally problematic, from the point of view of the fixity of the past: it posits that John can have it in his power at t_2 so to act that some proposition already made true—Pt_1—would have been false.

Of course, if one focuses on propositions such as Pt_2, it can seem as though there is no problem for compatibilism stemming from the fixity of the past; after all, Pt_2 is not already made true as of t_2 or just prior to t_2. But this encourages the mistaken thought that compatibilism is no different from Fatalism with respect to the fixity of the past. In the case of Fatalism, an agent's doing otherwise does *not* require so acting that *some* proposition already made true would not have been true. This is precisely the difference between Fatalism and Multiple-Pasts Compatibilism. The Multiple-Pasts Compatibilist must say that in order for John to refrain from eating the blueberry muffin at t_2, he is able so to act that Pt_1—a proposition already made true by the state of the world at t_1—would *not* have been true. By focusing on Pt_2—and noting that it is not already made true at t_2 or just before—one can lose sight of the fundamental difference between Fatalism and Multiple-Pasts Compatibilism. For the Multiple-Pasts Compatibilists, propositions such as $Pt2$ come with "baggage".

There is an analogous problem with certain Ockhamist accounts of the relationship between God's foreknowledge and human freedom.[25] The Ockhamist argues that God's prior beliefs are parts of soft (that is, temporally relational) facts about the relevant times, and are thus not "fixed" and out of our power to affect. In contrast, the Ockhamist is willing to concede that the hard—temporally nonrelational—facts are fixed and out of our control at later times. The Ockhamist—unlike the Multiple Pasts Compatibilist—concedes that if some proposition P is (or corresponds to) a hard fact about the past relative to t, then no human agent can at a later time so act that P would not have been (or corresponded to) a fact at t. The Ockhamist makes a move similar to Perry's move in reply to the Fatalist; both the Ockhamist and Perry warn against an inappropriate widening of the intuitive idea of the fixity of the past. Although the Ockhamist is willing to concede that common sense requires that the past be fixed, he insists that this fixity idea only applies to the genuine and temporally nonrelational past; if a fact is not just about the past, but also about the present or future, it is not fixed (simply in virtue of being about the past). Similarly, Perry is willing to concede that common sense requires that the past be fixed, but he insists that the fixity idea only applies to those propositions already made true.

Elsewhere, I have argued that, on certain ways of making the distinction between hard and soft facts (temporally nonrelational and temporally relational facts), it turns out that even if God's beliefs are (or are parts of) soft facts about the past, these are soft facts *with baggage*. That is, on certain ways of drawing the distinction, the facts about God's beliefs turn out to be "hard-core soft facts".[26] A hard-core soft fact is such that, if the soft fact is rendered false, then a paired hard fact must also be rendered false; the *only* way the

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[25] See Fischer (1983, 1985, 1986, 1994).

[26] Fischer (1985).

relevant agent can so act that the pertinent soft fact would not have been a fact is so to act that the paired *hard* fact would not have been a fact. In this circumstance, the soft fact comes with baggage, and insofar as the Ockhamist does not think we can ever so act that hard facts would not have been facts, he should say the same things about hard-core soft facts: the baggage renders such facts out of our power to affect.[27]

A similar problem afflicts Perry's defense of Multiple Pasts Compatibilism. Suppose again that causal determinism is true, that we are leaving the laws of nature alone, and that I can at t_2 or just prior to t_2 refrain from eating that admittedly tempting fresh blueberry muffin at t_2. It follows from the definition of causal determinism and the fact that Pt_1 (the proposition that Conditions C* obtained at t_1) together with the laws of nature entail Pt_2 (the proposition that I do in fact eat the muffin) that I can at t_2 so act that Pt_1 would have been false. But Pt_1 is already made true at t_2 or just before. Thus, Pt_2 comes with baggage. If Perry is willing to concede that no one can at a time so act that some proposition already made true at that time would not have been true, then he must deny that I can refrain from eating the muffin—and he must abandon Multiple Pasts Compatibilism.

Given the problem of baggage, I believe that the only way that Perry could defend his compatibilism is by putting weight on the distinction between "changing" the truth value of a proposition and having the power so to act that a proposition would have a different truth value from what it actually has. After all, if I were to refrain from eating the blueberry muffin in the scenario described above, Pt_1 would *always* have been false. That is, although I am envisaged to have the power so to act that some proposition (Pt_1) which has already been made true would have been false, I am *not* thereby thought to have the power to *change* the truth-value of a proposition already made true: my power does not point to a single possible world in which Pt_1 is true at a time (say t_1) and then false at a later time (say t_2). Rather, both Pt_1 and Pt_2 are true in the actual world, and they are both false in the relevant non-actual possible world.

But I do not believe that the fundamental problem comes from our inability to *change* the past. It would be bad enough if we had the power so to act that the past (in its genuine, temporally nonrelational features) would have been different from the way it actually was. That is, it is bad enough to suppose that I have it in my power—I can here and now—perform some action which is such that, if I were to perform it, the past would have been different from what it actually was. Does it not seem absurd to suppose that I can here and now perform some action which is such that, if I were to perform it, President John F. Kennedy never would have been assassinated? And is it not equally absurd to suppose that I can here and now perform some action which is such that, if I were to perform it, some genuine feature of the past yesterday—or even a nano-second before the decision or action—would have been different? If the past is fixed, it is fixed entirely; if the past is fixed because it is "over and done with", this should apply to *all* (temporally nonrelational) features of the past.

The past here functions in a way similar to the way in which the natural laws and also uncontroversial "obstacles" function. So if performing a particular action would require that some natural law would not be a natural law, it seems to follow that no human agent can perform the action in question. Similarly, suppose I am tied to my chair by strong chains that I do not have the capacity to break, and there is no other way for me to be

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[26] Fischer (1985).

[27] On another way of developing Ockhamism, God's prior beliefs will have a different sort of baggage: they will turn out to be "hard-type soft facts," that is, soft facts the falsification of which would require that some individual would not have possessed a temporally genuine and nonrelational *property* at a prior time: Fischer (1986). Again, such facts have baggage that render them out of our power to affect.

released within an hour. Given that performing the act of leaving my office within an hour would require that some obstacle that is actually present *not be present*, it seems that it would follow that I cannot leave my office within an hour. Similarly, it seems to me that if performing some action would require that the past have been different from the way it actually was, then it follows that I cannot perform the action in question.

So the problem here has nothing to do with our obvious inability to *change* the past; it has more to do with the implications of our actions—with what would be the case if we were to perform them. Imagine that there are two trails that go up a precipitous gorge; at the top is a beautiful waterfall and pool of water. We take the left trail, but as we approach the top, we realize that there is no access to the pool from this path. Given the terrain and the lateness of the day, it turns out that if we were to go swimming, it would have been because we had taken the right trail earlier in the day. It seems to me that it follows that we *cannot* in the late afternoon go swimming then. After all, given what has happened, going swimming then would require that we have taken a different path that morning.

In his important paper, "Compatibilist Options," Perry states that one of the two questions on which the tenability of compatbilism depends is: "Can one have the ability to perform or refrain from an action A at t, even though the issue of whether one will perform A at t or refrain from doing so has been *settled* before t?"[28] This is indeed a crucial question for compatibilism. My claim here has been that if one has such an ability, one thereby has the ability so to act that some proposition already made true would have been false. And insofar as that is problematic, classical compatibilism is problematic.

3.2 Frankfurt Examples and Regulative Control

I turn now to Perry's discussion of the Frankfurt-style examples. Perry's view is that they do in fact show that alternative possibilities of a certain sort (the ability to change one's mind) are not required for moral responsibility; he just doesn't see what this has to do with my notion of regulative control. No doubt I was not sufficiently clear or explicit in laying this out, but I simply define regulative control in terms of genuine access to alternative possibilities (freedom to choose and/or do otherwise).[29] On my view, when one has regulative control over X, where X is an action, then one can (in the sense pertinent to the Consequence Argument) perform X and one can (in the sense pertinent to the Consequence Argument) refrain from performing X.[30]

So I do take it that the Frankfurt-style examples show that an individual can be morally responsible for (say) performing an action, even though he lacks regulative control over it; I believe that the freedom-relevant condition sufficient for moral responsibility is guidance-control. My contention is that guidance control and regulative control "come apart" in the Frankfurt-style cases, and that the relevant agent is morally responsible in virtue of exhibiting guidance control of his behavior.

Perry states:

Now consider the difference between mere Jones, sitting in a room with an unlocked door who would rather read than leave, Locke's Jones, with the door locked, and

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[28] Perry (2004, p. 37).

[29] See, for example Fischer (2006a, p. 7).

[30] Similarly, if X is a consequence, then if one has regulative control over X, then one can (in the sense pertinent to the Consequence Argument) bring about X and one can (in the sense pertinent to the Consequence Argument) prevent X from occurring.

Frankfurt's Jones, with the implant. The first can decide to leave and can leave. The second can decide to leave, but cannot leave. The third can neither leave nor even decide to. But all of them can do voluntarily and with (some) moral responsibility do just what they do in fact do, sit there and read. So the things that the first two did not do but could have done, and the third fellow did not do and could not have done, are not requirements for sitting there and freely, intentionally and voluntarily reading his paper. That's what the Frankfurt cases show.

… Frankfurt's Jones voluntarily sat and read his paper, even though he could not have done otherwise, and could not even have decided to try. However, all three of our characters lack regulative control over leaving the room or even trying to leave the room. Frankfurt's Jones has no less regulative control over these things than the other two characters. That is, the action of trying to leave the room backtracks in all three cases. … what Frankfurt's Jones lacks, and the others have, is the ability to change his mind, not regulative control.[31]

I agree with Perry that Frankfurt's Jones lacks the ability to change his mind—to choose to leave the room or perhaps try to so choose—whereas the other two characters have this ability. But I would contend that Frankfurt's Jones lacks regulative control over the relevant item—say choosing—whereas the other two characters have it. As I sought to explain above, that an action "backtracks" (in Perry's sense) is relevant for me insofar as it is a sufficient condition for the agent's not being able to do it (in the pertinent sense). That is, on my view, when we know that an action backtracks (for an agent), we thereby know that he cannot (in the relevant sense) perform the related action (the alternative to the backtracking action); for this reason we also know that he lacks regulative control over it. On my approach, regulative control is defined in terms of freedom to do otherwise; an action's backtracking is one of various possible indicators of the lack of such control of the related action.

In virtue of the existence of the Frankfurt-style counterfactual intervener, Frankfurt's Jones lacks regulative control over his choice. Perry contends that the other two characters—ordinary Jones and Locke's Jones—also lack regulative control over their choices, but I deny this. That is, I do not see any special reason to say that they lack the freedom to choose otherwise and thus that they lack such control over their choices. Perry contends that the choices of ordinary Jones and Locke's Jones backtrack; but I do not agree.

… the action of trying to leave the room backtracks in all three cases. If the first guy had left, it would have been because he wanted to. If Locke's Jones had tried to leave, it would have been because he wanted to. If Frankfurt's Locke had decided to leave, it would have been because no device had been implanted, or the implanted device failed.[32]

But I do not think it is obvious that in the first two cases—the cases of ordinary Jones and Locke's Jones—the actions of choosing to leave the room or trying to leave the room backtrack. After all, we are not making any special assumptions, such as that causal determinism obtains or an essentially omniscient, sempiternal God exists. Why, then, suppose that the relevant backtrackers are true? That is, why suppose that the backtracking would-counterfactuals are true? I suppose that at most I am willing to concede that if ordinary Jones had chosen otherwise, his configuration of pro-attitudes *might* have been

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[31] Perry (2008).

[32] Perry (2008).

different. But why not simply say that had ordinary Jones chosen otherwise, his configuration of pro-attitudes would have been exactly the same—it is just that he would have formed a choice or decision that reflected a different weighting of the pro-attitudes (and other relevant considerations). Intuitively, and apart from any special assumptions, it seems to me that we think that ordinary Jones can choose differently, even given whatever motivational states are in place—that is, his choosing differently can be an extension of the actual past (holding fixed the laws of nature). Note that I have supposed that we can say that a certain choice can "reflect" a different weighting of the complex of motivational factors already in place; if one thinks that there are two separate "moments" in the sequence leading to action—the formation of an evaluative judgment followed by a choice or decision—then responsibility traces back to the first moment—the formation of the evaluative judgment. But again I do not believe there is any good reason to suppose that such a judgment would backtrack.

Clearly, these considerations apply to both ordinary Jones and Locke's Jones. On my view, there is no good reason to suppose that they lack regulative control, apart from special assumptions. This is in contrast with Frankfurt's Jones, who does in fact lack regulative control (of sufficient robustness plausibly to ground attributions of moral responsibility) and yet is morally responsible for what he chooses and does. Given that the Consequence Argument is sound, then even if causal determinism is assumed to obtain and thus that "ordinary Jones" does not have regulative control, he would not *thereby* also lack moral responsibility. In my view, this is the moral of the Frankfurt stories.

3.3 Transfer of Powerlessness versus Transfer of Nonresponsibility

Perry finds my discussion of the various modal transfer of non-responsibility principles convincing, but he thinks a similar strategy should be applied to the modal transfer of powerlessness principle (that plays a role in some versions of the Consequence Argument). He argues:

> How do we actually, when language is not 'on a holiday,' make judgments about whether a person can do something, or not, whether it is within his or her power to do it or not? For example, buying a Prius is now something that is within my power. It is something I *can* do … There is nothing stopping me from buying a Prius except my own preference to spend the afternoon fishing, my habits of sloth and indifference, a certain laziness, [and] fondness for my old Plymouth… One fact about me, in the actual sequence, is that I have all of the abilities required to make the movements of hands, foot and moth necessary to buy a Prius given the wider circumstances in which I find myself. Another fact about me is that I have a set of preference so that I will not do it, at least not today. This is exactly the situation, the sort of facts in the actual sequence, the words 'can buy a Prius' and 'has the power to buy a Prius' are designed to describe.[33]

But. We first need to distinguish the "can" of general capacity or ability from what J. L. Austin called the "all-in" sense of "can"—which encompasses both the general capacity and the opportunity to exercise it. What ordinary language tells us about the conditions of usage of the "can" of general ability may not transfer straightforwardly to the "all-in" can. Further, it seems to me that the "all-in" can is the "free will can". That is, the possibility expressed by the "all-in can" (and not mere general capacity) is the notion of ability that is

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[33] Perry (2008).

typically linked to moral responsibility *via* the Principle of Alternative Possibilities, according to which moral responsibility requires freedom to do otherwise. (Of course, both Perry and I would reject this principle; here I am simply trying to identify the sort of power relevant to discussions of free will.) So, for example, I am not morally responsible for failing to leave my office within an hour (given certain ways of filling in the story), if I am tied to my chair by large chains; the problem here is not that I lack the relevant general capacity—the capacity to walk out of my office—but I lack the opportunity to exercise this capacity.

So ordinary usage of "ability" terms does not decide the issue about the notion of freedom relevant to moral responsibility. This notion requires both a general capacity and the opportunity to exercise it.[34] When I am chained, my leaving the office within an hour would require that the chains not be present or be miraculously broken; that is, the opportunity to exercise the capacity would require the absence of an existing obstacle. This is surely part of the reason we say that I cannot leave the office within an hour. Similarly, one might say that, in the case of causal determinism, an agent's doing otherwise would require the past to have been different; so—insofar as the past's being as it is functions in a way parallel to the way in which the chains function—one might argue that the agent's doing otherwise would require the absence of an existing obstacle. Thus, one might conclude that the agent cannot do otherwise. Granted: the argumentation is contentious here. But it should be relatively less controversial that ordinary usage of such terms as "can", "power, and "ability" does not straightforwardly decide the issue.

Another way of making the point is as follows. The principle Transfer NRC arguably fits best with our considered judgments about cases, and there are no countervailing skeptical worries. So we should accept Transfer NRC. On the other hand, there are considerable (although not indisputably decisive) skeptical worries that are relevant either directly or indirectly to the Principle of Transfer of Powerlessness; thus this sort of principle is in a different ballpark. Given the Consequence Argument, it is not straightforward to argue that our considered judgments are best systematized by compatibilism about causal determinism and freedom to do otherwise; after all, the Consequence Argument, like any powerful skeptical argument, relies on elements that come from common sense. But if we accept the moral of the Frankfurt stories, then perhaps we can say that it is considerably more attractive to think that compatibilism about causal determinism and moral responsibility best systematizes our considered judgments.

Perry asks, "Can't we get the 'semi' out of 'semi-compatibilism'?" I am not sure why we would want to. Semicompatibilism asserts that whether causal determinism rules out freedom to do otherwise (regulative control) is irrelevant to moral responsibility. Of course, the evaluation of the Consequence Argument is entirely orthogonal to semicompatibilism; the latter doctrine simply says that it does not matter, for the sake of moral responsibility, whether the Consequence Argument is sound. Given the history of apparently intractable debates about the Consequence Argument, it seems dialectically more prudent simply to assert semicompatibilism, at least insofar as one's main concern is about moral responsibility. Why stick one's neck out more than one needs to? I have thus presented semicompatibilism as an attractive option for the compatibilist about causal determinism and moral responsibility. Note that a distinction should be made between semicompatibilsm and adopting Fischer's Total Set of Beliefs (related to free will and

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[34] The failure to distinguish between the "can" of general ability and the "all-in" sense of "can"—and the notions of possibility expressed by them—vitiates Perry's otherwise incisive discussion in Perry (2008, pp. 241–245).

moral responsibility); in the latter bag is included both semicompatibilism and the view that it is plausible that the Consequence Argument is sound (although the arguments fall short of being decisive). So I guess I stick my neck out more than I really need to—or should…

4 Conclusion

Goin' down that long lonesome highway bound for the mountains and the plains
Sure ain't nothin' here gonna tie me and I got some friends I like to see again
One of these days I'm gonna settle down but till I do I won't be hangin' round
Goin' down that long lonesome highway gonna live life my way…
David Houston, "Long Lonesome Highway" (from the album, "Wonders of the Wine")

As I mentioned in the introduction, I have had to select only some of the many probing critical points made by Steward, Smilansky, and Perry. I hope they will take some consolation in the fact that I sought to reply to many of the most central points in their essays, leaving for future work the arguments in response to which I had no idea what to say! (I'm assuming that the consolation comes in part from the fact that there were so many such arguments.)

Perhaps the name *My Way* will conjure up the metaphor of travel, and at the risk of pushing the metaphor beyond reason (and the reader's patience), I will sum up my replies to Steward, Smilansky, and Perry in what must be good advice for any traveler: think positive (think of the highway of life as half-full, not half-empty), keep things in the right perspective, and travel light (avoid excess baggage)!

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