

Deliberation Incompatibilism

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ABSTRACT

Deliberation incompatibilism is the view that an agent being rational and deliberating about which of (mutually excluding) actions to perform, is incompatible with her believing that there exist prior conditions that render impossible the performance of either one of these actions. However, the main argument for this view, associated most prominently with Peter van Inwagen, appears to have been widely rejected by contemporary authors on free will. In this paper I argue first that a closer examination of van Inwagen's argument shows that the standard objections are based on a misunderstanding of the notion of 'deliberation' presupposed in this argument. Second, I attempt to strengthen the case for deliberation incompatibilism by offering a different argument in its support.

1. Introduction

Many philosophers agree that a belief in freedom is a necessary condition for rational deliberation. This idea, which can be traced back at least as far as to Kant, has in more recent times been used to argue that 'determinist deliberators', i.e. deliberators who believe that causal determinism is true, cannot deliberate without having inconsistent beliefs. I shall call authors who defend this claim 'deliberation incompatibilists' since they hold that an agent being rational and deliberating about which of (mutually excluding) actions to perform is incompatible with her consistently believing that causal determinism is true.¹ In this section I shall examine an argument for deliberation incompatibilism which has been suggested by Peter van Inwagen in his 1983 book *An Essay on Free Will*. Consider first the following claim about deliberation made by van Inwagen in this book:

In my view, if someone deliberates about whether to do A or to do B, it follows that his behaviour manifests a belief that it is *possible* for him to do A – that he *can* do A, that he has it within his power to do A – and a belief that it is possible for him to do B (1983, 155).

This claim has come to be known as 'the belief in ability thesis'. Van Inwagen finds support for this thesis in the observation that deliberation is a mental activity

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¹ Kant famously claimed that it is part of our nature as rational agents to act "under the idea of freedom" (1998, 53). I owe the term 'deliberation incompatibilism' to Pereboom (2008). Contemporary philosophers who have defended deliberation incompatibilism include van Inwagen (1983), Searle (2001) and Coffman and Warfield (2005).

and therefore something that manifests the agent's beliefs about the point or purpose of engaging in it. In the case of deliberation, he argues, this must include the agent's belief that she can perform each of the actions she is considering. Of course, in itself the belief in ability thesis is neutral with respect to any specific view of the metaphysics of agency. As anyone familiar with the free will debate knows, the notion of 'can' has been subject to very different interpretations, some of which do not require libertarian openness. However, van Inwagen argues that the belief in ability thesis can be seen to support the further claim that a rational agent who engages in deliberation about whether to do A or to do B must believe that it is causally possible for her to do A, and also causally possible for her to do B, provided that she draws an obvious inference. This, he argues, can be seen by considering our experience of deliberation: imagine you are in a room with two doors, one of which you believe to be unlocked and the other locked and impassible, though you have no idea which is which (van Inwagen 1983, 154). Then attempt to imagine yourself deliberating about which door to leave by. According to van Inwagen, you will find yourself unable to consistently deliberate in this situation. This, he claims, is evidence that a determinist deliberator cannot deliberate without having inconsistent beliefs.² Van Inwagen's argument could, perhaps, be explicitly set out as follows:

(P1) Whenever rational agents deliberate about what to do, they believe they have more than one possible course of action from which to choose, each of which is available to them in the sense that they can perform each of these actions.

This is simply a statement of the belief in ability thesis. Now suppose that you find yourself unable to consistently deliberate in the two-door case. According to van Inwagen, the reason is that you believe all but one option for what to do is closed off, a belief that is inconsistent with your belief in ability. If this is correct, the two-door case may seem to generalize to any deliberative situation in which a deliberator believes only one action is causally open to her. In fact, it may seem to support the following general claim about the beliefs presupposed in (rational) deliberation:

(P2) If a rational agent believes she has more than one possible course of action from which to choose, she must believe that there exist no prior conditions that render impossible the performance of any of these actions.

² It should be kept in mind that the difficulty in the two-door case is choosing *which door to leave by*. That means that there could be various other types of deliberation which may not be difficult in this case, e.g. deliberation about whether it would be better to leave by the door to the left than the door to the right, or perhaps deliberation about which door to try to open (see also Nelkin 2004a). It should also be noted that van Inwagen does not claim that there cannot be determinists who deliberate. The claim is only that if they do, they must be holders of contradictory beliefs. See van Inwagen (1983, 159).

Let ‘causal determinism’ be the view that there is only one possible course of action consistent with the past and the laws of nature. Then it follows that:

(P3) Whenever determinist deliberators deliberate about what to do, they believe prior conditions exist that render possible the performance of only one particular, determinate action among those they consider.

It seems clear that if (P1)–(P3) are true, determinist deliberators cannot be consistent since, in virtue of being rational deliberators, they are committed to believing that there exist no prior conditions that render impossible the performance of any of the alternative actions they consider while, in virtue of being determinist deliberators, they are committed to believing there exist prior conditions that render possible the performance of only one particular, determinate action among those they consider.

Before assessing this argument, some key concepts need to be clarified. First, the notion of ‘belief’ assumed in the argument does not require the beliefs in question to be ‘conscious’ or ‘occurrent’. Clearly, most people don’t have consciously held beliefs about causal possibility every time they engage in deliberation. A plausible view is that we should interpret the relevant beliefs as dispositional or maybe tacit. They are something rational deliberators just ‘assume’ or ‘take for granted’ when they deliberate (Kapitan 1986; Clarke 1992). Second, it seems clear that van Inwagen would want to restrict the notion of ‘deliberation’ to what he calls ‘serious deliberation’ and describes as a sort of deliberation that occurs when “one is choosing between alternatives and it does not seem to one (once all the purely factual questions have been settled) that the reasons that favor either alternative are clearly the stronger” (2004, 217; see also Coffman and Warfield 2005). There are two reasons for this restriction. First, according to van Inwagen, we exercise free will only in (a restricted range of) cases where there are no conditions, such as feelings of unopposed inclination or feelings of duty unopposed by inclination, which are sufficient for one specific action (van Inwagen 1995). In cases where such sufficient conditions obtain, the agent could not act otherwise. Thus, alternative possibilities, according to van Inwagen, exist only “in cases of an actual struggle between perceived moral duty or long-term self-interest on the one hand, and immediate desire on the other; and cases of a conflict of incommensurable values” (Ib., 235).³ Given this view, it seems natural to assume that deliberation which requires beliefs about one’s

³ Van Inwagen (1995) argues that the claim that we are not free to do otherwise in cases where there are sufficient causes or motives for one specific action follows from the validity of a person- and time-relative version of the inference rule Beta of the consequence argument. I am unable to discuss his argument for ‘restrictivism’ here (but see note 4). It should be noted though that it is an open question how rare the cases are where it seems to us that we lack sufficient reasons for either alternative. While van Inwagen seems to think that they are relatively rare, others argue that they are not that rare (see e.g. O’Connor 2000, 93).

abilities should be restricted to the latter kind of cases, i.e. cases where it does not seem to one that the reasons that favor either alternative are clearly the stronger. Second, it is also independently more plausible that the belief in ability thesis is true in these cases since it may seem more dubious, at least on the face of it, that in order to deliberate and being rational one must believe that one can perform some act other than the act one takes oneself to have decisive reasons for performing. To make van Inwagen's argument for deliberation incompatibilism as strong as possible, therefore, we should restrict it to deliberation in cases where it seems to us that we lack decisive reasons in favor of either alternative.⁴ But what does this tell us about the content of 'serious deliberation' as opposed to what we ordinarily call 'deliberation'? Much of the criticisms of van Inwagen's notion of serious deliberation have been sparked by Coffman and Warfield's (2005) interpretation of it. According to Coffman and Warfield, van Inwagen "conceive[s] of deliberation as a 'trying to choose' or 'trying to decide' what to do that occurs before action but after reasons for various actions have been weighed and evaluated (but have not decisively favored one course of action over all others)" (Ib., 28). Although I believe this formulation captures something important in van Inwagen's notion of deliberation, it invites the following natural objection: deliberation is usually used to refer to the weighing and evaluating of reasons itself, not something that happens *after* the weighing and evaluating of reasons (Levy 2006, 458). How can you go on deliberating about something if you really believe that weighing and evaluating your reasons would not take you any further?

It is quite clear, I think, that van Inwagen would not want to claim that serious deliberation does not involve *evaluative reflection*. As he points out, serious deliberation typically occurs in cases characterized by 'moral struggle' or 'agonized indecision', which are hardly the sort of cases we can make sense of in the absence of evaluative reflection on our reasons. Rather, what he wants to rule out, I think, is a certain picture of the reflective process involved in serious deliberation. Thus when we speak of 'weighing', 'balancing' or 'trading off' in practical deliberation, what we normally have in mind are determinations of weights in terms of adding and subtracting quantities of some common unit of value. For example, we want to know which alternative is the best means to an end in terms of how much pleasure, satisfaction or happiness etc. it offers compared with the

⁴ Note that deliberation incompatibilism depends (among other things) on the truth of the ability thesis, not the truth of restrictivism. Of course, restrictivists believe the truth of the ability thesis should be restricted to cases where it does not seem to one that the reasons that favor either alternative are clearly the stronger, and the present argument for deliberation incompatibilism is based on that assumption. However, it is possible to accept this argument, but reject restrictivism. For example, one might deny that the ability thesis should be restricted to these cases, but nevertheless argue that it supports deliberation incompatibilism. This would need arguments different from (but not necessarily inconsistent with) the arguments for deliberation incompatibilism discussed in this paper.

alternatives. In such cases, van Inwagen claims, “values are not at issue, but only how to maximize certain ‘given’ values; the matter is one of (at best) calculation and (at worst) guesswork” (1995, 234). It is pretty clear, I think, that van Inwagen wants to rule out this kind of means–end reasoning as serious deliberation. His view seems to be that in serious deliberation what is typically at issue is determining what values are at stake in the situation and which of the alternatives is better in regard to our practical conception of how to be or live a life.⁵ Not only does this require careful reflection on our own values and their relative importance, e.g. what values define a good life (something that does not seem to be a matter of simply measuring and comparing alternatives in terms of quantities of some common unit of value); it may even be that reason does not clearly and uniquely determine what is the best thing to do in these cases. Of course, this characterization of serious deliberation raises many questions familiar from discussions about incommensurability and practical reason which it is beyond the scope of this paper to address.⁶ I don’t think the argument for deliberation incompatibilism hinges on any controversial claim in this debate. What is important is that there are cases where we experience *difficulties* evaluatively ranking our alternatives, where our reasons for each of our alternatives appear to us not to settle once and for all what is the unique best thing to do, and where we therefore conclude our deliberation without final certainty on the comparative worth of our alternatives. This does not have to rule out that comparison is *possible*, nor that we reach conclusions about comparative worth in these cases.⁷ The point is only that our reasons for each of the alternatives appear to us insufficient for making one or the other *choice*.⁸ As I read van Inwagen, it is in cases of the latter kind we engage in serious deliberation. Returning to Coffman and Warfield’s interpretation of this notion, I think we are now in a position to see how it might capture something important in van Inwagen’s own characterization. By expressing that serious deliberation is ‘a trying to choose’, it makes clear that it occurs in cases where we experience difficulties making up our minds about what to do, cases which involve struggle

⁵ Consider e.g. the following passage where van Inwagen describes a typical instance of serious deliberation: “The general form of the question that confronts the agent in true cases [. . .] is, What sort of human being shall I be?, or What sort of life shall I live? [. . .] in [these] cases, the agent’s present system of values does not have anything to tell him” (1995, 234).

⁶ For example, some philosophers argue that choice which precludes a unique reasoned conclusion about what is best must be arbitrary and irrational (see e.g. Regan 1997). I briefly address a version of this worry in the last section. Philosophers who have defended the possibility of justified choice in the absence of a comparative conclusion about bestness include Stocker (1990), Anderson (1997), Taylor (1997), Raz (1997) and Wiggins (1997).

⁷ I assume here that comparable items can be ordinally ranked, i.e. that comparison does not require any common unit of value in terms of which the items can be measured. See Chang (1997).

⁸ Of course, choice between alternatives is not the same thing as a judgement about their comparative worth.

and indecision. The claim that it occurs ‘before action but after reasons for various actions have been weighed and evaluated’, however, must be read carefully. If it is interpreted as ruling out that serious deliberation involves *any kind* of consideration and evaluation of one’s reasons, it can’t be right since this suggests that it does not involve deliberation at all. A more charitable interpretation is that it rules out the sort of calculation or means–end reasoning that van Inwagen claims is inimical to serious deliberation.⁹ Interpreted in this way, serious deliberation is consistent with serious deliberators trying to choose what to do by considering and evaluating reasons – it’s just that their reasons don’t seem to them sufficient for making one or the other choice. Finally, it should be noted that Coffman and Warfield’s characterization makes clear another important aspect of serious deliberation, namely that its end is not just the formation of a belief or preference, but a decision, intention or action. Thus serious deliberation is practical in issue, not just in subject. With these clarifications in mind, let us now return to the argument for deliberation incompatibilism.

2. *Objections to deliberation incompatibilism with replies*

The justification for deliberation incompatibilism we have so far been considering depends in large part on the two–door case and the claim that we find ourselves unable to consistently deliberate about which door to leave by in this case. But is it true that we find ourselves unable to consistently deliberate in the two–door case? And, more importantly, is it true that determinist deliberators cannot deliberate without having inconsistent beliefs? These questions should be kept apart since it is possible that it is only accidental features of the two–door case which make us unable to consistently deliberate in this case, features which need not be present in most cases where determinist deliberators deliberate about what to do. Thus many authors have argued that, even if the belief in ability thesis is true, and even if it is granted that we find it difficult to deliberate in the two–door case, this fails to support the claim that serious deliberators must believe in the metaphysical openness of their deliberative alternatives. That’s because the belief in ability thesis can be reinterpreted in a way that, although it implies that there are belief constraints on deliberation which are not satisfied in the two-door case, is perfectly consistent with (rational) determinist deliberations. In this section I shall focus on various versions of this ‘reinterpretation strategy’. That means that I shall proceed on the assumptions that we find it difficult to deliberate in the two–door case, as

⁹ Indeed, Coffman and Warfield themselves mention that serious deliberation should not be confused with “speculation or inference” (2005, 28).

well as that a belief in ability is a necessary requirement of serious deliberation.¹⁰ My question will be what *follows* if this is true. More specifically, does it provide support for (P2) in the argument for deliberation incompatibilism? Since I fail to see any convincing objections here, I am inclined to conclude that deliberation incompatibilism is better supported than the many critics have claimed. Or so I shall argue in this section.

Now a natural way in which to explain the intuition that we find it difficult to deliberate in the two-door case might be to note that deliberation in this case seems pointless. After all, what would be the point of trying to choose which door to leave by if you believe that you either can't leave by the door to the left no matter what you choose to do, or you can't leave by the door to the right no matter what you choose to do? In this case you might as well just *pick* which door to leave by. That seems right. However, it also suggests a line of response for those who accept the belief in ability thesis but want to deny that the two-door case is evidence that (P2) is true. What creates the difficulty in the two-door case, they might argue, is your lack of belief in the efficacy of deliberation (Kapitan 1986; Bok 1998; Pereboom 2008). Consider the following line of reasoning: suppose you believe that whether or not you perform a certain action is insensitive to your deliberation, i.e. that you will either perform that action or refrain from performing it regardless of what you should choose to do. In that case, the activity of deliberating would seem pointless. Clearly, in serious deliberation we take it for granted that our deliberation is likely to be efficacious, i.e. we believe that for each of the actions under consideration, deliberation would, under normal conditions, be efficacious in producing the action. This belief is, of course, consistent with a belief in causal determinism. However, it seems to be precisely this belief that is missing in the two-door case. Thus in this case you believe that you either can't leave by the door to the left no matter what you choose to do or you can't leave by the door to the right no matter what you choose to do. A plausible suggestion, therefore, might be that the reason why you find it difficult to deliberate in this case is not that you lack a belief in the causal openness of your deliberative alternatives, but that you lack a belief in deliberative efficacy. In other words, a determinist deliberator who has the latter belief can consistently deliberate, even if she lacks a belief in the causal openness of her deliberative alternatives. Neil Levy (2006) has recently illustrated a version of this idea by borrowing the predictor from Newcomb's problem. Imagine that Sally, who finds herself in the two-door situation, knows the predictor is able to predict with 100% accuracy which door she will leave by. She also knows the predictor can achieve this accuracy because causal determinism is true. Now suppose Sally knows the unlocked door is the

¹⁰ Here I follow many authors in this debate, including authors who reject deliberation incompatibilism, e.g. Pereboom (2008, 297). For a detailed discussion and rejection of some proposed counterexamples to the belief in ability thesis, see Coffman and Warfield (2005).

door the predictor has predicted she will choose. Can she consistently deliberate about which door to leave by under these circumstances? Levy argues that she can. This, he claims, is because she believes that which door she will leave by is “sensitive to the upshot of her deliberative processes” (2006, 457). In other words, since Sally has a belief in deliberative efficacy she can deliberate about which door to leave by even if she believes that causal determinism is true.

It seems plausible that a belief in deliberative efficacy is a necessary condition for serious deliberation, and that a lack of it therefore will undermine your ability to deliberate. However, this does not rule out that a belief in the causal openness of your deliberative alternatives is also a necessary condition, so the question is whether a belief in deliberative efficacy is a *sufficient* condition for serious deliberation. There are, I think, two reasons why Levy’s argument fails to show that it is. While the first concerns a special feature of his particular example, the second concerns a more general feature of the view that the belief in ability can be reinterpreted in terms of a belief in deliberative efficacy. Starting with the former, we can begin by noting that in order for Levy’s example to work, it must show that deliberating has a point or purpose for Sally even if she believes that no more than one option is causally open to her. However, an initial difficulty with Levy’s example is that it is unclear how deliberating about which door to leave by can have any point or purpose for Sally if she believes that no matter which door she selects, she will leave by it. Since she knows the predictor predicted that she will leave by the door she selects, and that he is never wrong about his predictions, why can’t she just *arbitrarily pick* a door without any deliberation? Levy seems to be aware of this difficulty and briefly discusses it in a footnote. He denies that it is a weakness with the example since this situation, he claims, is quite common: when faced with any choice, we can always either deliberate about which action to choose or simply arbitrarily pick one (Ib., 459). In support of this line one might perhaps imagine that Sally were facing two doors, both of which she believed to be *unlocked*. In this case she would believe that no matter which door she selected, she would leave by it. However, she would still be able to either deliberate about which door to leave by or arbitrarily pick one. In fact, the latter case illustrates, I think, what is wrong with Levy’s example. What we need to keep in mind when considering this case (as well as Levy’s example) is that what is supposed to matter to Sally is *not* whether she leaves by the left door or the right door. What matters to her is *simply to leave the room*. From this perspective, the case where Sally believes both doors to be unlocked will be a case where the alternatives are interchangeable; they are identical objects symmetrically related to her. But then there simply isn’t any material for serious deliberation about which of these alternatives to choose. A similar point carries over to Levy’s example. Levy claims that it’s not a problem with his example that Sally can arbitrarily pick a door, since when faced with any choice we can always either deliberate about which action to

choose or arbitrarily pick one. But, of course, there *is* an important difference here, since in ordinary situations we don't normally believe that no matter what we choose to do, it doesn't make any difference to the outcome. On the contrary, in ordinary situations we believe the probability of one outcome occurring rather than another depends on which action we choose to perform. Otherwise there would not seem to be any reason why we should choose between different actions, and consequently no reason why we should deliberate about which action to choose. However, since Sally knows that she *will* leave by the door *she chooses*, she knows that the probability that she will leave by the door she chooses is the same whether she chooses to leave by the door to the left or the door to the right. But then 'leaving by the door to the left' or 'leaving by the door to the right' cannot be genuine alternatives for her. In fact, deliberation about which door to leave by seems pointless. It follows that whatever goes through Sally's mind cannot be serious deliberation.

In addition to this reason why Levy's example doesn't work, there is also a more general reason why the belief in ability cannot simply be reinterpreted in terms of a belief in deliberative efficacy. The reason is this: consider a determinist deliberator who is deliberating about whether to choose to do A or to do not-A. Let us suppose she has a belief in deliberative efficacy. This belief has a conditional content, e.g. she believes that if, as a result of her deliberating, she chooses to do A, then she will, on the basis of this deliberation, do A, and if as a result of her deliberating, she chooses to do not-A, then she will, on the basis of this deliberation, do not-A.¹¹ But consistent with this belief (that she will do either A or not-A if either of the above conditions is satisfied), she believes that, as a matter of fact, she cannot choose on the basis of deliberation to do either A or not-A (i.e. that one of the conditions is *not* satisfied). That's because she believes causal determinism is true, i.e. that choosing on the basis of deliberation to do either A or not-A is inconsistent with the past and the laws of nature. It follows that she believes that she cannot do either A or not-A. But then, assuming that she believes that she can do A and believes that she can do not-A (that the belief in ability thesis is true), she must have inconsistent beliefs. The fact that she *also* has a belief in deliberative efficacy does not make any difference in this case.

Many critics of deliberation incompatibilism have granted that a belief in deliberative efficacy, although necessary for serious deliberation, is not sufficient. They accept that the openness required for serious deliberation is a categorical rather than a conditional notion. However, they reject (P2), the claim that this entails a belief in metaphysical openness. Instead they argue that the belief in ability thesis only entails a belief in an epistemic kind of openness, or more

¹¹ There might be different ways of formulating the belief in deliberative efficacy. For a discussion of some versions, see Pereboom (2008). My formulation is, I think, close to his.

specifically, a belief that you have several possible courses of action from which to choose *consistent with what you know* (Ginet 1962; Taylor 1964; Dennett 1984). So consider again a serious deliberator. This person believes that she can do A and believes that she can refrain from doing A. But these alternatives are *epistemic*, rather than metaphysical, possibilities. For that reason they need not be consistent with prior conditions and the laws of nature. It is sufficient for the person consistently deliberating that she believes they are consistent with what she knows, e.g. that she does not know anything that logically implies that she cannot do A (or cannot refrain from doing A).

It does seem plausible that serious deliberation requires a belief in epistemic openness. However, rather than simply replacing a belief in metaphysical openness, it seems more plausible that it actually *presupposes* such a belief. To see this, consider the following example: suppose I am offered a new job and am deliberating about whether to take it or stay at the old one. In the run-up to my final choice, keeping the old one seems as open to me as going for the new one. According to the epistemic possibility thesis, the content of my belief in openness is given by the proposition that taking the new job and staying at the old one is each consistent with what I know. So, presumably the ‘that’ clause in this expression specifies a proposition I believe is true. But for this proposition to be true, certain facts must obtain in virtue of which it is true, and I must be appropriately related to these facts. But what are these facts? They cannot just be facts about *my own beliefs* about my abilities because these facts alone cannot make it true that taking the new job and staying at the old one is each consistent with what I *know*. For suppose that, unbeknownst to me, it was, as a matter of fact, causally impossible for me to take the new job due, say, to some serious illness I had no idea I was suffering from. In that case I would be mistaken in believing that taking the new job is an epistemic possibility for me since I wouldn’t possess the knowledge required for this belief to be true. That is, my belief that it is an epistemic possibility would be false because what I take myself to know does not, as a matter of fact, constitute *knowledge*.¹² Of course, I assume that this belief *is* true, i.e. I assume that what I take myself to know *does* constitute knowledge, e.g. that I am *not* suffering from a serious illness that makes it causally impossible for me to take the new job. But then I must assume that the facts in virtue of which this belief is true actually obtain, and that includes the facts that make it the case that what I take myself to know does indeed constitute knowledge. Since these facts cannot simply be facts about my own beliefs, they must be facts about what has to be the case in the world. More specifically, they must be facts about what it is causally possible for me to do. I take this to be evidence that in order to believe that doing A is an

¹² I am supposing here, of course, that knowledge entails truth.

epistemic possibility for me, I must assume that doing A is, in fact, also causally possible for me.

Let me end this section by briefly considering two types of objection against the epistemic possibility thesis. While the first claims it is simply false because there are plausible counterexamples to it, the second claims it is true, but argues that it should be formulated without ‘knowledge’ in the content of the belief in openness.¹³ Consider first a counterexample suggested by Randolph Clarke:

Imagine that Edna is trying to decide where to spend her vacation this year. She mentions this fact to her friend Ed, who, as it happens, is in possession of information that Edna does not yet have. Ed knows that Edna will soon learn that she can, with less expense than she had expected, visit her friend Eddy in Edinburgh. And given what Ed knows about Edna and her other options, he knows that after she learns of this opportunity, she will eventually decide to take it. However, Ed is a playful fellow, and he doesn’t tell Edna all of this. He tells her only that he knows that she will eventually learn something that will persuade her to spend her vacation with Eddy in Edinburgh. Edna knows, let us suppose, that whenever Ed says anything of this sort, he is right. She believes, then, with justification, that she will spend her vacation in Edinburgh (1992, 108).

According to Clarke, Edna can still consistently deliberate about whether or not to spend her vacation in Edinburgh. If correct, it follows that the epistemic possibility thesis must be false since in order to consistently deliberate according to this thesis, Edna must believe that more than one course of action is open to her, i.e. she must believe she can refrain from spending her vacation in Edinburgh, a belief that is inconsistent with what she knows.

Now while it does seem plausible that Edna deliberates, it is difficult to see how the sense of ‘deliberation’ in this case can be the same as the one assumed by the argument for deliberation incompatibilism. In support of this claim, consider the following argument: since Edna’s aim is distinctively practical – it is to go somewhere for her vacation – she needs to commit herself to perform a certain action, i.e. decide or form an intention to perform it. The fact that she already knows, in a theoretical kind of way, what her intention will be, is no reason why she should be unable to form that intention. The trouble, of course, is that she does not (yet) know *why* she will form it. Assuming that she wants to find out, she must do two things. First, she must figure out what her reasons really are. But that is not serious deliberation. It’s a matter of settling what van Inwagen calls ‘the purely factual questions’. For example, she needs to find out which alternative will be more pleasurable, more convenient, less expensive and so on. Second, when ‘all

¹³ For a version of this latter kind of account formulated in terms of *belief* rather than knowledge, see e.g. Kapitan (1986). In this paper I shall focus on a recent development of Kapitan’s account suggested by Pereboom (2008). As Pereboom points out, a difficulty with Kapitan’s account is that it seems just as vulnerable to Clarke’s counterexample (see below) as the knowledge version.

the facts are in', she must figure out why her reasons recommend her spending her vacation in Edinburgh. That, of course, involves a sort of deliberation. However, since her reasons (by hypothesis) decisively favor her spending it in Edinburgh, figuring out why she should spend it in Edinburgh must be a matter of simply recognizing what follows given that these reasons obtain. But that is not serious deliberation. It's a matter of what van Inwagen calls 'calculation'. By contrast, in serious deliberation one is left with nearly equally compelling alternatives; one feels the pull of both alternatives at the time of choice. Clearly, Edna is not in this kind of predicament. In fact, since Edna presumably trusts Ed in these matters, she has at least *prima facie* reason *to accept*, based on his testimony, that she will spend her vacation in Edinburgh, with the likely result that *not* spending it in Edinburgh ceases to be a live option for her. While she might deliberate, then, about why she wants to spend her vacation in Edinburgh with the aim of forming an intention to spend it in Edinburgh, she is not engaging in serious deliberation in the sense of trying to choose whether or not to spend her vacation in Edinburgh.

Let me move on to the second type of objection. One immediate response to Clarke's counterexample might be to replace 'knowledge' with 'certainty' in the content of the belief in openness (Nelkin 2004a). According to this reading of the epistemic possibility thesis, what is required for serious deliberation is the belief that you have several possible courses of action from which to choose consistent with what you are certain of, e.g. that you are not certain of anything that logically implies that you cannot do A (or cannot refrain from doing A). Given that 'certainty' requires a degree of confidence in a proposition of 1.0, one might then argue that, even if Edna knows that she will spend her vacation in Edinburgh, she might still not be certain that she will spend it there. Since this means that Edna does not believe that not spending her vacation in Edinburgh is inconsistent with what she is certain of, it follows that she can consistently deliberate about whether or not to spend her vacation in Edinburgh. Against this proposal Dana Nelkin (2004a) has objected that it purchases immunity from counterexamples at the price of explanatory power since we are certain of very little. For example, I find myself unable to consistently deliberate about whether or not to jump out of a window from a high floor and float on air currents. One natural way of explaining this inability is that I believe doing it is inconsistent with what I know since I know I cannot float out the window. However, the move to 'certainty' makes these explanatory resources unavailable. Although I believe floating out the window is inconsistent with what I know, I may still believe it is consistent with what I am certain of since I may not be certain that I cannot float out the window, e.g. I may not want to rule out a perfect sequence of wind gusts or even a 'miracle'. In other words, lack of certainty about whether an option is available does not seem sufficient for considering that option a deliberative alternative. This seems to me a plausible objection. However, in defense of the original proposal, Pereboom has recently suggested

that the lack of explanatory power can be avoided if a further condition is added to this proposal (Pereboom 2008, 294). The condition is this: the agent must believe the alternatives are consistent with what, in her context of deliberation, is 'settled' for her, i.e. consistent with what she believes and disregards any doubt about, e.g. that there is no proposition she believes and disregards any doubt about that logically implies that she cannot do A (or cannot refrain from doing A). Consider again the Edna case. Edna is not certain that she will spend her vacation in Edinburgh, or that she will not spend it there. In addition, there is no proposition she believes and about which she disregards any doubt she has that is inconsistent with either of these propositions. In other words, both alternatives are consistent with what, in her context of deliberation, is settled for her. By contrast, even if I am not certain that I can float out the window, or that I cannot float out the window, I do believe that floating out the window is inconsistent with a proposition that is settled for me. That is because I believe I cannot float out the window and disregard any doubt I have that this proposition is true. Pereboom claims this explains why Edna is able to consistently deliberate while I am not.

There are, however, several challenges facing this proposal. First, it does not seem entirely obvious that Pereboom has provided any convincing reason for claiming that Edna's belief that she can refrain from spending her vacation in Edinburgh is not inconsistent with any proposition that is settled for her. Pereboom seems to assume that although Edna believes that she will spend her vacation in Edinburgh, she does not disregard the doubt she has that this proposition is true (i.e. the proposition is not settled for her). But why can't Edna accept, based on Ed's testimony, that she will spend her vacation in Edinburgh, with the result that not spending it in Edinburgh then ceases to be a live option for her thereby causing her to *disregard this doubt*? Second, while disregarding doubt is normally subject to voluntary control, believing is not.¹⁴ Thus it seems possible to believe (have a high degree of confidence in) a proposition, and still refuse to disregard any doubt one has that it is true (think of the mother who believes her son committed a gruesome murder, yet who refuses to disregard the doubt she has that this is true!). According to Pereboom's definition of 'settledness', this would be a case where one is not in a state of settledness with respect to that proposition. Now consider again the case where I find myself unable to consistently deliberate about whether or not to float out the window on air currents. Suppose a reliable person were to inform me that it is in fact a 0.03 probability that a perfect sequence of wind gusts will occur within the next two minutes, and then offers me \$10 million if I float out the window. The probability that I might actually float out the window still appears too insignificant to affect my belief that I know I cannot float out the window.

¹⁴ A standard explanation of why belief is not normally subject to voluntary control is that it aims at truth. See e.g. Williams (1973).

Nevertheless, together with the huge increase in the value this outcome now has for me, it may affect my attitude towards my own doubt that the latter proposition is true. Thus if I am desperate enough I may want to at least *deliberate* about whether or not to float out the window. So for the purpose of taking this choice seriously, so to speak, I do *not* disregard the doubt I have about the proposition that I cannot float out the window. In fact I even *dwell* on it! Of course, then I would not be in a state of settledness with respect to this proposition. According to Pereboom's account, I should now be able to consistently deliberate. Yet, if I was unable to consistently deliberate in the original case (as Pereboom agrees), why should such a minimal improvement in the odds change that, even assuming my motivation increases? At least my intuition is that I will remain unable to deliberate, no matter what I want to do or how strongly I want to do it. Of course, the explanation suggesting itself – if this is correct – is that the relevant inconsistency does not go away simply as a result of my wanting it to go away. But if I am unable to consistently deliberate in this case, it seems that Nelkin's objection also applies to Pereboom's improved account: the move to 'settledness' makes the explanatory resources in the epistemic possibility thesis unavailable since it fails to explain why I am unable to consistently deliberate in cases of this sort.

3. *Effort, choice and the point of serious deliberation*

Serious deliberation is a purposeful mental activity, something the agent intentionally does, and as with everything else an agent intentionally does, it manifests her belief about the point or purpose of doing it. This belief rationalizes her activity of deliberating. Deliberation incompatibilists go on to claim that it is precisely *because* the serious deliberator has this belief that she must take for granted that more than one option is causally open to her. In other words, they claim that serious deliberation has no point or purpose in the absence of a belief in libertarian openness. The two-door case is meant to provide evidence for this claim. But could there be other ways of supporting it?

John Searle at one point notes that the inconsistency between (1) trying to choose and believing (2) that causal determinism is true “come[s] out in the fact that if I really believe (2), then there seems no point in making the effort involved in (1)” (2001, 72). However, he does not elaborate much or provide any motivation for this claim, and neither have deliberation incompatibilism's many critics (as far as I know) ever discussed it. Yet, I find Searle's brief remarks suggestive. Could they be developed into an argument for deliberation incompatibilism? In the remainder of this paper I want to suggest one way in which this can be done, and then defend it against two possible objections.¹⁵

¹⁵ I am not claiming that Searle would accept the argument in the version I propose.

First of all, what *is* the point or purpose of serious deliberation? Suppose serious deliberation is trying to choose, in the light of one's reasons, which of two (or more) alternative actions to perform when it does not seem to one that the reasons that favor either alternative are clearly the stronger (see section 1). According to one view, recently defended by Nelkin (2004b), the point or purpose of serious deliberation is *to decide and ultimately act on the basis of good reasons*. Thus in the absence of reasons in favor of either alternative, e.g. if you were to believe your alternatives were equally good, there would seem no point in engaging in serious deliberation. You could simply pick at random. According to Nelkin, the sense of freedom associated with serious deliberation therefore depends on the deliberator's belief that her actions can be performed as a result of her own adopted reasons, and that they are potential objects of rational justification. Since there is no reason why an agent couldn't have this belief without assuming that more than one option is causally open to her, deliberation incompatibilism is false.

Now serious deliberation might have a variety purposes, some of which it shares with other forms of deliberation, others which are unique to it. However, in discussing deliberation incompatibilism, it is important that we specify what is unique to serious deliberation, as opposed to other forms of deliberation. The trouble with Nelkin's proposal is that, although it is true that serious deliberators take their activity to have the point of deciding and acting on the basis of good reasons, this is something it shares with other 'non-serious' forms of practical deliberation. One way to argue how this falls short of what is needed could be as follows: let's identify some feature that is essential to serious deliberation. The idea that serious deliberation involves *trying* to choose which act to perform would be such a feature. Since this trying occurs in circumstances where the deliberator believes that her reasons don't decisively favor either alternative but that it matters to her which alternative she chooses, it seems plausible that engaging in this activity requires a certain amount of *intentional effort*. Especially, at the time of choice, the serious deliberator may still not have concluded what is the best thing to do relative to all her relevant available reasons (or, if she has so concluded, she has done it without final certainty on the comparative worth of her alternatives). She continues to feel the pull of her different alternatives. In order to carry through with the choice, she must therefore make an extra intentional effort to overcome the resistance from her reasons. It follows that whatever explains why there is a point to serious deliberation must also explain why there is a point to *making an extra effort aimed at choosing one way rather than another*. Of course, making an extra effort is in itself not unique to serious deliberation. Deliberation aimed at finding what one's reasons are, or figuring out what are the best means to an end, can be difficult, so can choosing when one's reasons decisively favor one alternative over another, as when one is tempted, say, to smoke while recognizing that one's reasons favor non-smoking. Clearly, making extra efforts in such cases often

makes a lot of sense. But here the difficulty is different from the one facing the serious deliberator: it is not choosing one way rather than another *in the absence* of decisive reasons in favor of either alternative. Rather, it is to ‘calculate’ what would be best to do, or to stick by one’s prior resolution in the face of temptation. Consequently, the point or purpose of making extra efforts in these cases must be different from the point or purpose of making such efforts in serious deliberation.

So, according to Nelkin, the point of serious deliberation is to decide and ultimately act on the basis of good reasons. But even if an agent believes this is the point of her activity of deliberating in a particular case, it might still not make sense for her to make an extra effort aimed at choosing one way rather than another in that case. If she believes that her reasons decisively favor one alternative over all others, it might be sufficient that she recognizes these reasons and is appropriately responsive to them. Making an intentional effort involves, after all, an exertion of energy which is an extra cost. It wouldn’t make sense for her to make that effort if she believed it wasn’t required, i.e. if she believed it didn’t secure certain benefits which outweighed the cost of making it. If she believes it isn’t required, then serious deliberation would have no point in this case. In other words, since serious deliberation cannot occur in the absence of an extra effort aimed at choosing one way rather than another, but deliberation in order to decide and act on the basis of good reasons can, it follows that deciding and acting on the basis of good reasons cannot be what uniquely identifies the point or purpose of serious deliberation. So, the question remains: what point or purpose is unique to serious deliberation?

Serious deliberation involves making an extra effort aimed at choosing, in the light of one’s reasons, which of two (or more) alternative actions to perform when it does not seem to one that the reasons that favor either alternative are clearly the stronger. A simple proposal is that the point of this activity is *to settle which alternative is chosen in the absence of decisive reasons in favor of either alternative, and ultimately to act on the basis of this choice*. If an agent believes that this is the point of her activity of deliberating in a particular case, it clearly makes sense for her to make an extra effort aimed at choosing in that case, simply because she realizes that just responding to her reasons isn’t sufficient on its own for settling which alternative is chosen. It explains why her belief about the point of deliberating can rationalize her activity of making an extra effort to choose. Now if correct, this means the agent must assume that the fact in virtue of which the latter belief is true actually obtains. But what kind of fact is that? It seems plausible that it must be a fact about which causal difference explains why one act is chosen rather than another (or rather than any one of several others).¹⁶ The question, then, can be reformulated in the following way: what must a serious deliberator take to

¹⁶ For a similar view, see Nelkin (2004a).

be the difference maker among the alternatives she considers in order for her activity of deliberating to have the point of settling which alternative is chosen in the absence of reasons which decisively favor either alternative, and ultimately to act on the basis of this choice?

Clearly, she can't take her *reasons* to be the difference maker; since she believes they don't decisively favor either alternative, they could be the same and yet she could justifiably have chosen differently. This means that, although she takes her reasons to explain why she chose the act she did (since she presumably made some of these reasons effective by acting on them), she can't take them to explain why she chose this act above all others. What about her '*deliberating*', understood as her weighing of these reasons? Could it be what she takes to be the difference maker among her alternatives?¹⁷ But that won't work either. It's one of the circumstances of serious deliberation that it occurs when the deliberator either doesn't reach a conclusion about what is the best thing to do, or if she does reach such a conclusion, she believes that it is insufficient for making one or the other choice. But if she believes that '*deliberation*' can't deliver a sufficient condition for making one or the other choice, neither can she believe it explains why she chose this act rather than the other. The trouble is that there appears to be no direct causal route from '*deliberation*' to choice in these cases.

If the reasoning so far is sound, there seems to be only one possibility left, namely that the serious deliberator takes the difference maker to be *her act of making an extra effort aimed at choosing itself*. In other words, in order for her activity of deliberating to have the point of settling which alternative is chosen in the absence of reasons decisively favoring either alternative, and ultimately to act on the basis of this choice, she must assume it is her own act of making an extra effort aimed at choosing in order to settle which alternative is chosen that is the difference maker among her alternatives. A plausible suggestion, therefore, might be that it is precisely the fact that serious deliberators assume that their choices result from their own efforts in this sense that is the source of their experience of freedom. But why is this assumption impossible in the absence of a belief in indeterminism?

The answer, I want to suggest, is that it is impossible simply because making an extra effort aimed at choosing in order to settle which alternative is chosen seems pointless if you believe the outcome of your choice solely depends on prior states or events. In support of this, consider the following argument: making an intentional effort involves an extra cost. It would seem pointless to make the investment unless you believed it secured certain benefits which you would be unable to secure had you chosen without making that effort. Now suppose you believe your act of making an effort aimed at choosing one way rather than another

¹⁷ This seems to be Nelkin's (2004a) view.

is completely caused by what happened before that act. In other words, that the outcome of your choice is causally necessitated by states or events prior to your making any effort to choose that outcome. Then, making an intentional effort, at the time of choice, wouldn't seem to be what settles which alternative is chosen. At that time, which alternative is chosen must be already settled by prior states or events. To make an extra effort aimed at choosing in order to settle which alternative is chosen would therefore seem a waste of energy. That is, the belief that the outcome of your choice should be just a causal effect of something other than your own effort aimed at choosing in order to settle which alternative is chosen seems incompatible with engaging in this activity since it makes engaging in it seem pointless. If this is correct, it means that the only thing capable of rationalizing your making an extra intentional effort, at the time of choice, in order to settle which alternative is chosen, is your belief that by making that effort you can affect the outcome independently of prior states or events, i.e. you can exercise direct, active control over which (alternative) act is actualized *at the time of choice*. Since this belief is inconsistent with a belief in causal determinism, (P2) in the argument for deliberation incompatibilism must be true.

Let me end by considering two possible objections to the present proposal. The first goes as follows: 'suppose you believe that causal determinism is true. That does not mean that you must believe that making an extra intentional effort would make no difference to the outcome. Denying this would be to conflate causal determinism with *fatalism*. Surely, you can believe that making an extra effort is a crucial state or event in the deterministic sequence leading to your action. It follows that it is far from pointless for a determinist deliberator to make an extra effort'. This is, of course, true. All deliberators confronted with the kind of 'hard choices' we are assuming realize that extra effort is required for action, including determinist deliberators. That is because they realize that their beliefs, desires or reasons are not, on their own, enough to move them to do one thing rather than the other. The deliberation incompatibilist is not denying that a determinist deliberator can consistently believe that her extra effort to perform one of these actions makes a difference with respect to the outcome. What she is denying is that a determinist deliberator can consistently believe that she, in making that effort, is aiming at choosing one way rather than another *in order to settle which alternative is chosen*. That is, she is denying that a determinist deliberator can consistently believe that the latter expresses the point or purpose of making an extra effort in this case. There are two reasons for this claim. First, because a belief in causal determinism entails that what settles whether or not A is chosen is the causing of your act of making an effort aimed at choosing A (or not-A). Second, because the point or purpose of serious deliberation is, precisely, manifested by your belief that it is *your act* of making an effort aimed at choosing one way rather than another – not *the causing* of your act – which settles whether or not A is chosen. The problem is

that, in order to believe it is *your act* of making an effort aimed at choosing that is settling whether or not A is chosen, it seems plausible that you must believe you have the power, at the time of choice, not only to make an effort aimed at choosing A (or not-A) but also the power *not* to make an effort aimed at choosing A (or not-A). But if you believe causal determinism is true, you can't consistently believe you have the power, at the time of choice, *not* to make an effort aimed at choosing A (or not-A) since the causing of your act of making an effort aimed at choosing A (or not-A) will be already settled by that time. It follows that you cannot, without inconsistency, believe that you are making an effort aimed at choosing one way rather than another *in order to settle which alternative is chosen*.¹⁸

The second objection I want to consider goes as follows: 'according to the present proposal, the serious deliberator believes that, in the absence of decisive reasons for either (alternative) act, her own effort aimed at choosing is the difference maker among her alternatives. However, since she believes that she lacks decisive reasons for choosing either alternative, she cannot believe that she is guided by her reasons in choosing one act rather than the other. But if she does not believe she is guided by her reasons, how can she take herself to be making an effort *aimed at choosing* at all? It seems more plausible that she must take herself to be making an effort aimed at arbitrarily picking an act from her set of alternatives. But clearly, since serious deliberation requires deliberate choice, a serious deliberator cannot take an effort to arbitrarily pick to be the difference maker among her alternatives'. I want to make two points in response to this objection. First, it is important to keep in mind, I think, that even if the serious deliberator isn't sure what she wants to do because she believes she lacks decisive reasons for choosing either alternative, it doesn't follow that she is indifferent between these alternatives. On the contrary, it is precisely because it matters to her what she chooses that she makes an extra effort aimed at choosing between them. The reason she experiences difficulties choosing is that she finds it hard to evaluatively rank her alternatives, not that she considers one as good as the other, as would be the case if she were just arbitrarily picking. On the face of it, therefore, it does not seem plausible that serious deliberators take themselves to be picking rather than choosing. This being said – and here we reach the second point I want to make – it *is* true that reason is unable to provide sufficient guidance for making one or the other choice in serious deliberation. Does this mean that serious deliberators *must* believe that choosing therefore involves lack of reason, arbitrariness and the like? I think not. Even if you believe you lack decisive reasons for making one or the

¹⁸ But you can, of course, without inconsistency believe that you are making an effort in order to just 'finish deliberating', 'do *something*', 'move on' etc. But that would not be serious deliberation. My treatment of 'settling' as requiring a two-way power is much indebted to Steward's (2009) discussion of this notion.

other choice, you can still take your reasons to lead you to choose what you did because you exercised your volitional faculty in a particular way, i.e. because you take your choice to have been determined by your will in the light of your consciously held reasons.¹⁹ One observation that supports this view is that, although serious deliberators are unsure about what is the best thing to do, they still tend to justify their choice by appeal to their reasons. For example, in the case where you are facing an important choice between taking a new job or staying at the old one, a plausible hypothesis, I think, is that you would appeal to whatever good reasons there were for taking the new job (if that's what you choose) rather than, e.g. appeal to the fact that you flipped a coin and it landed heads, not tails. This seems plausible since, even assuming you believe your reasons don't decisively favor one course of action over the other, you want to take responsibility for the choice you make, something you cannot do if you were to rely on a chance mechanism such as flipping a coin. Admittedly, this answer will not satisfy someone who wants an *explanation* of how such choices can be reasoned and nonarbitrary. It is an important challenge for libertarian theories of free agency to provide such an explanation.²⁰ However, the argument for deliberation incompatibilism only requires that we do in fact view ourselves as rationally choosing in hard cases of the sort in question, and it seems to me that there is good reason to think that this is indeed the case.

4. Conclusion

If my arguments in this paper are correct, deliberation incompatibilism is not in as bad shape as first impressions might suggest. Our experience of a certain sort of rational deliberation does indeed suggest to us that we freely choose one act rather than another without being constrained by prior conditions. Of course, this does not (and is not intended to) show that engaging in this sort of deliberation is impossible in the absence of indeterminism. It is compatible with the arguments of this paper to assume that serious deliberation is possible even if determinism is true. Thus, nothing has been said that demonstrates the truth of *incompatibilism*. However, if the arguments are correct and causal determinism is true, it means that serious deliberators must have false beliefs about their own activity when they deliberate. That, I think, would be bad news for all of us.*

¹⁹ According to many libertarians the will, i.e. the ability to choose, although informed and constrained by reason, plays an autonomous role in action. See e.g. Raz (1997).

²⁰ For one interesting libertarian response to this challenge, see e.g. Kane (2005).

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