

WHY IT IS SOMETIMES FAIR TO BLAME AGENTS FOR UNAVOIDABLE ACTIONS AND OMISSIONS

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I. INTRODUCTION

The “Principle of Alternative Possibilities” (“PAP”) says that moral responsibility requires the power to do otherwise. Harry Frankfurt’s famous argument against PAP suggests that responsibility does *not* entail the power to do otherwise.¹ One complaint that has been raised about Frankfurt’s argument is that it seems to conflict with the Kantian maxim that ought implies can (“The Maxim”). I shall argue, however, that Frankfurt’s argument *defeats* The Maxim, that “Frankfurt-style situations” help to show that it is sometimes fair to blame me for failing to do the right thing even though I could not have done the right thing.² In the process, I hope to clear up a good deal of the confusion that has surrounded this issue.

II. FRANKFURT’S ARGUMENT AGAINST PAP

Frankfurt’s argument against PAP proceeds by means of the following kind of “Frankfurt-style situation.” Suppose that I am choosing whether to do the wrong thing (“W”) or *not* to do the wrong thing (“~W”) in a given situation. (Depending on the situation, ~W-ing can be either doing the right thing or merely avoiding W-ing without actually doing the right thing. Merely avoiding W-ing constitutes the middle ground between doing the

wrong thing (W-ing) and actually doing the right thing.³) If I am about to choose to W, then I will choose to W—and W—without interference. But if I am about to choose to ~W, then—unbeknownst to me—a “counterfactual intervener” will step in and force me to W anyway. Frankfurt argues, on the one hand, that if I go ahead and choose to W, then I am responsible for my choice and action. For the counterfactual intervener remained causally irrelevant to both. I W-ed not because I was forced to but because I chose to on my own. On the other hand, I could not have done otherwise. I could not have ~W-ed. My W-ing was unavoidable, inevitable. Again, had I been about to decide to ~W, the counterfactual intervener would have stepped in and forced me to W anyway. Putting both of these points together—i.e., that I am responsible for W-ing and could not have done otherwise—it follows that responsibility does not entail the power to do otherwise and therefore that PAP is false. Call this “Frankfurt’s Conclusion.”

III. THE MAXIM ARGUMENT

Again, the two key points in Frankfurt’s argument against PAP are:

- (1) I am responsible for W-ing; and
- (2) I could not have ~W-ed.⁴

Perhaps the strongest argument against (1) is the "Maxim Argument."⁵ While different versions have been proposed, I believe that the following syllogism captures the essence:

- (3) The Maxim: I ought to $\sim W$ only if I can $\sim W$.⁶
- (4) If I ought to $\sim W$ and fail to $\sim W$, then I am responsible for failing to $\sim W$.
- (5) \therefore PAP applied to failing to $\sim W$: I am responsible for failing to $\sim W$ only if I could have $\sim W$ -ed.⁷ [(3), (4)]
- (6) I could not have $\sim W$ -ed. [(2)]
- (7) \therefore I am *not* responsible for failing to $\sim W$.⁸ [(5), (6)]
- (8) Failing to $\sim W$ is equivalent to W -ing.
- (9) \therefore Contrary to (1), I am *not* responsible for W -ing.⁹ [(7), (8)]

More crudely, then, the Maxim Argument suggests that externally determined inevitability is sufficient to rule out responsibility. If my W -ing is inevitable and I am not responsible for the factor that makes it inevitable, then even if this inevitability-making factor is causally irrelevant to my W -ing, I cannot be responsible for W -ing.^{10, 11, 12}

IV. THE ANTI-MAXIM POSITION

The Maxim Argument implies that I may be completely absolved of blame for a wrongful act simply because there was something out there that negated my power to do otherwise—something of which I was not aware before or when I acted, that did not contribute at all to my action, and therefore without which I still would have done exactly the same thing in exactly the same way.

Talk about getting lucky! What a blessing! This is hitting the moral lottery indeed! Of course, I am being sarcastic. My point is that it is just not *fair* to let this kind of moral luck determine my blameworthiness.^{13, 14, 15} It is not fair to similarly situated wrongdoers who

are not so fortunate to have counterfactual interveners lurking in the background when they W . Nor is it fair to the victim(s) of my W -ing. Indeed, to let me off the hook for W -ing simply because there happened to be a counterfactual intervener present is much like letting a defendant get away with her crime simply because of events that occurred at the same time of the crime on another planet. Our reaction to such an outcome would be shock and outrage. For, again, it just does not seem fair, fair neither to other similarly situated defendants nor to the victim(s) of the defendant's crime, to suggest that events on another planet—events of which the defendant was unaware, which did not causally contribute to the defendant's action, and without which the defendant still would have committed the very same crime in the very same way—render her blameless. (I shall return to the issue of fairness in section VII.)

For this reason, I hold that the Maxim Argument fails and that we therefore need not abandon or even revise (1). Contrary to (3) and (9), I may be responsible—and therefore blameworthy—for W -ing *even though* I had no alternative to W -ing, no way of avoiding it. No factor, including a counterfactual intervener and the inability to do otherwise that it produces, may act as a "blameworthiness switch"—blameworthiness on when absent and blameworthiness off when present—if it turns out to be causally and therefore explanatorily irrelevant to my action (i.e., if I would have done the same exact thing for the same exact reasons even if I *had* been able to do otherwise and all else were equal). Either way we flick the switch, blameworthiness should remain on. A causally and therefore explanatorily irrelevant ability does not add to, and a causally and therefore explanatorily irrelevant inability does not detract from, responsibility. Nothing should make a difference to my responsibility if it does not make a causal and therefore explanatory difference to the action that I perform.¹⁶

Call this the "Anti-Maxim Position." The Anti-Maxim Position holds, in short, that the blameworthiness switch is on for my W-ing even if my W-ing was inevitable, and therefore even if I could not have ~W-ed, as long as whatever factor made my W-ing inevitable was causally irrelevant to my W-ing.¹⁷ So just as in "standard" Frankfurt-style situations I may still be blameworthy for W-ing even if I could not have avoided W-ing as long as I W-ed not because I had to but because I voluntarily chose to, so too I may still be blameworthy for *failing* to ~W even if I could not have ~W-ed as long as I failed to ~W not because I could not have ~W-ed but simply because I voluntarily chose not to ~W. Putting both of these conclusions together, we get: I may be blameworthy for a given positive action W or omission O even if W/O was inevitable as long as W/O resulted not from whatever factor made it inevitable but rather from my voluntarily choosing to bring it about.

V. FISCHER AND RAVIZZA

Fischer and Ravizza (1998: chap. 4) are sympathetic to the Anti-Maxim Position but believe that it must be refined. They offer two different situations which lead them to this conclusion: "Train" and "Missile 3." In Train, Ralph is forced to drive a train against his will, the brakes fail, Ralph knows that the brakes have failed, the train hurtles toward a fork in the track, both forks lead to Syracuse, Ralph chooses to take the left fork rather than the right, the train then takes the left fork, and the train eventually ends up in Syracuse. According to Fischer and Ravizza, our intuitions lead to the conclusion that while Ralph is responsible for the train's taking the left rather than the right fork, he is not responsible for the train's ending up in Syracuse. In Missile 3, Joan knows that Elizabeth just launched a missile at Washington, D.C. While Joan cannot prevent this missile from hitting D.C., she

can and does launch a weapon that deflects the missile toward a less-populated area of D.C. Again, according to Fischer and Ravizza, our intuitions lead to the conclusion that while Joan is responsible for one part of D.C. being hit rather than another, she is not responsible for the consequence that D.C. is hit.

The overall lesson that Fischer and Ravizza (1998: 105–106) draw from Train and Missile 3 is that my helping to cause a given outcome O to happen one way rather than another is not sufficient for my being responsible for O itself. (Two other lessons that we may draw are that my voluntarily contributing to the causal chain behind O and my voluntarily contributing to an "intermediate" outcome from which O is reasonably foreseeable are not sufficient for my being responsible for O either.) The mere fact that Ralph's voluntarily choosing the left fork rather than the right contributed to the reasonably foreseeable outcome that the train ended up in Syracuse does not make him responsible for the train's ending up in Syracuse. Likewise, the mere fact that Joan's voluntarily choosing to make the missile hit one part of D.C. rather than another contributed to the reasonably foreseeable outcome that the missile hit D.C. does not make her responsible for the missile's hitting D.C.

Rather, conditions either instead of or in addition to my helping to determine the manner in which O comes about are necessary for my being responsible for O. Fischer and Ravizza then lay out what they take these other conditions to be. In short, they argue that I must have "guidance control" over O. And in order to have guidance control over O, O's "obtaining must result from a two-stage sequence that exhibits responsiveness. That is, the agent's bodily movement must issue from his own, moderately reasons-responsive mechanism; and the event in the external world must be suitably sensitive to the agent's bodily movements."¹⁸

I think, however, that, Fischer and Ravizza's position is misguided. Contrary to what they argue, neither Train nor Missile 3 presents any threat to the Anti-Maxim Position in the first place. I say this for three reasons. First, again, the Anti-Maxim Position suggests that my voluntarily choosing to bring about a certain outcome *O* is sufficient to make me responsible for *O*—even if *O* was inevitable. But Train and Missile 3 do not really challenge this point. Rather, they challenge the slightly different point that my helping to determine the manner in which *O* comes about is sufficient for my being responsible for *O*. These are different points because, as Train and Missile 3 prove, I may help to determine how *O* comes about without actually choosing to bring *O* about (indeed, without at all wanting *O* to be the case). So even if my helping to determine the manner in which *O* comes about is not sufficient for my being responsible for *O*, my voluntarily choosing to bring *O* about may still be.

Second, the Anti-Maxim Position stipulates that I am responsible for *O* even if *O* is inevitable *as long as the factor that makes *O* inevitable is causally irrelevant to *O**. But this is not the case in Train or Missile 3. The factors that make the train's ending up in Syracuse or Missile 3's hitting D.C. inevitable are not at all causally irrelevant to these outcomes. On the contrary, some of the factors that make the train's ending up in Syracuse inevitable—the fact that the brakes failed and the fact that both the left and right forks lead to Syracuse—are indeed causally *relevant* to the train's ending up in Syracuse. Likewise, some of the factors that make the missile's hitting D.C. inevitable—the fact that Elizabeth launched the missile and the fact that nobody, including Joan, had the means to deflect the missile entirely away from D.C.—are causally *relevant* to the missile's hitting D.C.

Third, in addition to the fact that the inevitability-making factors are causally relevant

to the outcome, there is another reason why neither Ralph nor Joan is responsible for the outcomes in their respective situations: even though both causally contributed to the outcome, neither is responsible for the causal chain itself. The person who is responsible for the causal chain leading to the train's ending up in Syracuse is not Ralph but whoever forced him to drive the train. Likewise, the person who is responsible for the causal chain leading to the missile's hitting D.C. is not Joan but Elizabeth. So if these two examples teach us anything, it is that we need to supplement the Anti-Maxim Position not with Fischer and Ravizza's elaborate "two-responsive-components" theory but rather with the following very simple caveat. In addition to its being the case that the inevitability-making factor must be causally irrelevant to *O*, if I am to be responsible for *O*, it must also be the case that I am responsible for the causal chain that actually leads to *O*.¹⁹ This condition may already have been implicit in the Anti-Maxim Position. But it certainly cannot hurt now to make it explicit.

VI. OBJECTIONS AND REPLIES

In this section, I shall present and respond to some objections against the Anti-Maxim Position in section IV.

Objection 1: One way to avoid the conflict between The Maxim and Frankfurt's Conclusion is to maintain that I can be blameworthy only for *W*-ing and *not* for failing to \sim *W*. So Frankfurt is correct that in a Frankfurt-style situation, I am blameworthy for *W*-ing, and The Maxim is correct that I am not blameworthy for failing to \sim *W*.

Reply: There are two main reasons to reject Objection 1. First, as (8) suggests, my *W*-ing is equivalent to my failing to \sim *W*. So if I am blameworthy for the former, then I must be blameworthy for the latter as well. Second, it is ad hoc and arbitrary to suggest that I can be responsible only for inevitable positive actions and not for inevitable omis-

sions. Just the opposite is true. In the context of responsibility, there is a symmetry between positive actions and the omissions to which they are equivalent or that they entail. All else being equal, if responsibility for the former requires alternative possibilities, then so does responsibility for the latter.²⁰

Objection 2: Whether or not the Maxim Argument is correct that I am not blameworthy for W-ing, I still *am* responsible for W-ing *voluntarily* or *on my own*, for *choosing* to W, and for *not trying* to ~W. For there *were* alternatives to each of these characterizations. I could have W-ed *involuntarily*, I could have chosen to ~W (and then been forced to W anyway), and I could have *tried* to ~W.²¹

Reply: While Objection 2 may very well be true,²² in which case I may be blameworthy for my action under these different descriptions, we should not let it divert our attention from the main issue: whether or not (9)—the conclusion that I am not blameworthy for just plain W-ing, for my action under *this* description—is indeed correct. *That* is the hard question. Since the other descriptions fail to address it, they amount to little more than unhelpful distractions.

Objection 3: Here is a clear counterexample to the Anti-Maxim Argument. Suppose that a farmer's crops are in danger of dying because of a severe drought. The farmer's only hope is that the drought will end and it will finally rain. Suppose also that I sincerely hope that it will finally rain and the farmer's crops will be saved. But, alas, the rain never comes and the farmer's crops die. In this situation, nobody would blame me for failing to make it rain. For I simply *cannot* make it rain—no matter how hard I try. So the lesson that we may draw from this example is that I cannot be blameworthy for failing to perform an action if I could not have performed this action. My inability to make it rain is sufficient to make me non-blameworthy for failing to make it rain.²³

Reply: It is certainly true that I am not blameworthy for failing to make it rain. But it does not follow from this point that The Maxim is correct, that I am not blameworthy for failing to make it rain because I could not have made it rain. Rather, I am not blameworthy for failing to make it rain because nothing I did or did not do, none of my actions or omissions—in particular, my failing to try to make it rain—was causally relevant to this outcome (to its not raining). While agents in standard Frankfurt-style situations seem to be responsible for their actions because their actions are caused by their own reasons and not by the counterfactual intervener, the very reverse is true in the rain-dance scenario: I do *not* seem blameworthy for failing to make it rain because the absence of rain is caused not by anything that I do or do not do but rather by weather-related facts outside my control.²⁴

This explanation of why I am not responsible for the absence of rain is stronger than the Maxim proponents'. While lack of ability may lead to causal irrelevance, it is not (in)ability *per se* but rather causal (ir)relevance that is central to blameworthiness. People do not generally deserve blame for harms to which they did not contribute even if they could have contributed to them.

Objection 4: But what if I *believed* that I could make it rain? Suppose that I have the rather eccentric, megalomaniacal belief that I am one of the rare individuals on this planet who can perform successful rain dances. But I only perform them for a minimum charge, the farmer (who also believes—perhaps out of desperation—that my rain dance might work) does not have enough money to pay for my services, and despite the fact that my best wishes are with the farmer, I will not offer him a discount. So I refuse to perform the dance. Instead, I simply sit by and watch his crops die.^{25,26} Am I *now* blameworthy for failing to make it rain?

Proponents of The Maxim would say no. My belief was wrong. I could not have made

it rain. Had I tried, I would have found myself woefully incapable. And it is ability, not belief, that matters here. For, once again, ought implies can. I cannot be blameworthy for inevitable outcomes, outcomes that I could not possibly have prevented, however hard I had tried. I can be blameworthy for a given omission only if I—or at least somebody to whom my abilities are comparable—could have performed the omitted action.

Reply: I am not blameworthy for failing to make it rain *not* because I could not have made it rain—as Objection 4 and proponents of The Maxim suggest—but because, whether or not I could have made it rain, my failure to act on my belief that I could make it rain was causally irrelevant to the fact that it did not rain.

VII. WHY FRANKFURT'S CONCLUSION DEFEATS THE MAXIM

If my arguments in the previous subsections are correct, then The Maxim is not. Contrary to The Maxim, my inability to $\sim W$ in a Frankfurt-style situation is trumped by the fact that this inability is causally irrelevant to my action.

Of course, the proponent of The Maxim will argue that this conclusion is counterintuitive. For it amounts to saying that I can be blameworthy for doing what I had to do and for failing to do what I could not have done and therefore cannot be reasonably expected to have done.²⁷ I certainly agree that this result is counterintuitive. But we are in a no-win situation. For had we rejected this outcome and sided with The Maxim, we would have had to embrace yet another counterintuitive conclusion. We would have had to embrace the conclusion that an agent cannot be blameworthy for W -ing just because she could not have $\sim W$ -ed *even though*, ex hypothesi, she did so because of her moral weakness or badness and not at all because (she knew that) she could not $\sim W$. Because we have to accept a counterintuitive conclusion ei-

ther way, it is not enough for either side to point out that the other side's conclusion is counterintuitive. This negative cancels out. Instead, we must decide which conclusion is *less* counterintuitive and therefore *more* acceptable. And I submit that, in the end, the former conclusion is less counterintuitive than the latter conclusion.

But given the popularity, longevity, and intuitive plausibility of The Maxim, we cannot afford to reject it without at least some sort of explanation. If I am indeed right that it is false, we must still reconcile this result with first appearances. How could it be wrong when it seemed so right?

I think that at The Maxim's root lies the principle that it is simply *unfair* to blame (no less punish) an individual for doing something that she had to do and for failing to do something that she was prevented from doing by forces outside her control.²⁸ This principle seems plausible enough. Indeed, I shall argue, it works perfectly well in two kinds of situations. And since these situations are so common, we tend, unwittingly, to limit The Maxim's application only to these situations. As a result, The Maxim seems true. But there is a third—very rare and therefore largely disregarded—kind of situation in which this fairness principle does *not* work. So it is this third kind of situation that undermines The Maxim.

In the first kind of situation, I W -ed, could have $\sim W$ -ed, and knew that I could have $\sim W$ -ed. The Maxim's verdict here is quite plausible: I am blameworthy for failing to $\sim W$. It is perfectly fair to blame me for knowingly W -ing when I was not at all forced to W .

In the second situation, I W -ed, could *not* have $\sim W$ -ed, and my inability to $\sim W$ either "directly" or "indirectly" caused me to fail to $\sim W$. My inability to $\sim W$ *directly* caused me to fail to $\sim W$ if I tried to $\sim W$ and my inability to $\sim W$ prevented me from succeeding. My inability to $\sim W$ *indirectly* caused me to fail to $\sim W$ if (a) I knew that I could not $\sim W$, (b) this

knowledge then motivated me to refrain from even trying to ~W, and (c) I would have tried to ~W if I did not have this knowledge. Either way, The Maxim's verdict here is also quite plausible: I am *not* blameworthy for failing to ~W. It would be unfair to blame me for W-ing when my inability to ~W caused me, directly or indirectly, to fail to ~W.

But what the Maxim overlooks is a third kind of situation, the kind of situation that I have discussed throughout this paper. In this third situation, I W-ed, could not have ~W-ed, and reasonably—though wrongly—believed that I *could* have ~W-ed.^{29, 30} The Maxim's verdict here is that I am not blameworthy. For it would be unfair to blame me for failing to do what I cannot do. But we have already seen the difficulties with this position. Again, what matters to blameworthiness is not (in)ability but causal (ir)relevance. I am blameworthy for W-ing if I choose to W on my own, for my own reasons, rather than because I could not have done otherwise. Yes, it is indeed unfair to expect me *before I act* to ~W when ~W-ing is impossible. But this unfairness is outweighed by the *fairness* of blaming me for W-ing *after*

I act when I W-ed entirely because I am weak, bad, or evil and not because I was in any way—directly or indirectly—forced to W.

VIII. CONCLUSION: A RECOMMENDED REVISION OF THE MAXIM

The Maxim plausibly suggests that it is unfair to blame me for failing to ~W if I could not have ~W-ed. But Frankfurt's argument against PAP also plausibly suggests that it is unfair (to my victims and to perpetrators who W but without a counterfactual intervener lurking in the background) to *exculpate* me for failing to ~W *if* my inability to ~W was not directly or indirectly causally relevant to my failing to ~W. I have argued that the latter principle prevails over the former. If I am right about this, then we may either reject The Maxim out of hand or weave it tighter to avoid such counterexamples. Since the latter is a more useful approach, I propose the following (admittedly rather cumbersome) revision: ought implies can and therefore cannot implies not blameworthy *unless* the cannot was causally irrelevant to the wrongful action.

NOTES

1. See Frankfurt 1969; 1971: 78–79; 1975: 117, 121–123.
2. Other philosophers who side with Frankfurt's Conclusion against The Maxim include: Fischer (1999: 124–125; 2002: 305; 2003: 248–250), Sher (2001: 153–154), Yaffe (1999), and Zimmerman (2003). Rowe (1989) does not discuss this particular issue, but he seems sympathetic to Frankfurt's Conclusion insofar as he argues that I may help to cause and therefore be responsible for what is inevitable. Saka (2000) offers two non-PAP-related arguments against The Maxim.
3. See Yaffe 1999.
4. I defend this proposition in "Moral Responsibility Does Not Require Any Alternative Possibilities (Even if it *Does* Require an Absence of Force)" (unpublished).
5. See Ginet (1996: 411–415) and Van Inwagen (1978: 155–157; 1983: 165–166; 1997: 376–379). Ekstrom (1998: 284–285; 2002: 311) offers a different kind of argument against (1).
6. See Campbell (1997: 323) and Kane (2000: 162). Van Inwagen (1978: 155–157; 1983: 165–166) refers to this premise as the "Principle of Possible Action" or "PPA." O'Connor (1993: 366–368) proposes a variation on PPA in terms of trying to do otherwise. Frankfurt (1982: 292–293) tries to offer a counter-example to PPA. He suggests that if I fail to ~W and would have failed to ~W for a different

reason if the actual reason for which I fail to ~W were absent, then I could not have ~W-ed. But this conclusion does not follow. All that follows is that I *would* not have ~W-ed.

7. See Haji (1998: 143–144), O'Connor (2000: 19–20), Widerker (1991; 1995: 258; 2000: 191–192; 2002: 329–331; 2003: 63–64), and Wolf (1990: chap. 4). Wallace (1994: chaps. 6–7) argues that only the ability, and not the opportunity, to ~W is necessary for blameworthiness for W-ing. Blum (2000) and Schnall (2001) defend Widerker against Yaffe (1999). Widerker is responding to Frankfurt's comment that The Maxim does not entail PAP, and therefore that Frankfurt-style situations constitute counter-examples only to the latter and not to the former, because The Maxim and PAP lead to different conclusions when I ~W and could not have W-ed. While The Maxim says that I did what I ought to do and am therefore praiseworthy in this situation, PAP says that I am not responsible and therefore praiseworthy for ~W-ing because I could not have W-ed. See Frankfurt (1982: 287). See also Wallace (1994: 204 n. 14). Widerker's response is that The Maxim entails a narrower version of PAP: I am responsible for W-ing only if I could have ~W-ed.

8. Klein (1990: 41–42) suggests that I would not be responsible for failing to ~W even if I could have ~W-ed. For ~W-ing is an outcome. And I cannot be responsible for outcomes, only for actions and efforts.

9. Philosophers who advocate more complicated positions regarding the relation between The Maxim, PAP, and Frankfurt's Conclusion include: Allen (1999: 366–367) (The Maxim means not that ought implies can but rather that ought implies "can make a good faith *attempt* at performing"); Copp (1997; 2003: 283–291) (while Frankfurt's argument successfully shows that responsibility in the "response-worthiness sense" does not entail the power to do otherwise, his argument does not show that *blameworthiness* does not entail the power to do otherwise, no less moral obligation); Haji (1993; 1998: 44–63, 144, 149; 1999; 2003a: 289–299; 2003b) (Frankfurt's argument works against PAP and against the notion that both "proximal control" and blameworthiness do not entail alternative possibilities but not against the notion that moral *obligation* and "objective wrongness" entail alternative possibilities); Pereboom (1995: 36–37) (even if determinism entails that I could never have done otherwise, in which case ought-statements lose their point, moral judgments may still be true); Zimmerman (2003: esp. 319–320) (while responsibility does not require the power to do otherwise, "claims concerning moral obligation" [i.e., ought-statements] do).

10. This point assumes that an outcome may be inevitable even if the causal path leading to it is not. See Fischer (1982: 186), and Fischer and Ravizza (1998: 163–164). See also Rowe (1989: esp. 317, 320) for an account of when I can, and when I cannot, be said to cause the inevitable.

11. Fischer and Ravizza (1998: 155) suggest that this point underlies the "Principle of Transfer of Non-Responsibility" or just "Transfer NR." Transfer NR says that (a) if nobody is even partly responsible for the fact that *p* obtains and (b) nobody is even partly responsible for the fact that if *p* obtains, *q* obtains, then (c) nobody is even partly responsible for the fact that *q* obtains.

12. In accordance with the Maxim Argument, Van Inwagen (1978) argues that I cannot be responsible for inevitable outcomes, outcomes which would have happened even without my action. Frankfurt (1982: 290) argues that Van Inwagen is assuming that responsibility means *full* responsibility; that I am *fully* responsible, and therefore responsible, for a given outcome only if my action is not only sufficient but also necessary for this outcome. Surprisingly, Frankfurt (1982: 293) agrees with Van Inwagen and Maxim proponents generally that if a given outcome is inevitable "because of events or states of affairs that are bound to occur no matter what" I myself do, then I am not responsible for it. But as I shall explain in the remainder of this paper, I think that Frankfurt gives up the ship much too easily. There is another position on this matter that is perfectly consistent with his argument against PAP.

13. I am assuming here that responsibility for failing to ~W entails blameworthiness for failing to ~W. But Fischer and Ravizza (1998: 83) argue for one exception to this principle: I can be responsible without being blameworthy for failing to ~W if I fail to ~W under duress.

14. Wallace (1994: 5–6, 15–16, chaps. 4–7), Waller (1990: 129–133), and Zimmerman (2003: 318) discuss fairness in the context of holding people responsible (blaming, punishing, and/or praising). Watson (2001: 382) discusses fairness in the context of PAP.

15. My position here is that it is not fair to let the presence of a counterfactual intervener help to determine whether or not I am blameworthy for a wrongful action. But in Levy (forthcoming), I argue that it *may* be fair to let the harm resulting from my wrongful action help to determine how much blame I deserve for this action *even if* I did not have control over whether or not my action led to this harm. And one might argue that these two positions are inconsistent. For while the former suggests that moral luck should not affect blameworthiness, the latter suggests that it should. But this way of putting things is misleading. For we are talking about apples and oranges, two entirely different kinds of moral luck. In the end, there is no inconsistency between the proposition that blameworthiness should *not* be affected (mitigated) by factors prior to my wrongful action that are causally irrelevant to it and the proposition that blameworthiness *should* be affected (increased) by the reasonably foreseeable harm that results from my wrongful action.

16. See Frankfurt (1969: 150–151), Hurley (1999: 229–239), Wolf (1990: 58–61), and Zagzebski (2000: 243–246).

17. Others who subscribe to the Anti-Maxim Position include Fischer (2002: 285–287, 305; 2003: 248–249), Fischer and Ravizza (1992: 376–377; 1998: 155–168), Frankfurt (1969: 151; 1975), and Pereboom (2001: 30–33). See Stump (2002) for a critique of Fischer and Ravizza’s position. Another way to put the Anti-Maxim Position is that I may be blameworthy for failing to ~W even if I could not have ~W-ed and therefore even though I have this reason (inability) available to me for failing to ~W. For I may not be “explanatorily excused”: this reason may not have constituted part of my motivation or the causal chain behind my failing to ~W. See Wallace (1994: 142–143, 152 n. 49). Widerker (2000: 189–191; 2003: 60–62) rejects this position and argues instead that having a good reason available to me for failing to ~W (in this case, being unable to ~W) is itself sufficient for my not being blameworthy for failing to ~W. This reason need not also be *the* reason for my failing to ~W.

18. Fischer and Ravizza (1998: 121–122; see also 106–115).

19. Fischer and Ravizza (1998: 110–111) seem to recognize this point in their discussion of “triggering events” and “initiation.”

20. See Frankfurt (1982: 293; 1994) and Ginet (1996: 411–415). While Fischer used to reject this proposition, he now accepts it (1999: 124; 2002: 285–286, 305). See also Fischer and Ravizza (1998: chap. 5, 158–159). Wolf (1980; 1990: chap. 4) rejects this symmetry not with regard to positive actions and omissions but rather with regard to right and wrong actions.

21. See Naylor (1984) and Stump (2003: 150–152). Objection 2 is arguably a version of what Fischer and Ravizza (1998: 98) refer to as the “Divide and Conquer” strategy. See also Fischer (1982: 178–182; 1994: 136–138).

22. I emphasize *may*. I may *not* have had alternatives to choosing to W and not trying to ~W if, contrary to fact, I had *been about* to choose or try to ~W and the counterfactual intervener would *then* have intervened, prior to my actually choosing or trying to ~W.

23. I borrow this example from Fischer (1982: 188). Frankfurt (2003: 341–342) also holds that I cannot be responsible for failing to make it rain but for a different reason. According to Frankfurt, given that my failing to make it rain was inevitable, failing to make it rain (i.e., *allowing* it to rain) does not correctly characterize my action. And, presumably, I can be responsible only for what *may* be properly characterized as my action.

24. See Fischer (1982: 188–189). Wallace (1994: chap. 5) similarly argues that valid excuses do not work by showing that I was unable to do otherwise. (Rather, they work by showing that, whether or not I could have done otherwise, my behavior was not wrongful in the first place.)
25. Van Inwagen (1978: 156–157; 1997: 378–379) and Widerker (2000: 189–190) offer similar examples.
26. The rain-dance scenario overlaps somewhat with a “standard” Frankfurt-style situation. While I choose on my own not to make it rain, this result (its not raining) would have occurred (let us assume) even if I *had* chosen to make it rain. So, just as in the standard Frankfurt-style situation, I choose the outcome that was inevitable, the result that would have occurred even if I had chosen otherwise. There is a difference, however. While it seems at least somewhat plausible to say that I am responsible for W-ing in a Frankfurt-style situation, it seems much less plausible to say that I am responsible for failing to make it rain. I have explained in my Reply to Objection 3 and will explain again in my Reply to Objection 4 why this appearance is correct.
27. See Widerker (2000: 191–192). Zimmerman (2003: 308–312) discusses and rejects Widerker’s position. Frankfurt (2003: 343–344) also disagrees with Widerker: “it may be entirely reasonable to blame a person for having done something that he cannot reasonably be expected to have avoided doing.”
28. See Copp (2003: 271–272, 274), Fischer (1999: 124; 2002: 305; 2003: 248), Sher (2001: 152), and Wallace (1994: 161–162). Saka (2000: 100) uses the term “unjust” rather than unfair.
29. Haji (1993: 45–46; 1998: 51–52) distinguishes between “objective” and “subjective” moral obligation and suggests that they can come apart if I have the wrong belief about what I should do.
30. There is also a fourth kind of situation that I have not considered: I W-ed, could have ~W-ed, and reasonably—though wrongly—believed that I could *not* ~W. My sense is that I would not be blameworthy in this situation. This conclusion would be perfectly consistent with The Maxim, since The Maxim says that the ability to ~W is only a necessary, not a sufficient, condition of moral obligation. Another necessary condition may be the absence of a reasonable belief that I could not have ~W-ed.

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