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Free Will and Open Alternatives

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Abstract
In her recent book *Causation and Free Will*, Carolina Sartorio develops a distinctive version of an actual-sequence account of free will, according to which, when agents choose and act freely, their freedom is exclusively grounded in, and supervenes on, the actual causal history of such choices or actions. Against this proposal, I argue for an alternative-possibilities account, according to which agents' freedom is partly grounded in their ability to choose or act otherwise. Actual-sequence accounts of freedom (and moral responsibility) are motivated by a reflection on so-called Frankfurt cases. Instead, other cases, such as two pairs of examples originally designed by van Inwagen, threaten actual-sequence accounts, including Sartorio's. On the basis of her (rather complex) view of causation, Sartorio contends, however, that the two members of each pair have different causal histories, so that her view is not undermined by those cases after all. I discuss these test cases further and defend my alternative-possibilities account of freedom.

Keywords
Alternative possibilities, actual sequences, robustness, Frankfurt cases, van Inwagen.

Carolina Sartorio's *Causation and Free Will* is, in many respects, an admirable book. It defends a novel version of an actual-sequence view of free will, as opposed to an alternative-possibilities view. The different chapters hang together to form a rigorous and tightly structured web of arguments. Although my proposal about free will and moral responsibility differs from hers, nothing of what I write below should be read as contradicting this highly positive overall assessment of this work.

The structure of this paper is as follows. In the first two sections I present an outline of Sartorio's account of freedom, according to

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which freedom is exclusively grounded in the actual causal history of the choice or action, as well as a rough statement of my own view, according to which freedom is grounded, in addition to actual facts, in the agent's access to alternative possibilities of choice and action. In the next section I question two very general assumptions of Sartorio's view. Actual-sequence accounts of freedom and moral responsibility are motivated by a reflection on Frankfurt cases, which are characterized in the next section. These cases seem to show that alternative possibilities are not relevant to an agent's freedom and moral responsibility. The next two sections start a discussion of some test cases, especially two pairs of examples, originally designed by van Inwagen, which threaten actual-sequence accounts, including Sartorio's, in that both members of each pair seem to share causal histories while differing in the agent's freedom and moral responsibility. On the basis of her (rather complex) view of causation, which includes the assumption that causes make a difference to their effects, Sartorio contends, however, that the two members of each pair have different causal histories, so that her view is not actually refuted by those cases after all. In the remaining sections, I discuss these test cases further and defend my alternative-possibilities account of freedom. Though I agree with Sartorio that 'causes' make a difference to their effects, I contend that the difference they make is a difference in the kind of action that the agent performs in each case, and therefore a difference that involves alternative ways of choosing and acting. I argue that our judgments about agents' freedom and responsibility for their choices and actions are fueled, not only by facts pertaining to the actual sequence, but also by the assumption that the agent could have done otherwise. In cases of blameworthiness, we assume that the agent could have done better from a moral point of view.

Two conflicting accounts of freedom

According to an actual-sequence view of free will, an agent's access to alternative choices and actions is not required for her to choose and act freely and, with some additional cognitive constraints, to be morally responsible for those choices, actions, and consequences thereof. This is Sartorio's characterization of such an actual-sequence

account of freedom: 'When agents are free, their freedom is grounded only in facts pertaining to the actual processes or sequences of events issuing in their behavior' (p. 9).[1]

In contrast, an alternative-possibilities account insists that an agent has to be able to decide or do otherwise in order to choose and act freely and to be morally responsible for such choices and actions. Here is Sartorio's brief presentation of this view: 'When agents are free, their freedom is grounded, at least partly, in the fact that they are able to do otherwise' (p. 9).

Since it is very natural to hold that determinism excludes an agent's access to alternative possibilities (though of course not her belief that she has that access),[2] an actual-sequence view is a natural ally of compatibilism, the view that determinism as such does not exclude free will and/or moral responsibility. Compatibilism is, in fact, Sartorio's explicit stance concerning the venerable question of the relationship between determinism, on the one hand, and free will and/or moral responsibility, on the other.

My main aim in this paper is to defend an alternative-possibilities (AP) approach to freedom and moral responsibility, in an incompatibilist (in fact, libertarian) spirit. A reasonable AP account, as I hope mine is, holds that open alternative possibilities are a requirement of free will, a necessary condition of it, but not a sufficient, let alone a necessary and sufficient condition. An AP view is perfectly consistent with the assumption that, in addition to open alternative possibilities, there are other necessary conditions for free will, many of which can and will pertain to the actual sequence that issues in the agent's choice and action.

Sartorio is, of course, aware of this theoretical position, which is in fact occupied by several contemporary theorists.[3] As she writes,

[1] Unless otherwise stated, all pages refer to Sartorio 2016.

[2] Natural as the incompatibility between determinism and alternative possibilities may be, it has not gone unchallenged. According to a conditional conception of alternative possibilities (Hume 1748/1975, Moore 1912), agents are able to do otherwise even if determinism is true. In contrast, an important argument for the incompatibility between determinism and alternative possibilities is the so-called Consequence Argument (van Inwagen 1983).

[3] Robert Kane (1996), a leading libertarian theorist, defends this position.

'[I]t is common for theorists who claim that freedom is grounded in alternative possibilities to also claim that freedom is grounded in facts about the actual sequence' (p. 19). This is in fact my own position. I need not deny, then, many theses defended by actual-sequence theorists, including of course Sartorio. With other incompatibilists, I think that many of the conditions for free will underlined by compatibilists are in fact necessary for it. But unlike compatibilists, I hold that there is at least another condition, namely open alternatives, that is also necessary for free will (and incompatible with determinism).

So, in order to bring to light the specificity of actual-sequence theories, Sartorio distinguishes two main claims that these theories make. The first is a positive claim: '(P) Freedom is grounded, at least partly, in actual sequences (and the grounds of actual sequences)' (p. 20). This claim can be endorsed by many alternative-possibilities theorists, as I have indicated. So, the distinctive trait of actual-sequence theories is the negative claim: '(N) Freedom isn't grounded in anything other than actual sequences (and the grounds of actual sequences)' (p. 28). AP theorists may accept P, but they reject N. For them, open alternatives possibilities are *also* a ground of freedom, in addition to facts pertaining to the actual sequence.

A distinctive actual-sequence view of freedom

The most important distinctive feature of Sartorio's theory of freedom, in contrast with other actual-sequence theories, such as Fischer and Ravizza's (1998) or Frankfurt's (1988), is that actual sequences are to be interpreted in causal terms, as causal sequences or histories. According to her,

> [T]he agent's freedom is grounded, not in the mere occurrence of certain events, but in the fact that certain events are *connected* in certain ways. More precisely, at least assuming a causalist picture of agency, the best interpretation of P [the positive claim] seems to be one according to which the agent's freedom is grounded in certain *causal facts*. (p. 21)

So, actual sequences should be understood, in Sartorio's proposal, as

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Even so-called classical compatibilists, such as Ayer (1954), who hold that alternative possibilities are both necessary for free will and compatible with determinism, are plausibly interpreted as holding this view as well.

actual *causal* sequences: 'Actual sequences are just causal histories, across the board' (p. 22). The negative claim N that an actual-sequence theory makes should therefore be interpreted, in the context of Sartorio's proposal, in causal terms, namely as the claim that 'freedom is a function of actual causes, and nothing else' (p. 171). The central role of causation is, then, the distinctive trait that tells Sartorio's theory apart from other actual-sequence theories of freedom.

Interpreted in causal terms, the negative claim N of an actual-sequence theory implies a supervenience claim: '(S) An agent's freedom with respect to S supervenes on the relevant elements of the causal sequence issuing in X (those that ground the agent's freedom with respect to X)' (p. 55). As she puts it in the form of a slogan: 'No difference in freedom without a difference in the relevant elements of the causal sequence' (p. 32). The supervenience claim is a central tenet of Sartorio's theory.

Two preliminary, general critical remarks

The central place allotted to causation in Sartorio's view gives me occasion for a first general critical remark. As it is known, some philosophers, such as those who think that human and social sciences have a different conceptual and explanatory structure than natural sciences, and those who defend, in the line of Wittgenstein, the autonomy of the specifically human realm, have held that, in the context of human intentional and free action, the term 'cause' has a different meaning than in the natural realm, or even that it lacks application at all. Though not many, some important philosophers (e.g. Carl Ginet 2002, 2008; Hugh McCann 1998; Stewart Goetz 2009) still defend and argue for the (rather old)[4] doctrine that reasons explanations of action are not causal explanations and that reasons are not a species of causes. However, Sartorio assumes (e.g. p. 21) a causal theory of action and so presumably holds that these non-causal views are mistaken, that reasons explanations are causal and that reasons are (a species of) causes. I just would like to point

[4] Versions of this doctrine can be found in Wittgenstein himself, as well as in some of his followers, but precedents of it can be found in XIX century thinkers such as Droysen and Dilthey.

out that Sartorio's position in this respect is not obvious, but that it involves a substantial (and controversial) commitment, which I do not share. I am strongly inclined to stress the specificity of human agents and actions within the overall natural realm.

A second general critical remark concerns what Sartorio considers as an important virtue of his view, namely 'its boldness and simplicity' (p. 171). I agree that its central thesis, i.e. that freedom is exclusively a function of actual causal facts, is bold and simple. However, the conceptual and dialectical apparatus that supports it is not similarly bold and simple. It is a subtle and complex view of causation, which includes such ideas as that omissions and other absences can be causes, or that causation is an extrinsic and intransitive relation. Though Sartorio rejects the idea that effects counterfactually depend on their causes, she holds that causes make a difference to their effects. All these theses about causation that underlie and support the main contention are controversial and deprive the overall theory of simplicity and boldness, Sartorio's thorough defense of them notwithstanding.

Frankfurt cases

As Sartorio points out, actual-sequence theories of freedom and responsibility were motivated by reflection on so-called Frankfurt cases.[5] These are conceptually possible situations in which an agent seems to decide and act freely, and be responsible for her decision and action, even if, unbeknownst to her, she could not have decided or acted otherwise. Here is a (rather standard) Frankfurt case:

> LIE: Frank, a student, hates his colleague Furt and, after deliberating, decides to lie to him about the exact time of an oncoming exam. As a result, Furt misses the exam, with quite nasty consequences for him. Unbeknownst to Frank, Black, a malicious neuroscientist, who also wants Frank to lie to Furt, has implanted in Frank's brain a device that allows him to witness Frank's deliberation processes. If, on this basis, it becomes clear to Black that Frank is going to decide not to lie to Furt, he will press a spe-

[5] The reason for this name is that cases of this sort were first designed by Frankfurt in his important and path-breaking 1969 paper.

> cial button that will stimulate the right brain centers and cause Frank's decision to lie. However, Black prefers not to intervene unless it is strictly necessary. And in fact it is not, for Frank, deliberating on his own and for his own reasons, decides to lie, and lies, to Furt, while Black restricts himself to witnessing the process without interfering in it at all. Frank deliberates and decides fully on his own.

In these circumstances, it seems that Frank has decided and acted freely and that he is morally responsible for his decision and action, as well as for their foreseeable outcomes. However, due to the lurking but inactive presence of Black, he is unable to decide and act otherwise. To dramatize a bit and get the example closer to the one Sartorio uses along her book, let us modify the example and suppose that Frank decides to shoot Furt and does shoot him. Again, Frank has decided and acted freely and is morally responsible for deciding to shoot and for shooting Furt, while having no open alternatives to such decision and action.

The reason that this sort of cases have motivated actual-sequence theories of freedom and responsibility is clear. Our intuitive judgment in favor of Frank's freedom and responsibility seems to depend exclusively on what happens in the actual sequence: on the fact that Frank deliberates and decides fully on his own and for his own reasons. Instead, the fact that (owing to Black's lurking presence) Frank lacks access to alternative decisions or actions looks irrelevant to his freedom and responsibility in deciding and acting as he does.

A common defense of the necessity of alternative possibilities for moral responsibility and free will has been to try to find some alternatives open to an agent in Frankfurt cases. But, as Sartorio rightly points out (pp. 14–15), finding alternatives of some sort is not sufficient to defuse Frankfurt cases. In order to do so, the alternatives should help explain the agent's freedom and responsibility for what he decides and does. In a term coined by Fischer (1994: 144), the alternatives have to be *robust*. Suppose that we modify LIE by removing Black from the picture, so that Frank could have decided not to lie to Furt. As in the original example, Frank freely lies to Furt and is responsible, blameworthy in fact, for this lie. And what (at least partly) explains this blameworthiness is that it was in his power not to have

lied. This alternative, not lying, is then robust, or morally relevant. Now, Frank had other alternatives available to him. For example, he could have told the same lie with synonymous but slightly different words, or with a bit louder or lower tone of voice. However, the availability of these alternatives to Frank is not even part of the reason why he is blameworthy for lying to Furt. These alternatives are not robust. It would be useless to try to save an AP view against a Frankfurt counterexample by appealing to them.

It is important to note that an alternative is not robust for the mere fact that opting for it would exempt an agent from moral responsibility. To see this, imagine that, in LIE, Frank has in his pocket a candy that, fully unbeknownst to him, would make him feel very sick if he sucked it, with the consequence that he would forget about the lying. In these circumstances, Frank has an alternative that he can opt for at will and such that, if he chose it, he would not lie to Furt and therefore would not be blameworthy for lying. However, if he finally did not suck the candy, lied to Furt and was blameworthy for that, it was not because he could have chosen to suck the candy. Refraining from lying (though not available to Frank in LIE) is then a robust alternative, while sucking the candy is not.

Now, it seems pretty obvious that the alternatives required by an AP view should be of the robust variety. So, following Fischer, who was first to point to the condition of robustness, actual-sequence theorists rightly hold that the mere availability of alternatives in a Frankfurt case is not enough to vindicate an AP view: in order to achieve this result, these APs have to be robust.

Test cases

Among other theorists, Peter van Inwagen responded to Frankfurt and defended the necessity of alternatives in several ways. An important step in Sartorio's defense of her Actual Causal Sequence view (ACS in what follows) is her discussion, at several places in her book, of two pairs of cases that were originally designed by van Inwagen in order to defend an AP view. Not surprisingly, the cases seem to threaten (N) and (S) as well. The first pair of cases concern an omission. Consider the following example:

> **Phones**: I witness a man being robbed and beaten. I consider calling the police. I could easily pick up the phone and call them. But I decide against it, out of a combination of fear and laziness (p. 56).

Now consider the following variation on Phones:

> **No Phones**: Everything is the same as in Phones except that, unbeknownst to me, I couldn't have called the police (the phone lines were down at the time) (p. 56).

In Phones, it seems right to say that I freely choose not to call the police and am responsible (blameworthy) for this omission, as well as for some of its foreseeable consequences. However, things look different in No Phones. Here I freely choose not to call the police and am responsible for that choice and for not trying to call the police, but, apparently, I am not either free to call the police, or responsible for not calling the police, in the sense of actually contacting them.

Now consider another pair of cases, which include an action, rather than an omission:

> **Not All Roads Lead to Rome**: A man, Ryder, is riding a runaway horse, Dobbin. Ryder can't get Dobbin to stop but he can steer him in different directions with the bridle. When they approach a certain crossroads, Ryder realizes that only one of the roads leads to Rome. Ryder hates Romans, so he steers Dobbin in that direction so that some Romans are hurt by the passage of the runaway horse (p. 56).

In this example, Ryder has freely hurt the Romans and is responsible for hurting them. Now consider the following variation of the example:

> **All Roads Lead to Rome**: Everything is the same as in Not All Roads Lead to Rome except that, unbeknownst to Ryder, all roads lead to Rome (Ryder couldn't have avoided the harm to the Romans) (p. 57).

Again, in Not All Roads Lead to Rome, Ryder has freely harmed the Romans and is responsible for the harm caused to them. In All Roads Lead to Rome, however, Ryder has freely decided to harm the Romans and is responsible for his decision, but, apparently, he is not responsible for the harm caused to the Romans.

As Sartorio writes about both pairs of cases: 'Intuitively, even if I am responsible for not trying to call the police in No Phones, I'm not responsible for not calling them. And even if Ryder is responsible for intending to harm the Romans in All Roads Lead to Rome, he's not responsible for the harm itself' (p. 57).

My intuitions about these cases are somehow more wavering. However, I would tend to agree with Sartorio if we describe what agents are responsible for as follows: in No Phones, I am not responsible for not contacting the police, in the sense of talking to them and reporting about the incident, and so for the fact that they are not alerted; and, with more hesitation, in All Roads Lead to Rome, Ryder is not responsible for the fact that some Romans are harmed, though maybe I would prefer to say that he is not responsible for not avoiding the harm to the Romans. I am less sure about my lack of responsibility for omitting to call the police and about Ryder's lack of responsibility for harming the Romans. The reason is that, in No Phones, my omission was voluntary and willing, while it would have been involuntary and against my will if I had picked up the phone and dialed the police number; and, in All Roads, Ryder's harming the Romans was also voluntary and willing, while it would have been unwilling if he had steered Dobbin towards the road which he (falsely) believed did not lead to Rome. These distinctions are important and we'll come back to them later on, but let us leave them aside for the moment and focus on the objects of non-responsibility as I have described them.

Explaining differences

Why am I responsible for not contacting the police in Phones but not in No Phones? The most obvious answer is that I could have contacted them in the former scenario, but not in the latter. And something similar holds for Ryder's responsibility for the harm in either scenario. This is the response of the AP theorist and it has a good deal of plausibility. In No Phones (unlike Phones) I am not responsible for not contacting the police because I couldn't have contacted them. And in All Roads (unlike Not All Roads) Ryder is not responsible for (not avoiding) the harm because he could not have avoided it. Neither Ryder nor I had any open alternatives in one of the cases, and this

lack of alternative possibilities (of plural control, in Kane's terms) explains our lack of freedom and responsibility.

If this explanation is correct, and the relevant causal facts are the same in both cases of each pair, this will refute Sartorio's ACS, for then there will be a difference in freedom and responsibility between the two cases of each pair without a difference in causal facts. Apparently, there is no such causal difference. In both Not All Roads and All Roads, Ryder's hatred for the Romans leads him to steer Dobbin towards the same road to Rome, which in turn causes the harm to the Romans. And in both Phones and No Phones, my fear and laziness make me to refrain from calling the police, which in turn leads to the police's not being alerted.

However, with the aid of her theory of causation, Sartorio argues (cf. pp. 68 ff.) that, against appearances, there is a difference in causal facts. In Phones, my fear and laziness cause my omission to call the police, which in turn causes my failure to contact the police and the fact that they are not alerted. However, in No Phones, given that the phone lines are down, my fear and laziness do not cause neither my not contacting the police nor the fact that they are not alerted. Less clear is for me the explanation of the difference between Not All Roads and All Roads, as I will argue shortly.

If ACS has an alternative explanation of the difference in freedom in terms of a difference in causal facts, these pairs of cases do not refute the theory. But it is worth pointing out that this alternative explanation requires controversial assumptions about causation, such as that absences (like phone lines' not being in order) can be causes and that causation is an extrinsic relation, in the sense that, in Sartorio's characterization of this property, '[a] causal relation between C and E may obtain, in part, due to factors that are extrinsic to the causal process linking C and E' (p. 71). So, in Phones, my fear and laziness cause my not contacting the police because the phone lines are in order, a factor that is extrinsic to that causal relation. Instead, in No Phones, my fear and laziness do not cause my not contacting the police because the phone lines are down, an extrinsic factor that prevents the causal relation from obtaining.

These features of Sartorio's theory of causation, I have said, are contentious. This can be seen, in my opinion, when an explanation similar to that given for Phones and No Phones is intended to apply

to the other pair of cases, Not All Roads and All Roads. About this pair, Sartorio writes:

> In both cases Ryder steers Dobbin in a certain direction, and in both cases some Romans are hurt by the runaway horse. But, arguably, we don't have the same causal connections between these events in both cases: Ryder's act of steering Dobbin results in some Romans being harmed only when not all roads lead to Rome. (p. 71)

I must confess that I cannot see why, in All Roads, Ryder's act of steering Dobbin in the same direction as in Not All Roads does not causally result in some Romans being harmed. It is intuitively obvious for me that the steering causally results in the harm in both cases. Sartorio can argue that, in Not All Roads, the causal relation between the steering and the harm obtains due to the extrinsic fact that only one road leads to Rome. However, I cannot see why, in All Roads, the causal relation between the steering and the harm does *not* obtain due to the extrinsic fact that both roads lead to Rome. The causal relation seems to obtain in both cases, at least on a natural view of causation in terms of a productive sequence. A similar, continuous series of temporally and causally related events leads to the harm in both cases.[6] I take this to be an important problem for Sartorio's ACS theory of freedom, as well as for her view of causation, on which the former rests.[7] There seems to be here an impor-

[6] Sartorio refers to this understanding of causation and causal histories: 'It is quite natural to think of the causal history of an event X as the sequence consisting of (in reverse order) the immediate causes of X, the causes of those causes, and so on' (p. 105). However, she recommends the view 'according to which the causal history of X includes only the elements of that sequence that *cause* X' (p. 105). She seems to hold that only the immediate causes of X are part of the causal history of X. I do not see any clear reasons for preferring this strange, restricted understanding of the causal history of an event to the broader conception except for the contribution it makes to some contentions that favor ACS, such as that the causal histories of All Roads and Not All Roads are different (cf. p. 106).

[7] Sartorio can argue that, in All Roads, the steering does not cause the harm owing to another property of causation, namely that causes *make a difference* to their effects: '[C]auses are difference-makers in that they make a contribution that their absences wouldn't have make' (p. 94). Since in All Roads the steering does not make a difference (it results in the harm anyway), it is not the cause of the harm. Later on, however, I will argue, on the basis of a broad conception of

tant asymmetry between omissions and actions which would deserve attention.

Assuming (at least provisionally and for the sake of argument) that Ryder is not responsible for the harm in All Roads, the AP theorist has an explanation of this fact in the same terms as her explanation of my non-responsibility for not contacting the police in No Phones, namely that Ryder could not have avoided the harm. The lack of alternatives or plural control over the outcome explains the agent's lack of responsibility in both No Phones and All Roads. This unitary explanation seems to speak in favor of an AP view against an actual-sequence view like ACS.

Digging deeper into the dialectic

A difference between Phones and No Phones has to do with moral luck, of the kind Nagel (1979) calls 'circumstantial'. In No Phones I am not responsible for not contacting the police, but this is due to mere (good) luck, because whether phone lines were or not in order wasn't under my control. In Phones I am responsible for that, but again due to (bad) luck. Sartorio is certainly aware of the presence of luck in these examples, and makes subtle remarks that involve types of moral luck as well as the distinction between omissions and actions. I will not get into this (no doubt interesting) aspect of her work. However, if freedom is mainly a matter of control and luck is essentially a matter of lack of control, it would help clarify things and adjudicate between AP and ACS views of freedom if we could reduce the role of luck in our test examples.

A way of reducing the influence of luck is to restrict the examples to the agents' freedom and responsibility for their *decision* or *choice*, leaving aside the 'external' part of the process, which is (partly) beyond their control.[8] In both Phones and No Phones, I decide not to

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causal histories, for the view that there is an important difference between the actual and the counterfactual sequence of All Roads, which involves alternative possibilities and affects Ryder's freedom and moral responsibility.

[8] It is worth pointing out that, in recent debates about alternative possibilities, moral responsibility and Frankfurt cases, it is common to restrict the discussion about the freedom and responsibility of agents to decisions or choices, rather than

call the police (out of a combination of fear and laziness). In both Not All Roads and All Roads, Ryder decides to steer the runaway horse towards the road he believes leads to Rome. In both pairs of cases, I submit, the AP theorist and the ACS theorist agree that the decision is free, and the agent is responsible for it, though they differ as to the grounding and explanation of this freedom and responsibility.

Two important considerations follow from this restriction of freedom and responsibility to choices and decisions, rather than overt actions and external outcomes.

First, once we restrict the examples in this way, leaving aside what does not depend on the agent, we see that there is an important criterion of moral assessment that gives the same result in both cases; the criterion is of the sort that Watson (2004: 266, 268) called 'aretaic', which guides judgments about an agent's moral virtue and is, according to him, a 'face' of responsibility ('attributability'). It is pretty clear that, from this 'aretaic' point of view, the point of view of my moral virtue, I am not better or worse in Phones than in No Phones, and that Ryder is not better or worse in Not All Roads than in All Roads. Ryder and I do not deserve a positive assessment in moral terms.

Second, responsibility has also, according again to Watson (cf. 2004: 273 ff.), an 'accountability' face or aspect, which has to do with questions of desert, blame- and praiseworthiness. It is this face of responsibility that Sartorio is mainly concerned with. With respect to accountability for decisions and choices in our test cases, both the ACS and the AP theorists accept that, in both Phones and No Phones, I am responsible for my decision or choice not to call the police and, assuming my fear and laziness were not irresistible, they also agree that this decision was free. And, mutatis mutandis, the same goes for Ryder's decision in both Not All Roads and All Roads. How do these theorists explain this freedom and responsibility? For brevity reasons, let us restrict our comments to the Phones/No Phones pair. ACS appeals to the fact that the choice has the right kind of causal history (I'm not manipulated, nor forced to fail to call, etc.; my decision was due to ordinary psychological states, fear and laziness, and to the reasons corresponding to them), and this is all

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open actions. I simply follow here this almost general assumption.

that my free decision is grounded in and supervenes on. What about the AP theorist? Well, he may willingly accept that the factors the ACS theorist resorts to partly explain why I freely decided not to call the police and am responsible for that decision, but he insists that there is an additional explanatory condition, namely that I could (and should) have chosen or decided to call. I freely decided not to call and am responsible (blameworthy) for that decision partly because I could (and should) have chosen otherwise. We have, apparently a stalemate. Both parties have an explanation of my freedom in choosing or deciding not to call. Part of it is common to both, but they differ in that the ACS theorist holds that this common part is all that freedom is grounded in, while the AP theorist insist that there is an additional grounding factor, namely my ability to decide otherwise. Can this stalemate be broken? I'll try to do it in a way that is clearly not unfair to the ACS theorist, namely by examining a case where the agent seems to decide freely and be responsible for this decision while having no alternative decision available.

No alternative decision

Let us modify No Phones in the sense that, in the same way as, in the original example, I could not have contacted the police, now I could not have even decided or chosen to call them. Suppose that things are as they are in the original example: I decide not to call out of fear and laziness, etc. But suppose that, had I seriously considered calling the police, presumably for moral considerations, I would have found myself unable to make the decision to call because of an outbreak of intense anxiety and irresistible fear. The actual decision seems to be free and I seem to be responsible for it even if I could not have made an alternative decision. Here an actual-sequence theory of freedom, perhaps in the form of Sartorio's ACS, seems to win the contest. What about the AP theorist? Strictly speaking, he seems to have to say that my decision was not free, owing to my lack of an alternative decision. But this looks counterintuitive and it seems he just assumes the necessity of alternatives, which is what is at issue, so risking to beg the question against the actual-sequence theorist. It seems he should agree that I made the decision not to call and contact the police freely and am responsible for it, even if I could not have decided

to call them. But then he appears to lose the game and the stalemate seems to be broken in favor of an actual-sequence theory like ACS.

But is it really broken in this direction?

The AP theorist will accept that I could not have chosen otherwise and, nevertheless, I seem to have chosen freely and be responsible for that decision. However, he still has some resources at his disposal in order to defend his view.

To begin with, he can appeal to the following, intuitively true principle, which arguably underlies our ascriptions of moral responsibility. It may be called 'Doing One's Best, Obligation and Blameworthiness' (DOB):

> DOB: If someone does her reasonable best in order to behave in a morally right way, she is not morally obligated to do better, and so is not blameworthy for not doing better.[9]

Note that from this principle it doesn't logically follow that if someone does *not* do her reasonable best in order to behave in a morally right way, then she is morally obligated to do better and is blameworthy for not doing better.[10] However, the fact that someone does not do her reasonable best in order to behave decently creates a presumption in favor of her blameworthiness. The principle seems eminently correct. It looks clearly unfair to blame someone who has done all her reasonable best in order to behave in a morally right way.

Armed with this principle, let us go back to the modified No Phones, where I cannot make the decision to call the police. I make my actual decision due to a combination of fear and laziness, and to the reasons associated with these psychological states. Intuitively, my decision is free and I am blameworthy for it. Moreover, I had no alternative decision available. Does this imply that the AP view is false? I don't think so. In the example, I did not satisfy the (first) antecedent of DOB. I did not do my reasonable best in order to act in a morally decent way: even if I could not have decided to call, I could have tried to decide to call by trying (unsuccessfully) to overcome

[9] I have offered related versions of this principle in Moya 2011 and 2014.

[10] This is as it should be, for otherwise our responsibility would extend beyond reasonable limits, since it often happens that, even if we do well, we could have done even better.

my fear and laziness. I had a morally significant alternative to my decision not to call the police, namely to try to call them by trying to overcome my fear and laziness. Had I gone for this alternative, I would have satisfied the (first) antecedent of DOB, for I would have done my reasonable best in order to behave decently; therefore, I would not have been obligated to do better, namely to decide to call the police, and would not have been blameworthy for not deciding to call. And we can apply this to the freedom of my decision: even if I could not have decided otherwise, I decided freely partly because I had a significant alternative: I could have tried to decide otherwise.

So, the AP theorist can accept that I freely decided not to call and am responsible for that decision even if I could not have decided to call, but reply that I had a relevant alternative to that decision: in this context, trying to decide to call by overcoming my fear and laziness becomes a relevant alternative, not just to not trying, but also to not deciding, or to failing to decide. We judge my decision as free and consider myself blameworthy for it, first because I made it myself, for ordinary psychological states and for my own reasons, but *also* because we feel that I could have done better, that I didn't try hard enough to do the right thing, even if my trying would have been unsuccessful at the end. This alternative is, then, robust.

I think that, when we judge that my decision not to call the police was free and that I am responsible for it, what explains this judgment is not only what the ACS theorist points to, namely that the decision had the right antecedents and history, etc. but also that I could have done reasonably better in moral terms and did not do it. That this alternative is robust, explanatorily relevant, strongly suggests that it also grounds the freedom of my decision and my responsibility for it. We can also argue for the explanatory and grounding character of this alternative by removing it: suppose that I was simply unable to make any effort to overcome my laziness and fear and to decide to call the police, maybe because I was completely morally blind, or perhaps for reasons related to a deeply defective will. I submit that, in that case, we would tend to deny my character as a free and morally responsible agent and, a fortiori, the freedom of my decision and my responsibility for it.

So, the mere fact that I am free and responsible for deciding that *p* and that I was unable to decide otherwise doesn't refute the AP

view of freedom and responsibility, for in that case the relevant AP becomes trying to decide otherwise. Trying to decide otherwise may amount to different things in different contexts. In our example, it amounts to making an effort to overcome my laziness and fear in order to choose the right thing, namely calling the police.

Some consequences for the original test cases

The preceding reflections allow us to contemplate our original test cases, No Phones and All Roads, under a new perspective. We have agreed that, both in the actual and in the alternative sequences of both cases, the outcome is the same. In No Phones, the police is not alerted; in All Roads, some Romans are hurt. But now we can go back to the agent's reasons and choice.

Consider No Phones. I assume that the phone lines are in order and that I can contact and alert the police. Nevertheless, I choose not to pick up the phone. This choice is free, and I could have chosen otherwise. So, my omission or failure to pick up the phone and dial the police number was the fulfilment of a free decision and it was a free omission itself. In the alternative sequence, I choose to call the police, pick up the phone and dial the police number, only to realize that the line is out of order. In both sequences, I fail to contact the police and the police is not alerted. However, in the actual sequence my failure is a voluntary omission; it is the fulfilment of a free decision not to call, is itself free and I am responsible for it. In the alternative sequence, my failure is not a free omission; it is the consequence of an external state of affairs; it goes against my decision to contact the police; it is not free and I am not responsible for it. So, in the actual sequence there is a voluntary omission, for which I am responsible, blameworthy in fact, but I could have done otherwise: I could have tried to contact the police. Had I tried, I would not have been blameworthy for the omission for which I am actually responsible. And the fact that I did not even try partly explains my blameworthiness; it is then a significant, robust alternative to my free omission.

It remains the fact that the outcomes of both sequences of No Phones are apparently the same: in both cases, the police is not alerted. The AP theorist should say that I am not responsible for this outcome, shouldn't he? But the outcomes in both sequences are the

same only under a physical description, so to speak. In the actual sequence this outcome corresponds to the intentional object of my free decision not to contact the police. It is what would have happened even if the phone lines had been in order. In the alternative sequence, it conflicts with the intentional object of my decision to contact the police. It would not have taken place if the lines had not been down. This difference gives the outcome in the actual and the alternative sequence a very different significance, from the point of view of my freedom and responsibility for it.

What about All Roads Lead to Rome? Some Romans are hurt in both sequences, but in the actual sequence they are hurt by Ryder, whereas in the alternative sequence it would be more exact to say that they are hurt by Dobbin, the horse. They are hurt, not by, but in spite of, Ryder. In the actual sequence, Ryder decides to steer Dobbin towards what he takes to be the only road that leads to Rome in order to hurt Roman people, and he fulfils his decision. His hurting Romans is free and he is responsible for it, but he had a robust, significant alternative, namely to hurt them against his will and decision by choosing to take the other road, which, in his perspective, did not lead to Rome.

As for the outcomes themselves, again they are the same in both sequences only from a physical perspective. In the actual sequence, the outcome, namely that some Romans are hurt, is the willed consequence of a free decision to hurt Romans. In the alternative sequence, the outcome is the involuntary consequence of a free decision not to hurt Romans. From this perspective, I tend to say that the difference is significant enough to say that Ryder is responsible for the fact that some Romans are hurt in the actual sequence, though not in the alternative sequence. In the actual sequence, he freely and willingly hurts Romans; that Romans are hurt is the fulfilment of his free decision to hurt Romans. However, he had an alternative: to choose the other road, which he falsely believed did not lead to Rome. In that case, though some Romans would have been hurt anyway, they would not have been hurt by him, but by Dobbin, so to speak; not by him, but in spite of him.

Again, when we tend to blame Ryder for hurting some Romans, we do it partly because we feel that he did not do his reasonable best to behave in a morally decent way. Ryder acted freely partly because

he had robust, morally significant alternatives, and we take this fact into account when we judge him responsible for hurting Romans and even for the fact that some Romans are hurt. Open alternative possibilities seem to ground freedom and responsibility, together with other factors.

But the dialectic about these matters is certainly subtle and intricate. To witness, if the ACS theorist were to agree with this diagnosis of Ryder's freedom and responsibility, she still would have resources to account for it. She could say that the difference in Ryder's freedom and responsibility between the actual and the alternative sequences of All Roads is due to the fact that the respective causal histories are different. More specifically, she would point to a property of causation, namely that causes *make a difference* to their effects.[11] That Ryder hurts Romans as a causal result of his reasons and decision to hurt them is not the same thing as that he hurts them as a result of the fact that both roads lead to Rome. Fair enough. But now I would like to argue that this difference that 'causes' make in human action is a difference of the kind that involves alternative possibilities of action. In other words, what Ryder does in the actual and in the alternative sequences are *different kinds of action*. In order to show this, it will be convenient to return to Frankfurt cases and, more specifically, to the case of Frank and Furt.

Revisiting Frankfurt cases

Remember the case of Frank and Furt. Frank hates Furt and decides on his own and for his own reasons to shoot him. He fulfills his decision and Furt dies as a result of being shot by Frank. Remember that there is also Black, the neuroscientist who witnesses Frank's deliberation. If Black sees that Frank is going to decide not to shoot Furt, he will stimulate his brain so that Frank will anyway decide to shoot Furt and fulfill his decision. We have apparently a case where Frank makes a free decision to shoot Furt and shoots him, is morally responsible for such a decision and action and, nonetheless, could

[11] As Sartorio puts it: '*Difference-Making (Causes)*: Causes make a difference to their effects in that the effects wouldn't have been caused by the absence of their causes' (p. 94).

not have decided or acted otherwise. Either he decides to shoot, and shoots, Furt on his own and for his own reasons or he does it because of Black's intervention. In the latter case, of course, Frank will not decide and act freely nor will he be responsible for his decision and action. However, since Black never intervenes, it seems that Frank decides and acts freely, as he would if Black had not existed, and he is responsible for choosing to shoot Furt and for shooting Furt, as well as for his death.

The ACS theorist holds that Frank acts freely in virtue of the actual causal history of his action. The actual causes of his decision and action, namely his reasons for shooting Furt, make nonetheless a difference, though not a difference in terms of alternative decisions and actions. Sartorio writes, for instance:

> Again, imagine that Frank decides to shoot Furt out of a desire for revenge (to avenge some earlier deed by Furt). If he hadn't been moved by a desire for revenge, the neuroscientist would have intervened by forcing him to make the choice to shoot Furt anyway. Still, the contribution made by the desire and the absence of the desire are intuitively *not* on a par: intuitively, the desire makes a contribution to Frank's choice that the absence of the desire wouldn't have made. (p. 132)

As I anticipated, I think that the difference that Frank's reasons make, as compared to their absence and the corresponding intervention of the neuroscientist, is a difference in the *kind of action* that Frank performs. In the actual sequence, where Frank decides to shoot Furt and shoots him freely, on his own and for his own reasons, Frank *murders* Furt. In the alternative sequence, where Frank's decision is caused by Black's intervention in his brain, Frank does not murder Furt; at most, he merely *causes his death*, which is something very different from the point of view of ascriptions of freedom and responsibility. Initially, then, Frank seems to have an alternative action open to him: he murders Furt, but *could have avoided murdering him*. He could not have avoided Furt's death, but could have avoided that the death was the result of a murdering by him.

It might be objected that, since Frank is unaware of Black's lurking presence, the alternative of merely causing Furt's death, as opposed to murdering him, is not something he can properly choose or decide to do, and so it is not robust enough to ground his responsibility for

murdering Furt. And, of course, the robust alternative of choosing or deciding not to shoot Furt is not open to him, owing to the presence of Black. Merely causing Furt's death would be the unexpected consequence of his showing the sign that would have prompted Black's intervention.

We can respond to this objection as follows. Suppose that the sign that alerts Black and brings about his intervention is very tiny, say Frank's taking seriously into account moral reasons for not shooting Furt and considering not to shoot him. In the actual sequence, Frank does not take these reasons seriously into account and Black remains inactive. Of course, without Black's presence this mental act would not have exempted Frank from responsibility, since it is perfectly compatible with his deciding at the end to shoot Furt in spite of those reasons. However, once Black gets in the picture, this mental act is the best that Frank can do in order to decide and act in a morally decent way. Remember DOB:

> DOB: If someone does her reasonable best in order to behave in a morally right way, she is not morally obligated to do better, and so is not blameworthy for not doing better.

Given the situation Frank is in, where, owing to Black's lurking presence, he cannot decide not to shoot Furt nor can he avoid shooting him, the best he reasonably can do, in order to behave in a morally decent way, is to take moral reasons seriously into account and consider not to shoot Furt, which would have triggered Black's intervention. So, if he had done this, he would not have been blameworthy for not deciding not to shoot Furt, or for deciding to shoot him. In the context of the Frankfurt case, this tiny mental act becomes an alternative that would have exempted Frank from blameworthiness.

The question is now whether this exempting alternative would have been robust enough to ground and explain, at least partly, Frank's actual freedom and responsibility for shooting and murdering Furt. I think the answer is affirmative. Why do we take Frank to have shot Furt freely and to be responsible for doing it? Again, I agree with the actual-sequence theorist and with the compatibilist that part of the explanation lies in the actual history of Frank's action: his acting unforced, for his own reasons, his deciding to shoot Furt for those reasons, etc. But I contend that, in addition to this, we

consider him free and blameworthy because we feel that he did not do his best to behave in a morally decent way and that he should and could have done better than he did. If this is correct, then the alternative possibility of doing better, which in this context only amounts to his taking moral reasons for not shooting Furt seriously and considering not to shoot him, partly grounds and explains Frank's freedom and moral responsibility for shooting and murdering Furt.

Final remarks

An additional and important consideration, which connects with a previous critical remark about the role of causation in human intentional action, is the following. As we have seen, whether Frank's action has as their 'causal' antecedents his reasons, or instead a decision prompted by Black's manipulation of Frank's brain, changes the nature of that action, from murdering Furt to merely causing his death. But if we accept that causal relations are external, in the sense that being in a causal relation does not change the nature of the events so related, then this strongly suggests that reasons may not be causes of the decisions and actions they are reasons for, since they are internally related, in that their relation determines the nature and type of the performed action.

The difference we have pointed to, between Frank's murdering Furt and merely causing his death, in virtue of their respective histories, is especially salient, in that it has a reflection in language. But here we deal with concepts, not just language. This means that the difference remains even in cases where we do not have specific words or expressions to apply to what one does voluntarily and involuntarily. This happens, for example, in No Phones and All Roads Lead to Rome. We don't have specifically coined terms or expressions to distinguish my failing to call the police in the actual and the alternative sequence, though we have the concepts and can express them by means of periphrases. And the same goes for All Roads: in the actual sequence, Ryder's hurting the Romans is a voluntary and free action, whereas, in the alternative sequence, it is an unwanted accident.

As a general conclusion of what precedes, I hope to have plausibly contended that the AP theorist has important resources in defense of

his position against actual-sequence and ACS theorists.[12]

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References

Ayer, Alfred J. 1954. Freedom and necessity. In his *Philosophical Essays*. London: Macmillan.

Fischer, John M. 1994. *The Metaphysics of Free Will*. Oxford: Blackwell.

Fischer, John M. and Ravizza, Mark. 1998. *Responsibility and Control: a theory of moral responsibility*. Cambridge: Cambridge University Press.

Frankfurt, Harry G. 1969. Alternate possibilities and moral responsibility. *Journal of Philosophy* 66: 829–839.

Frankfurt, Harry G. 1988. *The Importance of What We Care About*. Cambridge: Cambridge University Press.

Ginet, Carl. 2002. Reasons explanations of action: causalist versus noncausalist accounts. In *The Oxford Handbook of Free Will*, ed by R. Kane. New York: Oxford University Press.

Ginet, Carl. 2008. In defense of a non-causal account of reasons explanation. *Journal of Ethics* 12: 229–237.

Goetz, Stewart. 2009. *Freedom, Teleology, and Evil*. London: Continuum Press.

Hume, David. 1748/1975. An enquiry concerning human understanding, in his *Enquiries Concerning Human Understanding and Concerning the Principles of Morals*, 3rd edition. Introduction and index by L.A. Selby-Bigge; revised text and notes by P.H. Nidditch. Oxford: Clarendon Press.

Kane, Robert. 1996. *The Significance of Free Will*. New York: Oxford University Press.

McCann, Hugh. 1998. *The Works of Agency: on human action, will and freedom*. Ithaca NY: Cornell University Press.

Moore, George H. 1912. *Ethics*. London: Williamson and Norgate.

Moya, Carlos J. 2011. On the very idea of a robust alternative. *Crítica* 43: 3–26.

Moya, Carlos J. 2014. Doing one's best, alternative possibilities, and

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blameworthiness. *Crítica* 46: 3–26.
Nagel, Thomas. 1979. Moral luck. In his *Mortal Questions*. New York: Cambridge University Press.
Sartorio, Carolina. 2016. *Causation and Free Will*. New York: Oxford University Press.
Van Inwagen, Peter. 1983. *An Essay on Free Will*. Oxford: Clarendon Press.
Watson, Gary. 2004. Two faces of responsibility. In his *Agency and Answerability*. Oxford: Clarendon Press.