**A Critical Assessment of Pereboom’s Frankfurt-Style Example[[1]](#footnote-1)**

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*Abstract*

In this paper, I assess Derk Pereboom’s argument for the thesis that moral responsibility does not require the ability to do otherwise. I argue that the Frankfurt-style example Pereboom develops presupposes a *prior* act or omission which the agent was able to avoid. This undermines his argument. I propose a way for Pereboom to revise his example and thereby undercut this objection. Along the way, I also argue that Pereboom should supplement his account of what counts as a robust alternative—an alternative of the sort that should matter to those who argue for an ability-to-do-otherwise condition on moral responsibility.

 *Key Words*: Free Will, Moral Responsibility, Frankfurt-style Examples, Pereboom

Derk Pereboom offers a forceful defense of Harry Frankfurt’s (1969) thesis that moral responsibility does not require the freedom to do otherwise (Pereboom, 2014). It is this thesis that distinguishes Pereboom as a *source incompatibilist* rather than a *leeway incompatibilist*. On his view, free will as it pertains to moral responsibility is most fundamentally to be understood in terms of the sources of agency rather than in terms of freedom over alternative courses of action. As a *source compatibilist* I agree that the freedom-relevant condition for moral responsibility does not require the ability to do otherwise. Nevertheless, I wish to raise some problems for how Pereboom executes his argument.

*1. Pereboom’s Case, Tax Cut*

Consider Pereboom’s most recent Frankfurt-style example. Note that it relies upon a prior sign of subsequent free action that is merely a necessary but not a sufficient condition for doing otherwise:

*Tax Cut*: Jones can vote for or against a modest tax cut for those in his high-income group by pushing either the ‘yes’ or the ‘no’ button in the voting booth. Once he has entered the voting booth, he has exactly two minutes to vote, and a downward-to-zero ticking timer is prominently displayed. If he does not vote, he will have to pay a fine, substantial enough so that in his situation he is committed with certainty to voting (either for or against), and this is underlain by the fact that the prospect of the fine, together with background conditions, causally determines him to vote (although, to be clear, these factors do not determine how he will vote). Jones has concluded that voting for the tax cut is barely on balance morally wrong, since he believes it would not stimulate the economy appreciably, while adding wealth to the already wealthy without helping the less well off, despite how it has been advertised. He is receptive and reactive to these general sorts of moral reasons: he would vote against a substantially larger tax cut for his income group on account of reasons of this sort, and has actually done so in the past. He spends some time in the voting booth rehearsing the relevant moral and self-interested reasons. But what would be required for him to decide to vote against the tax cut is for him to vividly imagine that his boss would find out, whereupon due to her political leanings she would punish him by not promoting him to a better position. In this situation it is causally necessary for his not deciding to vote for the tax cut, and to vote against it instead, that he vividly imagine her finding out and not being promoted, which can occur to him involuntarily or else voluntarily by his libertarian free will. Jones understands that imagining the punishment scenario will put him in a motivational position to vote against. But so imagining is not causally sufficient for him to decide to vote against the tax cut, for even then he could still, by his libertarian free will, either decide to vote for or against (without the intervener's device in place). However, a neuroscientist has, unbeknownst to him, implanted a device in his brain, which, were it to sense his vividly imagining the punishment scenario, would stimulate his brain so as to causally determine the decision to vote for the tax cut. Jones’s imagination is not exercised in this way, and he decides to vote in favor while the device remains idle. (Pereboom, 2014:23)

In Pereboom’s estimation, Joe is blameworthy for deciding to avoid taxes despite not having a robust alternative possibility to doing so.

 In what follows, I will take issue with Pereboom’s argument on three different fronts. The first has to do with how he deploys the notion of robustness in his overall argument (section 2). The second focusses on the way he develops his particular Frankfurt-style case (sections 3-4). The third raises a very general question of overall argumentative strategy (section 5).

*2 Problems with Robustness*

Consider first Pereboom’s way of clarifying the notion of *robustness*. Here I only mean to raise a minor worry. Pereboom formulates robustness as follows:

Robustness: For an agent to have a robust alternative to her immoral action A, that is, an alternative relevant per se to explaining why she is blameworthy for performing A, it must be that

(i) she instead could have voluntarily acted or refrained from acting as a result of which she would be blameless, and

(ii) for at least one such exempting acting or refraining, she is cognitively sensitive to the fact that she could so voluntarily act or refrain, and that if she voluntarily so acted or refrained she would then be, or would likely be, blameless. (Pereboom 2014: 13)

In my estimation, Pereboom’s epistemic constraint on robustness is too permissive. As he specifies it in his most recent formulation set out here, all it requires is that a person be *cognitively sensitive* to a voluntarily accessible blameless course of action (13). His earlier formulation required the stronger condition that an agent *understand* that she had a voluntarily accessible blameless course of action (2001: 26). Pereboom’s more recent formulation, cast in terms of cognitive sensitivity, is meant to loosen the epistemic constraint in light of an insightful challenge raised by Dana Nelkin.[[2]](#footnote-2) Imagine an agent like Huck Finn, capable of blameworthy or praiseworthy conduct, who seemed to lack an understanding of salient moral options (because he was bad at moral reasoning) but was in some way cognitively sensitive to acting morally. This is a nice point. Pereboom is correct to seek some modification to accommodate it.

Regardless, both Pereboom’s earlier and latter formulations of the epistemic constraint are too inclusive along another dimension to get at what robustness comes to. A person could either understand, or instead simply be cognitively sensitive to, the fact that she has access to a blameless alternative even when that alternative would be crazy or preposterous. Or such an alternative might simply be too far from an optimally rational way to avoid blameworthiness given the agent’s own practical standards. Suppose that right now I am playing a mean trick on my wife and I both understand and am cognitively sensitive to the fact that at this moment I have available the following blameless alternative: I could strip naked, sprint out of my house and through the neighborhood singing show tunes from *The* *Sound of Music*. Given certain assumptions about my own psychology, it is not plausible to think that this is a robust alternative for me. Why? This option is not *deliberatively significant*. How so? If I were to entertain a blameless alternative to my actual course of action, I would seek quite different means. While I might very well understand or be cognitively sensitive to the fact that one way to be blameless for my mean trick is that instead I could run naked through the streets, it is nevertheless not regarded by me practically as a live option and so as a blameless alternative I would pursue. Hence, in playing a mean trick on my wife, it is not credible to claim that any part of what grounds the fact that I am blameworthy for doing so is that I was instead free to run naked through the streets of my neighborhood singing show tunes. If freedom for what one does do is to be grounded even in part on accessible blameless alternatives about which the agent is cognitively sensitive, they must *also* be ones that are constrained by credible presuppositions about the agent’s own practical or deliberative perspective (McKenna, 2003).

At this juncture, Pereboom would be correct to point out that my objection has no bearing on how he prosecutes his argument. Strictly speaking, his formulation of a robust alternative is only cast as a necessary condition for robustness. My complaint is not that he has failed to identify a necessary condition, only that there is a more restrictive necessary condition that more accurately captures what a robust alternative is. Hence, if he can construct a Frankfurt example that violates his own less specific epistemic condition, it will still be one in which an agent acts freely and is morally responsible despite lacking any robust alternative course of action. That is all he needs for his argument to go through. It is for this reason that above I claimed to be raising only a minor worry about Pereboom’s account of robustness.

Nevertheless, two points bear mentioning. First, the beefed-up notion of robustness I propose suggests a formula for constructing a different sort of Frankfurt-style example that might be more intuitive than the one Pereboom proposes by requiring less details of a sort that could be contested by opponents. All one needs is a case in which, at the time of free action, a range of non-robust alternatives remains causally possible but the robust ones are blocked. This can be done without relying on any prior sign or anything of the sort (McKenna, 2003). I’ll not develop the point here.

Second, working with Pereboom’s own Frankfurt-style example, a more restricted formulation of robustness along the lines I have advanced (2003) might also afford him further argumentative resources from which he would profit. For instance, in defending his most recent Frankfurt-style example, Tax Cut, Pereboom takes on Carl Ginet’s (2002) timing objection to an earlier example developed by Pereboom (2001). Ginet would object to Pereboom’s more recent example as follows: At t1, when Jones decided to vote for the tax cut, he then had available the alternative between the interval t1 leading up to but not including a last moment t3 attending more to moral reasons. Put simply, at t1, it was open to him to deliberate for a longer period of time, until just before t3. Hence, he had a robust alternative—even by the lights of Pereboom’s own specification of the conditions for robustness. Pereboom’s reply is thoughtful, although intricate (I’ll not recount it here). I do not mean to claim that it is inadequate. Nevertheless, a much simpler reply is open to Pereboom, which appeals to my proposed notion of deliberatively significant alternatives. Simply stipulate that when under significant time pressures, and considering alternative blameless courses of action, given Jones’s psychology, he is not inclined to persist in reflecting upon or seeking further reasons for action as *itself* a blameless alternative. He’s a “take charge” kind of guy. It is not that he is incapable of continuing to reflect and deliberate by deciding to attend more carefully to moral reasons. But as *he* is, were he to seek a means to avoid wrongdoing, he would act swiftly (so that, for instance, the two-minute window would not run out). Dilly-dallying by deliberating further would be for him *deliberatively* *insignificant*. Thus, when he freely decides to do wrong at t1, it is *open* to him to attend more to moral reasons up until but not including t3. But if he were to avoid blameworthiness for his deciding as he does, *he* simply would not do so like this. Hence, such an alternative is not robust.

*3. Challenges to Pereboom’s Frankfurt-style Example ‘Tax Cut’*

I turn to more significant challenges to Pereboom’s Frankfurt-style case. As is well known, Pereboom finesses a familiar challenge to earlier iterations of Frankfurt’s argument by developing a prior-sign Frankfurt-style example making use of only a necessary condition for a particular blameless course of free action (such as deciding to vote against a tax cut). This is a crucial feature of his earlier (2001) argument, and his more recent argument (2014). By use of his kind of prior-sign example, Pereboom means to chart a path between two horns of a dilemma according to which any potential Frankfurt example either assumes that the agent’s free action is determined, or includes a robust alternative course of action. The former is alleged to beg the question against the incompatibilist; the latter would not show that moral responsibility does not require the freedom to do otherwise (Ginet, 1996; Kane, 1996; and Widerker, 1995).

While my allegiances are with Pereboom, I am not convinced that the sort of prior sign he envisages can evade the second horn of the dilemma. The most crucial feature of his proposed prior-sign is to make an alternative course of free action dependent upon considering moral reasons with a certain degree of force. In the case of Tax Cut, what would get Jones to do so is an enhanced motivational state brought on by imagining how angry his boss would be were she to learn that Jones voted for the tax cut. This feature of Pereboom’s argument is commendable. What is problematic is that Pereboom arranges the case so that Jones is able to use his libertarian free will to imagine vividly his boss’s response, knowing that, were he to do so, it would place him in a motivational state that would be amenable to deciding freely to vote against the tax cut. About this feature of the case, I wish to raise three concerns. In the next section (sec 4), I will offer a simple proposal meant to avoid these difficulties.

*3.1 Derivative Responsibility*

First, there is some reason to worry that perhaps Jones’s responsibility for his decision in Tax Cut is derivative, despite Pereboom’s arguments to the contrary. Why? Jones is aware that, unless he decides to imagine vividly his boss’s reaction to him voting for the tax cut, a decision he is free to make, he will certainly do something morally wrong—he’ll vote for the tax cut. While it is true that, were he to decide to imagine his boss’s reaction, he is still at risk of wrongdoing (and he is aware of this), it is also true that failure to make this decision at some point pretty much ensures moral wrong doing. It is as if, by freely and knowingly omitting to make a certain decision, he is knowingly setting himself on a path to wrongdoing. Or at least he is failing to take whatever steps he might be able to take to avoid this path. This is analogous to an alcoholic who when out with friends finds herself having to decide whether or not to enter a bar that her crew wants to enter. She knows both that, if she does not decide to stay out, she’ll very likely drink while inside the bar, and that she is free to decide to stay out rather than enter the bar. She also knows that if she does decide to stay out, this is no guarantee that she will not drink. Other temptations might arise. Regardless by refraining from deciding to stay out and instead freely walking into the bar, she sets herself on (let us suppose) a harmful and unwanted path. Doesn’t this suggest that her responsibility for drinking in the bar derives, at least in part, from her failure to decide to stay away?

Pereboom resists David Widerker’s (2006) charge that his previous example, Tax Evasion, was a case of derivative responsibility. He claims that Widerker’s appeal to the notion of derivative responsibility is dialectically unsatisfying, since it invokes the alternative possibilities model, which is what is in dispute (Pereboom, 2014: 19). But it does not strike me that in assessing the freedom and responsibility of an agent in a case like Tax Evasion or Tax Cut an appeal to the notion of derivative responsibility must be motivated by an antecedent commitment to a freedom-to-do-otherwise model of freedom. In the case of Tax Cut, it seems a natural reaction to the case, regardless of one’s other theoretical commitments. It is analogous to my example of the alcoholic: She knows herself well enough to know that, without making a certain decision, she sets herself on a dangerous path, or at least she fails to do something that would aid her in steering clear of that path.

How might Pereboom reply? In resisting Widerker, he argues that in paradigmatic cases of derivative responsibility, a free and responsible act at an earlier time results in a clear absence of a noncontroversial general condition on direct responsibility at a later time (Pereboom, 2014: 19). Jones retains throughout the interval of time until he decided to vote for the tax cut the option of not so voting but continuing to deliberate. Whereas in my case of the alcoholic, Pereboom can plausibly object, the natural interpretation is that once she enters the bar, she is helpless; she’ll drink. Hence, being out of control, a noncontroversial general condition on responsibility is not met. If this is not so, then she retains some direct freedom in how she acts once inside the bar. Will this do as a reply to the present objection? Perhaps.

Nevertheless, prior to his blameworthy act of voting for the tax cut, Jones was able to do something freely that he knew would give him the chance of avoiding wrongdoing, knowing that otherwise his chance of wrongdoing was fairly high. He failed to do that right up until he decided to do the wrong thing. So he was reckless in a way that suggests that this is *part* of what helps ground his responsibility for his wrongdoing. Suppose instead of rendering it literally impossible that the alcoholic drink, stepping into the bar was consistent with our alcoholic stepping back out of the bar at a later time before the first drop hit her lips. Still, by not deciding to stay outside and avoid entering the bar at all, she allowed the prospect of drinking to persist in being highly likely. She did not take a clear step she knew would help to avoid that consequence. We should grant to Pereboom that this is not a *paradigmatic* case of derivative responsibility. Likewise the case of Jones in Tax Cut is not paradigmatic. But, I contend, it still bears *some* of the marks of derivative responsibility for subsequent reckless behavior. How so? Earlier behavior for which an agent was directly free and responsible played a nontrivial causal role in subsequent blameworthy conduct, and by means the agent well understood were liable to have that effect.

Reflecting on his dispute with Widerker, Pereboom’s seems to be at best a “mixed” case in which at least *some* of the agent’s responsibility is rooted in prior free conduct. So we do not have a “pure” case of a directly free act with no robust alternatives in which intuitively all of the agent’s freedom and responsibility for what she does can be uncontroversially accounted for exclusively in terms of her directly free act. Admittedly, this is not a decisive criticism of Pereboom’s example.[[3]](#footnote-3) Regardless, it does suggest that his example is dialectically unsatisfying. It would be better if there were no residual worries about derivative responsibility a critic night be able to point to as a basis for preserving the thesis that our responsibility judgment is better explained by identifying something an agent was free to avoid.

*3.2 A Background Context Involving Freedom to Do Otherwise*

Suppose then it is granted that Jones’s decision in Tax Cut is not derivative but is direct, that he does act freely and is morally responsible, and that in so acting he has no robust alternative possibility. Philosophers on Frankfurt’s side of the debate, such as Pereboom and I, might think that the case has been completely settled: Here is a clear counterexample to a general claim about the metaphysical conditions for freedom of the will. But consider how an advocate of a freedom-to-do-otherwise condition might assess the overall argument given that built into the (apparently) successful example of a free act with no robust alternatives is a prior free act (or omission) wherein there is no reason to think that with respect to *this* prior act the agent lacks the freedom to do otherwise. A natural worry might be that the background freedom requirement for such agents in these examples involves the ability to do otherwise, and it is only due to special deviant circumstances that in local cases she loses this ability. Ann Whittle has proposed a pertinent principle along exactly these lines:

CP(PAP) Ceteris paribus, if S is morally responsible for an action A, then S could have done other than A. (2016: 74)

Pereboom’s explicitly building a prior free decision (or omission) with the ability to do otherwise into his example thus creates an unstable context that plays right into Whittle’s hand. It gives critics like Whittle reason to think that the metaphysics of free agency does after all involve the *defeasible* ability of a free person to act other than as she does.[[4]](#footnote-4)

*3.3 The Prospects of a Global Frankfurt-style Case*

Third, as Pereboom has constructed his example, he cannot respond to the previous challenge with a global Frankfurt-style case. Alfred Mele (1995: 141) has proposed such an example in anticipation of a proposal according to which the ability to do otherwise is a condition on free agency even if sometimes, such as in Frankfurt cases, it does not apply. In a global Frankfurt-style example of the sort envisioned by Mele, throughout the course of a free agent’s life, she was never able to do otherwise. Some ensuring condition was always in place. If such examples are successful, it makes it far less plausible to argue that a freedom-to-do-otherwise condition on free will still applies outside the special context of a Frankfurt example. An agent’s entire life could be “Frankfurted”; her entire life history would have to count as a special context. Suppose a critic like Whittle pushed back, objecting that this entire single agent’s entire life is a deviant context. Absent it, for other normal agents, when they act freely and are responsible, they are able to act otherwise. In that case, building on Mele’s proposal, we could simply imagine an entire world in which all agents’ acts are Frankfurted by an all knowing god or demon.

In my estimation, the preceding strategy offers a forceful counter-reply to a “special context” defense of a defeasible freedom-to-do-otherwise condition.[[5]](#footnote-5) Since Pereboom’s examples have built into them the possibility of a prior free act in which nothing is arranged to close off robust alternatives, he cannot “globalize” his example to all of an agent’s free acts.

*4. A Simple Proposal for Improving a Necessary-Condition-Prior-sign Example*

I now wish to offer a simple proposal that would avoid the three preceding challenges. As I remarked above, Pereboom’s appeal to a prior sign involving a psychologically necessary condition on subsequent alternative free action is commendable. What causes the problems I have identified is not this feature of his case *per se*, but instead making this condition one that involves acting freely. Why do this? All that is dialectically required to generate a successful Frankfurt example is to produce a case of an agent who is not determined, who does not have access to a robust alternative possibility, but who intuitively acts freely and is morally responsible for what she does, even granting libertarian satisfaction conditions on acting freely.

Outside the context of a Frankfurt-style example, and assuming an indeterministic context amenable to libertarian freedom, it is easy to imagine cases in which an agent’s free act is not causally determined and in which, were she do to otherwise, her doing so would require that some relevant reason or motivational state have arisen, where whether or not this occurs would *also* be undetermined by way of some non-voluntary process. In general, when we reason practically or deliberate, there is some luck as to what reasons do or do not come to mind, or what motivations have what strength they do. This can depend on how much coffee one has had or how high one’s hormone levels happen to be at a certain time. There should be nothing problematic about supposing that such a process is indeterminstic and that it is fully compatible with exercises of libertarian freedom. I propose that a Pereboom-style prior sign strategy applied to cases such as these.

Before proceeding, however, it will be instructive to consider an objection. Those favoring Widerker’s response might protest that the sorts of actions I propose to treat as candidate free acts cannot be directly free, at least not as a good libertarian should think of them.[[6]](#footnote-6) How so? Setting aside contexts involving Frankfurt cases, we are to imagine that when an agent deliberates and then acts freely, given her current motivational state, she is not determined to act as she does. That is just how it should be for a libertarian. Nevertheless, in such a context, a free agent’s doing otherwise hangs on whether some non-voluntary and indeterministic process breaks one way rather than another. Doesn’t this just show that in such contexts, when an agent acts from an (admittedly) indeterministic process, and when as chance has it, events do *not* unfold so as to allow her voluntary access to doing otherwise, she was *not* directly free? Wasn’t her doing what she did then settled due to the absence of some chance event that, had it occurred, would at least have permit her access to doing otherwise? Of course, had it occurred, *then* she would have been operating in a context permitting directly libertarian free action. Hence, so the objection goes, before we even take the step of now adding a Frankfurtian intervener to the mix, we do not in these cases have clear libertarian free acts rich with a genuine alternative course of action open to an agent.

In response, two points count in favor of treating the acts I have identified here as directly free libertarian acts. First, they are not deterministically produced and yet otherwise do flow from typical agential resources arising from the agent’s own motivation, process of deliberation and so on. Second, outside the context of a Frankfurt example, it even remains true up until just prior to the agents (putatively) free act that she might have done otherwise, consistent with the past and the laws. After all, without any Frankfurt intervener present, the pertinent motivation-boosting event might have occurred, and the agent then might have exercised her libertarian free will to act otherwise. Hence, it is true to say of the agent just prior to her acting as she did that *she was able to act otherwise*, and she was able to do so by pertinent libertarian satisfaction conditions. Note further a point Pereboom was at pains to insist upon when the pertinent prior sign was treated as within the ambit of a prior free act (or omission): It is not as if any clear uncontroversial responsibility-conferring condition is absent when, say, Jones decides to vote for the tax cut. Naturally, the same will apply to cases I am now highlighting.

Of course, my imagined Widerker-inspired critic might simply insist that for an action to be directly free in the libertarian sense, we must have a case of a special sort: An agent’s ability to act otherwise, just when she acts directly freely, must not depend upon any other indeterministic events breaking one way rather than another. The indeterminacy must be, in some sense, pure, so that it hangs only on the agent’s choosing one way or the other given her precise motivational configuration. But how plausible would such a requirement be quite generally? Suppose it is causally undetermined whether the sun will explode just when a libertarian free agent acts. If it does, she’ll not act at all; instead she’ll be incinerated. Should we thus conclude that when the sun does not explode and she performs what on all accounts would look like a libertarian free act, it was not genuinely free? Must her acting freely just then, and retaining just then the pertinent ability to do otherwise, depend on the absence of any other causal contingencies of the world around her? I conclude that actions of the sort I have highlighted here are perfectly good candidates for a directly free actions, even by the standards of libertarianism.

Assuming the soundness of my reply to the preceding objection, let us now revise Pereboom’s case Tax Cut. Call it Tax Cut 2. In Tax Cut 2, Jones considers voting for or against the tax cut, just as he does in Pereboom’s original case, and he votes for the tax cut at t1 for the same reasons he does at time t1 in Pereboom’s case. Jones’s doing so just then in Tax Cut 2 was not causally determined, since at any time antecedent to his doing so, the thought of his boss learning of his vote against might occur to him by way of a non-voluntary process, whereupon (in the absence of an intervener) he might then exercise his libertarian free will to vote against the tax cut. But as things unfold, Jones proceeds to reason and deliberate in the absence of any further motivation-boosting reasons to vote against, considering pro or con reasons weighted as they were just as in Tax Cut. When he decides on his own to vote for the tax cut, nothing interfered with his doing so, and he retained and exercised his own libertarian freedom. Were he to have imagined the boss-scenario, an intervener then would have intervened. Hence, he had no robust alternative. So why isn’t he free and responsible? Absent the presence of an intervener, a libertarian would be hard pressed to show why such a course of action with the etiology as described is anything more than a mundane case of acting freely. Why would introducing the presence of an intervener who never actually intervenes change our judgment about whether the agent acts freely and is morally responsible? Still, in this case Jones would not have access to a robust alternative.

I think this is a more compelling case. Naturally, in fairness to Pereboom, it might be protested that he means to move his *opponents*. So it should not matter very much what *I* find to be a compelling case. As a fellow defender of Frankfurt’s argument, why does he need to worry about advancing a case I would find compelling? Drawing upon an example that grants libertarian freedom to do otherwise in considering factors that would enhance one’s motivation to act morally speaks to Pereboom’s opponents, like, for example, Widerker. It makes a concession to them that enables Pereboom to engage them directly. The problem, however, is that it does not ultimately benefit Pereboom even in his interactions with the likes of Widerker to make this concession. Indeed, it has the result of making plausible the natural reply that we might have a case of derivative responsibility—or at the very least a mixed case in which some of the responsibility is due to derivative factors. In general, it is a virtue to give one’s philosophical adversaries as much ground as one can, and to be as charitable with their overall opposing thesis as one can. But in this case, it comes at a cost that weakens his example even with respect to critics like Widerker. It builds a case of an agent who lacks the freedom to do otherwise on the heels of an agent’s retaining that freedom as a precondition for the subsequent act. I think it is dialectically more fruitful to seek an example that allows one’s opponents, as well as neutral inquirers, to fix just on a case of a single free action on its own. Better that it involve no further freedom presuppositions about any of the agent’s other free acts that provide the environment for the act in question, the one that is alleged to involve no robust alternative.

*5. The Need to Identify a Convincing Frankfurt-style Case*

 I turn to one final matter about Pereboom’s overall case against an ability-to-do-otherwise requirement on acting freely and being morally responsible. This has to do with a general question about argumentative strategy. Elsewhere (2008), I have asked what the prospects are for defending Frankfurt’s thesis in the absence of a convincing example. Can Frankfurt’s thesis still be advanced? Suppose one cannot identify an example of free and responsible action that uncontroversially closes off all robust alternative possibilities while at the same time not assuming determinism. One way a philosopher might proceed, as Frankfurt himself suggested (2003), is by relying upon a simple example meant only to draw our attention to the idea that there is a way of conceptualizing freedom that concerns the sources of one’s freedom and responsibility aside from any freedom she might retain that concerns the freedom to do otherwise. It is important to raise this question, since it might be that there is no example that is going to command credence even among fair-minded critics including neutral inquirers and opponents defending an ability-to-do-otherwise condition. The question is especially important for those wishing to defend a positive account of source freedom that could be shown to be compatible with determinism.

 As a hard incompatibilist, this question does not have the same urgency for Pereboom as it does for source compatibilists like me, but there are similar overall-theoretical considerations for him that are worth noting. Suppose his example and any further iterations or off-shots, such as the one I sketched above, Tax Cut 2, fall short of expunging all robust alternative possibilities as assessed by the standards of a collection of fair critics. How troublesome would this be to Pereboom’s overall source incompatibilist project? It seems to me that it would not be that problematic at all. If his source argument for incompatibilism is sound (his well-known four-case argument), then determinism undermines free agency by polluting the sources of an agent’s conduct, regardless of whether such freedom requires the ability to do otherwise. And if Pereboom is correct, so does indeterminism of the kind that is empirically plausible in a world like ours (in the light of his Disappearing Agent version of the Luck Argument).

*6. Concluding Remarks*

 In the preceding discussion, I have assumed along with Pereboom that a successful Frankfurt-style example only needs to extinguish robust alternatives, and that it must do so under the assumption that the agent featured in the example is not determined to act as she does. Some have resisted the latter assumption (Fischer, 1999; and Haji and McKenna, 2004). Perhaps there is reason to give this up, but doing so involves further dialectical burdens I’ll not develop here. Yet another option, as noted above, is to attempt to advance Frankfurt’s argument without a decisive example. But what would be most satisfying is simply a good Frankfurt example that makes the indeterministic assumption and closes down all robust alternatives while at the same time preserving the intuition, even for open-minded critics, that the agent in question acts freely and is morally responsible. Perhaps Tax Cut 2 will be able to do this work.

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1. For helpful comments, I would like to thank Ishtiyaque Haji, Terry Horgan, Derk Pereboom, and Carolina Sartorio. I also profited from an excellent set of comments from an anonymous referee for *Philosophical Studies*. [↑](#footnote-ref-1)
2. In his book, Pereboom cites personal correspondence between Nelkin and him (2014: 12-3). [↑](#footnote-ref-2)
3. I am especially indebted to a referee for *Philosophical Studies* for pressing me on my treatment of Pereboom’s reply to Widerker. [↑](#footnote-ref-3)
4. Timothy O’Connor (2000) has made a point about Frankfurt examples that is similar to this, as has Terry Horgan (2015) and Ann Whittle (2016). [↑](#footnote-ref-4)
5. For a dissenting opinion, see Whittle (2016: 81-3). Whittle argues that at very bizarre worlds where all agents are Frankfurted and so cannot do otherwise, it remains true that there is a sense of normal whereby, in normal contexts when no agents are subject to potential interference, they are able to do otherwise. So ‘normal’ is settled by reference to pertinent standards at our world where, we assume, there are not usually secret counterfactual interveners hiding all about. I cannot pursue this further here, but I am not convinced by Whittle’s dismissal here of the prospects of a Global Frankfurt scenario for an entire population of agents. She secures her reply by identifying a sense of normal context that, it is assumed, permits free agents the ability to do otherwise. But of course, the metaphysics of the issue is meant to call into question whether anyone has this ability at all, and so whether it ought to be regarded as necessary for moral responsibility. Frankfurt scenarios were originally deployed to test our intuitions about *this*. And it is agreed by all parties involved that the contexts are odd ones. To diffuse them by then just insisting that we defer to the presumed default context is just to assume that in these contexts, it is clear that agents *do* have the ability to do otherwise. [↑](#footnote-ref-5)
6. I am indebted to a referee at *Philosophical Studies* for raising this concern. I would also note that, in sympathy with this referee’s concern, it does seem that this is the sort of concern Robert Kane (1996) might raise when considering what he would call self-forming acts. [↑](#footnote-ref-6)