

Flickers of Freedom and Modes of Action: A Reply to Timpe

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Received: 15 December 2006 / Accepted: 3 March 2007 /
Published online: 30 March 2007
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Abstract In recent years, many incompatibilists have come to reject the traditional association of moral responsibility with alternative possibilities. Kevin Timpe argues that one such incompatibilist, Eleonore Stump, ultimately fails in her bid to sever this link. While she may have succeeded in dissociating responsibility from the freedom to perform a different action, he argues, she ends up reinforcing a related link, between responsibility and the freedom to act under a different mode. In this paper, I argue that Timpe's response to Stump exploits concessions she need not have made. The upshot is that, contrary to what Timpe maintains, there is no reason to doubt that Stump's brand of incompatibilism is a genuine alternative to the traditional variety.

Keywords Kevin Timpe · Eleonore Stump · Compatibilism · Source incompatibilism · Frankfurt-style cases · Principle of Alternative Possibilities · Causal determinism · Moral responsibility · Flickers of freedom

Introduction

Nearly four decades ago, Harry Frankfurt famously attacked the Principle of Alternative Possibilities:

PAP Someone is morally responsible for what he has done only if he could have done otherwise.¹

¹Frankfurt (1969), p. 829.

Together with the claim that casual determinism precludes the ability to do otherwise, PAP encapsulates the traditional rationale for determinism-responsibility incompatibilism.² While the obvious beneficiaries of Frankfurt's attack are compatibilists, many incompatibilists have come to endorse his argument in recent years.³ According to these "source incompatibilists," determinism precludes moral responsibility not by foreclosing alternative pathways into the future, but by precluding *ultimate responsibility* for the paths we actually take. As they see it, Frankfurt's case against PAP is valuable not because it impugns incompatibilism (as many compatibilists have thought), but because it sidelines the traditional rationale for this view and clears the way for something better.

In "A Critique of Frankfurt-Libertarianism,"⁴ Kevin Timpe argues that one leading source incompatibilist, Eleonore Stump, is committed to a PAP-like principle after all, and that she has thus failed to make a clean break with the traditional, "leeway" (or avoidability-based) rationale. If he is right about this, there is some reason to believe that other source incompatibilists will face the same worry. Stump seeks to improve the source incompatibilist's position by undercutting the flicker of freedom strategy, an influential line of response to Frankfurt's attack on PAP.⁵ Timpe argues, in effect, that a new and more resilient version of this strategy can be launched from the materials she provides. Even as her objection severs the link between responsibility and alternative possibilities concerning *action*, he argues, it reinforces a subtler link: between responsibility and alternative possibilities regarding the *mode* (or origin) of action. The upshot, it seems, is that Stump has failed to dissociate responsibility from avoidability, or to carve out a genuine alternative to leeway incompatibilism.⁶

Here I argue that Timpe's insightful revival of the flicker strategy fails. In short, his response to Stump exploits concessions she need not have made. Without these concessions, there is no reason to think that Stump is committed to a PAP-like principle, or to doubt that source incompatibilism is a genuine alternative to leeway incompatibilism. Indeed, as I go on to argue, it is leeway incompatibilists – or at any rate, those who rely on the flicker strategy – who emerge on shaky ground.

Before proceeding further, a clarification is in order. As I shall use the terms, leeway incompatibilists are those incompatibilists who posit the ability to do otherwise as a *sui generis* requirement for morally responsible action, while source incompatibilists deny that such a requirement (if any) is *sui generis*. As noted, most source incompatibilists, including Stump, deny that the ability to do otherwise is a genuine requirement at all. In their view, the presence of this ability matters only as an indicator that an action is causally

² Throughout this paper, I will use 'incompatibilism' to denote the view that moral responsibility is incompatible with the truth of causal determinism, whatever may be true about the freedom to do otherwise. I shall use 'compatibilism' to refer to responsibility-determinism compatibilism. Thus, "semi-compatibilists," who believe that determinism is compatible with responsibility but *not* with the freedom to do otherwise, will be considered a subset of compatibilists.

³ Some influential examples include Stump (1996, 1999a, and b), Zagzebski (2000), Hunt (2000), and Pereboom (1995, 2000, and 2001). Although Kane (1996) rejects Frankfurt's attack on PAP, he believes that PAP is false and embraces source incompatibilism. Another leading incompatibilist who seems to favor source incompatibilism is Clarke (1996).

⁴ Timpe (2006).

⁵ Stump (1999a).

⁶ Even if I accepted these conclusions, I would have reservations about Timpe's contention that "Stump... should be considered a flicker strategist contrary to her own claims" (p. 191). After all, even if Stump is committed to a PAP-like principle (a claim I reject), she is not employing the flicker of freedom strategy in defense of such a principle. This is a minor point, however.

undetermined, and that a condition for ultimate responsibility has thus been met. However, a source incompatibilist may hold that the ability to do otherwise *is* required for responsibility, but that this requirement is derivative from the requirement for ultimate sourcehood and not *sui generis*.⁷ Finally, there is room for a “hybrid” position, according to which the ability to do otherwise is a *sui generis* requirement, as is ultimate sourcehood.⁸

Stump on Frankfurt and Flickers of Freedom

Frankfurt has proposed the following as a counterexample to PAP:

Suppose someone – Black, let us say – wants Jones to perform a certain action. Black is prepared to go to considerable lengths to get his way, but he prefers to avoid showing his hand unnecessarily. So he waits until Jones is about to make up his mind what to do, and he does nothing unless it is clear to him (Black is an excellent judge of such things) that Jones is going to decide to do something *other* than what he wants him to do. If it does become clear that Jones is going to decide to do something else, Black takes effective steps to ensure that Jones decides to do, and that he does do, what he wants him to do. Whatever Jones’ initial preferences and inclinations, then, Black will have his way...

...Now suppose Black never has to show his hand because Jones, for reasons of his own, decides to perform and does perform the very action Black wants him to perform.⁹

Since Black’s presence seems to render Jones’s action unavoidable, but without affecting Jones’s responsibility for that action, PAP appears to be false.

Defenders of PAP often respond by observing that Frankfurt’s scenario as stated is under-described. How, they ask, is Black such “an excellent judge of such things?” Presumably, he must have access to a prior indication of what Jones will do. Now if that prior indication causally *determines* Jones’s action, it seems that the PAP-defender (qua incompatibilist) has a principled reason to deny that Jones is responsible. If, on the other hand, the sign does not causally determine Jones’s action, Jones retains some latitude over how his future unfolds. Even if he is unable to *do* otherwise, the thought is, he can at least *begin* or *try* to do otherwise, and thereby initiate a future in which Black forces his hand, rather than one in which he acts on his own. For all Frankfurt has shown, then, it can be maintained that determinism precludes responsibility precisely because it eliminates every last “flicker of freedom.”¹⁰

To remove the flicker strategist’s wiggle room, Stump presents a more neurologically detailed Frankfurt-style case. By focusing on the neural series leading up to action in the actual and alternative sequences, she believes, it is possible to show that the agent has “no

⁷ Kane (1996) adopts this view, offering a detailed defense in Kane 2000.

⁸ This seems to have been Kane’s early view. See Kane 1985.

⁹ Frankfurt (1969), pp. 835–836.

¹⁰ John Martin Fischer (1994) coins this expression in the course of arguing that not just any alternative possibility will help the PAP-defender. To plausibly ground responsibility, an alternative possibility must be “robust,” as mere flickers of freedom are not. We shall come to Fischer’s argument in due course.

alternative possibilities at all,” not even a flicker of freedom.¹¹ As will be seen, her point is not that there is no alternative sequence, consistent with the past and the laws, in which the agent is compelled to act as he does. Her point is, rather, that there is no such sequence that differs from the actual sequence in terms of the *action(s)* it contains. Here is her scenario:

(G) Suppose that a neurosurgeon Grey wants his patient to vote for Republicans in the upcoming election. Grey has a neuroscope which lets him both observe and bring about neural firings which correlate with acts of will on Jones’s part. Through his neuroscope, Grey ascertains that every time Jones wills to vote for Republican candidates, that act of his will correlates with the completion of a sequence of neural firings in Jones’s brain that always includes, near its beginning, the firings of neurons *a*, *b*, *c* (call this neural sequence ‘*R*’). On the other hand, Jones’s willing to vote for Democratic candidates is correlated with the completion of a different neural sequence that always includes, near its beginning, the firings of neurons *x*, *y*, *z*, none of which is the same as those in neural sequences *R* (call this neural sequence ‘*D*’). For simplicity’s sake, suppose that neither neural sequence *R* nor neural sequence *D* is also correlated with any further set of mental acts. Again for simplicity’s sake, suppose that Jones’s only relevant options are an act of will to vote for Republicans or an act of will to vote for Democrats.

Then Grey can tune his neuroscope accordingly. Whenever the neuroscope detects the firing of *x*, *y*, and *z*, the initial neurons of neural sequence *D*, the neuroscope immediately disrupts the neural sequence, so that it isn’t brought to completion. The neuroscope then activates the coercive neurological mechanism which fires the neurons of neural sequence *R*, thereby bringing it about that Jones wills to vote for Republicans. But if the neuroscope detects the firing of *a*, *b*, and *c*, the initial neurons in neural sequence *R*, which is correlated with the act of will to vote for Republicans, then the neuroscope does not interrupt the neural sequence. It doesn’t activate the coercive neurological mechanism, and neural sequence *R* continues, culminating in Jones’s willing to vote for Republicans, without Jones’s being caused to will in this way by Grey.

And suppose that...Grey does not act to bring about neural sequence *R*, but that Jones wills to vote for Republicans, without Grey’s coercing him to do so.¹²

Now if it is stipulated that the actual sequence is indeterministic, PAP-defenders cannot object that Jones is not responsible for willing to vote Republican on the grounds that his action is deterministically caused. At the same time, because Grey interrupts neural series *D* in the alternative sequence and impels Jones to will to vote Republican, and because Jones has not performed any action in that sequence prior to Grey’s intervention,¹³ Jones wholly lacks alternative possibilities for action. In both the actual and alternative sequences, he wills to vote Republican; hence PAP is false.

¹¹ To anticipate, Stump’s response to the flicker strategy differs from Fischer’s, in that Fischer is concerned to argue that, *even if* Jones has an alternative possibility regarding action, in the sense that the act-token he performs under Black’s impetus is distinct from the one he actually performs on his own, this alternative may not be robust enough for the PAP-defenders purposes. In short, since it does not follow that it is up to Jones whether he performs the one act-token or the other, the presence of this alternative possibility does not embody the kind of *control* traditionally associated with moral responsibility. More about Fischer’s response in due course.

¹² Stump (1999a), pp. 303–305.

¹³ An important claim of Stump’s is that an action – including a mental act of willing or deciding – comes about only at the end of a neural series like *D* or *R*, so that an interrupted series isn’t a partial mental act, but no act at all. See Stump 1999b, pp. 417–418.

Stump expects the flicker strategist to counter that Jones *has* an alternative possibility for action, namely, instead of voting Republican on his own, as he does in the actual sequence, he can vote Republican under Grey's impetus, as he does in the alternative sequence. Following Stump, let *W* stand for Jones's act of voting Republican. In her view, defenders of the flicker strategy are right to say that

the victim in FSCs [Frankfurt-style cases] does *W* on his own in the actual sequence but not in the alternative sequence. It is important to see, however, that in order to turn this feature of FSCs into a defense of PAP, the flicker of freedom proponents must make two assumptions. They must take the victim's doing *W*-on-his-own as something which the victim *does*, and they must suppose that doing *W*-on-his-own is not identical to *W*. Both these assumptions are necessary to their case. If doing *W*-on-his-own weren't an *action* the victim does, there wouldn't be something the agent does in the actual sequence but omits to do in the alternative sequence, as the flicker of freedom proponents argue. And if doing *W*-on-his-own weren't different from doing *W*, then what the victim does in the actual and alternative sequence would be identical, and the victim wouldn't have *alternative* possibilities available to him.¹⁴

Stump thus believes that the flicker strategist is committed to a pair of implausible assumptions: that Jones's doing *W* on his own (or "*on-his-own*") is an action, and that it is a distinct action from his doing *W*. Now I do not see why the first assumption need be implausible, or why her opponent is committed to the second. If *W* stands for an act-token,¹⁵ why can't the flicker strategist say that the action (=act-token) Jones performs when he does *W* on his own is just *W*? Stump's answer is that "if doing *W*-on-his-own weren't different from doing *W*, then what the victim does in the actual and alternative sequence would be identical." But that doesn't follow, for the flicker strategist could maintain that the actual and alternative sequences contain distinct tokens of the type *willing to vote Republican*. Presumably, their basis for this would be that act-tokens are event-particulars; that the causes of an event-particular are essential to it; and that the causes of Jones's actual-sequence act-token are *clearly* distinct from those of his alternative-sequence act-token. *Pace* Stump, then, it is not clear that (G) eliminates alternative possibilities regarding action.¹⁶

I shall not pursue this concern further, but it will be useful to bear it in mind as we turn to Timpe's response. As we shall see, Timpe allows that Jones could not have performed a

¹⁴ Stump (1999a), p. 314

¹⁵ If Stump means for '*W*' to stand, not for a particular token of the willing-to-vote-Republican type, but for Jones's doing *something or other* of that type, the situation looks different. In that case, the flicker strategist would presumably be saying something to the effect that the *relevant* type in the actual sequence is willing-to-vote-Republican-on-his-own type, and that Jones is responsible for doing something of this type only because he could have avoided doing something of this type (the relevant type in the alternative sequence being *willing-to-vote-Republican-under-external-compulsion*). In any case, Stump does not develop this line on behalf of the flicker strategist. Moreover, if this is what she has in mind, her denial that doing *W* on-his-own is an *action* is misleading. I shall follow Timpe in taking her to be arguing that Jones lacks alternative possibilities regarding act-tokens. (Cf. Naylor 1984.)

¹⁶ As Timpe (2006, pp. 197–98) notes, Stump elsewhere expressly rejects this view of act-individuation. He goes on to question the inherent plausibility of her claim that the act in the actual sequence in (G) is numerically identical with the act in the alternative sequence, as well as to point out tensions between that claim and other commitments of hers. To Timpe's excellent discussion of these points, I wish to add only that Stump does not explicitly reject this view of event-individuation in the context of the argument I am discussing; and, in any case, the fact that this view is at least plausible gives the flicker strategist a way to resist Stump's claims concerning (G).

distinct act-token in (G), but maintains that the act-token Jones performs could have originated differently – in short, that Jones could have acted under a different mode.

Newfound Flickers of Freedom

Timpe's response to Stump focuses on three related features of her discussion:

- (a) Stump expressly allows that, while it is not up to Jones in (G) whether he does *W* or not, it is up to him *how* he does *W*—that is, whether in a blame-preserving or a blame-precluding manner: “Consequently, although it is not up to the victim whether or not he does the act in question, it is evident that the *mode* of the action is up to the victim.”¹⁷
- (b) Stump seems to accept not only that there is a morally significant difference between the two ways in which *W* can come about in (G) (as will be agreed on all sides),¹⁸ but also that the availability of the alternative mode of action helps to *ground* or explain Jones's responsibility in the actual sequence.¹⁹
- (c) In light of (a) and (b), it is clear that Stump is supposing the flicker strategist must defend PAP or some comparable principle concerning the avoidability of *action*, and not merely one concerning *modes* of action.

Timpe insightfully shows how (a) and (b) can be used to challenge (c): If it is up to Jones whether he performs the action on his own or under Grey's responsibility-absolving impetus, and if this “modal control” (as I shall call it) helps to ground Jones's responsibility in the actual sequence, this begins to sound like just the flicker Stump's opponent was looking for.

Before turning to Timpe's “modal” version of the flicker strategy, recall the more familiar, “actional” version from the previous section. On that version, it is claimed that Grey is unable to prevent Jones from performing a different act-token; for if Grey must intervene, the resulting act-token (though still of the type *willing to vote Republican*) will be distinct from the one Jones performs in the actual sequence. If this is right, then, even if Jones is responsible for his actual act-token, Stump's (G) is no counterexample to a more precise variant of PAP, which Timpe formulates as follows:

PAP-a An agent is morally responsible for doing an action *A* at time *t*, only if she could have done an action numerically distinct from *A* at time *t*.²⁰

A concern about this “actional” version of the flicker strategy is that distinguishing the token of willing to vote Republican in the actual sequence from the token in the alternative sequence depends on a controversial view of event-individuation, according to which an

¹⁷ Stump (1999a), p. 313f., note 34.

¹⁸ What is uncontroversial here is that this morally significant difference exists: Jones is responsible for his action in the actual sequence but not in the alternative sequence. What is controversial is whether this difference helps to ground the agent's responsibility in the actual sequence. If it is indeed up to Jones which sequence comes about – and *whether or not he avoids* responsibility for his action – it becomes plausible to think that the difference between the two cases helps to explain Jones's responsibility in the actual sequence. If, on the other hand, the alternative sequence embodies the *mere possibility of his not being responsible*, rather than the *ability to avoid responsibility*, the difference between the two sequences arguably cannot play this grounding role. But I anticipate.

¹⁹ Stump (1999a), p. 313f., note 34.

²⁰ Timpe (2006), p. 197.

event-token's causes are essential to it.²¹ As we shall now see, an advantage of Timpe's "modal" alternative is that it allows him to sidestep this controversy.

To repeat, Timpe's central claim is that, even if Jones is unable to avoid performing the act-token he does, he retains the ability to perform it under a different mode. If the presence of such modal control is an inevitable feature of indeterministic Frankfurt-style cases, and if it can plausibly be thought to ground Jones's actual responsibility (Stump's [a] and [b], respectively), Frankfurt-style cases cannot be used to challenge the association of responsibility with such modal control. Timpe formulates his modal variant of PAP as follows:

PAP-m An agent is morally responsible for doing an action *A* at time *t* only if she has alternative possibilities regarding the mode of action *A* at time *t*.²²

Before assessing the prospects for a flicker strategy based on PAP-m, let us briefly take stock of two differences between PAP-m and PAP-a.

First, notice that *if* event-tokens are individuated in the manner required by a defense of PAP-a, the claim that Jones retained modal control over his action (Stump's [a]) seems to imply that he could have performed a numerically distinct act-token. This observation points to a hidden strength of the PAP-m-based approach. On the basis of PAP-m, Timpe can maintain that moral responsibility depends on alternative possibilities regarding *at least* the mode of action. That way, there will be two ways for Jones to meet the condition specified in PAP-m: by being able to perform the same act-token under a different mode, *or* by being able to perform a different act-token by virtue of being able to act under a different mode. In short, Timpe can avoid thorny issues concerning event-individuation.

Second, PAP-m has one serious drawback relative to PAP-a. Like PAP-m, PAP-a is motivated in large measure by Frankfurt's attack on PAP. Unlike PAP-m, however, PAP-a has at least the sheen of an *all-purpose* principle, one with a life *in and outside* of Frankfurt-style scenarios. By contrast, it is not clear whether PAP-m has any real application outside the narrow confines of these highly artificial scenarios. When else, after all, will we have reason to ask whether it was up to someone whether or not she acted under the impetus of a fail-safe mechanism? Compare the principle that coercion excludes responsibility. Even when coercion is not suspected, there may be a point to reminding ourselves that an action was uncoerced. By contrast, even if real-life Frankfurt-style interveners cropped up now and again, it would be strange to notice, in the clear absence of such an intervener, that it wasn't up to the agent whether or not she acted under the impetus of one.

Of course, PAP-m isn't expressly formulated in terms of fail-safe mechanisms. But it is fair to ask what other modes of action might be relevant. If it turns out that PAP-m merits consideration only in the special cases it is meant to defuse, rather than being an independently motivated principle that happens to survive those cases, its claim on our attention diminishes.

In any case, I shall now argue that PAP-a and PAP-m are hoisted on the same petard. As we shall see, both principles admit of a weak and a strong reading. On the weak reading, they are plausible but not strong enough to sustain the flicker strategy. On the strong reading, they are strong enough but lack credible support of their own. This is because the support provided by Stump's (a) and (b) collapses under scrutiny.

²¹ See Fischer (1982 and 1994).

²² Timpe (2006), p. 200.

Why These Flickers Aren't Robust Enough

Recall Stump's (a) and (b): that it is up to Jones how he does W , and that this fact helps ground his responsibility for doing W in the actual sequence. For Timpe's strategy to succeed, (a) and (b) must correctly characterize (G) in virtue of features (G) shares with *any* plausible Frankfurt-style case. First, I want to ask whether (a) and (b) correctly characterize (G). I believe that the answer is "no." I will then argue that, even granting for argument's sake that the answer is "yes," (a) and (b) fail to generalize to other Frankfurt-style cases. This is because (b) is plausible only when (a) is, and there are cases where (a) is clearly implausible. Without (b), the only readings on which PAP-m (and PAP-a) is tenable will be too weak to renew the flicker strategy.

Is it up to Jones in (G) how W comes about? The answer might seem to be "yes," for nothing in the situation precludes the onset of the neural series that triggers Black's intervention. Now Stump does not wish to say that Jones *decides* which neural series is initiated: she is explicit that mental acts of deciding or willing come only at the *end* of a given neural series.²³ Nevertheless, she claims, it is up to Jones which neural series is initiated. This is problematic, for it is hard to see how this can be up to him if he does not *decide* which one it is; but let this pass. Does it follow from the claim that it is up to Jones which series is initiated – together with the fact that one of the available series will trigger Black's intervention – that it is up to Jones whether he wills to vote Republican on his own or under Black's impetus? To see why not, consider an analogous case. Suppose that Tim is choosing between two tickets, one of which is the winning ticket, though he does not know which. While it may be up to Tim whether or not he chooses what is *in fact* the winning ticket, it doesn't follow that it's up to him whether *he chooses the winning ticket*. This is because the expression 'up to him' (like 'chooses') introduces an intensional context, where the relevant inference – from 'It was up to Jones whether to initiate the neural series that would, in fact, have led to his voting Republican under Black's impetus' to 'It was up to him whether he voted Republican under Black's impetus' – is invalid. But then it's hard to see why we should accept that the mode of Jones's action in (G) is up to him. Finally, if we have no reason to accept that Jones has this modal control, we have no reason to accept that his having it helps to ground his responsibility.

In allowing that (a) and (b) correctly characterize (G), Stump provides Timpe's revival effort with vital fuel. Since, however, (a) and (b) don't follow from Stump's claim that it's up to Jones which neural series he initiates, and since Stump has no other reason to affirm them, the flickers of freedom quickly sputter out.

Let us set this concern aside, though, and grant *for argument's sake* that (a) and (b) correctly characterize (G). On this assumption, (G) is a promising starting point for Timpe's revival effort. As noted, however, the strategy will ultimately succeed only if (G) is relevantly similar to *every* plausible, indeterministic Frankfurt-style case; for the Frankfurt incompatibilist needs only a single case in which the agent is responsible despite the fact that (a) and (b) don't apply. Or, putting this another way, if Timpe's argument turns on special features of (G), it will not advance the flicker strategist's cause. As I shall now argue, there are cases to which (a) and (b) do not apply, even if they apply to (G).

John Martin Fischer has presented a promising candidate for such a case, as part of his argument against earlier manifestations of the flicker strategy. In his scenario, Black knows that Jones will blush red immediately beforehand if, but only if, he is going to decide to

²³ See note 13 above.

vote Republican, as Black wants him to do. In the event, Jones does blush red and then decides to vote Republican. However, his blushing is not causally determined.²⁴

In this case, there *is* an alternative pathway into the future: immediately prior to Jones's blushing, he could have failed to blush and then voted Republican under Black's impetus. Fischer's key point, however, is that it is *not* up to Jones whether he finds himself on that path; for his blushing/not blushing is not subject to his voluntary control. Thus it looks as though Jones is responsible despite lacking an alternative possibility of a certain sort: one that would allow us to say that it is *up to him which pathway he finds himself on*. But if someone is responsible in virtue of having alternative possibilities, Fischer continues, it is surely in virtue of having alternative possibilities of this sort. Assuming that Jones is indeed responsible, then, it is *not* in virtue of the alternative possibility in question. In Fischer's words, this alternative is not "robust" enough to ground Jones's responsibility.

While Fischer sees this argument as offering powerful support for compatibilism, he realizes that it only goes so far in this direction, leaving room for a defense of incompatibilism on some basis *other* than PAP. This is where the source incompatibilist comes in. According to her, alternative possibilities matter only indirectly, as indicators that an action is causally undetermined; and so they need not be robust.²⁵ (More about this shortly.)

Now Fischer's argument is subject to one important – and as yet unanswered – objection. As David Mackie points out,²⁶ what ensures that Fischer's alternative possibility is non-robust is that Jones's blushing/not blushing is not subject to Jones's voluntary control. But then the incompatibilist can say that Fischer has secured a non-robust alternative sequence only at the price of eliminating responsibility in the *actual* sequence. After all, Jones is not responsible for his blushing, and this event leads deterministically to his voting Republican (otherwise, we would have to ask why he could not have done otherwise *after* blushing). So, the incompatibilist can say that there is no point at which responsibility enters the actual sequence. Briefly, I believe that this objection succeeds in showing that the blush case fails as a counterexample to PAP, but not in undermining Fischer's larger strategy. This is because Fischer can adopt a two-stage approach. First, he can use the blush case to provide a clear and uncontroversial example of a non-robust alternative. (Given the delicacy of the notion of robustness, this will be valuable in its own right.) Then, he can seek to move the prior sign marginally closer to the voluntary end of the voluntary–involuntary spectrum, but without making the alternative possibility robust. Suppose, for example, that the trigger for intervention is Jones's recalling his original reasons for undertaking his plan – something that can happen voluntarily, involuntarily, or semi-voluntarily. In the event, Jones does *not* recall his original reasons (though his not doing so is not causally determined). Is the alternative possibility robust? I believe not. To see this, suppose that Jones *had* recalled his original reasons *in Black's absence*, only to go through with his original plan. In that case, we would not deem him any less culpable for voting Republican. But if exploiting this bit of leeway in Black's absence would not have absolved him of responsibility, why should this bit of unexploited leeway in Black's presence be the key to his responsibility?²⁷ Yet Jones's reflecting/not reflecting on his

²⁴ Fischer (1994), ch. 7.

²⁵ For an influential presentation of this response to Fischer, see Della Rocca 1998.

²⁶ Mackie (2000).

²⁷ Cf. Hunt (2005).

reasons *is* subject to his voluntary control, and so Mackie's basis for denying his responsibility is eliminated.

In this Fischer-inspired case, then, it seems that Jones is responsible despite the fact that it's not up to him whether he votes Republican. Can it still be maintained that he "has an alternative possibility regarding his mode of action"? That depends on what exactly we take this phrase to mean. If the question is whether it is merely *possible* that Jones perform his action under a different mode, the answer is "yes." In other words, Jones will satisfy PAP-m's condition for responsibility if PAP-m is unpacked as:

PAP-m1 An agent is morally responsible for her action only if it was possible that she perform that action under a different mode.

However, PAP-m1 is too weak to sustain the flicker strategy. Jones can satisfy this condition in virtue of the alternative sequence in Fischer's case, where he fails to blush. We can make this point in another way. Replace Black in Fischer's case with a randomizing device, and suppose that the neural pathways required for a decision *not* to vote Republican have been completely blocked (hence, arguably, Jones's decision to vote Republican is a causally determined event). Next, suppose that there is a .5 probability that the device does nothing – with the result that Jones's voting Republican is causally determined by endogenous neural processes – and a .5 probability that the device first disrupts those processes and then exogenously (via stimulation of the relevant parts of Jones's brain) induces a decision to vote Republican. In that case, while it is indeed possible that Jones votes Republican under a different mode, the flicker strategist will deny that Jones is responsible in the actual sequence (where, we are still supposing, he votes Republican without any causal input from the device), since his action is causally determined there. Now because Jones's responsibility can be challenged, the randomizing scenario doesn't *refute* PAP-m1. Rather – and this is the key point – this scenario shows that PAP-m1, while perhaps capturing a necessary condition for responsibility, is too weak to capture an *interesting* necessary condition. After all, Jones meets this condition in the modified scenario, but he does not on that account enjoy greater freedom or control than someone who does not meet it. Even as mere flickers go, these are slim pickings.

If PAP-m is to be serviceable to the flicker strategist, a stronger interpretation is needed:

PAP-m2 An agent is morally responsible for her action only if it was up to her whether to perform that action under a different mode.

Let us return to Fischer's blush case. If Jones is *able* to decide under Black's impetus to vote Republican (as opposed to its merely being *possible* that he so decides), he can plausibly be said to have a robust alternative, one that could be thought to ground his actual responsibility. Since, however, the blush is completely involuntary, Jones lacks this ability. If he can still be responsible, PAP-m2 is false. Whether PAP-m is interpreted as PAP-m1 or PAP-m2, then, it fails to sustain the flicker strategy. Furthermore, it makes no difference whether we are discussing modes of action, as in PAP-m, or act-tokens, as in PAP-a; for PAP-a can be disambiguated along exactly the same lines as PAP-m.

In light of this discussion, we can now see why, *pace* Timpe, Stump's source position is in no danger of collapse. Even if she is committed to PAP-m1, there is no reason to think that she is committed to a PAP-like principle – provided that a PAP-like principle is one that links responsibility with the *ability* to act differently, and not the mere possibility of doing so. To the contrary, it is the flicker strategist who may find himself without a distinctive

position. Qua incompatibilists, after all, both the source and leeway camps hold that moral responsibility requires causal indetermination. If an action is causally undetermined, there will be some room for departure from the actual sequence, however slight. The source incompatibilist maintains that moral responsibility requires *no more* leeway than follows from an action's being causally undetermined, for such minimal leeway is compatible with ultimate sourcehood.²⁸

Now if the leeway incompatibilist is to have an interestingly different position, she must say one of two things. Either she must say that Jones's action's being causally undetermined entails more substantial leeway (affording greater control) than one might think,²⁹ or she must say that less substantial leeway, though consistent with an action's being causally undetermined, is insufficient for moral responsibility. What the leeway incompatibilist *cannot* say is that the leeway that follows from an action's being causally undetermined is as limited as the source incompatibilist says it is, but that it nonetheless sustains the traditional link between responsibility and the freedom to do otherwise. Yet this seems to be precisely what Timpe is committed to saying. For while he is right to notice that the possibility of Jones's acting under a different mode in (G) follows from the fact that Jones's action is causally undetermined, *this* possibility does not entail the presence of substantial leeway. As my randomizing permutation above makes clear, the mere presence of this leeway, such as it is, doesn't entail that Jones is *able* to exploit it – that ability represents a higher “grade” of leeway than the randomizing device affords him.

If the flicker of freedom is located in the mere possibility of acting under a different mode, leeway incompatibilism is left without a robust identity of its own. Regarding Fischer's blush case, source incompatibilists can plausibly say that the alternative sequence doesn't amount to much, save as an indicator that the actual sequence is indeterministic. Whatever else, this alternative possibility doesn't entail that Jones is able to bring about a future in which he is not culpable, even if it entails that such a future is possible.³⁰

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²⁸ Notice that I haven't said that mere causal indetermination is sufficient for ultimate sourcehood, but, rather, that one *can* meet the conditions for ultimate sourcehood even if one has no more room to depart from the actual sequence than follows from the fact that one's action is causally undetermined.

²⁹ This is what some leeway incompatibilists do say. According to David Widerker and Carl Ginet, the fundamental loci of responsibility are decisions that are both causally undetermined and internally *simple*. In an indeterministic Frankfurt-style case, they argue, the agent is able to decide differently before the intervener has a chance to intervene. Since an alternative possibility containing such a decision is undoubtedly robust, it would follow that indeterminism carries with it more robust alternatives than one might have thought. This response to Frankfurt's challenge has come to be known as the Kane-Widerker-Ginet defense. See Kane 1985, p. 51, and 1996, pp. 142–43 and 191–92; Widerker 1995a and b; and Ginet 1996.

³⁰ This reply is based on my comments on a presentation of Timpe's paper at the 2004 Eastern Division meeting of the American Philosophical Association. I want to thank Kevin for his helpful response to my comments. I also want to thank Derk Pereboom for valuable feedback and discussion.

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