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# AVOIDABILITY AND LIBERTARIANISM: A RESPONSE TO FISCHER

David Widerker and Charlotte Katzoff

Recently, Widerker has attacked Fischer's contention that one could use Frankfurt-type counterexamples to the principle of alternative possibilities to show that even from a libertarian viewpoint an agent might be morally responsible for a decision that he could not have avoided. Fischer has responded by: (a) arguing that Widerker's criticism presupposes the falsity of Molinism and (b) presenting a version of libertarianism which avoids Widerker's criticism. Here we argue that: (i) Fischer's first response is unconvincing and undermines Molinism itself; (ii) the version of libertarianism he presents is fallacious, and (iii) even on the version of libertarianism he proposes, avoidability remains a necessary condition for moral responsibility.

John Fischer, in "Responsibility and Control," puts forth the suggestion that an agent might be morally responsible for a decision although he could not have avoided making it and further, that even a libertarian could agree to this.<sup>1</sup> To substantiate this claim, Fischer appeals to a version of Harry Frankfurt's well-known counterexample to the principle of alternative possibilities. In this example we are asked to imagine Jones deliberating whether to vote for Reagan or Carter, where he must decide to vote for either one or the other. If Jones shows an inclination to decide to vote for Carter, then a mechanism installed in his brain, upon detecting that inclination, intervenes and ensures that he decides to vote for Reagan nevertheless. If Jones decides on his own to vote for Reagan the mechanism remains dormant. Suppose that Jones, unaware of the presence of the mechanism, decides to vote for Reagan on his own. Fischer claims that in this situation Jones is morally responsible for his decision to vote for Reagan, even though he could not have decided otherwise.

Recently, Fischer has defended this claim against David Widerker's charge that the unavoidability of Jones' decision is, contrary to Fischer, secured by the decision's being causally determined, which would be incompatible with libertarianism.<sup>2</sup> The thrust of Widerker's objection is that in order for Fischer's example to be convincing, one must assume that



- (1) Jones' showing an inclination to decide to vote for Carter is (in the circumstances) a causally necessary condition for his decision to vote for Carter.

Otherwise, there is the possibility of Jones' deciding to vote for Carter, even if a moment earlier he was inclined to decide *not* to vote for him. After all, as libertarians often emphasize, free agents can sometimes decide contrary to their inclinations. And in such a case the mechanism would not operate. But (1) implies that

- (2) Jones' not having shown an inclination to decide to vote for Carter is (in the circumstances) causally sufficient for his not deciding to vote for Carter.<sup>3</sup>

And since Jones did not actually show an inclination to decide to vote for Carter, it follows that there was a sufficient causal condition for his decision to vote for Reagan rather than for Carter, i.e., Jones' decision was causally determined. This consequence would be unacceptable to the libertarian.<sup>4</sup>

#### *I. Fischer's First Response*

Fischer's first response to Widerker is to accuse him of presupposing the falsity of a certain well-known libertarian position, which he calls "Molinism," which, when applied to the example under consideration, maintains that a) Jones' inclination to vote for Reagan does not causally determine his decision to vote for Reagan, and that b) the conditional

- (3) If Jones shows an inclination at T to decide to vote for Reagan at T+i, then Jones will decide to vote for Reagan at T+i,

is rendered true by non-causal facts.

The Molinist, says Fischer, would counter Widerker's objection that Jones has the power to decide otherwise with the following argument:

[If (3) is true] and given that Jones does in fact show the inclination at T, then if Jones is able at T+i to decide to vote for Carter, he must be able so to act that the past would have been different from the way it actually was. This is because Jones' making the decision to vote for Carter at T+i would require that Jones not have shown the inclination at T to vote for Reagan (emphasis ours). But since the libertarian accepts the fixity of the past, he will deny that Jones is able at T+i to make a different decision from what he actually makes. (Fischer 1995, 121.)

As we can see, Fischer moves from

- (3) If Jones shows an inclination at T to decide to vote for Reagan at T+i, then Jones will decide to vote for Reagan at T+i.

to

- (5) If Jones is able to decide at  $T+i$  to vote for Carter, then he is able so to act that he would not have shown at  $T$  an inclination to vote for Reagan,

on the basis of

- (4) Jones' making the decision to vote for Carter requires that Jones not have shown an inclination to vote for Reagan,

and then objects that (5), together with the claim that it is within Jones' power to refrain from his decision to vote for Reagan, leads to a violation of the principle of the fixity of the past.

What, however, is Fischer's justification for (4)? Is he assuming that in the situation under consideration Jones' not having shown an inclination to vote for Reagan is a causally necessary condition for his decision to vote for Carter? If so, then as Widerker has shown in his paper, Jones' actual decision to vote for Reagan would be causally determined, a result that would be inconsistent with Molinism.

Perhaps, however, Fischer takes (4) to be entailed by (3)? Now one way he might try to justify this assumption is by construing (4) in terms of

- (4') If Jones had decided to vote for Carter (i.e., had not decided to vote for Reagan), then Jones would not have shown an inclination to vote for Reagan,

and then by inferring (4') from (3), relying on the rule of contraposition. This attempt, however, will not work, since this rule is known to be fallacious in the logic of counterfactuals.<sup>5</sup>

Alternatively, Fischer's basis for taking (4) to be entailed by (3) may be his attributing to (3) a special kind of necessity, call it, "Molinist" necessity.<sup>6</sup> In response to this suggestion we would like to make the following two points: First, in order for this proposal to have at least initial plausibility, Fischer would have to tell us more about this sort of necessity and how it guarantees the inference from (3) to (4) and to (5). Otherwise, the suggestion would seem to be *ad hoc*. Secondly, even if he were to do this, there still remains a fundamental problem with the proposal in that it renders Molinism incoherent. To see this, let us consider a situation like the one imagined by Fischer, except for the fact that it does not feature a counterfactual intervener. The Molinist would certainly want to say that in this situation there is no reason to deny Jones the power to refrain from his decision to vote for Reagan.<sup>7</sup> Note, however, that the Molinist would be barred from saying this if Fischer's argument from (3) to (5) were sound. For that argument could equally serve as a basis for denying Jones the said power in this new situation as well.<sup>8</sup>

## II. Fischer's Second Response

Fischer's second strategy for evading Widerker's critique is to invoke

a special sort of libertarian, whose picture of the sequence leading up to a decision exhibits both causally determined and non-determined segments. On the one hand, this libertarian has the agent's best judgment causally determining the agent's decision. Thus, the judgment can function as a sign on which Fischer's intervener may rely in order to ensure that the decision he wants is unavoidable. On the other hand, this libertarian posits lack of causal determination in the sequence leading to an agent's best judgment. Specifically, he assumes that at least some parts of the deliberation process are not causally determined.

In response, we wish to point out that this libertarian, whatever his merits, is certainly not a mainstream libertarian. The latter would reject causal determination of a free decision by what immediately precedes it in the sequence, even if earlier in the sequence this determination lapses.<sup>9</sup> We urge that Fischer's libertarian be renounced, however, on grounds other than his eccentricity. For it seems to us that the picture he draws of the relation of an agent's best judgment to his decision is mistaken. We maintain that in general an agent's decision is not always in line with his best judgment. To see this, consider the following example:

Mona is in a quandary over what to do about Mike. Once again he has treated her shabbily, insulted her, deceived her. She knows he will come by to apologize today, promise to behave himself, ask her to go out with him this evening. She knows she will be tempted to forgive him again. She admits that she wants to go on seeing him. She realizes, however, that he is incorrigible. She thinks of all the times she forgave him in the past. Each time, she recalls, once the crisis was past, he returned to his former ways. There is no point in prolonging this relationship, she reasons. It will only bring her grief. The best thing to do is to send him packing, once and for all. There is no question that that is what she should do. The end of the story is predictable. The doorbell rings. Mona opens the door and there is Mike with a big bouquet of roses. He looks very contrite. Throwing caution to the wind, Mona decides then and there to give him another chance and invites him in.

Alfred Mele distinguishes between an agent's evaluation of his reasons for an action, and the *motivational force* of those reasons.<sup>10</sup> The latter, he argues, may not be in line with the former. On the theory suggested by Mele, Mona judges that her reasons for shutting the door in Mike's face are better than her reasons for forgiving him, but her reasons for forgiving him turn out ultimately to be motivationally stronger. An agent's decision, then, need not correspond to his best judgment and by implication is not deterministically related to it.

Although we find Fischer's brand of libertarianism untenable, we are prepared to engage Fischer on those terms. In Fischer's example, by hypothesis, Jones' judgment to vote for Reagan is not causally determined. If, indeed, we hold him morally responsible for the decision which ensues, is it not because he could have formed an alternative best

judgment? Fischer disagrees and tries to meet this move by asking us to consider the following example:

...a baby has fallen into a swimming pool in front of you and is in immediate danger of drowning. All you have to do is bend over and pick the baby up; this would be extremely easy for you, and we may suppose that there are no other morally relevant reasons.<sup>11</sup>

Fischer claims, if this is a Frankfurt-type situation, then if you decide to pick up the baby you are morally responsible for the decision even though you could not have decided otherwise. Fischer concedes that you could have formed a different best judgment as to what to decide. He insists, however, that it is not plausible that this alternative possibility, the ability "to judge best something for which there are no good reasons," is what grounds your moral responsibility for your decision because such a possibility is so trivial.<sup>12</sup>

We are sceptical as to whether the sort of possibility Fischer imagines is coherent, whether a normal person could judge best something for which he sees no good reason. Suppose, however, that the alternative possibility in question is that of forming simply a *different* judgment.<sup>13</sup> On behalf of Fischer's libertarian we stand behind the intuition that it is this possibility, trivial though it seems, which is a necessary condition for the agent's moral responsibility for deciding to pick up the baby.<sup>14</sup> It is the presence of this possibility that moves us to view the judgment under the aspect of freedom rather than to regard it as forced.<sup>15</sup> For consider the alternatives. Had the agent not been able to come to a different judgment it would be either because the judgment he formed was causally determined or because it was a random event. In both of these cases, barring the possibility of derivative responsibility, the agent would not be morally responsible for the judgment and hence would not be morally responsible for his decision. Thus the judgment's being avoidable is the only alternative which remains for viewing the agent as morally responsible, even from the point of view of Fischer's libertarian.<sup>16</sup>

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#### NOTES

1. See Fischer 1982, 25-26.
2. See Fischer 1995 and Widerker 1995. Widerker takes libertarianism to be the view that an agent decision's is free in the sense of freedom required for moral responsibility only if that decision is not causally determined, and the agent could have avoided making it.
3. For if  $p$  is a causally necessary condition for  $q$ , then the absence of  $p$  is a causally sufficient condition for the absence of  $q$ .
4. See Widerker 1995, 114-115.
5. See Lewis 1973, 35-36.
6. We thank Dale Gottlieb for suggesting this term to us. This interpretation is suggested by Fischer's claim that (3) is *rendered* true by non-causal

facts and his use of 'requires' in (4). On this construal of (3), (4) would follow from (3) by means of contraposition.

7. The standard Molinist position is that an agent acting freely normally has this power. See Molina, Disputation 2; and Plantinga 1974, 173-175.

8. A further criticism by Fischer is the following. Widerker, on the assumption that Jones' decision to vote for Reagan is not causally determined, suggests that (3) can be construed as a conditional of freedom, i.e.,

(3') If Jones shows an inclination at T to decide to vote for Reagan, then Jones will *freely* decide to vote for Reagan at T+i,

where 'freely' is understood as implying that Jones could have refrained from that decision. Fischer objects, arguing "that one cannot in this context simply assume that Jones' freely deciding to vote for Reagan implies that he is free to make a different decision." For "part of what is at issue here is whether an agent can freely act or decide *without* being free to do (or decide) otherwise." (Fischer 1995, 121.) We think that Fischer is mistaken here. Having rebutted Fischer's allegation that Jones' decision to vote for Reagan is unavoidable, the libertarian whom Widerker is representing is within his epistemic rights to construe (3) in terms of (3') since he has not been given a good reason to the contrary. To require, in addition, that he *show* or *prove* that in the situation in question Jones indeed has this power would be to impose too stringent a standard of justification. If Fischer thinks that Widerker's libertarian is mistaken, the burden of proof lies on him to show that.

9. See Chisholm 1976, 62; Ginet 1990, chaps. 5 and 6; Plantinga 1974, 165-66; and Van Inwagen 1983, 8, 13-15.

10. See Mele 1984, 370-376.

11. See Fischer 1995, 124.

12. Note that this example differs substantially from the examples which appear in Fischer 1994, Chapter 7, section 7, where the alternative possibilities which Fischer finds insufficiently robust are ones in which the agent does not act freely because he does not act on his own.

13. Perhaps it may be argued that a normal person with a reasonably cultivated moral sense could not have arrived at even a *different* judgment in this case, unless he could have changed his desires and beliefs, which is something that in the short range a person cannot do. However, we could imagine that the agent is a person who usually takes the easy way out and is not very conscientious. In this example he rose to duty, but he had the power to come to a different judgement.

14. Note that the argument that follows is meant to apply whether the alternative possibility in question is that of forming a different *best* judgement or that of forming simply a different judgement.

15. Cf. Zimmerman 1995, section 2.5. We suggest that the particular appeal of Fischer's example derives from its being a case where the agent clearly does not deserve moral *praise*. This should not prejudice the issue of moral *responsibility*, however.

16. We wish to thank Dale Gottlieb for a helpful discussion of some of the issues discussed in this paper.

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