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Freedom of the Will and Responsible Agency

The notion of free will as used by philosophers is a term of art. More often than not, such terms—such as substance, form, intentionality, reasons etc.—are introduced in philosophy in order to single out a problem rather than to solve it. Contrary to the opinion of many modern philosophers, who have been critical of the use of such terms, they can indeed help identify a cluster of problems that are not merely created by the introduction of the technical concept itself. Philosophical discussions often revolve around some such concept. But this does not mean that the problem is only conceptual. Many genuine philosophical issues can be made more easily approachable by sharpening our understanding of such technical concepts.

However, even if the introduction of such technical terms is unavoidable and useful for philosophy, they can lead to confusion unless we carefully circumscribe the task for which we want to use them. It seems to me that sometimes this is exactly the case with the philosophical concept of free will. For there are many different notions of free will which are often used in philosophy, but which set at least partially incompatible tasks for those who want to provide a theory about it. In what follows I shall argue, first, that we have reasons to accept one of the most traditional concepts of free will, one that might be called the metaphysical conception of free will. Then I shall briefly present and defend a particular theory about the freedom of the will so understood.

1. FREE WILL AND AUTONOMY

At least one traditional notion of free will understands it as a specific psychological ability, the ability ‘to will’ or issue volitions, which, according to this approach, can be done ‘freely’ or ‘unfreely’. This understanding of free will—certainly predominant, for instance, in the Scholastic period—has been the standard target of criticism of many modern philosophers ever since Locke. Locke himself has no objection to the notion of will and willing itself. What he finds ‘unintel-

ligible' is the idea that 'freedom' or 'liberty' can qualify the exertion of the will (Locke 1689/1975: 245–246). But more recently, and very influentially, Ryle has argued that talk of volitions as dated token mental events is itself unintelligible (Ryle 1949: 62–69). If they are right, then freedom of the will, understood as the agent's capacity to issue volitions in some specific way, is a chimera.

I am not certain whether a philosophical analysis of intentional human action must rely on the notion of volition, but it is interesting to observe that contemporary psychologists seem to use it often and without any scruple (Lowe 2008: 81–82). This does not, of course, show that the concept is philosophically interesting.¹ But even if I do not find Ryle's arguments against volitions particularly convincing, I share Locke's worry about understanding free will as a capacity of issuing volition freely.

However, there are psychological concepts of free will which seem philosophically more interesting than the idea that human persons can in some sense 'will' freely. The notion of free will is tied to the philosophical problem of human agency. Perhaps God and angels can enjoy freedom of will, but the only way for us to understand it is to look into ourselves. One distinguishing feature of normal human adults as the paradigmatic representatives of agency is that they are capable of autonomous action. When I say this, I have in mind some very broad sense of autonomy. By autonomy I mean the specific way in which agents can control their actions so that they can regard their intentional behavior as their own, and which can warrant their conviction that the result of their actions is their own creation, something that truly originates in them.

It is obvious that not every human action, not even every intentional piece of behavior, is autonomous in this sense. When freedom of the will is understood as a condition of autonomy, we might say that it is a condition of what David Velleman (2000) calls "full-blooded action". It is arguable that "full-blooded actions" play a special role in a philosophical understanding of agency. As Velleman claims "The question is the nature of agency itself, and agency, like any capacity, fully reveals its nature only when fully exercised. We therefore want to know what makes for a paradigm case of action, a full-blooded action, an action par-excellence" (Velleman 2000: 189).²

Details apart, full-blooded actions are actions that are performed under some specific actual mental control exercised by the agent performing them. There is much debate in contemporary philosophy of action about how this particular sort of control could best be captured. But this is not my concern here. I merely want to mention that one possible way to characterize actions as "full-blooded

¹ See, for instance, Adams and Mele (1992) who argue against the view—defended most recently, for instance, by Ginet (1990)—that we cannot understand intentional action without postulating the mental acts of volition.

² A similar view is developed by Michael E. Bratman (2000).

actions” in Velleman’s sense is to say that such actions reveal our agency exactly because they are done of our own free will.³ Freedom of the will, then, is a condition in which agency is exercised in such full-blooded actions. Hence it is a condition that should be formulated in terms of mental states or processes which can guarantee that agents can exercise full control over what they do.

This understanding of freedom of the will has a natural affinity to its more traditional notion, since it is possible to assume that the relevant kind of control is exercised when agents issue volitions freely.⁴ However, it is important to emphasize that the notion of free will as the condition of autonomous or full-blooded action does not require that we introduce volitions as special mental token events by which agents can control their actions. There are a number of different attempts to understand free will as a condition of full-blooded action which do not use the concept of volition in its more traditional sense.⁵ The important point is that the notion of free will is here understood as a capacity, the proper use of which can make action full-blooded and thereby autonomous in a broad but important sense.

2. FREE WILL AND RESPONSIBILITY

The concept of free will as a condition of autonomous agency is not the only one in philosophical currency. Normal human adults are not only capable of autonomous actions; they are also the subjects of responsibility ascription. If at least some of such ascriptions are correct, then responsibility for our own actions may also be an essential feature of our agency. In this context, the concept of free will is introduced in order to specify the necessary and/or sufficient conditions of a person’s responsibility. Since we are responsible for our full-blooded actions, it might, if anything, be tempting to assume that freedom of the will as a condition of full-blooded actions and freedom of the will as a condition of responsibility are one and the same. Furthermore, it may at first even seem plausible that freedom of the will is a condition of responsibility *exactly because* it aims to capture what makes some of our actions “full-blooded”.

I wish, however, to argue that, no matter how plausible this may initially sound, this is nevertheless a mistake. I certainly do not want to argue against philosophers using the notion of free will with the purpose of trying to capture

³ I am not sure whether Velleman himself would agree with this, but this is not what matters here. He certainly seems to agree that we can be responsible for actions that are not full-blooded in his sense (see Velleman 2000: 127), and that is all that is relevant to the point I want to make here.

⁴ See, for instance, Carl Ginet (1990) and Jonathan Lowe (2008).

⁵ Such kinds of analysis include, among others, Harry Frankfurt (1971/1988), and also some ‘agent causalist’ accounts like Timothy O’Connor (2000).

a mental capacity the exertion of which turns a piece of intentional behavior into a full-blooded or autonomous action. But I do want to say that *that* concept of free will is not the same as freedom of the will understood as a condition of moral responsibility, and that conflating the two concepts cannot enhance our understanding of either.⁶

An obvious *prima facie* reason why the conditions of full-blooded actions cannot be the same as the conditions of responsibility is that we are often responsible for things that we omit. And even when we do decide to omit some action, i.e. when our omission is not just the consequence of our negligence, our responsibility can hardly be explained by the way we control the performance of an intentional action. More importantly, however, we are responsible for our negligent behavior, whether or not negligence involves some intentional action. And whatever negligence is, it certainly occurs when some pertinent form of control is absent. Thus, if we are responsible for any such actions and omissions, free will as manifested in our full-blooded actions cannot be a necessary condition of responsibility.

This conclusion is, in fact, granted by many philosophers. They seem to agree that freedom of the will is a sufficient condition of responsibility, but not a necessary one. Consider responsibility for someone's desires, emotions, and beliefs. Few philosophers would deny that we can be responsible for these attitudes even if we cannot have them 'of our own free will'. Or consider the consequences of our actions: we can be responsible for some of them even if we have not intended them, or even if we had only limited, if any, control over them. In fact, one might even argue that the problem of responsibility for omissions and negligent behavior is similar to the problem of our responsibility for the consequences of our actions. Since in such cases we lack direct intentional control, it is at least contentious whether freedom of the will can or cannot be the necessary condition of responsibility for our attitudes and for the consequences of our actions.

However, there is a deeper consideration that supports the view that free will is not a necessary condition of responsibility, but rather expresses the form of control required for full-blooded actions. Responsibility itself, one might say, is a condition: it is a condition under which one can be legitimately *blamed*. Now, if we can blame people for their mental attitudes and for the consequences of their actions, but we do not think that such attitudes and those consequences always depend on an agent having free will, we might insist that free will, whatever it is, cannot be a necessary condition of responsibility. Perhaps in the case of some

⁶ In this I agree with Harry Frankfurt (1971/1988), who claims that what *he* calls 'freedom of will' is not an issue about responsibility. However, I obviously disagree with Frankfurt that we should understand freedom of the will on the model of freedom of action, i.e. as having the will one wants to will.

actions, freedom of the will is *sufficient* for an agent's responsibility. And it is sufficient, because such actions best reveal our agency. But since responsibility extends beyond full-blooded agency, free will cannot be a necessary condition of responsibility.

Now I would certainly agree that we are not responsible *only* for our full-blooded actions. However, I want to claim that there is a perfectly natural understanding of free will that regards it as *a necessary, but not sufficient* condition of responsibility for our actions and omissions. Certainly, free will does not seem to be necessary for responsibility for our mental attitudes and for the consequences of our actions. But this does not show that it is not a necessary condition of the direct manifestations of responsible agency, or that the only manifestations of such agency are our full-blooded actions. In general, this does not prove that free will is not an essential aspect of responsible agency. For the conditions of responsible agency and the conditions under which someone can be rightfully blamed do not coincide.

Consider the person who did something wrong under hard circumstances, strong pressure, or serious threat. Perhaps she made a bad choice, and did something, or failed to do something, which she later came to regret. It seems to me that in such cases blaming her would be an inappropriate response. But whatever the appropriate response is, this does not tell us much about whether the person acted, even in those circumstances, as a responsible agent. Or consider the cases of prudential weakness, like someone not following her self-imposed, health-preserving diet. She is responsible, but it seems more appropriate to feel sorry for her or perhaps even trying to help her than it would be to blame her. Blaming itself is not just a mental attitude or an automatic response—like feeling disgust or anger, for instance, might be—but a morally evaluable action for which we might be responsible. Moreover, there are many types of actions—we choose where to live, what job we do, with whom to mate—which are not to be judged morally or otherwise, but which we do perform as responsible agents. Thus it is far from obvious that the conditions of responsible agency should be understood with reference to the conditions in which we can legitimately blame someone.

3. ALTERNATIVE POSSIBILITIES

However, if freedom of the will is not the condition of full-blooded agency, and neither it is necessary for responsibility *simpliciter*, what kind of interesting philosophical work can be done with reference to this concept? And if we do not want to use it in order to identify the special mental capacity the exertion of which is manifested by particular acts of volitions either, is there any traditional meaning of this term that justifies the attempt to understand a theory of free will

as a theory about the conditions of responsible agency? I'd like to think there is. For there is another traditional notion of freedom of the will that aims to capture the metaphysical, rather than psychological, conditions of responsibility. This metaphysical condition is that an agent is responsible for what she did or failed to do only if she could have acted otherwise. And freedom of the will seems to me a necessary condition of responsibility exactly in this sense: that no one can be responsible for an action or omission unless she could have done otherwise.

Saying that freedom of the will can be understood as a metaphysical condition in which we are responsible for what we do or fail to do is not, of course, to say that it can be understood without reference to agency. There is a difference between what a person *can do*, even if *she* doesn't do it, and what *might happen* to her, even if *it* doesn't happen to her. 'Can do otherwise' must express some agent-specific sense of alternatives, and not just the existence of some abstract possibilities. This seems to me an important constraint on any free-will-related understanding of alternative possibilities. If we try to understand the relevant possibilities by 'discovering' which possible worlds are accessible and which are not, we cannot come very close to understanding the conditions of responsibility. I do not object to talking about possibilities in terms of accessibility to possible worlds *per se*. But possible worlds can do their most useful work when we try to model our *modal inferences* in certain contexts. They won't help much in understanding what makes any particular modal statement—like the one that a person could, in given circumstances, have done otherwise—true or false.

In my view, the best way to understand what agents can or cannot do is to rely on counterfactual conditionals. It is with the help of such counterfactuals that we can define the relevant accessibility relations. And which counterfactuals are relevant is entailed by the properties of the objects. Thus, if 'could have done otherwise' is relevant for responsibility for actions and omissions, then it should be understood in terms of counterfactual conditionals related to the agent's properties. It follows that the crucial issue for any approach that interprets the problem of freedom of the will as the problem of agent-specific alternative possibilities is to specify the common characteristics of the relevant properties with the help of the counterfactual conditionals that their ascription entails. There are different ways to interpret the relevant counterfactuals, but here I wish to mention only two that seem to me historically the most influential.

4. FREE WILL AND REASONS

Some versions of the conditional analysis follow the ancient observation that the distinctive feature of the human animal is her rationality. Rationality might mean many things, but one of its important aspects is certainly that the behavior of normal human beings can be responsive to their reasons. And since it is beyond

any doubt that we do not hold people responsible for their actions unless they are able to recognize reasons for or against them, it seems natural to think that the property, the possession of which is relevant for an agent's responsibility, should be understood in terms of responsiveness to reasons. The responsibility-related sense of 'can do otherwise', then, is roughly that an agent is responsible if she is such that, at the time of the action or omission, she would have done otherwise if she had sufficient reason to do so.⁷ The fundamental idea behind these proposals is that the capacity to recognize reasons, even if necessary, is not sufficient to hold agents responsible. In order to be responsible, agents also have to be such that they can control their behavior with those reasons.

However, it seems to me that responsiveness to reasons is neither sufficient, nor necessary for responsibility, and that free will as a condition of responsible agency is not a rational capacity at all. *Prima facie*, responsiveness to reasons is not necessary for responsibility, since we can behave irrationally, i.e. can act against our better reasons. But we are responsible for such actions nonetheless. Moreover, people can act and omit actions intentionally, without any reason, and with sufficient reason to do otherwise. But this does not prove that they are not responsible or that they are not acting of their own free will. More importantly, people can have, and act for, their own sufficient reasons *without* being free and responsible. Certainly, the possession of some rational capacities is necessary for most kind of responsibility. But this does not mean that freedom of the will should be understood as a rational capacity.

Speaking somewhat metaphorically, if we try to understand the conditions of responsibility in terms of the capacity to be responsive to reasons, an essential element of our agency disappears. By this condition we can understand only how *agents' reasons* guide their actions, but what we need to understand is how *agents themselves* can control their behavior. And what such control requires is exactly that, by apprehending their relevant reasons, agents may or may not act accordingly. This is exactly why we need the notion of freedom of the will as the ability to act otherwise. It is this kind of freedom which makes it possible for agents to act for their reasons *in such a way* that makes them responsible for what they do or fail to do. Consequently, free will is the necessary metaphysical condition of responsible agency. The capacity to apprehend reasons for actions is only one of its necessary cognitive conditions.

⁷ Different versions of this view are developed by Alfred J. Ayer (1982); Donald Davidson (1980); John Bishop (1989); Philip Pettit and Michael Smith (1996). I also argue that John Martin Fischer and Mark Ravizza's 'semi-compatibilist' account of responsibility (Fischer–Ravizza 1998) can also be interpreted as a version of this account of free will. See Huoranszki (2011: 105–107).

5. RESPONSIBILITY, ACTIONS, AND OMISSIONS

There is another tradition in philosophy that aims to understand the agent-relevant sense of ‘can do otherwise’ with the help of counterfactual conditionals, and which I find worthy of further development. According to that tradition, freedom of the will should be understood as an agent’s ability to make choices in order to guide her own behavior. It is tempting to think that, again, such an understanding identifies freedom of the will with a mental capacity, the capacity to make choices the function of which is to issue intentions and thereby guide the agent’s action.

However, this is not quite so. On the one hand, an agent’s ability to make choices about the particular actions for which they are responsible does indeed play a crucial role in this theory of free will. And the ability to make the relevant choice cannot be understood in terms of reasons for which the agent might act. On the other hand, according to this interpretation of free will as a condition of responsible agency, freedom of the will also involves the possession of certain performance abilities.⁸ The fundamental idea is that agents are responsible only if the exertion of their performance abilities can depend in some pertinent way on the possession of their ability to choose.

The first important issue for such a theory of free will is to decide whether or not the relevant performance abilities should be intrinsically or extrinsically identified. It may be tempting to think that the relevant abilities must be intrinsic in the following sense. As I mentioned earlier, most philosophers would agree that the conditions under which agents are responsible for their actions are not exactly the same as the conditions under which they are responsible for the consequences of their actions. Free will can be a condition only of the former because agents can have direct control only over their own actions.

Some philosophers go further, however. They think that since we perform other actions by moving our body, only our own bodily behavior can be under our own direct control.⁹ Thus we must be directly responsible for our bodily movement and only derivatively responsible for other intentional actions identified with reference to the movement’s results. For instance—to use the well-worn Lockean example—if someone ought to leave a room, she is directly responsible for moving or not moving her body in certain ways, and she is only derivatively responsible for leaving or not leaving the room. Since responsibility for our intentional actions derives from our responsibility for our bodily movements, the

⁸ According to Randolph Clarke’s useful classification, this is not a ‘willist’ account of free will. About the difference between the ‘willist’ views and their rivals, see Clarke (2003: 203). For a criticism about his way of drawing the distinction, see Huoranszki (2011: section 4.4).

⁹ See, for instance, Harry Frankfurt (1982/1988); R. Jay Wallace (1998: 259); and Robert Audi (1993: 233).

performance abilities that are necessary for freedom of the will should be understood as the agent's ability to move her body in a certain manner.

It seems to me, however, that this is an implausible understanding of responsibility-related performance abilities. From the fact that when we do things intentionally we do so *by* moving our bodies, it does not follow that we are directly responsible for our bodily movements, and we are responsible only derivatively for intended results of these movements. In fact, it seems to me that exactly the opposite is true. We are responsible for our bodily movements only derivatively, i.e. to the extent that we do them with the aim to perform an extrinsically identified intentional action. That is, the person in the Lockean example is directly responsible for leaving or not leaving the room, and only derivatively responsible for moving or not moving her body in certain ways.

First of all, the idea that we are directly responsible for our bodily movements because we have direct control over them is a contentious one, to say the least. In most cases we have such control only through and by the representation of the extrinsic result which we aim to attain by moving our body. Our actions are guided directly by the representation of the intended extrinsic results, as in many cases we would not be able to perform the respective bodily movements without having such aims in view. Think of the act of throwing a ball towards the basket, and try to understand or perform a part of that bodily movement without the guiding aim. If you can do that you might be an excellent pantomimic; but you are not necessarily a good basketball player.

Second, the idea that we have more control over our bodily movements than over their consequences is simply an illusion. When the player throws a ball, with the intention of getting it in the basket given the appropriate circumstances (no wind, no obstruction), the action's result is uncertain not because of the external circumstances, but because of the limitations of the player's ability to control her body in the required ways. What exactly the role of our bodily movements is in the performance of our intentional actions is a moot question, but the idea that we have more direct control over them than over the actions that are identified with reference to their aimed results does not seem to me justified at all.

More importantly for the problem of responsibility for actions and omission, however, and independently of the issue of control, it is extrinsically identified actions—i.e. actions identified in terms of some of their results other than the bodily movement—for which agents are directly responsible, for the following reason. Even if freedom of the will as a condition of responsibility is not to be understood in terms of responsiveness to reasons, it must be understood such that it makes it possible for the agent to act upon those reasons. For we judge an agent's behavior partly on grounds of those reasons for which they act. But an agent's reasons for performing an extrinsically identified action and their reasons for performing the bodily movements by which they carry out the former are rather different. A person may have reason to pass a ball to another person

rather than not pass it, and he can have a reason to pass it with his right hand rather than with his left hand or with his leg. But the reasons that ground his choice to pass it are different from the reason for passing it by using his right hand, for instance.

In fact, when it comes to an agent's responsibility, it is only in exceptional cases that we are at all interested in finding out her reasons for the choice of a bodily performance. It is easy to see why. When an assassin aims to kill someone with a gun, we are interested in why she wants to kill. We are not interested in why she has chosen the particular type of gun with which she kills. Analogously, we are not interested in her reasons for pulling the trigger by moving her body in a particular way. Moving our body is a means by which we do other things, but our reasons for choosing the means—if we have any—is not the same as our reasons to aim an action for which the bodily movements are means. Consequently, from the fact that we do other things by moving our bodies, it simply does not follow that we are responsible for the aimed result by virtue of, or as a consequence of, our responsibility for a bodily movement. On the contrary, we are responsible for our bodily movements just because they were meant to be part of some extrinsically identified action.

If the ability to perform actions for which we are directly responsible can be extrinsic, then we can ascribe such abilities only if certain external conditions are also satisfied. Our agency extends beyond our body because the possession of the responsibility relevant performance abilities are sensitive to the circumstances in which we act or fail to act. If someone locks me in a room, I can lose my ability to leave it without undergoing any intrinsic change. And then I am not responsible for not leaving it because I cannot do otherwise, exactly in the sense that I am not able to.

As a consequence, the kind of ability the possession of which is necessary for our responsibility is specific to each situation. Certainly, even in a locked room, I have the general intrinsic ability to move my body in a way that in other circumstances would result in leaving a room. But when we say that it is a necessary condition of an agent's responsibility that she can do otherwise, in the sense that she is able to perform an actually unperformed action, we refer to an ability the possession of which is sensitive to the agent's particular circumstances.

Thus, freedom of the will as a condition of responsibility must be understood as a generic condition that can be applied to all specific circumstances in which we hold agents responsible. For this reason, a theory about the freedom of the will needs to identify the generic metaphysical conditions in which we perform or fail to perform a specific action such that we are responsible for it.

6. THE ABILITY TO DO OTHERWISE

If freedom of the will is the ability to do otherwise—including, as always, the ability to avoid performing some actions that we have actually performed—a theory of free will is a theory about how to understand that ability. Although this is a contentious issue, it seems to me that we can identify abilities only with the help of counterfactual conditionals. It is for this reason that I believe that, despite its recent unpopularity, conditional analysis is the best theory of the freedom of the will we can have.

A conditional analysis need not aim for reduction. Its aim is to specify the relevant abilities, not to show that freedom of the will as the ability to do otherwise is in fact something other than it seems to be. For a long while, conditional analyses of powers meant to show how the use of the so-called ‘disposition terms’ is compatible with the belief that powers, abilities, or potentialities are not ‘real’ characteristics of objects. The way in which such reductive analyses usually proceed is that, first, they offer some general account of counterfactual conditionals, and then, relying on that account, they try to analyze powers away in power-free terms. In my view, however, there is no general account of counterfactuals that can be independent of the kind of context in which we want to use them. Thus the question is not how to explain away powers with the help of some such conditionals, but rather how to formulate the conditionals so that they can best express which properties we have in mind when we talk about powers or abilities.¹⁰

In the most general terms, the conditional analysis of any powers must identify, first, what kind of state or event counts as the power’s manifestation; they must then specify those circumstances in which the power would become manifest. Although there are difficult questions about what exactly counts as the manifestation of a power,¹¹ such questions should not detain us here, since in the context of free will it is obvious that the manifestation of the relevant ability must be the performance of a specific kind of action. A more difficult issue, however, is that of how we can specify the circumstances in which the relevant power would become manifest.

There was a time when philosophers thought it sufficient to specify the relevant circumstances with reference to what they called the ‘stimulus’ for the manifestation. But it is now generally agreed that it is possible that the stimulus occurs simultaneously with other changes in the object that prevents the occurrence of the manifestation event.¹² There are attempts to amend the analysis, in

¹⁰ I say more on this issue in Huoranszki (2012).

¹¹ See Jonathan Lowe (2010) and Jennifer McKittrick (2010).

¹² In fact, one of the first such examples was used by Keith Lehrer in his extremely influential objection against the conditional analysis of the ability to do otherwise. See Lehrer (1968/1982).

the reductivist spirit, to identify the relevant circumstances without mentioning the power itself.¹³ For reasons that I cannot detail here, I am skeptical about the prospect of any such analysis. But more importantly, if our aim is not reduction but elucidation, we can simply add to the conditions of manifestation that the object does not change its relevant power simultaneously with the occurrence of the stimulus event.¹⁴ For it is just obvious that no object that is losing the power when the stimulus necessary for its manifestation occurs can possibly make that power manifest.

However, there is a more delicate problem about the nature of the manifestation conditions that need to be addressed. This problem arises because powers can be more or less generic, and freedom of the will as a condition of responsibility requires that agents possess some *specific* powers. Consider a person who is sound asleep. It might be true of her that she would have answered an important phone call, if she had chosen to. Nonetheless we would be reluctant to say that she is responsible for not answering the call or that she avoided answering it of her own free will. Although she is certainly able to answer a phone in some generic sense of ability, she was not able to answer it *there* and *then*, and hence she lacked the specific ability or power that is a condition of her responsibility. Moreover, her inability is the result of the fact that she was in a state that made it impossible for her to satisfy the conditions that would result in the alternative form of behavior. Thus, as the possibility of the occurrence of the ‘stimulus condition’ can depend on some intrinsic ability of the person who is credited with the power, in order to identify the agent’s specific power, we need to add to the conditions of manifestation the condition that the person should also have that stimulus-enabling ability.

If we take these observations into account when trying to understand the nature of counterfactual conditionals used with the purpose of specifying an agent’s responsibility-related powers, it seems easy to respond to some objections on the basis of which the conditional analysis of the free will as the ability to do otherwise has for a long time been routinely rejected. Freedom of the will is, roughly, the agent’s ability to perform some actually unperformed action in the sense that she would do otherwise, if [1] she so chose, and [2] did not change with respect to her ability to perform the action when so choosing, [3] nor with respect to her ability to make a choice about the relevant kind of action.¹⁵

This formulation is not just an *ad hoc* adjustment made on the traditional simple analysis in order to eschew the standard objections against it. It is a consequence of our earlier considerations about which counterfactuals need to be

¹³ The most influential attempt is David Lewis (1997/1999).

¹⁴ See David H. Mellor (2000).

¹⁵ For a more precise formulation of the conditional with replies to some objections to the analysis, see Huoranszki (2011: section 4.2, section 4.3).

used in order to grasp the meaning, and to justify the ascription of, a power. We identify the power with reference to its manifestation. But, certainly, a power cannot be manifested in those circumstances in which it is lost. More interestingly, it would be a mistake to ascribe a power to someone who lacks an ability that is necessary for the occurrence of those circumstances in which the ability can become manifest.

Thus, according to the kind of conditional analysis I propose, free will is a power of the agent that may not be correctly ascribed unless some extrinsic conditions are satisfied, but the exertion of which depends on the occurrence of some internal condition: the agent choosing to perform the actually unperformed action. It is in this sense that freedom of the will explains the nature of control necessary for responsible agency. However, and most importantly, freedom of the will does not require the actual exertion of such control. Freedom of the will is understood as a generic property of agents the possession of which is necessary for their being responsible. Many times, agents are responsible for things they have omitted, but have not even considered doing. But if they are such that they would have done otherwise had they chosen to, and retained their ability to make the relevant choice and to perform the respective kind of action in the given circumstances, they enjoy freedom of the will, and they can correctly be held responsible.

7. FREE WILL AND DETERMINISM

Let us assume that this understanding of free will as the ability to act otherwise is correct, i.e. it captures the sense in which freedom of the will is a condition of responsible agency. Can anyone have the relevant ability in the circumstances of determinism? It seems to me that it is essential to distinguish two senses of determinism here: psychological determinism and physical determinism. Different versions of the conditional analysis of free will are often advanced in order to show that freedom of the will as a condition of responsibility is compatible with both.¹⁶

However, if responsibility requires that an agent's behavior can depend on their choices, then psychological determinism and freedom of the will do seem to me incompatible. For, as we have seen, the ability to do otherwise, in the free will sense, can correctly be ascribed to someone only in the circumstances in which she

¹⁶ As I see it, this is particularly characteristic of those versions of the analysis that want to understand the agent's responsibility-related capacities in terms of reasons responsiveness, since even psychologically determined behavior can be reasons responsive. However, as I argued earlier in this essay, reasons responsiveness is not sufficient for responsibility, and neither is it necessary. It is only the ability to recognize reason that is indeed necessary for at least moral responsibility, but that ability is complementary, and not the same as freedom of the will.

is also able to make the relevant sort of choice. And the ability to make a choice, whatever else it is, is certainly an ability that essentially involves alternatives.¹⁷

There are many further questions about how we can correctly understand the relevant alternatives and under what specific circumstances we can assume that the agent has a choice. But if someone has a choice, i.e. she can exercise her ability to choose an act, then she cannot be psychologically determined to choose one option rather than the other. It is certainly true that if I had strong motives for choosing not to perform an action, then I would choose not to do it. But this is a conditional analysis of motives, if anything, and not an analysis of our ability to choose. For the possession of that ability is a condition for acting upon motives in a free and responsible way, and not just a necessary psychological condition of some conscious behavior.

Physical determinism is a different matter. Incompatibilists argue that if physical determinism is true, then we do not have the power to choose and do otherwise. Now I would not mind being an incompatibilist—actually I think I was one once—but, unfortunately, incompatibilism contradicts a view that I am strongly committed to now. It is the view that the analysis of the abilities that are necessary for our agency and responsibility must be independent of our understanding of the nature of physical laws and processes at the fundamental, and hence subpersonal, level. Independence is a kind of dualism, if you like, although what kind of dualism it is remains, of course, a further issue. However, incompatibilists must deny independence, since they believe that if physical determinism turns out to be true—a matter totally independent of considerations about our agency—then that proves without further ado that we are never responsible for what we do.

Intuitions about independence are certainly not sufficient to prove the truth of compatibilism, even if they ground my own conviction that no argument for the incompatibility of physical determinism and the ability to act otherwise can be conclusive. The most important arguments for incompatibility are the different versions of the consequence argument. Such arguments aim to prove that in the circumstances of physical determinism we cannot have the ability to do otherwise, since our actions are the logical consequences of the remote past and the physical laws. Without going into details, my general problem with such arguments is that they are either so strong that they lead to counterintuitive consequences, or they are so weak that they do not prove anything interesting about freedom of the will as the ability to do otherwise.

As to the first horn of the dilemma, if the argument aims to show that in a deterministic world we cannot have the ability or power to do otherwise, it can only

¹⁷ See Jonathan Lowe's illuminating discussion about the nature of the ability to choose in *Personal Agency* (2008). I investigate the nature of choice in more detail in Huoranszki (2011: section 3.4).

prove that at the expense of also proving that *nothing*, no person or physical object, can have an unexercised power at all, no matter how general and how purely physical the relevant power is. For exactly the same kind of argument that is told about an agent's power to act otherwise shall apply in the context of physical powers. The argument for the impossibility of unexercised powers in physically deterministic worlds has nothing whatever to do *specifically* with whether or not the event which did not in fact occur, but which could have occurred, would have been the manifestation of an agent's relevant ability. This, for me, counts as a *reductio ad absurdum* against such kinds of arguments. Perhaps Hume is right that there is no distinction between having a power and exerting it. But not even Hume would say that whether or not there is such a distinction depends on whether or not nomic regularities constitute a logically closed deterministic universe.

Sometimes, however, when it comes to the issue of the compatibility of physical determinism with the ability to do otherwise, the notion of powers is just left behind. The incompatibilist claim is, rather, that if physical determinism is true, then the future is not open. Unlike the former versions of the argument, this version seems to me obviously sound. If the physical universe is deterministic, then there is a sense in which the future is not open, and this is exactly the sense that propositions about the physical state of the universe at one instance, together with the physical laws, entail every proposition about its future physical states just as they entail every proposition about its past physical states. However, it remains an open question whether this sense of 'not being open' is any stronger than the view that the future is not open because a true proposition about the future is, was, and remains true forever. The reason that many believe that the consequence argument is indeed stronger than the argument for fatalism is that they think that the former says something about our powers, while the latter does not. But if it does, we are back to the first horn of the dilemma: if it worked, it would prove that nothing can have an unexercised power unless physical determinism is false. But that is even harder to accept than the view that nothing can be otherwise because there are true propositions about every facts.

As I have said, the power to do otherwise, in the sense related to free will, is an extrinsic ability, and hence whether or not we can ascribe that power to an agent is sensitive to the agent's circumstances. The question of physical determinism is a question about what to include in the relevant circumstances. I do not think that there is, or could be, a general positive response to that question, since the answer depends on the particular kind of action for the performance or omission of which the agent is responsible. But I must confess that it seems to me rather counterintuitive to include the past states of the whole universe, since that would contradict our intuition that there are specific conditions under which a specific ability can be possessed or lost. If the consequence argument were correct, under the circumstances of determinism, *any* past state of the whole universe would be sufficient to deprive us of our ability to perform an actually unperformed action. I

agree that the physical universe is large and powerful, and we are tiny and fragile. But both it and we remain so independently of whether or not physical events unfold according to a deterministic system of laws.

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