A Critique of Frankfurt-Libertarianism

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Abstract Most libertarians think that some version of the Principle of Alternative Possibilities (*PAP*) is true. A number of libertarians, which I call 'Frankfurt-libertarians,' think that they need not embrace any version of *PAP*. In this paper, I examine the writings of one such Frankfurt-libertarian, Eleonore Stump, for her evaluation of the impact of Frankfurt-style counterexamples (*FSC*s) to *PAP*. I show how, contrary to her own claims, Stump does need a *PAP*-like principle for her account of free action. I briefly argue that this discussion also goes some distance to showing that any Frankfurt-libertarian is in a similar position regarding the need for some *PAP*-like principle. If I am correct, then Frankfurt-libertarians must either renounce their incompatibilism or concede that *FSC*s fail to show all *PAP*-like principles to be false.

Keywords Eleonore Stump · flicker of freedom · libertarianism · incompatibilism · Frankfurt-style couterexamples · principle of alternative possibilities · alternative possibilities

Introduction

The past four decades have seen a plethora of philosophical work dedicated to the compatibilism/incompatibilism debate. By 'the compatibilism/incompatibilism debate,' I mean the debate over whether causal determinism is compatible with moral responsibility.[1] Consider the following argument for incompatibilism, which I shall refer to as the 'Basic Argument':

(1)   Moral responsibility requires the ability to do otherwise.
(2)   If causal determinism is true, then no agent has the ability to do otherwise.
(3)   Therefore, moral responsibility requires the falsity of causal determinism.[2]

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[1] For a discussion of the relationship between this compatibilism/incompatibilism debate and the debate whether causal determinism precludes metaphysical freedom, see Warfield (forthcoming). As Warfield there notes, these two debates are distinct, even if intricately related.

[2] For versions of this argument, see Chisholm (1966) and Ginet (1995).

The conclusion of this argument is that compatibilism is false. Prior to 1969, compatibilists and incompatibilists alike thought that premise (1) of the Basic Argument was beyond reproach. If (1) is true, then in order for an agent to be morally responsible for an action, she must be able to do otherwise; that is, the agent must have alternative possibilities. The contrapositive of (1) is often called the 'Principle of Alternative Possibilities,'[3] or simply *PAP*, and can be defined as follows: "a person is morally responsible for what he has done only if he could have done otherwise."[4] As one commentator has noted, "practically no one ... seems inclined to deny or even to question that [*PAP*] (construed in some way or other) is true."[5]

Insofar as compatibilists embraced *PAP*, they were forced reject premise (2) of the Basic Argument by giving subjunctive accounts of the ability to do otherwise. According to such accounts, the proposition 'an agent could have done other than *A*' is to be understood along the lines of 'the agent would have done other than *A* if she had willed or chosen to do so,' a proposition which is consistent with the truth of determinism.[6] However, such subjunctive accounts of the ability to do otherwise were thought by many to be a weakness in the compatibilist's position.

Harry Frankfurt's 1969 article "Alternate Possibilities and Moral Responsibility" changed the nature of the debate between the compatibilists and incompatibilists by denying premise (1) of the Basic Argument. To show the falsity of *PAP*, Frankfurt gave an example in which an agent does an action in circumstances that lead us to believe that the agent is morally responsible. Yet the circumstances include some mechanism that would bring about the action if the agent did not perform it on her own, thus eliminating her alternative possibilities. As it happens, the agent does perform the action on her own and the mechanism is not involved in bringing about the action. Here is Frankfurt's scenario:

> Suppose someone – Black, let us say – wants Jones to perform a certain action [i.e., action *A*]. 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 [i.e., other than *A*]. If it does become clear that Jones is going to

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[3] Frankfurt's original name for this principle is 'the Principle of Alternate Possibilities.' Regarding the original title of this principle, Frankfurt says this: "Many philosophers, including both supporters and opponents of my critique of the Principle of Alternate Possibilities, share the view that my name for the principle involves incorrect usage. They consider it obvious that the principle has to do with *alternatives* and not with *alternates*. Now I agree that 'the Principle of Alternative Possibilities' would be more or less okay; but the extra beat clutters up the rhythm in a way that I don't like. So is it really clear that using the term 'alternate' is egregiously unacceptable? In a selection process, the alternates are candidates to which or to whom we could have turned in case one of our preferred candidates had been unavailable. We don't refer to the alternates in these cases as 'alternatives'. That would mask the fact that they are second choices. When we speak of the possibility that a person could have done otherwise, we are speaking of actions that the person could have performed if he had not been able to do what he clearly preferred to do. Why aren't those rejected actions alternate possibilities, and properly referred to as such?" [Frankfurt (1999), p. 372]. Peter van Inwagen has referred to Frankfurt's defense of his original title as 'ill-advised' [Van Inwagen (2004), p. 219].

[4] Frankfurt (1969), p. 829. While Frankfurt expressed *PAP* in terms of moral responsibility alone, much of the subsequent literature treats *PAP* as a thesis about both moral responsibility and free will.

[5] Frankfurt (1969), p. 829.

[6] See, for example, Moore (1912), p. 131: "There are certainly good reasons for thinking that we *very often* mean by 'could' merely 'would, *if* so and so had chosen'. And if so, then we have a sense of the word 'could' in which the fact that we often *could* have done what we did not do, is perfectly compatible with the principle that everything has a cause."

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 that Black never has to show his hand because Jones, for reasons of his own, decides to perform and does perform the very action that Black wants him to perform. In that case, it seems clear, Jones will bear precisely the same moral responsibility for what he does as he would have borne if Black had not been ready to take steps to ensure that he do it.[7]

Subsequently, numerous similar scenarios, many of increasing complexity, have been put forth in the literature.[8] Let us call such scenarios Frankfurt-style counterexamples, or *FSC*s. Frankfurt thinks that *FSC*s not only show that *PAP* is false, but also go some distance toward showing that moral responsibility is compatible with the truth of causal determinism.[9]

It should not be surprising that many compatibilists have embraced *FSC*s.[10] For if *FSC*s do in fact show that *PAP* is false, then the compatibilist can easily deny the conclusion of the Basic Argument without having to embrace a subjective rendering of the ability to do othwerise. What is more surprising, however, is the effect that *FSC*s have on had some incompatibilists. Most incompatibilists think that some version of *PAP* must be true in order for incompatibilism to be true. One reason for this is that most of these incompatibilists think that *PAP* and libertarianism (or incompatibilism more generally) go hand in hand. For example, William Hasker says that alternative possibilities are 'crucial' for libertarianism, and says that the abandonment of *PAP* "would force either a redefinition of libertarianism or an outright capitulation to compatibilism."[11] However, not all incompatibilists – indeed, not all libertarians – think that they need embrace *PAP*.[12] Let us call such libertarians 'Frankfurt-libertarians' since they follow Frankfurt in thinking *PAP*, and all similar principles, to be false.[13] In this paper, I examine the writings of one such Frankfurt-libertarian, Eleonore Stump, for her evaluation of the impact *FSC*s have on *PAP*. In doing so, I relate Stump's evaluation of *FSC*s with another incompatibilist response to *FSC*s, namely the 'flicker of freedom strategy.' I show how, contrary to her own claims, Stump does need a *PAP*-like principle and that, as a result of this, she should be considered a flicker strategist contrary to her own claims. I think that this discussion will also go some distance to showing that any Frankfurt-libertarian is in a similar position regarding the need for some *PAP*-like principle. If I am correct, then Frankfurt-libertarians must either renounce their incompatibilism, thereby ceasing to be libertarians, or concede that *FSC*s fail to show all *PAP*-like principles to be false.

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[7] Frankfurt (1969), pp. 835f. I have omitted the subscript from 'Jones₄' in this paragraph.

[8] For a noteworthy introduction to this literature, see McKenna and Widerker (2003).

[9] Frankfurt writes that "counterexamples to the Principle of Alternate Possibilities do not actually show that attributions of moral responsibility are compatible with determinism. They do go a long way, I think, to making compatibilism plausible" [Frankfurt (2002), p. 28]. Similarly, John Martin Fischer writes that "the success of the Frankfurt-type strategy should not be judged on the basis of whether the Frankfurt-type cases in themselves decisively establish that moral responsibility is compatible with determinism. That they do not do *all* the work does not show that they do not do *some* important work" [Fischer (2002a), pp. 8f.].

[10] For two recent and interesting compatibilist defenses of *PAP*, see Vihvelin (2000) and Campbell (1997). In this paper, however, I am concerned with incompatibilist readings of *PAP*.

[11] Hasker (1999), p. 87.

[12] In addition to Eleonore Stump, whose view is discussed at length below, other incompatibilists who reject *PAP* and its cognates are Zagzebski (2000), Hunt (2000), and Pereboom (2001).

[13] Hasker uses this term in (2001), p. 107f. I first became familiar with the term in conversation with Ken Perszyk, who also kindly gave me the reference to Hasker's use of the term.

Stump's 'Modified Libertarianism'

Eleonore Stump has published widely on the issues of free will and moral responsibility, and is perhaps the best known of the Frankfurt-libertarians. Stump defends a position that she calls 'modified libertarianism,' and claims that it can be found in such medieval figures as Augustine and Aquinas. Stump defines modified libertarianism as assent to the following two claims:

> (L_1') an agent acts with free will, or is morally responsible for an act, only if the act is not *ultimately* causally determined by anything outside the agent,

and

> (L_3) an agent acts with free will, or is morally responsible for an act, only if her own intellect and will are the sole ultimate source or first cause of her act.[14]

Stump's 'modified libertarianism' differs from 'common libertarianism' in that the later accepts, and the former rejects, an additional criterion:

> (L_2) an agent acts with free will, or is morally responsible for an act, only if he could have done otherwise.[15]

This third criterion is a form of *PAP*. According to Stump, "what reflection on queer Frankfurt-style examples ... shows us is that the association between the presence of an alternative possibility and the ability to do what we really want holds only for the most part."[16] Stump elaborates this point in a later paper:

> Nothing in the argument has the implication that libertarian free will is never accompanied by alternative possibilities. It may be true that in most cases in which an agent acts with free will or is morally responsible, the agent can do otherwise. What Frankfurt-style counterexamples show is only that the ability to do otherwise isn't essential to a free action or an action for which the agent is morally responsible.... Frankfurt-style counterexamples are successful against *PAP*; but, contrary to what Widerker supposes, the libertarian has nothing to fear from them.[17]

Despite her ultimate rejection of *PAP*, Stump understands the intuitive pull that it has on the incompatibilist.

Even over 30 years after their introduction, considerable debate continues whether or not *FSC*s actually demonstrate the falsity of *PAP*. Despite Frankfurt's argument to the contrary, many incompatibilists still believe that an agent must have alternative possibilities in order to be morally responsible. Some incompatibilists thus seek to find previously unnoticed alternative possibilities that still exist in *FSC*s. These incompatibilists claim that if one can still find alternative possibilities in the actual and counterfactual sequences of an *FSC*, then the *FSC* will have failed to show that one does not need alternative possibilities in order to be morally responsible. If this is the case, then *FSC*s do not give any reason for abandoning

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[14] Stump (2001), pp. 125–128.

[15] Stump (2001), p. 125. See also Stump (1997), pp. 106ff.

[16] Stump (1990), p. 277.

[17] Stump (1996), p. 88.

PAP. This strategy has come to be known, following John Martin Fischer's memorable phrase, as the 'flicker of freedom' strategy:

> The Frankfurt-type cases seem at first to involve no alternate possibilities. But upon closer inspection it can be seen that, although they do not involve alternative possibilities of the normal kind, they nevertheless may involve *some* alternative possibilities. That is to say, although the counterfactual interveners eliminate most alternative possibilities, arguably they do not eliminate *all* such possibilities: Even in the Frankfurt-type cases, there seems to be a 'flicker of freedom.' Thus, there is an opening to argue that these alternative possibilities (the flickers of freedom) *must* be present, even in the Frankfurt-type cases, in order for there to be morally responsible.[18]

So, for example, consider an *FSC* involving agent *S*, intervener *B*, and action *A*. In the actual sequence, *S* does *A on-her-own* while *S* only does *A as a result of B's intervention* in the alternate sequence. Thus, the flicker strategist claims, there are still alternative possibilities in this *FSC*. Furthermore, every *FSC* will contain some alternative possibilities analogous to these.

Regarding the flicker strategy, Stump writes that this type of argument is "the best defense of *PAP* I know."[19] Nevertheless, she finds it wanting. Before turning to Stump's criticism of the flicker strategy, however, it will be helpful to take a more detailed look at the strategy and its role in the dialectic surrounding *FSC*s.

The Flicker of Freedom Strategy

Assume for the moment that causal determinism is false; that is, assume that the conjunction of the past and the laws of nature do not entail a unique future. There will thus be more than one future compatible with the past and the laws of nature. If we are thinking of the sort of counterfactual situation involved in an *FSC*, this means that if determinism is false, there will be some alternative possibilities in the actual and the alternate sequences. And according to the flicker strategist, these alternatives, however minute, might be relevant to moral responsibility. We can understand the flicker strategy as involving a principle of the following sort:

> PAP_f = $_{df}$ an agent is morally responsible for doing an action *A* at time *t* only if there are morally relevant alternative possibilities related to *A* at *t*.[20]

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[18] Fischer (1994), p. 134.

[19] Stump (1999), p. 302.

[20] It is generally accepted that *PAP*-like principles should be understood as *not* applying to cases of derivative responsibility, that is, cases in which an agent's inability to do other than *A* is the result of previous free acts with respect to which the agent could have done otherwise. For example, assume that I freely and willingly take a very addictive drug that I know will cause me to have irresistible desires to continue taking that drug. Once I take the drug, I cannot refrain from taking the drug; however, given that this is a direct result of an earlier free choice, I still am morally responsible for my continued taking of the drug. There is a large and complex literature on cases of derivative responsibility. However, for present purposes, I will leave reflection on cases of derivative responsibility aside.

Some have thought that Frankfurt's original formulation of *PAP* depends on there being numerically different actions in the actual and the alternate sequences.[21] I am not certain that this is the case, as the original formulation of the principle is notoriously imprecise. But even if it is true that Frankfurt understood the original formulation of *PAP* in this way, PAP_f is a weaker principle since the latter principle, unlike the former, does not depend on there being a different event in the alternate sequence than that found in the actual sequence. All it insists on is that there is some difference, rather it be accidental or essential to the events involved, that is relevant to moral responsibility. And, the incompatibilist claims, whether or not an action is determined is one such factor.

Since causal determinism removes all alternative possibilities, PAP_f preserves the flicker strategist's insistence that moral responsibility is incompatible with the truth of causal determinism. According to PAP_f, one can be morally responsible only if determinism is false. But this does not mean that just any indeterminism is relevant to moral responsibility. It is hard to see, for example, how the indeterminacy of subatomic particles in some far removed universe is related to moral responsibility. But PAP_f is only a claim about what is necessary for moral responsibility, and not what is sufficient. Even if only a subspecies of indeterminism is relevant to moral responsibility, it would still follow from PAP_f that indeterminism *simpliciter* is a necessary condition for moral responsibility. And this, I take it, just is the incompatibilist's claim that moral responsibility is incompatible with the truth of causal determinism.

The flicker strategy is not without its critics. Perhaps the best known sustained attack on the flicker strategy is developed by John Martin Fischer.[22] Within the context of the present paper, however, I am more interested in how Frankfurt-libertarians such as Stump respond to the flicker strategy. For if the flicker strategy works, then there will be a *PAP*-like principle, namely PAP_f, that *FSC*s fail to refute. Insofar as a rejection of all *PAP*-like principles is the distinctive feature of Frankfurt-libertarian views such as Stump's modified libertarianism, the success of the flicker strategy would undermine Frankfurt-libertarianism. Let us then turn to Stump's evaluation of the flicker strategy.

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[21] One of Fischer's early works seems to support this view; see Fischer (1982), pp. 28ff. Though this article does not deal directly with the flicker strategy, it does show that Fischer, at least at this stage in his thinking about *PAP*, understood it to involve numerically distinct actions. For a more recent article making a similar point, see Fischer (2002b), pp. 287f.

[22] In short, Fischer's criticism of the flicker strategy is that the alternative possibilities that remain are not "sufficiently *robust* to ground the relevant attributions of moral responsibility.... What needs also to be shown is that these alternative possibilities *play a certain role* in the appropriate understanding of the cases. That is, it needs to be shown that these alternative possibilities *ground* our attributions of moral responsibility" [Fischer (1994), p. 140]. Cf. Speak (2002), p. 92. In my opinion, it is unclear exactly how to understand Fischer's 'grounding' language, and it is, as a result, unclear exactly how to understand his criticism of the flicker strategy. According to a weak understanding of the flicker strategy, while alternative possibilities are necessary for moral responsibility, they tell us nothing informative about the nature of moral responsibility. Alternative possibilities thus partially ground moral responsibility in the sense that their absence is sufficient for the lack of moral responsibility. According to a stronger view of the flicker strategy, it is *in virtue of* having alternative possibilities that an agent is morally responsible. On this stronger reading, Fischer may mean that the alternative possibilities remaining in an *FSC* are not the sort of alternatives that can ground moral responsibility in this way. Which of these two understandings of the flicker strategy one embraces significantly impacts how one should understand the role of the flicker strategy in the larger dialectic surrounding moral responsibility. In my "The Dialectical Role of the Flickers of Freedom" (forthcoming in *Philosophical Studies*), I examine these two versions of the flicker strategy and their respective dialectical roles in greater detail.

Stump's Criticism of the Flicker Strategy

As mentioned above, Stump understands the intuitive pull that the flicker strategy has on the incompatibilist. After all, it certainly seems that there are alternatives remaining in an *FSC*:

> In the actual sequence the victim does some act *A* on his own, as it were, and in the alternate sequence he is caused to do *A* by the counterfactual intervener. Consequently, it seems that there is an alternative possibility open to the agent after all. He can do *A* on his own, or he can fail to do *A* on his own. Defenses of *PAP* based on this feature of *FSC*s are not so easily dismissed.[23]

Despite its initial appeal, however, Stump thinks that this defense of *PAP*, based on the supposition that that doing an act-on-one's-own is itself an action of sorts, fails. Stump thinks that the flicker strategy fails because it is either "confused and leads to counterintuitive results; or if the supposition [i.e., that doing an act-on-one's-own is itself an action of sorts] is acceptable, then it is possible to use it to construct a *FSC* in which there is no flicker of freedom at all. Either way, the flicker of freedom strategy is ineffective against *FSC*s."[24]

The particular version of the flicker strategy Stump considers is based on the distinction between an agent doing an action-on-her-own in the actual sequence and the agent doing that action as the result of some coercive mechanism in the alternate sequence. Stump agrees that there is an important distinction between these two sequences in this regard, and that the distinction is relevant to ascriptions of moral responsibility. However, she does not think this is enough to save *PAP* from *FSC*s. According to her, the flicker strategy depends on two assumptions, both of which she thinks ought to be rejected. These assumptions are:

(a)   the agent's doing an action-on-his-own must be something that the victim does, that is, it must be an action,

and

(b)   the agent's doing an action-on-his-own must be a distinct act from his doing that act.[25]

If these two assumptions were true, it would follow that *FSC*s fail to undermine *PAP* since the agent would have alternative possibilities for action. In the actual sequence, the agent does an action, namely the action that is 'the agent doing an action, *W*, on-her-own,' while the alternate sequence does not include this action. It, instead, contains a numerically distinct action, namely 'the agent doing the act in question, *W*.' According to Stump, both of these assumptions are necessary for the flicker strategist's case:

> If doing *W*-on-his-own weren't an *action* that the victim does, then 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 the

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[23] Stump (1999), p. 312.

[24] Stump (1999), pp. 301f.

[25] Stump (1999), p. 314. The reader should note that I am endorsing neither Stump's claim that the flicker strategist needs to assume (a) and (b) nor her claim that they lead to counter-intuitive results discussed below. Rather, I want to argue that *even if* one rejects these assumptions, Stump's account still leads to a version of the flicker strategy. See also footnotes 28 and 30 below.

alternative sequence would be identical, and the victim wouldn't have *alternative* possibilities available to him.[26]

Stump thinks that neither of these assumptions, however, should be granted. To see why, consider some action *W*, and the agent's doing-*W*-on-her-own, which Stump calls action *O*. The two assumptions above can then be understood as

(a′)   *O* must be an action,

and

(b′)   *O* must be a distinct action from *W*.

And Stump thinks there is good reason to reject each of these.

Regarding (a′), Stump thinks "it isn't clear that it makes sense to take *O* as an action at all, and there are counterintuitive consequences of doing so."[27] Stump asks us to consider an *FSC* in which the agent does *O* in the actual sequence and does *W* in the alternate sequence. Now consider an analogue to this *FSC* in which the two sequences are reversed; the agent does *W* in the actual sequence and does *O* in the alternate sequence. If the agent in the *FSC* has alternative possibilities, then he should have the same two alternative possibilities in the analogue case, the only difference being that the possibility for action available to the agent in the actual sequence of the *FSC* is the possibility available to him in the alternate sequence in the analogue, and *vice versa*. Stump thinks it "clearly false" that in the analogue the agent has alternative possibilities for action: "In the actual sequence [of the analogue]... [the agent] would be entirely within his rights in claiming, afterwards, that he couldn't have done otherwise than he did, and he wouldn't be moved to rescind that claim by our insistence that there was an alternative possibility for his action in the alternative sequence in which he does *O*."[28] What the analogue case shows us, she thinks, is that taking 'doing *W*-on-one's-own' as an action leads to counter-intuitive results and ought to be rejected. But if (a′) is rejected, then (b′) must be rejected as well; for if 'doing *W*-on-one's-own' is not an action, then *a fortiori* it cannot be a numerically different action than

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[26] Stump (1999), p. 314.

[27] Stump (1999), p. 315.

[28] Stump (1999), p. 315. Commenting on an earlier version of this paper presented at the 2002 Ohio Philosophical Association, James Petrick objected to Stump's argument at this point as follows: "While Stump takes it to be intuitively obvious that Jones would be right to respond as she has indicated, I would like to suggest that our intuitions are not as clear on this matter as she would have us believe. Of course, what Jones would be right to respond depends in part upon the context in which he is questioned about his action. The most likely context, I suggest, is one in which he is concerned with denying that he ought to be held responsible for the action that was performed. On this, I admit that Jones might well express his innocence by insisting that he couldn't have done otherwise. However, were the notion of the flicker of freedom explained to him, he might well be content to say roughly the following: 'Yes, I could have done otherwise. I could have [done *W*] on my own. But surely you can't fault me for me not pursuing this alternative course of action. We'd still have [*W*], but we'd have the added evil that would have been my choosing to bring about some overt evil on my own.' ... Moreover, Jones might suggest that when he insisted initially that he couldn't have done otherwise, he only meant to draw attention to the fact that there was no action he could have performed so as to prevent the [*W* from occurring]. He did not mean to suggest that there were absolutely no other actions he could have performed. There was, after all, one; i.e., doing the action on his own. It just so happened that it was less desirable, morally speaking, than the action that was actually performed.... Now, I haven't done anything to establish that doing an action on one's own is a different action from doing the same overt bodily action as a result of a coerced choice. I do find this plausible; however, here I've only been interested in arguing that this principle does not have the counterintuitive result that Professor Stump alleges."

doing *W*. Both assumptions that were needed for the flicker strategy to show that the agent in an *FSC* still could have done otherwise, according to Stump, are false.

For those who are not persuaded by her argument that 'doing *W*-on-one's-own' is not an action, Stump proposes a different approach for undermining the flicker strategy; she believes that one can construct an *FSC* in which there is not even a flicker of freedom based on her understanding of the correlation between volitions and neural sequences in the brain. Stump is intentionally vague about the exact nature of this correlation in order to accommodate any position in the philosophy of mind except what she calls 'Cartesian dualism.' By 'Cartesian dualism,' Stump is not primarily thinking of any position that Descartes himself may or may not have held. Rather, she means those views in the philosophy of mind that reject any correlation between neural states and volitional states.

Given the assumption that Cartesian dualism is false, that is, given that all volitions are correlated *in some way* with a neural sequence in the brain, Stump suggests constructing an *FSC* based on the neural sequence correlated with doing *W*-on-one's-own:

> Furthermore, we can construct one *FSC* in which the counterfactual intervener desires not just some act *W* on the part of the victim but also the further act *O* [i.e., doing *W*-on-one's-own], as well as the act of doing *O*-on-his-own if there is such an act, and any further iterated acts of doing on one's own. We can stipulate that the counterfactual intervener controls all these acts in virtue of controlling the firings of neurons in the neural sequences correlated with each of these acts. If the victim doesn't do all these acts, the coercive neurobiological mechanism will produce them. In such a *FSC*, there are no alternative possibilities for action of any sort on the part of the victim.[29]

It is important to note what this example shows about Stump's understanding of *PAP*. It is not the case that an *FSC* can be given in which there are no differences at all between the actual sequence and the alternative sequence, so this cannot be what Stump means by 'eliminating all alternative possibilities.' Rather, what Stump's example shows us is that *FSC*s should not be understood as eliminating all alternative possibilities *simpliciter*, but as eliminating all alternative possibilities regarding action. In other words, the principle that Stump think *FSC*s undermine is something akin to the following:

> PAP_a = $_{df}$ 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*.[30]

And while I concur that there might be good reason to think that this principle is shown to be false by *FSC*s, I think that more needs to be said about how the numerically same action can occur in both sequences on Stump's view.

Given Stump's commitment to a Thomistic understanding of the relationship between the will and the intellect in freedom, it is perplexing that Stump thinks that the numerically same action could occur in both the actual and the alternate sequences, which her response to *FSC*s depends on. According to Stump's Thomistic understanding, the will is a faculty that cannot be acted on with efficient causation, even by the agent's own intellect. For this reason, it does not seem possible that the counterfactual intervener in an *FSC* could produce

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[29] Stump (1999), p. 317.

[30] Stump says as much in a recent article, where she defines *PAP* as "the principle that alternative possibilities for action are required for moral responsibility" [Stump (2003), p. 139]. Compare also McKenna (1997), p. 76: "What is means to say that an agent is morally responsible for the action she does perform only if she could have avoided that action, is that she is morally responsible for performing that very token action which she did perform only if she could have avoided the performance of that very action."

the same act of willing in the alternate sequence that the agent produces herself in the actual sequence. Discussing an *FSC* based on characters from Dostoyevsky's novel *The Possessed*, Stump writes:

> Even if it were coherent to suppose that one agent, say Verkhovensky, could directly produce some reasoning in the mind of another, such as Stavrogin, that reasoning would not be Stavrogin's but rather Verkhovensky's (or at any rate a product of Verkhovensky's reasoning). If Verkhovensky continuously produced thoughts in Stavrogin, then Stavrogin would have ceased to be a person and would instead be something like Verkhovensky's puppet.... An agent's second-order volitions cannot be produced by someone else.[31]

Elsewhere, Stump notes that "Aquinas, for example, thinks that the essence of freedom is that the agent's own mental faculties, her intellect and will, are the ultimate sources of any free act, and not something outside the agent.... A free action (mental or bodily) [can] not be caused by something external to the agent."[32] If the intervener were to cause the agent to do an action either through bypassing her intellect or overriding her will, then the action would not be one that originated in the agent's own intellect and will. In one sense then, the action in the two sequences would not be the same; the action in the actual sequence would be an act originating in the agent's own intellect and will, while the act in the alternate sequence would be one that originated in the intervener's intellect or will.

Stump explicitly rejects causal-genesis accounts of action individuation, which are accounts of actions according to which all the causes of an action are essential to it. In virtue of this, she thinks it is possible for the numerically same action to occur in both sequences.[33] But exactly how this is supposed to happen is unclear. I find it extremely difficult to see how the actions in the two sequences could be numerically identical since they are the products of different intellects and wills. Given that Stump thinks that the intellect and will are implemented in matter, and more specifically the brain, the exact nature of the correlation between the faculties of intellect and will, on the one hand, and the

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[31] Stump (1988), p. 403f. See also page 407: "On this view, the will is free with respect to a volition V just in case V is accepted by the agent because his intellect approves of V (at that time, under some description) as the good to be pursued, and there is no higher-order desire of the agent's with which V is discordant." Compare McKenna (1997), p. 83 footnote 9: "I believe that the libertarian can reasonably argue that when an agent's actions, or the deliberative machinery of her actions, are brought about by reasons independent of the agent's own rational machinery, then the actions or the deliberative mechanisms are *not* hers. This is not to say that it is a priori impossible for an intervener to cause an agent to act, or even to cause here to have such and such deliberations. It is only to say that the actions or the deliberations are not *hers*."

[32] Stump (1996), p. 80. For Stump, the need for the origination of an act to be in the agent's own intellect and will is what makes Aquinas' account an incompatibilist account: "What is necessary for libertarian free will is, as Aquinas says, that the ultimate source of the action be the agent's own will and cognitive faculties, whether or not the agent has alternative possibilities open to him in the circumstances" (ibid., 88).

[33] Other incompatibilists do think the causal origin of an action is an essential feature of that action. See, for example, Van Inwagen (1983); Pettit (2005); and Widerker (1995), pp. 247–261. If these causal-genesis accounts are true, then *FSC*s would quite clearly fail to undermine *PAP*, since the actual and alternate sequences contain actions with different causal origins. If causal-genesis accounts of events are false, however (as I am inclined to believe), then the difference in causal chains would be a merely accidental, rather than essential, difference in the action in the two scenarios. Nevertheless, this accidental difference is sufficient for the falsity of causal determinism. And if the falsity of determinism is relevant to moral responsibility, as the incompatibilist claims, then any alternative possibilities, even accidental ones, may be relevant to moral responsibility.

neurons in the agent's brain, on the other, becomes very important at this stage of her argument. If the intervener's intervention bypasses the agent's own intellect and will in the alternate sequence, then the alternate sequence will contain a different action. Yet, in order for an *FSC* to be an example of a situation in which the agent is morally responsible without having the possibility of performing a different action, both sequences must contain the same action. But how this is possible is not clear on Stump's account. When does the intervention in the agent's brain make it no longer that agent's action, and thus, *a fortiori*, no longer the same action? And how can the intervener intervene at the neural level without bypassing the agent's intellect and will, which are correlated with her neural firings? As best as I can tell, when Stump argues that *FSC*s are effective in eliminating alternative possi-bilities for action, she cannot mean that the same action, narrowly conceived as originating from a specific intellect and will, occurs in both sequences. Instead, it looks as though she means that the very same outcome of the interaction of intellect and will is produced in both sequences. It is this broader understanding of act involved in the principle PAP_a defined above that Stump apparently rejects.

However, even if Stump can satisfactorily address the concerns raised in the previous paragraph, there is still a flicker lurking in her account of free action. To see how, let us return to her evaluation of the flicker strategy. Stump thinks that the flicker strategist is correct in pointing out that the difference in the actual and the alternate sequences is important for freedom and moral responsibility:

> There is something right about the claim made by the proponents of the flicker of freedom defense of *PAP*, that there is an important difference between an agent's doing an act on his own and his doing it because he is caused to do so by an external intervener. As I have been at pains to argue, the difference is not a difference between different actions the agent does, as the flicker of freedom proponents suppose. Rather, the difference has to do only with *how* the agent does what he does. Even if the victim in a *FSC* has the same act of will *W* in the actual and the alternative sequence, there nonetheless remains a difference in *how* the victim wills what he does. He is causally determined to an act of will *W* in the alternative sequence, but not in the actual sequence. In the alternative sequence, the ultimate cause of what the victim wills is the intervener; in the actual sequence, it is the victim himself.[34]

In another place, Stump insists that every *FSC*

> leaves it up to the victim whether the act in question is done by the victim without coercion or is done as caused by the intervener. 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.... The one and only act open to the victim can be caused by the intervener or brought about by the victim of his own accord, and which of these modes is the once by which the act is done depends on the victim.[35]

In other words, Stump thinks that the actions in the actual and alternate sequences are the numerically same act; what differs in the two sequences is "only the mode of the action, which is caused by the agent in the actual sequence but not in the alternative sequence."[36]

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[34] Stump (1999), p. 322.

[35] Stump (2003), p. 151.

[36] Stump (1999), pp. 313f, footnote 34.

Stump agrees with the flicker strategist that this difference is sufficient to ground ascriptions of moral responsibility. But, she writes, "it is hard to see that this is a defense of *PAP* against *FSC*s, since on this flicker of freedom argument, the agent is not able to act otherwise that he does."[37] These comments show that, for Stump, the mode of an act is not essential to the act. What is up to the agent isn't whether or not an action occurs, but whether or not the agent is blameworthy for that action. Thus, while she rejects PAP_a, it appears that she would accept the following principle:

> $PAP_m =_{df}$ 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.

Since even in an *FSC* the agent does have alternative possibilities regarding the mode of the action, *FSC*s do not rule out PAP_m. In the actual sequence of any *FSC*, the mode of the action is up to the agent in the requisite manner. If an agent is coerced into doing an action, as in the alternate sequence, then the action is not freely performed by the agent (and thus is not one for which the agent is morally responsible). Furthermore, since Stump is an incompatibilist, she thinks that the truth of causal determinism would mean that the mode of an action would not be up to the agent in the way required by PAP_m.

It is interesting to note the similarities between PAP_m and PAP_f. If the agent has alternative possibilities regarding the mode of the action, that is, if it is up to the agent whether the act in question is done freely or only as the result of coercion, then there are alternative possibilities of some sort related to that action (since coercion mitigates one's moral responsibility). In other words, PAP_m seems to entail PAP_f. In fact, as far as I can tell, PAP_m is simply a slightly stricter version of PAP_f, since PAP_m insists that the relevant alternative possibilities related to the action just are the modes of the action. Thus, while Stump rejects one understanding of the flicker strategy, her insistence on the importance of the mode of the action can be understood as a different version of the flicker strategy. If determinism were true, then there would be no alternative possibilities regarding either the action itself or the mode of the action; there would be no alternative possibilities at all. But the mode of the action is relevant to ascriptions of freedom and moral responsibility. According to Stump, "it is up to [the agent] whether or not he does what is blameworthy. But it need not be up to Jones in virtue of the fact that alternative possibilities for action [i.e., numerically distinct actions] are open to him."[38]

It looks then as if the mode of an action is the sort of alternative that, while it need not involve a distinct action, is relevant to freedom and moral responsibility nonetheless. For this reason, I think that Stump can be understood as a flicker strategist, though of a particularly refined sort that insists not on distinct actions in the actual and alternate sequences, but only on some alternative possibilities which are morally relevant. Furthermore, she would agree with other incompatibilists that the determination of an action would be relevant since it would prohibit the agent from being morally responsible. But then it looks as if Stump's 'modified libertarianism' does not differ from 'common libertarianism' in the way that she has suggested, for both require a *PAP*-like principle. It appears then that Stump is a flicker strategist despite her arguments against certain forms of the flicker strategy.

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[37] Stump (1999), pp. 313f, footnote 34.
[38] Stump (2003), p. 151.

Conclusion

In the preceding pages, I have examined Eleonore Stump's argument against the flicker strategy and showed how she too is committed to PAP_f. PAP_f, I also claimed, is at the heart of the flicker of freedom strategy employed by some incompatibilists as a response to FSCs. Insofar as Stump's 'modified libertarianism' – a form of Frankfurt-libertarianism – purports to differ from 'common libertarianism' by having no need for any PAP-like principle, I have also shown she cannot hold to Frankfurt-libertarianism. Stump's account of free will and moral responsibility does depend on the truth of a PAP-like principle. But this result does not seem to me to be restricted only to Stump. Since all incompatibilists insist on indeterminacy at some point in the causal history of an action, they also need there to be some alternative possibilities between the actual and alternate sequences of an FSC. These alternatives may not be numerically distinct actions; they may indeed be very 'weak' or 'flimsy.' But they are needed nonetheless. Furthermore, these remaining alternatives are sufficient for the truth of PAP_f. Frankfurt-libertarianism therefore collapses; libertarians are committed to a PAP-like principle.[39]

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