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## FRANKFURT-STYLE LIBERTARIANISM

### Introduction

It seems uncontroversial that

(FC) An agent S is morally blameworthy for performing a given act V only if S performed V freely.<sup>1</sup>

But how exactly is "freely" in (FC) to be understood? The traditional answer to this question has been to identify the freedom pertinent to moral blame with avoidability, thus construing FC as follows:

(PAP) An agent S is morally blameworthy for performing a given act V only if he could have avoided performing it.<sup>2</sup>

Situations in which the agent is coerced, compelled, or manipulated to perform a certain act confirm (PAP). As is well known, PAP has come under attack most notably by Harry Frankfurt in his seminal 1969 article "Alternate Possibilities and Moral Responsibility". There, Frankfurt develops an intriguing argument against PAP. Central to it are two assumptions: one metaphysical and one moral. The metaphysical assumption is that

(IRR) There may be circumstances that in no way bring it about that a person performs a certain action; nevertheless, those very circumstances make it impossible for him to avoid performing that action. (ibid.: 830, 837)

(Call a situation of the sort described in IRR an "IRR- scenario.") The moral assumption is that

(M) An agent who in an IRR-scenario deliberately performed a morally wrong act is blameworthy for it, even though he could not have avoided performing that act. (ibid.: 836-837)

Together these two assumptions yield the conclusion that PAP is false. We may get a better grasp of Frankfurt's argument by considering the kind of example which Frankfurt employs in order to establish IRR.

Jones is deliberating as to whether to keep the promise he made to his uncle to visit him in the hospital shortly before a critical operation that his uncle is about to undergo. Jones is his uncle's only relative, and the visit is very important to the uncle. The reason for Jones's

deliberating is that, on his way to the hospital, he (incidentally) met Mary – a woman with whom he was romantically involved in his distant past and whom he has not seen since then. Mary, being eager to talk to Jones, invites him for a cup of coffee in a nearby restaurant. She explains that she is in town just for a couple of hours, and wishes to spend those hours with him. Jones is aware that if he accepts Mary's offer, he will not be able to make it to the hospital during visiting hours. Unbeknownst to Jones, there is another person, Black, who for some reason does not want Jones to visit his uncle. Black has the power and the means to force Jones to decide to stay with Mary. But wishing to avoid showing his hand unnecessarily, he has made up his mind to intervene if and only if Jones does *not* show a sign of going to decide to break his promise to his uncle. Call that sign "Q". If Jones shows that sign, then Black does nothing, knowing that in this case Jones will decide to accept Mary's invitation. (It is assumed that Black knows Jones very well in this regard). Finally, suppose that Black does not have to intervene, since Jones decides on his own not to keep the promise, and spends the time with Mary.

Call this example "Promise Breaking" and an example of this type "a Frankfurt-type counterexample to PAP", or "a Frankfurt-type example" for short. Frankfurt claims that, because in the situation described Jones decided to break the promise on his own (without Black's intervention), he is to blame for the decision he made, even though he could not have avoided making it. Hence, according to him, PAP is false (ibid.: 835-836).

Frankfurt's attack on PAP has not gone unchallenged. Libertarians have resisted it by questioning the coherence of IRR-situations, or at any rate by insisting that examples such as the above fail to describe an IRR-situation, in which case, Frankfurt's assumption IRR is unwarranted. More specifically, they have claimed that such examples do not succeed when applied to mental acts such as deciding, undertaking, forming an intention, i.e., mental acts that for the libertarian constitute the *loci* of moral responsibility. Their counterargument, sometimes called also "the Dilemma Objection" was this:

Consider the relation between the sign Q that Black employs as a sign for not intervening and Jones's decision to break the promise. Either the occurrence of Q is (or is indicative of) a condition that, in the circumstances, is causally sufficient for Jones's decision to break the promise, or it is not. If it is, then that decision is brought about by the circumstances in which it occurs, in which case the example does not describe an IRR-situation. On the other hand, if Q is not so associated with Jones's decision to break the promise, but is merely a reliable indicator of it, then there is no reason to think that Jones's decision to break the promise was unavoidable. In either case, the truth of IRR has not been established. <sup>3</sup>

To sidestep this libertarian response, opponents of PAP have tried to come up with other, more sophisticated, examples of IRR-scenarios.<sup>4</sup> These examples have again been criticized by PAP-defenders<sup>5</sup>, and then have again been improved upon or defended by opponents of PAP<sup>6</sup>, and so on. The worry behind the Dilemma Objection is understandable. If in an IRR-situation the agent's decision is not causally determined, then why is it not within the agent's power to refrain from it? In the past, I have been skeptical about the prospects of providing a successful example of an IRR-situation. Since then, however, I have come to believe that such situations *are* conceptually possible. My purpose in this paper is to explain why this is so, and, as a result, to offer a novel perspective on the significance of such situations for a *libertarian* account of freedom and moral blameworthiness.

The discussion that follows is divided into five parts. In sections I – II, I provide a deeper analysis of IRR-situations and then offer an argument for their conceptual possibility. In Section III, I apply that analysis to Frankfurt-type-examples and draw attention to a general difficulty that threatens their coherence. In this context, I criticize Derk Pereboom's recent attempt to provide a plausible Frankfurt-type example. In section IV, I show how the notion of an IRR-situation and the principle PAP can be further generalized. Section V is a dialectical interlude in which I elaborate on the significance of IRR-scenarios for libertarianism. In section VI, I develop a libertarian-based account of moral blame which like Frankfurt's account rejects PAP. In section VII, I explore the question why, given that on that account avoidability is not a necessary condition for moral blame, the libertarian proponent of the account is justified in exculpating an agent who acts immorally under determinism. And finally, in section VIII, I defend that account against some potential objections.

## **I. How to construct a successful example of an IRR-situation**

At the heart of my argument for the conceptual possibility of an IRR-situation are two assumptions. The first concerns a distinction familiar from discussions of free will; the distinction between its being *causally possible* (relative to a time T) that a certain state of affairs obtains, and an agent's *having it within his power* at T to bring it about that the state of affairs obtains. Obviously, the fact that a state of affairs is causally possible, relative to T, say, that a radioactive atom will decay at some later time T', does not entail that an agent has it within his power at T to bring that state of affairs about.

Call a state of affairs (event) E *actionally accessible* for an agent S, relative to a time T, if and only if S has it within his power at T to bring about E. Call a state of affairs (event) E *actionally inaccessible* for an agent S, relative to a time T, if and only if S does *not* have it within his power at T to bring about E. The notion of an *actionally accessible/inaccessible* state of affairs is both agent and time-relative. For example, normally, the causally possible state of affairs of the Prime Minister

inviting me for dinner at T1 is inaccessible for me before T1, but not for him. However, after T1, that state of affairs becomes inaccessible for him as well.

The second assumption in my argument for the possibility of an IRR-situation is that it is a situation in which an agent S makes a certain decision *on his own*, without having a (for him) accessible alternative to that decision. The term "on his own" is to be understood in a libertarian sense, implying that such a decision is neither caused<sup>7</sup> nor nomically determined.<sup>8</sup>

Expressing all this a bit more formally, we can say that an IRR-situation is a situation in which:

- (a) S decides-to-V at T *on his own*.
- (b) P1, P2, ....., Pn are *all* (in the circumstances) causally possible alternatives to S's deciding- to-V at T.
- (c) P1, P2, ....., Pn, are *actionally inaccessible* to S in the circumstances.<sup>9</sup>

This characterization of an IRR-situation is in line with its characterization as a situation in which the agent's decision, though unavoidable, is in no way brought about by the circumstances in which it occurs. The task that remains is to present a convincing case for the claim that such situations are conceptually possible. It is this task to which I now turn.

## II. An Example of an IRR-situation

### 1. Brain-Malfunction-W<sup>10</sup>

This example does not involve a counterfactual intervener. As in Promise Breaking, Jones deliberates as to whether to accept Mary's offer, and ultimately decides on his own at T to violate the promise to his uncle. Normally, one can avoid deciding as one does by deciding otherwise. But in our scenario Jones does not have that option, since shortly before beginning to deliberate, he undergoes a temporary neurological change as a result of which one of the (neurological) causally necessary conditions for his deciding otherwise, a condition which we may call "N", does not obtain.<sup>11</sup> Let's also assume that this fact is unknown to Jones (who believes that he can decide to keep the promise), and that N's absence does not affect his deliberation process.<sup>12</sup> Note that this assumption does not render Jones's actual decision of not keeping the promise (D(-K)) causally determined. The fact that N is a causally necessary condition of Jones's deciding to keep the promise entails that N's absence is sufficient for its *not* being the case that Jones decides to keep it, that is, for -D(K). But from this it does not follow that N's absence is sufficient for Jones's deciding not to keep the promise, that is, for D(-K). D(-K) and the negative state of affairs -D(K), are not identical. Though in the situation under consideration -D(K) is realized by D(-K), it can be also realized in a different way. For example, by Jones's suddenly becoming distracted and forgetting for a few seconds about the decision he needs to make, or by Jones's spontaneously losing focus for a second or two. Thus, the absence of N does not causally

determine Jones's decision not to keep the promise. We are now very close to obtaining an IRR-situation. I say "very close", as we have not yet eliminated *all* the alternatives to Jones's deciding not to keep the promise that are accessible to him. There is the alternative of his continuing to deliberate at T. However, this alternative can be ruled out by assuming (i) that after having deliberated for some time about what to do, Jones realizes that needs to make a decision right away, as otherwise he will not be able to get to the hospital on time, and (ii) that, *qua* rational agent, Jones cannot fail to realize that (in the circumstances) continuing to deliberate means deciding not to keep the promise. Thus, for Jones, the option of continuing to deliberate is practically equivalent to deciding not to keep the promise.

Brain-Malfunction-W satisfies conditions (a) - (c) which characterize an IRR-situation. In it, the only alternatives to Jones's deciding not to keep the promise are alternatives which, though causally possible, are *actionally inaccessible* to Jones.

We are now in a position to answer the libertarian worry stated earlier regarding the alleged possibility of IRR-situations. The worry was: why, given that an agent's decision is not causally determined, does he not have the power to avoid making it? The answer is this. The fact that the agent's decision is not causally determined entails that there is a causally possible alternative to it. But, as the above examples show, such an alternative need not be *actionally accessible* to the agent, i.e., it need not be a state of affairs that the agent has the power to bring about.<sup>13</sup>

### III. IRR-situations and Frankfurt-type Examples

As stated in the Introduction, a Frankfurt-type counterexample to PAP purports to describe a situation in which: (i) an agent S decides-to-V on his own, but (ii) unknown to S, there is some factor that would have caused him to decide to V, had S not decided-to-V on his own. That is, a Frankfurt-type example purports to describe a situation in which there are just two options:

(2) Either S decides-to-V at T on his own, or S is caused by some factor to decide-to-V at T.

Much of the recent debate between Frankfurtians and PAP-defenders has indeed focused on the question of whether the former have succeeded in describing a coherent scenario in which (2) is true. Since I have come to believe that none of the current attempts by Frankfurtians<sup>14</sup> to describe such a scenario is successful, I shall (with one exception) not discuss them here again.<sup>15</sup> The exception is Derk Pereboom's recent attempt to provide a Frankfurt-type example that works, as his example is considered by many to be adequate. After criticizing Pereboom's example, I shall return to the question of whether an adequate Frankfurt-type example can be constructed.

Pereboom's example, which he calls "Tax Evasion 2" reads as follows:

*Tax Evasion (2)*: Joe is considering whether to claim a tax deduction for the substantial local registration fee that he paid when he bought a house. He knows that claiming the

deduction is illegal, that he probably won't be caught, and that if he is, he can convincingly plead ignorance. Suppose he has a very powerful but not always overriding desire to advance his self-interest regardless of the cost to others, and no matter whether advancing his self-interest involves illegal activity. Crucially, his psychology is such that the only way that in this situation he could *fail* to choose to evade taxes is for moral reasons. His psychology is not, for example, such that he could fail to choose to evade taxes for no reason or simply on a whim. In addition, *it is causally necessary for his failing to choose to evade taxes in this situation that he attain a certain level of attentiveness to these moral reasons.* (My emphasis). He can secure this level of attentiveness voluntarily. However, his attaining this level of attentiveness is not causally sufficient for his failing to choose to evade taxes. If he were to attain this level of attentiveness, Joe could, with his libertarian free will, either choose to evade taxes or refrain from so choosing (without the intervener's device in place). More generally, Joe is a libertarian free agent. But to ensure that he choose to evade taxes, a neuroscientist now implants a device, which, were it to sense the requisite level of attentiveness, would electronically stimulate his brain so that he would choose to evade taxes. In actual fact, he does not attain this level of attentiveness, and he chooses to evade taxes while the device remains idle.

In this situation, Joe could be morally responsible for choosing to evade taxes despite the fact that he could not have chosen otherwise. (Pereboom 2003: 193-195) <sup>16</sup>

I see two problems with Pereboom's example. The first and main problem is that in it, the agent's decision is causally determined. To see this, let's examine the situation he describes *just before* (say one microsecond) Pereboom's agent (Joe) makes the decision to evade taxes. At that time, a causally necessary condition for his *not* making that decision (i.e., his attaining the requisite level of attentiveness to moral reasons) is missing, which means that there is a causally sufficient condition for his making that decision; and at that time, it is no longer within Joe's power to change that. Voluntarily raising one's level of attentiveness to moral reasons is an intentional action that takes time, and at the point in time in question it would be too late for Pereboom's agent to complete it. Since Joe's decision is causally determined, the situation Pereboom is describing is not an IRR-situation.<sup>17</sup>

Another problem with Pereboom's example is that, in it, the agent is *derivatively* blameworthy for the decision he made, because he has not done his reasonable best (or has not made a reasonable effort) to avoid making it. He should have been more attentive to moral reasons than he in fact was - something he could have done. And in that case, he would not be blameworthy for deciding to evade taxes, as then he would be forced by the neuroscientist to so decide. If this is correct, then Pereboom's example is a case of derivative culpability, and hence is irrelevant to PAP, which, as stated earlier,

concerns itself only with *direct* or *non-derivative* culpability (fn. 2). Pereboom seems to be aware of this criticism. He rejects it since he thinks that raising his attentiveness to moral reasons is not a morally significant (robust enough) option for Joe. He says:

This example does feature alternative possibilities that are available to the agent -- his achieving higher levels of attentiveness to moral reasons. But these alternative possibilities are not robust. First, note that in ordinary circumstances, without the intervener's device in place, it is not the case that by achieving some higher level of attentiveness Joe would have avoided responsibility for choosing to evade taxes. For under these conditions achieving some higher level of attentiveness is compatible with his not refraining from making this decision, or even ever being seriously inclined so to refrain, and choosing to evade taxes instead. (Pereboom 2003, 194-195)

I find this response unconvincing. As a morally competent agent who was aware of the temptation to evade taxes, Joe should have known that by raising the level of his attentiveness to moral reasons, he would be in a better position to overcome that temptation; and therefore, he should have availed himself of this option (something he could have done). To make this point clearer, suppose we consider a normal situation – one in which there is no neuroscientist in place –, and in which Joe is caught by the IRS. At his trial, the judge reprimands him saying: "Joe, you should have reflected more on the immoral character of the deed you were about to perform, and should have refrained from doing it." Could Joe respond saying: "Sorry, Your Honor, but I am a person who upon becoming more morally aware as to what's at stake, would not even be inclined to refrain from evading taxes." Had Pereboom's agent answered the judge this way, the latter would be justified in inferring that he is dealing with an individual with a character flaw. Hence, Pereboom's example is either a case of derivative culpability, or in case the agent is not culpable for the said flaw, it is an example in which the agent is not culpable for his decision.<sup>18</sup>

Is it possible to provide a successful Frankfurt-type example? Or alternatively put, is it possible to provide an example of an IRR-situation that takes the form of Frankfurt-type example? I am skeptical that this can be done. The difficulty, as I see it, is this: A constraint on any Frankfurt-type example is that it allows for only two possible outcomes:

(2) Either S decides-to-V at T on his own, or S is caused by some factor to decide-to-V at T.

If so, then to guarantee that this constraint is satisfied, there must exist some prior condition C (indexed to a time T\* earlier than T) that is causally sufficient for (2)<sup>19</sup>. But since (2) entails that

(3) S decides-to-V at T,

it follows that (3) must obtain in every causally possible world relative to T\*. However, if that's the case, it is hard to understand how (3) can fail to be causally determined; which means that we have

every reason to believe that the scenario such an example describes is *not* an IRR-scenario. The same difficulty does not arise for examples of an IRR-situation we suggested earlier, since those are not subject to so stringent a constraint as the one stated in (2).

#### IV. A more general notion of an IRR-situation

It is important to note that Frankfurt's case against PAP would be just as strong if instead of establishing the possibility of a situation in which Jones has no actionally accessible alternative to his decision not to keep his promise (IRR-situation), he would be able to come up with a situation in which Jones has no *morally significant alternative* to that decision – for example, when unbeknownst to Jones, his only way of being able to avoid making the decision is by committing suicide. In such a situation, it would be counterintuitive to ground Jones's culpability for his decision *not* to keep the promise (D(-K)) in the fact that he did not avail himself of the alternative possibility of committing suicide.<sup>20</sup> To capture this point better, we need a more general notion of an IRR-situation; one in which the agent does not necessarily lack an *actionally accessible* alternative to the morally wrong act he performs, but lacks rather a *morally significant alternative*.

Call an act V\* a *morally significant alternative* to a culpable act V that an agent S performs at T if and only if (i) S is aware (or should be aware) that if he performs V\* at T, he will not be blameworthy for V-ing at T, (ii) S truly believes that it is within his power to perform V\* at T, and (iii) in the circumstances, V\*-ing at T would be regarded as a reasonable way for S to avoid being culpable for V-ing at T.<sup>21 / 22</sup>

We can now introduce the following more general notion of an IRR-situation

(G-IRR) There may be circumstances that in no way bring it about that a person performs a certain action; nevertheless those very circumstances leave him with no morally significant alternative to performing that action.

Corresponding to this more general notion of an IRR-situation we also have the following more general formulation of PAP:

(G-PAP) An agent S is morally blameworthy for V-ing at T only if S had a morally significant alternative to V-ing at T.

As the notion of a G-IRR-situation is more general than that of an IRR-situation, the task of constructing an example of a G-IRR-situation should be even easier than that of constructing an example of an IRR-situation. In what follows, I shall, for simplicity's sake, ignore the distinction between an IRR-situation and a G-IRR-situation, and continue to speak only about the former.

#### V. Dialectical Interlude

Suppose that IRR-situations are indeed possible. What is the significance of this result? First, there is an important metaphysical implication. Such scenarios force libertarians to distinguish clearly between two basic notions or senses of acting freely – the "on my own" sense and the "up to me" sense.

According to the first sense, acting freely does not entail that one has had the power to avoid acting as one in fact does. What it entails is acting on one's own in a libertarian sense - that one's action (S's V-ing at T) is neither nomically determined nor caused<sup>23</sup>. According to the second sense, acting freely entails both acting on one's own and avoidability. This is in sharp contradistinction to the traditional libertarian position, which, though acknowledging the conceptual difference between the two senses, regarded them as (broadly) logically equivalent.<sup>24</sup>

Next, what about the *moral significance* of IRR-scenarios, or more specifically, their bearing on an adequate account of moral blame? Do they imply that PAP is false? In the past, I have resisted this conclusion pointing out that to establish it one must also assume what I called the "Moral Assumption" of Frankfurt's argument against PAP

(M) An agent who in an IRR-scenario deliberately performed a morally wrong act is blameworthy for it, even though he could not have avoided performing that act.

This assumption, I claimed, is far from being obvious.<sup>25</sup> To show this, I drew attention to a powerful consideration against (M) - the intuitive link between attributing blame to an agent and expecting of the agent that he not have done what he did.<sup>26</sup> When we consider someone morally blameworthy for a certain act, we believe that morally speaking he should *not* have done what he did, and we blame him because he has not met that expectation.<sup>27</sup> However, sometimes adopting such an expectation would be unreasonable. For example, in a situation in which it is clear to us that the agent could not have avoided acting as he did. To expect of the agent in that situation not to have done what he did would be to demand of him the impossible, and would, therefore, be irrational. This consideration led me to suggest the following necessary condition for moral blame which I called "the Principle of Alternative Expectations":

(PAE) An agent S is morally blameworthy for performing a given act V only if in the circumstances, it would be morally reasonable to expect of S not to have done it, or it would be morally reasonable to expect of S to have done something such that had he done it, he would not be blameworthy for performing V.<sup>28</sup>

This principle, I argued, explains why one may want to reject (M). Moreover, it provides the rationale for a principle such as PAP, which, in the light of PAE, may be viewed as a reasonableness constraint on ascriptions of moral blame. Here, I do not intend to strengthen my case for PAE further. Instead, I wish to draw attention to a libertarian-based alternative to PAE, that differs importantly from Frankfurt's account of blame, but which like the latter does not regard avoidability as a necessary

condition for moral blame. I dub that account "Frankfurt-Style Libertarianism" or "FS-Libertarianism" for short. My goal is to show that, just as there is something very appealing about PAE, there is also something very intuitive about the claim (M) that in an IRR-situation, the agent is blameworthy for what he did, and that this intuition can be captured in libertarian terms. I shall, however, not adjudicate between this alternative account of blame and PAE, but leave it for the reader to decide which is preferable. I myself feel conflicted about them.

## VI. A Libertarian-Based Alternative to PAE

Before stating this alternative, let us first ask ourselves why do we tend to regard an agent who acts wrongly in an IRR-situation as blameworthy, even though he could not have avoided acting as he did? Surprisingly, this question has only received scant attention in recent discussions of Frankfurt's argument against PAP. Most discussants, with the notable exception of Frankfurt himself, either just content themselves with the observation that it is intuitive to think so, or they adopt Frankfurt's answer to that question stated below:<sup>29</sup>

The fact that a person could not have avoided doing something is a sufficient condition for his having done it. But as some of my examples show, this fact may play no role whatever in the explanation of why he did it. It may not figure at all among the circumstances that actually brought it about that he did what he did.... Now if someone had no alternative to performing a certain action but did not perform it because he was unable to do otherwise, then he would have performed exactly the same action even if he could have done otherwise. The circumstances that made it impossible for him to do otherwise could have been subtracted from the situation without affecting what happened or why it happened in any way.

....When a fact is in this way irrelevant to the problem of accounting for a person's action *it seems gratuitous to assign it any weight in the assessment of his moral responsibility*. (My emphasis) Why should the fact be considered in reaching a moral judgment concerning the person when it does not help in any way to understand either what made him act as he did or what, in other circumstances, he might have done? (Frankfurt 1969: 836-837)

Put succinctly, Frankfurt's argument in support of the claim that

(M) An agent who in an IRR-scenario deliberately performed a morally wrong act is blameworthy for performing it, even though he could not have avoided performing that act,

is the following :

1. The fact that in an IRR-situation an agent could not have avoided performing a certain act plays no role in the causal explanation of why he performed it.

2. If a fact is irrelevant to the causal explanation of why the agent performed a certain act, then such a fact has no bearing on the agent's moral responsibility for the act.
3. Therefore, M is the case, and PAP is false.

The problem with this argument lies in its second assumption. There are intuitive examples that show that sometimes the reason why we absolve an agent from blame (or hold him blameworthy) for performing a certain act, does not figure at all in the causal explanation of the act. Here is one such example. Suppose that S wakes up one morning with an irresistible urge to strangle his neighbor's canary. Despite all his efforts to resist that desire, he ultimately succumbs to it. Unbeknownst to S, he has been manipulated to so act. Clearly S is not blameworthy for strangling the canary, and the reason for this is that he did all he could to refrain from doing so. But note that this fact is irrelevant to the explanation of why he performed that act. He killed the canary not because of his efforts to resist, but despite them.<sup>30</sup> Here is another counterexample to 2. Suppose that S harms another person for some selfish reason, knowing very well that in doing so he is acting immorally. Surely the fact that S knew that he was wrong to do what he did has a bearing on our considering him blameworthy for his act. But again this fact plays no role in the causal explanation of why S performed that act. He harmed the other person not *because* he knew that doing so is morally wrong, but despite his knowing that.<sup>31</sup>

I believe that there is a better answer to the question of why we tend to regard an agent who acts in a morally wrong way in an IRR-situation as blameworthy. To see this, we need to view the sequence of events in BMF-W from Jones's epistemic perspective. Having met Mary and heard her proposition, Jones saw himself as facing two options: accepting Mary's offer, thereby breaking the promise he made to his uncle; or rejecting her offer and keeping the promise. Now, Jones was aware that deciding not to keep the promise was morally wrong. Hence, he had a moral reason not to act that way. Furthermore, he did not think (nor had he a good reason to think) that deciding to keep the promise was not within his power to do. On the contrary, he believed that acting in this way was within his power. Nor did he believe that, in the circumstances, deciding to keep the promise would be irrational.<sup>32</sup> Despite all this, he *chose on his own* to break his promise, thus acting contrary to the way required by moral reasons. Therefore, he is *morally to blame* for what he did.

Note that the fact that Jones mistakenly believed that he could have decided otherwise, but in fact could not have done so, is morally irrelevant. It does not change a bit our negative assessment of him as someone who *chose on his own* to act contrary to moral reasons. Jones is just as morally unjustified for having acted as he did, as he would have been in a scenario in which, due to N being in place, he had the option of deciding otherwise. Because the absence of N affected neither his deliberation nor his decision, these two scenarios are morally equivalent. It is this point that I take to be

one of the important lessons to be drawn from the possibility of IRR-scenarios. The above considerations suggest the following account of moral blame:

An agent S is morally blameworthy for deciding-to-V at time T if

- (i) S decided-to-V at T on his own.
- (ii) S decided-to-V at T being aware that doing so is morally wrong.
- (iii) S believed that he could have decided otherwise, or had no good reason to think that he could not have decided otherwise.
- (iv) S did not have a good reason think that, in the circumstances, deciding-not-to-V at T would be irrational.<sup>33</sup>

Note that someone who satisfies the conditions stated above cannot in order to exonerate himself from blame appeal to standard excuses such as ignorance, coercion, hypnosis, etc. Nor can he view himself as morally justified for the way he acted. And so we can state the above account more generally as follows :

(FS-L) An agent S is blameworthy for V-ing at T if and only if

- (i) S V-ed at T *on his own*, and
- (ii) S was aware that by V-ing at T he would violate a (prima facie) moral obligation without having a morally adequate justification or excuse for doing so.

We may refer to such an agent as "someone who, by acting as he did, showed a lack of respect (concern) for morality".

The account before us is an avoidability-independent account of moral blame.<sup>34</sup> According to it, the agent's blameworthiness does not derive from the fact that he did *not* avail himself of an alternative way of acting that he *should have* and *could have* availed himself of. Rather, the agent is blameworthy because by acting as he did, he expressed a lack of respect (concern) for morality in the sense specified above.<sup>35</sup>

## VII. The Difference Between an IRR-scenario and a Deterministic Scenario

What is the difference between an IRR-scenario and a deterministic scenario when it comes to the question of an agent's blameworthiness for his action? If, according to the FS-Libertarian, unavailability *per se* does not exonerate an agent, then why is the FS-Libertarian justified in exonerating the agent under determinism? For an FS-Libertarian, the important difference between these two scenarios is that in the latter the agent's act was causally determined by factors beyond his control, factors for which he is not to blame. More specifically, the FS-Libertarian holds that

- (CDE) If an agent's action was causally determined by factors for which he is not to blame, then the agent is not blameworthy for it.<sup>36</sup>

("CDE" is short for "causal determination exonerates".) The thought behind CDE is that in a case in which an agent's action was causally determined by factors for which he is not to blame, whatever blame there might be for the action attaches (if at all) to those factors and not to the agent.

One might think that, given that for an FS-Libertarian unavoidability *per se* does not exonerate, it has no explanatory role to play in exculpating an agent under determinism. But this would be a mistake. To see this, consider a deterministic world in which an agent S performs a heinous act A for a selfish reason, knowing very well that in doing so he is acting immorally. Is S morally blameworthy for what he did? FS-Libertarians (and libertarians in general) would want to say that S is not blameworthy. But suppose that their opponent disagrees, claiming that S *is* blameworthy, since he knew that he was acting wrongly and believed correctly that he *could* have avoided acting as he did.<sup>37</sup> It seems that the libertarian's only and correct response to such a challenge is to insist that in a deterministic world S could *not* have avoided doing A. What this shows is that if the FS-Libertarian wishes to exonerate an agent for acting wrongly under determinism, he cannot allow himself to regard the unavoidability of the agent's act as irrelevant. Fortunately, there is no danger that a consistent FS-Libertarian would do that, since for him the fact that in a deterministic world the agent's act was causally determined by factors beyond his control entails that the act was unavoidable.<sup>38</sup>

The above point may be also expressed by employing the notion of an explanatory necessary condition:

Q is an *explanatory necessary condition* for P =def it is impossible to explain why P is the case without assuming that Q is the case.

We may then say that the fact that S's act was unavoidable is an explanatory *necessary condition* for exonerating S for deliberately acting wrongly (for a selfish reason) under determinism. For if one did not realize that, given determinism, S could not have avoided acting the way he did, one would have to take seriously the possibility that S *could have* avoided doing so, in which case, one would have to take seriously the possibility that S might be blameworthy for the way he acted *despite* determinism. Hence, one would not be able to explain why, given determinism, S be exonerated.

Combining this last point regarding the significance of unavoidability with that made earlier regarding CDE, we can say that what, for an FS-Libertarian, exonerates an agent under determinism is not *just* the fact that his act was unavoidable, but rather that its unavoidability is grounded in its being causally determined by factors for whose obtaining he is not to blame. It is this additional feature that is missing in an IRR-situation.<sup>39</sup>

At this point, one may wonder why this difference is a *relevant* difference. What is so special about unavoidability grounded in causal determination by factors for which the agent is not to blame? After all, in an IRR-scenario, the agent's act is also rendered unavoidable by factors for which he is not

to blame - the absence of N, or the presence of a counterfactual intervener, etc.<sup>40</sup> The FS-Libertarian's answer to this question is to point out that in an IRR-scenario, the factors that render his act unavoidable do so by eliminating *some* but not *all* the causally possible alternatives to his doing A, just those that (in the absence of those factors) would be within his power to realize (or just those that are morally significant). In such a way, the agent's act remains causally *undetermined*, which means that the agent can still be considered the causal originator of his act, and can be blamed for it. The same is not true of a deterministic scenario in which the factors that render the agent's act unavoidable – the primordial state of universe and the laws of nature - not only eliminate *all* causally possible alternatives to the agent's act, but do so by *bringing* about the act. Here the transfer of responsibility (if any) from the agent to those factors is reasonable.

### VIII. Objections and Replies

I would like to conclude this paper by considering some objections that may naturally arise in connection with the above account of blame.

**Objection 1:** Holding Jones blameworthy for deciding not to keep his promise in a situation such as Brain-Malfunction-W, when, in fact, he could not have avoided doing so (or could not have avoided being blameworthy), is unfair to Jones.

**Reply:** The objection is unconvincing. Why exactly is this unfair? If the reason is that Jones *could not* have done what he *should* have done, then the critic assumes that the agent's blameworthiness for what he did is grounded /resides in the fact that he did *not* do what he *should* and *could* have done. Note, however, that this is not how the proponent of a Frankfurt-Style account of blame is viewing the situation. He does not take *that* to be the reason why Jones is blameworthy. For him, Jones is blameworthy because the decision Jones made in Brain-Malfunction-W expressed a lack of respect for morality on his part.

What about other reasons for thinking that it is unfair to blame Jones for deciding not to keep the promise, when he could not have avoided doing so? Perhaps the reason why that is unfair is because then we would be treating Jones and his non-Frankfurtian counterpart (who could have avoided being blameworthy) equally, even though the latter had an option Jones did not have? Again, the answer is negative. The reason for holding Jones blameworthy is that he violated a (prima facie) moral obligation in the absence of a morally justified reason for doing so<sup>41</sup>, and in that regard he does not differ from his non-Frankfurtian counterpart.

**Objection 2:** If we accept the FS-account of blame under consideration we have to give up the conceptually intuitive link between holding an agent blameworthy and expecting of him not to have acted as he did.

**Reply:** True. But note that if we adopt the "reasonableness of expectation" account of moral blame (PAE), we also have to give up certain basic intuitions about moral blameworthiness. For example, we have to give up the intuitive assumption that: if S has a moral obligation to V and violates it in the absence of having an adequate justification or excuse, then he is blameworthy for so acting. This assumption is often viewed as being explicative of the very notion of moral obligation.<sup>42</sup> So just as there are costs to abandoning an account of moral blame such as PAE, there are parallel costs to insisting that in an IRR-situation the agent is not blameworthy. Ultimately, deciding which account of blame is to be preferred will have to involve a whole array of considerations, and it is not clear at all that at the end of the day the traditional non-Frankfurtian account of moral blame will turn out to be the better one.<sup>43</sup>

**Objection 3:** Holding Jones blameworthy for deciding not to keep his promise in a situation like Brain-Malfunction-W is irrational and hence, morally inappropriate. For what should he have done instead, or what should he have done so as to avoid being blameworthy? One cannot say that he should have avoided deciding to break the promise, since it was not within his power to do that.

**Reply:** This is what I have referred to elsewhere as "the W-defense"<sup>44</sup>, and I consider it as one of the strongest challenges to the account of blame under consideration. However, a defender of that account can reply to it in the following way: In insisting on pressing the question: "What should Jones have done instead, or what should he have done so as to avoid being blameworthy?" the critic presupposes that in order to be blameworthy one must have had the option of not being blameworthy. But this assumption is rejected by the proponent of the FS-account of blame. On that account, an agent is blameworthy if and only if by acting as he did he showed a lack of respect (concern) for morality. To act in this way, it is not necessary that the agent had (in fact) the option of not being blameworthy. It is necessary that he *believed* that he had it. And this is certainly true of Jones who, when making the decision to stay with Mary, believed that he could have decided otherwise.

Perhaps the following remark will make the above reply clearer. Consider again the question: "What should Jones have done instead, or what should he have done so as to avoid being blameworthy?" This question, the proponent of FS-Libertarianism may explain, is similar in an important respect to the question: "When did you stop beating your wife?" when posed to someone S who is a good husband. The fact that S does not have a good (direct) answer to it, certainly does not entail that S is to blame for having been cruel to his wife in the past. The proper response to it by S is an indirect one. It is to draw the questioner's attention to the fact that in asking the question he is presupposing that S used to beat his wife in the past, and then to point out that this presupposition is not true. In a similar way, (so argues the proponent of FS-Libertarianism) the question: "What should Jones have done instead, or what should he have done so as to avoid being blameworthy?" also carries

with it a presupposition, namely, that to be blameworthy, one must have had the option of not being blameworthy. And this is precisely what the proponent of the account of blame under consideration is denying.

**Objection 4:** Here is an objection, closely related, to the previous one. If Jones is blameworthy for deciding to break the promise, then this implies that he *ought not have decided* to act in this way. But how can this be the case if it was not within his power to refrain from deciding to break the promise? On the other hand, if Jones did *not* have the obligation to refrain from deciding to break the promise, it follows that the proposed account of blame has the odd consequence that an agent can be blameworthy for V-ing, even if he did not have an obligation to refrain from V-ing.

**Reply:** The first part of the above objection is based on the assumption that "ought implies can", an assumption regarded by many as problematic<sup>45</sup> But even if one grants that assumption and agrees that Jones did not have the obligation to refrain from breaking the promise, the objection still does not go through. Note that if Jones's blameworthiness derives from the fact that by acting as he did he expressed a lack of concern for morality, then to determine whether he is blameworthy, we have to assess his conduct not relative to what his obligation *in fact* was, but relative to what he took it to be. And here the facts are quite clear. Jones believed that he was morally obligated to decide to keep the promise, and that he did not have a morally justified reason not to do so. Nonetheless, he chose to act contrary to what he believed morality required. In so acting he has shown that he cares more for his selfish interests than for those of morality. And for this he deserves to be regarded blameworthy. All this, of course, modulo the assumption that what he did, he did on his own.

**Objection 5:** The account of blame under consideration does not enable us to distinguish someone like Jones who is blameworthy for what he did, from his morally conscientious counterpart Jones\* who, were he able to decide otherwise, would have refrained from breaking the promise he made. For, if in Brain-Malfunction-W the option of deciding otherwise is closed off, then Jones\* may also end up deciding not to keep his promise.

**Reply:** It is true that in a scenario such as Brain-Malfunction-W Jones\*, too, may end up deciding not to keep his promise. Still, there is an important difference between him and Jones. Unlike Jones, Jones\* would have decided differently in a normal situation in which the neurologically necessary condition for his deciding otherwise, viz., N, were in place. This implies that, if in a scenario such as Brain-Malfunction-W, Jones\* were to decide to break the promise, he (unlike Jones) would do so *because of* the absence of N. But then the pressure for holding Jones\* blameworthy vanishes, since for him Brain-Malfunction-W would not be an IRR-situation.<sup>46</sup>

**Objection 6:** The last objection to the avoidability-independent account of moral blame I am proposing is due to Carlos Moya (2007, 475-486). Moya contends that, contrary to what I've been

arguing, there are good reasons to think that in BMF-W Jones is *not* blameworthy for what he did, and that therefore PAP has not been refuted. According to Moya, an important precondition for an agent's moral responsibility for a decision he made is that the decision arose out of a normal process of practical deliberation and decision, which in turn presupposes in the agent a sound capacity for practical and moral reasoning (ibid.: 482). But in BMF-W, Moya claims, Jones's capacity for practical deliberation was impaired because

- (1) In BMF-W (due to the absence of N), Jones was unable to decide to keep the promise, and therefore, could not decide to keep his promise, no matter what powerful reasons for keeping it he might have had (ibid.: 483).

This inability on Jones's part to respond differentially to moral reasons indicates, according to Moya, that in BMF-W something was wrong with Jones's actual apparatus of practical and moral reasoning. Therefore, Jones cannot be regarded morally blameworthy for the decision to break the promise (ibid.: 483).

**Reply:** We may agree with Moya that a fact such as (1) indicates that in BMF-W, Jones's capacity for *decision making* was impaired to some extent. But it does *not* follow from this that

- (2) In BMF-W, Jones's capacity for practical and moral reasoning was impaired, and that therefore, he reached the decision to stay with Mary through the exercise of an impaired capacity for practical reasoning.

After all, in BMF-W, Jones realized that he acted immorally. His moral and practical beliefs were normal and justified. Furthermore, he was able to respond differentially to moral reasons. For example, if asked whether he would not keep his promise were Mary to show much less interest in spending time with him than she in fact did, he would answer this question negatively. And we may assume that he would respond in a similar fashion if asked whether he would decide to break his promise if he knew that his uncle was in a life-threatening situation, and that visiting him before the operation would significantly increase his uncle chances of survival. This shows that, contrary to Moya's claim, Jones's capacity for practical reasoning was not impaired.

Moyas's mistake stems from thinking that an agent's sound capacity for practical reasoning entails a sound capacity for *decision making* on the basis of reasons. An agent's capacity for practical reasoning requires that he be reasons-responsive in the sense of being able to respond differentially to reasons. However, this ability need not be cashed out in terms of the different *decisions* the agent would be able to make (on the basis of reasons) in different circumstances. It can be cashed out in terms of the different (reasonable) *practical beliefs* he would be able to form in different circumstances, including beliefs as to which decisions he would make when being presented with different reasons for acting. As I argued above, this is an ability that in BMF-W, Jones *had*.

These considerations suggest that when Jones decided to stay with Mary, he made that decision after having deliberated about it in a normal fashion, which implies that his decision arose out of a normal process of practical deliberation. Hence, we are justified in treating Jones in precisely the same way we would have treated him had N been in place. Now Moya may argue that a malfunction in one's capacity for decision making necessarily affects one's capacity for practical reasoning rendering it defective. But it is incumbent on Moya to show that - something he has not done. Absent an argument for this *further* claim, Moya is not justified in rejecting BMF-W as a (conceptually possible) counterexample to PAP.<sup>47</sup>

### **Conclusion**

The avoidability-independent account of moral blame to which I have been calling attention here places me in the camp of those called "Source Incompatibilists" who hold that, although moral responsibility is incompatible with determinism, moral responsibility does not require that the agent could have avoided acting as he did.<sup>48</sup> On this view, moral responsibility just requires that the agent was the ultimate originator of his act, that is, he performed the act without being in any way caused or nomically determined to perform it. The difference between my position and that of other Source Incompatibilists consists in the kind of examples I use to show that IRR-scenarios are conceptually possible, and in the reasons why such scenarios justify the rejection of PAP.

One final remark as to how my position on IRR-scenarios and their moral significance relates to that held by Frankfurt. Like Frankfurt, I believe that IRR-situations are conceptually possible. However, I disagree with his reasons for this contention, or more specifically with the kind of example that he uses to establish it. As for the account of blameworthiness suggested by those scenarios: First, as I explain in section V, I do not wish to adjudicate between that account and the "reasonableness of expectation" account I have defended elsewhere. I still find the intuition behind the latter account powerful and deeply entrenched in our thinking about moral blame. That said, I also acknowledge the intuitive force of Frankfurt's claim that the agent in an IRR-situation is blameworthy for what he did, even though that he could not have done otherwise. But here, too, my way of accounting for its intuitiveness differs from Frankfurt's. Frankfurt sees the reason for the falsity of PAP in the fact that the unavoidability of the agent's act (the factor that renders it unavoidable) did not play any role in the causal explanation of the act. I, on the other, hand, attribute the failure of PAP to the fact that the agent, in acting as he did in an IRR-situation, showed a lack of respect for morality (i.e., chose on his own to act contrary to the requirements of morality without having a morally justified reason for doing so), and to the observation that this negative verdict would still apply even if one were to assume that the agent's act was avoidable. However, the difficulties I find with Frankfurt's position in no way detract

from the importance of Frankfurt's achievement - that by drawing our attention to the possibility of IRR-scenarios and their moral implications, Frankfurt has profoundly deepened our understanding of the notions of freedom and responsibility <sup>49</sup>

## NOTES

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<sup>1</sup> I am assuming a fine-grained account of action individuation according to which an action is a dated particular consisting at least in part in an agent's exemplifying an act-property at a time. See Goldman (1971, 15–17).

<sup>2</sup> The term "blameworthy" in FC and PAP refers only to *direct or non-derivative* culpability, as opposed to *indirect or derivative* culpability. An agent is *directly or non-derivatively* blameworthy for performing an act V only if he is blameworthy for doing so, but not in virtue of being blameworthy for some other act or fact. Otherwise he is *indirectly or derivatively* blameworthy for doing V. A typical case of derivative culpability is a scenario in which an agent, who is aware that doing V at T is morally wrong, deliberately places himself in circumstances where he loses his power to avoid doing V at T. If ultimately, the agent does V at T, we say that he is *derivatively* blameworthy for doing V at T, even though (shortly before T) he could not have avoided doing so.

<sup>3</sup> See Widerker (1995, 250-252), for an elaborate version of this argument. For similar responses to Frankfurt's argument against PAP, see Ginet (2003), Kane (1985, 51), Kane (1996, 142-143), and Lamb (1993). For a libertarian response to Frankfurt of a Reidian type, see Rowe (1991, 82-85).

<sup>4</sup> See for example, Hunt (1996), Hunt (2000), Mele and Robb (1998), Stump (1999), Pereboom (2001, chap. 1), Zagzebski (2000).

<sup>5</sup> See for example, Widerker (2000), Ginet (2003, 85-87), Kane (2003), Goetz (2001), and Goetz (2002).

<sup>6</sup> See for example, Hunt (2005), Mele and Robb (2003), Pereboom (20003), and Stump (2003).

<sup>7</sup> By "caused" I mean either deterministically or indeterministically caused. There are, of course, various accounts of indeterministic causation. Here I am focusing on an account according to which the obtaining of the causal relation is not within the agent's control, i.e., that if E indeterministically causes F, then once E obtains, its causing F is not something that is up to the agent. On this point, see van Inwagen (1983, 144), and O'Connor (2000, 29).

<sup>8</sup> This notion of "acting on one's own" is closely related to Derk Pereboom's notion of agent's being the *ultimate source* of his act. See Pereboom (2001, 4-5).

<sup>9</sup> These circumstances extend from the onset of the IRR-situation (= the time at which the agent's the deliberation process begins) until T. Typically, the reason why a given Pi is inaccessible to S, is either that S does not know how to bring that Pi about, or that (in the circumstances) S's having the power to realize that Pi is contingent upon the obtaining of a state of affairs (event) that is inaccessible to him in the circumstances.

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The "T" in "deciding-to-V at time T" refers to the time at which the decision is made, and not to the time at which the act of V-ing is performed.

<sup>10</sup> The "W" in "Brain-Malfunction-W" indicates that I wish to distinguish it from other examples of that sort, specifically from the one given by McKenna (2003, 209–210). For a brief, decisive, criticism of McKenna's example, see Widerker (2005, fn. 15).

<sup>11</sup> Note also that N need not be a neurological condition. Dualists may assume that N is a mental event/state of some sort.

<sup>12</sup> I am assuming that N is not only a necessary condition for Jones's deciding otherwise at T, T being the time at which his actual decision occurs. It is also a necessary condition for Jones's deciding otherwise at any time after his deliberation process has begun. By "deciding otherwise", I mean any decision that is incompatible with his decision to break the promise. For example, the decision to stop deliberating.

<sup>13</sup> One often hears the complaint that an example such as Brain-Malfunction-W is of a *recherche* sort, and hence is uninteresting. I disagree. For all we know, neuroscientists may discover in the future that humans sometimes do undergo the kind of neurological change described in that example.

<sup>14</sup> See for example, the articles listed in note 4.

<sup>15</sup> My reasons for thinking so are based on responses to those attempts mentioned in note 5.

<sup>16</sup> For a similar example, see Hunt (2005). I would respond to Hunt's example in much the same way as I am responding in what follows to Pereboom's example.

<sup>17</sup> Cf. Ginet (2002, 307-308). For another, more complex, criticisms of Pereboom's example, see Goetz (2002, 139-141).

<sup>18</sup> For Pereboom's latest attempt to respond to this objection, see his (2009, 115-117).

<sup>19</sup> In the absence of such a prior condition C, one might claim that in a typical Frankfurt-example the agent's decision was avoidable, as then the two options mentioned in (2) would not be the *only* possibilities. There would also be the possibility of S's refraining from deciding-to-V at T.

<sup>20</sup> Cf. Pereboom (2001, 25–26). John Fischer was the first to draw attention to such alternatives and their bearing on PAP. He refers to them as "alternatives that are not sufficiently robust for ascriptions of responsibility". See Fischer (1994, chap. 7).

<sup>21</sup> The need for the first two clauses is obvious. The third clause is needed to exclude from the range of morally significant alternatives acts which, though satisfying (i) - (ii), would *not* normally be regarded as reasonable ways for S to avoid doing V (e.g., deliberately committing suicide, or deliberately taking a sleeping pill, etc.) If V-ing is deciding to break the promise to Smith, and Jones was justified in believing that (in the circumstances) he could have avoided doing so simply by deciding *not* to break it,

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then there was no need for him to go so far as to take a sleeping drug in order to avoid deciding to break the promise. Just a reasonable effort on his part was required.

<sup>22</sup> For a closely related, but still incomplete definition of a morally significant alternative, see Pereboom (2001, 26).

<sup>23</sup> By "action" I understand an action in Ginet's sense, i.e., either a *causally simple* mental action such as a volition-to-V or the forming of an intention-to-V, or a *complex* action such as, for example, S's action of killing Z that consists of a simple mental action causing the event of Z's death. Crucial here is the idea that what makes a certain event an action is something that is intrinsic to it, and not the way the event is caused. See Ginet (1990, chap. 1).

<sup>24</sup> Among those who draw the same moral from the conceptual possibility of IRR-situations are: Zagzebski (2000), Stump (1999), Hunt (2000), and Pereboom (2001, chap. 1).

<sup>25</sup> See Widerker (2003, 60-62).

<sup>26</sup> Widerker (*ibid.*: 63-64)

<sup>27</sup> Cf. Wallace (1994, chapter 4).

<sup>28</sup> Like PAP, PAE is not meant apply to cases of derivative culpability (see note 2). By "morally reasonable" in PAE, I mean morally reasonable for someone who is morally competent and knows all the relevant non-moral facts pertaining to the situation the agent is in.

<sup>29</sup> By "those discussants" I have in mind Eleonore Stump, David Hunt, Derk Pereboom, Al Mele, and others.

<sup>30</sup> This example is a variation on an example by Bernard Berofsky (1987, 42).

<sup>31</sup> Recently, Frankfurt has conceded that 2. is false. He now insists that the fact that S was aware that he was acting immorally is part of what he calls "a morally pertinent explanation of his act" by which he means an explanation of why S acted immorally (Frankfurt, 339-345). But if this is what Frankfurt means by "explanation", then assumption 1. of his argument for M begs the question against the proponent of PAP.

<sup>32</sup> He would be justified in believing so if, prior to his decision to stay with Mary, he had been informed that due to a terrorist attack all the roads to the hospital where his uncle is are blocked.

<sup>33</sup> Here I deviate from my original formulation of those conditions in Widerker (2006, 180). I now think that (i) – (iv) jointly provide only a sufficient condition for an agent's being blameworthy for a decision. To obtain a stronger condition one would have to replace "S believed that he could have decided otherwise" with "S believed that he could have so acted that he would not be blameworthy for deciding-to- V at T.

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<sup>34</sup> John Fischer calls such an account an "actual sequence account" of moral blame. See Fischer (1982, 33), and Fischer and Ravizza (1998, 37).

<sup>35</sup> Note that this account of blameworthiness would be also congenial to a compatibilist, though of course, the latter would construe such notions as "acting on one's own", and "could have done otherwise", in a compatibilist way.

<sup>36</sup> Pereboom (2001, 3) proposes a similar principle.

<sup>37</sup> The principle I am assuming here is this:

A normally functioning, morally competent agent, who was aware that he acted in a morally wrong way for a morally bad reason, and believed correctly that he could have avoided acting as he did, is morally blameworthy for the way he acted.

<sup>38</sup> Here, I am relying on some valid version of the Consequence Argument. For example, Huemer (2000, 538-540).

<sup>39</sup> Cf. Pereboom (2001, 3).

<sup>40</sup> John Fischer raises the same question in his (2007, 469-470).

<sup>41</sup> By "morally justified reason" I mean "justification" or "excuse" in Austin's sense. See Austin (1970), 157-176).

<sup>42</sup> See for example, Baier (1966), Skorupski (1999, 29,142), Oshana (1997, 76-77), and Darwall (2007, 11-32).

<sup>43</sup> See Levy (2005), for other advantages of FRB-L over PAE.

<sup>44</sup> See Widerker (2003, 63), and Widerker (2005, 296-298).

<sup>45</sup> See for example, Graham (Unpublished Manuscript), Sinnott-Armstrong (1988, 113), White (1975, 152), and Lemmon (1965, 47-50).

<sup>46</sup> Here is a problem that I leave to those sympathetic to an FS-account of blame to consider: There are certain attitudes/sentiments that are closely associated with the notion of blame. For example, we believe that

If S is aware that the he acted culpably, it is appropriate for S to express remorse for his behavior.

Note, however, that according to a FS-account of blame this rather intuitive assumption would be false. To see this, suppose that, after having broken the promise to his uncle, Jones were to discover that the situation he was in was an IRR-situation, i.e., that he could not have avoided deciding to break the promise. Reflecting upon his deed and being inclined to express remorse for it, Jones would immediately realize that it would be irrational for him to do so. For the belief that he should not have acted as he did - a belief essential to the expression of remorse - would be defeated by his other belief

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that in the circumstances he lacked an actionally accessible alternative. The proponent of the FS-account is thus left with the problem of having to explain why, if Jones acted culpably, it is inappropriate for him to express remorse. This objection attests to how deeply entrenched the PAP-intuition is in our conception of blame.

<sup>47</sup> Moya raises another objection against the BMF-W scenario. He argues that in that scenario Jones had a morally significant alternative – he should have adopted a favorable attitude toward complying with moral reasons, and had he done so, he would not be blameworthy (*ibid.*: 484).

I remain unconvinced. For why assume that in the BMF-W scenario Jones lacked that attitude? Why assume that he only had a favorable attitude toward acting for a selfish reason? Also, he might have a favorable attitude toward acting morally, and still decide not to keep the promise. For another, more elaborate, response to Moya, see Schnall (2009).

<sup>48</sup> For example, Zagzebski (2000), Stump (1999), Hunt (2000), and Pereboom (2001, chap. 1).

<sup>49</sup> This is a modified and expanded version of Widerker (2006, 163–187). I would like to thank David Blumenfeld, Bob Bunn, Steve Darwall, Dovid Gottlieb, Bill Rowe, Jonathan Schaffer, and most especially Ori Beck, Michael Feld, Carl Ginet, Cyrille Michon, Carlos Moya, and Ira Schnall, for excellent comments and discussions on earlier versions of this paper. A previous version of the paper was also presented at the Workshop on Free Will and Moral Responsibility held at the University of Nantes in October 2009. I would like to thank the participants in that workshop for their helpful comments.

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