

Frankfurt Cases and Overdetermination

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I

For nearly forty years now, Frankfurt cases have served as one of the major contributors to the compatibilist's cause with respect to moral responsibility. These cases typically involve a causally preempted condition that is supposed to guarantee a choice without causing it. This has had the effect of softening up some to the idea that determinism does not exclude moral responsibility simply in virtue of guaranteeing a unique future. I believe that these traditional Frankfurt cases adequately support this cause. But I also believe that the traditional versions of Frankfurt cases suffer from some rhetorical defects.

My strategy is as follows. First, I want to respond to a dilemma that has been raised by some libertarians against arguments utilizing Frankfurt cases. This dilemma has the effect of raising a question-begging charge against such arguments. Part of my response is to draw attention to the relevant principle that I think Frankfurt cases should really target, a principle slightly different from Harry Frankfurt's original Principle of Alternate Possibilities. Second, I elaborate and defend the claim that traditional Frankfurt cases involve causal preemption. The reasons here are two-fold: I wish to carefully distinguish and clarify some important varieties of overdetermination, and I also want to

offer some defense of the traditional Frankfurt arguments. But third, and most important, I suggest that we move beyond Frankfurt cases involving causal preemption. I will argue that the compatibilist gains a rhetorical advantage by shifting to cases in which an agent's choice is genuinely causally overdetermined.

II Catching up on the Dialectic

An incompatibilist about moral responsibility is one who thinks that moral responsibility is not compatible with determinism. Incompatibilists of old were likely to endorse something like the following argument:

Premise 1. Determinism rules out alternative possibilities. In a deterministic world there is only one nomologically possible future given the conditions of the world at any given time.

Premise 2. Moral responsibility requires alternative possibilities (e.g., the ability to choose otherwise).

Conclusion. Since determinism rules out the ability to choose otherwise, determinism is incompatible with moral responsibility.

Premise 2 of this argument is Frankfurt's *Principle of Alternate Possibilities* (PAP).¹

PAP: A person is morally responsible for an action or choice only if he had alternative possibilities to that action or choice (i.e., could have done or chosen otherwise).

Frankfurt attacked PAP by providing counter-examples — cases in which someone supposedly lacked alternative possibilities, but was morally responsible anyway. Such counter-examples, Frankfurt cases, deny Premise 2 of the above argument for incompatibilism and issue a challenge to incompatibilists: Either construct a different argument for incompatibilism or disprove the alleged counter-examples. Many have opted to pursue the latter. This article offers a partial defense of Frankfurt's strategy in response to these objections. I defend Frankfurt cases against a dilemma that is raised by various libertarians. Further, I argue that in order to avoid another common set of objections — so-

1 Frankfurt (1969/1988), 1

called flickers of freedom — and to otherwise focus debate it is better to shift discussion from traditional Frankfurt cases to cases involving genuine overdetermination that, I believe, better meet Frankfurt's original intentions.

Let us first get a concrete example of a Frankfurt case before us. The following is adapted from an example offered by John Martin Fischer²:

Jones is in a voting booth deliberating whether to vote for Bush or Kerry. Unbeknownst to Jones, a neurosurgeon, Black, has implanted a mechanism in Jones's brain that allows Black to monitor Jones's neural states and alter them if need be. Black is a diehard Democrat, and should Black detect neural activity indicating that a choice for Bush is forthcoming, Black is prepared to activate his mechanism to ensure that Jones instead chooses to vote for Kerry. As a matter of fact, Jones chooses on his own to vote for Kerry, so Black never intervenes.

This is a *prior sign* Frankfurt case with a *counterfactual intervener*. Black did not actually intervene (so his 'intervention' is only counterfactual), but he would have intervened had he observed different neural activity (the prior sign). This case is supposed to possess the following critical features, characteristic of a traditional Frankfurt case: Due to Black's mechanism, Jones had *no alternative* to choosing Kerry. Though Black's mechanism made Jones's choice unavoidable, it *did not actually bring about* that choice. And Jones is *morally responsible* for his choice, since Black did nothing.

Though Frankfurt cases have convinced many to abandon PAP, others have resisted. One particular line of resistance poses a dilemma for the Frankfurter.

DILEMMA: Either there is a deterministic connection between neural activity indicative of a choice for Kerry and such a choice, or there is not a deterministic connection. First, let us suppose the former. If there is a deterministic connection between certain neural activity and a vote for Kerry, then the incompatibilist will insist that Jones is not morally responsible for his choice. Instead, the incompatibilist will see such cases as question-begging, as the incompatibilist thinks that such determinism is incompatible with moral responsibility. So the incompatibilist will not be convinced that Jones is morally responsible even given that Black did not intervene. Now let us suppose that the latter horn of the dilemma is true. If there is not a deterministic connection between Jones's choice and the neural activity as observed by Black, then Black

2 Fischer (1982), 25-6

cannot definitively rule out alternative possibilities. In short, either Jones is not morally responsible or he has alternative possibilities. Either way we do not have a counterexample to PAP.³

The Frankfurter could certainly argue that Black is capable of ruling out alternative possibilities *for all practical purposes* even if determinism does not hold, and that this is good enough.⁴ I am inclined to agree with this reply. But for argument's sake let us grant to the libertarian that determinism must be assumed if Black, or anything else, is to rule out alternative possibilities. With this assumption in place, these libertarians are correct that it is impossible to provide a non-question-begging counter-example to PAP. But there is a closely related principle that is more susceptible to counterexamples and which also seems to express what the typical advocate of PAP really has in mind:

PAP+: If a person could not have avoided performing a certain action or making a certain choice (due to factor *x*), then the agent is not morally responsible for that action or choice *because* that person lacked alternative possibilities (due to factor *x*).⁵

A case in which someone lacks alternative possibilities but is not deprived of moral responsibility *for that reason* would serve as a counter-example to PAP+. Significantly, such a counter-example need *not* be one in which the agent is morally responsible for her action or choice. So even if we assume that alternative possibilities can be eliminated only by assuming determinism *and* we do not beg the question against the incompatibilist, for all we know thus far counter-examples to PAP+ are still possible. Such counterexamples would be cases in which a person lacks alternative possibilities, is not necessarily morally responsible, but the lack of alternative possibilities does not explain why that person lacks moral responsibility (if she lacks moral responsibility at all).

I think that PAP+, and not PAP, is the more philosophically interesting and fundamental principle. PAP simply claims that you will never find a case in which someone is morally responsible for an action or choice, although she lacked alternatives to that action or choice. This is consistent with something besides the lack of alternatives, though cor-

3 Versions of this objection are found in Widerker (1995a, 1995b); Kane (1985, 1996); Ginet (1996); and Goetz (2005). For a good discussion of the state of this debate, see Haji and McKenna (2004).

4 For a defense of this strategy see Fischer (1994), Chapter 7.

5 Very similar principles can be found in Hunt (2000), 200 and Fischer (2002), 9.

related with it, *grounding* the lack of moral responsibility.⁶ PAP+ goes further than PAP, claiming that the lack of alternatives itself grounds the lack of moral responsibility. I believe that most who accept (or have accepted) PAP do so because they also accept PAP+, and that PAP+ is their more theoretically fundamental belief.⁷ Recall, for example, our opening argument for incompatibilism. It would certainly be odd for an incompatibilist to give special attention to defending the claim that moral responsibility requires the ability to choose otherwise (Premise 2), if the more fundamental truth is that they believe moral responsibility requires something else that correlates with the ability to choose otherwise. I think it is clear that many incompatibilists, in particular those who reject Frankfurt cases, believe that the inability to choose otherwise *immediately* rules out moral responsibility. Otherwise, they should clearly state their grounding principle and encourage us to focus debate there rather than with PAP. Regardless, PAP+ is interesting in its own right, and it will be my primary focus.

My strategy for the remainder of the paper is as follows. Let us begin by granting quite a bit to the libertarian. Let us grant that some simple mental act, such as a choice or volition, is the locus of moral responsibility. And let us also grant that determinism, in some manner or other, must be assumed in order for alternative possibilities to be eliminated.

6 Fischer (2006), 337-8, makes the distinction between the lack of alternative possibilities *indicating* the absence of moral responsibility and it *grounding* the absence of moral responsibility.

7 Though Goetz (2005) claims otherwise: 'The proponent of PAP thinks that the lack of the freedom to choose otherwise does not by itself explain the absence of moral responsibility. This is because he believes that when this lack obtains, its obtaining is itself explained by, and can only be explained by, the occurrence of causal determinism in the actual sequence of events. What the advocate of PAP believes, then, is that when an agent is not morally responsible because he is not free to choose otherwise, he lacks moral responsibility *not* simply because he is not free to choose otherwise but because he is not free to choose otherwise *because of causal determinism*' (87-8). I find this passage puzzling. First, I believe that many have thought, at least before Frankfurt (1969/1988), that the inability to choose otherwise immediately rules out moral responsibility all by itself. Second, Goetz's response grants the key point to the Frankfurter — moral responsibility is not ruled out in virtue of lacking alternative possibilities. Instead, Goetz claims that in Frankfurt cases moral responsibility is lacking due to causal determinism. But we want to know what it is about causal determinism that makes it incompatible with moral responsibility. PAP+ is a candidate answer to this question, but one that Frankfurt cases argue against. If not PAP+, then what principle or feature of determinism makes it incompatible with moral responsibility?

8 Some incompatibilists, such as Eleonore Stump, Linda Zagzebski, and Derk Pereboom, have done this.

With these assumptions in place, in §III and §IV I defend the position that prior sign Frankfurt cases are counter-examples to PAP+ from various objections. In large part, this defense consists in elaborating on Frankfurt and Fischer's claim that Frankfurt cases are examples of *preemptive overdetermination*. Categorizing our case as such generates a convenient way of classifying objections. Though I offer responses to various objections, I do not pretend to have complete and wholly satisfying responses to each of them. Instead, in §V I recommend an alternative to prior sign Frankfurt cases (and cases of causal preemption more generally). This alternative avoids the common 'flicker of freedom' objection and better displays the central issue in dispute.

III The Preemption Move

Since we are assuming that determinism must hold in our Frankfurt case in order for alternative possibilities to be ruled out, the incompatibilist will, at least initially, claim that Jones is not morally responsible for his choice. But we should inquire of the incompatibilist, '*For what reason does determinism deprive Jones of moral responsibility?*' Presumably, according to the incompatibilist there is some *feature* of determinism that is incompatible with moral responsibility, rather than it simply being a brute fact about determinism that it is incompatible with moral responsibility. But what is this feature? Here are some answers that the incompatibilist could offer:

A. Jones's choice was the result of a process that unfolded by causal necessity, and this *way of bringing about* a choice rules out moral responsibility.

B. Jones's choice was causally necessitated by the laws of nature in conjunction with the conditions of the world (extending indefinitely into the past and across space, culminating in a deterministic mechanism within Jones) that brought about his choice, and this entails that Jones *lacked alternative possibilities*. So, *because* he lacked alternative possibilities, Jones is not morally responsible for his choice.

C. Black's mechanism ensured that Jones *lacked alternative possibilities*. So, *because* he lacked alternative possibilities, Jones is not morally responsible for his choice.

If the incompatibilist embraces only A, then she need not accept PAP or PAP+. A could be a good enough reason for incompatibilism without even getting into the debate over alternative possibilities. (Though A

certainly needs elaboration and defense!) For example, PAP would be denied by the incompatibilist who endorses A, denies B and C, and also thinks that there are ways of ruling out alternative possibilities besides the unfolding of a causally necessary process. And PAP+ could even be denied by incompatibilists who think that determinism is required to rule out alternative possibilities. Such incompatibilists would simply insist that it is not the ruling out of alternative possibilities, but some other feature of determinism, that grounds its incompatibility with moral responsibility. So accepting or rejecting A, by itself, has no consequences for one's views on PAP or PAP+. As such, we will focus on B and C as they invoke PAP+.

Frankfurt cases prompt us to think about C in particular. Black took steps to ensure that Jones had no alternative but to choose Kerry. We are assuming that a deterministic mechanism inside of Jones, in conjunction with his environment, also ensured this. Given these assumptions, there are at least *two* reasons why Jones lacked alternative possibilities. Further, if PAP+ is correct then there are at least *two* reasons why Jones is not morally responsible for this choice — B and C. But Black's mechanism does *not* deprive Jones of moral responsibility *even if* Jones lacks moral responsibility for other reasons. Black's mechanism is wholly irrelevant to Jones's moral responsibility, as Jones is not affected by Black in any way. If Black were 'subtracted away' Jones's deliberation, choice, and freedom would have remained just the same. At least these are the intuitions that Frankfurt and Fischer expect us to have, and I happen to share them. If this is correct, then in at least some circumstances a condition that eliminates alternative possibilities fails to provide a reason for denying moral responsibility. So, PAP+ is false. But as the truth of B also depends on PAP+, we have no reason to accept B either. Significantly, B and C rise or fall together.

This way of interpreting Frankfurt cases, emphasized by Fischer, sees them as situations in which an outcome is *overdetermined*.⁹ Philosophers normally speak of *causal* overdetermination, but it will prove helpful to consider overdetermination more generally. Let us say that an outcome (fact, event, etc.) is overdetermined if, and only if, there are two or more distinct and actual conditions that are minimally sufficient for that outcome.¹⁰ 'Distinctness' should be understood in at least two

9 See Fischer (1999, 2002, and 2006).

10 As I am using the word, there are two ways in which conditions can be sufficient for an effect. Conditions could be sufficient in virtue of *guaranteeing* an outcome or in virtue of *being enough to bring it about* (where 'being enough' is used as a success term: *was* enough). Neither type of sufficiency requires the other — e.g., a probabilistic cause could bring about an effect without guaranteeing it and a preempted

senses: causal and mereological. For our purposes, nothing will hinge on clarifying these senses with great rigor. Conditions are not distinct if they belong to a common causal chain, even if each condition, say time slices of a deterministic world, is individually sufficient for the outcome. Otherwise every event in every deterministic world would be overdetermined, but for (possibly) the first event. Nor are conditions distinct if they contain an overlap of parts, where 'parts' is understood in a broad sense. For example, different but partially overlapping portions of a baseball cause a window to break, but that is not enough for this to be a case of overdetermination.¹¹

The firing squad death of a convict from multiple gunshots to the heart, each of which would have been sufficient for death, is a classic example of *causal* overdetermination. For an example of *non-causal* overdetermination, consider the game of chess. A knight is moved such that it puts the opponent's king in check, as well as unblocking a bishop, which also puts the king in check. Here we do not have an event with two causes. Rather, there is a fact about this situation — that your opponent is in check — which holds for two distinct reasons.¹² These reasons are synchronic with the fact they explain, whereas causes typically precede their effects. And, intuitively, the positioning of the knight and bishop explain the check without causing it. Non-causal overdetermination is quite common, typically occurring whenever a fact obtains for multiple sufficient reasons.

cause can guarantee an effect without bringing it about. As these examples show, in order to cover all the varieties of overdetermination, 'sufficient' must be understood in these two senses.

- 11 This is the bold statement; now for the retractions. There can be overlap in the background conditions required of the distinct conditions. For example, the background conditions of two overdetermining causes might include the presence of oxygen in the atmosphere. So long as the causes are distinct in their *salient* aspects, they are distinct for the purposes of this characterization of overdetermination. This is, admittedly, a vague and imperfect characterization, but it is the best I can offer. Similar caveats hold for causal distinctness. Overdetermining causes can be causally connected, but not in any relevant or important manner. Again, *relevance* and *importance* are sub-optimal qualifications.
- 12 I hope that it is intuitive that these are distinct reasons, even though they do share background conditions. This intuition should do some justice to the claims in the previous footnote. Also, I should note that 'fact' here simply means 'true proposition.' I have no theory of facts to offer, but they are not supposed to be the causal *relata*. I am also following orthodoxy in taking events as the causal *relata*, though I happen to believe that properties are the causal *relata*. Nothing here turns on these issues.

Frankfurt and Fischer have marked the conceptual distinction between conditions that make an outcome *unavoidable* and conditions that *bring about* that outcome. And there can be overdetermination of either type. In traditional Frankfurt cases two or more conditions are sufficient for making an action or choice unavoidable, but only one of these conditions brings about that action or choice. Frankfurt (1988) claimed that the moral responsibility of an agent is established by the conditions that she identifies with and that bring about her actions, rather than those that merely make her action unavoidable. So coercive conditions that make an action unavoidable do not excuse an agent of moral responsibility, if those conditions do not also bring about her action. Such coercive conditions, like Black's counterfactual manipulation, can be *preempted* by another cause. It is interesting to consider Frankfurt-like cases in which both a coercive and non-coercive condition not only each makes an action unavoidable, but also each brings about that action. And we will turn to such cases in §V. Frankfurt's comments suggest that in these cases, cases of genuine causal overdetermination, the agent is morally responsible for her action.¹³ The idea is that if one performs an action for her own reasons, then she is morally responsible for that action regardless of whether she also performs the action due to some other cause.

One might think that the Frankfurt/Fischer distinction between overdetermination in the unavoidability and overdetermination in the bringing about of an action corresponds to our distinction between non-causal and causal overdetermination. This would be a mistake, however. Though there certainly is a conceptual and metaphysical difference between making an event unavoidable and bringing it about, it is plausible that each is a species of causal overdetermination. If this claim is correct, then the distinction noted by Frankfurt and Fischer is not as great as one might have originally thought. The present claim is that the only way conditions can make an event unavoidable or bring about an event is by making a causal contribution, *real or counterfactual*, to that event.¹⁴

It should be clear that the conditions in a Frankfurt example that make an outcome unavoidable are not like the conditions in our example of non-causal overdetermination (chess). Unlike cases of non-causal over-

13 Frankfurt (1988), 10

14 Alternative means of bringing about an event or making it unavoidable are not completely inconceivable, but they should be taken with little seriousness. These alternatives could include logical, metaphysical, or teleological determination, each of which seems implausible at best when accounting for the occurrence of a contingent event.

determination, these Frankfurt case conditions, such as Black's mechanism, are the types of things that could be genuine (i.e., operative) causes of the relevant effect. They are simply preempted. Of course there still is a distinction between making unavoidable and bringing about, so there are two species of causal overdetermination: *causal preemption* and *genuine (symmetric) causal overdetermination*. Preempted causes only make an event unavoidable; genuine overdeterminers individually bring it about.

IV Objections and Responses: Is Black a Preempted Overdeterminer?

I believe that Fischer is correct that the appropriate response to DILEMMA is to i) emphasize that traditional Frankfurt cases are cases of preemptive causal overdetermination, ii) draw attention to the importance of PAP+ over PAP, and iii) argue that the preempted cause does not take away moral responsibility in virtue of ruling out alternative possibilities. In this section I defend the interpretation of traditional Frankfurt cases as cases of preemptive causal overdetermination. Claims of causal preemption, in general, can be denied in various ways. I turn to these various ways in order to classify and respond to objections that have been, or could be, raised against our preemption response to DILEMMA.

Recall that causal overdetermination, in our broad sense that includes cases of causal preemption, occurs whenever two or more distinct and actual conditions are minimally sufficient for a common effect. So, one could deny an alleged case of causal overdetermination by arguing that: 1) the alleged overdeterminers are *not distinct*, 2) at least one is *not sufficient* for the effect, or 3) they cause (or would cause) *different effects*. Let us consider some objections to the §2 preemption response along each of these three lines.

1. *Black ruled out alternative possibilities, but only in virtue of the deterministic mechanism that also produced Jones's choice. So, Black's mechanism was not a distinct overdeterminer.*

Let us suppose that it is possible, generally speaking, for distinct conditions to be sufficient for the same effect and that Black helped make Jones's choice unavoidable. But perhaps Black's plan depended on the deterministic mechanism operating within Jones in a manner such that Black's plan does not count as a *distinct* sufficient condition. Recall that the distinctness condition is violated if either supposedly sufficient condition is part of the other or is causally dependent on the other in

the right way. According to this objection Black is not a distinct overdeterminer because his contribution to ruling out alternative possibilities piggy-backs on the deterministic mechanism that actually brought about Jones's choice. After all, the reliability of the prior sign in this deterministic mechanism is an essential part of Black's plan. In this sense, Black's plan piggy-backs on the operative deterministic causal mechanism within Jones, and not *vice versa*.

The denial of distinctness might be justified by considering counterfactuals. In at least typical cases of overdetermination, had either cause not been operative the other cause would have been operative instead (or still). For example, in the nearest possible world in which Black does not make such a plan the deterministic mechanism within Jones remains fixed and still generates his choice. This deterministic mechanism still rules out alternative possibilities by itself. But the advocate of this objection might argue, the converse does not hold. For, in the nearest possible world in which determinism does not hold, it is at least unclear whether Black causes Jones to choose to vote for Kerry. Without determinism the prior sign is at least not as reliable as it is in deterministic worlds. But most important for our interests here, in this counterfactual situation Jones at least has alternative possibilities to some degree.¹⁵

Response: The mistake in this argument is that the wrong counterfactuals are being evaluated. It is not global determinism, or the laws of nature in conjunction with the initial conditions of the universe, that cause Jones's choice. Rather, it is some local deterministic mechanism, say in Jones's brain, that generates this choice. So, in order to determine whether Black is a distinct overdeterminer we should consider the counterfactual situation in which only this local deterministic mechanism is changed. This counterfactual situation is *not* necessarily one in which other deterministic connections fail. Instead, the situation is one in which Jones is determined to choose Bush unless some external factor alters this path.¹⁶ In this counterfactual situation Black still awaits

15 Goetz (2005) could be interpreted as putting forth this type of argument. But I think he is better classified in §IV.2, where I discuss his view.

16 One might think that David Lewis's account of the similarity of worlds, which recommends tiny miracles to preserve qualitative similarity, shows that I have latched onto the wrong counterfactual. Perhaps the nearest possible world in which Jones's mechanism fails to generate a choice for Kerry is one in which a tiny miracle occurs between the prior sign and Jones's choice. If so, then Black's mechanism would fail in this counterfactual situation (as it relies on a misleading prior sign). Whatever the merits of this account of similarity of worlds, it is interesting

with his plan. He observes the prior sign. Local determinism holds, so this prior sign is a foolproof indicator that Jones would choose Bush were he left to his own devices. So, Black intervenes in this counterfactual situation and causes Jones to choose Kerry. So, Black is a distinct overdeterminer in the actual world. Black's success clearly does not depend on Jones's mechanism *actually* causing his choice, so it does not piggy-back on it. It just depends on local determinism holding between the prior sign — *whatever* it might be — and the expected choice, and also between Black's mechanism and Jones's coerced choice (if it comes to that).

We can now see that global determinism is something of a red herring in this debate and need not be assumed. Prior sign Frankfurt cases in which an outcome is (nomologically) guaranteed only require deterministic connections between: i) a prior sign in Jones and a choice for Kerry (so long as Jones is left to his own devices and normal background conditions are in place), and ii) the activation of Black's mechanism and a choice for Kerry. These conditions can certainly be met even if there is indeterminism elsewhere in the world. But I assume that most incompatibilists would judge that even such local determinism is enough to rule out moral responsibility.

2. Black did not rule out alternative possibilities for Jones, because they were already ruled out by the assumption of global determinism (or by the local deterministic process that actually led to Jones's choice). So, Black's mechanism was not sufficient for the choice.

There are two versions of this objection. The stronger version claims that it is metaphysically impossible for more than one distinct set of conditions to rule out all the alternatives to any given effect. On the weaker version, the actual deterministic mechanism, *as a matter of fact*, made it the case that nothing else could rule out alternative possibilities.

Version #1: The idea behind the stronger version of this objection is that nothing can rule out alternative possibilities if alternative possibilities have already been ruled out by something else. So, because some deterministic process has already ruled out alternatives to Jones's choice, Black can add nothing to rule them out. Generalizing, it follows that

that in Lewis's final theory of causation (2000/2004) he argued that a Frankfurt case is 'an easy case of early preemption' (95-6). Fortunately, the Frankfurt-style case that I recommend in §V sidesteps this debate over similarity of worlds, as it involves a mechanism that does not depend on a prior sign.

no conditions x can ever guarantee an effect z , if previous and distinct conditions y already guaranteed z . As Black's plans do nothing to rule out alternative possibilities, the objection concludes, Black's scheming is irrelevant to the evaluation of PAP+.

Response: But this conclusion is obviously false. It rules out all cases of (non-synchronic) overdetermination of unavailability on the basis of a dubious *a priori* principle. And in the synchronic cases, which set of apparently sufficient conditions should be privileged?¹⁷ It is not difficult to come up with examples of distinct and non-synchronic conditions, each of which guarantees the same effect. Dad was there to make sure that Bobby cleaned up his mess; but Mom was waiting in the wings, guaranteeing this outcome even if Dad had not acted. Mom was sufficient, but preempted. Or Mom and Dad each order the clean up in quick succession; Bobby cleans up the mess, and Bobby would have cleaned up his mess just the same had only one of them so ordered. In this case both sufficient conditions are actually operative in bringing about Bobby's action. Because this objection to the overdetermination move entails that such cases are impossible, though they clearly are possible, this objection is flawed.

Version #2: Perhaps determinism somehow *deprives* Black of the ability to eliminate Jones's options or to exert any causal influence over Jones. Stewart Goetz seems to make this claim when he writes:

[A typical Frankfurt-style counterexample] creates the appearance that it is Black's device, which is in the alternative sequence of events, that makes it the case that Jones is not free to choose otherwise. This appearance is *illusory* because without the obtaining of causal determinism in the actual sequence of events, the device cannot prevent Jones from making an alternative choice, and with causal determinism in the actual sequence of events it is not the device that prevents Jones from making an alternative choice. In short, if Jones is not free to choose otherwise, it is because of the occurrence of causal determinism in the actual sequence of events and not because of Black's device in the alternative sequence.¹⁸

The reasoning seems to be this: either determinism holds in Frankfurt cases or it does not. If we do not assume determinism, then Black's mechanism is not sufficient for Jones's choice. If we do assume determinism, then Black's mechanism merely piggy-backs on the deterministic mechanism. In this case, it is merely an 'illusion' that Black makes

17 Though, see the discussion of trumping preemption in §V.

18 Goetz (2005), 85

a contribution to making Jones's choice unavoidable — the real causal work is done by the operative mechanism within Jones.¹⁹ As we are assuming that determinism holds in our Frankfurt examples, it is the latter horn of this dilemma that interests us. And Goetz's talk of an 'illusion' makes it sound as if Black's mechanism is merely epiphenomenal with respect to making a choice unavoidable.

Response: I fail to see how the truth of determinism would deprive Black's mechanism of causal powers or the ability to rule out alternative possibilities, apart from the reasons offered in Version #1. Indeed, as Goetz himself seems to emphasize, determinism seems to be *required* for the foolproof success of Black's device. But though the success of Black's mechanism depends on there being a deterministic connection between (actual and counterfactual) prior signs and Jones's (actual and counterfactual) choices, it does not follow that the causal efficacy of Black's mechanism merely piggy-backs on Jones's mechanism nor that its ability to rule out alternative possibilities is merely an illusion. Obviously Black's mechanism can succeed in guaranteeing a choice for Kerry even when Jones's mechanism does not (i.e., when the prior sign is different than in the actual case), so it is a distinct overdeterminer.

Perhaps, instead, Goetz's claim is that Black's mechanism is in some sense causally ineffective because, in the actual sequence, it has been preempted by Jones. This is true. But though such preemption can deny something the status of genuine cause, it does not deny something the power to exclude alternative possibilities. A genuine cause must get to the dance in time. But something can exclude alternative possibilities without being operative (e.g., when it is preempted). Significantly, there is no analogue to causal preemption when it comes to excluding alternative possibilities.²⁰ Preempted causes are conditions that are actually in place, waiting in the wings to produce an effect, but they are beaten to the punch. Preempted excluders of alternative possibilities, then, would be conditions that are actually in place, waiting in the wings to exclude alternative possibilities, but they are beaten to the punch. But these notions of 'waiting in the wings' and getting 'beaten to the punch' do not apply to excluding alternative possibilities. Why? Conditions

19 Also see Goetz (2005), 87: '[Fischer's] two-step argument begs the question against the incompatibilist in the same way that one-step arguments do: it assumes, because it requires, the truth of causal determinism in the actual sequence of events. It requires the truth of causal determinism in order to create the *illusion* that it is the presence of something in the alternative sequence of events (e.g., Black's device) that makes it the case that Jones is not free to choose otherwise.'

20 I thank an anonymous referee for comments that led me to realize this.

need not be *operative*, where this means that they do some causal work or are otherwise activated, in order to guarantee an outcome. Instead, the conditions only need to be in place. And any conditions that are actually in place and guarantee that an outcome will occur are on equal footing when it comes to excluding alternative possibilities, whether or not they are operative. So whereas something's status as a cause depends on whether or not it was preempted by something else doing that causal work, something's status as an excluder of alternative possibilities in no way depends on whether something else is also doing that excluding work.

I think it is clear that this version of Goetz's argument, which seems faithful to his words, is implausible. Alternatively, we could interpret Goetz as endorsing an argument more along the lines of that developed in §IV.1. On this interpretation Black's mechanism rules out alternative possibilities, but it is not distinct from the mechanism in the actual sequence. But we have seen that this interpretation is mistaken as well, as Black's mechanism can rule out alternative possibilities even when Jones's mechanism is set to yield a different choice. The success of Black's mechanism does not depend on the occurrence of the *actual* prior sign. So, it is a distinct overdeterminer.

3. *Black's plan was not sufficient for this choice.*

Overdetermination, in our sense, requires multiple reasons/causes for the same token outcome.²¹ So one could object to our claim of overdetermination by arguing that Black's intervention would not have brought about the same choice as was produced by the mechanism that in fact generated Jones's choice. If this is correct, then Jones had an alternative possibility. I can imagine two ways in which this path could be pursued.

Version #1: First, one could argue that had Black intervened then a different choice would have been made by Jones, even though Kerry still would have been chosen. That is, the counterfactual choice is a different token of the same type — a vote, by Jones, for Kerry. As the actual and counterfactual effects are numerically distinct, there is no overdetermi-

21 One could also speak of type-level overdetermination. However, type-level overdetermination is not sufficient to establish the compatibilist-friendly conclusion for which Frankfurt cases are employed. E.g., we are wondering whether *this very choice* (a token) was unavoidable for Jones and whether *this very choice* was free. A choice-type can be said to be free only in the derivative sense that (all) tokens of that type are free.

nation. The advocate of this position likely takes events, or whatever else serves as the causal *relata*, to be modally *fragile*. An event is modally fragile to the extent that it could not have occurred differently. There are various reasons one might offer for thinking that the choices in the actual and counterfactual situations are numerically distinct. Here are three such reasons:

- a) *Events, in general, are distinct if they do not have exactly the same causal history.* This criterion for event individuation is provided by Donald Davidson, who adds that events are individuated by both their causal histories and their effects.²² Peter van Inwagen has applied a slightly modified version of this criterion to Frankfurt cases in particular. His modification is that sameness of causal history is both necessary and sufficient for sameness of event.²³ As Black's counterfactual intervention would be a different cause than the mechanism that actually produced Jones's choice, its effect must be distinct as well. Since Black would have brought about a distinct effect, Black does not overdetermine the actual choice. According to this criterion of event individuation it is a mistake to think of Black as making the actual effect unavoidable, as that which he would have brought about did not actually happen.

- b) *Events, in general, are distinct if they do not exactly resemble in all their intrinsic aspects.* Whereas in a) a strict relational standard was offered for event identity, here a strict intrinsic or qualitative standard is offered. Events are distinct if they do not exactly resemble in all their intrinsic aspects. And since their mechanisms operate in different ways, there would surely be some difference in the intrinsic properties of the effects brought about by Black's mechanism and Jones's free deliberation. So their effects are numerically distinct events. Therefore, Black does not overdetermine the actual choice.

- c) *Specifically, free choices are essentially free.* Freedom is an important dimension for evaluating choices, and such evaluation has to do with how choices are caused (at least, so this objector assumes). One might give this dimension of choice a privileged position — e.g., as an essential property whenever instantiated

22 Davidson (1969/1980)

23 Van Inwagen (1978), 208

— in individuating choices without buying into a generally fragile conception of events as in a) and b). The objection could be developed as follows: In the actual case Jones's choice was free. A free choice is essentially a free choice. But had Black intervened then a coerced choice would have been made. No choice can be both coerced and free. So, the choice that Black makes unavoidable is distinct from the actual free choice. Therefore, Black does not overdetermine the actual choice.

Responses:

Response to a): I think that this standard — in either the Davidson or van Inwagen form — is wildly implausible, especially as a necessary condition for event identity. Do note that this standard immediately rules out causal preemption and genuine causal overdetermination. For, cases of causal overdetermination are supposed to be cases in which multiple causes are sufficient for the same effect. Because each cause is supposed to be sufficient for the effect, even if the other cause(s) had not occurred the same effect would have occurred anyway. But by the standard invoked in a), had one of the causes not occurred the effect necessarily would have been different. So, this standard rules out causal overdetermination altogether. I do not recommend immediately ruling out the possibility of causal overdetermination on the basis of this, generally unmotivated, standard for event individuation.²⁴

But, putting aside the issue of overdetermination, it also seems that in ordinary (e.g., non-overdetermination) cases the same event can occur, though differing in its causal genesis.²⁵ This is a flat denial of the a) standard. The a) standard errs in making the essence of an event wholly relational. According to this standard sameness of event is guaranteed by sameness of causal history. But the essence of an event, like the essences of most other things, lies more with its intrinsic character.

24 Van Inwagen (1978) claimed that origins essentialism in the case of objects provides a reason, by analogy, to endorse this standard for events (208-9). But there is a significant difference between having *some* standard of sameness of origins and requiring *complete* sameness of origins for identity across possible worlds. Of course, one could also simply deny origins essentialism for objects or deny the analogy to events.

25 Nor are Davidson's and van Inwagen's conditions sufficient for sameness of event. It is possible for events to share a causal history but differ wildly in their intrinsic aspects. And it sure seems that events that differ wildly in their intrinsic aspects are numerically distinct.

Response to b): There are two ways of responding to this objection. First, one could directly deny that the causal *relata* are this fragile. There is certainly a literature on this topic, but much of it depends on, what seems to me to be, uncertain intuitions about how much an event can differ across worlds while remaining numerically the same.²⁶ As such, it is preferable to avoid this debate here. Fortunately, a second response is available. One could grant that the causal *relata* are fragile to the extreme, but insist that the choice generated by Black's mechanism would be an exact duplicate of the choice actually generated by Jones's free deliberation. Why couldn't Black's mechanism be so perfect that it would produce a duplicate choice? Of course this is probably a practical impossibility, but, for the purposes of a thought experiment aimed at establishing metaphysical or conceptual truths, I see nothing wrong with such a supposition.

Response to c): Jones's deliberation, absent any intervention from Black, seems to result in a free choice. But the choice that results from Black's mechanism is a coerced choice. And at first glance, 'free' and 'coerced' also seem to be mutually exclusive predicates. Of course this does not yet show that the choice that would result from Black's mechanism is numerically distinct from the actual choice. We could respond to c) by granting that 'free' and 'coerced' are mutually exclusive predicates, but argue that being free or coerced is not an essential property of choices. Why think that a free choice cannot be coerced in another possible world? Frankly, I do not know how this response (or the original argument for the contrary claim) should proceed. An altogether different strategy is to argue that 'free' and 'coerced,' contrary to initial appearances, are not mutually exclusive predicates.²⁷ I favor this response, and in §V a case is presented which purports to present an actual choice that is both free and coerced. Such a case clearly denies objection c).

Version #2: Second, one could argue that if Black had intervened, then Jones would not have made a choice at all. Instead, either no choice would have been made or the choice would have been made by Black. One could be led to this conclusion through reflection on the concept of *choice* (or *will*, *decision*, etc.). This objector could claim, with some plausibility, that choice requires the absence of *direct and unavoidable manipulation*.²⁸ But Black's manipulation would be direct and unavoidable, so

26 See, for example, the discussions in Lewis (1986), Chapters 21 and 23; and Bennett (1989).

27 This is the strategy followed in Frankfurt (1988), Chapters 1-3.

28 This is similar to Robert Kane's claims about ultimate responsibility. With specific

if Black intervened then Jones would not have chosen to vote for Kerry. Either no choice to vote for Kerry would have been made, or Black, and not Jones, would have made this choice. Therefore, Black's mechanism is not an overdeterminer, because it did not guarantee the same effect.

Response: This objection has some intuitive pull and, I think, gets to the heart of the dispute between compatibilists and incompatibilists. Namely, is it even a *conceptual* possibility that our choices, the things that are candidates for being the objects of our moral responsibility, are the result of a causal process that we do not have ultimate control over? For incompatibilists, the worry is typically the same regardless of whether Black or Mother Nature is ultimately responsible for producing the supposed choice. But again, while this objection has strong intuitive pull, upon further inspection it loses credibility. Let us suppose that Jones exhibits the prior sign indicative of a vote for Bush, and Black's mechanism is thereby activated. The activation of Black's mechanism, while undeniably manipulative, nevertheless introduces an otherwise normal neurological sequence, we can suppose, which mirrors the free deliberation that would have occurred in Jones had he decided on his own to vote for Kerry. Of course this is coercion, but it seems to result in a choice just as much as Jones's free deliberation would result in a choice.²⁹ The incompatibilist could go so far as to deny that a choice would have resulted even if Jones had activated this neurological sequence on his own. This could be because the incompatibilist requires indeterminism for choice, is a substance dualist, or endorses agent causation. I will ignore the latter two options. But with regard to the first option, why think that choice (conceptually) requires indeterminism? Of course the incompatibilist will insist that *free* choice requires indeterminism, but we do speak of choices as being free or coerced. A coerced choice certainly seems to be a conceptual possibil-

applications to Frankfurt cases, Kane argues that if Black were to intervene the choice would fail to be free because something external to Jones is ultimately responsible for it. 'If he [the Frankfurt controller] alters his plans, controlling the choice of A in advance so that the indeterminist condition fails, then the agent is not responsible because his choice is controlled by another.' Kane (1985), 51 (footnote 25). Also see Kane (1996), 142-3 for a similar response. I do not interpret Kane as offering an objection to PAP+ in these passages. For, he is claiming that it is the manipulative aspect of Black's intervention that eliminates freedom, not its ruling out of alternative possibilities. Our point is slightly different. This second version of the objection claims that manipulation eliminates choice altogether, rather than making for a coerced choice.

29 See Fischer (1994), Chapter 7 and Stump (1999), 317-20, for further responses along these lines.

ity and not a contradiction in terms. Not only can choices be either free or coerced, in §V I even present an example of a choice that is *both* free and coerced. And given that PAP+, and not PAP, is the more interesting principle at which Frankfurt cases are aimed, the Frankfurter's counter-example need not be a case in which the agent's choice is free. The counter-example to PAP+ must simply be one in which the agent could not have chosen otherwise and the lack of alternative possibilities does not itself take away moral responsibility.

V From Preemption to Genuine Overdetermination

So, with this third set of objections we see that the debate over Frankfurt cases has once again returned to the issues of fragility and flickers, even with the assumption of determinism in place. The Frankfurter could return to this old battleground, but I suggest a new tactic. A logical move is to construct Frankfurt-like cases such that both causes, the coercive cause and the supposedly free cause, run to completion and the coercive cause unquestionably produces the very same, because actual, effect as the supposedly free cause. This is a move from causal preemption to genuine causal overdetermination.³⁰ In this section I present such an example and explain the advantages of shifting the debate to examples of genuine causal overdetermination.

Looking back at Frankfurt's 1969 paper, we can discover that the analysis he gives of his cases holds equally well for cases of genuine causal overdetermination. It is true, though, that each of the four Jones examples that Frankfurt presented in that paper was an example of preemption rather than genuine overdetermination.³¹ However, consider his concluding comments from the very last paragraph of that paper:

The following may all be true: there were circumstances that made it impossible for a person to avoid doing something; these circumstances actually played a role in bringing it about that he did it, so that it is correct to say that he did it because he could not have done otherwise; the person really wanted to do what he did; he did it because it was what he really wanted to do, so that it is not correct to say that

30 Haji (2000) is noteworthy in also presenting Frankfurt cases involving genuine causal overdetermination. However, I aim to go further by explaining the advantages of shifting from examples involving preemption to examples involving genuine causal overdetermination.

31 The story of Jones₃ comes closest to being genuine overdetermination, but even there the coercion does not generate the action. Again, in traditional Frankfurt cases some condition that guarantees an outcome does not actually generate it.

he did what he did only because he could not have done otherwise. Under these conditions, the person may well be morally responsible for what he has done.³²

The conditions described by Frankfurt here could just as well hold in a case of genuine causal overdetermination. Though he perhaps did not intend for his words to fit such a case, it could be that the conditions that made the person's action unavoidable and brought it about are distinct from the person's wanting to do that action (which *also* brought the action about). This would be a case of genuine causal overdetermination. I suggest that we consider these cases, but for reasons beyond those Frankfurt originally intended. In particular, I think that the next move in the dialectic should be to return to such examples as a response to the fragility and flicker of freedom objections raised in §IV.3.

So, let us imagine a case in which Jones's choice to vote for Kerry is genuinely overdetermined. We can do this by modifying our original story as follows.

Black is not so good at predicting Jones's choices. Perhaps there is not a deterministic connection between the prior sign and Jones's decision (all the better for responding to the charge of begging the question!). But no problem. Black still is a sophisticated neurosurgeon equipped with a deterministic mechanism which, when implanted into a patient, eventually stimulates a certain neural pathway that leads, in a deterministic fashion, to a choice for Kerry *regardless* of what any prior signs might or might not indicate. The device is implanted in Jones. Let us imagine that this mechanism remains dormant until Jones freely(!) begins his own deliberations on whom to vote for, and even then it does not influence Jones's cognition or conscious experiences until the choice is actually made. Jones happens to reach the decision to vote for Kerry on his own, via a distinct neural pathway that is not affected by Black's mechanism in any significant way.³³ Black's mechanism is still operative, however. The activity of Black's mechanism guarantees his actual choice, and Black's mechanism and Jones's distinct neural pathway each brings about this choice.³⁴

Telling the story in this manner has three advantages over preemption versions of Frankfurt cases. First, notice that this example does not assume a deterministic connection between a prior sign and Jones's

32 Frankfurt (1969/1988), 10. Also see Frankfurt (1988), Chapters 2 and 3.

33 Of course Black's mechanism will have some effect on the other pathway — e.g., small gravitational effects. But these are kept to a minimum, so that Jones's mechanism would have brought about indiscernible choices with or without the operation of Black's mechanism.

34 Cases like this are also considered by Mark Ravizza, Fischer, and Pereboom. See, for example, the discussion in Pereboom (2001), 33-5. However, they do not use the case to develop the points that follow in the text above.

choice. The mechanism operating within Jones can be either deterministic or indeterministic, but I will stipulate that in this particular example it is indeterministic. This provides us with an additional response to the incompatibilist who rejects the original Frankfurt cases as counter-examples to PAP on the grounds that, due to the assumption of determinism, they beg the question against the incompatibilist. So even though the choice was determined by Black's mechanism, it also could be independently produced by Jones's free deliberation (say, in the sense the libertarian demands if that is possible). And it seems to me that incompatibilist sentiment demands this kind of freedom condition for moral responsibility, rather than demanding the absence of some determinism elsewhere that just happens to converge on the same choice. So this Frankfurt case better avoids the begging the question charge by having a non-deterministic mechanism, which otherwise meets the libertarian's standards for freedom, be one of the causes of the choice. Let's also not forget that the move from PAP to PAP+ was our first response to the begging the question charge, and I believe that move was already decisive.

The second advantage of genuine overdetermination versions is that with genuine overdetermination there is little question about fragility or flickers of freedom. Each neural pathway brought about the very same (actual) choice, and the deterministic nature of Black's mechanism rules out any alternative. Of course, there is still the following 'flicker' possibility: Jones's free deliberation could have gone down the path of a choice for Bush. In order for our example to be one in which alternative possibilities are ruled out, in such a situation Black's mechanism would have to overrule or cut off Jones's free deliberation before a choice for Bush is made. Perhaps the incompatibilist could argue that this is a robust enough alternative to justify judging Jones to be morally responsible in the actual example. But, significantly, it is still the case that Jones could not have chosen otherwise, yet he still is morally responsible for the actual choice. At least, his moral responsibility for that choice is not taken away in virtue of Black's mechanism excluding alternative possibilities. So, this is still a counter-example to PAP+. To summarize: If a case of this form is possible and if Jones is not denied moral responsibility in virtue of Black's mechanism ruling out alternative possibilities, then this is a counter-example to PAP+.

So, are cases of this form even possible? Some have denied the possibility of genuine overdetermination, so we should be very clear as to what such cases are supposed to involve.³⁵ Those who deny genuine

35 See, for example, Bunzl (1979).

overdetermination typically assimilate alleged cases to the joint causation model. This is also coupled with a fragile conception of events. For example, rather than judging that the two neural pathways were each sufficient for the choice, such a theorist would hold that the two neural pathways were jointly sufficient for this choice though neither was sufficient on its own. This is because such a theorist holds that some detail(s) of the effect can be causally explained by reference to one of the pathways, though it cannot be causally explained by reference to the other (and *vice versa*). So, each causal pathway makes some unique causal contribution to the particular details of the choice. Discussing another example may prove helpful. A spy is hit by simultaneous shots from two gunmen. One hits him in the heart, the other in his gut. The spy dies. This seems like a paradigm case of causal overdetermination, as each shot would have been sufficient for death on its own (let us suppose). But our denier of genuine overdetermination could insist that this particular death, fragile as it is, required both gunshots. Had only one of the bullets struck our spy, the death would have occurred later and in a slightly different manner. Because each gunshot makes a unique contribution to the death (e.g., accounting for the sharp pain in the heart or in the gut), the gunshots jointly caused it.

My aim was to present a case which prevents this move to joint causation, while granting the extreme fragility of events in order to bypass much of the flicker of freedom debate altogether. This means that our story of genuine causal overdetermination must be told with greater clarity. The case is such that each neural pathway is sufficient for every detail of Jones's actual choice. Joint causation is then avoided, because neither neural pathway makes a *unique* contribution to some detail of that choice. Importantly, this means that had either neural pathway been operative without the other, then Jones's choice (i.e., the token event) would have been indiscernible from the actual choice. One could still insist that such situations are metaphysically impossible. Yet I can imagine such situations arising in many domains — e.g., two electric impulses each simultaneously cause a particle to acquire a certain charge (which does not admit of degree) and either impulse would have done so on its own. These situations certainly seem possible in general. And until a convincing argument is provided against their general possibility, or against the possibility specific to choices and other mental events, we should assume that our case is metaphysically possible as described.

The third advantage of genuine overdetermination versions is that they better focus on the relevance of excluding alternative possibilities, rather than causal generation, to moral responsibility. The obvious difference between genuine overdetermination versions and traditional Frankfurt cases that involve causal preemption is that in our case Black

actually brings about the choice. I anticipate that many will see this as a weakness. As Frankfurt illustrated, it is nice to present a case against PAP in which Black could be ‘subtracted away’ without in any way changing the outcome, because he was wholly irrelevant to the production of Jones’s choice. This appears to have the rhetorical advantage of making it easier to convince the incompatibilist that Black does not affect Jones’s moral responsibility or freedom. But is this a genuine advantage that the traditional formulation has over the present example involving genuine overdetermination? I do not think so, as I believe that the examples are on par on this score. First, remember that these stories are supposed to provide us with counter-examples to PAP and/or PAP+. So the primary issue is the extent to which alternative possibilities are ruled out in these stories, as opposed to questions regarding causal production. And significantly, *Black’s mechanism in my examples of genuine causal overdetermination rules out alternative possibilities just the same as it does in traditional cases of causal preemption*. It is not as if in my story Black rules out alternative possibilities any *more* than he does in cases of causal preemption, for that would be impossible! That is, it is not possible to eliminate *more* than all the alternative possibilities. Also recall, from our §3.2 discussion, that there is no such thing as a preempted excluder of alternative possibilities, and it is wholly irrelevant to something’s status as an excluder of alternative possibilities whether it is operative. Second, note that *in a case of genuine overdetermination when we ‘subtract away’ one of the causes the effect still remains the same*. This is the very nature of genuine overdetermination or, at least, of our specific example that grants (for the sake of argument) extreme fragility. So our genuine overdeterminer, Black’s mechanism, both rules out alternative possibilities and makes a difference to the actual outcome — namely, none — to the same extent as it would in versions in which Black’s mechanism is preempted.

Of course, in our case Black is not wholly irrelevant to the production of Jones’s choice. So, subtracting him from the story does leave out part of the causal explanation of Jones’s choice. But if, as is assumed, Black operates via a mechanism that is wholly distinct from Jones’s mechanism, it is hard to see how its efficacy would affect Jones’s moral responsibility. For, we are also assuming that the other cause of Jones’s choice was a ‘natural’ and even indeterministic causal pathway that, if it operated without Black, would clearly confer moral responsibility. Now, why think that the operation of Black’s mechanism, which is wholly distinct from the other causal pathway, takes away Jones’s moral responsibility? True, Black ruled out alternative possibilities *and* brought about Jones’s choice — indeed, that is the point of the story. But the choice would have been just the same had Black not been there. So if Jones would have been morally responsible for his choice without

Black, he is morally responsible even with Black's coercion. If this is correct, then free choice is compatible with coercion, contrary to the proposal of §IV.3 c). *Regardless*, even if Black's mechanism were relevant to Jones's moral responsibility, it would be because it produces the choice and *not* because it rules out alternative possibilities. For Black's mechanism has the same standing with respect to ruling out alternative possibilities in our story as it does in preemption versions. This fact is rather obvious once pointed out, but I do not believe that it has been pointed out before. Again, there is no analogue to causal preemption when it comes to excluding alternative possibilities. So even if Black's mechanism were to deprive Jones of moral responsibility this is still a counter-example to PAP+.

Frankfurt-like cases come in many varieties, and the examples that come closest to this genuine overdetermination proposal are those offered by Mele and Robb (1998, 2003) and Timpe (2003). Their examples involve a deterministic process (like Black's mechanism) that runs to completion and would have caused a choice except it was 'trumped' by an agent's indeterministic and free deliberation that is wholly distinct from Black's mechanism.³⁶ In cases of *trumping preemption*, unlike our standard cases of *cutting preemption*, the cause runs to completion and so does not depend on a prior sign. But, like cases of cutting preemption, trumped causes do not actually bring about their effects. It is simply a law of nature, or some other principle governing the relevant system, that the 'bringing about' privilege is given to the trumping, rather than to the trumped, cause. The standard example is of simultaneous and identical commands issued from a sergeant and a major, with the major's command trumping the sergeant's command and therefore bringing about the soldiers' actions.³⁷

For various reasons, I prefer genuine overdetermination Frankfurt cases to trumping preemption cases. First, I am skeptical about trumping preemption in general. It is not clear to me that a deterministic causal process can run to completion and yet fail to bring about its customary effect, though it runs to completion and brings about that customary effect in counterfactual situations. If the trumped cause ran to completion but was not efficacious, what explains its failure? Here the laws that privilege some causal processes over others come into play. Trumping preemption depends on a conception of laws of

36 The concept of trumping preemption is due to Schaffer (2000/2004), though previous authors noted similar concepts.

37 For more discussion of this example, and others, see Schaffer (2000/2004) and Lewis (2000/2004).

nature as governing the world in a way that many will find objectionable.³⁸ A second reason for preferring genuine overdetermination cases to trumping preemption is that in such cases it is even more obvious that the effect of Black's mechanism is numerically identical to that of Jones's mechanism, as the effect is not counterfactual. This gives greater leverage in responding to flicker of freedom and fragility objections. But third, and most important, trumping preemption cases unnecessarily cloud the issue. As I have argued in this section, it is not necessary to have Black's mechanism be preempted. For, whether the mechanism is preempted or operative it rules out alternative possibilities just the same. And it is not relevant whether Jones actually is or is not morally responsible — PAP+, not PAP, is the more interesting and important principle. The relevant question is whether the ruling out of alternative possibilities itself deprives Jones of moral responsibility. For these reasons, presenting the case as one of genuine overdetermination better focuses debate.

VI Conclusions

I hope that the preceding points strengthen the growing consensus that if determinism is not compatible with moral responsibility it is not simply because determinism rules out alternative possibilities. I remain uncertain on the broader question of compatibilism versus incompatibilism. However, with respect to the relevance of alternative possibilities to moral responsibility, I hope to have established the following points.

1. PAP+, and not PAP, is the more interesting and fundamental philosophical question. We should be more interested in what grounds moral responsibility (or the lack thereof), rather than what merely correlates with it.
2. Frankfurt cases are examples of causal overdetermination. Generally speaking, there can be causal overdetermination in either/both i) the unavailability of an outcome or/and ii) the bringing about of an outcome. Traditional Frankfurt cases that assume determinism in the actual sequence all involve i-type overdetermination, but not ii-type overdetermination. In other words, they are cases of causal preemption. My §4 version

38 Berofsky (2003), 112-15, raises more particular worries along these lines.

involves ii-type overdetermination. In other words, it is a case of genuine (symmetric) overdetermination.

3. When we classify traditional Frankfurt cases as examples of causal preemption, we can neatly divide objections to such examples. There are three ways of denying overdetermination in general. I responded to objections to Frankfurt cases that fall under each of these three ways. The strongest objection, I believe, comes from the PAP+ defender who urges that the very concept of choice or will is incompatible with determinism, or at least coercion. (This is not to say that I am sympathetic to this objection.)
4. Most significantly, I have urged the Frankfurters to move to cases involving genuine causal overdetermination. Such examples do not require a deterministic connection between a prior sign and a later outcome, and they also avoid the worries regarding fragility. Without question, overdetermining causes each produce (and can make unavoidable) the very same effect. As PAP+, and not PAP, is the principle at issue, it is irrelevant whether the agent is actually morally responsible in such circumstances. However, I think it is intuitive that agents in such situations are morally responsible. Importantly, cases of genuine overdetermination are on at least as good footing as cases of causal preemption with regard to PAP+. For, in both types of cases the overdeterminer makes the outcome unavoidable just the same. By presenting cases of causal preemption, the Frankfurter is confusing the debate unnecessarily. It is irrelevant to the point at issue, PAP+, that the coercive mechanism succeeds at bringing about its effect.

Received: July 2007

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