

# The Theoretical Outlet and Logical Choice of Frankfurt-Style Counterexamples under Compatibility Theory

--Take the flicker of freedom strategy as an example

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**Abstract:** It has been a hot topic in philosophy field that whether moral responsibility requires the free choice when agent acting. From the traditional theories that libertarians believe, it can be seen that free will is the source and basis of moral responsibility. However, Frankfurt H. G. gave a negative answer to this question. Libertarians counterattacked him with “flicker of freedom” strategy. This paper introduces and analyzes this strategy and discusses about if the strategy proved Frankfurt wrong. Hopefully by interpreting the whole process, this paper can bring people some new ideas and thoughts.

## 1. Introduction

What makes a man become a moral responsibility agent? Almost all libertarians believe that free will is the source and basis of moral responsibility. And free will and determinism are incompatible, so moral responsibility requires free choice. The “principle of free will” (FW for short), which has universal support, is an accurate exposition of it.

FW: An agent is morally responsible for what she did only if she did it freely.<sup>[1]</sup>

The traditional simple and intuitive way to analyse the FW can be the “Principle of Alternate Possibilities” (PAP for short)

PAP: A person is morally responsible for what she has done only if she could have done otherwise.<sup>[2]</sup>

The PAP principle is so succinct and self-consistent that almost all compatibilists had never attempted to challenge it. When Frankfurt proposed a special case in his paper in 1969 to query the PAP, there was a heated debate among the contemporary metaphysicians. In this paper, Frankfurt attempts to construct a special kind of scenario (IRR-situation) in which “the PAP is eliminated” and “the agent’s moral responsibility can demonstrated clearly”. This case attempts to reveal that the agent is in no substitute condition but still assuming moral responsibility. Libertarians and compatibilityists conducted extensive discussions around the case. These discussions focused on the two major strategies: *flicker of freedom* and *dilemma*. By analyzing the *flicker of freedom*, I try to explain the theoretical outlet and logical choice of Frankfurt counterexamples under compatibility theory.

## 2. Frankfurt-Style Counterexample: Its Substantive Claims and Its Difficulties

What Frankfurt and his adherents constructed are a series of so called Frankfurt Style Counter-examples (FSC for short) that illustrate the IRR-situation to refuted the PAP. FSC claims that although the agent in this situation had no free choice, but still made a self-determination, and thus still assume moral responsibility. Let’s see the classic FSC *Revenge*:

Jones decides to shoot Smith for revenge, and Black is also trying to kill Smith by the hand of Jones. Suppose that Black prepares a set of devices to monitor and manipulate Jones' brain and mental activity, and can be sure that at time *t1*, just prior to Jones’s decision to shoot Smith, Jones’s

brain reliably exhibits a certain neurological pattern, *NP*. Should Jones exhibit *NP* at *t1*, Black will be able to predict reliably that at *t2*, Jones will decide to shoot Smith ( *t2* is later than *t1*). If Black were to see that Jones did not exhibit *NP* at *t1*, this would indicate to him that Jones will not decide at *t2* to shoot Smith. In this event, Black would cause Jones to decide at *t2* to shoot Smith. Jones does not know anything about Black's plan. As things actually transpire, at *t1*, Jones does exhibit *NP*, and at *t2* he decides on his own to shoot Smith, and then shoots him. Black never intervenes.

Traditional libertarians insist that the necessary and sufficient condition for a decision and behavior to assume moral responsibility is a certain kind of freedom. If an agent chooses option A, at the same time there is no other alternative option B to choose from, that is to say, there is no free choice for her, and her behavior is determined.

Consider the special IRR that *Revenge* illustrate. The agent chooses one of the free options A and B just as the decision and action choice for his own reasons, but in fact, the option A is determined to be selected, option B is actually closed. It only needs the person to subjectively recognize that options A and B are both open, but only the actual option A is open.

The essence of the divergence between FSC and PAP lies in this: on the basis of moral responsibility, PAP requires free choice in metaphysics, while Frankfurt proposes self-determination in agent practice.

Analyzing many FSC, we found that there is always a *prior sign* in FSC, such as the *NP* in *Revenge*. It is such an event: its own occurrence indicates the exact occurrence of subsequent pending events. If its own occurrence predicts its subsequent events deterministically, then it is reasonable to regard it as the antecedent of the entire chain of subsequent events.

Some philosophers critic that it was precisely because the FSC used the *circular argument* that the refutation of the PAP principle was unsuccessful. According to FSC argumentation logic, in the example, although the agent should assume moral responsibility, the agent lacks *free choice*. Critics believe that, the agent apparently has no *free choice* in the entire incident, but before the event is induced, the agent's *free choice* has not been completely excluded. Although the choice option seems very weak, it is still kinds of free options that can affect the moral nature of agent's actions.

### 3. Is There a Free Choice in the Fsc? the Flicker of Freedom Strategy and it's Response

According to Fisher's summary, the *flicker of freedom* strategy goes on the following 4 ways<sup>[3]</sup>:

i: free choice while showing signs. This strategy claims that even if there is no free choice in the result of the entire event-the entire event seems a closed event, but the agent still has free choices in the decision-making processes like showing *NP* or not. Although it is much *weaker* than usual choices, but it can still become the source of the agent's moral responsibility.

ii: free choice of the cause of the incident. This strategy claims that even if the agent has no choice to act freely due to external intervention in the FSC, the agent still has control over the cause of the event. It distinguishes the basic elements of the event of moral responsibility. It claims that not only necessary to distinguish the various elements of the behavior itself (such as beginning, process, method, result, etc.), but also the relative occurrence chain of the two behaviors (such as causes and effects). Therefore, even if the elements of behavior A and B are completely the same, if the causes are different, they cannot be regarded as the same behavior in morality domain.

iii: free choice of will. Some philosophers believe that the essential distinction between actions and events lies in whether there is a precondition that comes from agent's own will. Therefore, "apples fall naturally" and "under people's expectations, apples fall naturally" are two different things. The former is an event, the latter is an act. Moreover, the will associated with moral responsibility can only come from the persons, and cannot be given by other external factors.

iv: free choice of virtual sequence. Some philosophers believe that the reason why we confirm that the agent has obvious moral responsibility factors in FSC is still inseparable from the free choice made by the agent. Although free choice in FSC is unrealistic for the agent, at least there is free choice in the virtual sequence.

Can the agent's freedom of showing signs be the evidence for assuming moral responsibility? Fisher, Daniel Speke, Mark Laveza and other philosophers have proposed the lack of "robustness"

of moral responsibility in response to the *flicker of freedom* strategy. There are 3 ways to refute the strategy.

i: lack of free cognition<sup>[4]</sup>. Daniel Speke firstly distinguishes “actions” and “events”. According to Davidson, “the agent is the actor of an event means that there is a description of his intention to act”, and the event undertaken by the agent means “the lack of a description of his intention to act”. Although displaying the sign is indeed a free choice made by the agent, the agent lacks a correct understanding of the consequences of doing this. The agent is not clear about the consequences and direction of the actual sequence after showing sign, and has no idea about whether he shows the sign or not. It is the “event” rather than the “action” undertaken by the agent without sufficient research and judgment.

ii: lack of free control<sup>[5]</sup>. Fisher and Mark Laveza believe that only when agent has control over behavior, the agent’s actions are free. Fisher distinguishes control in two types: *guidance control* and *regulative control*. Regulative control involves the possession of a dual power: “the power freely to do some act A, and the power freely to do something else instead”. Guidance control, on the other hand, does not require access to alternatives: it is manifested when an agent guides her behavior in a particular direction (and regardless of whether it was open to her to guide her behavior in a different direction). In the actual sequence, Jones did not realize the occurrence of the sign NP so he had no control over whole even. In the virtual sequence Jones was under the manipulation of external mechanisms and had lost control of his own behavior. He did not have the freedom of choice. Therefore, in Fisher’s view, the *flicker of freedom* cannot constitute “guidance control” or even “adjustment control”, and does not have sufficient robustness. The agent cannot be made to assume the moral responsibility in the context of PAP.

iii: lack of moral notions<sup>[6]</sup>. Fisher and Ravizza also introduced the concept of moral *notions* to attack the *flicker of freedom* strategists. They pointed out that the basis of the moral responsibility lies in “what the agents actually do, and how their actions come to be performed” rather than on “whether or not the agent could have done otherwise”. In addition, it must be determined that these free choices are understood by the agent in the process of her decision-making “in which there is sufficient reason to do otherwise, the agent recognizes this reason, and the agent does otherwise”. So who similarly lack “any adequate grasp of notions like moral rights and duties” would be “inappropriate to hold ... responsible for favoring their own goals and self-interest against the moral claims of other individuals.” From the view of PAP, the future will diverge in front of the agent’s choices. They can choose the path according to their own desires from the open options. In this prudential thinking about the future, people control their own decisions and behaviors, and burden their corresponding moral responsibilities. This is the basis of moral responsibility proposed by PAP. However, in Fisher’s view, the NP proposed by the *flicker of freedom* strategy does not possess this kind of moral consideration. The agent does not make in-depth consideration and rational thought on whether the NP is displayed or not.

#### **4. The Theoretical Outlet and Logical Trade-Offs of Fsc under the Challenge of Flicker of Freedom Strategy**

Is showing the *prior sign* the proof for the agent to assume moral responsibility? In my opinion, the *flicker of freedom* strategy is a failure. Not only there is no free choice in FSC, but also no agent in making decision. In other words, the *flicker of freedom* strategy attempts to put forward a weaker proposition beyond PAP and FSC: Should the agent assume moral responsibility in the process of displaying the prior sign before consciousness? Obviously not! The agent shows the prior sign before her free will, so that the display of the sign is not robust enough to illustrate the agent’s freedom. The agent’s behavior can only be regarded as a certain event about the agent unconsciously revealed. However, we can see that it produces another possible way against FSC which starting from *flicker of freedom* strategy. When the defenders of FSC claim that the principle of moral robustness counteracts the *flicker of freedom* strategist, and believes that this strategy is not robust enough to meet the request of moral responsibility, the *flicker of freedom* strategist can also claim that although the IRR-situation expresses a kind of determinism expiring PAP, it can’t explain

moral responsibility either. This is the more difficult *dilemma* that FSC faces caused by the *flicker of freedom* strategy.

The *dilemma* is mainly proposed by Robert Kane, Carl Ginet, and David Widerker. Fisher and many other people have also made comprehensive expressions of their views<sup>[7]</sup>. Challenges, That is, if the determinism holds, then the FSC cannot explain the moral responsibility, but if the determinism does not hold, that is, as the *flicker of freedom* strategy claims, there are also the possibility of alternatives in the FSC, then the FSC was not ruled out free choices, so it failed. Therefore, those who hold the *dilemma* strategy believe that the IRR-situation that FSC hopes to justify cannot be truly constructed anyway, and FSC actually fails.

In order to justify FSC, philosophers put forward a large number of improvement schemes on the basis of proposing and revising the prior sign. For example, the *No-prior-sign example* proposed by Alfred Mill and David Rob<sup>[8]</sup>, the *blockage examples* proposed by David P. Hunt<sup>[9]</sup>, the *internal-sign examples* proposed by Eleonore Stump<sup>[10]</sup>, the *Necessary-condition examples* proposed by Derk Pereboom<sup>[11]</sup>. Can these new examples escape the trap of the *dilemma*? I think they expand the prior sign setting method in FSC, but still can't perfectly solve the *dilemma* problem. But it does not mean that FSC and IRR-situation is fictitious. In my opinion, 3 different ways of understanding indicate the value of FSC.

The first way starts from the *flicker of freedom* strategy, the way of different understanding of free choice in FSC. Can FSC eliminate free choice? It is impossible in my opinion. But the discussion about FSC made a detailed distinction on the nature of free choice on moral responsibility. Even in the best constructed FSC, the external intervener eliminates most of the alternative possibilities, not all possibilities are gone, there still seems to be some *flicker of freedom*. But can FSC be classified in PAP because of these freedom? Opponents who want to defend their views have to give eloquent proof of the free choice here. They have to incontestably indicate the close relationship between the free choice and the corresponding moral responsibility. That is the *robustness* argument. Fisher's understanding of robustness is likely the autonomy of the agent, like the autonomous decision and behavior. Michael Kenner believes that the *robustness* morality lies in the agent's control, that's to say the choices and decisions were made within the agent's scope of control, *guidance control* and *regulative control*. This is the core difference between the PAP principle and the FSC. The PAP principle does not contain moral factors. It only lists some external environmental elements for the establishment of moral responsibility. While the agent makes free choice, the agent fulfills the freedom of will and therefore assumes moral responsibility. But the PAP principle does not pay attention to the inherent robustness requirements of the agent who bears moral responsibility. The FSC reveals the basis of the moral responsibility of the agent's "autonomy" or "self-determination". The FSC proposes that the composition of moral responsibility does not necessarily require free choice. The focus it puts forward is the inherent root of moral responsibility-the agent's freedom of will. This requirement is independent of whether there is a factor of free choice when the agent decides or acts.

The second way starts from the *dilemma*. It's the different understanding of its own decision in FSC. The *flicker of freedom* strategy emphasizes the relationship between moral responsibility and freedom, while the *dilemma* strategy is a further questioning of *freedom* required as a factor of moral responsibility. What kind of *freedom* is needed for an agent assuming moral responsibility? Based on this understanding, compatibilists and libertarians argued fiercely around the *dilemma* in FSC. Undoubtedly, there is a distinction on freedom between those proposed by libertarians and compatibilists. According to the compatibilists, when we act freely, we make our own decisions, but it is not us that determines our behavior, but the desires and other motives that we happen to hold. These factors constitute the self-determination of free action. So according to the compatibilizer's point of view, this is still a kind of self-determination, even if these factors determine the agent's action in the example, this is also determining our behavior. From the perspective of a compatible person, the self-determination of the agent is precisely the way she realizes freedom.

What do libertarians think? Libertarians would not agree with the point of view above. In their

view, freedom should have more pure and demanding requirements. When we as free people decide our own behavior, we have to make decisions by ourselves. That is to say, the motive of the action must come from us, not from something else. It must be the final determinant of our way of action. As the libertarian Kane said, "The actor must be held responsible for a certain action. The actor must be a sufficient reason, cause, or motive for the action." In other words, libertarians do not agree with a certain freedom of self-determination, but are only willing to admit those whose roots come from the agent and in the sense of spontaneous generation. This understanding forms the challenge to FSC proposed by compatibilityists. In FSC, compatibilityists believe that people's decisions or behaviors will have a certain inertia, there is a certain degree of continuity from the tendency and subconscious will to produce and form, and this is precisely the prerequisite for self-determination. Therefore, the freedom understood by compatibilists does not necessarily require all freedom of will. Libertarians don't think so. The freedom they understand is the freedom of will. Even these prior signs such as certain tendencies and subconsciousness arising from the agent are seen by libertarians as the external control mechanism. They are independent of the will, they come from outside the consciousness. It is not even different from the mandatory external mechanism. The completely different understandings of the agent's *freedom* from libertarians and compatibilityists have led to endless chatter about the FSC debate. The dispute between the two is not a dispute over the FSC construction technology, but a dispute over the theoretical source demonstrated by the examples. The debates from the two camps are reviewed according to their own understanding, which makes the disputes complicated.

The third way starting from the logic of argument. It's the different understanding of moral responsibility. Can FSC get proved successfully? It depends on how we understand the argument logic of such counterexamples. Logically speaking, the most fundamental goal of FSC's proof of IRR-situation is to refute PAP. PAP believes that moral responsibility is established if and only if there is free choice. To refute PAP's point of view, there are two alternative strategies: the first strategy is by giving a counterexample in which the agent assumes moral responsibility for his own decisions and actions, but there is no free choice when making decisions and actions. PAP can be directly falsified. The second strategy is to construct another example, in which the agent's moral responsibility is based on factors unrelated to free choice, such as *self-determination*, which indirectly refutes PAP. Criticisms against FSC often regard FSC as the first strategy, which is to try to construct a scene that excludes the agent's free choice, but also requires the agent to have the freedom of choice, in order to falsify PAP. Both the *flicker of freedom* strategy and the *dilemma* strategy are from this perspective. If you understand FSC in this way, no matter how you adjust, the *dilemma* is always unavoidable. However, from the perspective of defending FSC, the second approach has a better understanding of the value of FSC: the basis and reason for the agent's intuitively must assume moral responsibility in FSC is that the behavior is the agent's own decision. In the process of decision and action, the agent has fulfilled the freedom of choice. Free choice is only the guarantee of freedom of choice. It is the external condition for the agent to fulfill the freedom of choice, and it is a fully non-essential condition. Therefore, when we understand various types of FSC, the external mechanism is set to exclude non-agent factors outside the agent, but this external mechanism is optional. The purpose of setting it is to explain the following Fact: The necessary and sufficient condition for the agent of decision and behavior to assume moral responsibility is the freedom of choice from the agent rather than the free choice from the external environment. This extended principle is the essence of understanding FSC. Although those repaired FSC may not fully withstand scrutiny in detail, the extended principle has universal value.

## 5. Conclusion

Regarding the conditions for the basis of moral responsibility, one of the core arguments concerns whether moral responsibility requires the free choice when agent acting. Frankfurt H. G. gave a negative answer to this question by constructing FSC. Libertarians attacked FSC with "flicker of freedom" strategy. This strategy aims to demonstrate that the agents in the FSC are not completely determined, actually they have some weak freedom of choice. Through the "robustness"

analysis, I argued that the strategy did not succeed. However, facing the inherent “dilemma”. They must find a new theoretical outlet. The 3 different understandings of FSC provide intuitive feasibility for its justification. Although the refutation of the “dilemma” is successful from the perspective of liberalism, it does not pose a real threat. On the contrary, these discussions imply that the moral responsibility in compatibility theory relies on the self-determination of the agent guided by FSC, rather than the free choice advocated by libertarians.

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