

On the Impertinence of Frankfurt-Style Argument
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As Daniel Speak notes in a recent article, the debate over Frankfurt-style examples (FSE) has focused overwhelmingly on whether such examples in fact show the principle of alternative possibilities (PAP) to be false. According to Speak, in the rush to attack and defend the examples themselves, a subtler and more devastating criticism of the FSE has been missed. For even if the FSE falsify PAP, Speak claims, they are “impertinent” as refutations of the incompatibilist’s use of PAP to ground an inference to the incompatibility of determinism and moral responsibility.

Speak’s case turns on Frankfurt’s own explanations for why, in the examples, the agent (Jones) is responsible despite lacking alternatives. The explanations, Speak claims, rely on counterfactual stability (that the agent would have done what he did even if he could have done otherwise), which cannot be said to obtain in a deterministic context. Hence what saves responsibility in the FSE is no more compatible with determinism than having alternatives is thought to be. The FSE therefore cannot show that the absence of alternatives in a deterministic context does not in fact defeat responsibility. As Speak puts it, the FSE cannot falsify PAP *in the right way*, a way that would undermine the use to which it is put in drawing the incompatibilist inference.

In reply to Speak’s article, John Martin Fischer concedes that the FSE are not decisive in the way sometimes claimed. Furthermore, he accepts that Frankfurt ought not to have used counterfactual stability as a way of explaining the force of the examples. But Fischer also thinks that Speak is guilty of an “all-or-nothing” interpretation, such that in treating the

examples as having immediate metaphysical aims, Speak has missed a core dialectical virtue of the approach.

Two questions emerge in this redirected discussion of Frankfurt-style argument. The first is what, if not alternative possibilities, explains the persistence of responsibility in the FSE. While I agree with Fischer that insisting on counterfactual stability to explain this persistence is unnecessary and probably unwise, the first aim of this paper is to cast one ray of doubt on Speak's strongest claim of impertinence. That is, even if counterfactual stability were required to explain the persistence of responsibility in the FSE, I am unconvinced that they would be impertinent in the way Speak maintains.

The second question is whether this explanation is pertinent in a deterministic context. That is, have the FSE identified a responsibility-saving factor that falsifies PAP in the right way? If they have, then the FSE will have provided a one-step (the "all" of Fischer's "all-or-nothing" complaint) defeat of the incompatibilist's deployment of PAP. On the second question matters are more complicated. Fischer's complaint seems to be that Speak presupposes that the FSE must uncover such a responsibility-saving factor. If they do not, then they are impertinent as refutations of PAP (the "nothing" of Fischer's complaint). Fischer maintains that the examples are dialectically valuable despite not decisively falsifying PAP in the relevant context (by identifying the responsibility-saving factor that operates in that context), provided that we explain the persistence of responsibility in them in the right way, a way that I shall call "minimalist." The second and primary aim of this paper is to question whether this minimalist explanation is not also impertinent. I shall argue that pursuing Speak's strategy against the minimalist explanation will have the ironic

effect of establishing the pertinence of the FSE. For in distinguishing the deterministic context against the minimalist explanation, focus will have shifted from the question of alternatives to the question of the causal influence on the agent of whatever denies her alternative possibilities. This, I shall argue, is enough to cast doubt on PAP even in deterministic contexts.

To illustrate what he means by ‘impertinence’, Speak offers an example. In the example, Patty infers that an unpredictably moving object she sees in the night sky is an artifact of some sort. The ground of the inference is that natural objects don’t move unpredictably. Dave objects that the ground of the inference is false: some natural objects (subatomic particles) do move unpredictably, hence the inference is defeated. But the objection is impertinent, since the falsification of the ground of the inference has no bearing on the context in which the ground is employed. To be more precise, Speak defines impertinence as follows: “given a valid argument with plausible premises, an objection is impertinent if it depends on a proposition (or propositions) which can serve equally well in establishing the conclusion, holding fixed the context of the initial argument.” According to Speak, the proposition in this case is: ‘subatomic particles, and subatomic particles alone, are natural objects that move in unpredictable ways’. It is fairly clear that this proposition can equally well serve the inference that an object moving unpredictably in the night sky must be an artifact, so long as we bear in mind that subatomic particles are not visible in the night sky.

Why then does Speak regard Frankfurt-style argument as impertinent? The case here is complex, but I will try to boil it down to what I take to be its core. One way of explaining the FSE is to say, following Frankfurt, that Jones remains responsible (in spite of the absence of alternative possibilities) because Jones *would have x'd* even if he had been able to do otherwise. He is counterfactually stable. The problem, according to Speak, is that determinism rules out counterfactual stability as well as alternative possibilities. It is not plausible after all that agents in a deterministic context would do just what they do *even if determinism were false*. What counterfactual stability in a deterministic context requires is a Jones wrested free of the influences of the past and the laws of nature, who nevertheless acts just as the Jones shaped by the past and the laws of nature acts. This Jones is possible, Speak thinks, but so improbable that we have good reason to deny that agents in a deterministic context are counterfactually stable.

Frankfurt-style argument is therefore impertinent, roughly speaking, in the sense that it relies on a falsification of PAP in an isolated context (one involving counterfactual stability). This is supposed to parallel the case of unpredictable movement, where the falsification has no bearing on visible objects in the night sky, just as the falsification of PAP is supposed to have no bearing on actions undertaken in a deterministic context. In the one case falsification is limited to the movement of subatomic particles, in the other it is limited to actions exhibiting counterfactual stability.

Suppose we grant that counterfactual stability is necessary to explain the force of the FSE. Should we therefore conclude that counterfactually stable actions *alone* defy PAP? Such a conclusion is essential to Speak's charge of impertinence, since only something like

it will serve equally well to establish the incompatibilist's original conclusion.

This is the slim ray of doubt I want to cast on the core of Speak's argument. First, note that the impertinence of the case against the predictability of natural objects has nothing to do with mysteries about *why* subatomic motions are counterexamples to general claims about the predictability of the movement of natural objects. The impertinence is recognizable because we know that the exceptional cases of natural unpredictability are *exceptional*, and we know that the case of the object in the night sky cannot be *such* an exception. While it is true that Speak attempts to show what is exceptional about the FSE, this very fact suggests something unique about their argumentative context. Even if Speak shows that the FSE depend for their force on an exceptional context, they can count as impertinent only if we have reason to believe that this context alone defies PAP. But this presupposes a kind of epistemic centrality for PAP, its plausibility as a premise in the original incompatibilist argument, which may be too strong. However intuitively resounding the counterfactual alternatives expressed in 'you are responsible only if you could have done otherwise' might be, I suggest that PAP does not enjoy the same kind of epistemic centrality as our assumptions about the predictable movements of natural objects. The fact that we did not need to worry about why subatomic motion defies predictability reflects this centrality, its plausibility as a premise. Nothing about discovering unpredictable natural motion in one context casts any doubt on whether we in fact observe predictable motion as a rule. But I am not certain that the falsification of PAP in even an isolated context should not as it were cast a shadow over its general application.

Of course, none of this shows the FSE to falsify PAP *in the right way*, as Speak would

have it. And much of it turns on the depth of our intuitions about PAP. But as I said, all I want to do in the first place is to cast a ray of doubt on the core of Speak's case. I have done so by questioning the warrant for insisting that counterfactually stable actions *alone* should be thought to falsify PAP. Without this warrant the impertinence of Frankfurt-style argument evaporates.

Still, if the factor that explains the persistence of responsibility in the FSE is counterfactual stability, things do not look promising for the Frankfurtian. Because it is unlikely that actions performed in a deterministic context are counterfactually stable, we would at best be left to wonder whether PAP is after all falsified by something else in the deterministic context. Not surprisingly, then, Fischer rejects the view that counterfactual stability explains the persistence of responsibility in the FSE, preferring instead a minimalist explanation along the following lines. Jones is responsible because the absence of alternative possibilities plays no role in explaining why he has done what he has done. Or again, Jones is responsible since he does not *x because* he could not do otherwise. As Fischer acknowledges toward the end of his reply, even this minimalist explanation runs the risk of impertinence if interpreted as an attempt to identify the responsibility-saving feature that will hold in deterministic contexts. Hence Fischer endorses his two-stage strategy, in which the first stage, the stage of the FSE, is designed only to show that it is in principle possible to be morally responsible without having had any alternatives. The FSE are not designed to identify the responsibility-saving feature that obtains even in the deterministic context. That is left to the second stage of the strategy, which focuses on what

in the actual sequence of events saves or defeats responsibility.

In what follows I will consider this minimalist explanation of Jones's responsibility in light of Speak's impertinence charge. To what would appear to be Speak's strongest rejoinder, Fischer explicitly limits the dialectical function of the FSE to the first stage. It is not clear to me that this will do.

Let us suppose that Jones remains responsible (in spite of the absence of alternative possibilities) since Jones does not *x because* he could not do otherwise. In other words, since Black does not intervene, the fact that Jones could not have avoided *x-ing* plays no role in the explanation of why he did *x*. Now it is not obvious that this explanation escapes the charge of impertinence, since the role played by what denies alternative possibilities threatens to be obviously unique to the FSE. What would it mean after all for Jones to *x because* he could not do otherwise? It would mean that Black *had* intervened. In the classic formulations, this alternate sequence is enough to undermine Jones's responsibility. His *x-ing because* he could not do otherwise amounts to his will somehow being out of his control, not up to him, perhaps even coerced. He has acted somehow *against* his will in the counterfactual scenario, though he may not even realize it (depending on the details of the FSE). Here acting *because* he could not do otherwise is defined as acting against his will. And if we *define* acting *because* you cannot do otherwise *as* acting against one's will, then surely what it means in the FSE is not the same as what it means in a deterministic context. Explaining the FSE this way threatens to presuppose a context in which what denies alternative possibilities can only impact the agent in a manner contrary to his will. But that is not the context in which the incompatibilist's deployment of PAP gathers force. Her

context is one in which the absence of alternative possibilities may (and presumably often does) impact the agent in a manner very much in accord with the agent's will. So while it may be clear in the FSE that the absence of alternative possibilities does not produce an action *because* there are no alternative possibilities, it is not clear that this result can cast any doubt on those contexts in which the absence of alternative possibilities may be exercising causal influence on the agent in accord with her will.

It is therefore not clear to me that Fischer can simply insist that the relevance of the FSE is both confined to the first stage *and* successful in moving the debate forward. He is puzzled as to why Speak would accept the FSE as falsifying PAP, but then insist that the result is irrelevant to the deterministic context. I think more should be said about the resilience of the impertinence charge and about how the debate moves forward in light of it. I contend that in pursuing the impertinence objection against the minimalist explanation, we are led to consider to what it is about the denial of alternatives in the deterministic context that defeats responsibility. In this the way forward is revealed, and ironically it is in the direction favored by the opponent of PAP.

How might the impertinence objection proceed against the minimalist explanation? In the case of the unpredictably moving object, impertinence is revealed by the fact that the ground of Patty's inference can easily be fortified against an irrelevant falsification. The ease of fortification is revealed in the fact that Dave has no move left to make, nothing that will cast even a shadow of doubt on the ground of Patty's inference, which has in fact been refined by his objection. Against the minimalist explanation, a parallel fortification may

present itself: PAP is true of any action in which what denies alternative possibilities also causes the agent to act. Arguably this is the ordinary case in the deterministic context. Hence, as Fischer puts it, what saves responsibility under the minimalist explanation is missing in the deterministic scenario. The fortification suggests that PAP has not been falsified in the right way.

But is there, as in the case of the unpredictably moving object, no reply available to the defender of the FSE? That is not at all evident, since to fortify the incompatibilist's use of PAP in this way is also to admit that what denies alternative possibilities must itself operate in the right way to foreclose responsibility. This "right way" in fact suggests that there being alternatives may not be the necessary question, within or without deterministic contexts. This strikes me as the move available to the Frankfurtian. Notice that it parallels a point I made earlier about the difference between this argumentative context and the one regarding unpredictable motion. The move available is to question why PAP seems ordinarily to apply, and whether its application is actually cover for other responsibility-defeating factors. There are no comparable questions to raise about the predictability of apparent motion.

To illustrate the change in focus I think the impertinence objection will tend toward, let us suppose that the world of the FSE is deterministic. Let us also suppose that Jones learns about Black and at his trial ventures a "couldn't have done otherwise" defense. But the prosecutor is sharp, and points out that Black was irrelevant to Jones's choice. Well, yes, backpedals Jones, but the vast causal past of our deterministic universe is *not* irrelevant to his choice. Why does Jones blunder in bringing up Black? If having alternative possibilities

in itself is a necessary condition of moral responsibility, then Black should work just as well as the past in exonerating Jones. But Black does not work as well. Indeed, I assume that the incompatibilist will acknowledge that Black does not work at all. This is admittedly not enough to show that alternative possibilities are not a necessary condition of responsibility. But it does suggest that if and when they are a necessary condition, it is only because what absents them operates in a particular way on the agent.

Is this enough to overcome the charge of impertinence? It seems to me it is, though I admit that question depends on just what we understand the pertinent aims of Frankfurt-style argument to be. If Speak insists that the only pertinent refutation of the incompatibilist's use of PAP must come in one argument or not at all, then perhaps these observations would do nothing to satisfy him. But it is again worth noting the difference between this case and the argument regarding the unpredictable movement of natural objects. For in the latter case the ground of Patty's inference is falsified, but in a manner that is isolated to a set of exceptions. There is no inkling that 'natural objects do not move unpredictably' is true in the main, provided that *some further conditions* are met. Rather, its falsification is localized to a set of phenomena that do not qualify the ordinary application of the ground in any apparent way. It will operate as a successful ground of inference *unless* we have reason to believe we are approaching the set of exceptional cases. But this is not how it is with PAP. We have been given reason to believe that *even if* the falsification of PAP is isolated to the counterexample, the example may well show us something about the general application of PAP that we had not expected. There is, in short, a pertinent move available to the defender of the FSE. For just as Speak says that PAP must be falsified in

the right way to cast doubt on incompatibilism, the above scenario suggests that the alternative-blocking causal factor must block alternatives *in the right way* to cast doubt on responsibility. I am not claiming that this shows the absence of alternative possibilities to be playing no role in the incompatibilist's inference. I am only claiming that if this is the way the inference is fortified, then the ground of the inference has changed in a way far more substantial than acknowledging the existence of irrelevant counterexamples.

To bring out the depth of this change, consider that the critic of the FSE may well reply by accepting the above, but insisting that in the deterministic context the alternative-blocking causal factor *always* blocks alternatives in the right way, since it is always causally influential. But even this will not be enough fortification, I think. For Black's actually influencing Jones is still not sufficient to exonerate Jones. Suppose, for instance, Black turns the crank on Jones, sensing an arbitrary, non-voluntary disinclination to *x*. The crank is hot enough to get Jones going again, because it induces in Jones a desire Black knows will be strong enough to see him through. We may suppose it to be a necessary condition of Jones's *x-ing*. We may also suppose it to be a sufficient condition in the following way. No matter Jones's response to the return of the desire, whether he resists or persists enthusiastically, or is tormented or pleased or bemused or indifferent, that mechanism will produce in Jones whatever is *minimally sufficient* to see him through.

Now let us further suppose that Jones is thrilled by the return of his desire. Enough of this hand wringing, he thinks. Let me be the person to see this through. Black is pleased. He chose Jones because he figured Jones would respond to the stimulus in this way,

though he also knew it wouldn't matter to the ultimate execution of the deed. For aesthetic and moral reasons, however, he prefers an enthusiastic subject. Now we have a lack of alternative possibilities alongside causal influence of a robust sort. And yet it is at the very least not obvious that Jones should be exonerated. For arbitrary, non-voluntary reasons, Jones's commitment flagged. But Jones's character is also such that, once the desire is rekindled, he will enthusiastically be on board. He is, Black knows, an ideal candidate for incitement. Will only a hardened compatibilist insist that instead of transference of responsibility we have *shared* responsibility? When we do not excuse the incited of his crime, is this because we assume that he could have resisted the incitement? And why, then, do we insist that his inciter shares in the responsibility?

In this instance it seems perfectly apt to stick with the minimalist explanation. Jones does not *x* because he could not do otherwise, while still acknowledging (a) that Jones could not do otherwise and even (b) that Black (the alternative-blocking factor) *has* causally influenced Jones. A "couldn't have done otherwise" defense will still flounder, and not because we are holding Jones responsible just for what he could have done otherwise. Most importantly, we are not inclined to excuse Jones for the deed itself, and to hold him responsible just for his attitude toward his inclinations. Black turned the crank on me, protests Jones! But you were quite happy to have the crank turned, replies the prosecutor. Indeed, didn't you long for a crank of your own, and didn't you in fact find one?

The idea here is not to refute the incompatibilist's intuitions, but to hone them by reinforcing and refining the view that alternatives must be blocked in the right way in order to defeat responsibility. The floundering of the "couldn't have done otherwise" defense

seems to suggest that something besides access to alternative possibilities in fact lies beneath our intuitions about PAP. So if the impertinence objection reinforces PAP by emphasizing that in the deterministic context what blocks alternatives also influences the agent, it may inadvertently have turned the incompatibilist case away from PAP itself.

It strikes me that the most likely reply at this point is that my scenario has not gone far enough. Even if one accepts that Jones's alternatives are effectively blocked, one might persist with the impertinence line by arguing that in my scenario the causal influence is not nearly robust enough. The alternative-blocking factor that is the past apparently intervenes, as it were, continuously in a deterministic context. So we might be invited to imagine a "global scenario" in which Black has virtually constructed Jones over time. I admit that for any such scenario it may be quite difficult to imagine Jones responsible despite his lack of alternatives. In any event, such a scenario presumably could not work as a FSE because any description of Jones's responsibility would appear to beg the question in favor of the compatibilist. This difference strikes me as the soul of Speak's complaint, his reason for insisting that the falsification of PAP in the FSE tells us nothing about the deterministic context and so is a distraction from the original debate. It is also Fischer's reason for endorsing the two-stage strategy, insisting that the FSE do not need to falsify PAP in a context that has been presupposed to be deterministic in order to have dialectical virtue.

Now of course I do not want to insist that Jones is responsible in such a scenario. Instead I want to point out that *if* Jones is not responsible in such a scenario, this is not very well explained by appeal to the fact that he could not, after all, have done otherwise. Imagining a Jones virtually constructed by Black, equipped with beliefs and desires and so

forth, I am inclined to say that his inability to do otherwise is beside the point. In other words, invoking PAP in this case should strike us as a trifling way of grounding Jones's lack of responsibility. Rather, what casts Jones's responsibility into serious doubt is the fact that he is not his own person, is in no important sense the source of himself or his actions, indeed is perhaps not even a self in any recognizable sense at all. In any event, if we are tempted to doubt the relevance of PAP in explaining Jones's lack of responsibility in such a scenario, then the impertinence objection has a surprising consequence. In accepting the falsification of PAP in the FSE, but inviting us to consider the difference between the FSE and the deterministic context, it casts its own doubt on PAP. This is certainly not to say that it effectively falsifies PAP in the deterministic context. I think we must accept Fischer's concession on this point. But it does tend quite naturally toward a very different threat posed by determinism: not to deny future alternatives, but to impose the influence of a past and a nature so powerful as to cast into doubt the meaning of self-control and even selfhood.

I have tried to reinforce the dialectical appeal of the FSE by showing that if the absence of alternative possibilities plays a role in the deterministic context, it is likely because the absence is attached in the right way to influence on the part of the alternative-denying past. This result is a product of the effort to distinguish the deterministic context from the context presupposed by the minimalist explanation. It is not intended to adjust the FSE in a way that will defeat the incompatibilist's inference all at once, but only to show that the argument that flows from the FSE is not impertinent. On the contrary, if you accept the

falsification of PAP in the original scenario, you are drawn to adjust the incompatibilist's ground of inference in a way that is on the dialectical path of analyzing the causal mechanisms of the actual sequence. Speak's impertinence objection therefore suggests that the FSE lead us to a different appreciation of what is at stake in our habit of holding ourselves responsible. I doubt we could expect a philosophical thought experiment to be much more pertinent than that.