

Comments or questions about this draft will be gratefully received.

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## YOU ARE THE CARDS THAT ARE DEALT YOU:

### EXAMPLES OF COMPATIBILIST OVERREACHING

by Kip Werking

[.htm: <http://people.wm.edu/~ktwerk/cards.htm>]

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#### I. Introduction

Defenders of the existence of free will—of either the compatibilist or libertarian stripe—often reveal that their motivating conception of agency is different, and more demanding, than their ostensible concept is. Such philosophers seem to *think* about free will in a different way than they *say they think* about it. In particular, their comments and writings betray a conception of human agency as involving what various skeptics about free will have called origination, ultimacy, or being “*causa sui*.”<sup>1</sup> For example, libertarians have been criticized for endorsing views which entail that the mind has something like a homunculus inside of it—despite the protests of libertarians who characterize their views as involving nothing of the sort. I will call this phenomenon, whereby defenders of realist views on free will betray belief in motivating and more demanding notions of human agency than those found in their ostensible accounts, *orthodox overreaching*.

In this article I want to illustrate what are, if I am correct, several examples of *compatibilist overreaching*—orthodox overreaching, not by libertarians, but

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<sup>1</sup> See Honderich. (2005). *On Determinism and Freedom*. Edinburgh: Edinburgh University Press; Strawson. (1986). *Freedom and Belief*. Oxford: Oxford University Press.

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compatibilists. While some have accused libertarians of “panicky metaphysics,”<sup>2</sup> others have accused compatibilists of revisionism.<sup>3</sup> According to these accusations, compatibilists, in order to render their account of human agency compatible with determinism, have weakened their concept of free will to the point that the term, as they use it, is no longer consistent its ordinary use (if there is one). Revisionism, on this view, is a sort of rationalization process which, in response to cognitive dissonance<sup>4</sup>, allows the compatibilist to “eat her cake and have it too.” Indeed, some have even encouraged compatibilists to acknowledge and embrace their revisionism.<sup>5</sup> The notion of revisionism helps explain compatibilist overreaching: if all or most compatibilist accounts of free will no longer refer to what has traditionally been at stake in this dispute then it may be difficult for such compatibilists to fully expunge the original concept from their minds. Indeed, a careless compatibilist might conflate the ostensible proof for a weaker kind of free will with a proof for the stronger, cherished kind.

Before illustrating these examples of compatibilist overreaching, I need to make some caveats. For one, although I argue that belief in free will is *largely* the result of a cognitive illusion, and that compatibilists respond to the discovery of this illusion with revisionism, I do not regard this illusion as fatal to compatibilist accounts of free will. This paper will argue, not for the death of compatibilism, but for the existence of compatibilist *overreaching*. Although I would ultimately discard compatibilism, I do acknowledge its several virtues; furthermore, the argument for discarding compatibilism

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<sup>2</sup> Strawson. (1962) “Freedom and Resentment.” *Proceedings of the British Academy* 48: 187-211.

<sup>3</sup> Watson. (2003). *Free Will*, Oxford: Oxford University Press, at p. 24.

<sup>4</sup> See Cohen. (2006). “Openness, Accidentality, and Responsibility.” *Philosophical Studies* 127: 581-597.

<sup>5</sup> This is Manuel Vargas’ view. See, for example, Vargas. (2005). “The Revisionist’s Guide to Responsibility.” *Philosophical Studies*. 125: 399-429.

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is beyond the scope of this paper. Secondly, although I will illustrate several examples of compatibilist overreaching, I do not intend this list to be nearly exhaustive. In contrast, I am confident that one could find countless instances of the phenomenon and I intend these illustrations to serve as models of compatibilist overreaching in general. Finally, just as I will not argue here for the death of compatibilism, I also do not intend this article to suggest that *all* compatibilists are guilty of compatibilist overreaching. Indeed, I suspect that one might be a *sophisticated* hard compatibilist.<sup>6</sup>

This article will focus upon four works by John Fischer.<sup>7</sup> In three recent articles—“The Transfer of Non-Responsibility,”<sup>8</sup> “Responsibility and Manipulation,”<sup>9</sup> and “The Cards That Are Dealt You”<sup>10</sup>—Fischer argues, in part, against free will non-realism.<sup>11</sup> His

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<sup>6</sup> I follow Watson in defining hard compatibilism to be compatibilism which will admit that agents may nevertheless be free and responsible despite ultimately distant manipulation. See Watson. (1999). “Soft Libertarianism and Hard Compatibilism.” *The Journal of Ethics*. 3: 353-368. According to this definition many prominent compatibilists, including Watson, Fischer, Frankfurt, and Dennett, are hard compatibilists. See, for example, Frankfurt. (2002). “Reply to John Martin Fischer.” In *Contours of Agency: Essays on Themes from Harry Frankfurt*, Buss and Overton, eds., Cambridge, MA: The MIT Press. Definitions of hard compatibilism vary, however, and the term “hard compatibilism” is not popular. Tom Clark of the Center for Naturalism refers to hard compatibilism as compatibilism which does not soften the reactive dispositions associated with incompatibilism. See Clark. (1998). “Science and the Human Spirit.” <<http://www.naturalism.org/neurosci.htm>> (verified as of August 8, 2005). Kane refers to hard compatibilism as compatibilism which allows for agents to be autonomous despite their being the subject of “Covert Non-Constraining Control.” See Kane. (1996). *The Significance of Free Will*. New York: Oxford University Press, at pp. 67-68.

<sup>7</sup> To be more precise, Fischer defends semicompatibilism and considers this view to be a substantial step towards a larger compatibilist project. Semicompatibilism itself does not establish compatibilism; there is more work yet to do. See, for example, Fischer. (2004). “Responsibility and Manipulation.” *Journal of Ethics* 8: 145-177. “The specific account of guidance control we offer shows how it is possible to develop a compatibilist account of moral responsibility, but it clearly (in itself) does not justify or establish compatibilism.”

<sup>8</sup> Fischer. (2004). “The Transfer of Nonresponsibility.” In Joseph Keim Campbell, Michael O'Rourke, and David Shier, eds., *Freedom and Determinism*, MIT Press.

<sup>9</sup> Fischer. (2004). “Responsibility and Manipulation.” *Journal of Ethics* 8: 145-177.

<sup>10</sup> Fischer. (2005). “The Cards That Are Dealt You.” *Journal of Ethics* 10: 107-129.

<sup>11</sup> The most popular, and perhaps sexiest, term for this position is skepticism about free will. Whatever the virtues of this name may be, however, it remains true that skepticism is a negative claim about what one does not know. But those who deny that free will exists make positive, not negative, claims. Such “skeptics” positively assert that free will does not exist. For this reason, I follow Richard Double’s recommendation to refer to this position as free will non-realism. Double’s own view, free will

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arguments failed to persuade me but they deserve attention.<sup>12</sup> In “The Transfer of Non-Responsibility” Fischer argues against a crucial premise of the best arguments for incompatibilism (the Consequence Argument<sup>13</sup>) and free will non-realism (the Basic Argument): the Transfer of Non-Responsibility (TNR).<sup>14</sup> In “Responsibility and Manipulation” Fischer defends his view against Pereboom’s four-case argument for incompatibilism.<sup>15</sup> In “The Cards That Are Dealt You,” Fischer offers multiple arguments against free will non-realism and accuses of it “a kind of metaphysical megalomania.”<sup>16</sup> This article will also discuss Fischer’s introduction to his new *My Way: Essays on Moral Responsibility*, he argues that acting freely is valuable because it allows

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subjectivism, may be a distinct subcategory of free will non-realism. See Double. (2004). “The Ethical Advantages of Free Will Subjectivism.” *Philosophy and Phenomenological Research*. 69:411-422. Robert Kane uses another good label for these views: “successor views.” See Kane. (2002). “Introduction: The Contours of Contemporary Free Will Debates.” In R. Kane (ed.), *The Oxford Handbook of Free Will*. New York: Oxford University Press. In *Freedom and Belief*, Galen Strawson suggests a name for a kind of view which denies that free will exists, which compensates in accuracy for what it lacks in style: “non-self-determinationism.” Strawson. (1986). *Freedom and Belief*. Oxford: Oxford University Press, Chapter 2. Later, in his contribution, regarding the term “free will”, to the Routledge Encyclopedia of Philosophy, Strawson refers to pessimists. Strawson. (1998, 2004). Free will. In E. Craig (Ed.), *Routledge Encyclopedia of Philosophy*. London: Routledge. Retrieved August 09, 2005, from <<http://www.rep.routledge.com/article/V014SECT1>>. Others refer to nihilists. I would not mind using these latter two labels but I doubt that philosophers, including myself, could totally succeed in divorcing the strict claim “free will does not exist” from the negative connotations which “pessimism” and “nihilism” imply.

<sup>12</sup> Fischer is notable in engaging his more skeptical opponents. Too often compatibilism is the result of philosophical investigations prematurely ending after the recognition that determinism is not *especially* threatening to one’s freedom. The question remains, however, just how much freedom both determinism and indeterminism can provide. Daniel Dennett’s treatment of free will non-realism in *Freedom Evolves*, for example, is relatively minor and insubstantial. He suggests that free will non-realism is only “terminologically different” from compatibilism (p. 98) and he dismisses Pereboom’s *Living Without Free Will* in a footnote (p. 226): “He did not at all persuade me, but others who find my book unconvincing may find a valuable ally here.” Dennett. (2003). *Freedom Evolves*. New York: Viking.

<sup>13</sup> Modified versions of the Consequence Argument use the Transfer of Non-Responsibility principle. The traditional Consequence Argument uses a beta principle or Transfer of Powerlessness. Van Inwagen. (1983). *An Essay on Free Will*. Oxford: Oxford University Press.

<sup>14</sup> Fischer. (2004). “The Transfer of Nonresponsibility.” In Joseph Keim Campbell, Michael O’Rourke, and David Shier, eds., *Freedom and Determinism*, MIT Press. See O’Connor. (1993), “On the Transfer of Necessity”, *Noûs*, 27: 204-218. See also McKenna. (2001). “Source Incompatibilism, Ultimacy, and the Transfer of Non-responsibility.” *American Philosophical Quarterly*. 38: 37-52.

<sup>15</sup> Fischer. (2004). “Responsibility and Manipulation.” *Journal of Ethics* 8: 145-177; Pereboom. (2005). “Defending Hard Incompatibilism.” *Midwest Studies* 29: 228-247.

<sup>16</sup> Fischer. (2005). “The Cards That Are Dealt You.” *Journal of Ethics* 10: 107-129.

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one to “express a sentence” in “the book of [one’s] life.”<sup>17</sup> I will show that Fischer’s arguments against free will non-realism do not quite succeed because he uses the Transfer of Non-Responsibility Principle *selectively* while ignoring the intuitions which motivate it (**part II**). Denying **TNR** inclines Fischer to compatibilist overreaching. First, the analogies Fischer employs against some non-realist views, according to which moral responsibility is impossible, rely upon the relevant similarity of relevantly dissimilar things (**part III**). Indeed, these analogies betray a conception of human agency—like the more notorious libertarian varieties—according to which having free will is like having a homunculus inside of one’s mind. Finally, although acting freely might be valuable for other reasons, it seems most inconsistent to claim that acting freely is valuable because it allows one to be the author of one’s own life while also claiming that another might design one’s entire life, as if writing a novel (**part IV**). In conclusion, these arguments suggest that Fischer’s view is not as revolutionary, or rewarding, as he might otherwise claim (**part V**).

## II. The Transfer of Non-Responsibility

Before considering examples of compatibilist overreaching, one might defend a principle which compatibilists deny—as they must. This denial of the Transfer of Non-Responsibility (**TNR**) seems to incline compatibilists to compatibilist overreaching. According to **TNR**, if an agent is not responsible for both the event **X**, and the entailment  $X \rightarrow Y$ , then that agent cannot be responsible for **Y**. The Transfer of Non-Responsibility is a crucial premise of the best arguments for both incompatibilism (the Consequence

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<sup>17</sup> Fischer. (2006). *My Way: Essays on Moral Responsibility*. Oxford: Oxford University Press, at p. 116.

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Argument) and free will non-realism (the Basic Argument).<sup>18</sup> For example, Fischer paraphrases this premise of the Basic Argument as follows: “If you do what you do because of the way you are, then in order to be ultimately morally responsible for what you do, you must be ultimately morally responsible for the way you are.”<sup>19</sup>

Fischer argues against **TNR** with examples such as the following:

[In “Erosion”], Betty plants ... explosives in the crevices of [a] glacier and [intuitively speaking, freely] detonates the charge at T1 causing an avalanche that crushes the enemy fortress at T3 [a result intended by Betty]. Unbeknownst to Betty... however, the glacier is gradually melting, shifting, and eroding. Had Betty not placed the dynamite in the crevices, some ice and rocks would have broken free at T2, starting a natural avalanche that would have crushed the enemy camp at T3.<sup>20</sup>

One might reply, however, that such counter-examples beg the question against those who defend free will non-realism. Surely, such a person does not agree that Betty is “intuitively” morally responsible for the fact that the avalanche happens; alternatively, if they agree that this is intuitive, they do not consider the intuition decisive. So Betty’s not being morally responsible for neither the eroding glacier, nor for the fact that, if the glacier erodes then an avalanche will happen, might not violate **TNR**, because she would not be responsible for the avalanche’s happening either.

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<sup>18</sup> Fischer. (2004). “The Transfer of Nonresponsibility.” In Joseph Keim Campbell, Michael O’Rourke, and David Shier, eds., *Freedom and Determinism*, MIT Press. See also O’Connor. (1993), “On the Transfer of Necessity”, *Noûs*, 27: 204-218; McKenna. (2001). “Source Incompatibilism, Ultimacy, and the Transfer of Non-responsibility.” *American Philosophical Quarterly*. 38: 37-52.

<sup>19</sup> Fischer. (2005). “The Cards That Are Dealt You.” *Journal of Ethics* 10: 107-129, at 111.

<sup>20</sup> Fischer. (2004). “The Transfer of Nonresponsibility.” In Joseph Keim Campbell, Michael O’Rourke, and David Shier, eds., *Freedom and Determinism*, MIT Press.

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Fischer's example may only seem to work because he is not using **TNR** to capture the intuitions which motivate it. In particular, he may be using it *selectively*. The difference between apparently successful and unsuccessful examples depends upon the selection of **X**, such that the agent is not responsible for **X** and  $X \rightarrow Y$ , and therefore, given **TNR**, for **Y** as well. Fischer selects an eroding glacier for **X** and the following of an avalanche from this erosion for  $X \rightarrow Y$ . Fischer does not consider other selections of **X** which might undermine his position.

But if one selects a different **X** one may ultimately vindicate **TNR**. In particular, one should focus upon features of Betty's constitution such as her nature, character, or disposition. Her actions follow from this constitution. More importantly, Betty is not responsible for her original constitution (**X**) or the fact that her behavior follows from her constitution ( $X \rightarrow Y$ ). Once one recognizes that Betty is not responsible for this **X**, as opposed to Fischer's **X**, the assumption that Betty is "intuitively" morally responsible for the avalanche is no longer uncontroversial. In the words of Thomas Nagel, focusing upon the source of one's constitution makes "this responsible self seem to disappear, swallowed up by the order of mere events."<sup>21</sup> The dilemma is plain when one considers the scenario in which a third party (e.g. God), and not "mere determinism," chooses the agent's constitution for her.<sup>22</sup>

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<sup>21</sup> Nagel (1979). *Mortal Questions*. Cambridge: Cambridge University Press, pp. 24-38, at p. 36. Fischer cites this in his article. Fischer. (2004). "The Transfer of Nonresponsibility." In Joseph Keim Campbell, Michael O'Rourke, and David Shier, eds., *Freedom and Determinism*, MIT Press.

<sup>22</sup> On this issue Harry Frankfurt, perhaps a sophisticated hard compatibilist, has provided the strongest defense: "A manipulator may succeed, through his interventions, in providing a person not merely with particular feelings and thoughts but with a new character. That person is then morally responsible for the choices and the conduct to which having this character leads. We are inevitably fashioned and sustained,

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This suggests that compatibilists are not doing justice to the sense in which agents cannot be responsible for their own *constitutions*. As Michael McKenna noted in response to Fischer's arguments against **TNR**:

“Assuming determinism, the pertinent facts (consisting in the deterministic order of things) are not independent of an agent's reasons for action, they constitute them! Therefore, at a deterministic world involving a typical case regarding a judgment of moral responsibility, the case is relevantly like a one-path, not a two-path case.”<sup>23</sup>

Similarly, Galen Strawson, author of the Basic Argument, observes of compatibilists in general:

“Compatibilists claim that this is the right thing to say. They believe that to have free will, to be a free agent, to be free in choice and action, is simply to be free from constraints of certain sorts. Freedom is a matter of not being physically or psychologically forced or compelled to do what one does. Your character, personality, preferences, and general motivational set may be entirely determined by events for which you are in no way responsible (by your genetic inheritance, upbringing, subsequent experience, and so on). But you do not have to be in control of any of these things in order to have compatibilist freedom. They do not constrain or compel you, because

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after all, by circumstances over which we have no control. The causes to which we are subject may also change us radically, without thereby bringing it about that we are not morally responsible agents. It is irrelevant whether those causes are operating by virtue of the natural forces that shape our environment or whether they operate through the deliberate manipulative designs of other human agents.” Frankfurt. (2002). “Reply to John Martin Fischer.” In *Contours of Agency: Essays on Themes from Harry Frankfurt*, Buss and Overton, eds., Cambridge, MA: The MIT Press.

<sup>23</sup> Fischer. (2004). “The Transfer of Nonresponsibility.” In Joseph Keim Campbell, Michael O'Rourke, and David Shier, eds., *Freedom and Determinism*, MIT Press.

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compatibilist freedom is just a matter of being able to choose and act in the way one

prefers or thinks best given how one is.”<sup>24</sup>

Fischer attempts to anticipate the arguments of non-realists about free will by considering “Thomas Nagel’s well-known skeptical worries about agency and moral responsibility.”<sup>25</sup>

But his efforts at dispelling these worries focus, once again, upon the wrong selection of

**X**. Fischer returns to two-path cases such as Erosion and contrasts the avalanche with Betty’s exercise of her rational control capacities. He urges that “it is a mistake—a kind of metaphysical depression—selectively and exclusively to focus on” the avalanche.<sup>26</sup>

Without further scrutiny, this implies that the avalanche—but not Betty’s constitution—is beyond her ultimate control. Indeed, one might read Fischer to imply that Betty’s constitution is protected in an “Inner Citadel” and uninfected by the forces that worry Nagel.<sup>27</sup> But this mischaracterizes the skeptic’s worry. The non-realist about moral

responsibility is concerned with the relationship agents have with their own constitutions.

As McKenna notes, this worry will be just as plain in one-path cases as well as two-path cases; the alternative path (e.g. the avalanche) is just irrelevant. It is the single path of

Betty’s life story—including the genetics and childhood environment beyond her control—which worries skeptics such as Nagel. In conclusion, Fischer’s arguments

against **TNR** do not seem quite successful.

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<sup>24</sup> Strawson. (1998, 2004). Free will. In E. Craig (Ed.), *Routledge Encyclopedia of Philosophy*. London: Routledge. Retrieved August 09, 2005, from <<http://www.rep.routledge.com/article/V014SECT1>>.

<sup>25</sup> Fischer. (2004). “The Transfer of Nonresponsibility.” In Joseph Keim Campbell, Michael O’Rourke, and David Shier, eds., *Freedom and Determinism*, MIT Press.

<sup>26</sup> In another article, Fischer accuses certain non-realists about free will of “metaphysical megalomania.” Fischer. (2005). “The Cards That Are Dealt You.” *Journal of Ethics* 10: 107-129, at 116. Perhaps these two notions are linked: deflating a “metaphysical megalomaniac” results in “metaphysical depression.” Angela Smith, for one, wonders whether we should lament our lack of godlike powers. Smith, ms. p. 6 (noting that “For those of us who (sadly, perhaps?) lack such god-like ambitions, Fischer offers an alternative picture of the value of morally responsible action[.]”)

<sup>27</sup> Fischer. (2005). “The Cards That Are Dealt You.” *Journal of Ethics* 10: 107-129, at 125.

If compatibilists are not doing justice to our ordinary notion of moral responsibility, then one might doubt whether they could fully succeed in expunging this robust sense of responsibility from their minds. Indeed, one might suspect that compatibilists will be vulnerable to making slips which betray the authentic notion of moral responsibility lingering in their thoughts. In **part III**, I present clear examples of such compatibilist overreaching.

### **III. The Cards That Are Dealt You**

Fischer confronts free will non-realism directly in “The Cards That Are Dealt You.”<sup>28</sup> As in part **II**, this section will attempt to show that his arguments against free will non-realism do not quite succeed. Furthermore, it is in this direct confrontation with free will non-realism where Fischer commits the most explicit acts of compatibilist overreaching. Consider the following analogies.

#### *Poker Player*

The first analogy that Fischer suggests provides his title. He writes “Our behavior may well be ‘in the cards’ in the sense that we simply have to play the cards that are dealt us.”<sup>29</sup> Here Fischer is comparing these “cards” with the initial “slant” or “bent” of an agent’s constitution (found in, for example, one’s genetics or childhood environment). There is a relevant difference, however, between playing the “cards that are dealt you” and taking responsibility for the initial “slant” or “bent” of one’s constitution. The

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<sup>28</sup> Fischer. (2005). “The Cards That Are Dealt You.” *Journal of Ethics* 10: 107-129.

<sup>29</sup> Fischer. (2005). “The Cards That Are Dealt You.” *Journal of Ethics* 10: 107-129, at p. 129.

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difference is that, in the poker situation, the player's constitution remains uninfected by the deal of the cards, whereas in the other situation, the "slant" or "bent" of one's constitution *does* infect the agent's constitution. In the poker situation, an agent can presuppose an authentic sense of self-ownership, and play the cards in a variety of ways. This is so because the self and the deal of the cards are kept separate. In the other situation, however, the "slant" or "bent" of one's constitution determines how one will live one's entire life. Indeed, Fischer compares an agent's constitution to a situation (poker players plus the cards that are dealt them) which itself contains agents within it—betraying a hard compatibilist intuition that having free will is like having a homunculus inside of one's mind.

To appreciate just how disturbing this "slant" or "bent" ought to be, consider this revision of Fischer's analogy: taking responsibility for one's life, despite the "slant" or "bent" of one's constitution, is like people playing poker where the deal of cards determines not just which cards each person has but also each person's constitution and how they play their cards. In this situation, we lose our intuition that these poker players can be responsible for how they play their cards. Their entire lives are dealt to them.

### *Astronaut*

Fischer suggests a second analogy which also betrays compatibilist overreaching:

"Further, just as an astronaut may still control the lift-off of the rocket, even though she did not build the platform that makes the launch possible (or ever have any control over the

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platform), we can be accountable for playing the cards that are dealt us, even if we did not

manufacture the cards, write the rules of the game, and so forth.”<sup>30</sup>

Again, Fischer suggests an analogy for an agent’s constitution which itself contains agents within it. As agents existing within a larger agent, these agents suggest that Fischer’s view of having free will is like having a homunculus inside of one’s mind. Like the previous example, this one relies upon keeping this agent (“astronaut”) separate from the “slant” or “bent” of its constitution (“platform”). But the “slant” or “bent” of one’s constitution is not divorced or isolated from one’s self. Also like the previous example, this analogy can be revised to show just how disturbing the “slant” or “bent” of one’s constitution ought to be: taking responsibility for one’s life, despite the “slant” or “bent” of one’s constitution, is like an astronaut controlling the lift-off of a rocket, where the platform of the rocket determines not just the rocket’s starting position but also the astronaut’s constitution and how the astronaut will control the rocket.

### *The Inner Citadel*

The rich irony of Fischer’s offering these examples is that he seems unaware of their violating principles which he swore to uphold earlier in his article. Indeed, he criticizes Saul Smilansky for suggesting that compatibilists seek an “Inner Citadel”:

“The mistake is to suppose that compatibilism seeks to identify an ‘Island of Control’—an Inner Citadel. It is better to think of compatibilism as conceding from the beginning that we are thoroughly subject to factors entirely outside our control. Nevertheless, according to the compatibilist, we can still exhibit a meaningful and robust sort of control. It is not as if the

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<sup>30</sup> Fischer. (2005). “The Cards That Are Dealt You.” *Journal of Ethics* 10: 107-129, at p. 129.

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compatibilist seeks to carve out a sphere of pure "internality" and immunity to arbitrariness, and then must be embarrassed to discover that the inner sanctum is not secure. He never thought that we needed such a place."<sup>31</sup>

Yet the analogies that Fischer offers in support of hard compatibilism rely upon precisely this illusory picture of agency and autonomy. He places a poker player in a "protective bubble" or "armored vehicles" uninfected by the deal of cards. Similarly, he circumscribes his astronaut by a fortress and isolates him in an "Inner Citadel" uninfected by the "platform" beyond his control. But this deal of "cards" and rocket "platform" cannot be relevantly similar to the "slant" or "bent" of an agent's constitution because such a "slant" or "bent" *does* infect the agent.

### *Total Control*

These analogies suggest a more rigorous argument against free will non-realism. According to Fischer those who deny the existence of free will are demanding a precise, and unreasonable, type of control:

"It is as if Strawson thinks of free and morally responsible agents as having 'total control'. An agent has total control over X only if for any factor f which is a causal contributor to X and which is such that if f were not to occur, then X would not occur, the agent has control over f. But we have seen that total control is a fantasy. To have total control would be to have control over the sun's continuing to shine, the earth's not being hit by a meteorite, and so

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<sup>31</sup> Fischer. (2005). "The Cards That Are Dealt You." *Journal of Ethics* 10: 107-129, at p. 125.

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forth. The desire for total control is a reflection of a kind of metaphysical ‘over-reaching’, if anything is.’<sup>32</sup>

This definition may be too broad but not because the notion of control it describes is too demanding. Those who deny the existence of free will do not do so because they lack total control over their bodily actions; rather, they do so because they lack control over their *decisions*.<sup>33</sup> For example, hurricane winds might blow persons against their will. Although these persons may be moved, their minds are untouched. The desire for free will does not also commit one to a desire for control of these hurricane winds. The question is whether people do feel that they have Total Control over just their choices. Although it is obvious that people do not feel that have total control over their bodily movements, it is not clear that they do not also feel that they have total control of their decisions.<sup>34</sup> There is another argument to make against the requirement of total control in the context of Fischer’s example of two axes.

### *Two Axes*

Fischer offers a second argument against free will non-realism at the end of his article:

“Imagine, quite fancifully, that our agency is a connected set of dots—a horizontal line-segment from point b to point c. Now imagine a vertical line coming from below, with

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<sup>32</sup> Fischer. (2005). “The Cards That Are Dealt You.” *Journal of Ethics* 10: 107-129, at p. 116.

<sup>33</sup> In this respect this view is weaker, or demands less, than Fischer’s moderate reasons-responsiveness, which requires the decisions of agents to be efficacious.

<sup>34</sup> The question of whether people feel that they have Total Control over their choices, like the question of whether there is widespread agreement with TNR or the question of whether an agent can be morally responsible for a non-morally-neutral action without further being blameworthy for that action, is one for the new field of experimental philosophy to answer. Traditional philosophy seems powerless to resolve such battles of intuitions or, as Fischer calls them, dialectical stalemates.

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an arrow pointing toward the Agency Line. This line represents a causally necessary condition, such as the sun's shining; the sun's shining causally sustains and 'sets the stage' for the exercise of agency. Now add a line that is (like the Agency Line) horizontal, starting to the left of point b and with an arrow pointing toward b. This arrow represents a causally deterministic sequence issuing in b (the beginning of the exercise of agency). Suppose that the relevant agent is not in control of this antecedent causal sequence 'pointing horizontally toward b', just as he is not in control of the sun's shining. My question is this: if one is not troubled by the existence of the vertical line, why be troubled by the horizontal line?."35

There are several answers to Fischer's question "if one is not troubled by the existence of the vertical line, why be troubled by the horizontal line?" For one, to say that "one is not troubled by the existence of the vertical line" is not entirely true. There is something disturbing about the fact that people are dependent upon so many things, such as the sun, which are beyond their control. One can imagine how a person might desire to ensure that the sun always exists so that the person continues to exist as well.

More important, however, is the distinction between the horizontal and vertical lines. Fischer writes that "they are both the same in the sense that they represent 'external' factors that are entirely outside the relevant agent's control." Indeed, both do represent things that are foreign to the self. Only one group of these foreign things, however, makes a *contribution* to the agent's constitution. As Fischer notes, whereas the vertical line "sets the stage" for agency, the horizontal line determines how the agent acts upon

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<sup>35</sup> Fischer. (2005). "The Cards That Are Dealt You." *Journal of Ethics* 10: 107-129, at p. 127.

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this stage. For example, although the sun's shining determines whether or not one exists, it is not clear to what extent it also determines what kind of agent one is.

Furthermore, those who deny the existence of free will do not demand total control over the sun per se. They might demand, what is only slightly less preposterous, just that, so long as the sun is outside of their control, it does not make a causal contribution to their selves. Rather than conquering the entire universe, people may wish to isolate themselves in their own Inner Citadels.

Even if this argument presses the distinction between the vertical and horizontal lines too far, however, an answer remains to Fischer's question. Fischer accuses those who deny the existence of free will of "a kind of metaphysical megalomania."<sup>36</sup> Perhaps, however, Fisher is not doing justice to widespread pre-philosophical intuitions about free will and moral responsibility. Fischer anticipates this objection:

"In light of the implications of Strawson's picture of autonomy, one could go in either of two directions. One could say that such a picture is endorsed by commonsense but utterly impossible to fulfill. Or one could say that such a picture, being obviously and straightforwardly impossible to fulfill, cannot be the picture endorsed, upon reflection, by common sense. The latter possibility seems to be the approach suggested by Feinberg, and it seems to me to be the path recommended by a certain sort of philosophical maturity and wisdom. Be that as it may, my more minimal point (to which I would retreat if pressed) is

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<sup>36</sup> Fischer. (2005). "The Cards That Are Dealt You." *Journal of Ethics* 10: 107-129, at p. 116.

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simply that the latter approach is no less plausible than the former, given the considerations

adduced by Strawson. His argument is, at best, incomplete at this critical juncture.”<sup>37</sup>

But the term “free will” might be widely used *without* “reflection.” The answer to Fischer’s objection is not to deny that the consequences of this conception of free will are preposterous. Nor should one rely upon a relevant difference between the vertical and horizontal lines (although such a difference may exist). Rather the preposterous consequences of a given concept do not suffice to show that the concept is not widely used—but common usage is the ultimate arbiter of a term’s meaning. Similarly, people may, in ordinary responsibility practices, widely use a demanding concept of free will because they fail to appreciate its preposterous consequences. It would be surprising if, despite the cognitive biases which afflict humans in so many areas of life, we were nevertheless perfectly rational in making attributions of moral responsibility. Perhaps we are born metaphysical megalomaniacs.

This section has presented two clear examples of compatibilist overreaching: the poker player example and the astronaut example. In both cases, Fischer argues against free will non-realism by appealing to analogies which undermine, rather than strengthen, his position. Instead of suggesting that human agency accords with Fischer’s hard compatibilist view, these analogies suggests that Fischer maintains, at least in part, a lingering conception of human agency as involving origination, ultimacy, or “being causa.” This is a telling slip which one might expect if compatibilism has a *revisionist* aspect. But this is not the only example of compatibilist overreaching. In the next

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<sup>37</sup> Fischer. (2005). “The Cards That Are Dealt You.” *Journal of Ethics* 10: 107-129, at p. 118.

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section (**part IV**) I describe another example of compatibilist overreaching which is perhaps only slightly less explicit but just as revealing.

#### **IV. Manipulation and Authorship**

As I listened to Angela Smith's gentle critique of Fischer's view at the 2006 Inland Northwest Philosophy Conference on "Action & Responsibility," I realized that her criticism provided another example of compatibilist overreaching. Indeed, I realized that the example of overreaching suggested by Smith would be even more persuasive in the context of remarks by another critic at that symposium, Derk Pereboom. At the conference, Pereboom pressed his four case argument for incompatibilism against Fischer. Incompatibilism, in combination with a skepticism towards libertarianism which both Fischer and Pereboom share, would incline one towards free will non-realism. Fischer's compatibilist sympathies allow him to resist Pereboom's more radical conclusion. But this section will not argue against Fischer's position on Pereboom's four case argument. Instead, it will explore Smith's critique of Fischer's position on another issue—the value of acting freely—and identify a tension between that position and Fischer's reply to Pereboom. I suggest that this tension represents another example of compatibilist overreaching.

In Fischer's introduction to his new anthology, *My Way: Essays on Moral Responsibility*, he suggests what it is that makes acting freely valuable.<sup>38</sup> The value of acting freely, on Fischer's view, "is the value of a certain kind of self-expression: we care about making a

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<sup>38</sup> Fischer. (2006). "Introduction: A Framework for Moral Responsibility," *My Way*. Oxford: Oxford University Press, pp. 1-37.

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statement, rather than making a difference.”<sup>39</sup> But this characterization struck Smith as strange. As Smith understands the issue, making a statement is valuable but acting freely also furthers more important values—in particular, the value of making conversation within a community of moral agents.<sup>40</sup>

I think Smith’s critique is insightful but I do not endorse it in entirety. On my view, it is not necessarily a mistake to think that furthering creative self-expression is not the *chief* value associated with Fischer’s control requirements for moral responsibility. Rather, one must distinguish between stronger and weaker notions of free will and the value of creative self-expression may belong more to the former than the latter. Let me explain.

Fischer’s colleague at the University of California at Riverside, Gary Watson, Watson considers the notion of a grand designer who designs the trajectory of the entire universe including the life of a given agent.<sup>41</sup> He defines a hard compatibilist as a compatibilist who will admit that such agents may nevertheless be free and responsible despite ultimately distant manipulation.<sup>42</sup> Fischer’s response to Pereboom’s four case argument shows that he is a hard compatibilist in this sense. Case 2 of Pereboom’s four case argument considers the analogous situation of “an ordinary human being, except that he was created by neuroscientists, who, although they cannot control him directly, have programmed him to weigh reasons for action so that” he weighs these reasons, satisfying

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<sup>39</sup> Fischer, ms. p. 13.

<sup>40</sup> Smith, ms. p. 2.

<sup>41</sup> See Watson. (1999). “Soft Libertarianism and Hard Compatibilism.” *The Journal of Ethics*. 3: 353-368, at p. 365 n 24.

<sup>42</sup> Watson. (1999). “Soft Libertarianism and Hard Compatibilism.” *The Journal of Ethics*. 3: 353-368. Note that it is not clear whether Kane, and others, also use the term “hard compatibilism” to refer to ultimately distant control as opposed to more local kinds of manipulation.

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Fischer's detailed requirements for moral responsibility, but nevertheless commits a murder.<sup>43</sup> Pereboom generalizes from this case, in which the agent is intuitively not morally responsible for its programmed behavior, to the ordinary case of "mere determinism" in the world as we know it.<sup>44</sup> At the Inland Northwest Philosophy Conference, Fischer related that he initially sought to avoid Pereboom's conclusion by distinguishing the earlier cases from the last one. But, as Fischer noted, he came to abandon that fruitless strategy and has since insisted that the agent is morally responsible—but not necessarily blameworthy—in all four cases. Given Fischer's admission and the essential similarity between Case 2 of Pereboom's argument and Watson's designer scenario, one can infer that Fischer is also a hard compatibilist—which is, in Watson's estimation, "the only kind of compatibilist to be."<sup>45</sup>

But this presents an immediate dilemma. Fischer suggests that free action is valuable because it allows one to be the authors of one's own life. Fischer's hard compatibilism suggests, however, that someone else might (also?) be the author of a free agent's entire life. Nor would Fischer say that the lack of such a designer gives us more control over our lives than we have in the presence of such a designer. This seems to violate the ordinary and instinctive sense in which, if one is the author of some work, then a prior author could not have fed or programmed one to write it. Similarly, if one is morally responsible for some act, one is *solely* responsible for that action. The entire weight of praise and blame for that action rests upon that agent's shoulders; none can share in her

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<sup>43</sup> Fischer. (2004). "Responsibility and Manipulation." *Journal of Ethics* 8: 145-177, at p. 155 (citing Pereboom, *Living without Free Will*, pp. 112–113).

<sup>44</sup> "Defending Hard Incompatibilism." *Midwest Studies* 29: 228-247, at p. 235.

<sup>45</sup> Watson. (1999). "Soft Libertarianism and Hard Compatibilism." *The Journal of Ethics*. 3: 353-368, at p. 364.

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glory or shame. Saul Smilansky, in particular, has identified a Principle of Sole Attribution (**PSA**) as “the *main intuitive test* for libertarianism: an inability to meet the **PSA** is the main problem incompatibilists find with any compatibilist model of free will, and this principle will reveal what libertarianism is most basically or deeply concerned with.”<sup>46</sup> In other places, Smilansky makes clear that, in his view, this libertarian notion of freedom and responsibility represents a substantial portion of our ordinary and instinctive thoughts on the matter.<sup>47</sup> So if the self-expression Fischer offers cannot satisfy the PSA, then it remains unclear whether it is valuable in the ordinary and instinctive sense he suggests. Perhaps this, then, is the source of Smith’s concern over Fischer’s view. It is not so much that Fischer was slightly mistaken in prioritizing one sort of value over another; rather, Fischer was *overreaching* and claiming more from his compatibilist view than it can give.

Fischer might respond to the dilemma by just denying **PSA**. He might insist that another’s writing one’s entire life story in no way detracts from the value we place upon our programmed self-expression. This strikes me as an argument of last resort—like Fischer’s distinction between blameworthiness and moral responsibility for immoral actions—and it is perhaps unlikely to persuade many. This seems especially unlikely when an alternative and more intuitive concept of authorship is readily available: creativity as the product of origination, ultimacy, or being “*causa sui*.” Note that agents who express themselves in this way cannot, by definition, do so in accordance with prior programming. They are unmoved movers. This notion seems to capture a substantial

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<sup>46</sup> Smilansky. (2000). *Free Will and Illusion*. Oxford: Oxford University Press, at p. 62.

<sup>47</sup> See, for example, Smilansky. (2000). *Free Will and Illusion*. Oxford: Oxford University Press, at p. 38.

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portion, if not all, of our ordinary and instinctive conception of human agency. Indeed, the only difficulty in using this alternative and more intuitive notion of authorship seems to be that, upon reflection, human cannot satisfy it—admitting that humans think of themselves in such an irrational manner would require Fischer to abandon realism about moral responsibility.

Fischer’s ironic rejection of the “Inner Citadel” notion of agency foreshadows his defense on the issue of manipulation and responsibility. In distinguishing between making a difference and making a statement, Fischer again attempts to anticipate the objections of those who maintain more demanding concepts of free will. He tries to explicitly reject the value of making a difference, which he associates with the godlike powers Strawson and Smilansky say free will requires. But, just as Fischer’s ostensible rejection of the “Inner Citadel” notion of agency did not quite prevent him from compatibilist overreaching, so too here he does not seem to fully resist the temptation to offer more than his view can provide. By valuing the making of a statement without the making of a difference, Fischer implies that it is valuable to make a statement which makes *no* difference. An example of such a redundant message would be the life story of a free agent where another has already written this story before the agent’s birth. If this self-expression is valuable, it is not valuable in the sense traditionally at stake in this dispute.

Consider the following example of compatibilist overreaching: “I believe that acting freely is the ingredient which, when added to others, renders humans beings such as to have genuine stories or narratives and also the narrative dimension of value.” But if

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Fischer is offering *genuine* stories or narratives, what would an *inauthentic* story or narrative look like? Fischer contrasts the lives of humans with those of rats.<sup>48</sup> But rats do not have inauthentic stories so much as they do not have stories at all. Might not a worry about one's life narrative being inauthentic parallel a worry that we have no more ultimate control over our lives than the characters in a novel? In "The Cards That Are Dealt You," Fischer noted that "terminology such as 'ultimately, truly, and without qualification responsible' can have a rhetorical effect that influences one to insist on more rigorous requirements for moral responsibility than are perhaps warranted."<sup>49</sup> Fischer's use of "genuine" seems to have the exact same rhetorical effect as the usage of "ultimately" he cites. But he has neither adopted free will non-realism nor embellished his control requirements for moral responsibility. Perhaps more rigorous requirements for moral responsibility *are* warranted but impossible to satisfy.

In summary, I suggest that it is a mistake to associate just the making of a difference, but not the making of a statement, with a godlike conception of human agency. If "metaphysical megalomania" infects the one, it infects the other. One cannot *create* anything—in the ordinary and instinctive sense—without changing the universe by contributing to it. A statement which makes no difference is not *creative* in this sense; it is just the hollow parroting of values inherited, in more and less subtle ways, through our genetics and childhood environment. Perhaps this is one source for Smith's concern with Fischer's view. In defending the value of free action as furthering conversation within a community of moral agents, Smith quotes MacIntyre's observation that "we are never

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<sup>48</sup> Fischer, ms. p. 13.

<sup>49</sup> Fischer. (2005). "The Cards That Are Dealt You." *Journal of Ethics* 10: 107-129, at p. 111 n 11.

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more (and sometimes less) than the co-authors of our own narratives.”<sup>50</sup> In the context of Pereboom’s four case argument, one must note that the programmed agents which worry Pereboom do not collaborate with their programmers. Not only can they never be more than co-authors of their own narratives, they may even be “less” than this. Perhaps we are more like stories than storytellers. In that case, we would remain, *as moral agents*, in our human condition—mute.

## V. Conclusion

In a recent article, John Fischer warns of the danger that traditional compatibilists will promise more than their views can give: “To mix elements of the older ways of thinking with the new only breeds confusion.”<sup>51</sup> If the arguments in this article are correct, Fischer has not entirely succeeded in heeding this warning. It may be telling that Fischer considers his view to represent a “new” way of thinking about agency which discards the “old.” Such comments support the accusations of some that compatibilism cannot escape its *revisionary* aspect.<sup>52</sup> One who adopts a revisionist view on free will and moral responsibility may find it difficult to resist the temptation of compatibilist overreaching.

Similarly, in the next sentence after Fischer’s warning, he continues by proclaiming, in perhaps another act of compatibilist overreaching, that “Semicompatibilism is the Free Will Revolution.”<sup>53</sup> But semicompatibilism, which asserts the compatibility of determinism and moral responsibility while denying the Principle of Alternative

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<sup>50</sup> Smith, ms. p. 14; MacIntyre. (1984). *After Virtue*. Notre Dame: University of Notre Dame Press, at p. 210.

<sup>51</sup> Fischer. (2005). “Reply: The free will revolution.” *Philosophical Explorations* 8: 145-156.

<sup>52</sup> Watson. (2003). *Free Will*, Oxford: Oxford University Press, at p. 24.

<sup>53</sup> Fischer. (2005). “Reply: The free will revolution.” *Philosophical Explorations* 8: 145-156.

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Possibilities, is not so revolutionary. Semicompatibilism is a movement within compatibilism and, like all varieties of compatibilism, defends a largely orthodox and uncontroversial view of agency according to which “(most of us) are (most of the time) free and morally responsible.”<sup>54</sup> Other hard compatibilists, such as Daniel Dennett and Gary Watson, defend arguably more radical views.<sup>55</sup> Perhaps a genuine revolution in the theory of agency would be to doubt, according to **TNR**, that one can be responsible for one’s choices if, ultimately, one cannot be responsible for one’s character—and therefore to deny that free will exists at all.

This article has attempted to show that compatibilists, in defending orthodoxy, often commit compatibilist overreaching. In particular, semicompatibilists fail to appreciate the Transfer of Non-Responsibility and their arguments against that principle do not quite succeed. Furthermore, the analogies and arguments which Fischer employs against free will non-realism in “The Cards That Are Dealt You” rely upon a relevant similarity between relevantly dissimilar things—and betray the semicompatibilist’s ironic conception of agency as involving a homunculus or “Inner Citadel.” Finally, there is an uneasy tension between the value Fischer identifies in acting freely and his willingness to admit that some agents may do so even if another wrote their entire life story.

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<sup>54</sup> Fischer. (2006). *My Way: Essays on Moral Responsibility*. Oxford: Oxford University Press, at p. 5.

<sup>55</sup> In particular, although Fischer would be a hard compatibilist like Dennett and Watson because he holds that designed agents might nevertheless be morally responsible for their actions, Dennett and Watson might be quicker to further regard such agents as blameworthy. This is so because they seem to have softer historical requirements for regarding agents free and responsible. See, for example, Mele’s critique of Dennett’s non-historical view and Watson’s review of Fischer and Ravizza’s *Responsibility and Control*. Mele. (2005). “Dennett on Freedom.” *Metaphilosophy*. 26:414-426; Watson. (2001). “Reasons and Responsibility.” *Ethics* 111:374-396.

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Hard compatibilists seem to overreach because the “old” way of thinking—according to which humans *can* make a difference and not just a statement—is so ordinary and instinctive as to be difficult to purge. It is beyond dispute that people are already vulnerable to a long list of cognitive biases which are difficult to correct. These systematic biases include:

- overconfidence
- assuming people are more responsible for their actions than they are in fact
- the illusion of having more control than one actually has
- the tendency to evaluate decisions according to eventual outcomes
- unjustified optimism
- the tendency to assume that the world is fundamentally just<sup>56</sup>

Any of these alone might tilt the scales in favor of belief in free will; in combination, they are a formidable opponent to rational humility in the face of our human limitations. Is it so difficult to believe that most people naturally regard themselves as unmoved movers, creating *ex-nihilo*, when they also believe that they have a *soul*?<sup>57</sup>

Once we acknowledge the irrationality that infects human attributions of moral responsibility, one might wonder what remains. Both Gary Watson and Saul Smilansky have distinguished between two kinds of moral responsibility and argued that although worries about free will might threaten one kind, involving accountability, the other kinds

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<sup>56</sup> Wikipedia contributors, ‘List of cognitive biases’, *Wikipedia, The Free Encyclopedia*, 25 May 2006, 11:59 UTC, <[http://en.wikipedia.org/wiki/List\\_of\\_cognitive\\_biases](http://en.wikipedia.org/wiki/List_of_cognitive_biases)> [accessed 6 June 2006]

<sup>57</sup> Tamer Sommers has observed that “Philosophers who reject God, an immaterial soul, and even absolute morality, cannot bring themselves to do the same for the dubious concept of free will—not just in their day-to-day lives, but in books, and articles and extraordinarily complex theories.” Sommers. (March 2003). “The Buck Stops—Where? An Interview with Galen Strawson.” *The Believer*. pp. 78-87.

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need not be so threatened.<sup>58</sup> Similarly, Fischer has conceded that we cannot be responsible for our actions in the sense that moral responsibility for wrongdoing necessarily implies blameworthiness; instead, he defends only a weaker notion.<sup>59</sup> If the arguments of this article are correct, however, it remains unclear whether he has succeeded in entirely expunging the stronger notion from his view.<sup>60</sup> Finally, as Angela Smith observes, the free action Fischer describes may further values other than *creative* self-expression, including instrumental values and the non-instrumental value of making conversation in a community of moral agents.<sup>61</sup> Perhaps the weaker notion of free will Fischer describes may serve some such values. Sophisticated—and humbled—hard compatibilists would content themselves with these lesser treasures.<sup>62</sup>

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<sup>58</sup> Watson contrasts the accounting kind of moral responsibility with one involving self-disclosure; Smilansky contrasts the accounting kind with the “substantive” kind of morality. Watson. (1996). “Two Faces of Responsibility.” *Philosophical Topics* 24: 227-248; Smilansky. (1994). “The Ethical Advantages of Hard Determinism.” *Philosophy and Phenomenological Research*. 54: 355-363.

<sup>59</sup> Fischer. (2004). “Responsibility and Manipulation.” *Journal of Ethics* 8: 145-177.

<sup>60</sup> In fairness, defenders of orthodox views on free will often note the same failure in non-realists about free will to fully absorb the consequences of their views. See, for example, Van Inwagen. (1983). *An Essay on Free Will*. Oxford: Oxford University Press, at p. 207. Saul Smilansky has critically examined Van Inwagen’s argument. Smilansky. (1990). “Van Inwagen on the ‘Obviousness’ of Libertarian Moral Responsibility.” *Analysis*. 50: 29-33.

<sup>61</sup> Smith, ms. p. 10-15.

<sup>62</sup> I am most grateful for helpful remarks, during the writing of this article, from Gary Watson, John Fischer, Angela Smith, Saul Smilansky, John Messerly and the participants of the 2006 Inland Northwest Philosophy Conference.