

Powers, Possibilities and Ferraris

Historically, compatibilism motivated most conditional analyses of free will. Huoranszki's motivation for the conditional analysis of free will, as advocated in his *Freedom of the Will: A Conditional Analysis*, however, is not compatibilism. He thinks that incompatibilism is false anyway, regardless of the conditional analysis. He argues that the arguments for incompatibilism are not conclusive, and that the intuitions behind incompatibilism can be explained away. This he does in the very first chapter devoted to the problem of free will and determinism (*On Powers and Possibilities*), with the dialectical purpose of fending off, right at the outset, a potential objection to the conditional analysis later to be introduced.

This paper deals with the first chapter of the book. I start with a brief overview of the problem of free will and determinism and also indicate Huoranszki's compatibilist solution to it (section one). Then I turn to the first chapter of the book and present the incompatibilist arguments discussed there and Huoranszki's criticism of them (part two and three). Finally, in the last section I defend one of the incompatibilist arguments against Huoranszki (section four).

One final note of warning before we proceed. As we shall see, Huoranszki's criticisms of the incompatibilist arguments are partly based on his specific views on choice and actional abilities relevant to free will and moral responsibility discussed later in the book. It is simply beyond the scope of this paper to judge the merit of these underlying views, and thereby to judge the overall merit of Huoranszki's criticisms of the incompatibilist arguments.

1. DETERMINISM AND THE CONSEQUENCE ARGUMENT

It is customary to think that we act upon our own free will only if our action is *up to us*. According to a venerable tradition, the 'up-to-usness' of an action means that it is within our *power* to do it or to avoid doing it. So we act upon our own free will only if whatever we do we had the *ability to do otherwise*. The ability to do otherwise implies the *contingency* of actions. Agents have the ability

to act otherwise only if the occurrence of their actual action was not necessary. But the contingency of actions seems to be threatened by *determinism*, the view that the fundamental laws of nature are deterministic. A consequence of deterministic laws is that the occurrence of every event is determined by antecedent conditions and the laws of nature. Since actions are events, if determinism is true, then agents cannot avoid doing what they actually do. Hence, determinism deprives agents of their ability to do otherwise. Free will as the ability to do otherwise is *incompatible* with determinism. That is:

- (1) Free will is the ability to do otherwise.
- (2) Determinism is not compatible with the ability to do otherwise.
- ∴ (3) Determinism is not compatible with free will.

Those who accept (3) are the *incompatibilists*; those who reject (3) are the *compatibilists*. Compatibilism can take two forms, depending on whether premise (1) or (2) is rejected. Compatibilists who reject (1) typically hold that what matters for free will and responsibility is only whether agents' actions are sensitive to their *reasons*, and that to this end the truth of determinism is either irrelevant or even necessary for free will (*'only if' compatibilism*). Huoranszki, who defends (1) in the book, claiming that the ability to do otherwise captures best what free will is in the moral responsibility grounding sense, rejects (2) instead. He holds with others that we can be free and morally responsible *even if* determinism is true (*'even if' compatibilism*):

Even if the actual physical universe is deterministic, human agents can sometimes act freely in the sense that, although they behaved in a certain way, they could have done something else instead. (Huoranszki 2011: 12.)

Huoranszki rejects (2) on the grounds that the most influential incompatibilist argument for it is not conclusive in any of its relevant versions. The argument in question is Peter van Inwagen's *Consequence Argument* who has introduced it in the following informal way:

If determinism is true, then our acts are the consequences of the laws of nature and events in the remote past. But it is not up to us what went on before we were born, and neither is it up to us what the laws of nature are. Therefore, the consequences of these things (including our present acts) are not up to us. (Van Inwagen 1983: 56.)

This is just a sketch of an argument whose details can be filled in in a number of different ways. There have been many reconstructions of the consequence argument, but Huoranszki chooses van Inwagen's own reconstructions, because he finds them the most relevant to his account of free will.

Van Inwagen (1983: 55–105) has offered three formal arguments, each differing in terminology and logical structure, of which Huoranszki considers only the first and the third. The first formal argument purports to prove that, if physical determinism is true, agents cannot have the *power to perform* any other action than what they have actually performed; the third formal argument purports to prove that, if physical determinism is true, agents cannot have the *power to choose* any other action than what they have actually chosen to perform. Huoranszki will argue that neither argument is obviously sound, because the first contains a contentious premise and the third relies on a contentious modal principle.

As for the second formal argument, which purports to prove that, if determinism is true, agents have *no access* to any possible world other than the actual world, Huoranszki thinks that it presupposes rather than establishes the truth of incompatibilism, and so does not have much independent force apart from the first and third arguments.

In what follows I shall do what Huoranszki does, and discuss the third argument before the more complex first one.

2. THE THIRD CONSEQUENCE ARGUMENT

Since the consequence argument is concerned with what agents can or cannot do if determinism is true, it must have modal content. The third argument employs modal operators to capture this, which is why van Inwagen calls it 'modal'.

The modal argument contains two modal operators: the logical necessity operator (' \Box '), and a special operator ('N'), where Np can be read as 'no one has, or ever had, any choice about p '. The argument also uses two inference rules for them:

- $\alpha. \Box p \therefore Np$
- $\beta. Np, N(p \supset q) \therefore Nq$

(α) is based on the modal principle that if p is logically necessary then no one has, or ever had, any choice about p . (β) is based on the modal principle that if no one has, or ever had, any choice about p and no one has, or ever had, any choice about *if p then q* , then no one has, or ever had, any choice about q (*No Choice principle*). Technically, it says that the modal operator 'no one has, or ever had, any choice about' is closed under logical implication.

The argument also contains the following abbreviated sentences: P_0 abbreviates a sentence expressing the intrinsic state of the universe in some past moment; L abbreviates a sentence expressing all laws of nature; P abbreviates any sentence about the future state of the universe. Thus equipped, the modal argument runs as follows:

(1) $\Box((P_0 \& L) \supset P)$	premise, follows from determinism
(2) $\Box(P_0 \supset (L \supset P))$	1, propositional logic
\therefore (3) $N(P_0 \supset (L \supset P))$	2, α
(4) NP_0	premise
\therefore (5) $N(L \supset P)$	3, 4, β
(6) NL	premise
\therefore (7) NP	5, 6, β

According to the modal argument, no one has any choice about the future if determinism is true, because determinism implies that the future logically follows from the past and the laws, and no one has any choice about the past and the laws.

Huoranszki will argue that the No Choice principle (NC) is *not* obviously true, hence the inference rule (β) is not obviously valid, and so the modal argument is not obviously sound. Even van Inwagen has admitted that he had no argument for NC, but he was not concerned about this, because he found NC obvious, or at least more obvious than compatibilism. But Huoranszki thinks that NC is far from being obvious. He argues that the obviousness of NC depends on how we understand the No Choice operator (no one has, or ever had, any choice about), but that NC is not obvious under the most natural interpretations of the No Choice operator.

The most natural interpretation of the operator when applied to the laws and the past is that we cannot *influence* them by our choices. (Huoranszki 2011: 18, my italics.)

But then it must mean the same in the conclusion: no one can influence the future by his choices if determinism is true. However, argues Huoranszki, this is equivalent to *fatalism*—the view that it is logically impossible to influence the future by our choices. Since not even incompatibilists think that determinism implies fatalism, the conclusion is surely false. Wherein lies the mistake? If we cannot influence the past, but can influence the future, then the transfer of powerlessness from over the past to over the future seems the questionable step. Hence, on this interpretation of the No Choice operator, NC is not obviously true.

Another natural interpretation of the operator in the case of the past and the laws is that no one can *make a choice* about them.

Certainly, it seems true that there is a sense in which we cannot *make* choices about whether or not propositions expressing the past states of the universe or laws of nature are true since no one can make a choice about what she thinks is impossible for her to affect. (Huoranszki 2011: 18.)

But then the conclusion would be as follows: no one can make a choice about the future if determinism is true. And this Huoranszki finds obviously false, because we can easily find cases in which some past event logically implies some future event, yet an agent could have made a choice about it. His example is the case of a hitman who rejects the contract to kill Bill, who, unbeknownst to the hitman, died of a heart attack the day before. The hitman could not have killed Bill, but nevertheless he did make a choice about it: when he rejected the contract, he did exercise his ability to choose. So even though we cannot make choices about the past and the laws, we can make choices about the future. Thus, on this interpretation of the No Choice operator, NC is likewise not obviously true.

Huoranszki is right about this second interpretation, but, I think, for the wrong reason. If the hitman *knew* that Bill was already dead, he couldn't have made a choice about whether to kill Bill. Nor could he have made a choice if he was a fatalist and *believed* that he could not influence the future by his choices. The exertion of the ability to choose depends on beliefs—true or false. So the ability/inability to choose does not imply that one has or does not have a choice. In my view, the problem with this interpretation is that it renders the No Choice operator *epistemic*, which is inadequate for grounding a metaphysical thesis like incompatibilism.

Huoranszki is also right about the first interpretation. But there are other interpretations. I have already mentioned elsewhere (Bács 2012) Bernard Berofsky's (2002) ingenious proposal that the incompatibilist operator is *unalterability*.

The Consequence Argument survives this assault because the operator it invokes is unalterability. I am unable to alter the future because I am unable to alter the past plus the laws. (Berofsky 2002: 195.)

It is equally natural, but does not lead to fatalism. Unlike the claim that I am unable to influence (causing to be true) the future by my choices, the claim that I am unable to alter (causing to be false) the future by my choices does not lead to fatalism. The incompatibilist can argue that I can choose to make a proposition true that I cannot choose to make false. If my choice to make a proposition true is psychologically determined by my mental states (belief and desire), then given them I could not have chosen to make it false. Huoranszki can safely

ignore this proposal only because of his views on choice ability. He holds that choices are not psychologically determined by mental states, so making a choice in the same mindset can have different outcomes.

Finally, I should mention a third interpretation of NC that Huoranszki considers briefly.

According to that interpretation, *S* has a choice about whether or not to *A* only if it is *open* to *S* at time *t* both to *A* and not to *A* in the future. (Huoranszki 2011: 20, my italics.)

Huoranszki is dissatisfied with this abstract interpretation of NC in terms of openness of future, mainly because he finds it irrelevant. On my part I take this to be the correct interpretation of NC, but will postpone further discussion of openness and opportunity until the last section.

3. THE FIRST CONSEQUENCE ARGUMENT

The first argument does not contain modal operators; as such it is purely extensional. Instead it uses the phrase ‘can render a proposition false’ to capture the modal content. It refers to the ability to act over the truth-values of propositions.

The argument also contains the following propositions: P_0 expresses the intrinsic state of the universe in the remote past; *L* expresses the laws of nature; *P* expresses the intrinsic state of the universe at time *t* when subject *S* refrains from performing some action *A*. If we assume that no one can render a proposition about the past false, then

- (1) If determinism is true, then the conjunction of P_0 and *L* entails *P*.
 - (2) It is not possible that *S* *A*-ed at *t*, and *P* be true.
 - (3) If (2) is true, then if *S* could have *A*-ed at *t*, *S* could have rendered *P* false.
 - (4) If *S* could have rendered *P* false, and if the conjunction of P_0 and *L* entails *P*, then *S* could have rendered the conjunction of P_0 and *L* false.
 - (5) If *S* could have rendered the conjunction of P_0 and *L* false, then *S* could have rendered *L* false.
 - (6) *S* could not have rendered *L* false.
- ∴ (7) If determinism is true, *S* could not have *A*-ed at *t*.

According to the argument, given that to be able to act otherwise is to be able to render false a proposition which follows from propositions about the past and the laws which no one is able to render false, it follows that, if determinism

is true, no one is able to act otherwise. In other words, determinism deprives agents of the ability to act otherwise.

Huoranszki rejects the conclusion because it implies that, if determinism is true, nothing can have unexercised powers, and this he finds implausible:

Now my claim is that if van Inwagen's argument could prove that agents cannot have the power to act otherwise in a deterministic universe, then it would also prove that nothing whatever can have an unexercised power unless physical determinism is false. I think, however, that this is implausible. (Huoranszki 2011: 22.)

Suppose S owns a Ferrari, but she is also a cautious driver who respects the legally prescribed speed limit, so S never goes faster with her Ferrari than 130km/h. Does her Ferrari nevertheless have the *unexercised power* to go faster than 130km/h? Normally, it should. But, according to the argument, in a deterministic universe it cannot have. If the Ferrari could have gone faster than 130km/h, it could have rendered P false. But the Ferrari could not have rendered P false, because it could not have rendered the conjunction of P_0 and L false, from which P follows. Not even a Ferrari has the supernatural power to alter the past or violate the laws. So the Ferrari cannot have the unexercised power to go faster than 130km/h in a deterministic universe. But this seems obviously false.

Since the argument is valid, but apparently not sound, one of the premises must be false. Huoranszki thinks that the questionable premise is (4). It says that I can have the ability to act otherwise only if I also have the ability to alter the past or to violate the laws of nature. But, argues Huoranszki, it does not seem to follow that because I am able to perform an actually unperformed action I must also be able to alter the past or to violate the laws. When an agent performs some action she renders a proposition true. But her ability to render a proposition true does not require the ability to render propositions about the past or the laws true. Why should then the ability to render a proposition false require the ability to render propositions about the past or the laws false? Hence (4) does not seem to be true.

The standard response is that the incompatibilist has a different sort of ability in mind when she says that determinism deprives agents of the ability to act otherwise. What she really has in mind is the *ability to exercise an unexercised ability*. Determinism deprives agents of the ability to exercise abilities, not of the abilities themselves. Whence there can be unexercised abilities. The Ferrari retains the unexercised power to go faster than 130km/h even in a deterministic universe. What is denied from the Ferrari in a deterministic universe is the power to exercise it. The Ferrari is *unable* to exercise its power to go faster than 130km/h, because S never drives faster than 130km/h.

Huoranszki is quick to dismiss this response on the grounds that the idea of the ability to exercise an unexercised ability not only may lead to an infinite

regress, but seems a downright logical contradiction. However his main problem with this response is that it is based on an erroneous distinction between *general abilities* and the *special ability to exercise them on particular occasions*. One of the central thesis of his book is that this distinction is wrong.

I partly agree with the dismissal. Huoranszki may be right about the regress. If the exertion of an ability requires a further ability, then so does the exertion of the ability to exercise an ability, and so on. This alone could seal the fate of the idea. But I don't think he is right about the logical contradiction. The expression 'the ability to exercise an unexercised ability' seems to involve a scope ambiguity. On a wide scope reading it implies that I could have exercised the unexercised, which is indeed a logically impossible thing to do. But on a narrow scope reading it implies that what was actually unexercised is such that I could have exercised it, which is perfectly legitimate. But this is just a minor issue.

4. IN DEFENCE OF THE FIRST CONSEQUENCE ARGUMENT

The main issue is whether the first consequence argument survives this onslaught. I think it does. In the remainder of this article I will argue on behalf of the incompatibilist and defend the first consequence argument. I will not, however, try to counter these objections. My strategy is simpler than that. I will argue that with certain assumptions the argument can be made effective against Huoranszki's own account of free will as a condition of responsibility.

Let me state first what I think the first consequence argument really purports to prove, by invoking Austin's (1979) famous distinction between the two senses of 'can'. According to Austin there are two different senses in which a person *can* do something, and it is perfectly possible that a person can do something in one sense, but not in the other. One sense involves intrinsic *abilities*; the other sense involves extrinsic *opportunities*. For instance, if you are in a locked room and you have no way to leave it, then you *cannot* leave the room in the opportunity sense of 'can'. You have the ability to leave the room, it's just that you do not have the opportunity to do so. If on the other hand you are in a room with the door open, but sadly you are paralyzed, then you *cannot* leave the room in the ability sense of 'can'. You have the opportunity to leave the room, it's just that you do not have the ability to do so.

If we recast the argument only with 'can', the conclusion would be: *S*'s Ferrari *cannot* go faster than 130km/h in a deterministic universe. But in which sense of 'can'? Obviously not in the ability sense of 'can'. *S*'s Ferrari, say, an *F458 Italia* with an 4.5L V8 engine and direct fuel injection, is internally similar to the *F458 GTE* burning the tarmac well over 130km/h in the Le Mans Series. The power to go faster than 130km/h is an intrinsic power which depends *ceteris paribus* on the internal structure of cars. Determinism does not affect the internal structure

of cars. So determinism cannot deprive \mathcal{S} 's Ferrari of its *intrinsic power* to go faster than 130km/h. It must, therefore, be in the other sense of 'can' that the Ferrari *cannot* go faster than 130km/h in a deterministic universe. And I think this is exactly what the argument intends to prove. The Ferrari is deprived of the opportunity to go faster than 130km/h; it cannot have the occasion, in a deterministic universe, to show what it is capable of. So determinism deprives \mathcal{S} 's Ferrari of the *extrinsic opportunity* to exercise its power to go faster than 130km/h. Huoranszki himself says that the consequence arguments aim to show the lack of abstract opportunities or the openness of the future in a deterministic universe.

Admittedly, if physical determinism is true, there is a sense in which 'the future is not open'. The different versions of the consequence argument all aim to show exactly this. (Huoranszki 2011: 33.)

He thinks, however, that unless the incompatibilist can strike a conceptual link between the abstract opportunity to do otherwise and the agent's ability to do otherwise, the lack of opportunity has no relevance to the issue of free will which concerns our agency. As he says, we can lose and gain abilities without losing or gaining opportunities, and conversely, we can lose or gain opportunities without losing or gaining abilities.

Notice that the controversial notion of the ability to exercise abilities was one such incompatibilist attempt to link opportunity and agency. The ability to do otherwise was identified with the special ability to exercise an unexercised ability on a particular occasion, a supposedly extrinsic property that depended as much on external factors as on agents. It was the *specificity* and *extrinsicness* of the ability to exercise abilities on particular occasions that struck the link between opportunity and agency.

The ability to exercise abilities may lead to nowhere, but it does give an idea. For notice that Huoranszki takes the ability to do otherwise as a *maximally specific extrinsic property*. A central thesis of the book is that free will is a condition of responsibility. The sense in which free will is a condition of responsibility is the ability to do otherwise. We are responsible for the performance or omission of actions in particular circumstances only if we have the ability to do otherwise in those circumstances. But, according to Huoranszki, those actions must be *extrinsically identified*, so the ability to do otherwise as a condition of responsibility must be a maximally specific extrinsic property. Consequently, free will as a condition of responsibility is a maximally specific extrinsic property.

The incompatibilist might, therefore, try to forge a link between extrinsic opportunities, subject to the consequence argument, and Huoranszki's maximally specific extrinsic properties. Here is what she should do. First, she should argue that even though Huoranszki rejects the distinction between general abilities and the special ability to exercise them on particular occasions, he must still

accept a similar distinction between *general abilities* and *their maximally specific determinations*. Huoranszki takes actional abilities, relevant for being able to do otherwise in particular circumstances, to be maximally specific abilities. But maximally specific abilities presuppose more general abilities. The specific ability to speak French presupposes the more general ability to speak. The specific ability to leave a particular room presupposes the more general ability to leave rooms in general, whatever that may come to. And so on. In fact it appears that Huoranszki accepts the distinction.

Of course, if agents have some specific ability, it does imply that they have the general one just as having the ability to see red implies the ability to see colors. (Huoranszki 2011: 85.)

General abilities will be important to evade the problem of unexercised powers. The incompatibilist could now say that even in a deterministic universe agents can have unexercised powers, in the sense that they can retain their most general powers.

Second, the incompatibilist should slightly modify the notion of opportunity. The paralyzed person who can leave the room in the opportunity sense lacks the maximally determinate ability to do so because the latter also includes the *intrinsic* ability to walk. The incompatibilist, therefore, should say that his notion of the opportunity to exercise a power must be understood such that an agent has it only if she also has the *power* to be exercised. In this sense the paralyzed person does not have the opportunity to leave the room, even if its door is open, because she lacks the ability to walk. This is not an *ad hoc* move. If someone jumps from an airplane I wouldn't say that she can fly in the opportunity sense. She also needs wings to have the opportunity to fly.

The incompatibilist can now *equate* the notion of opportunity to exercise powers with the notion of the maximally specific extrinsic determinations of those powers. She could say that the sense in which an agent has the opportunity to exercise some general power to act in certain ways in a particular circumstance is that she has the maximally determinate extrinsic ability to act in certain ways *there and then*. For instance, in the situation where I am in a locked room and I have no way to leave it, my lack of opportunity to exercise the general power to leave rooms in that particular circumstance will be equivalent to my lack of the maximally determinate extrinsic ability to leave *that* room. This in effect conforms with what Huoranszki says about the situation.

Can I leave the room? It seems obvious that I cannot. But it may not seem obvious *why* I cannot. I would say—with Locke—that I cannot because *I'm unable* to: I lack the power or ability to leave it. (...) [If] the door is indeed locked then I do not have the ability to leave the room *there and then*. (Huoranszki 2011: 32.)

Given what Huoranszki says, the incompatibilist has all the more reason to make the identification, because it appears that the set of lack of opportunities *highly overlaps* with the set of lack of maximally determinate abilities.

Once the conceptual link is made between the opportunity to do otherwise and the maximally determinate extrinsic ability to do otherwise, the lack of opportunity will again become relevant for the issue of free will. The incompatibilist can now rerun the first consequence argument this time to argue that determinism deprives *S*'s Ferrari of its *maximally specific extrinsic determination* of the general power to go faster than 130km/h, which is the *power to go faster than 130km/h with S in its driver seat, S being a cautious driver and the speed limit being 130km/h, and so on*. The Ferrari is not deprived of its general intrinsic power to go faster than 130km/h, however. That power remains unexercised. But it is not general powers that matter for free will and responsibility. It is their maximally specific extrinsic determinations, and these can be lost in a deterministic universe according to the first consequence argument.

Finally, the incompatibilist should also say something about the objection to premise (4). Huoranszki says that if the ability to render a proposition *false* implies the further ability to render propositions about the past or the laws *false*, as (4) states, then so must the ability to render a proposition *true* imply the further ability to render propositions about the past or the laws *true*. Since the latter is obviously false, then so is the former. The incompatibilist could reply that there is an *asymmetry* between the ability to render a proposition false and the ability to render a proposition true. The latter does not require the further ability to render propositions about the past or the laws true for the simple reason that they are already *true!*

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