

## **Action, responsibility and the ability to do otherwise**

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**Abstract** Here it is argued that in order for something a person “does” to count as a genuine action of his, the person needn’t have been able to refrain from doing it. If this is right, then two recent defenses of the principle of alternative possibilities, a version of which says that a person is morally responsible for what he has done only if he could have refrained from doing it, are unsuccessful.

**Keywords** Action, Free Will, Moral Responsibility, Alternative Possibilities, Frankfurt-style Cases

According to what we might call the principle of possible refrainment or PPR, for short, what a person “does” is a genuine action of his only if he could have refrained from doing it. If PPR is true, then *a fortiori* a person performs a free action for which he can be morally responsible only if he could have refrained from performing it. But PPR is implausible; there is little, if any, reason to think it is true, and good reasons to think it is false—or at any rate, so I shall argue. If I am right, then two recent defenses of the much debated principle of alternative possibilities are unsuccessful.

## **1 Preliminaries**

PPR is an intriguing principle in its own right, and has obvious implications for a theory of action. It will therefore be of interest to philosophers concerned with the nature of action generally. It will also be of interest to those concerned specifically with free action and moral responsibility. Recently, it has been employed in defense of the principle of alternative possibilities (PAP, for short), which says that “a person is morally responsible for what he has done only if he could have done otherwise” (Frankfurt 1969, p. 829). PAP is important for two main reasons. First, many believe that it best explains the exculpatory force of pleas like “I couldn’t help it” or “I had no choice.” Second, it has been used to argue for the incompatibility of determinism and moral responsibility. Many incompatibilists claim that no one is ever able to do otherwise in a deterministic universe. If they are right and PAP is true, it follows that no one is ever morally responsible for one’s actions in a deterministic universe.

Arguments for PAP have traditionally been based on moral considerations. For instance, some have argued that PAP follows from the widely accepted deontic maxim that ‘ought’ implies ‘can’.<sup>1</sup> A slightly different line of argument insists that a person is blameworthy for what he has done only if it would have been reasonable to expect him to refrain from doing it. Since it is arguably unreasonable to expect a person to refrain from doing something he cannot refrain from doing, it follows that a person is morally blameworthy for what he has done only if he could have refrained from doing it, which is

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<sup>1</sup> See Copp (1997) and (2003), Speck (2005), and Widerker (1991).

a version of PAP restricted to blameworthiness.<sup>2</sup> Others insist that PAP and its ilk are deeply entrenched in our everyday practices of blaming and excusing from blame.<sup>3</sup> If PPR is true, however, it provides an importantly different argument for PAP, one based not on moral considerations but on considerations about the nature of action. It can also be used to challenge the coherence of Harry Frankfurt's (1969) well known attempt to provide a counterexample to PAP.

PPR has recently been defended by both Maria Alvarez (2009) and Helen Steward (2008; 2009). According to Alvarez, "for what someone does to be *his action*, for him to be its *agent*, the person must have a certain degree of control over it: at least, he should be capable of refraining from doing what he does" (2009, p. 74). Similarly, Steward claims that in order for *A* to count as an action, it "will have to have been the product of an exercise of what is sometimes called a *two-way* power on the part of that agent—to act, or to refrain from acting—so that in the absence of the relevant power of refrainment a genuine action simply could not occur" (2008, p. 140). Elsewhere she says that "A (particular) action qualifies as an action...only if it is something from which the agent is able to refrain" (2009, p. 84). Moreover, both Alvarez and Steward employ the principle in defense of PAP. I will take a closer look at their arguments shortly. But first, clarification regarding the phrase "could have refrained" is in order.

Claims about what an agent *could* have done are notoriously and multiply ambiguous. At the most basic level, such claims are ambiguous because they can be used to express claims about what it is *possible* for an agent to have done, as well as claims about what an agent was *able* (or had it within his power) to do. Of course, possibility

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<sup>2</sup> This argument is at the heart of David Widerker's "W-Defense." See Widerker (2000). For a recent critical discussion of the W-defense, see Capes (2010).

<sup>3</sup> See, for example, Glover (1970).

claims and ability claims are not unrelated. Claims about what a person is able to do arguably imply certain claims about what it is possible (in some sense of possible) for the agent to do. But still, claims about possibility and ability are distinct.

So is PPR primarily a claim about possibility or ability? Several remarks by both Alvarez and Steward suggest that they view the principle as a claim about ability. Recall that, according to Alvarez, in order for  $A$  to be an action of  $S$ 's,  $S$  should be *capable* of refraining from  $A$ -ing. Similarly, recall Steward's claim that agency requires a two-way *power* and that  $A$  counts as an action of  $S$ 's only if  $S$  is *able* to refrain from  $A$ -ing. Following their lead, I too shall treat PPR as a claim about ability.

But what sort of ability exactly? In what sense must  $S$  have been able to refrain from  $A$ -ing, according to PPR, if  $A$  is to be included among  $S$ 's actions? Here neither Alvarez nor Steward is as clear as one might have hoped. The use of terms like “capable” by Alvarez or the talk of “two-ways powers” employed by Steward might be taken to suggest that the kind of ability at issue is a general ability or capacity to avoid  $A$ -ing. At other times, however, something stronger seems to be implied. For instance, Alvarez (p. 64) suggests that for  $S$  to have the relevant ability to refrain from  $A$ -ing at  $t$ , at  $t$ , it must be up to  $S$  whether or not he  $A$ -s then. However,  $S$  might retain a general ability or capacity at  $t$ , and yet, it might not be up to  $S$  at  $t$  whether he exercises that ability or capacity at  $t$ . (Were I locked in an empty room right now, I would presumably retain lots of general abilities—e.g., the ability to type, play basketball, read a book, etc.—even though it would not presently be up to me whether I exercised those abilities just now.) This suggests that perhaps Alvarez has something stronger in mind than a general capacity. According to Steward, determinism is incompatible with the relevant sort of

ability to do otherwise and is thus incompatible with genuine agency.<sup>4</sup> The fact that determinism is compatible with having unexercised capacities, skills or competencies suggests that Steward, too, probably has a stronger sense of ability in mind.

If PPR is to be used to defend PAP or similar theses relating responsibility to alternative possibilities, and in particular if PPR is to serve as a premise in an argument for PAP, “could have refrained” must mean the same thing in both principles. Otherwise, any argument from PPR to PAP will be guilty of equivocation. So what does “could have refrained” mean in PAP? It would seem to be something stronger (requiring more) than a general ability, capacity or skill, at least as the principle is understood by many of those who have contributed to this literature. If PAP were construed in terms of a general ability or capacity it would be difficult to see what all the fuss surrounding the Frankfurt-style cases has been about. Recall that these are cases (modeled after a case of Frankfurt’s (1969)) designed to refute PAP in which the agent performs a certain action on his own—i.e., without being forced to perform it—though he would have been forced by someone (or something) else to perform the action had he not done it on his own. In such cases, it has been claimed, the agent can be responsible for his action even though it was apparently not within his power to do otherwise. Now, whatever else is true about the agent in these examples, it seems he retains a general capacity to do otherwise than he actually did. This suggests that Frankfurt and others take PAP to require something more than a general ability to do otherwise. Moreover, there do seem to be other abilities that the agent plausibly lacks the absence of which Frankfurt and others might insist are irrelevant to the person’s moral responsibility. For instance, although the agent may retain a general capacity to do something other than what he actually does, given the

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<sup>4</sup> See Steward (2008) in particular.

circumstances it seems fair to say that he is unable to exercise that capacity, that it is not within his power to exercise it, that it is not up to him whether he performs the action in question, and that he has no choice about whether to perform this action.<sup>5</sup> If PAP does concern some type of ability over and above a general capacity or skill—and I shall henceforth assume that it does—then to avoid equivocation those who wish to argue from PPR to PAP should construe the former principle in such a way that it concerns this same sort of ability. Thus, claims about what an agent “could have done,” “was able to do,” or “had it within his power to do” should henceforth be read as claims about a kind of ability that is stronger than a general ability, capacity or skill.

## **2 Action and responsibility**

I turn now to the relationship between PPR and the on going controversy over PAP. PPR is relevant to this controversy in at least two ways. First, it can be used to formulate an argument for PAP. Second, it can be used to challenge the coherence of Frankfurt-style cases. I take up both issues in turn.

According to Steward, “a (particular) action qualifies as an action in the first place (and therefore as a *candidate* for something for which an agent might be morally responsible) only if it is something from which the agent was able to refrain (2009, p. 84). These remarks are suggestive of the following argument:

1. An event *A* is a candidate for something for which *S* might be morally responsible only if *A* is among *S*'s actions.

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<sup>5</sup> For these points, I'm indebted to Clarke (2009, p. 340).

2. *A* constitutes an action on the part of *S* only if it was within *S*'s power to refrain from *A*-ing.
3. Therefore, *A* is a candidate for something for which *S* might be morally responsible only if it was within *S*'s power to refrain from *A*-ing.

The conclusion of this argument is a version of PAP.

It is worth pointing out that, as it is presently formulated, the argument is unsound for reasons that have nothing whatsoever to do with PPR. Even if PPR (i.e., premise 2) is true, premise 1 is surely false. In addition to being responsible for our actions, we can also be responsible for our omissions and for the consequences of our actions and omissions.<sup>6</sup> Actions are therefore not the only candidates for things for which we might be responsible. This defect in the argument can easily be remedied, however, by drawing a distinction between direct and indirect responsibility.

Very roughly, a person is directly responsible for an event or state of affairs provided that he is responsible for it, and his responsibility for it does not depend on or derive from his responsibility for some distinct event or state of affairs. By contrast, if a person is indirectly responsible for something, his responsibility for it will depend on or be derived from his responsibility for some distinct state or event. An example will help illustrate the distinction. Ann freely detonates a bomb, despite knowing that the explosion will kill several innocent people. In the absence of any excusing or justifying conditions,

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<sup>6</sup> Some consequences of actions are themselves actions, but others are not. Also, some readers might deny that omissions can have consequences because they deny that omissions can be causes. But even if omissions cannot be causes, there is a perfectly ordinary and acceptable sense in which our omissions have consequences. Even if my omitting to water your flowers is not among the causes of the flowers withering, it would still be perfectly acceptable to say that the flowers withered in part *because* I omitted to water them. Fortunately, nothing I say here hinges on these issues. The key thing to note for present purposes is that direct responsibility is typically restricted to actions.

Ann is to blame both for detonating the bomb and for the deaths of those killed in the explosion. However, Ann's responsibility for the deaths of those killed depends on and is derived from her responsibility for detonating the bomb. If she is responsible for the deaths of these people, this is presumably because she is responsible for detonating the bomb that killed them. Had she not been responsible for detonating the bomb—for instance, if she had been forced against her will to detonate it—then, barring any special assumptions, she wouldn't have been responsible for the deaths of those killed in the explosion either. Ann is thus directly responsible for detonating the bomb (or perhaps for her decision to do so), and indirectly responsible for the deaths of those killed as a result of her action.

Although most theories of moral responsibility allow that a person can be responsible for things other than actions, it is widely agreed that a person is directly responsible only for his actions or perhaps for some sub-class thereof, such as choices or decisions. On this view, *S*'s responsibility for anything other than his actions depends upon its standing in an appropriate relation to an action for which *S* is morally responsible. For present purposes, I shall assume that something along these lines is correct.

We can now construct an improved argument in defense of PAP based on PPR. It can be stated as follows:

- 1'. *S* is directly responsible for *A*-ing only if *A* is among *S*'s actions.
2. *A* constitutes an action on the part of *S* only if it was within *S*'s power to refrain from *A*-ing.

3'. Therefore, *S* is directly morally responsible for *A*-ing only if it was within *S*'s power to refrain from *A*-ing.

The conclusion of this argument is a version of PAP restricted to direct responsibility. The first premise is now relatively uncontroversial. Since the argument is valid, the only question is whether its second premise, which is a version of PPR, is true. I take up this question shortly.

PPR can also be used to challenge the coherence of Frankfurt-style cases. In a standard Frankfurt-style case, Jones shoots and kills Smith without hesitation. Unbeknownst to Jones, however, the evil and now elderly genius, Black, is up to his old tricks again and has the ability to both read and control Jones's mind with a sophisticated brain-scan device. Had Jones not killed Smith on his own, Black was prepared to use this device to send a signal to Jones's brain that would have caused Jones to (decide to) kill Smith. It seems that in this example Jones is unable to avoid killing Smith. Evidently, his only options are to kill Smith on his own or be forced to kill Smith. Either way, he kills Smith. But since Jones kills Smith on his own, without any "help" from Black, Frankfurt and others believe that Jones bears just as much responsibility for what he has done as he would have had he been able to do otherwise. Thus, they conclude, PAP is false.<sup>7</sup> This sort of argument cannot succeed, however, if PPR is true, since any "successful" counterexample to PAP would involve a conceptual impossibility, namely, a case in which a person performs an action from which he cannot refrain.

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<sup>7</sup> For a good overview of the recent literature on Frankfurt-style cases, see the introduction to Widerker and McKenna (2003).

Those who believe that Frankfurt-style cases are counterexamples to PAP might try to turn this sort of objection on its head. Consider a version of the example *sans* Black and his device. Call this the truncated story. Barring any special assumptions, it seems evident that in the truncated story Jones's killing Smith constitutes an action of Jones's for which he can be held accountable. But if we are willing to count Jones's killing Smith as an action in the truncated story, shouldn't we also count it as an action of his in the original, Frankfurt-style version of the story? After all, in neither version do Black or his device play a role in the etiology of what Jones does; it seems that the sequence of events leading up to and including the actual killing of Smith is exactly the same in both versions of story. For this reason, isn't it plausible to suppose that Jones performs an action—killing Smith—in both the original story and in the truncated story? In the Frankfurt-style case, however, Jones is apparently unable to avoid performing this action. Thus, one might contend, Frankfurt-style cases themselves provide us with counterexamples to PPR.

John Martin Fischer (2008, p. 170-172) suggests an objection to PPR along these lines. On Fischer's view, the notion of an action is an actual sequence notion; whether *A* counts as an action depends solely on what happens in the actual sequence of positive events leading up to and including *A* and not on whether the agent has access to some counterfactual sequence of events in which *A* does not occur.<sup>8</sup> To motivate an actual sequence view of action, Fischer asks us to “compare Jones in an ordinary context with Jones in a Frankfurt-type example.” He points out that, “In both scenarios there is no

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<sup>8</sup> Fischer (1982) first used the term “actual sequence” to describe theories of free action and moral responsibility according to which freedom and responsibility depend on the nature of the actual sequence of events leading up to the action and not on whether the agent has access to alternative possibilities for action.

intervention by an individual such as Black (or any similar factor); in both scenarios the actual sequence flows in the same way.” He then insists that “if we are willing to say that Jones acts in the ordinary case...we should also say that he acts in the Frankfurt-style case,” since “everything that happens in the actual sequence is exactly the same as in the ordinary case!” (p. 170). Let us agree with Fischer that Jones does indeed perform an action in both cases. If, as Fischer thinks, it is also true that, in the Frankfurt-style version of the story, Jones cannot refrain from performing this action, it follows that PPR is false.

This sort of objection to PPR is not without merit. Indeed, I’m inclined to agree with Fischer that Frankfurt-style cases are counterexamples to PPR. Presumably, however, proponents of PPR will demur. According to Alvarez, if Frankfurt-style cases are genuine counterexamples to the likes of PAP and PPR, then, in the counterfactual sequence of events in which Black intervenes and forces Jones’s hand, it must be the case that Black causes Jones to perform the same action (or at least an action of the same type) that Jones performs in the actual sequence of events. However, Alvarez insists that “it is not legitimate for a Frankfurt-style case simply to *stipulate* that, in the counterfactual case, the agent would be caused to perform an action that he cannot avoid performing...Rather, any example needs to tell a compelling story that makes the suggestion plausible without begging the issues at hand (p. 67). But she is skeptical about whether such a story can be told, “because it is far from clear that the idea that a person can be caused to perform an action in such a way that he could not have avoided performing it but which is nonetheless *his* action is cogent” (p. 72). Steward expresses similar skepticism. According to her, “it might be argued that Jones has it in his power not to perform an *action* of [shooting Smith] at all—for one might reasonably ask what

reason there is to suppose that a chain of events which is initiated by Black might count...as an *action* on the part of Jones” (2008, p. 139).

There are several ways those wishing to defend the coherence of Frankfurt-style cases might respond to Alvarez’s worries. Fischer rejects her assumption that in order for Frankfurt-style cases to succeed Black must cause Jones to perform the same action in the counterfactual sequence that he performs in the actual sequence. On Fischer’s view, Frankfurt-style cases successfully cast doubt on principles like PAP even if the agent in the example does not perform the same action in the counterfactual sequence that he performs in the actual sequence, and, indeed, even if the agent does not perform an action at all in the counterfactual sequence.<sup>9</sup> Alternatively, one might take up Alvarez’s challenge to tell a “compelling story” in which it seems plausible to say that the agent is caused to perform an action in such a way that he cannot avoid performing it. Can such a story be told? I believe so, and if I am right, then PPR is false. However, I shall not attempt to tell such a story here. Instead, I shall highlight some reasons to be suspicious of PPR and the sorts of considerations motivating it that are independent of the challenges posed for the principle by Frankfurt-style manipulation cases.

### **3 Action and control**

Why think PPR is true? A potential source of motivation for the principle stems from the observation that performing an action requires some sort of control. As Frankfurt (1978) observes, “What is not merely pertinent but decisive [in determining whether the movements of a person’s body are actions of his] is to consider whether or not the

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<sup>9</sup> See, for example, Fischer (1982) and (2003). I’m grateful to an anonymous referee for reminding me of Fischer’s views here.

movements as they occur are *under the person's guidance* (p. 158). Similarly, Alvarez says that “for what someone does to be *his action*, for him to be its *agent*, the person must have a certain degree of control over it.” These remarks are doubtlessly correct. If a person has absolutely *no* control over the relevant event—a particular movement of his hand, for example—it is plausible to suppose that the event in question is not among the person's actions. But in what, exactly, does the requisite guidance or control consist? According to Alvarez, it consists minimally in the person being “capable of refraining from doing what he does” (pp. 75-76).

If *S A*-s and it was within *S*'s power to refrain from *A*-ing, then *S* had control over whether or not he *A*-ed. Apparently, however, a person may control an event without having control over whether or not it occurs. Imagine a driving instructor who is happy to let his student steer the car right, but if the student shows any inclination of steering the car left or of continuing straight, the instructor is determined to take control of the car and steer it right. As it happens, the student steers the car to the right entirely of her own accord. By doing so, she guides the car in a certain direction, thus controlling the movement of the car, but given the instructor's intention, it seems she lacks control over whether or not the car goes left or right. In this case, the control the student exercises over the movement of the car consists not in having control over whether the car goes right or left, but rather in her causing the car to go right.<sup>10</sup>

Examples like this illustrate an important point. Just as there are different kinds of abilities, so there are different kinds of control, and just as a person might lack one kind

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<sup>10</sup> The example is from Fischer and Ravizza 1998, p. 32. They use it to distinguish between two different kinds of control, and they go on to argue that just because a person lacks one kind—the kind that involves having access to alternative possibilities—it does not follow that the person lacks the kind of control necessary for moral responsibility. I use the example to make a similar point about the sort of control involved in performing an action.

of ability while retaining others, so a person may lack one kind of control while retaining other kinds. The observation that action requires some sort of control therefore does not automatically establish the further thesis that action requires a kind of control that involves having access to alternative possibilities. To establish this further thesis we would need additional reasons to think that possession of the relevant sort of control is or essentially involves the ability to refrain. However, no such reasons have been provided by proponents of PPR. So we can agree with Alvarez that if *S* has no control over *A*, *A* is not among *S*'s actions, but we needn't follow her in assuming that the requisite control consists minimally in the ability to refrain. We might instead agree with Frankfurt that "The assertion that someone has performed an action entails that his movements occurred under his guidance, but not that he was able to keep himself from guiding his movements as he did (1978, p.161).

Appreciating these points can also help rebut an objection to Frankfurt-style cases. The objection can be summarized as follows:

4. If Frankfurt-style cases are genuine counterexamples to the likes of PAP, then in the counterfactual sequence of events in which Black intervenes and forces Jones's hand, it must be the case that Black causes Jones to perform the same action (or at least an action of the same type) that Jones performs in the actual sequence of events (see Alvarez pp. 65-67).
5. In the counterfactual sequence Black does not cause Jones to perform an action; *a fortiori*, then, Black does not cause Jones to perform the same action (or an action of the same type) that Jones performs in the actual sequence of events.

6. Therefore, Frankfurt-style cases are not genuine counterexamples to PAP.

Earlier I pointed out that Fischer rejects 4. But suppose he is wrong about this. Suppose 4 is true. Even so, why think 5 is true? Alvarez argues that “in the counterfactual case Black must have total control over what happens,” and, consequently, that “Jones cannot have any control over it,” in which case, she says, “what happens cannot count as an action of Jones’s, as something of which he is the agent—at most it might count as movements of his limbs or as events in his brain” (p. 77).

This sort of defense of 5 is incomplete at best, and it should now be clear why. It is true that in the counterfactual sequence Black has total control over *whether* the events in question occur and that Jones therefore lacks the kind of control over these events that involves having access to alternative possibilities, but as we’ve seen, it doesn’t automatically follow from this that Jones lacks all forms of control. In particular, it does not follow—at least not obviously and without further argument—that Jones lacks the control necessary for performing an action. The observation that performing an action requires some sort of control and that Jones lacks one kind of control therefore does not all by itself establish the truth of 5. In addition, it would need to be shown that the sort of control Jones lacks is the sort required for action, and this Alvarez has not done.<sup>11</sup>

#### **4 Action and inability**

Are there, or could there be, actions from which agents are unable to refrain? If there are, perhaps the most natural place to begin searching for them is in cases of severe addiction

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<sup>11</sup> For a different defense of 5, see Larvor (2010). I think Larvor’s argument is defective as well, but I have elected not to discuss it here, as doing so would take us too far afield.

or various neurological or psychological disorders. A minority of those suffering from Tourette's syndrome experience coprolalia, uncontrollable outbursts of obscene or socially inappropriate remarks; Obsessive Compulsive Disorder (OCD) results in an array of compulsive behaviors; and dipsomaniacs are said to suffer from periodic, irresistible cravings for alcohol. Whether and to what extent these and other conditions actually render agents unable to refrain from performing certain actions is disputable. However, proponents of PPR must not only deny that such conditions ever *actually* render agents unable to avoid performing certain actions, they must also deny that it is even *possible* for an addiction or other condition to thus incapacitate a person. Both denials are striking, even after we have allowed for the fact that agents who suffer from various disorders and addictions may sometimes be able to refrain from the compulsive behavior associated with their condition.

Bob is a compulsive hand washer. On one particular occasion he acquired a very strong urge to wash his hands immediately, and circumstances were friendly to his satisfying this urge (e.g., a functioning faucet and soap were nearby). At the time he had no motivation to refrain from washing or to do anything incompatible with his washing then, and his OCD together with the circumstances at the time rendered him incapable of acquiring any such motivation. (This is compatible, of course, with his being capable then of acquiring the relevant motivation at some other time under different circumstances, a point to which I return shortly.) Unsurprisingly, Bob washed his hands, and his doing so is plausibly counted among his intentional actions.

Could Bob have refrained from washing his hands on this particular occasion? Given the details of the case, I suspect that many of us would be inclined to say he could

not. (We can safely set aside the remote possibility that Bob might unintentionally refrain from washing.) Why? Because a necessary condition of his doing so—the presence of relevant motivational states—is absent, and, given the circumstances at the time, cannot be obtained. In order to intentionally do anything other than washing, Bob would need motivation to do otherwise. Since he lacks any such motivation and is presently incapable of acquiring it, it seems plausible to suppose that he is unable to intentionally do otherwise than wash his hands.

Suppose that, contrary to fact, Bob had managed to intentionally do otherwise than wash his hands on this occasion. What might explain this? No doubt a change in motivation would need to be part of the explanation, but apparently Bob is unable to affect any such change. That he wants to wash his hands immediately is presumably not up to him, and by hypothesis his OCD together with the circumstances at the time rendered him incapable of acquiring motivation to refrain from washing or to do anything incompatible with his washing then. So if, in this counterfactual scenario, Bob did somehow manage to intentionally do otherwise than wash, his doing so apparently cannot be explained by any change in his motivational states. But then what could explain his intentionally doing otherwise if not a change in motivation? In the absence of an explanation in terms of motivational change, and barring any special assumptions, it would seem that Bob's intentionally doing otherwise, given his present motivational state, would simply be inexplicable.

Both Alvarez and Steward are aware of the challenges posed to their preferred theory of action by cases like this, though they have different ways of attempting to defuse it. Alvarez suggests that in cases of addiction and OCD “the truth seems to be that,

for any particular occasion, the agent can avoid acting. The compulsion...lies not so much in each action but in a pattern of irrational...repetition” (p. 73). She goes on to note that “these conditions are often treated with cognitive-behavioral therapies that work by increasing awareness of the behaviour and its psychological origins, replacing the behaviour with other activities, etc., all of which are aimed at removing the habit of repetition” (p. 74). But according to Alvarez, such therapies “could not even begin to be deployed if the actions that form the pattern were unavoidable” in the sense at issue in PAP (p. 74).

As it happens, Bob recently sought therapy for his OCD and, consequently, no longer engages in compulsive hand washing. His treatment involved the sort of cognitive-behavioral techniques Alvarez mentions. During sessions with his therapist Bob would often be placed in circumstances of the sort that triggered severe anxiety within him. At such times he would typically have resorted to repeated hand washing, but during these sessions he lacked the opportunity to engage in this behavior. Instead, his therapist helped him attend to the thoughts and feelings evoked by the circumstances in question and taught him various techniques that enabled him to cope with these thoughts and feelings without engaging in compulsive behaviors. Although this type of therapy was mentally excruciating for Bob at first, over time he eventually learned how to deal with the anxiety aroused by these circumstances without resorting to repeated hand washing.

Does the success of Bob’s treatment require or in any way suggest that he was able to refrain from compulsive hand washing prior to receiving treatment? In particular, does it imply that, in the episode related earlier, Bob was able to intentionally refrain from that particular act of hand washing? To insist that it does ignores the possibility that

behavior that is avoidable for a person at one time and in one set of circumstances might be unavoidable for that same person at some other time in a different set of circumstances. The fact that, as a result of extended counseling, a compulsive hand washer like Bob can learn how to cope with his anxieties without resorting to problematic behaviors is consistent with those same behaviors being unavoidable for him prior to his receiving treatment. Presumably, Bob couldn't read prior to learning how to do so. Perhaps he also couldn't resist washing his hands under certain circumstances prior to his therapist teaching him how to cope with the anxiety prompted by those circumstances.

Steward suggests a different approach to these matters. She grants that, owing to an addiction or other underlying condition, a person may be unable to avoid engaging in a certain type of behavior within a given time frame. However, according to her, "That the occurrence of a behavior-*type* has absolutely no chance of not occurring within a certain time-frame under certain conditions, does not imply that the token action which constitutes its actual occurrence" was unavoidable (2008, p. 142). To illustrate her point, Steward considers an alcoholic who has easy access to a bottle of whisky. She says that, because of his addiction, the alcoholic may not be able to resist drinking the whisky at some time or other. Whisky drinking behavior is thus bound to occur sooner or later. However, Steward contends that the details about how the alcoholic actually goes about drinking the whisky—for example, where he drinks it, how he drinks it, the precise moment at which he drinks, etc.—will be up to him, in which case, she claims, the token act of whisky drinking that the alcoholic eventually performs was not unavoidable, "but rather a genuine exercise of the two-way power of agency, as all true actions must be" (p.

142). A similar account might be given regarding compulsive behavior of the sort Bob used to engage in.

Steward's handling of addiction and compulsion fares better than Alvarez's, but problems remain. Steward's view seems to require that actions be extremely fragile events in the sense that a slight change in how or when an action is performed results in a different token action. Ordinarily, however, we do not treat most other events in this way. As David Lewis once pointed out, "we are usually quite happy to say that an event might have been slightly delayed, and that it might have differed somewhat in this or that one of its contingent aspects" (2000, p. 185). How much change an event can undergo and yet remain the same event is of course a tricky question. However, if we allow, as we ordinarily do, that a particular event could have occurred in a slightly different way or could have begun at a slightly different time than it actually did and yet remain the same event, the fact (if it is indeed a fact) that an addict or someone suffering from OCD or some other disorder was able to refrain from *A-ing-in-a-particular-way* will not itself support the conclusion that he could have refrained from *A-ing*. Thus, if Steward's defense of PPR is to succeed, she must also defend the view that events, or a certain subclass of events like actions, are fragile entities. More importantly, however, even if the view that actions are fragile is defensible, it is doubtful whether Steward can exploit this fact in defense of PPR in all problematic cases arising from addiction or compulsion.

Addicts and those suffering from various neurological and psychological disorders may, as a result of their condition, be unable to avoid performing certain actions. However, even psychologically healthy agents arguably find themselves in circumstances in which they are unable to refrain from performing some action. In fact,

in certain cases it may be argued that it is hallmark of psychological health that a person cannot avoid acting in a particular way. It is said, not implausibly, that the fully virtuous agent cannot avoid doing the virtuous thing, at least not intentionally. Perhaps there are in fact no fully virtuous agents in this sense, but certainly such agents seem possible. Moreover, there are arguably some things that even those of us who fall just shy of complete virtue cannot bring ourselves to refrain from doing. To see this, it will be helpful to first briefly examine a special class of actions.

Some actions are simply *unthinkable* for a person.<sup>12</sup> As I understand unthinkable actions, if *A*-ing is unthinkable for *S* at *t*, then, everything else being equal, at *t*, *S* is unable to intentionally *A*.<sup>13</sup> It certainly seems as if there are some actions that are unthinkable in this sense. Daniel once claimed to be unable to torture an innocent victim in return for a small sum.<sup>14</sup> I too believe myself incapable of committing such atrocities, given my present psychology. Neither Daniel nor I presently have any motivation to torture innocents; that is, we do not presently want (either intrinsically or extrinsically) to perform any such action. Moreover, we may suppose, plausibly, that our revulsion (on a number of levels) to the idea of performing such actions prevents us from acquiring the pertinent motivation. Now, if *S* has no motivation at *t* to *A*, and if *S* is incapable, at *t*, of acquiring motivation to *A*, then arguably *S* is unable to intentionally *A* just then. Supposing this is correct, it follows that both Daniel and I are unable just now to intentionally torture an innocent victim for small amounts of money. That is just something that, given our circumstances, including our present psychology, we could not

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<sup>12</sup> Cf. Frankfurt (1999, p. 110-112).

<sup>13</sup> With one exception, “*t*” is a period of time longer than a moment. The exception is in the case of momentary actions such as decisions.

<sup>14</sup> See Dennett (1984, p. 133).

bring ourselves to do. This is a rather vivid illustration, to be sure; no doubt more homely examples could be adduced.<sup>15</sup>

A reminder about ability claims is in order. The sense of ability at issue in the present discussion is something stronger than a general ability to *A*, where this is understood as a disposition, capacity, skill or competency to *A*. That *A*-ing is unthinkable for *S* at *t* is consistent with *S* retaining, at *t*, the general capacities needed to *A* right then. But if *A*-ing really is unthinkable for *S* at *t* in the sense presently at issue, then *S* is unable to exercise the relevant capacities at *t* in an attempt to *A*. Daniel no doubt retains certain general physical abilities of the sort that would be employed in torture, and so do I. Presumably, however, what Daniel is claiming when he claims to be unable to torture an innocent victim in return for a small sum is that he could not right now bring himself to exercise these abilities for that purpose. This is certainly what I am claiming when I claim to be unable to torture an innocent victim for a small sum.

If some actions are unthinkable in the sense presently under discussion, some omissions are arguably unthinkable in this sense, too. Unthinkable omissions can be understood in much the same way as unthinkable actions. If intentionally omitting to *A* is unthinkable for *S* at *t*, then, everything else being equal, at *t*, *S* is unable to intentionally refrain from *A*-ing. Are there, or could there be, unthinkable omissions in this sense?

Consider Esther, whose child is in agonizing pain and is begging for relief. Suppose that Esther is the only one who can relieve the child's suffering and that the only way she can do so is by pressing a certain button at *t*, thereby intravenously delivering a powerful pain medication to the child. Esther, being a good and loving parent, wants to press the button at *t* in order to relieve her child's suffering, and circumstances are

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<sup>15</sup> See, for example, Frankfurt (1999, p. 111) and van Inwagen (1983, pp. 406-407).

friendly to her pressing it (e.g., she is capable of pressing the button, there is no external barrier preventing her from pressing it, she isn't ignorant of the button's location, etc.). Moreover, she currently has no motivation to refrain from pressing the button or to do anything incompatible with her pressing it at the relevant time, and, because she loves her child so much, she is psychologically incapable of acquiring such motivation just now. Refraining from pressing the button at  $t$  and thereby allowing her child to continue to suffer in agony is, for Esther, in those circumstances, simply unthinkable. Predictably, Esther presses the button at  $t$ . Was she able to refrain from pressing it? Given the details of the case, I suspect that many of us would be inclined to say she was not. (Again, we may safely set aside the remote possibility that Esther might unintentionally refrain from pressing the button at  $t$ .) And yet, pressing the button at  $t$  is plausibly counted among Esther's intentional actions.

## **5 Conclusion**

PPR says that an event  $A$  is an action of  $S$ 's only if  $S$  could have refrained from  $A$ -ing. I've argued that this principle is both insufficiently motivated and subject to credible doubt in a range of cases. I conclude that performing an action does not require the ability to refrain from performing it. My conclusion has two important implications. First, both Alvarez and Steward's recent attempts to defend PAP are unsuccessful. If PPR is false, then the argument for PAP suggested by Steward (discussed in section 2) is unsound, and whatever other problems there may be with attempts to falsify PAP using Frankfurt-style cases, once we jettison PPR, there is little, if any, reason to think that a "successful" Frankfurt-style counterexample to PAP must presuppose a conceptual impossibility.

Second, that at least some actions could be unavoidable lends at least some support to the idea that the notion of an action is, as Fischer puts it, an actual sequence notion. According to actual sequence theorists about action such as Fischer and myself, what makes an event an action has primarily to do with the nature of the event in question and what happens in the actual sequence of positive events leading up to that event, not on whether the agent had access to alternative possibilities with respect to that event.<sup>16</sup>

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<sup>16</sup> Some might object that I am not entitled to this second conclusion until I falsify views according to which what makes an event an action is something intrinsic to that event (e.g., Ginet 1990). Such views do not count as actual sequence theories, since an event’s being an action, on these views, will not depend on its relation to past events. I think this is a fair criticism. Still, the arguments of this paper constitute a partial defense of actual sequence theories insofar as they succeed in showing that an agent needn’t have access to alternative possibilities in order to perform an action. A comprehensive defense of an actual sequence theory would need to deal with this third type of theory as well.

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