

The Flicker of Freedom: A Reply to Stump

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1. The Flicker of Freedom Defense

According to my preferred version of the principle of alternative possibilities (PAP, for short), a person is not morally responsible for performing an action *A*, if, through no fault of his own, he was powerless at the time to avoid *A*-ing then. Frankfurt cases are widely thought to provide the basis for a powerful argument against such principles. Here is a representative Frankfurt case.

A neurosurgeon named Grey wants Jones to vote for the Republican candidate in an upcoming election. Grey is willing to force Jones's hand if need be, but he prefers that Jones decide on his own to vote for the Republican candidate. So, he covertly implants a device in Jones's brain that enables him to control Jones's thoughts and behavior. The device is set to deterministically cause Jones to decide at time *t* to vote for the Republican candidate if, but only if, Jones does not decide on his own at *t* to vote for that candidate. In the event that Jones decides on his own to vote for the Republican candidate, the device will immediately shut down without causing Jones's decision. Jones, of course, is unaware of all this, and, in any event, there was nothing he could have done to prevent

any of it from happening. In the end, Jones decides on his own at t to vote for the Republican candidate, and so Grey's coercive mechanism never comes into play.¹

Many critics of PAP contend that stories like this, while admittedly somewhat fanciful, show that the principle and others like it are false. Their argument, in its simplest form, goes like this. While Grey's device is not among the causes of Jones's decision, its presence nevertheless renders Jones powerless to avoid deciding at t to vote for the Republican candidate. But since Jones decided on his own at t to vote for the Republican candidate, without any "help" from the likes of Grey and his device, it seems that he can be morally responsible for so deciding nonetheless. Hence, we have a case in which a person is morally responsible for A -ing, despite the fact that, through no fault of his own, he was powerless at the time to avoid A -ing then.

What to make of this argument? One thing to notice is that while Jones may indeed have had no choice but to decide to vote Republican, it seems he did have a choice about whether he made the decision on his own or as a result of Grey's device. Several defenders of PAP have appealed to this feature of the Frankfurt cases in an effort to show that such cases do not cast doubt on the principle. Their claim is that what Jones is really morally responsible for in this story, if he is morally responsible for anything, is deciding *on his own* to vote for the Republican candidate, where "on his own" indicates that the decision was not a result of external coercion or force by the likes of Grey's device. But since he could have done otherwise than decide on his

¹ This Frankfurt case is loosely based on one developed by Mele and Robb (1998). For the original Frankfurt case, see Frankfurt (1969).

own to vote Republican, these defenders of PAP claim, we can explain why Jones is not blameless in this story without having to abandon otherwise plausible principles like PAP.²

The defense of PAP just adumbrated is a version of what John Fischer calls the flicker of freedom defense. What all versions of that defense have in common is that they turn on the observation that there is a residual alternative possibility—a flicker of freedom—available to agents featured in Frankfurt cases. According to the version of the flicker strategy presently at issue, Jones is morally responsible for deciding on his own to vote Republican, and the relevant alternative is his deciding to vote for the Republican candidate as a result of Grey’s device. I will refer to this version of the flicker defense as the *fine-grained* version because it insists that a proper assessment of the Frankfurt cases requires being very precise about what agents in those examples are and are not morally responsible for.³ I compare the fine-grained approach with another, and in my opinion much less plausible, version of the flicker strategy in section 3.

In a fascinating article in this journal, Eleonore Stump claims that the flicker of freedom defense is the best defense of PAP on the market. Nevertheless, she believes that it is ultimately unsuccessful. The defense, she says, “requires the supposition that doing an act-on-one’s-own is itself an action of sorts.” However, Stump contends that this supposition is either “confused and leads to counterintuitive results; or, if the supposition is acceptable, then it is possible to use it to construct [Frankfurt cases] in which there is no flicker of freedom at all.” She concludes that the Frankfurt cases “are successful in showing that PAP is false” (1999, pp. 301-302).

² Peter Van Inwagen (1978, p. 224, n. 24) was the first to suggest a version of this response. See also van Inwagen (1983, p. 181). Versions of it have subsequently been defended by Naylor (1984), Robinson (2012), and Speak (2002), among others.

³ The fine-grained approach is one of four versions of the flicker defense identified by Fischer (1994, pp. 137–147), all of which he thinks are unsuccessful. I will not discuss Fischer’s important objection to the fine-grained approach here. For a response to it that, although incomplete in certain respects, is a step in the right direction, see Robinson (2012, pp. 189-191).

I agree with Stump that (a version of) the flicker defense is among the best available defenses of PAP against the Frankfurt cases. However, I disagree with her assessment of the defense, and in what follows, I identify a number of difficulties with her criticism of it, the most significant of which involves a failure to distinguish two importantly different versions of the flicker strategy. Along the way, I also clarify various nuances of the strategy that sometimes get overlooked, and I highlight the advantages of the fine-grained approach in particular.⁴

2. Stump's Objection

Recall that, according to Stump, the flicker defense requires the supposition that “doing an action-one’s-own is itself an action of sorts.” A bit more precisely, she claims that proponents of the flicker strategy must assume that *A*-ing on one’s own is itself an action, and that *A*-ing-on-one’s-own is a distinct action from *A*-ing (p. 314). (Later, in section 3, I will argue that she is mistaken about this; the fine-grained version of the flicker strategy does not require any such supposition. For now, though, I leave her claim that it does unchallenged.) Stump then argues that the supposition in question has counterintuitive results. For those not convinced of this, however, she goes on to argue that if *A*-ing-on-one’s-own is an action distinct from *A*-ing, we will be able to construct Frankfurt cases with no flicker of freedom, no alternative possibility for action. In this section, I take a closer look at both of these arguments, starting with the first.

Stump contends that the assumption that *A*-ing-on-your-own is an action distinct from *A*-ing leads to the counterintuitive consequence that Jones would have had alternative possibilities for action even if Grey’s device had deterministically caused his decision. In support of her

⁴ For a different criticism of Stump’s position than the one on offer here, see Timpe (2006). Timpe focuses on whether, despite rejecting PAP, Stump is nevertheless committed to some other PAP-like principle. He concludes that she is. I take no stand on that issue. Instead, I shall argue that Stump has not provided good reason to reject PAP in the first place.

contention, she invites us to consider the counterfactual scenario in which the device deterministically produces Jones's decision to vote for the Republican candidate. Stump says, "if there were two alternative possibilities available to [Jones] in a standard [Frankfurt case]...as proponents of the flicker of freedom defense maintain, then there ought to be the same two alternative possibilities available to Jones in [the counterfactual scenario]" (p. 315). However, Stump thinks it is clear that Jones lacks alternative possibilities in the counterfactual scenario. She claims that if Grey's coercive mechanism had deterministically caused Jones's decision, "Jones would be entirely within his rights in claiming, afterwards, that he couldn't have done otherwise than he did, and he wouldn't be moved to rescind that claim by our insistence that there was an alternative possibility for his action" in the original version of the story (p. 315).

This first argument of Stump's can be summed up as follows. If Jones had alternative possibilities for action in the actual sequence of events, then he should have those same alternatives in the counterfactual sequence of events in which his decision is deterministically caused by Grey's device. But he does not have alternative possibilities for action in the counterfactual sequence. So, he does not have them in the actual sequence either.

What are we to make of this argument? I think we should reject the argument's second premise, which says that Jones lacked alternative possibilities in the counterfactual sequence. In both the actual sequence of events in which Jones decides on his own and in the counterfactual sequence of events in which Grey's device deterministically causes Jones's decision, the device is rigged to deterministically cause Jones's decision if, but only if, Jones does not decide on his own to vote Republican. The main difference between the two sequences of events, then, is whether Jones takes advantage of the opportunity to decide on his own. In the actual sequence he does take advantage of it, whereas in the counterfactual sequence he does not. Up until the point

of decision, though, Jones has the same alternatives available to him in both the actual and the counterfactual sequences of events, for in both scenarios it was up to him whether he decides on his own at t or whether his decision is produced by the coercive mechanism. But what is implausible or counterintuitive about that? To be sure, in the counterfactual scenario, Jones's decision is deterministically caused by Grey's device. However, contrary to what Stump suggests, that is compatible with Jones having had alternative possibilities prior to the time of decision, since the device's causing the decision was contingent upon whether Jones decided on his own at t , and whether he decided on his own at t was entirely up to him.

I turn now to Stump's second argument. Let D stand for the decision to vote for the Republican candidate, let O stand for Jones's deciding on his own to vote for that candidate, and assume, as Stump believes proponents of the flicker defense must, that D and O are distinct actions. According to Stump's second argument, if O is a separate action from D , we will be able to construct a Frankfurt case in which Jones is powerless to avoid O -ing and, indeed, in which there is no flicker of freedom whatsoever. But if Jones does O in this new Frankfurt case without being caused to do so by outside forces like Grey's device, then it should be clear, Stump thinks, that he could be morally responsible for O -ing, his lack of alternatives notwithstanding. If she is right about this, then no version of the flicker defense can hope to succeed.

Because O is a mental act of deciding, it will, Stump says, be correlated with a neural sequence the occurrence of which could in principle be initiated by outside forces like Grey's device. Grey could thus cause Jones to O by rigging the device to bring about the pertinent neural sequence. But if so, it would seem we have all the materials necessary to construct a case

in which the counterfactual intervener [i.e., Grey] desires not just some act [*D*] on the part of the victim but also the further act *O*, as well as the act of doing *O*-on-his-own if there is such an action and any further iterated acts of doing on one's own. We can stipulate that the counterfactual intervener controls all these acts in virtue of controlling the firings of neurons in the neural sequences correlated with each of these acts. If the victim doesn't do these acts, the coercive neurological mechanism will produce them.

Here, Stump thinks, we have the blueprint for a Frankfurt case with no flicker of freedom. In such a case, she says, "there are no alternative possibilities for action of any sort" (p. 317).

A central assumption underlying Stump's attempt to produce a Frankfurt case with no flicker of freedom is that Grey could cause Jones to *O* using the coercive mechanism he implanted in Jones's brain. This assumption merits further investigation.

Recall that *O* stands for Jones's deciding on his own to vote Republican, where, again, "on his own" indicates that the decision was not a result of external coercion or force by the likes of Grey. Having been reminded of this, we should ask ourselves whether Grey could really use his device to cause Jones to *O*. I should have thought not, for *O* seems to be something that, by its very nature, is not caused by outside forces like Grey and his device. But if this is right, then Stump is mistaken to suppose that Grey could cause Jones to *O*, and, accordingly, is mistaken to think that she has provided us with a blueprint for producing Frankfurt cases in which there is no flicker of freedom. For if it is impossible for Grey to cause Jones to *O*, then the decision he causes Jones to make in the counterfactual sequence of events is not identical to *O*, in which case Stump's new Frankfurt case is not one in which Jones had no alternative to *O*.

Stump, however, contends that, appearances to the contrary, Grey could have used his device to cause Jones to *O*. On her view, if Grey had done this, *O* could not then coherently be described as something Jones did on his own. But it would be the very same action as the one Jones actually performed. Compare: if Earl were to give me the shirt off his back, it would still be the same shirt, but it could then no longer be accurately described as the-shirt-Earl-is-wearing. Similarly, Stump's thought seems to be that if Grey were to cause Jones's decision, the decision he causes would be the same one Jones actually made, even though it could not then be accurately described as one he made on his own. Attention to two ways proponents of the flicker strategy might try to render plausible the assumption that *O* and *D* are separate actions will enable us to see that this response of Stump's does not circumvent the objection at issue.

One way to get *O* to come out as a separate action would be to adopt an historical approach to event and action individuation, according to which events, including human actions, are individuated in part by their causes. On this approach to event and action individuation, *x* and *y* are distinct events if they have different causes. Now, it should be obvious that if this is the right way to individuate actions and other events, Stump is mistaken to suppose that Grey could have caused Jones to perform the very same action that Jones performed on his own. Any action Grey causes Jones to perform would have a different causal history than the action Jones performed on his own, and thus, according to the historical approach to event and action individuation, would not be identical to the action Jones performed on his own.

Another way to get *O* to come out as a separate action would be to first adopt a fine-grained account of action individuation, according to which *x* and *y* are distinct actions if and only if they exemplify different act-properties, and then to assume that *A-ing on one's own* is a different act-property than *A-ing* (in much the same way, for example, that *talking slowly* is a

different act-property than *talking*). Given that assumption, the fine-grained account of action individuation implies that *O* (Jones's deciding on his own to vote Republican) is indeed a different action than *D* (his deciding to vote Republican). Notice, however, that it also implies that Grey could not cause Jones to *O*, for whatever action Grey might have caused Jones to perform would not be something Jones did on his own, and so, according to the present version of the fine-grained account of action individuation, would not be identical to the action Jones performed on his own, as the two actions would not have all the same act-properties.

On both the historical and fine-grained approaches to event and action individuation, *O* may very well be a different action than *D*. However, neither approach is consistent with Stump's claim that Grey could cause Jones to *O*, an assumption that is necessary if her new Frankfurt case is to be one in which there is no flicker of freedom. Since these are the only two approaches to action individuation I know of that would allow the flicker theorist to say that *O* is not identical to *D*, and since Stump is assuming for the sake of argument that *O* is not identical to *D*, I conclude that she has failed to produce a Frankfurt case with no flicker of freedom.

The discussion thus far has been conducted on the assumption that *O* and *D* are distinct actions. But suppose that assumption is mistaken. Suppose, in other words, that the decision Jones made on his own in the actual sequence of events is the very same decision as the one he makes in the counterfactual sequence of events in which his decision is caused by Grey's coercive mechanism. Would this new supposition cast doubt on the adequacy of the flicker strategy? Stump insists that it would. However, matters are a bit more complicated than she supposes. As I shall now argue, a lot hinges on which version of the flicker strategy is at issue.

3. The Flicker Strategy: Two Versions

Central to Stump's criticism of the flicker defense is her claim that the defense must treat *A*-ing-on-one's-own as a distinct action from *A*-ing. So far in this article I have argued that her criticism of the flicker strategy is unsuccessful even if that claim were true. In fact, however, the claim is false. While there is a version of the flicker defense that requires treating *A*-ing-on-one's-own as a distinct action from *A*-ing, other versions do not. The fine-grained version identified earlier, in section 1, is a case in point. Insofar as Stump's objection to the flicker defense is predicated on her claim that the defense must treat acting on one's own as a distinct action, the objection is not applicable to other versions of the flicker strategy such as the fine-grained version.

When we say Jones decided "on his own" to vote Republican we are making an observation about the etiology of Jones's decision, viz., that it was not the result of outside coercion or force. According to proponents of the fine-grained version of the flicker defense, while Jones is not morally responsible for deciding as he did, since, through no fault of his own, he was powerless to avoid so deciding, he is, or at least may be, morally responsible for the way his decision came about—i.e., not as result of coercion or force. Put differently, their claim is that, while Jones is not morally responsible for the *fact* that he decided to vote for the Republican candidate, since, through no fault of his own, he could not have prevented that fact from obtaining, he is, or at least may be, responsible for the fact that he decided on his own to vote Republican, as he could have prevented that more precise fact from obtaining. Notice that, in making such claims, proponents of the fine-grained approach are not committed to treating Jones's deciding on his own to vote Republican as a distinct action from his deciding to vote Republican, nor are they committed to saying that Jones is morally responsible for a decision he made, one he would have avoided making had he omitted to decide on his own. So even if Stump

is right that *A*-ing and *A*-ing-on-one's-own should not be treated as distinct actions, by itself this does nothing whatsoever to impugn the fine-grained version of the flicker strategy, since that version does not require us to treat *A*-ing and *A*-ing-on-one's-own as separate actions.

In claiming that the flicker defense requires the assumption that “doing an act-on-one's-own is itself an action of sorts,” Stump has seemingly run together two very different versions of the defense. According to proponents of the fine-grained version, it may be true that Jones, through no fault of his own, was powerless to avoid deciding at *t* to vote for the Republican candidate. And if that is true, then, in their opinion, we should not deem him morally responsible for so deciding. This is not to say, though, that Jones is off the hook, since, as proponents of the fine-grained approach go on to insist, Jones is, or at least may be, morally responsible for deciding on his own to vote Republican. We must be careful, however, to distinguish this fine-grained version of the flicker defense from a second version with which it can easily be conflated, according to which the decision Jones made on his own in the actual sequence of events is not identical to the one he would have made had Grey's device been among the causes of his decision.⁵ Call this version of the flicker defense the *act-individuation* version. According to it, while Jones may very well be morally responsible for the decision he made, that fact does not threaten principles like PAP, since Jones could have avoided making that particular decision by simply omitting to decide on his own to vote for the Republican candidate.⁶

Several important differences between the fine-grained and the act-individuation versions of the flicker defense merit attention. Proponents of the fine-grained version can grant, at least for the sake of argument, that Jones was powerless to avoid making the particular decision he made. Proponents of the act-individuation version, however, deny this, insisting instead that

⁵ Cf. Fischer (1994, pp. 136-138).

⁶ The roots of the act-individuation version of the flicker strategy can be found in van Inwagen's (1978) early discussion of the Frankfurt cases. For a recent defense of the act-individuation strategy, see Pettit (2005).

Jones could have avoided making that particular decision by not deciding on his own. Note that in making this claim, proponents of the act-individuation strategy must endorse a principle of action individuation like those discussed in section 2, principles which have the consequences that the decision Jones makes in the actual sequence of events is not identical to the one he makes in the counterfactual sequence in which Grey's device is among the causes of his decision. By contrast, proponents of the fine-grained strategy need take no stand on vexed questions about action individuation, as they are not committed to the claim that the decision Jones made is distinct from the one he would have made had Grey's device played a role in causing the decision. This strikes me as an especially important advantage of the fine-grained version of the flicker strategy, given that the various principles of individuation to which proponents of the act-individuation version might appeal are controversial at best. Note, finally, that whereas it is open to proponents of the fine-grained approach to deny that Jones is morally responsible for his decision to vote Republican (since they can grant that, through no fault of his own, Jones had no choice but to make that decision), proponents of the act-individuation approach insist that Jones might very well be morally responsible for the particular decision he made, for, according to them, it was within his power to avoid making that particular decision.

It is perhaps worth noting that, despite the differences between the fine-grained and the act-individuation versions of the flicker strategy, they are not mutually exclusive. One could, in principle at least, endorse both versions of the strategy. One could, for example, say that Jones is morally responsible both for the general fact that he decided on his own and for the particular decision he made. One could then argue that this is consistent with principles like PAP, for while Jones could not have avoided making a decision to vote for the Republican candidate, he could have prevented it from being the case that he decided on his own to vote Republican, and could

also have avoided the particular decision to vote Republican that he actually made, by simply omitting to decide on his own at t to vote for the Republican candidate.

Perhaps the fact that the two versions of the flicker strategy can be combined in this way helps to explain why they can be so easily run together. In any event, we should keep in mind that, while they are not mutually exclusive, neither do they necessarily stand or fall together. Should it turn out that *A*-ing-on-one's-own and *A*-ing are not distinct actions, this would undermine the act-individuation version of the flicker strategy. However, it would not cast the least doubt on the fine-grained version, since, as we have seen, that version is compatible with the claim that the decision Jones makes in the actual sequence of events in which he decides on his own is the very same decision as the one he makes in the counterfactual sequence of events in which his decision is deterministically caused by the coercive mechanism implanted by Grey.

4. Conclusion

Stump criticizes the flicker of freedom defense on the grounds that it relies on the assumption that “doing an act-on-one's-own is itself an action,” an assumption which she regards as problematic for various reasons. I have argued that her criticism of the flicker defense fails on two accounts. First, she has not shown that the assumption in question is problematic. But second, and more importantly, even if it is, at most this impugns the act-individuation version of the flicker strategy, as that is the only version requiring anything resembling the claim that doing an act-on-one's-own is itself an action. Stump's criticism of the flicker defense thus leaves other versions of the strategy, such as the fine-grained version, completely unscathed.⁷

⁷ Thanks to Al Mele for helpful feedback on some of the material presented in this article.

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