Against (Modified) Buffer Cases

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Abstract: I defend the principle of alternative possibilities (PAP) against what are sometimes known as buffer cases, which are supposed by some to be counterexamples to the principle. I develop an existing problem with the claim that standard buffer cases are counterexamples to PAP, before responding to a recent attempt by Michael McKenna (2018) to modify the cases in a way that circumvents this problem. While McKenna's strategy does avoid the problem, I argue that it faces a different difficulty. I conclude that (modified) buffer cases pose no threat to PAP.

Buffer cases are one of several variations on Harry Frankfurt's (1969) influential attempt to develop a counterexample to the principle of alternative possibilities (PAP). As with Frankfurt's original thought experiment, though, it's a matter of considerable controversy whether buffer cases are indeed counterexamples to that principle. I'll argue in what follows that they are not. I start by developing an existing criticism of standard buffer cases. I then respond to a recent attempt by Michael McKenna (2018) to modify buffer cases in a way that circumvents this criticism. I argue that while McKenna's strategy does indeed avoid the criticism, it faces difficulties of its own. I conclude that (modified) buffer cases pose no threat to PAP.

1. Buffer Cases

According to a common interpretation of PAP, a person is morally responsible for what he did only if he had a *robust* alternative possibility for action, where a robust alternative is one that is relevant per se to an explanation of why the person is morally responsible for what he actually did. Frankfurt (1969) famously attempted to develop a counterexample to this principle or one like it. He envisioned a case in which an agent performs an action on his own (i.e., without being forced to perform it), though the agent would have been forced to perform the very same action had he not performed it on his own. Frankfurt claimed that, in cases like this, the agent can be morally responsible for what he did even though he couldn't have avoided doing it.

One of the main objections to Frankfurt's argument takes the form of a dilemma: either the agent's action in Frankfurt's examples was causally determined, or it wasn't. If it was, then it would beg the question against incompatibilists about determinism and responsibility for Frankfurt and others to simply assert, without further argument, that the agent is morally responsible for his action. If, however, the action wasn't causally determined, then while the agent might be morally responsible for what he did, there must have been a (robust) alternative possibility for action available to him. Either way, we don't have a counterexample to PAP.[1]

Enter the buffer cases. Buffer cases are one of several Frankfurt-style examples designed to circumvent this dilemma. I'll focus on the following buffer case of Derk Pereboom's, but what I have to say about it will apply, mutatis mutandis, to other such cases.[2]

> *Tax Cut*: Jones can vote for or against a modest tax cut for those in his high-income
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> group by pushing either the 'yes' or the 'no' button in the voting booth. Once he has

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[1] Robert Kane (1985: 51) first suggested this dilemma. Versions of it have subsequently been developed and defended by Ginet (1996), Widerker (1995), and Wyma (1997), among several others.
[2] Hunt (2000) and (2005) and Hunt and Shabo (2013) also defend buffer cases.

entered the voting booth, he has exactly two minutes to vote, and a downward-to-zero ticking timer is prominently displayed. If he does not vote, he will have to pay a fine, substantial enough so that in his situation he is committed with certainty to voting (either for or against), and this is underlain by the fact that the prospect of the fine, together with background conditions, causally determines him to vote (although, to be clear, these factors do not determine how he will vote). Jones has concluded that voting for the tax cut is barely on balance morally wrong, since he believes it would not stimulate the economy appreciably, while adding wealth to the already wealthy without helping the less well off, despite how it has been advertised. He is receptive and reactive to these general sorts of moral reasons: he would vote against a substantially larger tax cut for his income group on account of reasons of this sort, and has actually done so in the past. He spends some time in the voting booth rehearsing the relevant moral and self-interested reasons. But what would be required for him to decide to vote against the tax cut is for him to vividly imagine that his boss would find out, whereupon due to her political leanings she would punish him by not promoting him to a better position. In this situation it is causally necessary for his not deciding to vote for the tax cut, and to vote against it instead, that he vividly imagine her finding out and not being promoted, which can occur to him involuntarily or else voluntarily by his libertarian free will. Jones understands that imagining the punishment scenario will put him in a motivational position to vote against. But so imagining is not causally sufficient for him to decide to vote against the tax cut, for even then he could still, by his libertarian free will, either decide to vote for or against (without the intervener's device in place). However, a neuroscientist has, unbeknownst to him, implanted a device in his brain, which, were it to sense his vividly imagining the

punishment scenario, would stimulate his brain so as to causally determine the decision to vote for the tax cut. Jones's imagination is not exercised in this way, and he decides to vote in favor while the device remains idle. (Pereboom 2014: 23)

Cases like this are known as buffer cases because in order for the agent to avoid doing what he did (voting for the tax cut), he would first have had to engage in some sort of mental activity (vividly imagining his boss finding out). This mental activity functions as a kind of mental buffer zone between the decision the agent actually made and any alternative decisions. If the agent had entered that mental buffer zone, thereby indicating that he might be leaning towards making an alternative decision, the neuroscientist would have intervened and forced the agent to make the very same decision that he made on his own in the actual sequence of events.

Buffer cases like *Tax Cut* are thought to avoid the dilemma facing Frankfurt's original example. In *Tax Cut*, Jones's decision to vote for the tax cut isn't causally determined. It is, we may suppose, produced instead by Jones's own, indeterministic action-producing mechanisms (incompatibilists should feel free to fill in the details about those mechanisms as they see fit). So, claiming that he is morally responsible for the decision wouldn't beg the question against incompatibilists. And Jones does seem blameworthy for that decision, doesn't he? After all, he is a mentally healthy agent, who knew at the time that he was making the wrong decision, and, what's more, he appears to have made the decision of his own free will. Given all this, it's difficult to resist the conclusion that Jones is blameworthy for his decision to vote for the tax cut.[3]

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[3] But see Franklin 2011, Ginet 2002, and Palmer 2011 and 2013 for attempts to resist it. See Capes 2016 for some potential downsides to the sort of position defended by Franklin, Ginet, and Palmer.

Yet, according to Pereboom and other proponents of the buffer cases, Jones didn't have a robust alternative possibility available to him. Let t be the moment that Jones decided to vote for the tax cut. Instead of deciding at t to vote for the tax cut, Jones could have instead vividly imagined his boss finding out about his vote and punishing him for it by refusing to give him the promotion. However, according to Pereboom and others, this alternative possibility isn't robust. It's not even partly because Jones could have performed that alternative mental action at t that he is blameworthy for what he actually did at t (viz., deciding to vote for the tax cut). I'll consider Pereboom's argument for that claim momentarily. For now, readers should note that if the claim is correct, then we would appear to have an indeterministic counterexample to PAP, a case in which a person is morally responsible for performing an undetermined action even though the person lacked a robust alternative possibility for action.

2. Robustness

Although I don't think the issue is as clear cut as some suppose, I'm willing to grant, at least for the sake of argument, that Jones is indeed blameworthy in *Tax Cut* for deciding to vote for the tax cut. The issue I want to focus on is whether he had a robust alternative possibility available to him. I'll argue that he did. But first I respond to Pereboom's argument for the opposite claim.

According to Pereboom, Jones vividly imagining at t what his boss would do if she found out that he voted for the tax cut isn't a robust alternative to what Jones actually did at t (deciding to vote for the tax cut). In support of that claim, Pereboom argues as follows:

1. For an agent to have a robust alternative to her immoral action A, that is, an alternative relevant per se to explaining why she is blameworthy for performing A, it must be that (i)

she instead could have voluntarily acted or refrained from acting as a result of which she

would be blameless, and (ii) for at least one such exempting acting or refraining, she is

cognitively sensitive to the fact that she could so voluntarily act or refrain, and that if she

voluntarily so acted or refrained she would then be, or would likely be, blameless.

(Pereboom 2014: 13)

2. Jones's vividly imagining at *t* what his boss would do if she found out that he voted for

the tax cut doesn't meet condition (ii); Jones isn't cognitively sensitive to the fact that if,

rather than deciding at *t* to vote for the tax cut, he were to instead vividly imagine at *t*

what his boss would do if she found out that he voted for the tax cut that he would then

be, or would likely be, blameless.

3. Hence, Jones's vividly imagining at *t* what his boss would do if she found out that he

voted for the tax cut isn't a robust alternative to the immoral action he performed at *t*.

Step 2 of this argument is ensured by the details of *Tax Cut*. It's true that if Jones had vividly

imagined at *t* his boss's reaction instead of deciding then to vote for the tax cut, he would have

avoided blameworthiness for the decision; for in that case, the neuroscientist's device would

have kicked in, compelling Jones to decide to vote for the tax cut, in which case Jones would

have been blameless for the resulting decision. However, Jones was completely unaware of all

this. He therefore wasn't cognitively sensitive to the fact that if he vividly imagined his boss's

reaction, then he would have been blameless for deciding to vote for the tax cut. The question,

then, is whether step 1 of Pereboom's argument is true. I'll now argue that it isn't.

Consider Edward, a recovering drug addict. Edward is at a party where some friends are

using drugs, and he is very tempted to join them. However, he promised his teenage daughter

that he would remain clean. He knows that, given the strength of his desire to use, he'll probably give in and get high. His main hope of not doing so, he realizes, is if he calls his daughter and hears her voice. This will boost his motivation to keep his promise to her, but only a little bit. Even if he calls his daughter and hears her voice, Edward knows that he is still very likely to fall off the wagon and use, given the strength of the temptation he is facing. And, if he does eventually decide to use drugs, he knows that he will be blameworthy for doing so (the desire to use isn't irresistible, we may suppose, and he would have no other excuse for making that decision). In the end, Edward elects not to call his daughter, despite knowing that he could call her and that calling her now would be the right thing to do given that it would increase (if only a little bit) the chances that he will decide not to get high. Instead, he immediately decides to get high and executes that decision without giving further thought to whether he should.[4]

Absent any exculpating considerations, Edward is blameworthy in this case for breaking his promise to his daughter and using drugs. Moreover, the fact that he could have made an effort to avoid breaking the promise by calling his daughter certainly seems relevant to an explanation of why Edward is blameworthy for what he did. Part of the reason Edward is blameworthy for breaking his promise not to use drugs, it would seem, is that he could have at least tried to resist the temptation to do so by calling his daughter, thereby boosting his motivation to keep the promise. Calling his daughter therefore appears to be robust alternative possibility for action.

This conclusion is supported by what I have elsewhere called the reasonable expectations test for robustness (see Capes 2016: 273). Is there a morally permissible action the agent could have performed at t such that we could reasonably have expected the agent to perform that action at t instead of the action that the agent actually performed at t? If the answer to this question is

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[4] I owe this sort of example to Philip Swenson, who, if memory serves, suggested something like it in conversation once. McKenna (2018: 3122) discusses a similar example, though he puts it to a slightly different use.

'yes', then it seems we would have a plausible candidate for a robust alternative, since in that case we could explain why the agent is blameworthy for the bad action he actually performed at *t* in part by point out that he had a reasonable opportunity to avoid behaving as badly as he did at *t* by performing this other action then instead. Note that, for Edward, calling his daughter rather than giving in immediately to the temptation to use drugs passes this test for robustness. It would have been reasonable to expect Edward to call his daughter at *t* (an action he knows would boost his motivation to stay clean) rather than deciding at *t* to do drugs. It follows from the reasonable expectations test for robustness that, for Edward, calling his daughter up so that he could hear her voice is a robust alternative to the bad action Edward actually performed at the time (deciding to get high with his friends and thereby breaking his promise to his daughter that he would no longer use drugs).

Note, though, that Edward wasn't cognitively sensitive to the fact that if he had called his daughter right then rather than deciding then to get high, he would have been, or would likely have been, blameless for deciding to get high and for breaking his promise. Edward wasn't cognitively sensitive to this fact for the simple reason that it isn't a fact. Edward knew that even if he called his daughter, he would still likely give in to the temptation to get high and that he would be blameworthy for doing so. Yet attempting to boost his motivation to do the right thing by calling his daughter, though it doesn't meet condition (ii) of Pereboom's requirement for robustness stated in premise 1, is arguably still a robust alternative for Edward. We thus have a counterexample to premise 1 of Pereboom's argument.[5]

So far in this section I've raised an objection to Pereboom's argument for the claim that Jones doesn't have a robust alternative possibility for action in *Tax Cut*. That objection also

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[5] In Capes 2016, I develop some other difficulties with Pereboom's argument.

suggests a reason for thinking that Jones does have a robust alternative possibility for action. Recall that "Jones understands that imagining the punishment scenario will put him in a motivational position to vote against" the tax cut. When we combine this feature of the case with the fact that Jones knows it would be wrong to vote for the tax cut, it seems that we could have reasonably expected Jones to imagine at *t* his boss punishing him, rather than deciding then to vote for the tax cut. In doing so, Jones would have been doing something to try to avoid performing the immoral actions that he actually performed, and we could have reasonably expected him to do *that* at *t* rather than going ahead at *t* with the immoral behavior. So, by the reasonable expectations test, Jones had a robust alternative to what he actually did at *t*. Thus, even if Jones is blameworthy for deciding to vote for the tax cut, this is in part because he could have avoided doing so at *t* and thus could have avoided doing the wrong thing at *t*. Jones could have at least tried at *t* to avoid doing the wrong thing in the scenario (voting for the tax cut), and that hardly seems irrelevant to an explanation of why he is blameworthy for what he did.

3. A Modified Buffer Case

Standard buffer cases like *Tax Cut* therefore aren't counterexamples to PAP. This, however, would be a fairly uninteresting conclusion if there were a simple way of modifying the cases so as to avoid the worries I've raised for them while still generating a counterexample to the principle. McKenna (2018) suggests just such a modification. After setting out McKenna's position, I'll argue that while the modified case he proposes does indeed avoid the objection that I've leveled against standard buffer cases like *Tax Cut*, it doesn't yield a counterexample to PAP.

The difficulty with standard buffer cases like *Tax Cut*, McKenna says, is that the cue for the neuroscientist to intervene is a free action of the agent (e.g., Jones freely imagining his boss's

reaction). The solution McKenna proposes is to keep the basic structure of buffer cases but make the cue for intervention an involuntarily mental occurrence. McKenna outlines the strategy as follows:

> Outside the context of a Frankfurt-style example, and assuming an indeterministic context amenable to libertarian freedom, it is easy to imagine cases in which an agent's free act is not causally determined and in which, were she do to otherwise, her doing so would require that some relevant reason or motivational state have arisen, where whether or not this occurs would *also* be undetermined by way of some non-voluntary process. In general, when we reason practically or deliberate, there is some luck as to what reasons do or do not come to mind, or what motivations have what strength they do. This can depend on how much coffee one has had or how high one's hormone levels happen to be at a certain time. There should be nothing problematic about supposing that such a process is indeterministic and that it is fully compatible with exercises of libertarian freedom. I propose that a Pereboom-style prior sign strategy applied to cases such as these. (2018: 3125)

Applying this strategy to *Tax Cut*, McKenna offers the following variation on that case:

> *Tax Cut 2*: Jones considers voting for or against the tax cut, just as he does in Pereboom's original case, and he [decides to vote] for the tax cut at t1 for the same reasons he does at time t1 in Pereboom's case. Jones's doing so just then…was not causally determined, since at any time antecedent to his doing so, the thought of his boss learning of his vote

against might occur to him by way of a non-voluntary process, whereupon (in the absence of an intervener) he might then exercise his libertarian free will to vote against the tax cut. But as things unfold, Jones proceeds to reason and deliberate in the absence of any further motivation-boosting reasons to vote against, considering pro or con reasons weighted as they were just as in Tax Cut. When he decides on his own to vote for the tax cut, nothing interfered with his doing so…Were he to have imagined the boss-scenario, an intervener then would have intervened [forcing him to decide to vote for the tax cut]. (2018: 3126)

In this version of the case, Jones couldn't have *voluntarily* avoided deciding at *t1* to vote for the tax cut, but neither was it determined that Jones would decide at *t1* to vote for the tax cut, since a non-voluntary process might have resulted instead in Jones vividly imaging at *t1* his boss learning about his vote. Thus, something else could have happened at *t1*. But whether this alternative event occurred at *t1* isn't something over which Jones had any control. Because of this, it's plausible that Jones didn't have a robust alternative available to him.

So, unlike in *Tax Cut* 1, we have in *Tax Cut 2* an indeterministic Frankfurt case in which the agent lacks any robust alternative possibilities for action. Do we also have a counterexample to PAP? It depends, of course, on whether Jones is blameworthy for deciding to vote for the tax cut. It's not obvious that he is. Through no fault of his own, Jones had no way to avoid deciding at *t1* to vote for the tax cut. True, it was causally possible that he not decide then to vote for the tax cut. However, as we just noted, that alternative possibility isn't one Jones had it within his power to actualize. He thus had no control over whether he decided at *t1* to vote for the tax cut or whether he instead began to consider at *t1* what his boss would do if she found out that he voted

for it. When we keep that fact firmly in mind, it's not at all obvious that Jones is blameworthy for deciding to vote for the tax cut. So, why suppose he is?[6]

McKenna claims that "two points count in favor of treating" Jones's decision as a "directly free libertarian" act, and thus sufficiently within Jones's control for him to be morally responsible for it. First, McKenna points out that Jones's decision wasn't "deterministically produced and…[flows] from typical agential resources arising from the agent's own motivation, process of deliberation and so on." Second, McKenna claims that,

> outside the context of a Frankfurt example, it even remains true up until just prior to the agents (putatively) free act that she might have done otherwise, consistent with the past and the laws. After all, without any Frankfurt intervener present, the pertinent motivation-boosting event might have occurred, and the agent then might have exercised her libertarian free will to act otherwise. Hence, it is true to say of the agent just prior to her acting as she did that *she was able to act otherwise*. (3125-3126).

Given all this, there seems to be no reason to doubt that Jones would have been morally responsible for deciding to vote for the tax cut, had the intervener not been present. But in Frankfurt cases like *Tax Cut 2*, the intervener does nothing but monitor the agent's mental states.

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[6] An anonymous referee suggested that, in this paragraph, I have begged the question against the Frankfurt-defender. But I see things differently. Frankfurt cases like *Tax Cut 2* are supposed to provide us with cases in which the agent lacks a robust alternative but is blameworthy for what she does nonetheless. But why should we accept the claim that the agent in such cases is blameworthy? It might be said that that claim is just intuitively obvious. But that's what I deny. I claim that, when we focus carefully on the features of the case as described, it's not intuitively obvious that the agent is blameworthy, which means that we need further reason to suppose that she is blameworthy, if the argument against PAP based on *Tax Cut 2* is going to succeed. My claim, then, is that the mere assertion that the agent in a case like *Tax Cut 2* is blameworthy is not intuitively obvious and thus requires further defense. By itself, that claim doesn't beg the question; it is simply to insist that a premise in the argument against PAP needs further support. Note, moreover, that I do go on to argue below for the claim that incompatibilists at least should judge Jones not to be blameworthy for his action in *Tax Cut 2*.

It's thus implausible to suppose that the intervener makes a difference to the agent's moral responsibility. How, we might wonder, could the intervener affect whether Jones is morally responsible for his decision given that the intervener doesn't actually intervene in the actual course of events? So, since Jones would have been blameworthy for his decision had the intervener been absent, he should be no less blameworthy for that decision when the intervener is present. Hence, McKenna concludes that Jones is blameworthy in *Tax Cut 2* for his decision to vote for the tax cut even though there were no robust alternative possibilities available to him.

I address both of McKenna's points in turn, starting with the first. The thing to say about it is that, by itself, in the absence of any further inculpating considerations, the fact that Jones's decision to vote for the tax cut wasn't "deterministically produced and…[flows] from typical agential resources arising from the agent's own motivation, process of deliberation and so on," does little to support the conclusion that Jones is blameworthy for that decision—at least this is so given McKenna's aim of persuading incompatibilists to reject PAP. To see why, consider

> *Cheater 1*: Nora decides at *t* to cheat on an exam, her decision flows "from typical agential resources arising from [her] own motivation, process of deliberation and so on," and it was causally determined by factors beyond her control that she would so decide.

Now compare *Cheater 1* with

> *Cheater 2*: Everything is the same as in *Cheater 1*, except it wasn't causally determined that Nora would decide at *t* to cheat on the exam. It was causally possible that she have a seizure at *t* instead, which would have prevented her from making any decisions at *t*.

However, this wasn't an alternative possibility that Nora herself could have actualized. She couldn't have actively brought about the seizure; she simply had to wait and see whether it happened to her or not. There were no other alternative possibilities.

Obviously, incompatibilists will judge Nora not to be morally responsible for her decision in *Cheater 1*, since her decision in that case was causally determined by factors beyond her control. However, they would presumably say the same thing about her in *Cheater 2*, for although Nora's decision in this latter case wasn't causally determined, and although it flowed "from typical agential resources arising from [her] own motivation, process of deliberation and so on," Nora had no more control over whether she decided at *t* to cheat on the exam than she did in *Cheater 1*. In fact, she didn't have any more control *of any kind* over her behavior. So, by incompatibilist lights, Nora is no more blameworthy for her behavior in *Cheater 2* than she is in *Cheater 1*. Assuming incompatibilism, then, the fact that Nora's decision wasn't causally determined and flowed "from typical agential resources arising from [her] own motivation, process of deliberation and so on" by itself gives us no reason to think that she is blameworthy for her decision. Similarly, the fact that Jones's decision to vote for the tax cut in *Tax Cut 2* was undetermined and flowed "from typical agential resources arising from the agent's own motivation, process of deliberation and so on," is insufficient by itself, apart from further considerations, to support the conclusion that Jones is blameworthy for that decision.

Indeed, *Tax Cut 2* seems not relevantly dissimilar from *Cheater 2*. In both cases, the agent will perform a particular action at a time unless some alternative event occurs at that time instead, and in both cases, the agent has no control over whether that alternative event occurs or not, insofar as the agent doesn't have it within her power to actively bring about that alternative

event instead of the performing the action that she actually performs at the time. Thus, if the incompatibilist rightly judges Nora not to be responsible for her decision in *Cheater 2*, then so too the incompatibilist should judge Jones not to be responsible for his decision in *Tax Cut 2*.[7]

By itself, then, McKenna's first point doesn't give us a compelling reason to accept the claim that Jones is morally responsible in *Tax Cut 2* for deciding as he did. If anything, it points us to a reason to think that Jones isn't morally responsible for so deciding. But what about McKenna's second point? McKenna claims that, "outside the context of a Frankfurt example, it even remains true up until just prior to the agents (putatively) free act that she might have done otherwise, consistent with the past and the laws." This is because, "without any Frankfurt intervener present, the pertinent motivation-boosting event might have occurred, and the agent then might have exercised her libertarian free will to act otherwise." Thus, McKenna concludes that, in the absence of an intervener, "it is true to say of the agent just prior to her acting as she did that *she was able to act otherwise*." And, if the agent was able to act otherwise, then she would have been morally responsible. So, in the absence of the intervener, Jones would have been blameworthy in *Tax Cut 2* for deciding to vote for the tax cut. But, again, since the intervener doesn't intervene in the actual course of events, it seems implausible to suppose that adding him back in to the story could alter Jones's responsibility in anyway. Hence, it seems we should conclude that Jones is blameworthy in *Tax Cut 2* for deciding to vote for the tax cut.

What to make of this argument? As I've already hinted, I believe incompatibilists have reason to reject the premise that Jones would have been blameworthy for deciding to vote for the tax cut, had the intervener been absent from the story. Jones, I claim, isn't blameworthy for his decision whether the intervener is present or not. It's true that the intervener has no impact on

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[7] Elzein (2017) makes a similar point.

Jones's moral responsibility, but that's because Jones wouldn't have been responsible even in a non-Frankfurt version of the story in which no intervener is present. Why not? Well, because Jones had no control over whether he decided at *t1* to vote for the tax cut or whether he instead began considering the punishment scenario involving his boss. Like Nora in *Cheater 2,* he just had to wait and see what happened. And this is true intervener or no intervener.

We can perhaps see the point more clearly by taking a closer look at McKenna's claim that "outside the context of a Frankfurt example, it…remains true up until just prior to the agent's (putatively) free act that she might have done otherwise, consistent with the past and the laws." This claim is ambiguous. It could mean

> Outside the context of a Frankfurt example, it remains true up until just prior to the
> agent's (putatively) free act that it was causally possible that she does otherwise,

or it could mean

> Outside the context of a Frankfurt example, it remains true up until just prior to the
> agent's (putatively) free act that she had some control over whether she performed that
> act.

But as I'll now explain, neither reading of the claim is conducive to McKenna's argument.

On the first reading the claim is true, but, as we saw in connection with McKenna's first point, it doesn't support the conclusion that Jones is blameworthy for deciding to vote for the tax cut. By itself, the fact that an agent's action isn't causally determined is no reason to suppose that

the agent is morally responsible for the action, and this is true, moreover, even if (as we are assuming is true of Jones and his decision to vote for the tax cut) the action arose from "typical agential resources arising from the agent's own motivation, process of deliberation and so on." (Remember, Nora's action arose from such typical agential resources as well and also was undetermined, yet it's clear, by incompatibilist lights, that she is not blameworthy for her action.)

On the second reading McKenna's claim supports the conclusion that Jones is morally responsible for deciding to vote for the tax cut. The problem, though, is that, on that second reading, McKenna's claim is false. What is true about Jones in *Tax Cut 2* is that, in the absence of the intervener, Jones would have had some control over whether he decided (after *t1*) to vote for the tax cut, *if* "the pertinent motivation-boosting event" had occurred at *t1*; for if the motivation-boosting event had occurred at *t1*, then, in the absence of a Frankfurt intervener, Jones would have been free (after *t1*) to make an alternative decision (after *t1*). However, Jones had no control over whether the relevant motivation-boosting event occurred at *t1* or whether he instead decided then to vote for the tax cut. It simply wasn't up to him which of those two events occurred at *t1*. This is because, unlike in *Tax Cut*, Jones couldn't have actively brought about that motivation-boosting event at *t1*. And, again, this is true, whether the intervener is present or not. All the intervener does is to make sure that Jones doesn't make an alternative decision, *if* the motivation-boosting event happens to occur. But Jones has the same amount of control at and prior to *t1* over what happens at *t1* whether the intervener is present or not.

We can thus agree with McKenna that the intervener has no impact on Jones's moral responsibility. What's not clear, I claim, is that Jones would have been morally responsible in the absence of the intervener. Indeed, given that, through no fault of his own, Jones had no control at or prior to *t1* over whether he decided at *t1* to vote for the tax cut or instead began at *t1* to

imagine the punishment scenario, it seems to me that Jones isn't morally responsible for deciding to vote for the tax cut.

McKenna imagines a critic who insists "that for an action to be directly free in the libertarian [i.e., incompatibilist] sense," it must be true that the "agent's ability to act otherwise, just when she acts directly freely, must not depend upon any other indeterministic events breaking one way rather than another. The indeterminacy must be, in some sense, pure, so that it hangs only on the agent's choosing one way or the other given her precise motivational configuration" (3126). McKenna rejects this position, and rightly so. It isn't at all plausible.

I bring this point up because I want to make clear that it plays no part in my objection to McKenna's modified buffer case. My claim isn't that an agent is morally responsible for what he did at *t* only if the indeterminacy is "pure, so that it hangs only on the agent's choosing one way or the other given her precise motivational configuration." My claim, rather, is that a person is blameworthy for what he did at *t* only if the person had some control over whether he behaved in that way at that time. Since Jones, in *Tax Cut 2*, had no control over whether he decided at *t1* to vote for the tax cut (or whether instead he began imagining what his boss would do if she found out that he voted for the tax cut), he isn't blameworthy for deciding to vote for the tax cut.

Of course, McKenna and other critics of PAP might disagree with this judgment. My point, though, is that it isn't just intuitively obvious that the judgment is mistaken. Once we bear the relevant facts of the case in mind—in particular, once we bear in mind that Jones couldn't have actively brought about his vividly imagining at *t1* his boss punishing him, and thus basically just had to wait and see whether he would decide at *t1* to vote for the tax cut or instead vividly imagine his boss punishing him—it isn't obvious that he is blameworthy for deciding to

vote for the tax cut and, as I say, it seems to me that he is not blameworthy for that decision. Absent a compelling case that he is blameworthy, we still lack a clear counterexample to PAP.[8]

4. Conclusion

I conclude that buffer cases, whether in their original or modified form, are not counterexamples to PAP. The agent in standard buffer cases like Pereboom's *Tax Cut* may be morally responsible for what he did, but he arguably had a robust alternative possibility for action available to him. Modified buffer cases like McKenna's *Tax Cut 2* face the opposite problem. While the agent clearly didn't have any robust alternative possibilities available to him, it's not obvious that he is morally responsible for what he did. Neither type of buffer case, then, gives us an example in which an agent is clearly morally responsible for what he did even though he lacked a robust alternative possibility for action. In short, neither type of case is a clear counterexample to PAP.

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[8] A referee worries that the strong notion of control at play in my argument here, which involves the possibility of the agent actively bringing about an alternative possibility, will have the seemingly implausible result that we often don't have the sort of control or free will required for moral responsibility, even when it seems like we do. While this is an issue I take seriously, it would take us too far afield to address it here. Suffice it to say that I think the result in question much less implausible than it might initially seem. Substantiating that claim, though, is the task for another article.

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