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'CAN' AND THE CONSEQUENCE ARGUMENT

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Abstract

The consequence argument is a powerful incompatibilist argument for the conclusion that, if determinism is true, what one does is what one must do. A major point of controversy between classical compatibilists and incompatibilists has been over the use of 'can' in the consequence argument. Classical compatibilists, holding that abilities to act are dispositions, have argued that 'can' should be analyzed as a conditional. But such an analysis of 'can' puts compatibilists in a position to grant the premises of the argument while denying the conclusion. Incompatibilists remain unconvinced, and this corner of the debate over free will has reached a dialectical impasse. The present paper has two aims. First, to offer a new dialectical point of entry into this dispute on behalf of incompatibilists. By making use of Angelika Kratzer's influential semantic work on 'can' and 'must', I argue that incompatibilists are in a position to offer a plausible, *positive* treatment of 'can' that favors their view. Second, even if one does not think incompatibilism is thereby true (for as we shall see there are places to push back), the Kratzer semantics yields a number of important insights concerning the consequence argument that should be of broad interest.¹

To deny that men have free will is to assert that what a man *does* do and what he *can* do coincide.
-van Inwagen²

1. The Debate Over 'Can'

In the free will debate, the consequence argument is a powerful incompatibilist argument for the conclusion that, under the assumption that determinism is true, what one does is what one must do. To take a particular case, suppose that at t_1 Jones puts his hand down on the desk. Let L be the laws of nature and let P stand for the conjunction of propositions specifying the actual facts at some time (t_0) in the past before any humans were born. According to the consequence argument, given some very plausible premises and the assumption that determinism is true, at t_1 no other action is open to an agent than the one actually performed at that time.³

1. No one at t_1 can change the past (i.e. make it the case that P is false).
2. No one at t_1 can change the laws (i.e. make it the case that L is false).
3. One's present actions are the necessary consequences of P and L (i.e. determinism is true).

¹ Special thanks to Mark Balaguer, John Martin Fischer, Robert Kane, Michael McKenna, and an anonymous referee for invaluable feedback on earlier drafts of this paper. I also benefited greatly from audience commentary at the 2013 meeting of the Pacific APA.

² van Inwagen, P. (1975). 'The incompatibility of free will and determinism.' *Philosophical Studies* 27(3): 185-199.

³ This is a slightly precisified version of the argument as given by Kane (2005). We may in fact see the consequence argument as a family of arguments or a general argumentative form. The present formulation is helpful since it makes explicit use of the controversial 'can'.

4. No one at t1 can change the fact that her present actions are the necessary consequences of P and L.
5. One cannot at t1 change the fact that her present actions occur at t1 (e.g. Jones cannot raise his hand at t1).⁴

A major point of controversy between classical compatibilists and incompatibilists has been over the use of ‘can’ in the above argument. Classical compatibilists such as Hobbes Hume, and more recently, Moore, Smart, Ayer, Schlick, and Davidson have argued that abilities to act are dispositions or causal powers.⁵ Accordingly, many classical compatibilists have held that ‘can’ should be analyzed as a conditional. But such an analysis of ‘can’ puts compatibilists in a position to grant the premises of the argument while denying the conclusion. Incompatibilists remain unconvinced, and this corner of the debate over free will has reached a dialectical impasse.⁶ Incompatibilists have relied on the intuitive force of the consequence argument and have then aimed to knock down any conditional analysis of ‘can’ that would undermine it.⁷ Despite attacks by incompatibilists, classical compatibilists have been convinced that some version of their conditional analysis of ‘can’ will succeed.

The present paper has two aims. First, to offer a new dialectical point of entry into this dispute on behalf of incompatibilists. By making use of Kratzer’s influential semantic work on ‘can’ and ‘must’,⁸ I argue that incompatibilists are in a position to offer a plausible, *positive* treatment of ‘can’ that allows them to offer a valid formulation of the consequence argument. The second aim is to show that even if one does not think incompatibilism is thereby true (for as we shall see there are places to push back), the Kratzer semantics yields a number of important insights concerning the consequence argument that should be of interest to compatibilists and incompatibilists alike. The first insight emerges through a comparison between the consequence argument as read with the Kratzer analysis and as read with the classical compatibilists’ conditional analysis. The comparison reveals in a precise way why incompatibilists might reasonably have had the reaction to compatibilism famously espoused by Kant and James: that classical compatibilists merely evade the real pressure applied by determinism. In effect, the

⁴ The argument relies on a few suppressed premises which themselves have been a matter of varying degrees of controversy. The first suppressed premise is sometimes referred to as ‘Rule Alpha’: There is nothing anyone can do to change what is necessarily so. The second is sometimes called ‘Rule Beta’: If there is nothing we can now do to change X, and X entails Y, then there is nothing we can now do to change Y. See van Inwagen, P. (1983). *An Essay on Free Will*. Oxford, Clarendon Press, for a defense of both Alpha and Beta. For an attack on Beta, see Huemer, M. (2000). ‘van Inwagen’s consequence argument’, *Philosophical Review* 109 (4): 525-544. Finally, the argument relies on a principle of agglomeration (which in fact can be derived from Alpha and Beta): If no one can make it the case that p is false and no one can make it the case the q is false, it follows that no one can make it the case that p and q is false. For further discussion, see McKay, T. and Johnson, D. (1996). ‘A Reconsideration of an Argument Against Compatibilism.’ *Philosophical Topics* 24, 2: 113-22. Because the focus presently is on ‘can’, I will put these principles aside.

⁵ Hobbes, T. (1651). *Leviathan*. Reprinted in 1958 by Bobbs-Merrill, Indianapolis. Hume, D. (1739). *A Treatise on Human Nature*. Reprinted in 1960 by Oxford, Clarendon Press. Moore, G. E. (1912). *Ethics*. Oxford University Press. Smart, J. J. C. (1961). ‘Free-will, praise and blame.’ *Mind* 70(279): 291-306. Ayer, A. J. (1954). ‘Freedom and necessity.’ *Philosophical Essays*: 271-284. Schlick, M. (1966). ‘When Is a Man Responsible.’ In *Free Will and Determinism*, B. Berofsky (ed.). New York, Harper & Row: 54-62. Davidson, D. (1973). Freedom to Act. In *Essays on Freedom of Action*, T. Honderich (ed.). London, Routledge & Kegan Paul: 67-86.

⁶ For clear discussions of both the relevant history and the impasse see both Kane, R. (1996). *The Significance of Free Will*. New York, Oxford University Press and Kane, R. (2005). *A Contemporary Introduction to Free Will*. New York, Oxford University Press.

⁷ Cf. Ginet, C. (1990). *On Action*. Cambridge, Cambridge University Press. Van Inwagen, P. (*Essay on Free Will*).

⁸ Kratzer, A. (1977). ‘What “Must” and “Can” Must and Can Mean.’ *Linguistics and Philosophy* 1(3): 337-355.

Kratzer analysis shows where compatibilists wielding the conditional analysis make a shift that, to incompatibilists, may appear to change the subject. The second insight is that if there is a remaining dispute once the Kratzer semantics is implemented, it is not over the semantics of ‘can’ nor even over whether an agent can perform such and such action. This is a surprising result given that it has been commonplace to hold that the dispute is over the interpretation of ‘can’.⁹ Rather, the dispute is over what one takes the threat of determinism to be and what kind of freedom is ‘worth wanting’ (to borrow Dennett’s helpful phrase).¹⁰ Although this dispute is familiar, it is surprising and indeed helpful to see that it may in fact be lurking behind much of the dispute over the consequence argument. The Kratzer semantics not only helps to bring this out, but it also allows one to put the deep dispute in precise modal terms. So, although I think incompatibilists are in a stronger position in light of the Kratzer semantics, even staunch compatibilists can agree that there is a clarity to be gained by implementing the semantics.

Before proceeding, an important preliminary point is in order. Although many theorists have questioned the truth of various premises of the consequence argument,¹¹ the present paper assumes their truth. This is not to say that the semantics for ‘can’ offered below *presupposes* that the premises are true;¹² it does not. But of immediate interest is whether incompatibilists can offer an interpretation of ‘can’ that validates the argument. The debate might then turn again to the actual truth of the premises or, as we shall see, the modal force of the argument, but if the arguments that follow succeed, disputants can put behind them the claim that once ‘can’ is properly understood, the argument is simply invalid.¹³

2. What Incompatibilists Should Say About The Consequence Argument

2.1 The Argument

According to classical compatibilists, having free will requires being able to act otherwise. Furthermore, they maintain that having that ability is compatible with determinism by arguing that abilities to act are dispositions or causal powers which are themselves taken to be understood conditionally. An agent can, say, raise her hand if a certain conditional is true of her, it is argued. It is on the basis of this thought that the classical compatibilist takes himself to be unthreatened by the consequence argument. According to the classical compatibilist, the consequence argument from above is more perspicuously (though equivalently) stated as follows:

- C1. If one had wanted to change the past, she wouldn’t have.¹⁴
- C2. If one had wanted to change the laws of nature, she wouldn’t have.

⁹ See especially Kane (*Significance of Free Will*), Lehrer, K. (1968). ‘Cans without ifs.’ *Analysis* 29(1): 29-32, and van Inwagen (*Essay on Free Will*).

¹⁰ See Dennett, D. (1984). *Elbow Room*. Cambridge, MIT Press.

¹¹ Many, for example, have been impressed by Lewis’s argument against the truth of premise 2. See Lewis, D. (1981). ‘Are we free to break the laws?’ *Theoria* 47(3): 113-121. For a detailed discussion see Fischer, J. M. (1994). *The Metaphysics of Free Will: An Essay on Control*. Oxford, Blackwell.

¹² That is, it is possible to make the premises and/or conclusion false on the semantics to be given – the semantics as such do not determine the truth or falsity. As we shall see below, the semantics leaves a place for a ‘modal base’ or a restricted set of worlds. Depending on how that base is filled, the propositions composing the argument could come out false – more on this in section 3.2 below. I believe that the most reasonable filling of the modal base that makes the premises true (as everyone in the present dispute wishes them to be) also makes the conclusion true.

¹³ Thanks are due to an anonymous referee for demanding more clarity on this point.

¹⁴ Theorists have tried (in addition to ‘wanted’) ‘willed’ and ‘chose’ in the antecedent. Similarly, in addition to ‘would’, ‘could’ has been offered in the consequent. Such details will not effect present concerns.

C3. Our present actions are the necessary consequences of the past and the laws of nature.

C4. If one had wanted to change the fact that our present actions are the necessary consequences of the past and the laws of nature, she wouldn't have.

C5. If one had wanted to raise her hand, she wouldn't have.

As Kane notes,¹⁵ the theorist under consideration may grant the premises of the argument without being forced to grant the conclusion. (In fact, the theorist may take it as a virtue, if not a partial vindication, of the position concerning 'can' that premises 1-4 can all be made true on the conditional interpretation.) Let us spend just a moment seeing how this might be spelled out on behalf of the compatibilist.

By adopting Lewis's treatment of counterfactual conditionals according to which 'If it had been the case that p, then it would be the case that q' is true iff the nearest worlds in which p is the case are worlds in which q is the case, 1-4 can be made true by appropriately ordering the worlds.¹⁶ The nearest worlds to the actual world, for example, may be taken to be ones in which, even if one had wanted to change the past, he wouldn't have. Similar considerations then apply to 2 and 4. So the compatibilist can endorse 1-4 even after introducing the hypothetical treatment of 'can'.

But turn now to 5 and its analog C5. C5 is false: in the nearest worlds in which one wants to raise his hand, he very well may raise his hand. C5 is supposed to be equivalent to 5, so if C5 is false, 5 is too. Provided that the classical compatibilist is correct about 'can', the consequence argument is invalid.

Many incompatibilists have been unimpressed by this reply. Both Peter van Inwagen and Carl Ginet,¹⁷ for example, have pressured compatibilists to present independent reasons for adopting their analysis of 'can', claiming that the consequence argument is far more intuitively plausible than the proposed analysis. Moreover, incompatibilists have offered counterexamples to the going conditional analysis.¹⁸ Let us consider two such examples. First, suppose Jones has just died suddenly from an aneurism while standing at his sink, cup in hand. Now dead at t1, can Jones get a drink of water? Quite obviously the answer is 'no'. But let us ask, if Jones (at t1) had wanted to get a drink of water, would he? Our answer now shifts: yes he would, for if he wanted some water, he wouldn't be dead. In more detail: the nearest worlds to the actual world in which Jones wants some water are worlds in which Jones is alive, and those worlds, being as relevantly similar as possible to the actual world, are worlds in which Jones is still at the sink, glass in hand. At those worlds, his desire is easily satisfied. Second, take an example from Michael McKenna:¹⁹

Suppose that Danielle is psychologically incapable of wanting to touch a blond haired dog. Imagine that, on her sixteenth birthday, unaware of her condition, her

¹⁵ Kane (Introduction to Free Will).

¹⁶ Lewis, D. (1973). *Counterfactuals*. Oxford, Blackwell.

¹⁷ Ginet (*On Aciton*), van Inwagen (*Essay on Free Will*).

¹⁸ For the original examples and discussions, see Austin, J. L. (1961). 'Ifs and Cans'. *Philosophical Papers*. J. O. Urmson and G. Warnock. Oxford, Clarendon Press: 153-180., Chisholm, R. M. (1964). 'J.L. Austin's Philosophical Papers.' *Mind* 73(289): 1-26., and Lehrer ('Cans Without Ifs'). For a helpful contemporary survey, see Berofsky, B. (2011). 'Ifs, Cans, and Free Will: The Issues.' *The Oxford Handbook of Free Will*. R. Kane. New York, Oxford University Press: 181-201..

¹⁹ McKenna, M. (2009). 'Compatibilism.' *The Stanford Encyclopedia of Philosophy*, from <http://plato.stanford.edu/entries/compatibilism/>. The case is modeled after Lehrer's ('Cans Without Ifs') influential example.

father brings her two puppies to choose between, one being a blond haired lab, the other a black haired lab. He tells Danielle just to pick up whichever of the two she pleases and that he will return the other puppy to the pet store. Danielle happily, and unencumbered, does what she wants and picks up the black lab.

At t_1 , Danielle picks the black lab, but let us ask (at t_0 , a time before t_1), can she (at t_1) pick the blond lab? Intuitively, the answer is ‘no’ since picking up the blond lab is an alternative that is not available to her. Given her psychological condition, she cannot even want the blond lab. But, similar to Jones, *if she had wanted to pick up the blond Lab, then she would have done so* (perhaps by no longer having her actual phobia). Once again, our truth-value judgements concerning ‘can’ do not align with the compatibilist treatment, so the semantic analysis fails.

Clearly, we need some other semantics for ‘can’, but nothing so far shows us that the correct analysis won’t be a conditional analysis or some other compatibilist-friendly treatment.²⁰ As noted above, this has led to an impasse, for classical compatibilists are convinced that some such analysis is available. But if we leave the debate with the incompatibilists simply waiting for the next conditional analysis, the incompatibilists’ argument is at best incomplete. At some point, incompatibilists must offer an acceptable positive account of ‘can’ that allows for a valid statement of the argument. Fortunately, linguists and philosophers of language have on hand a very plausible proposal that can be applied to the consequence argument. Indeed, it is surprising that the proposal has not been carefully considered in this context. Interestingly, the news is, I believe, good for incompatibilists, but no one in the debate should balk at applying an independently plausible semantics.

2.2 A Semantics For ‘Can’

Angelika Kratzer argues for an appealing, univocal semantics for the modal terms ‘can’ and ‘must’.²¹ This section will offer the view at an intuitive level and then apply it to the consequence argument.

Modal terms such as ‘can’ and ‘must’, on first pass, appear to be many ways ambiguous. They are used in deontic, epistemic, metaphysical, and dispositional senses, to name some. For example, in one sense, you cannot move your king two spaces on a chess board, but in another sense, you of course can. Similarly, many Americans cannot speak French (for they don’t know French), but there is another sense in which an average American can speak French (for they have concepts, vocal cords, and so on). ‘Must’ behaves along similar lines. ‘All Maori children must learn the names of their ancestors’ reveals something like ‘the “must” of cultural norms’ (to borrow an example from Kratzer) whereas, ‘The ancestors of the Maoris must have arrived in Tahiti’ reveals something like the epistemic ‘must’. But isn’t it clear that for their variation there is something *invariant* in these examples? ‘Can’ and ‘must’ seem, in some sense, to be playing a similar role throughout. Kratzer’s goal is to identify that constant feature and, on its basis, to offer a unified semantics for ‘can’ and ‘must’.

She offers the following plausible paraphrases of the examples just offered:

²⁰ For example, it has recently been argued that recent work on dispositions can be used to save compatibilism from the known issues just mentioned. See Fara, M. (2008). ‘Masked abilities and compatibilism.’ *Mind* 117(468): 843-865., Vihvelin, K. (2004). ‘Free will demystified: A dispositional account.’ *Philosophical Topics* 32: 427-450., and Smith, M. (2003). Rational Capacities, or: How to Distinguish Recklessness, Weakness, and Compulsion. *Weakness of Will and Practical Irrationality*. S. Stroud and C. Tappolet. Oxford, Clarendon Press: 17-38. For persuasive counterarguments see Clarke, R. (2009). ‘Dispositions, abilities to act, and free will: The new dispositionalism.’ *Mind* 118(470): 323-351.

²¹ Kratzer (‘What “Must” and “Can” Mean’).

- A. In view of what their tribal duties are, the Maori children must learn the names of their ancestors.
- B. In view of what is known, the ancestors of the Maoris must have arrived from Tahiti.

And something similar applies to ‘can’:

- C. In view of the rules of chess, you cannot move your king two spaces.
- D. In view of what is nomically possible, you can move your king two spaces.
- E. In view of your knowledge of French, you cannot speak French.
- F. In view of your biological constitution, you can speak French.

A-F seem (plus or minus a bit) to capture what we were after in the earlier examples. Of course, in natural dialogue, ‘in view of’ tends not to be articulated. Furthermore, it is often left implicit how to fill out what is in view, relying, as speakers often do in natural language, on context. When the context isn’t clear, one might simply ask his interlocutors to make things more explicit. Kratzer, for example, offers the following, perfectly ordinary, conversation:

‘The Maori children must learn the names of their ancestors.’

‘Do they really? Is there a law in New Zealand which provides that the Maori children learn the names of their ancestors?’

‘No, of course there is no such law in New Zealand. At least no official law. But the Maoris have their tribal laws, and it was these laws I had in mind.’

In fact, the ordinary nature of this interaction not only illustrates how a conversation may make use of explicit clarifications, but it supports the idea that there is a contextually sensitive element at work in our ordinary uses of sentences featuring ‘can’ and ‘must’; an element that can be made explicit when necessary. But if all of this is correct, a univocal semantics for the modal terms in question can be offered, for now the variation is in *what is in view*. In other words, the variation is in the space of possibilities upon which one is focused and not in ‘can’ or ‘must’ themselves.

The modal terms, according to Kratzer, are to be univocally treated as quantifiers over worlds restricted by the in-view-of clause. The idea may intuitively be expressed as follows (and so we have a concrete example, let’s take sentence C above): restrict attention to the worlds in which the rules of chess are followed and check to see if any of those worlds are worlds in which the agent in question moves his king two spaces. If any are, then he can so move his king. If none are, he cannot. So, ‘can’ existentially quantifies over a contextually restricted set of worlds. ‘Must’, on the other hand, universally quantifies over a contextually restricted set of worlds.

Being a bit more careful, the following truth-conditions for sentences involving the relevant occurrences of ‘can’ and ‘must’ can be given:

CAN: ‘S can ϕ ’ is true iff there exists a world in the restricted set in which S ϕ ’s.

MUST: ‘S must ϕ ’ is true iff all worlds in the restricted set are such that S ϕ ’s.²²

Notice that Kratzer’s semantic treatment of ‘can’ succeeds where the conditional analysis failed above. Earlier, it was judged intuitively false that Jones can get a drink of water while dead on the floor. Recall that on the classical conditional analysis the sentence was wrongly predicted to be true. On Kratzer’s analysis, the sentence ‘Jones can get a drink of water’ is treated as equivalent to something like ‘In view of Jones’s death, he can get a drink of water.’ As desired, the sentence comes out false, for the restrictor clause limits attention to worlds in which Jones is dead. And similarly for Danielle. ‘Danielle can pick the blond lab’ is said to be

²² For more careful details still and some subtle nuances, I direct the reader to Kratzer’s paper. For our purposes, we can move forward at this level of specificity.

equivalent to ‘In view of her psychological make up, Danielle can pick the blond lab.’ Again, as desired, this comes out false, since in the worlds in which Danielle has the psychological disorder she actually has, she continues to be blocked from picking blond.

Kratzer’s proposal can now be applied to the consequence argument to yield the following:

- K1. In view of X, one cannot change the past.
- K2. In view of X, one cannot change the laws of nature.
- K3. Our present actions are the necessary consequences of the past and the laws of nature.
- K4. In view of X, one cannot change the fact that our present actions are the necessary consequences of the past and the laws of nature.
- K5. In view of X, one cannot change the fact that one’s present actions occur (say, that Jones raises his hand).

Next, the restrictor clause must be filled. To do so, it is crucial to recall our dialectical position. The focus is on theorists who grant 1-4 in the original, so the clause should be filled in such a way that the premises are indeed made true. Furthermore, the filling should, quite plausibly, be carried out in such a way that the worlds of evaluation are the same throughout the premises. If not, one runs the risk of something similar to equivocation.²³ For example, take the following superficially good argument:

- 6. Jones can speak French.
- 7. If Jones can speak French, then he’ll have an easy time learning Spanish.
- 8. So, Jones will have an easy time learning Spanish.

But suppose that the argument is made more explicit as follows:

- 9. In view of his biological make up, Jones can speak French.
- 10. If, in view of his knowledge of French Jones can speak it, then he will have an easy time learning Spanish.
- 11. So, Jones will have an easy time learning Spanish.

This clearly isn’t a good argument, but if both premises had made use of the same in-view-of restrictor, it would have been.

Returning to K1-5, incompatibilists can offer a straightforward way, in the present dialectic, of making the premises true – simply focus on the worlds in which the laws are as they actually are and the past is as it actually is. The first two premises are, in a sense, uninterestingly true on this interpretation, but this as it should be. In the present dialectic, one is not out to show that time travel is impossible, that the laws cannot be broken, or so on. The question on hand is, can one do otherwise *if the laws and past are fixed and determinism is true*?²⁴ In light of that question, incompatibilists hold that we find ourselves in a context where our ‘can’-talk focuses on a set of worlds in which the laws are as they actually are and the past is as it actually is.

²³ Strictly speaking, valid arguments are possible with changes in the restricted set as long as one moves from a premise featuring a set of worlds to a premise or conclusion featuring a subset of the those worlds. Interestingly, the order of the premises may then matter. The present paper cannot do justice to these dynamic subtleties.

²⁴ As noted earlier, theorists have denied some of these claims. For instance, it has been argued that (in a special but important sense) the past and laws are not fixed. So, for example, if one follows Lewis (‘Are We Free To Break The Laws’) and takes the laws to be breakable, posing the question in just this way will be unacceptable. Following Lewis’s position is compatible with Kratzer’s treatment of ‘can’, but, once again, present attention is restricted to theorists who grant the fixity of the past and laws and then ask, if determinism is true, can we do otherwise? See Fischer (*Metaphysics of Free Will*) ch. 5 for reasons to prefer posing the questions as it is in the body of the text. More on this below.

Let us call the set of worlds at issue ‘W’:

K1’. In view of W, one cannot change the past.

K2’. In view of W, one cannot change the laws of nature.

K3’. Our present actions are the necessary consequences of the past and the laws of nature.

K4’. In view of W, one cannot change the fact that our present actions are the necessary consequences of the past and the laws of nature.

K5’. In view of W, one cannot change the fact that one’s present actions occur (say, that Jones raises his hand at t₂).

The argument can then be more intuitively formulated as follows:

K1’’. There are no worlds in W in which the past is other than it actually is.

K2’’. There are no worlds in W in which the laws are other than they actually are.

K3’’. Our present actions are the necessary consequences of the past and the laws of nature.

K4’’. There are no worlds in W in which our present actions aren’t the necessary consequences of the past and the laws of nature.

K5’’. There are no worlds in W in which one does other than what one actually does.

Given the dialectic and the suppositions concerning W, K1’’–K4’’ are clearly true. But let us now evaluate K5’’. In actuality, Jones puts his hand on the desk. Take the set W, recalling that those worlds are worlds in which the laws are as they are in the actual world and the past is as it is in the actual world. If determinism is true, are any of those worlds ones in which Jones now raises his hand (or, indeed, does anything but put his hand on the desk)? No, for the worlds under consideration are deterministic worlds that have *the same laws* and *the same past* as the actual world. By applying the analysis of ‘can’ along with the selection W, the argument looks valid. Of course, this doesn’t guarantee the truth of incompatibilism, for compatibilists are free to deny the truth of one of the premises or to push back on the choice of the set of worlds. Note, however, that the classical compatibilist charge that incompatibilists can’t even offer a valid argument is disarmed.²⁵ In a moment I will consider the possibility of selecting other worlds, but before turning to that discussion, notice the progress made on behalf of the incompatibilist. Incompatibilists needn’t simply wait for the next conditional analysis or merely rely on the intuitive force of the argument as given in plain English. Rather, they have a positive semantics and a plausible restricted set of worlds that validates their argument.

3. General Lessons And Dialectical Clarity

3.1 *Mere Evasion?*

Kant famously called the classical compatibilism of Hume and Hobbes a ‘wretched subterfuge,’ and James characterized classical compatibilism as a ‘quagmire of evasion.’ Many meet classical compatibilism with such an attitude; it simply feels as if a trick has been played or the point has somehow been missed altogether. More recently, Carl Ginet has aimed to put the

²⁵ I noted Rule Beta above: If there is nothing we can now do to change X, and X entails Y, then there is nothing we can now do to change Y. Notice that although the principle is invalid on the conditional analysis, it is valid on the Kratzer semantics: focus attention on worlds in which both premises are true (i.e. the set of worlds in which X is fixed and X entails Y), then ask about the status of ‘one changes Y’ in those worlds. None of those worlds will be worlds in which Y isn’t the case.

incompatibilist challenge in a way that avoids such missteps and Fischer has argued that many of the disagreements between compatibilists and incompatibilists can be seen as stemming from a lack of care over modality.²⁶ The present section shows how the Kratzer analysis can be used to make perspicuous the alleged missteps and to clarify the underlying debate.

Recall the question posed above: if determinism is true and the past and laws are fixed, can one do otherwise? Exactly what the fixity of the past and laws comes to is a matter of debate, so although the question could be so put for purposes above, more care is now in order. In fact, Fischer argues that some of the longstanding stalemates one finds between compatibilists and incompatibilists can be avoided if one is careful about how one puts the incompatibilist challenge. Fischer's idea is that incompatibilists, when posing their challenge to free will, have in mind something like the following: an agent can do X only if his doing X can be an *extension* of the actual past, holding the laws fixed.²⁷ Fischer argues that this is the sort of challenge incompatibilists have had in mind all along, but very often the idea of extending the actual past and laws is left out.²⁸ As a result, there is room for a hidden 'shift' that gives compatibilists a foothold and leaves incompatibilists unsatisfied.²⁹

Return to the consequence argument as construed by C1-5 above. In that dialectic, the premises give one the sense that the focus is on scenarios in which the past and laws are as they actually are. In any event, the premises are consistent with that reading since we could stipulate that Jones does actually want to change the laws and the past. But notice that when one turns to the conclusion as understood by the classical compatibilist, an interesting shift *must* occur. Although one grants that the past and the laws are actually fixed, when evaluating the conclusion, one must be considering a *counterfactual* scenario in which either the laws or the past are different than they actually are (for determinism is assumed true). If one desires to do other than she actually desires and if determinism is true, the counterfactual scenario could only come about if the past or laws were different in that world. Given what is at issue in the debate and given the commitments of the parties in the dispute, this should strike one as at least a little uncomfortable, for doesn't the following reply miss the incompatibilists' challenge altogether: 'There is a counterfactual scenario in which the laws or past are different and in *that* scenario S does otherwise'? Of course, this complaint doesn't entail that compatibilists aren't taking seriously that the laws or past might *actually* be fixed, for this is consistent with their being counterfactually different. It will seem to an incompatibilist, however, as if one has changed the subject in an important way when one moves to a conclusion concerning counterfactual scenarios. Rather than *extending* the actual laws and past, the compatibilists allow distinct laws and/or a distinct past to fall under our consideration. This point can be made vivid by trying to capture the key move of the classical compatibilist in Kratzer's terms, for notice that by making the worlds parameter explicit in the in-view-of clause, any modal shifts are made very perspicuous. A compatibilist will surely deny that what's below (CK1-5) faithfully captures his

²⁶ See Ginet (*On Action*) and Fischer (*Metaphysics of Free Will*).

²⁷ *Metaphysics of Free Will*, 88; emphasis added.

²⁸ There may be a worry that Fischer begs the question against compatibilists at this juncture. I think this is too fast. Fischer would beg the question if he were to assume that determinism is incompatible with free will, but notice he doesn't do this. Rather, he asks a perfectly admissible, precisified question: if the past and laws are extended, can one do otherwise? It is of course open to the compatibilist to argue that this is not the relevant question, but asking the question isn't to beg any questions. More on this in section 3.2.

²⁹ Importantly, the claim here is not that the shift is illegitimate full stop. Rather, incompatibilists will be unsatisfied by appeals to such a shift and will argue that their point has been missed. Compatibilists may be unimpressed. The key point at present is that the Kratzer semantics makes the shift perspicuous.

understanding of the argument. Grant this, for the point is merely illustrative. The conditional analysis, albeit in more covert terms, seems to allow for a shift relevantly similar to the one (very obviously) made in CK1-5 below.

Let *W*, as before, be the set of worlds in which the past and the laws are as they actually are. Let *U* be a set of worlds with a slightly altered past; specifically worlds with a past in which an agent has, rather than his actual desire to leave his hand down at *t*₁, a desire to raise his hand at *t*₁:

CK1. There are no worlds in *W* in which the past is other than it actually is.

CK2. There are no worlds in *W* in which the laws are other than they actually are.

CK3. Our present actions are the necessary consequences of the past and the laws of nature.

CK4. There are no worlds in *W* in which our present actions aren't the necessary consequences of the past and the laws of nature.

CK5. There are no worlds in *U* in which one does other than what one actually does.

Even if CK1-4 are all true, CK5 might be false. *U* includes worlds in which an agent wants to raise his hand at *t*₁. In the actual world, the agent in question had no such desire. Provided that there are no other constraints or coercive acts, he may well then raise his hand in some or all of the members of *U*. But surely this will not satisfy one who wanted to know if, in situations in which the actual laws and past are extended and determinism is true, the agent can act other than he in fact does. As Fischer puts things, 'The "can" of freedom and the subjunctive conditional are both modalities, but *different* ones, and they point us to different possible worlds'.³⁰ Kratzer's analysis allows us to see what this difference comes to in a clear way: a change in which worlds are in view. Furthermore, if incompatibilists have indeed been unsatisfied because of the fact that they they have been taking the truth of the premises to require that one consider only *extensions* of the actual past and laws, we now have a formalism that makes very clear when one deviates from this line. Compatibilists only *seemed* to be in agreement over the expression of the argument. In fact, their semantics allows them to deviate from the sense of fixing the past and the laws that incompatibilists were intending.

3.2 The Real Disagreement

The second general point that emerges from adopting the Kratzer semantics is related to the one offered in 3.1.³¹ Besides helping see why incompatibilists might be dissatisfied with compatibilists, we are actually in a position to see where compatibilists and incompatibilists really disagree when it comes to the consequence argument.

One attractive compatibilist reply to the arguments made in section 2 is to grant that incompatibilists can now provide a valid statement of their argument but to deny that incompatibilists have offered the set of worlds that are relevant to the free will debate. The compatibilist will look for a restricted set of worlds that makes the premises true but the conclusion false and then argue that the context of the debate really demands that set.³² Now, it's not clear to me that there is a plausible set of worlds that might be selected given the context of

³⁰ *Metaphysics of Free Will*, 91.

³¹ The existence of this section is indebted to very helpful comments by an anonymous referee.

³² It is noteworthy in light of section 3.1 that compatibilists can now aim to offer a single set of worlds rather than shifting worlds from one premise to the other. This may not quell Kant and James, who seem to think compatibilists are missing the point (that is, are in the wrong context), but it at least allows compatibilists to avoid any charge of a sneaky shift.

our debate, but perhaps a clever compatibilist will offer such a set. Let's assume there is such a set, for some interesting points emerge.

I believe that the world selection issue is a formalization of a disagreement over how determinism is supposed to threaten free will and what sense of freedom we really care about. Formally, the dispute is over whether one can do otherwise *given (or in view of) such and such worlds*. When W is offered, it is made completely clear that an incompatibilist takes the ability to do otherwise *given an extension of the past and laws* to be what's at issue in the dispute. The Kratzer analysis allows one to encode that information directly into the argument. But of course one might hold that that is not what really matters when we are concerned with free will and moral responsibility.³³ A compatibilist might argue that we are concerned with the ability to do otherwise given something like one's skills, health, alertness, and opportunities.³⁴ Perhaps this restriction would yield worlds (i) where the past, the laws, and the fact that the past and laws fix what comes next cannot be changed by an agent but (ii) where one might raise her hand in some of the worlds and set it down in others. I'll leave it to compatibilists to support their selection of worlds rather than W as offered above. Crucially, notice that this dispute is not the dispute over whether the argument can be made valid, for we saw that with a plausible set selection it can be so made. This dispute is not the dispute over the correct semantics of 'can', for notice that both compatibilist and incompatibilist can grant the formal, univocal analysis for 'can' offered by Kratzer. The argument is not even over whether some subject, say Jones, can perform some action, say raising his hand, for there will be *some contexts* in which *everyone* in the debate can agree that it is true that Jones can raise his hand – simply find a context where everyone agrees on the set of worlds in view and agrees that in at least one Jones raises his hand. Rather, it is a debate over which context is the context of the free will debate. At this juncture we are bumping up against very difficult questions that are fundamental to the debate. Above, I sided with incompatibilists since I think the pressing question with respect to free will and moral responsibility is whether or not we have a branching future; open choices when extending the actual past and actual laws. But as mentioned (and this is something many compatibilists have pushed), one might argue that this is a higher demand than required to, say, be free in the sense that grounds morally responsibility. These issues must be left for another occasion. The important point here is that upon careful inspection, it might be that it is *this* debate that really lies behind the longstanding dispute over the consequence argument. Even if unadjudicated for now, the Kratzer semantics allows us to collapse what might have looked like multiple points of disagreement into one familiar question.

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³³ For instance, Dennett's (*Elbow Room*) compatibilist picture involves arguing that some senses of 'free will' or 'free choice' aren't worth caring about. The ones that are are compatible with determinism. See Kane (*Significance of Free Will*) for an incompatibilist response.

³⁴ Thank you to an anonymous referee for suggesting this set on behalf of compatibilists.