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# Defending Free Will: A Libertarian's Response to Waller and Waller's Challenge

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## **ABSTRACT**

Many philosophers believe that libertarian free will, or at the very least the ability to do otherwise, is required for an agent to be morally responsible for an action. The ability to do otherwise is typically understood as an agent having alternative possibilities (AP) open to them with regard to a particular decision or action. Waller and Waller (2015) challenge the notion of AP by demonstrating a difference between the intuitive motivation for AP of the Garden of Forking Paths and the way AP is formally expressed as metaphysical openness. Ultimately, Waller and Waller argue that any theory that requires alternative possibilities at the point of a free action fails. Many prominent libertarian theories, and therefore some theories of moral responsibility, fall prey to Waller and Waller's challenge. Despite this, no one has formally responded to their challenge until now. This paper examines Waller and Waller's challenge in depth and argues that libertarians can retain the ability to do otherwise by requiring that alternative possibilities be accessible to an agent at some point prior to a free action being performed.

## **KEYWORDS**

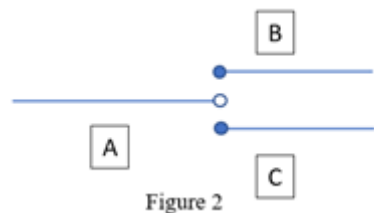
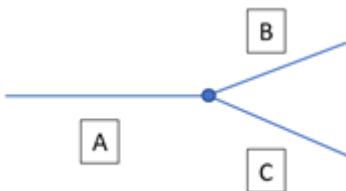
Free Will, Libertarian Free Will, Metaphysics, Moral Responsibility

Many philosophers believe that libertarian free will, or at the very least the ability to do otherwise, is required for an agent to be morally responsible for an action. While not uncontested, this is a commonsensical view. After all, if an agent could not have done anything else can they really be morally responsible for their action? Thought about a different way, if forces completely outside of an agent completely determined them to act in a particular way, does it make any sense to hold them morally responsible for their action? For this reason, the ability to do otherwise holds a prominent place in the literature on both moral responsibility and free will. The ability to do otherwise is typically understood as an agent having alternative possibilities (AP) open to them with regard to a particular decision or action such that they can choose between two or more different courses of action (Kane 2014, 39). Waller and Waller (2015) challenge the notion of AP by arguing that there is “an irreconcilable tension between the way in which philosophers motivate the incompatibilist ability to do otherwise and the way in which they formally express it” (1999-2000). Ultimately, Waller and Waller argue that any theory that requires alternative possibilities at the point of a basically free action fails (1211). Many prominent libertarian theories, and therefore some theories of moral responsibility, fall prey to Waller and Waller’s challenge. Despite this, no one has formally responded to their challenge until now.

Waller and Waller (2015) call the formal expression of the ability to do otherwise “metaphysical openness” (1201). Metaphysical openness is the idea that an agent has the ability to do otherwise “if an agent does [action] *A* at [time] *t* in the actual world, she could have done otherwise than *A* at *t* if and only if in some possible world with the same past (state of the world) prior to *t* and the same laws of nature as the actual world, she does other than *A* at *t*” (Waller and Waller 2015, 1201). Intuitively, metaphysical openness is thought of in terms of a “garden of forking paths” (Waller and Waller 2015, 1203). The garden of forking paths is a metaphor for free will and AP used by many philosophers based on the 1948 short story by Jorge Luis Borges (Kane 2007, 6; Fischer 1994, 3-4). The idea is that our life is a garden of forking paths, when we make a basically free decision, we are at a fork in our life where we decide between mutually exclusive options that would take our life in different ways. Every time an agent makes a basically free decision, they are choosing between two or more “paths” that their life can take into the future. If an agent does not have multiple paths into the future open to them regarding a particular decision, they have no basic control over that decision and therefore it

is not a basically free decision.<sup>1</sup> Therefore, the garden of forking paths motivates the need for AP at the time of a basically free decision.

Waller and Waller's (2015) argument for why metaphysical openness and the garden of forking paths are incompatible is highly technical and requires some initial terminology to understand. It is important to realize that AP is a modal concept. The *ability* to do otherwise requires that it is *possible* to do otherwise. Possibility is a modal notion and requires a theory of modality to make sense of its semantic content. The most popular theory of modality is possible worlds theory which says that something is possible if and only if it is true in a possible world. For the purposes of this paper, it is unnecessary to get into the debate about what exactly a possible world is. It is enough to understand that for an agent to have AP there must be two or more possible worlds with the same past and different futures; one world in which the agent does *A*, call this  $W$ , and another world in which the agent does other than *A*, call this  $W_p$ . A point at which  $W$  and  $W_p$  are identical prior to the point and diverge after the point is called a *splitting point* (Waller and Waller 2015, 1205). A splitting point,  $t$ , can be either the *point of last coincidence* between the two possible worlds (i.e., the last point at which the worlds are identical), such as in Figure 1, or the *point of first noncoincidence* (i.e., the first point at which the worlds are no longer identical), as in Figure 2. It is helpful to think of "worlds" being identical and then diverging by analogy to a pair of mathematical lines such as in Figures 1 and 2. In Figure 1,  $t$  represents the point of last coincidence as the *final* point in the segment of the line labeled *A*. In contrast, Figure 2 shows  $t$  as the point of first noncoincidence as the *first* points in segments *B* and *C*. Both figures show the lines as identical in segment *A*, and different after the splitting point, the only difference is whether the splitting point is the point of last coincidence or the point of first noncoincidence.



1. This is not to say that it is necessarily not a free decision. For example, using Robert Kane's (2014) variety of libertarian free will an agent's decision can be free even if they do not have AP if they had AP in the past when they performed a "will-setting action" (40). A basically free decision is one where an agent has AP directly regarding the decision at hand and not some past decision they made.

The analogy to a pair of mathematical lines is also helpful in displaying the crucial notion that time is infinitely dense. In the same way that between any two points on a line a third point can always be drawn, between any two points in time there is always another point. Waller and Waller's (2015) argument hinges on the view that time is dense because a pair of possible worlds cannot have *both* a point of last coincidence and a point of first noncoincidence if time is dense (1205). This is because there would necessarily be a point in between the point of last coincidence and the point of first noncoincidence. This makes no sense. The point of *last coincidence* is supposedly the *last* point at which the worlds are identical and the point of *first noncoincidence* is the *first* point at which the worlds are no longer identical. This means that the point of last coincidence and the point of first noncoincidence should be directly next to each other with no moment in between them. However, this is impossible if time is dense.

The final point of terminology that is important to understand is that Waller and Waller (2015) call a pair of possible worlds with a point of last coincidence *forking* and a pair of possible worlds with a point of first noncoincidence *nonforking* (1205). Waller and Waller argue that the garden of forking paths metaphor implies a pair of forking worlds, and that metaphysical openness implies a pair of nonforking worlds (1205). Already this is a problem for those that wish to hold on to both the garden of forking paths and metaphysical openness; a pair of possible worlds cannot be both forking and nonforking because they cannot have both a point of last coincidence and a point of first noncoincidence. From this point, Waller and Waller (2015) lay out possible options open to libertarians (1207).

If a libertarian wishes to retain the garden of forking paths metaphor and chooses to require a forking pair of possible worlds Waller and Waller (2015) believe they quickly run into problems (1209-1210). Recall that in forking worlds the splitting point is the point of last coincidence. A libertarian can either make the splitting point the time at which the agent makes a decision, or a moment at which the agent has yet to make the decision. If the splitting point is the time at which the agent makes a decision this would mean that the worlds diverged at the splitting point. By making a decision the agent is choosing to do one thing and not something different meaning that they worlds are no longer identical at the splitting point. However, a forking pair of worlds requires the splitting point to be the point of last coincidence, the last moment at which the worlds are identical. If the decision is made at the splitting point then the worlds are no longer identical

at the splitting point, meaning that it makes no sense to say that the splitting point is the moment at which the agent makes their decision on a forking worlds model of AP.

The splitting point must then be a point in time where the agent has not yet made the decision. In this case, at the splitting point the agent is undecided and after the splitting point the agent changes from being undecided to having made a decision. Waller and Waller (2015) make an analogy between change and movement, claiming that both are dynamic processes (1210). When something is moving at one point in time it is necessarily moving at a later point in time. Similarly, the splitting point in question must be a point of change, and any point of change must have a later point of change. This means that there must be a later point at which the agent still has not made their decision. This cannot be the case; according to the forking model of AP the splitting point is the last point of coincidence, the last point at which an agent has not made their decision. There cannot be a later moment at which the agent is still undecided.

If a libertarian is willing to give up the garden of forking paths metaphor, they presumably can say that the pair of possible worlds required for AP is a nonforking pair of possible worlds. The problem is that it seems to be impossible for alternative possibilities to be *accessible* to an agent at the splitting point on a nonforking pair of worlds (Waller and Waller 2015, 1208). By “accessible,” Waller and Waller mean something akin to “available to the agent.” AP seems to be inaccessible to an agent on a nonforking model because nonforking worlds have a point of first noncoincidence as the splitting point. Since the splitting point is the point of first noncoincidence, the worlds are no longer identical. The agent has already made their decision and it is no longer accessible to them to do otherwise because they cannot go back in time and undo their decision in order to do otherwise.

A potential move to make here is to say that alternative possibilities were accessible to the agent at some relevant point *prior* to the splitting point. Waller and Waller argue that this is not available to a libertarian because there is no point prior to the splitting point at which alternative possibilities are *immediately accessible* to the agent (1208). The argument is straightforward; since a nonforking pair of worlds does not have a point of last coincidence, any moment at which the worlds coincide will always have a later moment at which the worlds continue to

coincide, meaning that there will always be a later point in time at which the agent has not yet chosen between alternative possibilities.

Waller and Waller are making the assumption that alternative possibilities are only relevant when they are *immediately accessible* to the agent. While not explicitly stated in their paper, it can be inferred that what is meant by "immediately accessible" is something like "accessible to the agent in the very next moment after the splitting point." Given this understanding of "immediately accessible" and an understanding that time is dense, there is no sense to be made of "the very next moment after the splitting point" because any such moment will always have an infinite number of moments in between it and the splitting point. I am willing to concede that, if time is dense, at no point prior to the splitting point are alternative possibilities immediately accessible to an agent. However, I see no reason why alternative possibilities must be *immediately accessible* to an agent. It seems that all that is required for AP is for an agent to have alternative possibilities accessible to them at *some point* prior to the splitting point.

When asked what prevents libertarians from doing this, Robyn Waller responded with two points. First, that she would ask anyone who took this approach "to explain when prior to  $t$  is within an acceptable range to qualify as providing the alternative possibilities needed for basically free action and when prior to  $t$  is not within an acceptable range to qualify as providing the necessary access to alternatives" and that libertarians do not have this problem if they require alternative possibilities to be immediately accessible (personal communication). Second, that "the incompatibilist gets away with an illusion of metaphysical and mathematical rigor in talking about time points like 'at  $t$ ' in statements of metaphysical openness" (personal communication).

Regarding the first point, it seems to me that libertarians who want to take this approach have several options. The first option is to simply choose an amount of time arbitrarily. Any amount of time prior to the splitting point would work. However, Robyn Waller is quite right to point out that choosing an amount of time arbitrarily causes a theory to lack any sort of mathematical or metaphysical rigor. In order to maintain a level of philosophical rigor there needs to be a nonarbitrary criterion for determining how far prior to the splitting point is within an acceptable range of time to qualify as providing the alternative possibilities required for a basically free action.

To find this criterion it is important to look at what makes an action free beyond simply having alternative possibilities. Libertarian theories also have another dimension of responsibility or ownership of one's actions. Robert Kane's (2014) theory of libertarian free will as Ultimate Responsibility (UR) can be used as an example of a way to find the criterion Robyn Waller is looking for (39). UR requires that an agent be "responsible for anything that is a sufficient reason (condition, cause or motive) for the action's occurring" (Kane 2014, 39). According to this theory of free will, in order for an agent to perform a free action they must be ultimately responsible for their action. Using UR, libertarians can respond to Robyn Waller by saying that the criterion for how far prior to the splitting point is within an acceptable range of time to qualify as providing the alternative possibilities required for a basically free action is any time in the agent's life where they have the capacity to be ultimately responsible for their actions.

Kane's (2014) theory has six conditions for what he calls "plural voluntary control" that must be met in order for an agent to be ultimately responsible for their action (50-51). A free decision must be:

*brought about* by the effort of the agent, the agent had *control* over it at the time in the sense of having the power to make it be and the power to make it not be, the agent brought it about *voluntarily, intentionally or purposefully*, and for *reasons*, and could have brought about an alternative choice at the time voluntarily, intentionally, and for reasons. (Kane 2014, 51)

As expressed by Kane, there is a problem with the conditions for plural voluntary control. The second condition, that "the agent had *control* over it *at the time* in the sense of having the power to make it be and the power to make it not be" is clearly incompatible with a nonforking model of AP (Kane 2014, 51, my italics). As written, the second condition specifies that an agent have control *at the time* they perform an action, suggesting a forking model of AP. On a nonforking model this is impossible. However, there is a simple fix. Simply change the second condition to read "the agent must have had control over their action *at some time in the past* in the sense of having the power to make it be and the power to make it not be" and the condition is retained in a form that is compatible with a nonforking model of AP. All of the other conditions for plural voluntary control are compatible with a nonforking model. Using this revised version of the conditions for plural

voluntary control we are now in a position to provide a criterion for the range of time during which AP are of the type required for free will. We can say that the lower limit of this range is the time at which an agent develops the *capacity* to meet the revised conditions for plural voluntary control, while the upper limit is the splitting point. Any alternative possibilities between these two moments in time are of the sort required to provide a basis for free action.

Note that this criterion is not arbitrary; without the capacity to meet the revised conditions for plural voluntary control an agent could not possibly be ultimately responsible for their action and therefore could not possibly perform a basically free action. Despite not labeling an exact range of time, this approach is still rigorous because it points to a specific, nonarbitrary, point in the agent's life after which all alternative possibilities open to the agent are considered relevant for basically free actions. Some of the conditions for plural voluntary control may be innate to all humans from the moment they are born. However, at least the capacity to perform actions *intentionally or purposefully* and for *reasons* develops throughout childhood. The exact time at which people gain these abilities are different for everyone depending on the rate at which their brain develops. However, every agent, every person, had or will have a moment in time at which they develop the capacity to have reasons for their actions and to act with purpose or intention. Only once an agent develops the capacity to meet the conditions for plural voluntary control can the alternative possibilities open to them be of the right kind to allow for basically free actions.

Robert Kane's (2014) theory is only one example of how libertarians can create a criterion. Not every theory has the conditions for plural voluntary control. However, every theory will have a point before which agents are incapable of free action. This might be the moment a person is born, or conceived, or some later moment at which they develop the capacity for free action. The point is that every libertarian theory of free will can take this approach. As with Kane's (2014) theory, doing so might require minor revisions to the theory but it can be done.

I agree with Waller and Waller's (2015) central claim that any theory that requires "indeterminism-involving alternative possibilities at the point of a basically free action fails" (1211). However, I do not see it as a problem for libertarian theories of free will. Using Robert Kane's (2014) theory of free will as an example, I argue that the nonforking model of AP can be utilized if one is willing to give up the garden of forking paths metaphor for free will. Libertarians can say that an agent



has alternative possibilities in the relevant sense if and only if the agent has AP at some point between the emergence of the agent's capacity for free action and the splitting in a nonforking pair of possible worlds. This criterion allows libertarians to agree with Waller and Waller's conclusion but maintain that it is not a problem for libertarian free will.

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