Perhaps the most influential argument for incompatibilism between moral responsibility and determinism is based upon some version of the inference principle often referred to as the Transfer of Powerlessness, or, simply, Transfer. Read "N" as representing the modal operator at work in Transfer. Read "Np" as "p and no one has it in her power so to act that p would not obtain." Now consider a modalized version of the argument form modus ponens:

1. Np
2. N (If p, then q)

:\. Nq

Transfer functions in the above argument form by transferring powerlessness with respect to two facts to powerlessness with respect to another fact entailed by the original two facts.

The Transfer of Powerlessness Argument for Incompatibilism requires two crucial premises: First, no one (in the present) has it in her power to act so that past facts would not obtain; and second, no one has it in her power to act so that the laws of nature would not obtain. Now assume that determinism is true, taking determinism to be the thesis that the facts of the past and the laws of nature entail one unique future. Applying the above argument form, and conjoining the two crucial premises (in the first premise below), the argument runs as follows:

1. The facts of the past and the laws of nature obtain (p), and no one has it in her power so to act that p would not obtain.
2. The facts of the past and the laws of nature (p) entail one unique future (q), and no one has it in her power so to act that p entails q would not obtain.
3. Therefore, one unique future does or will obtain (q), and no one has it in her power so to act that q would not obtain.

If sound, the Transfer Argument proves that determinism is incompatible with the ability to act otherwise.

How does the incompatibilist get from the conclusion of the Transfer Argument to the further conclusion that determinism is incompatible with moral responsibility?
One necessary condition for moral responsibility is a control condition:

FW: An agent is morally responsible for her action only if she exercised control over it.³

Call this the Free Will Condition. A highly attractive manner of developing the Free Will Condition requires that, at some point in the etiology of action, an agent has available to her alternatives to what she does. Consider, then, the Principle of Alternative Possibilities:

PAP: An Agent is morally responsible for what she does only if she could have done otherwise.

The consequent of PAP expresses a merely necessary condition for the satisfaction of the Free Will Condition. (Other necessary conditions might involve the requirement that a morally responsible agent stand in some special kind of causal relation to her action.) But many incompatibilists have taken PAP, or some hybrid, to be an important and central motivation for their thesis.⁴ The Transfer Argument threatens an incompatibility between moral responsibility and determinism because it threatens the Free Will Condition by way of PAP: According to the Transfer Argument, if determinism is true, then no one ever has the ability to act differently. If no one has any alternatives available to her, then, in virtue of PAP, no one is morally responsible for what she does.

Many compatibilists have attempted to respond to the above incompatibilist strategy by arguing directly against either the soundness or the validity of the Transfer Argument. Some have attacked the validity of the argument by maintaining that Transfer is selective in the inferences it licenses.⁵ On this compatibilist approach, the premises of the argument can be granted:

A free agent is powerless over the facts of the past and the laws of nature, and she is powerless over whether or not these entail one unique future. But, it is argued, it need not follow that she is therefore powerless over the future. Still other compatibilists have attacked the soundness of the Transfer Argument by attacking the truth of the first premise. Either, they have argued, an agent can act in such a way that if she were to so act, some fact of the past would not have been a fact;⁶ or they have argued that, if an agent were to act differently than she did in a deterministic world, then some law of nature that does obtain in that actual world would not have obtained in the possible world in which she acted differently.⁷

What all of these strategies share is an assumption that compatibilism is to be defended by protecting alternative possibilities (and hence, some variation upon PAP) from the threat of determinism. Refuting the Transfer Argument (along with other similar threats⁸) allows the compatibilist to maintain, as PAP requires, that an agent could have done otherwise, even in a deterministic world.

* * *

But direct replies to the Transfer Argument remain highly contested. Suppose the compatibilist cannot win this battle. One elegant maneuver is to sidestep the debate over Transfer by conceding the argument’s conclusion to the incompatibilists: Determinism does rule out an agent’s ability to act otherwise. But the mistake is to assume, as PAP does, that the Free Will Condition is to be unpacked in terms of the freedom to act otherwise. If, instead, there were some other way to characterize the freedom required for moral responsibility, then the compatibilist could ignore the debate over the success of Transfer.

Consider, in this light, the following case:
Wally wants Beave to shoot Eddie with a dart gun by a certain time, say t₁. Wally would prefer that Beave shoot Eddie on his own. But without Beave’s knowledge, Wally implants a device in Beave’s brain allowing Wally to predict Beave’s thoughts, deliberations, intentions, choices, and actions. Suppose that, if Beave were even to begin to formulate any intention or thought incompatible with shooting Eddie by t₁, then Beave’s brain would exhibit a certain neurological pattern just prior to t₁ at, say, t₀. Wally would then use the presence of this neurological pattern at t₀ as a reliable sign indicating that Beave would not shoot Eddie by t₁. In this case Wally would make use of the device bringing it about that Beave shoots Eddie by t₁. But, as it happens, Beave’s brain never exhibits the pertinent neurological pattern by t₀ and Beave does shoot Eddie on his own by t₁. Wally never intervenes. The presence of Wally plays no actual role in the etiology of Beave’s action. Beave would have shot Eddie for just the reason he did even if Wally had been removed from the situation altogether.

Call this example Dart Gun.⁹ Intuitively, Dart Gun appears to be a case in which Beave is morally responsible (and blame-worthy) for shooting Eddie even though, due to Wally’s presence, he could not have avoided doing so. Dart Gun, it seems, is a counterexample to PAP. Furthermore, Dart Gun invites some account of the kind of control Beave did exhibit in shooting Eddie. Frankfurt, for instance, offers a hierarchical theory according to which an agent such as Beave acts freely and is morally responsible for his actions if the first-order desires which lead him to act are properly integrated within his deeper self. For Frankfurt, this involves an identification with motivating first-order desires by way of higher-order desires.¹⁰ Still others, such as John Martin Fischer and Mark Ravizza, would argue that Beave exhibits guidance control (which does not involve alternative possibilities) just so long as the mechanism issuing in Beave’s action is 1.) reasons responsive, and 2.) Beave’s own.¹¹ Either view, it is argued, does not require the freedom to do otherwise, but only, as Frankfurt puts it, the ability to act freely. Fischer has dubbed this form of compatibilism “Semicompatibilism,” since it grants an incompatibility between determinism and the ability to do otherwise, but it advances compatibilism between determinism and moral responsibility (by advancing a flavor of freedom that does not require alternative possibilities but is sufficient to satisfy the Free Will Condition).¹²

By relying upon the Frankfurt examples the semicompatibilist can evade the power of the Transfer Argument altogether. Some incompatibilists have resisted semicompatibilism by arguing that the Frankfurt examples do not undermine PAP (or some variation on PAP).¹³ For instance, consider the interval of time between t₀ and t₁ in Dart Gun. Either, the incompatibilist will argue, the absence of the neurological sign at t₀ does or does not indicate that sufficient conditions are present for Beave’s shooting Eddie by t₁. If the absence of the neurological sign does indicate that sufficient conditions are present, then the case assumes a deterministic relation between states of the agent prior to the execution of action, and her subsequent “freely willed” action. But it would beg the question against the incompatibilist to make this assumption and yet maintain that the agent is morally responsible. Alternatively, if the absence of the neurological sign does not indicate that sufficient conditions are present for Beave’s shooting Eddie at t₀, then it can be assumed that Beave retains libertarian freedom to do otherwise in the interval between t₀ and t₁. In either case PAP remains unscathed. In the former, Beave does
not have any alternative possibilities, but it is in dispute whether Beave is morally responsible. In the latter, Beave does have alternative possibilities, so, even if he is morally responsible for shooting Eddie, PAP is not violated.

If the above incompatibilist defense of PAP succeeds, then the Transfer Argument retains its relevance to the question of the relation between determinism, free will, and moral responsibility. But this incompatibilist defense is contested. Some philosophers have attempted to produce Frankfurt examples which do not rely upon any prior sign at all and therefore avoid charges that such signs presuppose problematic deterministic relations. Still others argue that the signs can both be reliable predictors, and yet not presuppose a problematic deterministic relation. Let us grant, for the sake of argument, that one of these replies to the incompatibilist succeeds. Suppose that some variation on a Frankfurt case can be constructed which shows that an agent is morally responsible for what she does even though she had no alternatives open to her at the time of her freely willed action. Grant that the examples do not illicitly presuppose any problematic deterministic relation. This would render the Transfer Argument otiose; determinism’s ruling out an agent’s power to have control over alternatives to the actual future would not thereby render an agent unfree in the requisite sense. How might the incompatibilist proceed?

* * *

The remainder of this paper will explore two incompatibilist arguments that do not turn upon the assumption that moral responsibility requires the ability to do otherwise. Of the two arguments, particular attention will fall upon a near cousin of the Transfer Argument for incompatibilism, the Transfer of Non-responsibility Argument. Hopefully we will see that this latter argument retains the power and resilience of the modal intuitions originally found in Transfer.

Both of the arguments are of special relevance to a new group of incompatibilists. Call them “Source Incompatibilists.” It is illuminating that several of those defending the success of the Frankfurt examples are themselves incompatibilists. They agree with the semicompatibilists that the Frankfurt examples succeed in showing that the freedom crucial for moral responsibility does not require alternative possibilities. Thus they would agree that the success of the Frankfurt examples renders the Transfer Argument innocuous. But unlike the semicompatibilists, these source incompatibilists maintain that morally responsible agency requires a deterministic break in the actual sequence of events that leads to an agent’s freely willed action. They hold that the fundamental threat to moral responsibility from determinism derives, not from the thought that in a deterministic world an agent cannot do otherwise; it derives, instead, from the thought that, if determinism is true, an agent’s actions do not originate in her. The ultimate source of her actions traces back to sources before her birth.

In The Significance of Free Will, Robert Kane defends an ultimacy condition for moral responsibility. While Kane himself is not a source incompatibilist (insofar as he holds that moral responsibility requires alternative possibilities), his work can be used in its service. Drawing upon Kane’s ultimacy condition, here is an argument for source incompatibilism:

1.) If determinism is true, no one is the ultimate source of her actions;
2.) One is morally responsible for one’s actions only if one is their ultimate source;
3.) Therefore, if determinism is true, no one is morally responsible for her actions.
Call this the Ultimacy Argument. Arguably, source incompatibilists implicitly endorse something like the Ultimacy Argument.

Now consider a successor to the Transfer Argument. The Transfer of Non-responsibility Argument, ingeniously crafted by Peter van Inwagen, exploits modal intuitions analogous to those at work in Transfer.\(^\text{18}\) The Transfer of Non-responsibility inference principle (Transfer NR) functions as a transmitter of Non-responsibility from some fact for which no one is even partly morally responsible to Non-responsibility for any fact entailed by the original fact. Read “NR(p)” as, “p and no one is or ever has been even partly morally responsible for the fact that p.” The pertinent argument form is:

1. If NR(p); and
2. NR(If p, then q); then
3. NR(q)

Below is an instance of the argument offered by van Inwagen.\(^\text{19}\) Grant premises 1 and 2 in the following example, Snakebite:

1. John is bitten by a cobra on his thirtieth birthday and no one is even partly morally responsible for the fact that John is bitten by a cobra on his thirtieth birthday; and
2. If John is bitten by a cobra on his thirtieth birthday, then John dies on his thirtieth birthday and no one is even partly morally responsible for this fact; therefore
3. John dies on his thirtieth birthday and no one is even partly morally responsible for the fact that John dies on his thirtieth birthday.

Instances like Snakebite help to confirm the plausibility of Transfer NR. Now simply apply the argument form to the thesis of determinism, making similar assumptions to those made with regard to the Transfer Argument: If no one is even partly morally responsible for the facts of the distant past (say, before there were persons at all) or the laws of nature, it will follow that no one is even partly morally responsible for any action, since, if determinism is true, all actions are entailed by the facts of the past and the laws of nature.

Before proceeding, consider briefly a third argument that can also be used in the service of source incompatibilism. Recently Derk Pereboom has introduced a generalization argument that builds from a series of manipulation cases.\(^\text{20}\) Pereboom invites us to see certain kinds of manipulated agents as not responsible in virtue of their having been manipulated. Each successive case in his series is tailored to move one step closer to the manner in which a putatively morally responsible agent would be determined. Eventually Pereboom comes to a case on the basis of which he argues that, on pain of inconsistency, our intuitive judgment that a certain kind of manipulated agent is not morally responsible requires us to conclude that a causally determined agent is not morally responsible either. He offers the following principle as an upshot of this argument:

NC: An action is free in the sense required for moral responsibility only if it is not produced by a deterministic process that traces back to factors beyond the agent’s control.\(^\text{21}\)

Notice that Pereboom’s argument, call it the Manipulation Argument for Incompatibilism, might be used to bolster the second premise of the Ultimacy Argument.

Although Pereboom is, in fact, a source incompatibilist, his strategy is to use the Manipulation Argument to undermine compatibilism and not to make a case for source incompatibilism specifically. As Pereboom explains, the reason that the Manipulation Argument is not by itself
sufficient for source incompatibilism is due to the fact that one persuaded by his argument might hold that her reason for thinking that the pertinent manipulated agent is not morally responsible is due solely to the fact that the manipulation renders the agent unable to do otherwise. To achieve source incompatibilism Pereboom also draws upon the Frankfurt examples. By doing so he can thereby eliminate the demand for alternative possibilities. Hence, his argument for source incompatibilism involves two steps.

But a slight modification of Pereboom's argument would be independently sufficient for source incompatibilism. The salient feature of his crucial manipulation case is that the origin of that agent's choices are not of her own making. They "come from outside," so to speak. The nature of such an example does not require an elimination of alternative possibilities. To see this, just alter Pereboom's manipulation case so that the putatively morally responsible agent is given genuinely open, casually undetermined options. Furthermore, make the reasons for which an agent would choose any option themselves a product of manipulation. And finally, make the options chosen the result of a randomizing device that is also implanted into the causally undetermined agent. Anyone convinced by Pereboom's argument that the manipulated agent is not morally responsible should just as well be convinced by the revised argument in which the agent retains alternative possibilities. This content downloaded from 150.135.239.99 on Mon, 11 Jun 2018 03:15:37 UTC All use subject to http://about.jstor.org/terms
Ultimacy Argument and The Transfer of Non-responsibility Argument. Each argument attempts to establish that moral responsibility itself is incompatible with determinism. There is no compatibilist sidestepping either!

Second, unlike the Transfer of Non-responsibility Argument, the Ultimacy Argument does not trade upon any modal intuitions. It is not that non-responsibility for one set of facts “transfers” to non-responsibility for some other set. Instead it expresses a property, ultimacy, required for the very actions in regard to which questions of moral responsibility arise. One illuminating difference arising from this observation is that the Transfer NR Argument begins by making use of circumstances in which it is clear and uncontestable that an agent is not in any manner even partly morally responsible for the “initiating” set of facts. There is no disputing that a person is not even partly responsible for the facts of the universe prior to her birth, nor that she is even partly responsible for the laws of nature. If the advocate of Transfer NR can successfully slingshot that lack of responsibility to entailed facts, then she has a powerful case for an incompatibility between moral responsibility and determinism. The Ultimacy Argument, on the other hand, lacks this clear advantage. In fact, a compatibilist might simply argue that Ultimacy is nothing more than an expression of incompatibilist convictions—not an argument leading to incompatibilism. To this extent, Transfer NR appears to be a more stable basis for building a defense of source incompatibilism.

Criticizing the Ultimacy Argument as question begging is, to some degree, unfair. For instance, in The Significance of Free Will, Kane devotes much energy to explaining what is lost without ultimacy. He makes appeal to a range of notions such as creativity, desert for one’s achievements, individuality and uniqueness, dignity, and life hopes. In all of these cases, Kane argues, ultimacy affords an agent something she would lack with mere compatibilist (non-ultimate) freedom. So Kane certainly does not merely assert the demand for ultimacy (and thus indeterminism). He attempts to locate the demand for it in a host of crucial aspects of human life. But for all this, there is still a strong discrepancy between the starting point for Transfer NR and these presumed sources of ultimacy to which Kane appeals. In the former case there is no disputing that an agent is not responsible for events prior to her birth or for the laws of nature. But in the latter case it is contestable on compatibilist grounds whether or not one can have such things as creativity or dignity in a determined life.

Third, the Transfer NR Argument makes a stronger case than does the Ultimacy Argument. That one is not morally responsible for the facts prior to her birth does not need support by calling attention to the fact that one is not the ultimate source of these facts. One is not any source of facts prior to her birth, ultimate or mediated. One’s lack of responsibility with regard to the facts prior to her birth arises directly from the thought that, at the time at which these facts were realized, there was no self to stand in any kind of relation to the facts. Similar remarks can be made about one’s non-responsibility for the laws of nature. On the other hand, a compatibilist with regard to moral responsibility and determinism might try to meet the Ultimacy Argument by showing that it is enough for moral responsibility that an agent is merely the source of her actions; being the ultimate source might be preferable, but it is not necessary. But the compatibilist would still need to show why non-responsibility for
facts prior to one’s birth and non-responsibility for the laws of nature, given the modal intuitions expressed in Transfer NR, do not entail non-responsibility for one’s present deeds.

To take stock: 1.) The Transfer NR Argument and the Ultimacy Argument both are direct arguments for an incompatibility between moral responsibility and determinism; neither trade on some other feature required for moral responsibility. 2.) The Transfer NR Argument begins from a less controversial intuitive base than does the Ultimacy Argument. 3.) The Transfer NR Argument makes a stronger case for incompatibilism than the Ultimacy argument does. It appears that, of the two arguments, the most compelling direct argument for source incompatibilism between moral responsibility and determinism is one that is based upon Transfer NR. I turn now to a recent attack on Transfer NR.

* * *

In “The Direct Argument for Incompatibilism,” Chapter 6 of Responsibility and Control, John Martin Fischer and Mark Ravizza set out to prove Transfer NR invalid by providing counterexamples to it.30 For ease of expression, I will focus upon their examples as the argument pertains to responsibility for the consequences of one’s actions. The central point I shall develop applies just as easily to Fischer and Ravizza’s treatment of responsibility for actions. Consider the authors’ example, Erosion.31 In Erosion, at time T1, the secret double-agent Betty sets off some dynamite which will trigger an avalanche destroying an enemy base camp at time T3. Although Betty does not know this, natural forces of erosion are at work and, had she not set off the dynamite at T1, the erosion would have caused an avalanche at T2, bringing it about that the enemy base camp is destroyed at T3. Fischer and Ravizza have offered a counterexample to Transfer NR. Surely, Betty is not even partly morally responsible for the fact of the erosion leading up to T2. Nor is Betty even partly morally responsible for the fact that the erosion leading up to T2 would result in the fact that the enemy base camp is destroyed at T3 if Betty did not create an explosion. Yet, because Betty set off the dynamite on her own at T1, she is morally responsible for the consequence that the enemy base camp is destroyed at T3.

One might be tempted to object to this argument by conceding that it applies to consequences but argue that similar results will not work with regard to Betty’s action.32 But let us set these worries aside and assume, just for the sake of argument, that similar points could be made with regard to actions. The incompatibilist might object to the examples by insisting that they are irrelevant to Transfer NR as it pertains to determinism. For in the example, the ensuring condition that guarantees that the enemy camp is destroyed at T3 occurs only in an alternative scenario, i.e., in some other possible world. But determinism is not a theory about what happens in some counterfactual situation. The alleged threat of determinism concerns what transpires in the actual world. For the counterexamples to answer a properly modified version of Transfer NR, Transfer NR*, they must show that the Ensuring condition arises in the actual world.

The incompatibilist might modify Transfer NR to arrive at Transfer NR* by more narrowly restricting the crucial entailment relation. Consider the following argument form as an expression of the demands specified by Transfer NR*:

1. $p$ and no one is or ever has been even partly responsible for the fact that $p$;
2. i. $p$ is part of the actual sequence of events $e$ that gives rise to $q$ at $T_3$;
   ii. $p$ is a part of $e$ that is causally sufficient for the obtaining of $q$ at $T_3$;
   iii. no one is or ever has been even partly responsible for 2.i and 2.ii;

3. Therefore, no one is or ever has been even partly morally responsible for the fact that $q$ obtains at $T_3$.

Fischer and Ravizza acknowledge the prospect of something like NR*.33 They distinguish between examples in which the ensuring condition involves cases of preemptive overdetermination, as in Erosion, and instead cases in which the ensuring condition involves simultaneous overdetermination. To answer the incompatibilist, Fischer and Ravizza modify their examples accordingly. So consider Erosion*. In Erosion* the erosion causes the avalanche to occur at precisely the moment that Betty sets off the dynamite, making Erosion* a case of simultaneous overdetermination. The authors maintain that, in this case as well, Betty is morally responsible for the pertinent consequence.34

Some may want to resist Fischer and Ravizza’s intuition that Betty is responsible in Erosion*. But let us also set these worries aside and grant Fischer and Ravizza their treatment of the case. It seems that we now have a counterexample to Transfer NR* modified so as to focus upon ensuring conditions which obtain in the actual sequence that brings about the event. As Fischer and Ravizza observe, their reply relies exclusively upon examples that involve “two-path” cases, i.e., cases in which the obtaining of the event is ensured by two different causal pathways to the same event.35 They do not object to Transfer NR as it applies to one path cases, but hold that Transfer NR restricted to one-path cases cannot be used to show that moral responsibility is incompatible with causal determinism. This is because causal determinism does not rule out cases of overdetermination.36 They therefore hang their criticism of Transfer NR on counterexamples involving two-path cases of simultaneous overdetermination.

This is not a convincing strategy. No doubt, Fischer and Ravizza are correct that causal determinism does not rule out overdetermination. But if determinism is true, then the manner in which the facts of the past and the laws of nature entail one unique future is not analogous to the manner in which one set of independently existing causally sufficient conditions (for example, an erosion) ensure a subsequent event also ensured by some distinct set of independently existing sufficient conditions (i.e., Betty’s action).37 Assuming determinism, the pertinent facts (consisting in the deterministic order of things) are not independent of an agent’s reasons for action, they constitute them! Therefore, at a deterministic world involving a typical case regarding a judgment of moral responsibility, the case is relevantly like a one-path, not a two-path case.

Consider, then, a further refinement on Transfer NR*, Transfer NR**:

1. $p$ and no one is or ever has been even partly responsible for the fact that $p$;
2. i. $p$ is part of the actual sequence of events $e$ that gives rise to $q$ at $T_3$;
   ii. $p$ is causally sufficient for the obtaining of $q$ at $T_3$, and any other part of $e$ that is causally sufficient for $q$ either causes or is caused by $p$.
   iii. no one is or ever has been even partly responsible for 2.i and 2.ii;
3. Therefore, no one is or ever has been even partly morally responsible for the fact that $q$ obtains at $T_3$.38
Presumably, it remains open to Fischer and Ravizza to hold that, at a deterministic world, an agent is morally responsible only in cases of simultaneous overdetermination. But it is doubtful that they would be happy with these results.

Can Fischer and Ravizza construct counterexamples to Transfer NR**? Not without giving up two path cases. One final prospect might be to defend the possibility that two distinct causally sufficient processes could supervene upon a single causal pathway. But now the semicompatibilist’s reply hangs upon delicate and highly controversial theories of causation. In particular, for the suggestion to fly, it seems that causality would have to be understood as inhering in the properties instantiated in events, and not in the events themselves (no matter how described). The burden of proof is on Fischer and Ravizza.

***

What is the status of my defense of Transfer NR** in light of the debate regarding the relationship between determinism and moral responsibility? Some incompatibilists, call them “Classical Incompatibilists,” will find my defense to be of little more than academic interest. The classical incompatibilists remain committed to the conviction expressed in PAP that moral responsibility requires the freedom to do otherwise. For the classical incompatibilist, there is no urgency in defending the Transfer NR** Argument as it is meant to answer the semicompatibilist. If the classical incompatibilist can claim success in defending PAP against Frankfurt cases, then she has no reason to fret about the semicompatibilist’s attempt to evade the issue of alternative possibilities. The classical incompatibilist can rest with those good old-fashioned arguments such as Transfer, arguments designed to establish an incompatibility between determinism and the ability to do otherwise.

But the source incompatibilists, persuaded by the Frankfurt cases, will find the Transfer NR** Argument especially appealing. As explained above, one clear advantage the argument has is that, unlike an argument such as the Ultimacy Argument, the Transfer NR** Argument begins with unquestionable sources of non-responsibility. So the source incompatibilist should find a good deal at stake in defending Transfer NR**.

One might think, however, that the source incompatibilist would object to the particular way in which Transfer NR** is here defended. Specifically, it might be objected that it was wrong initially to grant Fischer and Ravizza their treatment of cases like Erosion and Erosion*. Recall that these cases involved responsibility for overdetermined consequences. But consider the basis one would have for this objection. As just one example, Ginet would say that if ensuring conditions were in place that made it inevitable that the state of affairs obtained that the enemy base camp was destroyed at T3, then Betty was not after all morally responsible for that consequence. Instead, Ginet would argue, Betty was morally responsible for a more narrowly specified state of affairs: destroying the base camp at T3 by performing some basic action at a more narrowly specified earlier time. And, Ginet would argue, this is something that Betty could have avoided.

Suppose Fischer and Ravizza were to counter Ginet by pushing simultaneous ensuring conditions back to the time of the execution of Ginet’s preferred basic action. Ginet’s objection would be that they can establish simultaneous ensuring conditions for a basic act only if they are able to establish a reliable basis for predicting the act. But, Ginet would argue, Fischer and Ravizza cannot establish such a reliable sign without presupposing a deterministic relation between states of the agent prior
to the execution of action and states of the agent at the time of her freely willed action. Notice, however, that this reply also serves as the basis for a defense of alternative possibilities. Recall that the incompatibilist trio of Ginet, Kane, and Widerker all defend PAP against Frankfurt cases by arguing that the cases cannot rule out the crucial alternative possibilities without appeal to some reliable sign as a prior indicator of a subsequent freely willed action. The problem with the Frankfurt cases according to this incompatibilist approach is that such signs presuppose a deterministic relation that begs the question against the incompatibilist. Now, as we have here seen her characterized, the source incompatibilist is one who is convinced by the success of the Frankfurt examples and thus is not persuaded by classical incompatibilist replies to Frankfurt such as Ginet’s, Kane’s, and Widerker’s. It is therefore not constructive to consider defenses of Transfer NR that make use of the same argumentative machinery used to defend PAP. My defense of Transfer NR** has the dialectical advantage of speaking to those who believe that some kind of Frankfurt case succeeds in refuting PAP.

In a similar vein, it might be objected that it was wrong to grant Fischer and Ravizza cases of simultaneous overdetermination as regards actions even if there are no problems with doing so for consequences of actions. But again, as illustrated in the preceding paragraph, denying Fischer and Ravizza such examples would exploit the very same arguments employed to defend alternative possibilities against Frankfurt cases. Since the source incompatibilists are not persuaded by classical incompatibilist defenses of PAP, there is no advantage to trotting out those defenses for Transfer NR**. As the source incompatibilist sees the situation, better to grant the semicompatibilists their attack on PAP and take issue with them on other grounds.

If my criticism of Fischer and Ravizza’s reply to Transfer NR is correct, then Transfer NR** stands as the rightful heir to the legacy of Transfer and can be used in support of source incompatibilism. Granting the semicompatibilist a successful defense of Frankfurt cases, the debate has shifted to the issues surrounding Transfer NR** and the Ultimacy Argument. For the semicompatibilist to defend her position, she must take issue with two arguments for source incompatibilism, the Ultimacy Argument and the Transfer NR** Argument.

It is my contention that of the two, the Transfer NR** Argument is the more impressive. Indeed, the merits of the Transfer NR** Argument over those of the Ultimacy Argument derive mainly from the resiliency of the basic modal intuitions at work in Transfer as well. By starting with conditions for which, undeniably, no one is morally responsible, the Transfer NR** Argument can transmit that non-responsibility into present deeds. There is no need to unpack the requisite notion of “source,” ultimate or otherwise, required for moral responsibility. Beginning with an agent’s non-responsibility for facts prior to one’s birth and non-responsibility for the laws of nature, there is no sense to be made of an agent as any kind of source of those facts. Similarly, where the ultimacy argument requires a defense of ultimacy intuitions by appeal to notions such as creativity and meaning in life, the Transfer NR** argument does not. Compatibilists can contest the incompatibilists’ exclusive claim on those notions used to defend Ultimacy. Transfer NR** requires none of this. It only requires the modal intuition that the original non-responsibility is indeed transmitted by entailment relations.
How might the semicompatibilist take issue with the modal intuitions expressed in Transfer NR**? One possibility is to show that Transfer NR** is selective in the inferences it licenses. This would be an invitation for the semicompatibilist to revisit those traditional compatibilist arguments against Transfer (and in defense of PAP) offered by Michael Slote and others. Another is to provide counter-instances to Transfer NR**. But the basic pattern of argument offered by the Transfer NR** Argument for incompatibilism builds upon pellucid modal inferences. It is difficult to imagine how they could be undermined. It is therefore incumbent upon the semicompatibilist that she show us how they can be.

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**NOTES**

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2. In this section and the next, attention will be restricted to action. The same points are intended to apply to omissions, as well as the consequences of one’s actions and omissions.

3. A carefully specified version of FW would employ a tracing principle allowing that a person could be morally responsible for an action over which she did not exercise control just so long as that action could be traced to some earlier action over which the agent did exercise control.


8. Some incompatibilists, regarding the relationship between determinism and the ability to act otherwise, have argued that one does not need Transfer. They argue that there are other incompatibilist arguments that will win the day even if it can be shown that Transfer does not permit a universally valid form of inference. (See John Martin Fischer, *The Metaphysics of Free Will: An Essay on Control* [Cambridge, Mass.: Blackwell, 1994] pp. 64–65.) These arguments will not be considered. Unlike the Transfer Argument, they are not relevant to the point at issue in the pages to follow.

9. Harry Frankfurt first introduced examples such as Dart Gun in “Alternate Possibilities and Moral Responsibility,” *Journal of Philosophy* vol. 66 (1969), pp. 829–839. The examples, now commonly known as “Frankfurt examples,” have exerted great influence over the free will debate. For a sustained defense of Frankfurt examples, as well as a thorough discussion of the recent history of the debate regarding their success, see Fischer, *The Metaphysics of Free Will*, pp. 131–159; and again, for a further defense and discussion of the most recent history, see Fischer “Recent Work on Moral Responsibility,” *Ethics* vol. 110 (1999), pp. 93–139.


18. The argument is first set out in Peter van Inwagen, “The Incompatibility of Responsibility and Determinism,” in *Bowling Green Studies in Applied Philosophy 2: Action and Responsibility*

19. Van Inwagen, “The Incompatibility of Free Will and Determinism,” p.188.

20. See Pereboom, Living Without Free Will. An earlier version of his argument can be found in “Determinism al Dente.”


22. These remarks are based on personal correspondence.

23. Pereboom, Living Without Free Will.

24. For the best compatibilist defense of this view to date, see Chapter 8 of Fischer and Ravizza’s Responsibility and Control.


26. For an illuminating debate on this topic among John Martin Fischer, Ishtiyaque Haji, and Robert Kane, see John Martin Fischer, “Responsibility, History, and Manipulation,” Journal of Ethics (forthcoming, October 2000) in the published proceedings of the conference Free Will and Moral Responsibility: Three Recent Views held at Bryn Mawr College on 2 October 1999. See also Haji’s and Kane’s critical comments on Fischer, as well as Fischer’s reply to Haji and Kane. Included in the published proceedings is the question-and-answer session featuring questions from, among others, Carl Ginet and Derk Pereboom. Ginet and Pereboom both push Fischer on an interesting manipulation case Ginet constructed based on a version of the movie, The Truman Show.

27. Kane, The Significance of Free Will, pp.81–89.


29. Al Mele sketches a soft libertarian view according to which the soft libertarian grants to the semicompatibilist that moral responsibility is compatible with determinism. But, this libertarian argues, ultimate libertarian agency is preferable to any form of compatibilist agency. (See Alfred R. Mele, “Soft Libertarianism and Frankfurt-Style Scenarios,” Philosophical Topics vol. 24, pp. 123–141.) The compatibilist imagined here would be one willing to live peaceably with this soft libertarian. Notice, however, that neither could tolerate the Transfer NR Argument.


32. Derk Pereboom (forthcoming, 2001) argues against Fischer and Ravizza along these lines. Both Ginet and Widerker, on the other hand, would be unwilling to make this concession. Ginet (1996) would hold that Betty is responsible for (knowingly) contributing a certain causally sufficient
condition for the pertinent consequence. Widerker (1995a; 1995b) would maintain that Betty cannot avoid the type of consequence that the enemy base camp is destroyed, but she can avoid the particular action which she does perform, and the particular consequence which flows from her action.

34. Ibid., pp. 161–162.
35. Ibid., pp. 166–167.
36. Ibid., p. 167.


38. I owe Ishtiyaque Haji and Al Mele for help in formulating Transfer NR* and Transfer NR**.
39. In unpublished material, Carl Ginet acknowledges this possibility for Fischer and Ravizza. As Ginet observes, Fischer and Ravizza grant that their treatment of Transfer NR does not threaten Transfer NR as it applies to one-path cases. But then, Ginet reasons, if determinism is true, there will be a very large sub-class of one-path cases in which the agents are not morally responsible. (It is only in the unusual situation that an agent’s action is causally over-determined.) In the large sub-class of cases in which the agents are not morally responsible, given our ordinary practices, we would judge that the agents are morally responsible. Thus, most of our moral responsibility attributions would be false. This would be enough to pose a significant threat to our moral responsibility practices. Ginet credits Eleonore Stump with this point.

40. Fischer suggested this in personal correspondence.

42. Reflection on Widerker’s work (1995a and 1995b) indicates that similar remarks would apply to his manner of handling Transfer NR.
43. In Living Without Free Will, Derk Pereboom also defends Transfer NR (as it applies to actions) without appeal to considerations that would also figure in a defense of alternative possibilities. In fact, Pereboom develops one of the most recent and innovative attacks on alternative possibilities by way of an intriguing variation on a Frankfurt-type case. See Living Without Free Will and also “Alternative Possibilities and Causal Histories.”


45. In correspondence, Michael Zimmerman has challenged the suggestion that the burden of proof is now clearly on the compatibilist’s side. As Zimmerman explains, it looks as if Transfer NR** begs the question against compatibilism by making the causal path to q unique. Given the requirement of uniqueness, it appears that no counter-example is possible unless one assumes compatibilism. Hence, it seems that Transfer NR** is tailored merely to rule out compatibilism, or is, in any case, dialectically unfair. If so, what the argument achieves is, at best, a stalemate. Fischer makes a similar point in his “Reply to Stump,” (forthcoming 2000). In response, what the source incompatibilist must show is that Transfer NR** is not merely ad hoc, but is independently confirmed by a range of cases. In the source incompatibilist’s defense, notice that cases like Snakebite can be used to confirm the plausibility of Transfer NR** as readily as they can the leaner Transfer NR.