

Freedom, responsibility and the past

A consideration of the new consequence argument

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Joseph Campbell argues that, since the Consequence Argument contains a premise about the remote past which is false in some deterministic world, it fails to prove that, in every deterministic world, no one has free will. His suggestion invokes several issues, *e.g.*, whether the Consequence Argument requires some premise about the past, what it exactly shows, and so forth. Most Recently, Roberto Loss and Alicia Finch, who each tackle these problems, have improved on the Consequence Argument to rebut the ‘leeway’ type of compatibilism. So, the present situation of the compatibility debate might be that the incompatibilists would have got advantage over the compatibilists. However, in this paper, I will suggest that it’s not the case. I’d like to argue that, at a price of their obtaining a promising version of the Consequence Argument, the incompatibilists would lose, metaphorically, a reliable weapon against the ‘source’ type of compatibilism. I will show that the recent debate on the Consequence Argument and the past would teach us that the so-called Direct Argument fails to establish the strict incompatibility of determinism and responsibility in the ‘source’ sense.

Introduction

The Consequence Argument (‘CA’ in brief) is an argument for incompatibilism between determinism and the existence of free will. It has been examined in various respects¹. At present, several philosophers consider it by focusing on the notion of *the past* and have a

¹ For inclusive surveys, confer Kapitan 2002 and Speak 2011.

lively discussion. The history of the on-going controversy around the CA and the past is as follows.

First, Joseph Campbell (2007) suggests that the CA doesn't establish incompatibilism in the strict sense because it contains a contingent presupposition that there is a *remote past* in which no human beings exist. This suggestion invokes several issues, *e.g.*, whether the CA needs the existence of a remote past in order to obtain its conclusion. Anthony Brueckner (2008) and Campbell (2008) discuss on this point. And most recently, as a breakthrough suggestion, Roberto Loss (2009) and Alicia Finch (2013) each argue that the CA doesn't require *any kind of past*. They offer a new version of the CA which goes without any need of the past. According to them, this type of argument would establish incompatibilism in the strict sense.

I'd like to consider Loss's and Finch's new argument. I will make clear what an advantage it has over the original CA and also what its limitation is. My central suggestion is that, although Loss and Finch succeed in saving the CA from Campbell's criticism, the debate on the CA and the past does not result in the incompatibilists' triumph. There remains a harder Campbell-style criticism of another incompatibilist argument, the so-called 'Direct Argument' (van Inwagen 1983:183), which has any type of compatibilism in its target. As a result, it will turn out that the incompatibilists lose a reliable weapon against the 'source' type of compatibilism. Therefore, we should not simply say that the recent authors made the dialectical situation advantageous to the incompatibilists.

The contents of this paper are as follows. In Section 1, I define several terms and formulate the original CA. In Section 2, I introduce the Direct Argument and explain its relationship with the CA. In Section 3, I explicate Campbell's objection to the CA, where I mention Brueckner's response. In Section 4, I present Loss's and Finch's new argument. In section 5, I suggest that there is a harder Campbell-style objection to the Direct Argument, to which the incompatibilists have not yet found a way to reply.

The original consequence argument

Historically, the CA was individually offered in 1970s by a number of philosophers (cf. Kapitan 2002: 128). According to van Inwagen, one of the most prominent advocates of the argument, its basic idea is summarized as follows:

If determinism is true, then our acts are the consequences of the laws of nature

and events in the remote past. But it is not up to us what went on before we were born, and neither is it up to us what the laws of nature are. Therefore, the consequences of these things (including our present acts) are not up to us. (Van Inwagen 1983: 16)

On basis of this idea, van Inwagen constructs several formal arguments each of which concludes that determinism is incompatible with the existence of free will. In this section, I introduce van Inwagen's terminology and his third formulation of CA, which is the main subject of the above-mentioned philosophers.

Determinism is the thesis that "there is at any instant exactly one physically possible future" (van Inwagen 1983: 3). Van Inwagen articulates this in terms of time-indexed propositions. Presupposing that for every instant of time "there is a proposition that expresses the state of the world at that instant," he defines determinism as:

If p and q are any propositions that express the state of the world at some instants, then the conjunction of p with laws of nature entails q .² (Van Inwagen 1983: 65)

If L is the conjunction of the laws of nature, then determinism entails that, for any propositions p and q , $\Box((p \ \& \ L) \rightarrow q)$ is true (where ' \Box ' expresses logical necessity).

The term 'free will' generally has various interpretations. There are two important types of free will, *i.e.*, the leeway type and the source type. The former is defined in terms of the possibility or ability to do otherwise, and the latter in terms of some characteristics of the actual sequence of events. Explicating their difference in a footnote³, I'd like to remark that, at first sight, determinism is a threat to leeway freedom but not to source freedom. In fact, even if determinism would deprive us of any possibility to do otherwise, it would seem to leave the source type of free will intact. And, the target of the CA is the leeway type of freedom, to which van Inwagen refers by words 'power', 'can' or 'choice'. He defines the Free Will thesis ('FW thesis' in brief) as the statement that there are some agent s and some

² Possibly someone thinks that this definition of determinism is too strong because it entails the backward determination from the future to the past. However, van Inwagen says that it doesn't matter since insertion of an appropriate 'later than' clause into the definition will not affect the CA (I should note that we can doubt this point). In addition, he says that many or perhaps the all deterministic laws of nature which have been found by physics entail both forward and backward determinations (van Inwagen 1983: 65).

³ Among the source types of freedom is, *e.g.*, freedom from external coercions. This freedom might give autonomous agency to an agent without requiring any existence of alternative possibilities.

true proposition p such that s could have rendered p false.

Importantly, the notion of leeway freedom requires a certain conception of possibility. Van Inwagen seems to conceive it as nomological possibility relative to the past, though I should note that he does not sufficiently articulate it in some respects⁴. To develop it fully, suppose that a proposition p_1 truly describes the state of a world w at a time t_1 . Then, an agent s in w can render⁵ at t_2 the proposition p_1 false if and only if, among the worlds which are nomologically accessible to w , there is a world w^* such that w^* is exactly similar⁶ to w before t_2 and s in w^* does render, at t_2 or at some moment after t_2 , p_1 false⁷.

There are two remarks. First, according to this conception of possibility, no one can render any true *past* proposition false. Formally, since the possibilities in this conception are determined with the past being fixed, no one can render at t_2 any t_1 -proposition false, if $t_1 < t_2$ (where ‘<’ means ‘is temporarily prior to’ and for any time t ‘ t -proposition’ means a proposition which truly describes the state of the world in question at t). Second, according to that conception, in some case, one can render some true *present* proposition false in the sense that one can render at t some t -proposition. However, Loss and Finch will not share this view, as seen later.

Incompatibilism is defined by the thesis that determinism is incompatible with the FW thesis. We can interpret this as saying that, in every world at which determinism is true, for any agent s , any t_1 -proposition p and any time t_2 , s cannot render at t_2 p false.

Van Inwagen offers three version of the CA in order to prove incompatibilism. The characteristic of the third argument is, on one hand, its use of a sentential operator ‘**N**’ such that ‘**N** p ’ means that “ p and no one has, or ever had, any choice about whether p ” (van Inwagen 1983: 93) and, on the other, its appeal to the proposition P_0 about a remote past “before there had ever been any human beings” (van Inwagen 1983: 96, 184). In what

⁴ It’s not clear exactly which items are temporally indexed. In my formulation, following the recent writers, I stipulate that the verb ‘render’ is time-indexed as well as propositions.

⁵ Perhaps, instead of saying “can render p_1 false”, I had better write here ‘could have rendered p_1 false’ since p_1 is a proposition which already has turned out true. However, biting the bullet of clumsiness, I will uniformly use tenseless expressions later.

⁶ The condition of exact similarity between initial segments of worlds is somehow complicated. But we can suppose that, if two worlds w^1 and w^2 have their temporal structure (*e.g.*, well-ordering, circular, etc.) in common before a time t and, for all time t^* before t , the time slice of w_1 at t^* is exactly similar to the time slice of w_2 at t^* , then w_1 and w_2 are exactly similar to each other before t .

⁷ The phrase ‘does render’ is mine (seemingly, van Inwagen always uses the word ‘render’ with the auxiliary ‘can’). *E.g.*, when I eat curry at noon, I render the proposition that I eat noodle at noon false.

follows 'CA' refers to the third argument, which Campbell and his opponents discuss on. For any true proposition P, the CA is constructed through famous inference rules (α) and (β)⁸ in the following way:

- | | |
|---|--|
| (1) $\Box((P_0 \ \& \ L) \rightarrow P)$ | definition of determinism |
| (2) $\Box(P_0 \rightarrow (L \rightarrow P))$ | from (1) by exportation |
| (3) $\mathbf{N}(P_0 \rightarrow (L \rightarrow P))$ | from (2) by the rule (α) |
| (4) $\mathbf{N}P_0$ | premise |
| (5) $\mathbf{N}(L \rightarrow P)$ | from (3) and (4) by the rule (β) |
| (6) $\mathbf{N}L$ | premise |
| (7) $\mathbf{N}P$ | from (5) and (6) by the rule (β) |

This argument says that, given certain rules and premises, if determinism is true, then no one has, or ever had, any choice about whether a proposition is true or false. In brief, it argues that determinism excludes any existence of the leeway type of freedom as ability to do otherwise⁹.

The focus of this paper is on (4), which states that no one has, or ever had, any choice about the state of a world in the remote past. Undoubtedly, this is true, because 'the remote past' refers to a past in which there were no human beings. However, the premise (4) gives rise to a problem for incompatibilism, which is made explicit by Campbell.

The direct argument

Before seeing Campbell's criticism, I will introduce another issue which I think would turn out to be important when we consider the problem caused by (4).

If the CA is sound and valid, no one has leeway freedom in a deterministic world. However, several compatibilists think that this is not any threat because there is a different kind of freedom which is compatible with determinism, *i.e.*, source freedom, and moral responsibility requires the existence of, not the leeway type, but the source type of freedom.

⁸ The rule (α) deduces $\mathbf{N}p$ from $\Box p$ for any p , and the rule (β) deduces $\mathbf{N}q$ from $\mathbf{N}(p \rightarrow q)$ and $\mathbf{N}p$, for any p and q . Although especially the latter is not beyond a doubt, this paper doesn't focus on either one.

⁹ Someone might think that just laws of nature being deterministic entail the same conclusion. If it were right, the appeal to the past would be otiose. But it's not right. Generally speaking, since there are a number of worlds which are nomologically accessible to a deterministic world, we must appeal to some extra factor like a past in order to eliminate all alternative possibilities.

Therefore, the CA itself doesn't have a power to convert every type of compatibilist. The position that determinism is compatible with a source kind of freedom which can be a right basis for moral responsibility is called 'source compatibilism' (correspondently, we can define related brands like 'leeway compatibilism'¹⁰).

Van Inwagen, however, presents an analogue of the CA which has the source compatibilists in its scope as well as the leeway compatibilists (van Inwagen 1983: 182-188). This is an argument sometimes called 'Direct Argument'¹¹ ('DA' in brief). The DA has the same formal structure (1)–(7) as the CA has, but it changes the interpretation of 'N'. In the DA, 'Np' means that "*p* and no one is, or ever has been, even partly responsible for the fact that *p*"¹². Thus, the DA is the argument which deduces, from the re-interpreted premises *NL* and *NP*₀, the conclusion that no one is, or ever has been, responsible for the fact that *P* (where *P* is any proposition).

Importantly, the notion of responsibility in the DA does not necessarily presuppose the leeway type of freedom. Even if we understand the term 'responsibility' in that way which the source compatibilists favor, the statements *NL* and *NP*₀ are – says van Inwagen – both true and the inferences (α) and (β) are both valid. In fact, *e.g.*, if an agent is completely not responsible for *p* and she is completely not responsible for $p \rightarrow q$, then it's hard to explain how she is even partly responsible for *q*. In addition, it's hard to deny that *NP*₀ is true, because *P*₀ describes the state of a world before there was any human being. Thus, not only the leeway but also the source compatibilists should respond to the DA. In this sense, this argument is more inclusive than the CA¹³.

¹⁰ Among the advocates of source compatibilism are Harry Frankfurt and the so-called Frankfurtians, *e.g.*, John Martin Fischer and Mark Ravizza.

Leeway compatibilism claims that determinism is compatible with a leeway kind of freedom. The conditional analysts and the new dispositionalists belong to this branch.

Source incompatibilism claims that determinism is incompatible with any source kind of freedom which is necessary for moral responsibility. Incompatibilists who sympathized with Frankfurt, *e.g.*, Derk Pereboom and Eleonore Stump, adopt this position.

Leeway incompatibilism claims that determinism is incompatible with any leeway kind of freedom which is necessary for moral responsibility. Van Inwagen takes this position.

¹¹ This is because the DA *directly* (*i.e.*, without appealing to a particular kind of freedom) concludes that determinism is incompatible with moral responsibility. In so far as the motivation to save free will is to rescue moral responsibility, the DA is a problem for the compatibilists between determinism and freedom.

¹² The term 'responsibility' may be interpreted as moral responsibility (though van Inwagen doesn't attach the adjective 'moral').

¹³ In reality, *e.g.*, while the source compatibilists, especially the Frankfurtians, quickly dismiss the CA, they

I stress two points. First, while the target of the CA is just leeway compatibilism, its analogue (*i.e.*, the DA) applies to compatibilism in general, because the notion of responsibility involved in it doesn't presuppose any particular kind of freedom. Therefore, if the DA is sound and valid, then it rebuts not only leeway but also source compatibilism. Second, it might be the case that a consideration of the CA would affect estimation of the plausibility of the DA, because the two arguments have many aspects in common. In the final section, I suggest that it *is* the case. I'd like to argue that the recent controversy around the CA and the past would show that the DA in reality fails to reject source compatibilism.

Campbell's criticism of the consequence argument

In this and next section, I survey the recent discussion on the CA and the past. Campbell suggests that the premise (4) NP_0 hinders the CA from establishing what it aims for. But, Loss and Finch find a way to revise the CA which enables it to obtain its intended conclusion. The present situation is that the recent discussion *seems* to have given the incompatibilists the advantage over the compatibilism.

In this section, I explicate Campbell's criticism of the CA and touch Brueckner's response.

What's a problem about NP_0 ? This formula mentions a proposition about some remote past, *i.e.*, some past in which there are no human beings. But, it's just contingently true, *e.g.*, in our world, that there is such remote past. In fact, there exists a world without any remote past, as Campbell says:

Consider, for instance, the possible world W . Suppose that W is a determined world such that some adult person exists at every instant. Thus, W has no remote past. At its first moment of existence lived Adam, an adult person with all the knowledge, powers, and ability necessary for moral responsibility. Shortly after Adam comes Eve, and the rest is history. (Campbell 2007: 109)

In W , there is some human being at every time. In addition, W is deterministic. This means that "having a remote past is not an essential feature of deterministic worlds" (Campbell 2007: 106). Therefore, the CA, which presupposes the existence of some remote past, doesn't apply to every deterministic world.

consider the DA seriously (cf. Ravizza 1994).

Campbell's suggestion is that the CA fails to establish incompatibilism¹⁴ in the strict sense. Rather, it establishes at most the *very weak* thesis that, in any deterministic world, any act performed at a time which has a remote past is unfree¹⁵. Even if this thesis is true, there remains a possibility that some act performed at a time which doesn't have any remote past is free in a deterministic world. So far as the CA doesn't exclude this possibility, it doesn't prove the strict incompatibility of determinism and free will.

I note that Campbell's suggestion will bring at least two important issues about the CA. First, what is the conclusion of the CA exactly? Second, can one reconstruct the CA without appealing to the existence of any remote past? Campbell's critics tackle these problems.

Brueckner suggests that, if the CA is appropriately revised, it will conclude a stronger thesis than Campbell thinks. He argues that it establishes the thesis that, in any deterministic world, any act performed at a time which has a *past*, whether remote or not, is unfree. His reformulation of the CA is as follows (Brueckner 2008: 11).

In reconstructing the CA, Brueckner uses a time-indexed sentential operator ' $\mathbf{N}[t]$ ' such that, for any proposition p , ' $\mathbf{N}[t]p$ ' means that p and no one has any choice at t about whether p . Note that $\mathbf{N}[t]p$ asserts inability to choose just at a particular time, while ' $\mathbf{N}p$ ' asserted "more absolute"¹⁶ inability to choose. Now, suppose that a world w is deterministic, a proposition P_t is about the state of w at any time t which has some prior time t_0^* (i.e., $t_0^* < t$), and P_0^* is a proposition about the state of w at t_0^* . Then, by the definition of determinism, $\Box((P_0^* \& L) \rightarrow P_t)$ hold, where L is the conjunction of the laws of nature in w . In addition, $\mathbf{N}[t]P_0^*$ is true, because, since P_0^* is about the state of w before t , no one has any choice at t about whether P_0^* . Then, if one accepts $\mathbf{N}[t]L$ and certain inference rules (α^*) and (β^*)¹⁷, then one can reconstruct the CA as follows:

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|--|--|
| (1) $\Box((P_0^* \& L) \rightarrow P_t)$ | definition of determinism |
| (2) $\Box(P_0^* \rightarrow (L \rightarrow P_t))$ | from (1) by exportation |
| (3) $\mathbf{N}[t](P_0^* \rightarrow (L \rightarrow P_t))$ | from (2) by the rule (α^*) |
| (4) $\mathbf{N}[t]P_0^*$ | premise |
| (5) $\mathbf{N}[t](L \rightarrow P_t)$ | from (3) and (4) by the rule (β^*) |

¹⁴ In this and the next section, the term 'incompatibilism' means leeway incompatibilism.

¹⁵ In this and the next section, the terms 'free' and 'unfree' will be used in the sense of leeway.

¹⁶ This expression is borrowed from Campbell 2008: 266.

¹⁷ The rule (α^*) deduces $\mathbf{N}[t]p$ from $\Box p$ for any p and any t , and the rule (β^*) deduces $\mathbf{N}[t]q$ from $\mathbf{N}[t](p \rightarrow q)$ and $\mathbf{N}[t]p$, for any p, q and t .

- (6) $\mathbf{N}[t]L$ premise
 (7) $\mathbf{N}[t]P_t$ from (5) and (6) by the rule (β^*)

This argument concludes, without any appeal to the remote past, that no one has any choice at t about whether P_t . Since t was any time which has some prior time, the conclusion can be generalized: for any time t , if it has some past, any act performed at t is unfree in a deterministic world.

Campbell objects that Brueckner's new argument has several faults¹⁸. But, more importantly, even if Brueckner's suggestion was completely right, it wouldn't establish incompatibilism in the strict sense. In fact, since his conclusion is that any act performed at a time which has a past is unfree in a deterministic world, it doesn't exclude a possibility that some act performed at a time which has no past is free in a deterministic world. Take again the example that Adam exists at the first moment of time in the deterministic world W , and suppose that he performs some act, say raising his hand, at that first moment. Brueckner's argument leaves a possibility that this act is free¹⁹. Therefore, it is not a sufficient basis for the strict incompatibility of determinism and free will.

There are two notes. First, someone may doubt that Adam's raising his hand at the first moment be free, because there is "no time during which this Adam could deliberate."²⁰ This is an issue worth a consideration. But, according to van Inwagen's conception of possibility, Adam's first act is free (even in a deterministic world). Can Adam act otherwise, say putting his hand down, at the first moment? He *can*, if, among the worlds which are nomologically accessible to W , there is a world W^* such that W^* is exactly similar to W before the first moment and Adam in W^* puts his hand down. But, in fact, among the worlds which are

¹⁸ Especially, Campbell thinks that Brueckner's operator $\mathbf{N}[t]$ is inappropriate for constructing the CA. Certainly, *e.g.*, Smith doesn't have any choice *now* about whether he raised his hand one hour before. But, possibly, he *had* some choice *one hour before* about whether he raised his hand one hour before. Generally, that a person doesn't have any choice about something *now* doesn't mean that she didn't have any choice about it *before*. In addition, if it's the case that Smith had that choice one hour before, then we may say, at least in some sense, that he has some choice now about the consequence of the prior choice (cf. Campbell 2008: 267).

¹⁹ Brueckner says that this is not a problem, because "determinism is the thesis that *the past* and the laws necessitate the future" (Brueckner 2008: 12, the italic is his). According to him, it is natural that there is no argument from determinism to the conclusion that the act performed at a time which has no past is not free. However, this will be a problem for a person who thinks that the CA establishes incompatibilism in the strict sense.

²⁰ This is citation from Brueckner (2008: 12), who just touched this point. Campbell objects that "there is no reason to deny that Adam was created with free will" (Campbell 2008: 269).

nomologically accessible to W is a world W^* in which Adam exists at its first moment but puts his hand down²¹.

The other note may be more important. Generally speaking, according to van Inwagen's view of possibility, any act performed at the first instant of a world is free, independently of whether that world is deterministic or not. This means that, so far as we follow van Inwagen's understanding of possibility, we can't infer, from any assumption of determinism, that an act of the first moment is not free. Therefore, it's inevitable to take some other conception of possibility for establishing incompatibilism in terms of the CA. Loss and Finch goes in this direction.

Summing up, Campbell plausibly suggests that the original CA doesn't establish incompatibilism in the strict sense because of its appeal to the existence of a remote past. Especially, the Adam case is a serious hindrance to the strict incompatibility between determinism and free will. How can the advocates of the CA insist that Adam's first act in the deterministic world is not free?

Loss and Finch's new consequence argument

Loss and Finch each develop a new version of the CA by using an Ockhamist kind of conception of modality. This version of the argument will conclude that an act performed at *any* time is unfree in a deterministic world. This would establish incompatibilism in the strict sense. In this section, I introduce the new argument by following Loss's formulation²².

The idea with which Loss begins is, surprisingly or not, that the present is necessary. Loss's innovative suggestion is to incorporate this idea into the CA. He presents the following principle as "highly intuitive" (Loss 2009: 67)²³.

$$(\gamma) \quad \forall t (p_t \rightarrow \mathbf{N}[t]p_t)$$

This means that, if a proposition is true at a time t , then no one has any choice at t about whether the proposition is true. Loss explains this by saying that:

²¹ Confer the footnote 6. W^* is 'vacuously' exactly similar to W before the first moment, as it were

²² The reason why I focus on Loss's formulation is that it's simpler than Finch's. But, I should note that Finch improved Loss's argument in several respects. Confer the footnote 34 in Finch 2013 and the footnote 25 in this paper.

²³ Loss takes over Brueckner's time-indexed sentential operator $\mathbf{N}[t]$.

[...] if I am running now, I cannot now do anything about the fact that I am running now. I can perhaps decide whether I will still be running in the next hour, minute or second, but if it is true (if it is a *fact*, part of the actual world) that I am now running, this is something I cannot now make otherwise or prevent. (Loss 2009: 67. The italic is his.)

The principle (γ) expresses the necessity of the present, as it were. Loss notes that (γ) is a counterpart of the famous principle “ $a \rightarrow \Box a$ ” in Prior’s Ockhamist tense logic for indeterminism²⁴.

The principle (γ), together with another uncontroversial principle²⁵

$$(\delta) \quad \forall t \forall u (t < u \rightarrow \mathbf{N}[\mathbf{u}]p_t)$$

enables us to develop the following argument. Take arbitrarily two moments ‘ a ’ and ‘ b ’. Let P_a be the true proposition about the whole state of the world at a , and P_b be a true proposition at b . Now, there are three cases: $a < b$, $a = b$, or $b < a$. First, suppose that $a < b$. Then, we can argue:

(1 ⁺) $\Box((P_a \& L) \rightarrow P_b)$	definition of determinism
(2 ⁺) $\Box(P_a \rightarrow (L \rightarrow P_b))$	from (1) by exportation
(3 ⁺) $\mathbf{N}[\mathbf{a}](P_a \rightarrow (L \rightarrow P_b))$	from (2) by the rule (α^*)
(4 ⁺) $\mathbf{N}[\mathbf{a}]P_a$	from (γ)
(5 ⁺) $\mathbf{N}[\mathbf{a}](L \rightarrow P_b)$	from (3) and (4) by the rule (β^*)
(6 ⁺) $\mathbf{N}[\mathbf{a}]L$	premise
(7 ⁺) $\mathbf{N}[\mathbf{a}]P_b$	from (5) and (6) by the rule (β^*)

Second, suppose that $a = b$. By (γ), $\mathbf{N}[\mathbf{a}]P_a$. Then, by substitution, $\mathbf{N}[\mathbf{a}]P_b$. Third, suppose that $b < a$. Then, by (δ), $P_b \rightarrow \mathbf{N}[\mathbf{a}]P_b$. But, since P_b , by *modus ponens*, $\mathbf{N}[\mathbf{a}]P_b$. Thus, in any case, $\mathbf{N}[\mathbf{a}]P_b$. But, since a and b were arbitrarily chosen, we obtain that, for any moments a and b , $\mathbf{N}[\mathbf{a}]P_b$. And, since P_b was any proposition at b , we obtain that, from the assumption of determinism, it follows that no one has a choice at any moment about whether any proposition at any time is true. (Q. E. D.) The conclusion of this argument,

²⁴ Loss refers to Prior 1967, *Past, Present and Future*, Oxford: Oxford University Press, pp.124–125 (Loss 2009: 67).

²⁵ The principle (δ) says that no one can do anything about the past. By the way, Finch’s formulation does not rely on this principle. According to her, (δ) can be doubted through a case in which an agent goes from the future to the past (Finch 2013: 159-162).

i.e., that no one freely acts at any time in a deterministic world, would be sufficiently strong for establishing the strict incompatibility of determinism and free will. Let's call the new argument 'NCA'.

There are at least three things to remark. First, Loss's conception of possibility is different from van Inwagen's. Loss conceives it as *nomological possibility relative to the actual facts*, as it were²⁶. Importantly, the actual facts here contain the actual present. To compare it with van Inwagen's, suppose that a proposition p_1 truly describes the state of a world w at a time t_1 . Then, an agent s in w can render at t_2 the proposition p_1 false if and only if, among the worlds which are nomologically accessible to w , there is a world w^* such that w^* is exactly similar to w until t_2 and s in w^* does render, at some moment after t_2 , p_1 false. This conception entails that no agent can render at any time t any t -proposition false²⁷.

Second, someone might think that the principle $(\gamma) \forall t (p_t \rightarrow \mathbf{N}[t]p_t)$ leads to some kind of fatalism, independently of whether or not determinism is true. If it were right, we could not rely on (γ) to argue that it is determinism which deprives an agent of her freedom. But, (γ) itself leaves certain possibilities of freedom. *E.g.*, if indeterminism is true, it might be the case that, for some a and b such that $a < b$, and for some proposition P_b about a state of the world at b , the negation of $\mathbf{N}[a]P_b$ holds. Thus, (γ) leaves a possibility that an agent has a choice about the future (Loss 2009: 67; Loss 2010: 77-78).

Third, NCA can apply to Campbell's example of Adam. Take Adam's first act, his raising hand, in the deterministic world W . Can Adam act otherwise, say putting his hand down, at the first moment? He *cannot*, according to Loss's conception of modality. Generally speaking, NCA's conclusion that if determinism is true then $\mathbf{N}[a]P_b$ applies to any pair of times a and b . Thus, the Adam example is no threat to NCA (Loss 2009: 68).

NCA seems to succeed in establishing incompatibilism in the strict sense. Certainly, there are several complications which are easily noticed²⁸. But, Loss and Finch has showed

²⁶ Confer the footnote 3 of Loss 2009.

²⁷ In fact, if a proposition p_t truly describes the state of a world w at a time t , then, among the nomologically possible worlds to w , there is no world w^* such that w^* is exactly similar to w until t and s in w^* does render, at some moment after t , p_t false. It's too late at t to do something about any t -proposition!

²⁸ *E.g.*, it's easy to notice that whether determinism is true is irrelevant to whether Adam's first act is free. All that is relevant to this issue is whether we adopt van Inwagen's conception of possibility or Loss's (*i.e.*, van Inwagen's conception entails that Adam's first act is free, while Loss's entails that it isn't, independently of whether determinism or indeterminism is true). Therefore, even if we adopt Loss's conception, probably we should not say that Adam's first act is unfree *because of* determinism.

at least that, if we adopt an Ockhamist kind of modality, we can construct a version of the CA which will conclude that even Adam's first act is unfree.

Does this mean that the controversy over the CA and the past result in the incompatibilists' victory? I'd like to suggest that it doesn't. Recall that freedom and incompatibilism in the CA debate are just of the leeway kind. In the next section, I will suggest that the incompatibilists' winning in the CA debate brings an unhappy side effect for them in the debate on the Direct Argument.

A Campbell-style criticism of the direct argument

The CA itself won't reject every type of compatibilism, as stated in section 3. Even if a version of CA succeeds in showing that determinism is incompatible with the existence of any *leeway* kind of freedom, it doesn't matter to the source compatibilists, who suggest that determinism is still compatible with the existence of some *source* kind of freedom, *e.g.*, absence of external coercions or unification with a certain desire. However, van Inwagen presented an analogue of the CA, *i.e.*, the DA, which involved the source compatibilists in its scope. The DA's goal is to prove that, if determinism is true, no one is responsible for any fact or any act, independently of how to interpret the term 'responsible', *i.e.*, in a leeway sense or in a source sense. So, whether the DA fails or not is in the source compatibilists' concern.

My central suggestion is that the recent debate on the CA and the past teaches us that the original DA will be defeated by a Campbell-style objection. In addition, we have not yet found a way to improve on the DA which enables it to avoid that objection. My theses are as follow:

- (T1) The original DA faces a Campbell-style objection, because it contains (4) \mathbf{NP}_0 as a premise, which mentions a proposition about the remote past.
- (T2) If one reconstructs the DA in a way analogous to Loss's or Finch's, the resulting argument is unsound. Certainly, if the term 'responsible' is interpreted in such a way that it requires the leeway freedom, then the principle (γ) ' $\forall t (p_t \rightarrow \mathbf{N}[t]p_t)$ ' might be true. But, if that term is interpreted in such a way that it just requires the source freedom, the principle (γ) is not true.
- (T3) There is not another way the incompatibilists have found to improve on the DA.

The articulated argument for these theses is as follows.

To begin with, the original DA falls a prey to a Campbell-style objection, because of its containing (4) NP_0 as a premise, which mentions a proposition about the remote past. As seen above, there's being a remote past is not a necessary feature of the deterministic worlds. Therefore, the DA doesn't apply to every deterministic world. It will at most show that, in any deterministic world, no one is responsible for any act performed at a time which has a remote past.

So, the Adam example is a threat to the DA. Since this argument says nothing about an act performed at a time which doesn't have any remote past, it cannot conclude that Adam is not responsible for his act performed at the first moment of time, even though his world is deterministic. This means that the DA doesn't establish the strict incompatibility of determinism and responsibility.

But, the recent consideration on the CA and the past might suggest how to improve on the DA: to reconstruct it in a way analogous to Loss's or Finch's. *E.g.*, if we read ' $\mathbf{N}[t]p$ ' in NCA as saying that p and no one is responsible at t for whether p , then, with minor adjustments, we will obtain an argument which has the conclusion that no one is responsible for any act performed at any time. Let's call this argument 'NDA'.

However, NDA turns out to be unsound. The key point is that, if we interpret ' $\mathbf{N}[t]p$ ' in terms of the notion of responsibility, then the principle $(\gamma) \forall t (p_t \rightarrow \mathbf{N}[t]p_t)$ does not necessarily hold. Certainly, if the term 'responsible' is interpreted in such a way that it requires the leeway freedom, then the principle $(\gamma) \forall t (p_t \rightarrow \mathbf{N}[t]p_t)$ might be true²⁹ But, if it is interpreted in such a way that it requires the source freedom, the principle (γ) is probably false. Suppose that, *e.g.*, being responsible at a time t_1 for a t_2 -proposition requires rendering at t_1 the t_2 -proposition true without any external coercion. In this case, there is no reason to deny that someone is responsible now for a present fact, because there is nothing inconsistent in saying that someone renders at a time t a t -proposition true without any external coercion. Generally speaking, if we interpret the notion of responsibility in a 'source' sense, then being responsible doesn't require any alternative possibilities other than the actual sequence of acts. Then, even if, according to the Ockhamist conception of

²⁹ *E.g.*, if we use the word 'responsible' in such way that being responsible at a time t_1 for a t_2 -proposition requires having at t_1 a choice about whether this t_2 -proposition is true, then, if we adopt Loss's conception of possibility, we can say that $\forall t (p_t \rightarrow \mathbf{N}[t]p_t)$ is true. But, I should note that such usage of the word 'responsible' seems to be odd. In fact, it entails that, even if a person is responsible at t_1 for a t_2 -proposition (where $t_1 < t_2$), he is not responsible at t_2 for the t_2 -proposition.

possibilities, no one has, at a time t , any alternative possibilities as to an act performed at t , yet one can be responsible at t for that act.

Particularly, there is no reason to deny that Adam is responsible at the first moment of time for his first act, *i.e.*, his raising a hand (at least if we adopt the ‘source’ conception of responsibility). Certainly, Adam cannot do otherwise, *e.g.*, put the hand down, at the first moment in a sense³⁰. Some author says “everything that is present is necessary” and “it is then too late for it not to be!”³¹ But, even if everything that is present is necessary, it’s then not too late for having responsibility for it. Therefore, the source compatibilists can insist that Adam is responsible for his first act in his deterministic world. Thus, NDA doesn’t have a power to convert them.

Note that what I suggest is not that Adam *is* responsible for his first act. Rather, I suggest that there is no argument for denying it. NDA can’t be such argument, because it is unsound. Perhaps, *in reality* no agent is responsible at the first moment of time for his first act. However, in order to say that it’s the case, we need some argument.

Is there another way to improve on the DA? Possibly, there is. But the advocates of the DA have not yet found it, as far as I know. They should search for a way to revise the DA which enables it to avoid the Campbell-style objection. Without such way, they can’t convince the source compatibilists that determinism is strictly incompatible with our having responsibility.

There are several consequences we can deduce from this argument. I should confess that there are many complications in describing exactly what those consequences are. I make an effort to develop them in a widely acceptable way.

First, the recent debate on the CA and the past doesn’t result in the incompatibilists’ victory. Certainly, Loss and Campbell have succeeded in offering a version of CA which would establish the strict incompatibility of determinism and the leeway kind of freedom. But, there is an analogue of Campbell’s criticism of the CA, which invalidates the DA. As a result, at a price for obtaining a convincing argument for the incompatibility of determinism and the leeway kind of freedom, *i.e.*, NCA, the incompatibilists would fall in danger to lose a convincing argument for the incompatibility of determinism and the source kind of responsibility or freedom.

³⁰ This is the Ockhamist sense.

³¹ This is Campbell’s citation from Hasker, 1989, *God, Time, and Knowledge*, Ithaca: Cornell University Press, pp.10–11.

Second, we may say that a Campbell-style criticism would work the best not to the CA but to the DA. If we adopt an Ockhamist conception of possibility, we can say, *e.g.*, that Adam's first act is not free. But, it's harder to explain how to say that Adam is not responsible at the first moment of time for his first act. Therefore, in order to meet Campbell's challenge genuinely, the incompatibilists should improve on the DA in a way which would accommodate the Adam example.

Third, who has got her advantage through the recent debate on the CA and the past? It's not possible to answer this question in a simple way. *E.g.*, if a person favors both source compatibilism and leeway incompatibilism, she will welcome the suggestion of this paper, which said that the recent debate would bring with it an argument for leeway incompatibilism but dismiss an argument against source compatibilism. On the other hand, if a person favors either source incompatibilism or leeway compatibilism, the debate would have made the dialectical situation disadvantageous to him. So, to search for a way of improving on the DA would be the next business for the source incompatibilists, and to block NCA would be the next task for the leeway compatibilists.

Forth, we may say that the original DA could be blocked in an easier way than supposed before. Traditionally, many compatibilist attempted to reject this argument by doubting the validity of the following principle called 'Transfer of Non-Responsibility' (often 'TNR' in short):

If a person is not morally responsible for p and she is not morally responsible for $p \rightarrow q$, then she is not morally responsible for q .

Famously, *e.g.*, some Frankfurtians suggest that a case of overdetermination³² be a counterexample to TNR (cf. Ravizza 1994). However, according to my suggestion, even if TNR be valid, the DA would not establish incompatibilism of determinism and moral responsibility in the strict sense. Therefore, the compatibilists might bypass the intricate problem about TNR in opposing the DA.

I conclude with a further remark. Repeatedly, one of the main suggestions in this paper is that, although Campbell's criticism of the CA is dismissed by Loss's and Finch's inno-

³² *E.g.*, suppose that John is going to shoot Smith. But suppose that, unbeknownst to John, White is also going to shoot Smith. Now, the two men simultaneously pull the triggers. Two bullets hit Smith's heart at once. And Smith dies. It seems to hold that John is not morally responsible for the fact that White shoots Smith, and John is not morally responsible for the fact that if White shoots Smith then Smith dies, but John is morally responsible for the fact that Smith dies.

vation, yet a Campbell-style objection to the DA is effective. I note that, surely, someone possibly finds a clever way to reject that objection in the future. Therefore, I wouldn't claim that any version of the DA is invalidated. However, I stress that it *is* a hard task to revive the DA. In order to do so, one should argue that, *e.g.*, Adam is not responsible (in the 'source' sense) at the first moment of time for his first act in the deterministic world. I admit that it might be the case. But I don't know how to argue for it in terms of a DA-style argument. If we cannot argue it, we should dismiss the DA as argument for source incompatibilism.

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