

# Agent-Causation, Explanation, and Akrasia: A Reply to Levy's *Hard Luck*

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## 1 Introduction

There has been an explosion of philosophical (and scientific) work on free will and moral responsibility over the last 60 years. This work has been penetrating and exciting, often uncovering new or long forgotten views on the nature of freedom and moral responsibility, and related concepts of self, blame, and punishment. One of the most intriguing developments has been the rise in defenders of free will and moral responsibility nihilism.<sup>1</sup> While such a position has its forerunners (e.g., Spinoza 1677), there has never been a time when this position has found so many sophisticated defenders. Neil Levy's recent book, *Hard Luck: How Luck Undermines Free Will and Moral Responsibility*, places him squarely among able fellow free will nihilists Galen Strawson (1986), Richard Double (1991), Saul Smilansky (2000), and Derk Pereboom (2001, forthcoming). But Levy's book is far from just a footnote on an often-defended view: his position is distinctive and his arguments original, leaving much new work for those of us who believe in the existence of free will and moral responsibility.

Part of the distinctiveness of Levy's position stems from his diagnosis of the threat to freedom and responsibility. Free will nihilists usually argue that free will and moral

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<sup>1</sup> The terms 'free will' and 'moral responsibility' are notoriously ambiguous. In light of these ambiguities, it is perfectly possible for one to deny the existence of free will and moral responsibility in one sense, while accepting its existence in another sense. We will firm up the meaning of these terms below, and thus give more precision to the sense in which Levy is a free will nihilist.

responsibility are incompatible with determinism or indeterminism or both. According to Levy, however, neither determinism nor indeterminism (at least, when located in certain junctures) rules out free will and moral responsibility.<sup>2</sup> “It is not ontology that rules out free will,” writes Levy but “*luck*” (p. 2). Most free will nihilists, Levy contends, are disappointed incompatibilists, concluding that free will is incompatible with determinism but that there is no satisfactory libertarianism.<sup>3</sup> Levy is a disappointed compatibilist. He concludes that determinism does not rule out free will but that there is no satisfactory compatibilism. He also thinks whatever plausibility there is in libertarianism is parasitic on compatibilism (pp. 2, 76-83). But since there is no adequate compatibilism, there is no adequate libertarianism. Levy names his view “The hard luck view”: “the view that agents are not morally responsible for their actions because luck ensures that [no one possesses or exercises free will]” (p. 10).

My discussion is divided into five sections. In section 2, I offer a brief synopsis of Levy’s book, elaborating the issues most central to my later critical discussion. Levy’s arguments are subtle and complex and thus belie brief summary. This, unfortunately, means that I will need to gloss over fascinating (and worrisome) aspects of his overall view. My aim will be to highlight the main threads of his argument, discuss rival positions critically engaged, and summarize conclusions deduced. In section 3, I develop the contours of an agent-causal theory of free will, and in sections 4 and 5, I argue that libertarian and compatibilist versions of this theory have resources to mount powerful replies to Levy’s arguments concerning explanation and akrasia.

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<sup>2</sup> I write ‘does not rule out’ rather than ‘is compatible with’ since, on the usual analysis of ‘is compatible with,’ to write that free will is compatible with determinism entails the existence of a possible world in which determinism obtains and some agents have free will. However, Levy thinks there is no such world. But the reason there is no such world has nothing to do with determinism and thus determinism does not “rule out” free will (p. 1, n. 1).

<sup>3</sup> Libertarianism is the view that free will and moral responsibility are incompatible with determinism and yet free will and moral responsibility exist. Thus, libertarians are committed to the existence of indeterminism.

## 2 The Hard Luck View

Levy's book is divided into eight chapters. In chapter 1, he lays out the contours of the hard luck view. Levy defines free will as the "ability of agents to act so that they are morally responsible for their actions" (p. 1). The kind of ability agents must possess to be free, then, depends on what is required for moral responsibility. An agent is morally responsible when they "deserve praise or blame for their acts, or...their actions can be traced to them in such a way that they can take a special pride in their achievements, or instead ought to feel a special shame about their failures" (p. 1). The practical significance of moral responsibility, according to Levy, is that someone who believes an agent is blameworthy is "committed to holding that [the] badness [of the blameworthy agent's suffering] counts less in the consequentialist calculus, because it falls on a morally blameworthy agent, than it would were the agent not blameworthy" (p. 3). To be morally responsible for a bad action, then, is to open oneself up to having one's interests count for less. So the fact (assuming it is one) that it would be hard on a murderer to be sent to prison counts less in the consequentialist calculus of what is overall best *if* the murderer is morally responsible (i.e., blameworthy) for murdering.

Levy argues that no one is morally responsible in this sense. In this way, his arguments have important practical implications concerning our institutions of punishment. Given that we are never blameworthy, if we confine individuals for consequentialist reasons, "we will also owe it to them to attempt to compensate them—perhaps by making their prison as comfortable as possible—insofar as we can do so" (p. 4). We are not morally justified in discounting the well-being of those who are merely a danger to society in the

same way we are morally justified in discounting (but not, of course, disregarding) the well-being of those who are *guilty* for being dangerous.

No one is morally responsible, Levy argues, because no one exercises the kind or degree of control (i.e., free will) required for its being fair to hold one morally responsible. The threat to freedom and responsibility is not determinism or indeterminism but luck: “there is no free will because luck precludes it” (p. 2). But what is luck? This is the topic of chapter 2. Although Levy’s discussion of the nature of luck is intriguing in its own right, I worry that his definition renders the notion of luck uninteresting with respect to the free will debate (cf. Tognazzini 2012).<sup>4</sup> Levy defines two species of luck: chancy luck and non-chancy luck (p. 36).<sup>5</sup> A necessary, but not sufficient, condition of an event’s being lucky for an agent in either sense is that the event was not under the agent’s control. However, for purposes of assessing one’s freedom and responsibility, this (it seems) is *all* that matters. Whether one’s action meets the further conditions for being chancy lucky or non-chancy lucky (for example, its occurring in less than half of the nearby possible worlds) is irrelevant to one’s moral responsibility.

The remainder of the book can be divided into three sections. First, in chapter 3, Levy argues that prominent varieties of libertarianism (event-causal and agent-causal) that promise to deliver a kind or degree of control over and above what is delivered on

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<sup>4</sup> I make no claim about whether the notion of luck remains interesting for other areas of philosophy, such as epistemology.

<sup>5</sup> The distinction between types of luck plays no significant role in my discussion and I believe that it plays no significant role in Levy’s discussion, and thus I confine my discussion of it to this note. An event is chancy lucky for an agent if the event is significant for her, she lacks direct control over the event, and the event fails to occur in many nearby worlds (p. 36). The amount of nearby worlds in which the event must fail to occur so that that it counts as chancy lucky is a function of the significance of the event: the greater its significance, the more worlds it must occur in for it *not* to be chancy lucky. But some things are lucky for me even though there are no or very few nearby worlds in which it fails to occur: Levy refers to this kind of luck as “non-chancy lucky.” I am lucky to be born with certain skills and character traits even though, perhaps, I am born with these skills and traits in most other nearby worlds. What makes me non-chancy lucky in having a certain skill is not variability among nearby worlds, but among members of a reference group (e.g., “all humans”). If a “large enough proportion” of humans fail to have this skill, my possessing it is significant for me, and I lack direct control over my possessing it, then my possessing it is non-chancy lucky for me (p. 36).

compatibilism succumbs to the problem of luck. Second, in chapters 4-6 Levy, argues that history-sensitive compatibilism, which maintains that how an agent came to have his current psychological states and character is relevant to his moral responsibility, succumbs to the problem of luck. Finally, in chapters 7-8, Levy argues that history-*ins*sensitive compatibilism, which denies that how an agent came to have his current psychological states and character is relevant to his moral responsibility, also succumbs to the problem of luck.

Levy's objection against libertarianism is, to some degree, a familiar one. He contends "an adequate account of moral responsibility must have the resources to explain choices contrastively" (p. 43). According to standard event-causal and agent-causal libertarianism, free choices must be undetermined.<sup>6</sup> Consider Peter van Inwagen's (1983) famous case of the would-be thief, who is deliberating about whether to rob the poor box of a local parish. He finds himself in desperate need of money, knows the poor box contains more than enough money to meet his needs, and expects that he can easily and without danger rob the poor box. However, he is also struck with a vivid memory of a promise he made to his mother on her deathbed: a promise to lead a morally good life. Suppose the thief decides to rob the poor box and that this decision was undetermined. In particular, suppose that it was possible that, given the past and laws of nature, the thief decided to refrain from stealing instead. The problem, Levy maintains, is that in such a case we cannot explain the thief's choice contrastively: we cannot explain why he decided to steal *rather than* refrain. Given the requirement that free action must be undetermined action, libertarians end up, so Levy argues, precluding the possibility of contrastively explaining free actions (p. 90).

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<sup>6</sup> Libertarians generally allow for the possibility of free but determined actions so long as one of the determining conditions is the agent's earlier free and *undetermined* action. In this way, libertarians draw a distinction between indirectly free actions (which can be determined) and directly free actions (which must be undetermined). See Kane (1996) for an illuminating discussion of these issues.

Standard libertarian accounts, then, violate Levy's above constraint on an adequate theory of moral responsibility.<sup>7</sup>

In chapter 4, Levy begins his attack on compatibilism with a dilemma. It is uncontroversial that many factors that shape us are beyond our control. We are born with certain dispositions and traits, and educated and trained in ways that modify and/or reinforce these dispositions and traits far before we can plausibly be thought to exercise free will. These traits and dispositions are a matter of *constitutive luck* for us: an agent's endowment (his original traits and dispositions) is a matter of luck for him (p. 88). Even though the agent is not morally responsible for his endowment, if moral responsibility exists, it must (somehow) emerge out of an agent's endowment. Here is the dilemma: when such an agent makes a decision, either his decision is "settled" by his endowment or it is not. If the decision is settled by his endowment, then it is simply a product of constitutive luck, and thus he is not responsible for it (pp. 94-5). But, Levy contends, if the decision is not settled by his endowment, then the decision is settled by present luck, and thus, again, he is not responsible for it: it is precisely "*because* [the decision] is not settled by [his] reasons [that the] decision is subject to present luck: whether or not a consideration occurs to us, the force with which it does if it does, or the way we 'plump'; these and other instances of present luck are decisive for us, settling how we decide and act" (p. 94).<sup>8</sup> Levy calls this dilemma the "luck pincer": "our actions are (directly or indirectly) *either* the product of constitutive luck *or* of present luck, or both" (p. 94).

Levy concedes that the luck pincer is "too schematic for us to be able reasonably to expect to sway most people" (p. 110). The remainder of the book fills out this argument,

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<sup>7</sup> It is not obvious that this is the correct reading of Levy's argument against agent-causal libertarians. I offer reasons in section 4 below, however, for thinking it is nonetheless the correct interpretation.

<sup>8</sup> 'Present luck' is luck in or near the time of action (p. 90). Constitutive luck is luck in how one came to be the way one is (the traits and values one has, for example) (p. 29).

defending the dilemma against various possible replies. History-sensitive compatibilists attack the second horn, and argue that agents can exercise free will in their actions even when these actions are not settled by their endowment. Although we are not responsible for our endowment, we can *become* responsible for our traits and dispositions by choosing to remain the way we are and, in this way, to reinforce our endowment, or by choosing to become new kinds of people and, in this way, modify our original traits and dispositions. Moral responsibility emerges out of non-moral responsibility because agents have the power to reshape or retain their original endowment. History-insensitive compatibilists attack the first horn and argue that an agent can be morally responsible for a decision even if it was settled by his endowment. According to these “quality of will” theorists (p. 158), what is relevant to responsibility is not whether we have control over our decisions, but whether these decisions express who we are. We can be responsible, so the argument goes, even if decisions are a matter of constitutive or present luck or both, so long as these decisions express who we are.

Levy’s response to history-sensitive compatibilists appeals to a usually ignored epistemic dimension of control and leans heavily on the idea of direct freedom and responsibility. Suppose that a drunk driver accidentally hits a pedestrian. In assessing the driver’s responsibility, one might argue that he is not responsible because he lacked control over his action. Given his level of intoxication, he simply lacked the control necessary for moral responsibility. Nevertheless, one might argue that the driver is still morally responsible, albeit only *indirectly*: he is indirectly responsible for hitting the pedestrian because he is *directly* morally responsible for getting himself into this awful predicament. He freely chose to get drunk, knowing that, given his personality, he was very likely to become belligerent, refusing offers to get him a taxi, and instead drive home on his own. His control

over, and responsibility for, hitting the pedestrian is indirect because it *traces* back to his control over, and responsibility for, these earlier choices and actions. The distinction between direct and indirect freedom and responsibility is central for Levy. Part of the significance of the distinction is as follows: if we ever exercise control over and are morally responsible for an action, then we sometimes exercise direct control over and have direct responsibility for an action. Our freedom (i.e., control) and moral responsibility cannot always be indirect.

On the basis of this distinction, Levy offers the following dilemma (not to be confused with the distinct dilemma presented above) in order to establish that no one is ever directly morally responsible for anything. When an agent performs some wrong action B, either he understood that he should not B or he did not. If the agent did not understand that he should not B, then he is not directly morally responsible for B-ing. It is at this juncture that Levy brings to bear his epistemic condition on control: in order for an agent to be directly morally responsible for B-ing, he must “appreciate...those reasons constituted by the harm for which [he] might be blamed” (p. 113). Of course, it might be the agent’s fault that he does not appreciate the reasons, but this would mean that the agent is, at best, indirectly morally responsible for B-ing. Turning to the second horn, if the agent understood that he should not B, then he acted akratically: he judged that it is best to A but desired more strongly to B.<sup>9</sup> As with the first horn, Levy here applies his epistemic condition on control: if the agent failed to judge that it was best *not* to do the wrong action, then he failed to

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<sup>9</sup> My characterization of Levy assumes a desire-based, opposed to judgment-based, account of akrasia. According to desire-based accounts, akratic actions occur when the agent judges it best to perform some action A, but instead performs some other action B, because the agent desires to B more strongly than he desires to A (p. 144). In contrast, judgment-based accounts locate the conflict not between desire and judgment, but between two different kinds of judgments, such as explicit and implicit judgments, akratic actions being caused by implicit judgments (p. 136). Levy himself makes no commitment to either view, but rather argues that neither view can explain the possibility of being morally responsible for an akratic action. I focus here on his objections to the desire-based view, since it is that view, and only that view of akrasia, that will figure prominently in my reply below.

appreciate, to some degree, that the action was wrong (p. 117). But, Levy argues, “[i]n that case, he does not have direct control over his *A*-ing. At best, he has indirect control over his *A*-ing, inasmuch as he can bring himself to *A* only by way of doing something else (*C*)” (p. 151). When an agent performs an akratic action *B*, he could have acted (*A*-ed) in accordance with his all-things-considered judgment, Levy argues, *only* by first doing something else: “Agents can promise themselves rewards for behavior that conforms to their unconditional judgments, reframe the tempting options, or simply try to distract themselves” (p. 145). But that means his responsibility for *B*-ing is, at best, indirect: he is responsible for *B*-ing, if at all, because he is responsible for *omitting* to promise himself rewards, or reframe the options, or distract himself. If one tries to ground the agent’s responsibility for acting akratically in these earlier omissions, Levy can simply “reapply” the original dilemma: either the agent’s omitting to engage in one (or more) of these self-control strategies (e.g., promising himself future rewards if he *A*-s instead of *B*-s) was itself akratic or it was not. If it was not akratic, then, as on the first horn above, the agent will not satisfy the epistemic condition and thus will not be directly morally responsible. If the action was akratic, then the agent could have avoided akratically omitting to engage in one or more of the self-control strategies only by engaging in some yet further and distinct action. Thus, once again, the agent will not be directly morally responsible for his action: “sooner or later...we shall find that the agent lacks control over the action in which akrasia bottoms out” (p. 152). Thus, agents never exercise sufficient control over their knowingly performing wrong actions to be directly morally responsible for them.

There are two remaining compatibilist positions. First, one might concede that we are never blameworthy but insist that we are still responsible, albeit only by being praiseworthy. Levy concedes that he does not have any knockdown arguments against this

brand of compatibilism, but thinks that few will find it satisfying since usually what we want from a theory of moral responsibility is an account of how we can be blameworthy (p. 157). Second, compatibilists might try to divorce responsibility from control. According to history-insensitive compatibilists, responsibility is deaf to how we have come to be the way we are. Quality of will theorists “hold that attributions of responsibility are appropriate when an agent’s action is expressive of *who the agent is*, where agents are (for these purposes) identical to or constituted by beliefs, desires, attitudes, and values” (p. 158). What matters for responsibility, according to quality of will theorists, is not how we came to acquire our practical identities, but whether our actions *express* our practical identities as agents (p. 183). In chapter 7, Levy argues that a central motivation for this theory (namely Frankfurt-style cases) does not actually support it. In particular, he argues that these cases do not support the conclusion that the only features of the agent relevant to assessing his moral responsibility are “internal and intrinsic features of the agent” (p. 159). In chapter 8, he turns to the theory itself and offers two central objections. First, he objects to the quality of will theorist’s notion of ‘expression’, contending that many paradigm actions that quality of will theorists assert are expressive of us, are not, in fact, expressive of us (p. 184). Second, and I think more to the point, Levy raises a moral objection to this theory: to blame agents for actions over which they lack control is to treat these agents unfairly. We are justified in treating some agents (the putatively blameworthy) *unequally* only if there is a relevant difference between the putatively blameworthy and non-blameworthy. But the relevant difference must be (partly) a function of a difference in agents’ control. Given that there is no relevant difference in terms of control, it is unfair to blame agents.

Levy's defense of the hard luck view is comprehensive and powerful. Those who believe in the existence and prevalence of moral responsibility will find many powerful challenges in Levy's excellent work.

### **3 Agent-Causation**

In the remainder of this essay, I will focus my critical discussion on Levy's claims about the relevance of contrastive explanations for an adequate theory of moral responsibility and his understanding of akrasia. In section 4, I will argue that any sense of contrastive explanation that can reasonably be thought to be a requirement on an adequate theory of moral responsibility is a sense that agent-causal libertarians can secure. In section 5, I will argue that the agent-causal theory of free will offers an alternative and attractive understanding of motivation and self-control (more so than offered by Levy) that makes it plausible to think that we can be morally responsible for akratic actions. The conclusion, thus, will be that there are libertarian and compatibilist versions of the agent-causal theory of free will that escape the criticisms leveled by the hard luck view.<sup>10</sup>

Let me begin with some general remarks about how I understand the agent-causal theory of free will. The *will* is the power of the agent to deliberate, make decisions, and translate those decisions into action. According to the agent-causal theory of free will, at least as I will develop it here, the will accords the agent the power to be fundamentally or irreducibly causally involved in deliberation, decision, and action. What differentiates the

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<sup>10</sup> Some might be surprised to see my claim that compatibilists can also accept the agent-causal theory of free will since many seem to think that either compatibilism is incompatible with the agent-causal theory or there is, at least, no reason for compatibilists to accept this theory. I argue that both assumptions are mistaken in Franklin (n.d.). See also the excellent work by Markosian (1999, 2012), where he defends agent-causal compatibilism.

agent-causal theory from the event-causal theory is that the latter is reductionist. According to the event-causal theory, agents are causally involved in deliberation, decision, and action, but their causal involvement is wholly reducible to the causal involvement of states and events involving them (Davidson 1963, 1971, 1973; Brand 1984; Mele 1992). So, for example, on the event-causal theory, my bringing it about that my hand is raised is reducible to my desires and beliefs bringing it about that my hand is raised.<sup>11</sup> Proponents of the agent-causal theory reject this reductionism and maintain that the will affords the agent causal involvement that is not reducible to the causal involvement of states and events: if I freely raised my hand, then I am fundamentally causally involved in the action's production.

There is disagreement among agent-causal theorists about the causal relevance of mental states and events. Following Randolph Clarke (2003), I adopt an integrated agent-causal theory, according to which some of the agent's motivations are always joint causes with the agent of free decisions and actions. Assuming that our thief above freely decides to rob the poor box, then his decision is jointly caused by him and his mental states, such as his desires and beliefs, that supported the decision. I understand the relationship between exercises of the agent-causal power and the agent's motivations as follows. First, the agent's motivations structure the probabilities associated with exercises of the agent-causal power (Clarke 2003; O'Connor 2000, 2009). My desire to be as wise as I can when setting out my career goals for the next five years makes it very likely that I will exercise my agent-causal power to sustain deliberation for a lengthier time than usual, weigh competing considerations with serious attention, solicit advice from mentors, and so forth. Had this desire been absent, then, all else being equal, I would have been less likely to exercise the

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<sup>11</sup> Event-causalists disagree about exactly which mental states and events are among the causal antecedents of action. Classically, Davidson (1963, 1971, 1973) identified the mental antecedents with desire-belief pairs. Others have argued that intentions are among the causal antecedents (Brand 1984; Mele 1992). I gloss over this important issue above since nothing of present concern turns on it.

agent-causal power in these ways. Second, the agent's motivations that motivate his decision D are joint causes of his deciding to D (Clarke 2003, pp. 135-136). Recall our thief who is deliberating about whether to rob the poor box at a local parish or refrain. The thief desires to steal. This desire increases the likelihood that he will exercise his agent-causal power to decide to steal. The thief desires to keep his promise to his mother. This desire increases the likelihood that he will exercise his agent-causal power to decide to refrain from stealing. As before, suppose he decides to steal. In this case, his desire to steal is a partial cause of his deciding to steal and his desire to keep his promise to his mother is causally inert (at least with respect to this decision).<sup>12</sup>

A central issue that divides compatibilists and libertarians who accept the agent-causal theory of free will concerns the relevance of indeterminism. Agent-causal libertarians will insist that if the thief's decision to steal was free, then it was possible, given the past and laws of nature, right up until the moment of decision, that the thief could have decided to refrain from stealing instead (or, at least, not decided to steal). Agent-causal compatibilists deny this. According to the brand of agent-causal libertarianism I am developing here, the thief's decision to steal was directly free only if it was possible, given the past and laws of nature, that he had not made this decision (deciding to refrain instead, for example). Had the thief decided to refrain, then he would have been a joint cause of this decision along with his desire to keep his promise to his mother (in this case the desire to steal would have been causally inert, at least with respect to the decision to refrain). Agent-causal compatibilists

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<sup>12</sup> When discussing event-causal libertarianism, Levy writes, "Because this causal relation is indeterministic, it is metaphysically possible that the action actually caused by the mental states had not been so caused; that some alternative action (or no action at all) was caused by precisely the same mental states" (p. 45). It is not clear that any event-causal libertarian thinks this. Instead, event-causal libertarians can contend that for an undetermined action A it was causally possible that the actual mental states S that caused A were causally inert (at least with respect to B) and that instead a different set of mental states S\* (which were actually causally inert, at least with respect to A) caused the agent to perform a different action B.

place no such requirement on free exercises of the will, but allow for free exercises of the agent-causal power to be determined by the past and laws of nature.

Let me make one final point about the agent-causal theory. I have identified the agent-causal power with the will. As I understand it, to have a will is to have the power to influence what one does (e.g., the degree, location, and time that one focuses one's attention, the adopting of plans and resolutions, the making of decisions and forming of intentions, the executing of plans and decisions in action, etc.) that is not *merely a function* of one's other motivations. Precisely because the will accords the agent the power to be fundamentally causally involved, his decisions and actions are not mere functions of his current desires, cares, emotions, and beliefs. The will opens up the space in which we can act contrary to our strongest motivations—the will accords the agent a fundamental role in his agency. Of course, having a will does not mean we always exercise it, nor does it mean we always can resist our strongest motivations. Sometimes we are compelled to do what we do. But the will does give us the general capacity to resist our strongest motivations, and when the will is free, we have not only this general capacity, but also the opportunity to exercise it.<sup>13</sup>

#### **4 Agent-Causal Libertarianism and Explanation**

Many have worried that if an event is undetermined—if it is consistent with the past and laws of nature that the event have not occurred—then no one can possess the requisite kind or degree of control over the event to be free with respect to, or morally responsible for, its occurrence (Hume 1740; Hobart 1934; van Inwagen 1983, 2000; Haji 1999, 2001; Mele 1999, 2006). In response, agent-causal libertarians contend that undetermined decisions can be free

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<sup>13</sup> I use the terms 'capacity' and 'opportunity' vaguely here so as to allow for compatibilists and libertarians to agree with my claim, while offering rival analyses of capacity and opportunity. See Franklin (2011, 2013), where I offer more detailed analyses of capacity (or ability) and opportunity.

because the agent exercises direct control over such decisions *by* fundamentally causing them (O'Connor 2000; Pereboom 2001; Clarke 2003). Even though the agent might have made a different decision, given that he made the decision he did, he exercises control over its occurrence. In response, Levy contends: "The exercise of the agent-causal power is not an exercise of direct control, I shall show, because it is not a power that can be exercised *for reasons*" (p. 64). This is a strong charge against agent-causal libertarianism. It is usual to argue that agent-causal libertarians cannot accommodate contrastive explanations of free decisions (Haji 2004; Mele 2006), but this is not Levy's claim (at least not exactly). His claim is that the agent-causal power cannot be exercised for reasons. If this is true, the agent-causal power cannot confer control on the agent since free will must be a power that is capable of being exercised for reasons (p. 64).

Levy's argument for this surprising conclusion seems to run as follows. First, the causal role of the agent's motivations (or reasons, as Levy puts it) is exhausted by their presenting the agent with options from which to choose. He writes, "Agents have a range of options arrayed before them by reasons, operating event-causally, but once reasons have done this job, their power is exhausted" (p. 65). Second, given that the reasons' causal power is exhausted by presenting options to the agent from which to choose, they cannot explain why the agent actually chooses as he does: "selection *from among* these options cannot be done for the reasons that array the options before her; that would be double-counting of reasons. The final agent causal push cannot be exercised for a reason at all, since all the reasons operate prior to the push, and explain the structure and probabilities of the options she faces" (p. 65). Therefore, the agent-causal power cannot be exercised for reasons.

What should we make of this argument? To begin with, the first claim seems false: the causal role of reasons is *not* exhausted by their "presenting" options to the agent from

which to choose. Reasons, the agent's motivations, are also *joint causes* of the agent's decision. The thief is deliberating about whether to rob the poor box. He has reasons that support robbing it and he has reasons that support not robbing it. Can any of his reasons explain why he decides to steal? It seems some can: namely any and all of his reasons that supported this decision. If asked, 'Why did you decide to steal?', the thief would have a ready answer: "Because I was in desperate need of money, had easy access to the parish's funds for the poor," and so forth. These reasons explain his decision (partly) because they were partial causes of his decision.

Levy's argument seems to have force only if we wrongly assume that the causal role of reasons is exhausted by structuring the probabilities associated with exercises of the agent-causal power. But reasons do more than this: they also cause decisions. There seems, however, to be a second way of understanding Levy's argument—one that is revealed in his discussion of Storrs McCall and E.J. Lowe's (2005) account of the role of reasons in libertarian theories of free will. McCall and Lowe distinguish between the weighing and weighting of reasons. In weighing reasons, we make judgments about the weight that the reasons have independent of our activity (p. 70). In weighting reasons, we decide to give reasons certain weights that they previously did not have (p. 70). Levy contends McCall and Lowe provide an adequate libertarian theory only if they show:

that the agent's free choice *itself* is explained by reasons....In other words, the reasons explanation must apply to *the contrastive fact*, <that Jane chooses Hawaii over Colorado>, because only if they are capable of explaining this fact can they explain why agents can be directly morally responsible....But their model cannot explain this contrastive fact, and therefore cannot explain how the power to weight reasons is itself exercised for a reason (p. 70).

This passage reveals a crucial assumption that Levy is making about the relationship between the availability of contrastive explanations and exercising a power for reasons: a power is exercised for reasons only if it is possible to give a contrastive explanation of the power's being so exercised. Now the context of Levy's objection is somewhat unfortunate since it is directed not at normal decisions (such as the decision to get coffee), but rather the decision to assign a reason some weight. But, presumably, Levy intends his objection to generalize to all decisions regardless of their content. Putting his objection in terms of a decision about where to vacation (rather than a decision about what weight to give certain reasons concerning where to vacation), we can state Levy's assumption as follows: Jane's exercising her agent-causal power to decide to go to Hawaii is exercised/done for reasons only if it is possible to explain why Jane decided to go to Hawaii *rather than* Colorado.

In my response, above, to the first rendering of Levy's argument, I contended that the thief's deciding to steal was done for reasons since reasons both structured the probabilities associated with his exercising his power to make this decision and (partially) caused his decision. Levy denies, however, that this is enough. It must also be the case that it is possible to give a contrastive explanation of the thief's decision. If it is not possible to give such an explanation, then the thief's exercise of his agent-causal power is not done for reasons. Levy seems to assume that if it is impossible to give a contrastive reasons explanation of the thief's decision, then it is impossible to give a reasons explanation of it.

In response, let me begin by noting that Levy's formulation of his objection against agent-causal libertarianism is misleading. There is a perfectly good sense in which the thief made his decision for reasons: his decision was caused by his reasons that supported it. If we wonder why the thief decided to steal (why he exercised his agent-causal power this way), we can cite his reasons that were partial causes of the decision to explain it. So it is true, in a

perfectly straightforward sense, that the thief exercised his agent-causal power (he makes the decision) for reasons. Levy seems to recognize this, but denies that it is the relevant sense, insisting that it must be possible not only to explain why the thief decided to steal but also why the thief decided to steal rather than refrain (p. 71). Levy's claim reveals that his argument is less far-reaching than it may have appeared. He originally wrote: "The exercise of the agent-causal power is not an exercise of direct control, I shall show, because it is not a power that can be exercised *for reasons*" (p. 64). But this claim is false unless qualified: Levy has not given us reason to think that the agent-causal power cannot be exercised for reasons in *any* important sense, but, at best, has only given us reason to think that the agent-causal power cannot be exercised for reasons in *one* important sense. Once we recognize this, the following question immediately presents itself: why must it be possible to give contrastive reasons explanations of free choices, rather than just reasons explanations?

Agent-causal libertarians have two possible replies to Levy's argument so interpreted: first, they can argue that it is in fact possible to give contrastive explanations of decisions like the thief's and Jane's, or they can argue that an agent can be morally responsible for a decision even though it is impossible to give a contrastive explanation of it. My response will build on both these options: I will argue that any sense of contrastive explanation for which it can plausibly be thought that the possibility of giving a contrastive explanation is necessary for an agent's acting for reasons or performing a free action, is a sense of contrastive explanation that is indeed available on agent-causal libertarianism.<sup>14</sup> Let me begin my defense by considering whether we can contrastively explain the thief's decision to steal rather than

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<sup>14</sup> It is worth pointing out that much (perhaps all) of my defense of agent-causal libertarianism can be borrowed by proponents of event-causal libertarianism. Indeed, part of the reason that I focused on agent-causal libertarianism is that this variety of libertarianism seems (at least to me) especially vulnerable to explanation-based worries. My hope is to show that even agent-causal libertarianism has the resources to silence these worries. Thanks to Neil Levy for suggesting that I make this more explicit.

refrain. Remember the situation: the thief is deliberating about whether to rob the poor box. He has strong reasons supporting each decision and let us stipulate that he never judges one option to be better than the other: the options are simply too attractive for the thief to decide which is best. Finally, suppose (as before) that the thief decides to steal. Can we answer the following question: why did the thief decide to steal rather than refrain? I believe we can. The thief decided to steal rather than refrain because he was in desperate need of money. This reason not only caused the thief's decision to steal but its presence raised the probability of his deciding to steal more than it raised the probability of his deciding to refrain.<sup>15</sup> Christopher Hitchcock (1999; 2012) has argued that, at least when certain conditions obtain, if E raises the probability of C more than not-C, then citing E explains why C rather than not-C—even though C's occurrence was undetermined.

To appreciate this point, consider contrastive explanations in a context outside of the free will debate. Suppose that Jones has developed paresis and that his developing this condition was undetermined.<sup>16</sup> Suppose we ask: why did Jones develop paresis rather than not. Hitchcock argues that we can answer this question by citing the fact that Jones had untreated latent syphilis (1999, p. 605). However, there is little reason to think that untreated latent syphilis causally determines one's developing paresis: “relatively few of those with untreated latent syphilis develop paresis, so it is highly implausible that we are tacitly assuming determinism in this example” (1999, p. 591). Again, the reason that citing Jones's untreated latent syphilis provides a contrastive explanation is that his having untreated latent syphilis raises the probability of his developing paresis more than it raises the probability of

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<sup>15</sup> This claim can easily be misread. I am not claiming that the thief's desperate need of money made it more likely that he would decide to steal than refrain. The claim rather is a claim about how the reason effected *each* of the two possible decisions. The thief's desperate need for money increased the likelihood of his decision to steal to a greater degree than it increased the likelihood of his decision to refrain. This claim is compatible with its being the case that the thief was (overall) more likely to decide to refrain than steal.

<sup>16</sup> 'Paresis' here refers to what is also referred to by 'general paresis', which is “a neurological disorder typically manifesting in psychotic symptoms” (Hitchcock 2012, p. 18).

his not developing paresis. We seem, then, to have an example of an undetermined event that can be contrastively explained.

But things are more complicated than this suggests. Suppose that Jones develops paresis and I ask why he developed paresis rather than not. Suppose also that I know Jones has untreated latent syphilis and I know that this raises the probability of Jones's developing paresis. In Hitchcock's terminology, suppose that in this context it is "presupposed" that Jones's suffering from untreated latent syphilis raises the probability of his developing paresis. In such a case, Hitchcock argues, if one were to answer my question—why did Jones develop paresis rather than not—by citing his untreated latent syphilis, this explanation would be "technically correct" but "pragmatically defective" (1999, p. 588). The explanation would be pragmatically defective because it "fails to give explanatory information that *goes beyond* what is presupposed."<sup>17</sup> "We do not ask questions in order to receive answers that we already know to be true" (1999, p. 598). The explanation would be technically correct because it cites information that is explanatorily relevant and the information is explanatorily relevant because it cites a factor that raised the probability of Jones's developing paresis more than it raised the probability of his not developing paresis (1999, p. 598).

Much of what is presupposed when giving and receiving contrastive explanations is contextual: it depends on what the participants know, what their explanatory aims are, and so forth.<sup>18</sup> However, Hitchcock argues that when we ask, 'Why *P* rather than *Q*', we are *always* assuming that either *P* or *Q* (where 'or' is the exclusive). This presupposition does not vary from context to context. Whether citing Jones's having untreated latent syphilis is pragmatically defective depends, then, on what the person requesting an explanation is

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<sup>17</sup> Lewis refers to this as "stale news" (1986, p. 12).

<sup>18</sup> Hitchcock takes no stand on whether presuppositions are "a semantic or pragmatic phenomenon" (Hitchcock 1999, p. 588, n. 4).

presupposing. If they did not know that Jones had untreated latent syphilis, or did not know that having it raised the probability of his developing paresis more than it raised the probability of his not developing paresis, then an explanation that cites this information is both technically correct and pragmatically adequate.

Turning to a yet different case, can we give a contrastive explanation of why Jane decided to go to Hawaii rather than Colorado? This depends on whether by ‘contrastive explanation’ we mean ‘a technically correct contrastive explanation’ or ‘a pragmatically adequate contrastive explanation’, and whether we can give the latter kind of explanation depends on what information is being presupposed. Levy seems to be asking for a contrastive explanation in a context in which *all* explanatorily relevant information is presupposed. He is asking why Jane decided to go to Hawaii rather than Colorado *given* the entire past and laws of nature (p. 43). It is impossible in such a context to give a pragmatically adequate explanation, but the reason we cannot give Levy such an explanation has nothing to do with indeterminism: given that Levy is presupposing all explanatorily relevant information, we could not give him a pragmatically adequate contrastive explanation even if Jane’s decision was causally determined (Hitchcock 1999, pp. 608-9; cf. Clarke 2005). Any attempt to explain why Jane decided to go to Hawaii rather than Colorado in this context would inevitably cite information being presupposed and thus would be pragmatically defective. That said, we can give a technically correct, albeit pragmatically defective, contrastive explanation of Jane’s decision (even in the undetermined case) simply by citing her reasons that raised the probability of her deciding to go to Hawaii more than they raised the probability of her deciding to go to Colorado.

Levy argues that Jane’s decision to go to Hawaii is free only if it is possible to give a contrastive explanation of why she decided to go to Hawaii rather than Colorado. The

putative connection between freedom and the availability of contrastive explanations is grounded in the following claim: Jane decided to go Hawaii *for reasons* only if it is possible to give a contrastive explanation of why she decided to go to Hawaii rather than Colorado. The problem is that these controversial claims are left without defense. First, Levy never argues that the possibility of Jane's deciding to go Hawaii for reasons depends on the possibility of giving a contrastive explanation of why she decided to go to Hawaii rather than Colorado. Second, even if Levy could establish this point, that would not be enough to cast doubt on agent-causal libertarianism since it is possible to give a technically correct contrastive explanation of Jane's decision to go to Hawaii rather than Colorado. Thus, Levy must show not only that freedom (or acting for reasons) requires the possibility of giving a contrastive explanation, but that freedom requires the possibility of giving a *pragmatically adequate* contrastive explanation. But, third, even if Levy could establish both of these points, that would still not be enough since we can give pragmatically adequate contrastive explanations when not all the explanatorily relevant information is being presupposed. Thus, Levy must show not only that freedom (or acting for reasons) requires the possibility of giving a contrastive explanation and that the said contrastive explanation must be pragmatically adequate, but that the said contrastive explanation must be pragmatically adequate *for the person* who is presupposing all explanatorily relevant information. Levy leaves each of these steps undefended and thus his argument is, at best, incomplete.

In order for Levy's argument for the untenability of agent-causal libertarianism to be sound, he must either fill in the arguments for each of the above three steps (a rather daunting task) or offer a different paradigm for contrastive explanations that is more congenial to his conclusions. Let me conclude my objection to Levy's argument against agent-causal libertarians by offering some reasons for thinking that his argument is not only

incomplete, but incompleteable. Part of our common sense framework of thinking about free will and moral responsibility is that free actions are actions done for reasons. Any account of freedom that severs all ties to reason is untenable. Moreover, it is a frequent part of our explanatory practice to ask and give answers to questions such as: “Why did he choose this rather than that?” Thus, it is plausible to think that if a theory cannot accommodate the possibility of contrastive explanations, then that is at least a mark against the theory. But agent-causal libertarianism can account for both reasons and contrastive reasons explanations in this rather minimal, intuitive sense (as shown by the arguments above). But many philosophers (and Levy seems to be an example) seem to think that this minimal, intuitive sense is not enough (cf. Haji 2012). They think that real or true or genuine reasons and contrastive explanations of an action must cite factors that *guarantee* that the action occurred rather than not. If we are to give a reasons explanation of Jane’s decision to go to Hawaii, then, so the thought goes, it must be possible to cite reasons that guarantee that she will make this decision rather than not. Agent-causal libertarianism certainly cannot accommodate such explanations, but this, I maintain, is a *virtue* of the view, not a vice. That is, while Levy could show that agent-causal libertarianism cannot allow for the possibility of contrastive explanations in this sense, he will be unable to show that agent-causal libertarians must be able to accommodate such explanations. The attraction of agent-causal libertarianism is that it promises to accord us, free agents, a fundamental role in the production of free decisions and actions. If agent-causal libertarianism is true, then your free choices are neither the inevitable consequence of the past and laws of nature nor a simple function of your current motivational composition. On agent-causal libertarianism, we are fundamental sources of reality (creating new events and new objects). Part of our fundamentality as agents requires that our exercises of agency not be explicable *in certain*

*senses* in terms of other features of reality. If our exercises of free agency were made inevitable by the past and laws of nature, if there were conditions prior to and independent of our choices that guarantee that we will make the choices we make, then we would not be fundamental sources of reality but merely derivative sources. The very absence of this kind of explanation, the very absence of prior motivations that guarantee that the agent will make one decision rather than another, is a requirement for agential fundamentality. The impossibility of such explanations on agent-causal libertarianism is an attraction of the view, not an embarrassment. Thus, it is unlikely that Levy (and others) will be able to isolate a sense of contrastive explanation that is both unavailable on agent-causal libertarianism and clearly required for free will and moral responsibility.

## **5 Akrasia and Self-Control**

I will now argue that agent-causal libertarians and compatibilists can escape Levy's dilemma that no agent is ever directly morally responsible by showing how the agent-causal theory of free will has the resources to demonstrate that agents can be morally responsible for akratic actions. Although my focus will be on the agent-causal theory of free will, my sense is that other theories can utilize the general line of response I defend.

Recall the above dilemma offered to show that direct moral responsibility does not exist. An agent who performs some wrong action B either knew B was wrong or did not. Levy contends that if the agent did not know that B was wrong, then the agent is (at best) indirectly morally responsible for B-ing, his responsibility tracing back to some earlier action that contributed to his becoming someone who did not know that B was wrong (p. 151). If the agent knew that B was wrong, then, Levy argues, he must have judged that it was, all

things considered, best not to B (let us say, for ease, that he judged it best to A).<sup>19</sup> Thus, if the agent is directly morally responsible for B-ing, then he is directly morally responsible for akratic actions. However, Levy argues that we cannot be directly morally responsible for akratic actions. Why? Because “[i]n that case, [the agent] does not have direct control over his *A*-ing. At best, he has indirect control over his *A*-ing, inasmuch as he can bring himself to *A* only by way of doing something else (*C*)” (p. 151). Our responsibility for akratic actions can only be indirect. Thus, direct moral responsibility does not exist.

Before responding, let me say a few more words about akrasia or weakness of will.<sup>20</sup> Akrasia is, or at least seems to be, an utterly familiar (and unfortunate) feature of our agency. We have all found ourselves in situations in which our motivation does not cohere with our judgments. We know what we should do (what is morally required of us or what is prudentially best for us) and yet do not feel like doing it. Maybe what is best is hard or maybe we just feel tired. Maybe what is best runs deeply against some of our most prized aspirations or maybe we are just scared. Whatever it might be, we regularly find ourselves in situations in which our motivations are at variance with our assessment of the situation. When we act against our assessment of what is best, we act akratically or weakly. While some would dispute this characterization of akrasia, I will adopt a “desire-based account” (p. 144) that analyzes akratic action as action that (i) is in conflict with the agent’s judgment of what is best and (ii) is motivated by desires contrary to the agent’s judgment of what is best. Alternative “judgment-based accounts” seek to analyze akrasia in terms of the agent making some kind of cognitive mistake (p. 136).<sup>21</sup>

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<sup>19</sup> Recall that this claim follows from Levy’s proposed epistemic condition on control (p. 113).

<sup>20</sup> I follow Levy (p. 133, n. 1) in using these terms interchangeably.

<sup>21</sup> As mentioned in n. 9 above, Levy himself endorses neither account, but argues that both accounts fail to allow for the possibility of free akratic actions.

Consider a familiar case of being faced with the decision of making a cutting remark to your roommate. The roommate has once again left all his dishes in the sink, making it impossible for you to wash your dishes unless you first wash, or at least move, his. This drives you insane. As you glance over at your roommate, who is currently engrossed in a reality TV show, you realize that you can take the tactful route of simply asking him to come and move his dishes, noting that his actions are inconsiderate. However, you don't feel like doing this: you feel like letting him have it—and you do. You shout “Slob” and storm out of the kitchen. Let us suppose that just prior to shouting, you judged that it is best to take the tactful route. You think this is the morally and prudential best route and let us suppose you are correct about this.

Are you morally responsible for this action? According to Levy, you cannot be directly morally responsible for your shouting because you could have only taken the more tactful route by doing something else first: by thinking about the good consequences of the tactful route or promising yourself a reward if you make this choice or exercising some other kind of self-control strategy. But since our original dilemma applies to the exercise of these self-control strategies, now a regress looms large. Did you know you should have employed one of these self-control strategies? If not, then you are not directly morally responsible for either your failure to employ the strategy or the akratic action resulting from this failure. If you did, then we are faced with yet another akratic action: you knew you should, for example, think carefully about the consequences of your action, but you didn't. As with the original akratic action, you had, at best, indirect control over your failure to think carefully about the akratic action: you could have considered the consequences only by performing some yet further action, some yet further self-control strategy. But now the original dilemma applies to this yet further action, and so on *ad infinitum*.

But why think self-control *must* take this indirect form? It is certainly true that often our self-control does take just this form: I find myself too angry to speak with a student about her cheating and thus put off the conference another day to ensure that I speak cordially with her. I avoid driving by local fast-food restaurants late at night because I know I have a hard time resisting those tasty, greasy French fries. But self-control does not always seem to take this indirect form: sometimes we choose to resist temptation directly, without first doing something else. While I usually avoid filling myself with savory fats by avoiding driving past fast-food restaurants late at night, were I mistakenly to drive past one, I could still choose to refrain from eating fries. I know it will be hard and that's why I try to avoid the tempting situation. Yet temptation notwithstanding, I can resist it simply by choosing to do otherwise. Admittedly, this is easier said than done; but easy or not, I can do it and thus I do possess direct control over my acting in accordance with my best judgment, namely to refrain from eating the fries.

I see no reason to think the same cannot be true of you in our case above. Admittedly, agents differ in self-control and motivational composition, and thus it is possible to imagine that in the case above you actually could not have chosen straightaway to take the tactful route. However, it is just as easy to imagine that you did have this direct form of control: while you could have avoided blowing up at your roommate by leaving the room or focusing your attention on the virtues of kindness, you also could have avoided blowing up simply by deciding to act tactfully. I see no reason to deny this possibility nor, as far as I can tell, does Levy offer one.

Perhaps Levy was led astray by Mele (1995) and Kennett (2001) who both focus on indirect strategies for acting in accordance with one's best judgment when faced with temptation. Limiting control to indirect strategies becomes even more plausible if we are

operating within a Hobbesian framework in which it is assumed that we must act in accordance with our strongest desire.<sup>22</sup> Under this assumption, and under the assumption that akrasia occurs when the agent's strongest desire is at variance with his judgment about what is best, it follows that one can avoid acting akratically only by modifying the strength of one's pre-existing desires. But since it is doubtful that we can just decide to have desires with different motivational strengths than they we actually have, it seems that our control over avoiding acting akratically is, at best, indirect.

The agent-causal model developed above emphatically rejects this Hobbesian framework. An agent's action need not always be a result of their his or her strongest desire precisely because free agents have wills: powers to refrain from acting on their strongest motivation. Your strongest desire may be to let your roommate have it, but since you have a will, you need not act on this strongest desire.<sup>23</sup> Moreover, you can resist the desire directly, simply by willing to acting on your judgment instead. That said, it is often wisest to avoid putting our wills to the test, and thus we often employ strategies to avoid tempting situations or modify the strength of our pre-existing motives. It may well have been wisest for you first to walk away, compose yourself, and only then speak with your roommate. But this is a point about prudence, not metaphysics. Despite the wisdom in avoiding temptation, when it arises we often have the power to resist it and thus it is possible that when we act akratically, we are blameworthy.

Levy writes, “[i]f akratic actions are free then despite everything said in previous chapters, there is plenty of room to hold agents morally responsible for crucial decisions and actions. The existence of akrasia [in which agents act freely] is therefore a potent challenge to the hard luck view” (p. 153). We have seen that we can escape the second horn of Levy's

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<sup>22</sup> I do not mean to suggest that Levy himself endorses this framework.

<sup>23</sup> At least, on the assumption that your will is not addicted.

dilemma and maintain that agents can be directly morally responsible for akratic actions. It seems, then, that we have compelling reason to conclude that the hard luck view fails.

## **6 Conclusion**

I have argued that Levy's hard luck view is not without problems. In particular, I hope to have shown that libertarians and compatibilists can resist his arguments by adopting the agent-causal theory of free will (though, I suspect other theories will be able to adopt my main line of response). But my qualms about some aspects of Levy's defense of the hard luck view are perfectly compatible with my admiration for his rich and fascinating book. Levy has picked fights with just about every major theory of free will and moral responsibility and so is sure to draw his fair share of critics. The book rewards careful and patient attention and is required reading for anyone interested in the relevance of luck to free will and moral responsibility.<sup>24</sup>

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<sup>24</sup> I am grateful to Neil Levy for providing generous and careful comments on an earlier draft of this paper.

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