Frankfurt-style cases and responsibility for omissions

Christian Vesterlund
Supervisor: Torfinn Huvenes
BA Thesis
Philosophy C
Umeå University
Department of historical, philosophical and religious studies
ABSTRACT

Frankfurt-style cases are purported counterexamples to the principle of alternate possibilities, since they are cases in which agents appear to be morally responsible for their actions, even though they lack the ability to do otherwise. Philip Swenson has recently challenged these Frankfurt-style cases as effective counterexamples to PAP by presenting a scenario in which an agent seems to lack morally responsibility for failing to save a child, since he couldn’t do otherwise. And since there’s no morally relevant difference between this case of omission, and the traditional Frankfurt-style cases, we should therefore conclude that the agents in the Frankfurt-style cases lack morally responsibility for their actions as well. In the following paper I argue that one could simply run Swenson’s argument in reverse, thereby showing that it is the agent in his case that is morally responsible for his omission, rather than the other way around, and that Swenson therefore has failed to demonstrate that Frankfurt-style cases should be rejected as effective counterexamples to PAP.

KEYWORDS: Frankfurt cases, moral responsibility, omissions, PAP.
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1. Introduction

According to the so called principle of alternate possibilities (PAP), one is morally responsible for an action only if one could have done otherwise. Harry G. Frankfurt (1969), however, has famously challenged this principle by presenting a number of hypothetical cases in which agents (often called Jones) do seem to be morally responsible for their actions, even though they lack the ability to do otherwise. Philip Swenson (2015, 2016), though, has recently challenged these Frankfurt-style cases as effective counterexamples to PAP by presenting a scenario in which an agent seems to lack morally responsibility for failing to save a child, since he couldn’t do otherwise, and since there is no morally relevant difference between this case, and the traditional Frankfurt-style cases, we should therefore conclude that the agents in the Frankfurt-style cases lack morally responsibility for their actions as well. The purpose of this paper is to critically examine this argument. Has Swenson provided us with an adequate and compelling reason to reject our intuitions about the Frankfurt-style cases as convincing counterexamples to PAP? My thesis is that he has not.

1.1 Structure of the paper

The paper will have the following structure: in section 2, I provide some useful background information. In section 3 I present Swenson’s argument in more detail, and in sections 4, 5 & 6 I consider and discuss possible objections to his argument. Section 7 contains my conclusions.

2. Background

The so called principle of alternate possibilities is this:

(PAP) Persons are morally responsible for what they have done only if they could have done otherwise.
There was a time when this principle was accepted by virtually every philosopher (according to Sartorio 2017). In order to be morally responsible for your actions, you had to enjoy an ability to do otherwise. Causal determinism, therefore – the view that every single event is necessitated by antecedent events and conditions, along with the laws of nature – seemed like an ever looming threat to any notion of moral responsibility. It seemed very difficult to see how anyone could ever be morally responsible for their actions, if these actions were actually causally determined and therefore inevitable. In his seminal paper “Alternate Possibilities and Moral Responsibility”, Frankfurt (1969), however, argued that the plausibility of PAP is an illusion that can be explained away once we make a conceptual distinction between two very different kinds of factors: (1) factors that make it that case that an agent can’t do otherwise, and (2) factors that actually explain an agents actions. The reasons that so many people find PAP so intuitively plausible is that they conflate these factors, Frankfurt argued. When we think of cases in which people lack the ability to do otherwise, we often think of cases in which the factors that make the action inevitable (“inevitability factors”) are also are the factors that explain the action (“explanatory factors”). Just consider, for instance, a situation in which an agent is compelled to perform some act or other, like killing or kidnapping someone, by means of hypnotic suggestion. In such a case it seems that the hypnotic suggestion techniques exerted are both the factors that explain the persons actions and the factors that make it so that he or she can’t do otherwise. But, Frankfurt argued, it is also entirely possible to image several cases in which the inevitability factors and explanatory factors come apart. Just consider the following case, for instance:

Black…wants Jones₄ to perform a certain action. Black is prepared to go to considerable lengths to get his way, but he prefers to avoid showing his hand unnecessarily. So he waits until Jones₄ is about to make up his mind what to do, and he does nothing unless it is clear to him…that Jones₄ is going to decide to do something other than what he wants him to do. If it does become clear that Jones₄ is going to decide to do something else, Black takes effective steps to ensure that Jones₄ decides to do, and that he does do, what he wants him to do. […] What steps will Black take…in order to ensure that Jones₄ decides and acts as he wishes? […] Let Black give Jones₄ a potion, or put him under hypnosis, and in some such way
as these generate in Jones\textsuperscript{4} an irresistible inner compulsion to perform the act Black wants performed and to avoid others. Or let Black manipulate the minute processes of Jones\textsuperscript{4}'s brain and nervous system in some more direct way, so that causal forces running in and out of his synapses and along the poor man's nerves determine that he chooses to act and that he does act in the one way and not in any other. Now suppose that Black never has to show his hand because Jones\textsuperscript{4}, for reasons of his own, decides to perform and does perform the very action Black wants him to perform (Frankfurt 1969, 835-6).

Here it seems obvious that the inevitability factors are distinct from the explanatory factors. The factors that make the action inevitable aren’t the same as the factors that actually bring about the action. The inevitability factors in the Original Frankfurt Case simply appear to be facts about Black and his intentions and motives, but since he never actually intervenes, they seem to be irrelevant when we’re evaluating Jones’s moral responsibility. The explanatory factors, Frankfurt argues, are Jones own reasons and deliberations, which is why he can be held responsible, even though he lacks the ability to do otherwise. Thus, it seems that we have an apparent counterexample to PAP. There are many such Frankfurt-style cases in the philosophical literature, and according to Ney (2014), they all share the following features:

- There is an agent who makes a decision at some time t to engage in some action A and then acts on this decision without interference from the outside.
- Unbeknownst to this agent, there is an outside party with an interest in the agent’s doing A. The outside party has planted a device in the agent’s head ensuring that if the agent does not choose on her own to do A by t, the device will forcibly set the agent’s body in motion to bring about A anyway. If the agent does decide to do A by t, then the device does nothing (Ney 2014, 249)
This is another clear and precise example of such an FRANKFURT-STYLE CASE, presented by Swenson:

**Original Frankfurt Case:** Black wishes Jones to cast his vote for presidential candidate A. In order to ensure that Jones does this, he implants a chip in Jones’s brain which allows him to control Jones’s behavior in the voting booth. (Jones has no idea about any of this.) Black prefers that Jones vote for candidate A on his own. But if Jones starts to become inclined to vote for anyone other than A, Black will immediately use his chip to cause Jones to vote for candidate A instead. As it turns out, though, Jones votes for candidate A on his own and Black never exerts any causal influence on Jones’s behavior (Swenson 2016, 579).

3. Swenson’s argument

Swenson (2015, 2016), however, thinks that we have a significant reason to doubt our intuitions about the Frankfurt-style cases as effective counterexamples to PAP. His argument relies on the following case:

**Sharks:** John is walking along the beach and sees a child drowning in the water. John believes that he could rescue the child without much effort. Due to his laziness, he decides not to attempt to rescue the child. The child drowns. Unbeknownst to John, there is a school of sharks hidden beneath the water. If John had attempted to rescue the child, the sharks would have eaten him, and his rescue attempt would have been unsuccessful (Swenson 2016, 579-80).

Here we have a case in which it seems obvious that John lacks responsibility for failing to save the child, since the sharks would’ve eaten him, if he’d actually attempted to save the child. While he
might be responsible for making the decision not to even try to save the child, he doesn’t seem to be responsible for failing to save the child, since he would have been unsuccessful even if he’d tried. Thus, Swenson feels that we should accept the following premise:

(P1) In Sharks, John lacks responsibility for failing to save the child.

Swenson then goes on to consider to following case:

**Penned-in Sharks:** Everything occurs just as in Sharks except for the fact that the sharks are penned up. However, unbeknownst to John, there is an evil observer who wishes for the child to drown. If John had jumped into the water, the evil observer would have released the sharks, and as a result, the sharks would still have prevented John from rescuing the child. But the presence of the observer plays no role in the actual sequence of events (Swenson 2016, 579-80).

The only differences between **Penned-in Sharks** and **Sharks** are that the sharks are penned-in in and that there’s now an evil observer monitoring John’s behaviour in **Penned-in Sharks**. It’s difficult to see how these changes could affect John’s responsibility in any way, since the counterfactual intervener still plays no causal role in anything that actually happens. Thus, Swenson feels, we should accept the following premise:

(P2): If John is not responsible for failing to save the child in **Sharks**, then he is not responsible for failing to save the child in **Penned-in Sharks**.

Moving on, Swenson the presents us with the following case:
**Sloth:** In this case, there are no sharks present to prevent a rescue by John. The evil observer is now monitoring John’s thoughts instead. John decides (without deliberating much) to refrain from saving the child. If John had seriously considered attempting to rescue the child, the evil observer would have caused him to experience an irresistible urge to refrain from saving the child. However, this observer still plays no role in causing John’s decision to refrain from attempting a rescue (*Ibid.*).

Here, we have come to a case in which Swenson feels that John *does* appear to be morally responsible for his omission, but despite this, Swenson still feels that John’s responsibility in *Sloth* should not differ from his responsibility in *Sharks* (although he fails to explicitly express why). Thus, it seems that we should accept the following premise:

(P3) If John is not responsible for failing to save the child in *Penned-in Sharks*, then he is not responsible for failing to save the child in *Sloth*.

Swenson then goes on to consider one final case:

**Hero:** John decides (without deliberating much) to rescue the child, and he successfully does so. Unbeknownst to him, if he had seriously considered refraining from rescuing the child, our now benevolent observer would have caused him to immediately experience an irresistible urge to rescue the child. (Swenson 2016, 580).

Here we have, at last, come to very traditional Frankfurt-style case, in which the agent does appear to be morally responsible for his action, but still Swenson feels that, since there’s no morally relevant difference between *Sloth* and *Hero*, we really ought to say the same thing about John’s responsibility in both cases. Thus:
(P4) If John is not responsible for failing to save the child in Sloth, then he is not responsible for saving the child in Hero.

We can then take a look at Swenson’s argument against the Frankfurt-style cases as effective counterexamples to PAP in its entirety. He calls it the “No Principled Difference Argument”:

(P1) In Sharks John is not responsible for failing to save the child.

(P2) If John is not responsible for failing to save the child in Sharks, then he is not responsible for failing to save the child in Penned-in Sharks.

(P3) If John is not responsible for failing to save the child in Penned-in Sharks, then he is not responsible for failing to save the child in Sloth.

(P4) If John is not responsible for failing to save the child in Sloth, then he is not responsible for saving the child in Hero.

Thus,

(Conclusion) John is not responsible for saving the child in Hero (Swenson 2016, 580-1).

This is what Florian Cova (2017, 429) calls a transfer argument – an argument in which one transfers a verdict of moral responsibility from A to B by arguing that there is no morally relevant difference between A and B. (According to Cova, these transfer arguments are widely used both in moral philosophy and in the free will debate). The last cases, Hero, is also structurally identical to Original Frankfurt Case, and all the other Frankfurt-style cases, so Jones can’t be morally responsible for his action in the Original Frankfurt Cases either, if we accept that John lacks moral responsibility for his actions in Hero. It would seem then, if this argument goes through, that we have good reasons to reject our intuition about the Frankfurt-style cases as effective counterexamples to PAP.
4. A difference between acts and omissions?

There are a number of ways in which one could criticise Swenson’s argument, however. John Martin Fisher and Mark Ravizza (1991, 261), for instance, once argued that moral responsibility for omissions might require an ability to do otherwise, while moral responsibility for actions don’t. “[W]hether an agent can be morally responsible for doing something which he cannot avoid doing, no agent can be held morally responsible for failing to do something which he cannot do,” they write. The fourth premise of Swenson’s argument might be rejected if we accept this view. While John might be lack responsibility in *Sharks, Penned-in sharks* and *Sloth*, since he lacks an opportunity to do otherwise, he might still responsible in *Hero*, even though he lacks the ability to do otherwise.

But cases like *Sloth* were actually introduced in order to show that this “Asymmetry Thesis”, as Swenson (2015, 1282) calls it, is false, and Fisher & Ravizza has actually since abandoned it (1998), and it’s not difficult to see why. Just consider the following case, for instance:

**No Movement**: Stanley sits in a room and deliberately refrains from moving his body at all for a period of five minutes. Since Stanley is the only person in the room, his lack of movement entails that no movement occurs in the room. Unbeknownst to Stanley, there is a counterfactual intervener who would have prevented Stanley from moving his body at all had he attempted to do so (Frankfurt 1994, 620-1).

Here, it seems intuitively obvious that Stanley *is* responsible for the result that there is no movement in the room, even though he lacks the ability to do otherwise, since the inevitability factors (the counterfactual intervener) plays no role whatsoever in accounting for Stanley’s omission. The counterfactual intervener can be subtracted from the story, without this subtraction causing any change in the story’s outcome whatsoever. What actually causes Stanley’s lack of movement seems to be other considerations entirely (*Ibid.*), namely his own personal reasons and motives. Thus, it doesn’t appear to be that case that an ability to do otherwise is required in order to be morally responsible for omissions either.
Moreover, the difference between acts and omission actually appears to be rather arbitrary at times. Just take something trivial, like *holding your breath*, for instance. Is this an act, where you’re *holding* your breath, or are you simply refraining from breathing? The difference between acts and omissions does not appear to be a particularly deep or significant – certainly not deep or significant enough to licence a view on which acts and omissions are to be evaluated differently, in the manner (once) suggested by Fisher & Ravizza. I thus see no compelling reason to reject (P4) simply because of any purported difference between acts and omissions.

### 5. Clarke and INTAB

Another possibility is that we should reject (P3). Randolph Clarke (2011), for instance, has presented us with a principle, according to which an agent is responsible for omitting to $A$, only if said agent actually would have been able to $A$ if he or she had intended to $A$. He calls this principle INTAB:

**INTAB:** An agent is responsible for omitting to $A$ only if, had the agent intended to $A$, he would have been able to $A$ (Clarke 2011, 611).

This is an interesting principle, and it appears to yield intuitively plausible results when we look at the cases provided by Swenson, as well as a large number of other cases. In *Sloth*, for instance, John would have been able to save the child, had he intended to, something he wouldn’t have been able to in neither *Sharks* nor *Penned-In Sharks*, which might be why many people (Swenson included) intuitively feel that John is responsible in *Sloth*, but not in *Sharks* and *Penned-In Sharks*. The third premise of Swenson’s argument, therefore, might be rejected if we accept INTAB. The fact that John lacks responsibility in *Sharks* and *Penned-in Sharks* might not entail that John also lacks responsibility in *Sharks* and *Penned-In Sharks*, since there is a morally relevant difference between these cases. But INTAB – if accepted – would leave us with a rather awkward asymmetry between acts and omission. Just consider the parallel to INTAB in the case of action, for instance:
**ACTION INTAB**: An agent is responsible for A-ing only if, had the agent intended to refrain from A-ing, he would have been able to refrain from A-ing (Swenson 2016, 585).

But, as Swenson notes, this principle appears to be undermined by Frankfurt-style cases in which the counterfactual intervener is ready to intervene immediately after the intention to refrain from doing something is formed. Just take the following case, for instance:

**Post Intention Frankfurt Case**: Black wishes Jones to cast his vote for presidential candidate A. In order to ensure that Jones does this, he implants a chip in Jones’s brain which allows him to control Jones’s behavior in the voting booth. (Jones has no idea about any of this.) Black prefers that Jones vote for candidate A on his own. But if Jones forms the intention to vote for anyone other than A, Black will immediately use his chip to cause Jones to vote for candidate A instead. As it turns out, though, Jones votes for candidate A on his own and Black never exerts any causal influence on Jones’s behaviour (Ibid.)

Clarke himself is sensitive to this fact, and states that INTAB “imposes a requirement concerning ability that, if Frankfurt is right, has no parallel in the case of action” (Clarke 2011, 621).

What, then, is one to make of this asymmetry? One option, suggested by Clarke, is that we should consider the possibility that actions are events, while omissions aren’t, in the same way that lions are animals, while the absence of lions aren’t (Ibid., 622), and that there might therefore be a significant moral difference between acts and omissions, since there is a clear metaphysical difference between them.

This is an interesting proposition, but as Swenson (2015, 1284) reminds us, the very principle underlying our intuitions about the Frankfurt-style cases as effective counterexamples to PAP seem to be that “inevitability factors” are irrelevant to moral responsibility, and if we accept INTAB it seems that we have to reject this principle, since inevitability factors, on Clark’s view, do seem to affect John’s responsibility in cases like Sharks and Penned-In Sharks.
Thus – it appears that if we accept INTAB, or some similar such principle – it seems that we end up with an asymmetry not only between actions and omissions, but also between various cases of omissions, in which inevitability factors do affect moral responsibility in some cases of omissions, but not in others. This is indeed a rather awkward asymmetry, and Clarks argument therefore – while interesting and intuitively plausible – does not seem entirely convincing to me.

6. Reversing the argument

Another interesting way in which one could criticise Swenson’s argument, however, is by simply reversing the direction of the argument. If there’s no morally relevant difference between Sharks and the Original Frankfurt Case, as Swenson claims, why then must we conclude that it is the agent in the Original Frankfurt Case who lacks responsibility? Why not simply conclude that it’s the agent in Sharks who is responsible instead? It seems entirely possible to simply reverse the direction of Swenson’s argument in the following (condensed) manner:

(P1) In The Original Frankfurt Case, John is responsible for voting for candidate A.

(P2) If John is responsible for voting for candidate A in The Original Frankfurt Case, than he is responsible for failing to save the child in Sharks.

Thus,

(Conclusion) John is responsible for failing to save the child in Sharks.

Swenson (2016, 593), however, has a number of objections to such a reversal of his argument. Firstly, his intuition that John lacks responsibility in Sharks is somewhat stronger than his intuition that John is responsible in the Original Frankfurt Case. It seems to be entirely possible to challenge these intuitions, however. Just consider the following cases of omissions for instance:
**Passive sadist:** John is out walking when he stumbles upon a derelict house, in which he finds an abandoned baby, which is horribly malnourished and which will obviously die within a few hours without help. John can easily call the emergency service for help if he wants to, and thereby save the baby’s life, but since he enjoys suffering, he simply sits down and observes as the child dies. Unbeknownst to him, however, an unknown observer also wants the child dead (for some reason or other), and has made up his mind to stop John, if John tries to help the child in any way, but John never does, and the observer never has to show his hand, and the child dies.

**Fancy dinner:** John desperately wants to scratch his nose, but since he finds himself at a very fancy dinner party, this simply wouldn’t be appropriate, so he refrains from doing so. His wife, sitting next to him, would immediately have stopped him had he raised his arm ever so slightly, however, and he therefore never has any actual opportunity to scratch his nose. But he never raises his hand, and his wife, therefore, never has to intervene.

**Inheritance:** John is visiting an elderly uncle, when the uncle suddenly collapses on the floor, clutching his chest. John, a medical doctor, could easily help his uncle, had he wanted to, but refrains from doing so because of a sizable inheritance coming his way if and when his uncle dies. Unbeknownst to him, however, another relative is also watching the proceedings, and this relative has made up his mind to stop John from saving his uncle, if he shows any signs of attempting to try. But John never tries to help his relative, so the observer needn’t intervene, and the relative dies.

Here, we have a whole series of cases – structurally identical to Sharks – in which John does seem to be responsible for his omissions, but I have yet to come across a single traditional Frankfurt-style case in which an agent intuitively seems to lacks responsibility for his action. This, I submit, should make readers who feel that we should favour our intuitions about Sharks over our intuitions about the Original Frankfurt Case pause and question their intuitions on these matters.
Why is it that we can image a whole series of cases, structurally identical to Sharks, in which the agents intuitively do appear to be responsible for their omissions, while it’s very hard to find even a single Frankfurt-style case in which the agent intuitively seems to lacks responsibility for his action?

It might also be worth noticing that most people, when polled, do not actually share Swenson’s intuitions on these matters. Most of the participants in a survey conducted felt that John is responsible in the Original Frankfurt Case, while only about half of them feel that John lacks responsibility in Sharks (Cova 2017, 443). This last point might be a limited importance, of course, but it might very well be worth noticing that Swenson’s intuitions on these matters are not widespread or widely accepted in any way.

Secondly, Swenson’s thinks that we should favour his argument because Sharks is more realistic than the Original Frankfurt Case. “All other things being equal”, he argues, “we should trust our intuitions about realistic cases more than our intuitions about farfetched cases” (Ibid., 593-4). I have two distinct objections to this argument: (i) I’m not entirely sure I actually agree with Swenson that our intuitions about more fantastical cases are less reliable than our intuitions about more realistic cases. As Cova (2017, 443) points out, it’s actually rather easy to determine that characters in sci-fi stories lack moral responsibility for their actions, when alien parasites or mad scientists take control of their bodies, and Swenson never explicitly explains why these intuitions should be considered less reliable, and (ii) even if our intuitions about realistic situations are more reliable than our intuitions about more fantastic cases – it still seems to be entirely possible to imagine Frankfurt-style cases just as realistic as Sharks:

**Skydiver:** John is sitting in plane, with a parachute on his back, deliberating on wheatear or not to jump. The thought of throwing himself out of a plane 12,500 feet above the ground is terrifying, but eventually he decides to go through with the skydive (which had been a gift from his wife), and leaps of our the plane. His wife however, sitting next to him in the plane, had planned to simply push him out of the plane, had he decided not to go through with the skydive, but never had to intervene, since John dove on his own.
Bathmate: It’s a warm summer day, and John is looking forward to a nice cooling dip in the water. He jumps into the water on his own, without any pressure from anyone else. Unbeknownst to him, however, his friends had also planned to push him into the water, had he not jumped in himself. But since John never hesitates and jumped into the water on his own, the friend never had to intervene.

These cases appear to be just a realistic and down to earth, as Sharks (if not more so) and it seems very clear (at least to be) that John is morally responsible for skydiving and jumping into the water, respectively. There seems to be no reason to favour Swenson’s argument, simply because of the fact that his case is more realistic and down to earth, even if our intuitions about more realistic cases are more reliable than our intuitions about more fantastical cases (which, as I’ve said, I find doubtful).

The Frankfurt-style cases do appear puzzling and confusing at times, however, but as Cova (2017, 443) points out, this really doesn’t seem to have very much to do with a lack of realism. Rather it seems to have do with stuff like explanatory overdetermination (people who would’ve been forced to perform certain actions even if they hadn’t performed them on their own) and counterfactual considerations. Contrary to the aliens, body snatchers, parasites and mad scientist we encounter in so many sci-fi stories, Black and the other counterfactual interveners, never actually do anything, which is probably why these Frankfurt Style-cases, at times, might seem a bit puzzling and confusing.

However, as Cova (Ibid.) also points out, these problems do not only seem to be present in cases like Sharks and Penned-In Sharks, but they’re actually made worse in these cases. In the traditional Frankfurt-style cases, at least, it’s perfectly obvious that it’s Joneses decision that actually causes the event in question, while no such thing is apparent in cases like Sharks or Penned-In Sharks, which might very well be why they, at times, appear to be even more confusing than the traditional Frankfurt-style cases. Just look carefully at Sharks, for instance:

Sharks: John is walking along the beach and sees a child drowning in the water. John believes that he could rescue the child without much effort. Due to his laziness, he decides not to attempt to rescue the child. The child drowns. Unbeknownst to John, there is a school of sharks hidden beneath the water. If John had attempted to rescue the child, the
sharks would have eaten him, and his rescue attempt would have been unsuccessful (Swenson 2016, 579-80).

How do you explain the child’s death, in this case? Do you refer to its inability to swim? To John’s omission? The counterfactual intervener? Some combination thereof? I would submit that it is a lot easier to explain how and why the vote was cast in the Original Frankfurt Case, than it is to explain how and why the child died in cases like Sharks, Penned-In Sharks or Sloth. In fact, even Swenson himself has incompatible intuitions about Sharks and Sloth (Swenson 2016, 1281) which might very well be a result of the ambiguity surrounding these cases of omission.

Thirdly, Swenson feels that Widerker’s W-defense reduces his confidence that John is responsible in the Original Frankfurt Case, while he knows of no similar way to reduce his confidence that John lacks responsibility in Sharks (Ibid.). The W-defense is a rather interesting objection, which, just as Michael McKenna notes, carries quite a big “intuitive punch” (McKenna 2005, 176). The W-defense is this: Suppose that you were to speak in defence of Jones in one of the Frankfurt cases. Suppose that it’s your job to defend him against those who wish to hold him accountable for his actions. It seems entirely plausible, then, that you would say something like this to those people:

Still, since you […] wish to hold him blameworthy for his decision to break his promise, tell me what, in your opinion, should he have done instead? Now, you cannot claim that he should not have decided to break the promise, since this was something that was not in his power to do. Hence, I do not see how you can hold Jones blameworthy for his decision to break the promise (Widerker 2000, 191)

Those who want to hold Jones responsible for his actions can’t very well reply that he should have behaved differently, since they are committed to the notion that he never actually enjoyed an opportunity to behave differently. The fact, then, that Jones is unable to do anything other than what he actually did is, apparently, meant to suggest that he can’t be blameworthy for his action. This is an interesting objection, but as McKenna (2005, 177) has pointed out, one could simply admit that there is no good answer to this question, and instead draw attention to what the
agent has actually done and to the causal history by which his action came about. If the action was caused by desires he actually wanted to have, we could still hold him accountable for his actions, even if he couldn’t have done otherwise. In fact, I would submit that the answer to the question “Why did Jones lie?” is more instructive than the answers to questions like “what should Jones have done instead?” or “could Jones have done otherwise?” when we’re trying to decide whether or not to blame him for his actions.

As for reducing our confidence that John lacks responsibility in Sharks, apart from what’s already been said, I’d also like to invite the reader to consider – and compare to Sharks – the following case:

**No Sharks:** John is walking along the beach and sees a child drowning in the water. John believes that he could rescue the child without much effort. Due to his laziness, he decides not to attempt to rescue the child. The child drowns.

In this case, it seems perfectly obvious that John is responsible for failing to save the child, and since his behaviour, motivation, deliberations and considerations are identical in both No Sharks and Sharks, it seems to me that we really ought say the same thing about his moral responsibility in both cases. I see no good reason alleviate him of his responsibility for failing to save the child, simply because of the presence of counterfactual interveners, whom never exerts any causal influence over anything that happens. At the very least, I think these considerations should succeed in diminishing our intuitions that John lacks responsibility in Sharks.

**Fourthly,** Swenson think that the intuitiveness of PAP itself provides us with good reason to prefer our intuition about sharks over our intuition about Original Frankfurt Cases. The following principle underlies this claim, according to Swenson:

If we must reject either A or B, and A is consistent with intuitively plausible principle C but B is not, then, all things being equal, we ought to reject B. Many find PAP to be quite intuitive; it appears that those who do will have reason to hold on to their intuition about Sharks (Swenson 2016, 594).
But I fail to see why PAP should strike us as intuitively plausible. It seems to me that those who favour PAP would have an obligation to explain why, say, a murderer would have to have an ability to do otherwise in order to be morally responsible for murdering someone he really wanted to murder. Just take the following case for instance:

**Vigilante:** John is planning on murdering his own father, whom he views as a detestable man, whom truly deserves to die, and John also enjoys being the kind of person who brings justice to the world by performing actions of this kind. He truly believes that the world would be a much better place, without his father in it, and he truly believes that killing him is the morally correct option. Unbeknownst to John however, Black also wants the father dead, and will take control of John in whichever way necessary, in order to make sure that John actually kills his father. But John never hesitates, and feels a tremendous sense of pride when he finally kills his father, realizing that he never would have decided to do anything other than what he actually did.

Here we have an agent – John – who (1) wants to murder his own father, (2) is comfortable with having these desires, and (3) whom wouldn’t have done otherwise even if he could. Why would anyone ever require anything other than this in order to blame him for his action? Why, exactly, would an ability to do otherwise be required in order to blame him, when he clearly wouldn’t have done otherwise even if he could? It seems to me that the intuitiveness of PAP (and cases like *Sharks*) really does fade away when one considers questions like these carefully. The inevitability factors here appear to simply be facts about Black, and since he never actually exerts any causal influence over anything that happens, I fail to see how he could affect Johns moral responsibility in any way. There seems to be no good reason to let John off the hook simply because of the presence of inevitability factors, when he has done what he wanted to do, and wouldn’t have done otherwise, even if he could (Frankfurt 1971, 19).

It would seem then – in summation – that none of the objections raised by Swenson appears to be particularly convincing. If we have to reject our intuition about either *Sharks* or *The Original*
Frankfurt Case, I see no compelling reason to reject our intuitions about The Original Frankfurt Case, rather than our intuitions about Sharks.

7. Conclusion

Based on a comparison between traditional Frankfurt-style cases and a case of omission in which an agent seems to lack moral responsibility for his omission, since he can’t do otherwise, Swenson has argued that the agents in the standard Frankfurt-style cases lack responsibility for their actions, since there’s no morally relevant difference between these cases, and that Frankfurt, therefore, has failed to show that the principle of alternate possibilities is false. I have attempted to show, however, that one can just as easily run Swenson’s argument in reverse, arguing that it’s the agent in his case of omission who is morally responsible, rather than the other way around, and that Swenson therefore has failed to provide us with a compelling and adequate reason to reject our intuitions about the Frankfurt-style cases as effective counterexamples to PAP. There’s seems to be no compelling reason to trust our intuitions about the case of omission presented by Swenson, over our intuitions about the traditional Frankfurt-style cases, which is why Swenson’s challenge to the Frankfurt-style cases as effective counterexamples to PAP – although interesting and thought-provocative – ultimately fails.
References:


