

**The ‘Consequence’ Arguments Revisited**

*Another Look at Rules ‘ $\beta$ ’ and ‘ $\beta?$ ’*

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## **Introduction**

The philosophical debate surrounding the topics of free will and moral responsibility is often articulated as ‘the problem of free will and determinism.’ Even in the framing of this debate there is a *prima facie* assumption that whatever it means to be free in a morally significant sense is incompatible with the truth of causal determinism. Not surprisingly, given the shape that the debate has traditionally taken, the burden of proof has rested squarely on the shoulders of those philosophers who claim that morally significant freedom is *compatible* with the truth of causal determinism.

However, in this paper I am going to consider the chief argument for *incompatibilism* – the ‘Consequence’ argument. I will show that the initial version of the argument is formally invalid, and I will consider some counterexamples to a subsequent version of the argument before accepting its validity. However, I hope, minimally, to show that exercises in formal logic alone will not be sufficient to advance the debate (any further), and moreover, I will argue that the substantive issues cannot be resolved if the inference rules that purport to demonstrate the truth of some claim, namely, that determinism is incompatible with free will, come to the table presupposing the truth of certain incompatibilist claims. But before we reflect on these final considerations, let’s see the ‘Consequence’ argument itself.

## **I. Peter van Inwagen’s ‘Consequence’ Argument**

### **§1.1 The Argument**

It is a generally accepted truth that most people naturally believe that having the ability to do otherwise is a necessary condition for free will and moral responsibility. This ability to do otherwise is satisfied when

An agent has *alternative possibilities* (or can do otherwise) with respect to A at t in the sense that, at t, the agent *can* (has the *power* or *ability to*) do A and *can* (has the *power* or *ability to*) do otherwise.<sup>1</sup>

This condition for freedom is called the Principle of Alternative Possibilities (henceforth, PAP), and it provides the foundation for most (although by no means *all*) incompatibilist conceptions of freedom. But, if causal determinism is true, then it is difficult to see how PAP can be satisfied. Thus, causal determinism is incompatible with PAP, and therefore, free will. A more perspicuous argument for this conclusion is Peter van Inwagen's 'Consequence' argument, and it can be developed using the following inference rules:

- (a)  $? (p) + N(p)$
- (b)  $N(p \supset q), N(p) + N(q)$

These inference rules use the 'N' operator, and we shall read 'N(p)' as "*p* and no one has, or ever had, any choice about whether *p*."<sup>2</sup> Rules (a) and (b) are principles that are designed to transfer the fixity of the past and the laws to present events. Therefore, if these transfer principles are valid, then we can arrive at the following argument for the incompatibility of causal determinism and free will:

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|-------------------------------------|--|
| (1) $? ((P_o \& L) \supset P)$      | Consequence of Determinism                       |
| (2) $? (P_o \supset (L \supset P))$ | 1, elementary modal and propositional logic      |
| (3) $N(P_o \supset (L \supset P))$  | 2 (a)  |
| (4) $N(P_o)$                        | Assumed (No one is responsible for the past)     |
| (5) $N(L \supset P)$                | 3, 4 (b)   |
| (6) $N(L)$                          | Assumed (No one is responsible for natural laws) |
| (7) $N(P)$                          | 5, 6 (b) (van Inwagen, 1983)                     |

The conclusion that 'P and no one has, or ever had, any choice about whether P' (where 'P' is some action that an agent performs) purportedly shows that determinism is incompatible with free will in just the sense that we discussed earlier. Given the unique

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<sup>1</sup> Kane, R. *The Significance of Free Will* (1996) 33

<sup>2</sup> van Inwagen, P. *An Essay on Free Will* (1983) 184

history of the world and the causal laws that govern it, the agent that performs P cannot act otherwise. So PAP is not, and more importantly, *cannot* be satisfied if determinism is true.<sup>3</sup>

## § I.2 (β) Simpliciter

Not surprisingly, this argument has generated a great deal of literature. If Rules (a) and (β) are valid, then what premise(s) could compatibilists attack? Premises (1), (2), and (3) follow without any assumptions (other than the initial ‘innocuous’ presupposition of determinism), and intuitively, we are inclined to accept (4). After all, who has, or has ever had, any choice about the past? (5) follows straightforwardly from (3) and (4) using Rule (β), and (6) seemingly has the same intuitive appeal as (4).<sup>4</sup> The conclusion then, follows from (5) and (6) using Rule (β).

But we must not ‘rubber-stamp’ van Inwagen’s ‘Consequence’ argument’s validity until we have considered the validity of Rules (a) and (β). Like van Inwagen (1983, 184) ‘the validity of Rule (a) seems to me to be beyond dispute.’ The validity of Rule (a) notwithstanding, Rule (β) provides a much bigger target for the compatibilist, and accordingly, most responses to van Inwagen have been focused on Rule (β). Therefore, let’s consider the validity of Rule (β).

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<sup>3</sup> This argument, if valid, not only shows that PAP cannot be satisfied. It also shows that the “ultimate responsibility” condition (as Robert Kane calls it) cannot be satisfied. This is particularly important since some (but not all) source incompatibilists claim that PAP is not a necessary condition for free will. These ‘in house’ incompatibilist debates are beyond the scope of this particular paper, but perhaps worthy of a mention.

<sup>4</sup> This conclusion, namely ‘no one has, nor has ever had, any control over the causal laws’ has been rejected by some philosophers who accept a broadly Humean conception of natural laws. Cf. Lewis (1981).

To demonstrate the invalidity of Rule ( $\beta$ ), we must provide a counterexample.

Rule ( $\beta$ )'s inference is  $(Np \ \& \ N(p \supset q)) + Nq$ . Rule ( $\beta$ ) can be used to construct a simple argument:

- (1)  $N(p)$       Premise
- (2)  $N(p \supset q)$    Premise
- (3)  $N(q)$       1,2 ( $\beta$ )<sup>5</sup>

If this argument is not valid, then neither is van Inwagen's 'Consequence' argument. If a counterexample to this argument could be provided, then we would be warranted in rejecting the validity of ( $\beta$ ). There are, by my count, two sorts of counterexamples that demonstrate the invalidity of van Inwagen's Rule ( $\beta$ ). First, there is the sort of clear counterexample that McKay and Johnson advance, and second, there are those responses which utilize McKay and Johnson's principle of Agglomeration.

### **§I.3 A Counterexample and Agglomeration**

A counterexample of the sort that McKay and Johnson advance might proceed as follows: If Terry is playing blackjack using a standard 52 card deck that is well shuffled, we naturally assume that no one has a choice about the value of the face-up card (in this case a  $K?$ ) that Terry receives (including the dealer – unless of course, Terry's dealer is using a 'cold deck'). We also assume that no one has a choice about the relationship of Terry's having received a  $K?$  with Terry's having been playing cards. However, we don't assume that no one has a choice about Terry's having been playing cards. So here is an instance where Rule ( $\beta$ ) yields a false conclusion from true premises:

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<sup>5</sup> This style of 'Consequence' argument is used by some libertarians. In place of an 'N' operator, other operators (inevitability or unavoidability) are often adopted. See discussions in Pereboom (2001) 36-37, and Flint (1998) 27-29.

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|---|------------------|
| (1) N(Terry receives a K?)                                  | Premise          |
| (2) N(Terry receives a K? $\supset$ Terry is playing cards) | Premise          |
| (3) N(Terry is playing cards)                               | 1, 2 ( $\beta$ ) |

It seems that this provides a clear counter-example to the validity of Rule ( $\beta$ ). But

McKay and Johnson also provided a proof of the invalidity of Rule ( $\beta$ ) that involves the so called ‘principle of Agglomeration.’

McKay and Johnson derived the principle from Rules (a) and ( $\beta$ ). The Agglomerative principle moves from  $Np$  and  $Nq$  to  $N(p \ \& \ q)$ . From their proof, they provide a counterexample, and because they, like most, think that Rule (a) is beyond reproach, the conclusion is that Rule ( $\beta$ ) is the culprit. Their derivation of the Agglomerative principle is as follows:

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|--|----------------------------|
| (1) $Np$                                       | Premise                    |
| (2) $Nq$                                       | Premise                    |
| (3) ? [ $p \supset (q \supset (p \ \& \ q))$ ] | necessity of logical truth |
| (4) $N\{p \supset (q \supset (p \ \& \ q))\}$  | 3, (a)                     |
| (5) $N\{q \supset (p \ \& \ q)\}$              | 1, 4 ( $\beta$ )           |
| (6) $N(p \ \& \ q)$                            | 2, 5 ( $\beta$ )           |

The problem with this principle is that (6) does not follow from (1) and (2). If we let  $p$  = “the coin does not land on heads” and  $q$  = “the coin does not land on tails” and assume that an agent does not flip a coin but could have, then  $Np$  and  $Nq$  are both true, but  $N(p \ \& \ q)$  does not follow because the agent *could* have flipped the coin and had control over the truth of  $(p \ \& \ q)$ .<sup>6</sup> So Rule ( $\beta$ ) seems to be an invalid inference rule. And with Rule ( $\beta$ ), so goes van Inwagen’s ‘Consequence’ argument.

Incompatibilists, however, are not adrift without van Inwagen’s Rule ( $\beta$ ). In “The *Mind* Argument and Libertarianism” Alicia Finch and Ted Warfield construct a new

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<sup>6</sup> I am indebted to the clear discussion of the principle of Agglomeration found in “The *Mind* Argument and Libertarianism” by Alicia Finch and Ted Warfield (particularly pages 518-519). For more discussion see *Free Will* ed. Robert Kane pgs. 80-81, and *Persons and Causes* by Timothy O’Connor pgs. 7-15.

transfer principle to replace Rule (β).<sup>7</sup> Therefore, let us turn our attention to §II of the paper where I consider Finch and Warfield’s new transfer principle.

## II. Another ‘Consequence’ Argument

### §II.1 A New Argument

Finch and Warfield’s new transfer principle, Rule (β<sup>?</sup>), was, in its original context, developed as a ‘Consequence’ argument that was immune from *Mind*-style arguments.<sup>8</sup> Rule (β<sup>?</sup>) stipulates

$$\text{Rule } (\beta^?): (Np \ \& \ ? \ (p \supset \ q)) + Nq$$

This ingenious version of the ‘Consequence’ argument, then, is only three steps. Here, we shall read the ‘N’ operator more perspicuously. Rather than “*p* and no one has, or ever had, any choice whether *p*,” we’ll now unpack ‘N*p*’ as “*p* and no one has, or ever had, any ability to act so as to ensure the falsity of *p*.” (Finch and Warfield, 516). The actual argument is as follows:

- |                                  |                      |
|----------------------------------|----------------------|
| (1) N(P <sub>o</sub> & L)        | Premise              |
| (2) ? ((P <sub>o</sub> & L) ⊃ P) | Truth of Determinism |
| (3) N(P)                         | 1, 2 β <sup>?</sup>  |

So if some agent has no power to falsify the truth of the conjunction of the past and the laws, and if it’s a (*de dicto*) necessary truth that some event P, is entailed by the truth of determinism, then the agent does not have the power to falsify P. So it seems, at least *prima facie* that Finch and Warfield have developed an argument that captures the ‘Consequence’ intuition but does so validly. So what response can the compatibilist muster against Finch and Warfield’s ‘Consequence’ argument?

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<sup>7</sup> Finch and Warfield (1998) 521-522.

<sup>8</sup> Here I am thinking of a *Mind* argument which adopts a new transfer principle because of (β)’s invalidity. Finch and Warfield’s transfer principle can avoid the difficulties of the content of the *Mind* argument.

## §II.2 A Response to Rule ( $\beta?$ )

Finch and Warfield's argument is valid if and only if Rule  $\beta?$  itself is a valid transfer principle. As with Rule  $\beta$ , the appropriate first response would seem to be to construct a counterexample. This counterexample might be set up like:

- |  |                   |
|--|-------------------|
| (1) $N(\text{Terry rolls a six on a fair die})$  | Premise           |
| (2) $? (\text{Terry rolls a six on a fair die} \supset \text{Terry rolls a fair die})$ | Premise           |
| (3) $N(\text{Terry rolls a fair die})$   | 1, 2 ( $\beta?$ ) |

In this counterexample, Terry rolls a six, and we know that it's a necessary truth (nearly tautologous) that if Terry uses dice to roll a six then Terry uses dice. However, if  $\beta?$  is valid, then we should expect that Terry isn't even partly responsible for using the dice. But this seems wrong. So, we might reasonably conclude that Finch and Warfield's  $\beta?$  is invalid.

But, we would be wrong to do so. Under certain readings of ' $Np$ '  $\beta?$  is provably valid, and (not coincidentally) under those same readings, the previous response to  $\beta?$  is flawed because ' $N(\text{Terry rolls a six on a fair die})$ ' turns out to be false. Terry could have ensured its falsity by not rolling the die. So the McKay and Johnson-style argument will not work against Finch and Warfield's principle. But this does not mean that the 'Consequence' argument is 'out of the woods.' Rather it only highlights the real issue at hand – the incompatibilist understanding of control. I'll consider this problem in the final section of my paper.

## III. Responsibility and Power

### § III.1 Freedom and Control

The 'Consequence' argument relies on the intuition that if one's current mental states are determined by antecedent conditions over which the agent has little or no control, and those conditions are determined by other antecedent conditions that occur in the distant past, then the mental states which currently occupy the agent's head are outside of the control of the agent, and thus, the agent cannot be free. I'll admit that this is the strongest objection to the sort of compatibilism that I embrace, but even though a provably valid version of this argument has been devised, I still reject it.

The problem with the argument isn't the inference rules that it embraces. Rather, it is the assumed incompatibilist notion of control that permeates the premises that jeopardizes its soundness. You can notice in this informal version of the argument that the agent's lack of control over prior events and laws entails the agent's lack of control over current actions. But what does it mean to have control over one's actions? Does it mean freedom from antecedent causes that limit the agent's choices and the ability to do otherwise? Or does having control over one's actions just mean having one's character, conscious deliberation, reasons, and motives play an important role in our choices. If 'control' means the former, then indeed, Finch and Warfield have succeeded in 'proving' the incompatibility of free will and determinism, but if 'control' means only the latter, then perhaps free will and determinism are compatible.

But aren't character, conscious deliberation, reasons, and motives themselves determined by conditions outside of the agent's control? Yes, but they are not epiphenomenal byproducts of a deterministic process (by this I mean that they are not illusory). They are the deterministic processes that we have shaped by our every decision. And what of the fact that we inherited them from external forces? It's a

genuine worry that those forces preclude alternative possibilities (because they do), but if Frankfurt is right, then the force of this objection is not terribly pressing. So the real trouble with 'Consequence' arguments is that one can only accept their conclusions if one already accepts the incompatibilist notion of control.

### **A (Deflationary) Conclusion**

There is evidence that with respect to the 'Consequence' arguments (and perhaps to Frankfurt cases as well) the free will debate has become moribund. This is only to say that compatibilists and incompatibilists have seemingly reached an *impasse* where both positions rely on incommensurable intuitions. There is something elegant about van Inwagen's  $\beta$  and Finch and Warfield's  $\beta?$ , but the intuitions that make these 'Consequence' arguments succeed (to the degree that they do) are not sufficient for demonstrating that compatibilism is false unless we also assume an incompatibilist understanding of control. Since I am unwilling to accept the incompatibilist understanding of control, I am also unwilling to accept the soundness of the 'Consequence' argument.