

# Dispositional Abilities

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## Dispositional Compatibilism

Can a dispositional analysis of abilities establish that free will is compatible with determinism? Traditional compatibilists, such as Moore and Ayer, famously thought that it could.<sup>1</sup> The ability to do otherwise was singled out as the crucial component in free will and moral responsibility. Then this, alongside other abilities, was identified with a disposition, and analysed in terms of simple conditionals of the form: an agent is able to *A* if and only if she would *A* if she chose to. Since we are to assess whether the agent is able to do otherwise with reference to those possible worlds where she chooses differently, the existence of determinism poses no threat to the agent's ability to do otherwise.

This simple conditional analysis, however, was subject to a devastating critique.<sup>2</sup> A man in a coma may well be able to walk if he chooses to, but unless he is able to choose to, such an ability seems hollow. So the sense of 'able' resulting from the simple conditional analysis is not sufficient to capture the sense of 'able' required for the freedom that underpins moral responsibility. This attack, combined with the force of the recently stated consequence argument for the incompatibility of determinism and the ability to do otherwise,<sup>3</sup> led compatibilists to change tack. Inspired by Frankfurt's (1969) classic examples, which argue that the ability to do otherwise is not necessary for moral responsibility, many compatibilists offered analyses of the freedom required for moral responsibility that do not presuppose the ability to do otherwise.<sup>4</sup>

Recently, however, another important development has emerged. Some compatibilists, such as Fara (2008), Smith (1997 & 2003), and Vihvelin (2004), who I shall refer to jointly as "dispositional compatibilists," have revived the traditional compatibilist's project. In light of

1. See Moore (1912) and Ayer (1954).
2. See, for instance, Lehrer (1968) and van Inwagen (1983, §4.3).
3. For one such statement of the argument, see van Inwagen (1983).
4. See, for instance, Frankfurt (1971) and Fischer (2006).

counterexamples to the simple conditional analysis of dispositions,<sup>5</sup> they have replaced the simple conditional analysis of abilities with updated dispositional analyses. The error of the traditional compatibilist's view, dispositional compatibilists argue, lies not in their central insight that the abilities pertinent to freedom and moral responsibility are dispositional in nature, but rather with its execution. The counterexamples offered by Lehrer and others just serve to demonstrate that the simple conditional analysis does not provide an adequate account of dispositions. But once this has been replaced by a satisfactory dispositional analysis of abilities, the principal claims of traditional compatibilism are vindicated. The first of these is the Principle of Alternate Possibilities, which states that the ability to do otherwise is required for freedom and moral responsibility.<sup>6</sup> The second is the claim that freedom and moral responsibility are compatible with determinism.

I intend to assess these two claims.<sup>7</sup> In section 2, I shall follow the dispositional compatibilists in assuming that understanding the nature of dispositions can inform our understanding of abilities. Indeed, I shall suggest that the converse is also true — that a commonplace distinction in the abilities debate aids our understanding of dispositions. In section 3, I shall use this distinction to argue that dispositional compatibilists fail to show that there is a type of ability to do otherwise that is required for moral responsibility. In section 4, I shall argue that dispositional analyses fail to establish that free will is compatible with determinism.

5. See, for instance, Martin (1994).

6. See Frankfurt (1969). Following standard usage, I shall refer to the Principle of Alternate Possibilities as 'PAP'. Frankfurt restricts PAP to moral responsibility. However, as dispositional compatibilists do not make much of the distinction between free will and moral responsibility, I shall follow them in assuming that freedom is necessary for moral responsibility, and so if the ability to do otherwise is required for moral responsibility, it is also required for freedom.

7. For a more wide-ranging, excellent assessment of dispositional compatibilism, see Clarke (2009). The current paper was written without knowledge of Clarke's, but many of the conclusions I reach agree substantially with his.

## 2. Dispositions and Abilities: Local and Global

### 2.1 *The Distinction*

There are different kinds of abilities an agent may have. Walter may have the ability to walk even though he is bound to a chair. Sally may have the ability to sing even though she freezes whenever her Aunt is present. Chip may have the ability to cook even though no cooking equipment is available to him now.

This distinction between what an agent is able to do in a large range of circumstances, and what the agent is able to do now, in some particular circumstances, is commonplace in the discussion of abilities. Mele, for instance, defines a "general practical ability" as one which "we attribute to agents even though we know they have no opportunity to *A* at the time of attribution and we have no specific occasion for their *A*-ing in mind." This is contrasted with "a specific practical ability," which is "an ability an agent has at a time to *A* then or to *A* at some specified later time."<sup>8</sup> Similarly, Berofsky writes,

An individual with an ability may be unable to exercise it in a particular case because a temporary obstacle is present. Pete Sampras can play tennis; but he cannot play tennis now because he has no racket ... [H]e has a type ability, but not the token ability or power in this context. (2002, p. 196)

This distinction, although commonplace, is worth stressing, at least in part because it is so crucial to the viability of incompatibilism. Incompatibilists can and should maintain that, even if determinism is true, there are many things that we are able to do which we do not do. It is just that this sense of 'able' latches on to a "general practical" or "type" ability, what I shall refer to as a global ability. It seems obvious that Walter is now able, in this sense, to walk, for the simple reason that there are a great many situations in which he does walk. If determinism threatens anything, it threatens only Mele's "specific

8. Mele (2003, p. 447).

practical" abilities, Berofsky's "token" abilities, or what I shall call local abilities — the ability-to-walk-in-circumstances-C.

The use of hyphens here indicates that the circumstances mentioned are part of the characterisation of the ability in question. Sally has the ability to sing (when her Aunt is present), as this requires that she can sing in a good range of circumstances, not that she can sing in those circumstances where her Aunt is present. But she lacks the ability-to-sing-when-her-Aunt-is-present, as the use of the hyphen indicates that we are interested in local, not global, abilities. So to correctly ascribe the local ability, Sally must be able to sing in the particular circumstances specified.

A similar distinction is employed in the debate about dispositions. Consider Bird's example (1998) of a pile of uranium attached to a fail-safe mechanism. This mechanism monitors the radioactivity of the uranium pile. If the radiation reaches a critical point, boron rods are lowered to absorb the radiation. Bird argues that we need to distinguish between the dispositions that hold of the pile of uranium (with the boron rods lowered), and those that can be ascribed to the uranium-pile-with-boron-rods-lowered. In the former case, what we are concerned with are the dispositions of the pile of uranium considered as an entity distinct from its surroundings. So the pile of uranium is disposed to chain-react (with boron rods lowered). In the latter case we are asked to focus on the dispositions of the mereological sum of the pile of uranium *with* the boron rods lowered. In this case, it is false to claim that the uranium-pile-with-boron-rods-is disposed to chain-react.<sup>9</sup>

Here the distinction made concerns which entity is being attributed the disposition in question, rather than the type of ability in question. This is useful, since there are times when we want to talk about the dispositions or abilities of certain systems, or arrangements of objects. For instance, if we want to know whether Tom and I can lift a piano, we are concerned with whether we — Tom-plus-myself — have the local

9. My use of the hyphen to indicate a local ability is borrowed from this discussion. See, for instance, Bird (2000) and Choi (2003).

ability to lift it. Standardly, however, when dealing with abilities in the context of the free will debate, we are interested in the abilities of particular people. So rather than treating the agent as part of a wider system incorporating further circumstances, we should home in on the local ability by treating the circumstances as part of the disposition in question. Not much turns on this difference, however. We can reformulate a claim about the dispositions of systems by detailing, in the description of the circumstances, the state of the object to which the disposition is attributed. So we can say that the pile of uranium has the global disposition to chain react (with the boron rods lowered), but the pile of uranium lacks the disposition-to-chain-react-with-boron-rods-lowered.

What is the relationship between global and local abilities or dispositions? It is looser than Berofsky's talk of a type-token distinction suggests, since an agent or object may instantiate the global ability or disposition whilst failing to instantiate the local ability.<sup>10</sup> For instance, whilst Sally instantiates the global ability of being able to sing, she lacks the local ability of being able-to-sing-when-her-Aunt-is-present. More controversially, I think the same holds of the dispositions of objects. Whilst a glass may instantiate the global disposition of fragility, it may lack the local disposition of fragility-in-some-particular-circumstances. We may get lucky — the glass may fall in just such a way that it bounces, rather than breaks, on the hard floor. If the glass, when repeatedly dropped in just such a way, standardly bounces rather than breaks, it has a strong spot, or what Manley and Wasserman call "the reverse of Achilles heel" (2008, 69). It remains a fragile glass, even though it fails to manifest the standard response to what counts as the right sort of test condition for fragility.

Similarly, an agent or object may instantiate the local ability or disposition whilst failing to instantiate the global ability or disposition. Again, this is clearer in the case of abilities. For example suppose that I cannot make a five-foot high jump in the vast majority of

10. Whilst it is unclear what is definitive of the type-token distinction, I assume that instantiating the type 'pain' requires a token of pain. Moreover, instantiating a token of pain entails instantiating the type 'pain.'

circumstances. However, in one fortuitous set of circumstances I can make the jump. Whenever those fortuitous circumstances are precisely replicated, I am reliably able to jump the five-foot bar, despite my persistent failure in all other circumstances.

The sense of ‘ability’ being latched onto here differs from Mele’s notion of a “simple ability” (2003, p. 448), the sense according to which I am able to do whatever I do. It isn’t enough that I just so happen to jump over a five-foot bar on one occasion. In addition, a reliable connection between being in a particular set of circumstances and the outcome is required. In this case, I have a local ability-to-jump-over-five-foot-bar-in-circumstances-of-type-C. However, I lack the corresponding global ability to jump five-foot bars, since I fail in most circumstances.

A similar relationship can also hold between the global and local dispositions of objects. An otherwise sturdy brick may have a weak spot, what Manley and Wasserman refer to as an “Achilles’s Heel” (2008, p. 67). If this brick were hit in a particular type of way, in a specific area, it would shatter. Moreover, the stimulus required to elicit this fragile response from the brick would be appropriate for testing whether fragile objects manifested the fragility response generally. Nevertheless, the brick does not instantiate the global disposition of fragility, because it remains intact in the vast majority of situations where we would expect a fragile object to elicit the standard fragility response. So, although the object has the local disposition of fragility-in-circumstances-C, it fails to instantiate the corresponding global disposition of fragility.

Manley and Wasserman’s account provides a nice way of capturing the distinction between local and global dispositions (although they do not make it themselves). On their account, “*N* is disposed to *M* when *C* if and only if *N* would *M* in some suitable proportion of *C*-cases” (2008, 76). A “*C*-case” is a “stimulus condition case” (2008, 74). For every possible precise type of stimulus (given that the laws of nature remain constant and the stimulus is extrinsic) there is a type of *C*-case.<sup>11</sup>

11. In order to avail ourselves of this analysis for the case of abilities, we would have to modify Manley and Wasserman’s description of the *C*-cases to allow for intrinsic stimuli, such as decisions.

So any change in the stimuli or (relevant) surrounding circumstances constitutes a different *C*-case.<sup>12</sup>

Using this account, we can say that an object *O* has the global disposition *D* if *O* has a property complex (or one of a number of them, if the disposition is multiply-realised) in virtue of which it is true that *O* would *D* in some suitable proportion of *C*-cases. (Or, if it is an extrinsic disposition, there is a system of objects in virtue of which this counterfactual is true, *e. g.*, the lock and the key have certain properties in virtue of which the key opens the lock in a suitable proportion of *C*-cases.)<sup>13</sup> In contrast, an object *O* has the “all-in”<sup>14</sup> local disposition to *D*-in-*W* (where *W* is a particular type of *C*-case) if *O* instantiates a property complex in virtue of which *O* would (standardly) *D*-in-*W*.<sup>15</sup> (Or, if it is an extrinsic disposition, there is a system of objects in virtue of which this counterfactual holds true.) So the idea is that the most local of dispositions concern what the object is likely to do in just one type of *C*-case, which specifies every variable concerning the state of the object, its circumstances, and the stimulus it is subject to. These “all-in” local dispositions should be distinguished from “fairly local” dispositions that employ a larger range of *C*-cases in which only some of the circumstances are held fixed. So an object *O* has the (fairly) local disposition *D* if *O* instantiates a property complex in virtue of which *O*

12. As it stands, the analysis is sketchy. For instance, it would be good to know how we delineate the relevant circumstances for any given *C*-case. But I assume that we have some intuitive grasp on what changes to the circumstances would be relevant to, for example, altering the nature of a dropping case. A change in the pitch of a nearby robin’s song would not. Increasing the height from which the object is dropped would. So the analysis still proves useful. It would also be good to know more about the proportion of *C*-cases required. Manley and Wasserman plausibly claim that this is dependent upon the context of utterance. So what counts as fragile on a building site will differ from what counts as fragile in a china shop. This seems equally true of abilities. What counts as being able to run fast in the playground differs from what counts as being able to run fast at the Olympics.

13. See Mckittrick’s (2003) examples of extrinsic global dispositions, such as weight and vulnerability.

14. The allusion here is to Austin (1956, p. 229).

15. The use of ‘standardly’ here is meant to allow for probabilistic dispositions.

would *D* in a suitable proportion of a range of *C*-cases, in which certain circumstances in that range of *C*-cases are held fixed.

The criticisms of dispositional compatibilism I wish to raise do not require us to endorse this account. But they do require that the dispositional account of abilities be able to draw the distinction between local and global abilities. In what follows, I shall attempt to motivate this distinction by arguing that it nicely captures our intuitions concerning cases of masking.

## 2.2 *Masking*

A case of masking occurs when an object has a certain disposition, the object is situated in the right circumstances for manifestation, yet it fails to manifest the standard response due to some further condition that masks the manifestation of the disposition. To borrow an example from Fara, "Pieces of wood, disposed to burn when heated, do not burn when heated in a vacuum chamber" (2005, p. 43). The idea is that although the wood retains its disposition to burn, the standard response to intense heat is masked by the presence of the vacuum chamber.

Broadly speaking, two approaches to such cases have dominated the literature. Some philosophers (the "maskers") treat such cases as unproblematic, claiming that there are cases where dispositions fail to manifest themselves even when their manifestation conditions obtain. Commenting on such cases (and others like it), Fara, for instance, writes, "Any account of what a disposition is, or of what it takes for an object to have a disposition, should be compatible with these commonplace observations" (2005, 43).

But this claim is contentious. It looks to many somewhat problematic to say that the conditions of manifestation obtain and yet the standard response is not forthcoming. If the disposition in question is not probabilistic, it seems that there must be a sense in which the conditions were not right for the manifestation of the disposition. After all, the standard response did not occur. So, the thought is that since the wood is in a vacuum chamber, the circumstances were not right for a manifestation of its disposition to burn.

The second approach (the "specifiers" approach) attempts to deal with cases of masking by saying that if the standard response does not occur, and the object has the disposition in question, then it is not the case that the object was subject to just the right stimulus conditions. Consequently, the analysis must specify, in more detail, the circumstances required for a manifestation of the disposition in question. Lewis (1997), for instance, states that the first problem faced in formulating an analysis of any dispositional concept is to specify the stimulus and the response correctly. He writes, "[W]e might offhand define a poison as a substance that is disposed to cause death if ingested. But that is rough ... [W]e should really say 'if ingested without its antidote'" (1997, p. 145). Lewis is thus critical of the masker's approach, commenting,

[T]he masker's style is less advantageous than it may seem. For even if we say that the poison has the disposition spelt out in the simple definition, and we say as well that this disposition is masked by antidotes, do we not still want to say that the poison has the further disposition spelt out in the complicated corrected definition? (1997, p. 145)

Choi (2008) develops the specifier's approach in more detail, arguing, "Something *x* has a conventional disposition *D* at time *t* iff, if *x* were to undergo the *D*-stimulus at *t* under the ordinary conditions for *D*, then *x* would exhibit the *D*-manifestation" (2008, p. 816). The "ordinary conditions" for *D*, Choi writes, "can be best understood to be conditions extrinsic to the putative bearer of *D* that are ordinary to those who possess the corresponding dispositional concept" (2008, p. 814). Masking cases are thus seen as excluded from the ordinary conditions for the disposition in question, unless, that is, the masker is so common as to count as part of the "ordinary conditions."<sup>16</sup>

An obvious advantage with the specifier's approach is that it

16. For instance, see Choi's example of milk and the enzyme lactase (2008, p. 819).



maintains the simple relationship between dispositions and conditionals.<sup>17</sup> But it has its problems. One worry is whether our dispositional concept of conventional disposition *D* is detailed enough to exclude all would-be maskers. Directing the point more specifically at Choi, the worry is whether the notion of “the ordinary conditions for *D*,” possessed by the bearers of that dispositional concept, suffices to rule out all would-be, non-standard maskers.<sup>18</sup> If it fails to do this, then it would be possible to formulate a case in which those who possess the dispositional concept *D* are convinced that the object can truly be ascribed *D*, yet when it undergoes the *D*-stimulus under what they take to be ordinary conditions, it fails to manifest the *D*-manifestation. If the dispositional concept in question does not alert them to the fact that there is a masker present, rendering the circumstances unordinary, then the conditional analysis fails.

This is a problem as long as we lack a “super-duper concept” of disposition *D* that excludes, as part of the ordinary conditions, all possible non-standard maskers. Suppose that future science demonstrates the previously unknown fact that, in a small (so non-standard) percentage of cases, some *X*-factor inhibits the breaking of an otherwise fragile material. Specifiers might suggest that, whilst bearers of the concept currently lack such knowledge, and thus lack the super-duper concept of fragility, this is, in Lewis’s words, “merely the question of which response-specification is built into the particular dispositional concept of fragility ... it affords no lesson about dispositionality in general” (1997, p. 146). Perhaps we could sharpen our concept of fragility in the future, thus rendering the conditional analysis imperious to counterexamples. This would raise the tricky issue of how this super-duper concept of fragility relates to the one that we actually possess. But, setting this aside, there is still the more pressing issue of

17. Although Lewis, unlike Choi, thinks that we need to revise the simple structure in order to make room for cases of finking. In a case of masking, the object is supposed to retain its disposition to *D*, despite failing to manifest that disposition given the appropriate stimulus. In a case of finking, in contrast, the fink removes the disposition before it is manifested.

18. Choi (2008, p. 816).

whether it would be possible, even in principle, to formulate such a super-duper concept.

Manley and Wasserman’s cases of weak and strong spots pose serious doubt over this. It may, for instance, be clear that a certain brick is not fragile, since in a wide range of appropriate fragility-stimulus cases, it fails to break. But, still, it does break given some particular fragility stimulus. So, granted that the fragility stimulus and fragility circumstances both count as “ordinary”, something which we can simply stipulate in our example, we get a failure of Choi’s analysis: the brick undergoes a fragility stimulus in what counts as ordinary conditions for fragility, and it exhibits the fragility response, but it is not fragile. Similarly, due to a strong spot, a fragile wine glass that shatters easily in a wide-range of cases, may fail to exhibit the fragility response, despite undergoing a “fragility stimulus” in ordinary conditions.<sup>19</sup>

The maskers get something right then. Our ascriptions of conventional dispositions, such as fragility, are looser than the specifier’s approach allows for. But how do maskers account for the counterintuitive sound of the claim that the circumstances can be just right for a manifestation of a disposition even though it fails to occur? What is more, it is incumbent upon them to answer Lewis’s question concerning how the disposition spelt out in the more simple definition — for example, “poison as a substance disposed to cause death if ingested” — relates to the more complex definition “a substance disposed to cause death if ingested without antidotes” (1997, p. 145).

The distinction between global and local dispositions can explain our ambivalent attitudes towards masking. Although it is right to say that an instance of global fragility can be masked, since this is correctly attributed to an object if that object responds in the right way in a suitable range of cases, instances of all-in local fragility cannot be masked. There needn’t be a sure-fire connection between the object in that *C*-case and the manifestation, since it may be that one of the required circumstances is only *highly likely* to contribute in the right

19. For an explanation of why Lewis’s account also fails in this respect, see Manley and Wasserman (2008, pp. 67–70).

way to the manifestation of the disposition. Still, it can't be that something masks the effect given that *C*-case. If this were so, as the masker blocks the effect in all of these *C*-cases, there wouldn't be a reliable connection between the object in this *C*-case and the manifestation of the disposition given the stimulus.<sup>20</sup> On this analysis, both maskers and specifiers latch on to something true. But the maskers are nearer the truth since, standardly, when attributing dispositions, we are concerned with global, not all-in local dispositions. Drawing our attention to what an object would do in a particular type of *C*-case, however, as was done in response to the masker's description of masking cases, switches the context. So by asking us to focus on whether the wood is disposed-to-burn-in-a-vacuum-chamber, the specifier's approach appears more persuasive.

The account also provides an explanation of how the global disposition and more complex local dispositions are related. Given the vast number of potential maskers for any disposition, what we are interested in is whether that disposition would, in a certain suitable proportion of cases, give rise to the *D*-response given the *D*-stimulus.<sup>21</sup> The property complex (or complexes) that makes this true of the object (in the case of intrinsic dispositions) may well differ from the property complex which makes it true that, given some particular *C*-case (or range of cases, if the disposition in question is fairly local) and the *D*-stimulus, an object would give rise to the *D*-response. We thus need to allow that there are different kinds of properties here, each associated with different causal roles. An object can have both the local disposition (be that all-in or fairly local) and the global disposition, or

20. "Fairly local" dispositions, in contrast, could in some cases be masked, since an object may be disposed to break in the required proportion of *C*-cases, but not in all. So, for instance, it may be that whilst cyanide-plus-antidote-*X* is harmless in the vast majority of cases, this can be masked by a rare allergy to antidote *X*, which renders the subject unable to digest the antidote.

21. Lewis may well be right to say that, given our concept of poisonousness, the absence of an antidote is taken to be part of the appropriate *D*-stimulus for the global disposition of poisonousness. I don't wish to take a stand on this. However, I do doubt that all potential maskers could be dealt with in this way, at least granted that we lack the super-duper concept of poisonousness.

it can have either one without the other. Saying this does not exclude the claim that, in some instances, the property complex which makes it true that the object is disposed to *D* in a given *C*-case (or in a restricted range of *C*-cases) is also the property complex which makes it disposed to *D* in a wide range of *C*-cases. But it does exclude any necessary correlation. It may well be the case that the property complex which makes an object disposed to break in a given *C*-case (or restricted range of *C*-cases) differs from the property complex or complexes that make it disposed to break in a wide range of *C*-cases. Thus, unlike the specifier's approach, the account allows for the possibility of strong and weak spots.

Local dispositions (like many of our conventional global dispositions) are, in Lewis's terminology, not sparse but abundant properties.<sup>22</sup> They are selected from the vast range of abundant properties because, given the circumstances, they are of particular interest to us. The resulting proliferation of dispositions coheres well with the flexibility of our dispositional language, allowing us to make useful, fine-grained distinctions. For example, a lump of iron is not fragile. But if it is cooled to an extremely low temperature, then it will break easily. We might thus legitimately say that a lump of iron is fragile-in-extremely-low-temperatures. By flagging the fact that we are interested in this special kind of setup, we have changed the context to make it clear that we are concerned with (fairly) local fragility.

We make similar distinctions between the dispositions of different objects within systems, and the dispositions between different parts of objects. Take, for instance, Fara's example of a wooden barrel nailed to the floor of a restaurant. He argues that such a barrel is not disposed to roll since this is a case of "entrenched finkishness." Being nailed to the floor is "a way of life" for the barrel and thus it loses its disposition to roll.<sup>23</sup>

But while this notion of entrenchment is useful, there may be

22. See Lewis (1983, pp. 12–13).

23. Fara (2005, p. 77).

occasions when we want to make more distinctions than Fara's account allows. For instance, it still seems plausible to claim that the barrel, considered as it is in itself without nails, is disposed to roll. After all, this is something that it shares with other barrels and not with, say, bricks.<sup>24</sup> But we can also talk about the disposition of the barrel-plus-nails. The object in this state lacks the global disposition to roll since, in the vast number of *C*-cases, it will not roll. However, the barrel-plus-nails may nevertheless have the all-in local disposition-to-roll-in-a-particular-*C*-case. If, for instance, the *C*-case in question includes an earthquake's loosening the nails from the floor, then it might well be disposed to roll. The distinction between local and global dispositions — understood as a continuous spectrum from all-in local dispositions to global dispositions — enables us to capture these fine-grained distinctions.

### 3. Dispositional Compatibilism and PAP

Dispositional compatibilists argue that Frankfurt's putative counterexamples to PAP demonstrate much less than Frankfurt supposes. What they show is that the simple conditional analysis of abilities does not offer an adequate account of the ability to do otherwise. They fail to show that the ability to do otherwise isn't required for free, morally responsible action.

Let's begin with a standard Frankfurt-style case:<sup>25</sup>

*Black and Jones: Black, an evil scientist, implants a device in Jones's brain. If Jones wavers in his intention to kill the Mayor, the device will be activated, forcing Jones to remain faithful to his original intention. As it turns out, however, Jones murders the Mayor and the device remains inactive.*

The question that concerns us here is whether Jones was able to do otherwise than murder the Mayor, given the presence of Black's device? Dispositional compatibilists answer in the affirmative because,

24. See also Bird's example given earlier (1998, p. 229).

25. See Frankfurt (1969, pp. 172–3).

on the dispositional analysis of abilities, the ability to do otherwise can be correctly attributed to Jones.

#### 3.1 Fara's Defence

According to Fara, "An agent has the ability to *A* in circumstances *C* iff she has the disposition to *A* when, in circumstances *C*, she tries to *A*" (2008, p. 848). Why does this result in the thesis that Jones is able to do otherwise while Black is around? Fara writes,

The evil scientist in our Frankfurt-style example plays the role of a potential masker of Jones's ability to act otherwise, not a remover of that ability ... To say that Jones has the ability to act otherwise, according to that analysis, is to say that he is disposed to act otherwise, if he tries. Jones's possession of that disposition is perfectly compatible with his finding himself in a situation which prohibits the manifestation of the disposition. (2008, p. 855)

Black, then, stands ready to mask Jones's ability to do otherwise. Just as wood is disposed to burn even when placed in a vacuum chamber, so Jones is able to do otherwise — for he would be disposed to do otherwise, if he tried. He would not succeed, but this would simply be a case of his disposition's being masked by the activity of Black. It would not show that he lacked the dispositional ability in question.

At this point, however, it may be objected that this can't be the whole story. We might agree that since there are many occasions in which, were Jones to try to do otherwise, he would succeed, Jones does have the global ability to do otherwise. But we might insist that what is at issue is whether Jones has the opportunity to act otherwise *in this situation*. In other words, whether he has the local ability-to-do-otherwise-with-the-device-present.

In response, Fara will object that his dispositional analysis of abilities is intended to latch on to the very notion of ability that is pertinent to free will.<sup>26</sup> His analysis of abilities is indexed to a particular

26. See Fara (2008, p. 863).



set of circumstances — the agent has the ability to *A* “in circumstances *C*.” So the question is whether she has the disposition to *A* in those circumstances. This analysis of abilities, then, does latch on to local abilities, since the circumstances, or opportunity to manifest the ability, must be present.

We have already seen the need to tread carefully here, however. We need to be clear what role ‘in circumstances *C*’ has in the characterisation of the ability. In particular, we need to distinguish between having the global ability to *A* (in circumstances *C*) and having the local ability-to-*A*-in-circumstances-*C*. Given that there are no nomologically possible worlds where the device is present (and in full working order, etc.) where Jones tries to do otherwise and succeeds, he is not disposed-to-do-otherwise-with-the-device-present. So Jones lacks the local ability in question.

Granted, then, that the presence of the device forms part of the “circumstances *C*,” reference to those circumstances in the dispositional analysis must not be taken to be part of the specification of the required disposition. Rather, we should read Fara as claiming that Jones has the global ability to do otherwise (in the Black circumstances), since he is disposed to do otherwise (in the Black circumstances) when he tries. Just succeeding in a suitable proportion of cases suffices for being disposed to do otherwise, and these circumstances do not usually include Black.

This reading allows us to treat Black as a masker, and Fara to point out a hole in Frankfurt’s argument against PAP. Jones is able to do otherwise, in this global sense, even when Black is about. But now the question arises: Is this the sense of ‘ability’ that Frankfurt is targeting? Does he have the global ability to do otherwise in mind, or a more local ability, the ability-to-do-otherwise-with-the-device-present? In what follows, I shall argue that Frankfurt would be right to focus on the more local ability, regardless of whether incompatibilism or compatibilism is the target.

Let’s begin by considering the incompatibilist’s position. It is well known that global abilities are compatible with determinism. Van Inwagen, for instance, writes,

Clearly there is a distinction between a skill, accomplishment, or general ability, on the one hand, and, on the other, the power to exercise it on a given occasion ... [A] statement ascribing a skill or other general ability to an agent is probably equivalent to some statement asserting that, under certain conditions, that agent has the power to perform acts that fall under certain descriptions ... [T]he thesis of determinism may or may not be relevant to the question whether someone on a particular occasion can or cannot speak French; it is certainly irrelevant to the question whether that person is a French-speaker. (1983, p. 13)

Incompatibilists can all say that we have many abilities, just as objects have many dispositions. I still have the ability to walk even though, at *t*, I decided to sit down and type at my desk. At least in this sense, then, I do have the ability to act otherwise. What incompatibilists deny is only that, if determinism is true, I am able to manifest my ability to walk at *t*, given the very circumstances I find myself in. According to incompatibilists, since this requires that there be a possible world, with the same laws and past up until *t*, at which I do other than sit at my desk, determinism robs me of this ability.<sup>27</sup> Thus, incompatibilism needs all-in local abilities. It must be the case that the agent is able-to-do-otherwise-in-circumstances-*C*, where “circumstances-*C*” includes the laws and all the antecedent conditions. This local ability to do oth-

27. Incompatibilists must be careful not to make this a condition on moral responsibility. Take, for instance, Mele’s case of the drunk driver (2006, pp. 84–5). It seems clear that he can be held morally responsible for killing a pedestrian even though, at the time of the killing, he couldn’t do otherwise, for he was responsible for getting drunk in the first place. The drunk driver’s responsibility, in Mele’s terminology, is thus “inherited”, rather than “direct” (2006, p. 86). An incompatibilist might want to say that such a distinction also holds of freely performed actions (although the example of the drunk driver does not support this case). If so, however, the central point would not be affected. For they would have to make a distinction between “direct” free actions and “inherited” free actions (actions that are, roughly, free in virtue of freely performed earlier actions), where the “direct” free actions are performed by agents that do possess the relevant all-in local abilities to do otherwise.

erwise is one that Jones lacks. In all worlds with circumstances just like this, Black is present, and so Jones fails to do otherwise when he tries.

Is Frankfurt concerned to argue that these incompatibilist all-in local abilities to do otherwise are not required for moral responsibility? Since he is a compatibilist, it seems clear that this is at least part of Frankfurt's intention. If he succeeds in establishing that the sense of 'ability to do otherwise' that the incompatibilist requires, and which is appealed to in their consequence argument, is not necessary for moral responsibility, he has seriously undermined the incompatibilist's case.

So, despite Fara's objection, Frankfurt's counterexamples do hit part of their intended target. But Frankfurt never professes to be undermining just those abilities to do otherwise that the incompatibilist requires for freedom. Rather he attempts to establish the bald claim that the ability to do otherwise is not required for moral responsibility. Moreover, compatibilists, like Fara, may argue that what we should be interested in is whether the following thesis is true:

PAP\* *Given an analysis of abilities consistent with compatibilism, moral responsibility does require the ability to do otherwise.*

For an analysis of abilities to be consistent with compatibilism, it must deny the claim that having the ability to do otherwise at  $t_1$  requires that there is a possible world, with the same laws and past up to  $t_1$ , at which the person does otherwise at  $t_1$ , since, given determinism, such a commitment renders us unable to do otherwise at  $t_1$ . What is common to all compatibilist accounts of ability, then, is that they consider a more inclusive range of possible worlds – worlds that include alterations in the past and/or laws – in their assessment of whether the agent is able to do otherwise.<sup>28</sup>

Does Fara's dispositional analysis of abilities succeed in showing

28. In addition to the dispositional analyses of abilities being examined here, see also Perry (2004) and Dennett and Taylor (2002). Dennett and Taylor, for instance, argue that incompatibilist accounts of abilities are mistaken, since standard attributions of abilities permit us to wiggle the conditions a little: "Looking at *precisely* the same case, again and again, is utterly uninformative, but looking at *similar* cases is in fact diagnostic" (2002, p. 269).

PAP\* to be true? No, since the fairly local ability-to-do-otherwise-with-the-device-present is consistent with a compatibilist's analysis of abilities. It does not require that we hold fixed all the laws and antecedent conditions, just the presence of Black's device. Frankfurt can allow, following Fara, that we do have maskable abilities and, moreover, that these are the ones that are sufficient for free and responsible action. But this does not suffice to show that Black's device should count as a masker, rather than a remover, of Jones's ability to do otherwise. Frankfurt can say that Jones lacks the fairly local ability-to-do-otherwise-with-the-device-present, since it is not the case that in the majority of these C-cases, Jones succeeds in doing otherwise when he tries.<sup>29</sup>

But is there any reason to think that Frankfurt is right to focus on these more restricted local abilities when examining ascriptions of moral responsibility, and thus that compatibilists should follow his lead here? I think so. Consider, for instance, this case:

Bound Ben: *Ben, an excellent swimmer, has been forcibly bound to a chair. He watches helplessly as a child drowns in a lake.*

Is Ben morally responsible for not preventing the child's death? Ben has the global ability to swim since, given a suitable range of C-cases, he usually swims if he tries. But this global ability is intuitively irrelevant to the question at hand. Given that Ben is bound to a chair, what we should be considering when judging whether he was morally responsible for the child's drowning is whether he instantiates the fairly local ability-to-swim-when-bound-to-a-chair. In other words, whether, given a range of C-cases involving his being bound to a chair, he swims when he tries to swim in a suitable proportion of them.

The same also seems true of Frankfurt's case. Given Black's device, Jones does possess the global ability to do otherwise, since (if the

29. This point does not rely on Manley and Wasserman's analysis; it could equally be said of Fara's habitual account of dispositions (2005). For Frankfurt can argue that given the presence of Black's device, it is not the case that Jones has some intrinsic property in virtue of which he (generally, normally, usually) does otherwise when he tries and the device is present (see Fara 2008, p. 861).

device is not “entrenched”) there is a range of suitable circumstances in which he does otherwise when he tries. But once the device has been implanted, Jones’s circumstances alter, rendering it a non-standard case. As in the case of Bound Ben, the presence of Black’s device has at least temporarily altered the way things are for Jones. It thus seems reasonable to assess whether Jones has the ability to do otherwise in these non-standard circumstances. A compatibilist analysis of abilities that ignores this fact risks making its analysis of abilities redundant to questions concerning freedom and moral responsibility; for the point of introducing these special setups is to turn our attention to how those specified circumstances affect the abilities of the agents in question.<sup>30</sup> Frankfurt, then, is justified in focusing upon these local abilities, since, as in the case of bound Ben, they are more obviously relevant to ascriptions of freedom and moral responsibility. This is so even though, if Frankfurt is right, ultimately what he succeeds in showing is that moral responsibility does not require these local abilities to do otherwise.

It may be objected that there is an important disanalogy between the cases. In Bound Ben, what we should say is that Ben has temporarily lost his global ability to swim. Whereas in Frankfurt’s case, Jones does retain his global ability to do otherwise, what he lacks is merely the fairly local ability-to-do-otherwise-with-the-device-present. Indeed, we may go further. We may argue that it is in large part because of this that Ben is not morally responsible for failing to prevent the child’s death. We can (at least partly) explain the fact that Jones is morally responsible for the Mayor’s death by citing the fact that he retains the global ability to do otherwise.<sup>31</sup>

A difficulty for this response is to explain why it should be the case that Ben’s global ability to swim is temporarily lost, rather than simply masked, by the presence of the restraints. If the analysis of masking cases proposed earlier is correct, this description is mistaken. But even if this analysis is rejected, we still need to explain why Ben loses his

30. The same also seems true of dispositions; for example, see that of the iron placed in extremely low temperatures (see p.11).

31. Many thanks to an anonymous referee for this line of defence.

global ability to swim, given the presence of the bonds, whereas Jones retains his global ability to do otherwise, given the presence of Black’s device. Without this, Frankfurt can simply make an analogous move, arguing that, given Black’s device, Jones temporarily loses his global ability to do otherwise.

Fara’s dispositional analysis offers no such explanation.<sup>32</sup> However, given that Frankfurt argues that these fairly local abilities to do otherwise are not required for moral responsibility, why shouldn’t compatibilists say that Jones’s global ability to do otherwise is the one that is required for moral responsibility? I think that this would be a mistake. Consider an extension of Frankfurt’s case:

*Globalised Jones: Black decides he enjoys being in control of Jones’s life. So he leaves the device in and programs it with every decision that he wants Jones to make. However, by an amazing series of coincidences, the device proves redundant on every occasion.*<sup>33</sup>

Given that Black’s device is entrenched, so Jones’s standard circumstances include its presence, by Fara’s own lights, Jones’s ability to do otherwise is removed, not simply masked, since whenever Jones tries to do otherwise, he fails.<sup>34</sup> In this case, Jones lacks the global ability to do otherwise. But in Globalised Jones, it is still intuitive to hold Jones morally responsible for his actions. Thus, having the global ability to do otherwise is not required for moral responsibility. This isn’t a version of PAP to which dispositional compatibilists can retreat.

Even if one refuses to hold Jones responsible in this, admittedly

32. It might be objected that, in the case of Bound Ben, we are assuming that the restraints are having an effect whereas, in the case of Jones, Black’s device is never activated. This disanalogy justifies treating the cases differently. Since Smith and Vihvelin offer this line of defence, I shall consider it in §3.2.

33. See Mele and Robb (1998, p. 110).

34. See Fara (2005, pp. 7–8, and 2008, pp. 851–2). Although I think that Fara’s views on entrenchment should be qualified in light of the distinction between local and global dispositions (see p. 11), given that Jones standardly fails to do otherwise when he tries, it is nevertheless implausible to claim that he has the global ability to do otherwise.

rather far-fetched example, it is nevertheless plausible to claim that if one possesses the fairly local ability to do otherwise in the circumstances present, whether one also instantiates the global ability to do otherwise becomes irrelevant to questions concerning moral responsibility. To illustrate, consider this case:

*Obedient Olive: Olive has been conditioned in a concentration camp. She receives orders specifying what she should do every time she comes to make a decision, and she is unable to do other than what she is instructed to do. Except, that is, when she gets a rare instruction from Derek. Then it is up to her (and Olive is aware of this) whether or not she obeys the orders. One day Derek tells her to smash some windows and Olive does so.*

Is Olive morally responsible for this act? As with Globalised Jones, Olive lacks the global ability to do otherwise, since in the majority of cases, if she tries to, she fails. But, intuitively, lacking this global ability to do otherwise does nothing to pardon her from moral responsibility. More relevant to the moral assessment in question is whether Olive has the local ability-to-do-otherwise-given-Derek's-orders. For given that, in these circumstances, Olive is not overwhelmed by an irresistible impulse to obey orders, she may well satisfy the conditions on free and morally responsible action.

Of course, if Frankfurt is right, even such local abilities to do otherwise are not required for moral responsibility. Black may be waiting in the wings, ready to order Olive to smash the windows if she doesn't do as Derek suggests. Thus, Olive can still be morally responsible for her actions despite lacking both the global ability to do otherwise and the fairly local ability-to-do-otherwise-given-orders-from-Derek-in-the-presence-of-Black. A dispositional compatibilist may point out that there is nevertheless *some* ability to do otherwise that Olive has, namely the fairly local ability-to-do-otherwise-given-orders-from-Derek. But why is this ability important for securing moral responsibility? It certainly does not seem to be the ability that is most pressing, since, in this case, we're being asked to focus on the abilities of Olive given

the actions of *both* Derek and Black. The fact that we can identify an ability to do otherwise which can be correctly attributed to Olive is surely not enough to secure PAP\*. What dispositional compatibilists must show is that this kind of ability to do otherwise matters in attributions of moral responsibility, and it is difficult to see why this particular ability to do otherwise should be considered at all significant in the present context.

Fara is right, then, that in the original Black and Jones case, there is a global sense of ability to do otherwise that Jones maintains. But cases such as Bound Ben indicate that these global abilities do not connect up with our intuitive judgments regarding moral responsibility. Even if this is doubted, we cannot save PAP\* by resorting to global abilities to do otherwise, since lacking such a global ability to do otherwise, as in the case of Obedient Olive, does not disbar one from being morally responsible for one's actions. Whilst there may be further fairly local abilities to do otherwise that we can specify, because the characterisations of these abilities do not incorporate all the noteworthy features of the case, a dispositional compatibilist must explain why these fairly local abilities are required for moral responsibility. In the absence of this, Frankfurt's argument against PAP is fortified.

### 3.2 *Vihvelin's and Smith's Defence*

The primary difference between Fara's account of abilities and those of both Vihvelin and Smith lies in the fact that the latter give central place to the idea that abilities are constituted by intrinsic features of their agents. Taking their lead from Lewis's (1997) analysis of dispositions, they adopt the following intrinsicality thesis: ability (and dispositional) ascriptions are true solely in virtue of the intrinsic properties of their bearers (in conjunction with the laws of nature).<sup>35</sup> Vihvelin, for example, writes,

35. Fara also claims that objects have dispositions in virtue of their intrinsic properties. But he is careful to make clear that they needn't depend entirely on the intrinsic properties of the object (see Fara 2005, p. 47, pp. 70–1). Moreover, his discussion of Frankfurt makes no appeal to this view.

[O]bjects and persons have dispositions by having intrinsic properties which are the causal basis of the disposition ... [D]ispositions are altered or removed by altering or removing the intrinsic properties that are the causal basis of the disposition. (2004, p. 447)

Similarly, Smith argues that dispositions (and abilities) can be masked (or finked) because “the dispositions of an object that interest us are constituted dispositions: in each case there is an intrinsic property the objects possess.”<sup>36</sup> This intrinsicity thesis is key to Vihvelin and Smith’s analyses of Frankfurt-style counterexamples to PAP. Both argue that, as the relevant abilities of the agent are intrinsically constituted, to assess whether or not Jones has the ability to do otherwise, we should abstract away from the presence of Black to see whether he does do otherwise in worlds where he tries to.<sup>37</sup>

Why should we abstract from the presence of Black to assess the counterfactuals relevant to the ascription of the ability to do otherwise to Jones? This, after all, is the key issue, since although Smith and Vihvelin want us to believe that the presence of Black messes up the truth of the relevant counterfactuals, Frankfurt and his defenders will argue that, on the contrary, they come out just right. Both Vihvelin and Smith rest their arguments on the correctness of their dispositional analysis of abilities. But even if we accept this intrinsicity thesis for dispositions and abilities, their defence of PAP is incomplete. To illustrate, consider the fairly local ability-to-sing-on-stage. Let’s grant, for the sake of argument, that this ability is intrinsically constituted, so all duplicates of an agent either have or lack this ability-to-sing-on-stage.<sup>38</sup>

36. Smith (1997, p. 101). Smith refers to Frankfurt cases as masking cases, whereas Vihvelin refers to them as finking cases (although in 2003, p. 120, Smith speaks of a ‘finked’ disposition).

37. Vihvelin’s analysis of abilities says that the agent would have done *X* if she “chose (decided, intended or tried) to do *X*” (2004, p. 438). Smith is less explicit than either Fara or Vihvelin, but he does write that “he would have exercised self-control if he had desired to act otherwise, and if he had believed it desirable to perform a different act” (1997, p. 102). For more on this, see §4.2.

38. See Lewis (1983).

Still, when assessing whether or not an agent has this ability, we must consider how that agent fares in situations where she is put on stage. Similarly in the case of Black: if we accept the claim that we should be focusing on Jones’s fairly local ability to do-otherwise-in-the-presence-of-Black, we are not entitled to simply abstract away from Black’s presence, since his presence is written into the ability ascription in question.

Both Smith and Vihvelin, then, like Fara, must defend the view that what matters for moral responsibility is not the fairly local ability to do-otherwise-in-the-presence-of-Black, but rather whether Jones instantiates the global ability to do otherwise. I have already offered reasons to be sceptical of this claim, but Smith and Vihvelin have more ammunition. They can argue that, in the case of Black and Jones, we should focus on the global ability to do otherwise, since Black’s device is having no actual effect. Smith, for instance, writes that Black “is a standby cause, a cause which has no effects of its own in the circumstances” (1997, p. 104). Since Black’s device is not activated, it is redundant. Consequently, we are justified in assessing the relevant counterfactuals with reference to a set of worlds which does not home in on the presence of Black’s device. This renders the case importantly different from those such as Bound Ben, since here we are supposing that the restraints are preventing Ben’s free movement.

But this response risks greatly underestimating the importance of absences in our causal systems. Why assume that the inactivity of the device has no consequences for Jones’s abilities and so can be safely ignored? The inactivity of a person’s pacemaker will affect what that person is able to do. The inactivity of a sprinkler system may affect a plant’s ability to flourish when its owner goes away. The inactivity of a mugger affects your ability to walk home safely. Although the causal status of absences is controversial, no one will deny that, in some sense, they are causally significant factors. So the mere fact that Black’s device is not activated does not suffice to show that it has no effect upon Jones’s abilities.

A dispositional compatibilist might concede this point, but argue



that the relevant ability to consider when making ascriptions of moral responsibility is not the global ability to do otherwise, nor the fairly local ability-to-do-otherwise-with-the-device-present, but rather the fairly local ability-to-do-otherwise-given-the-inactivity-of-Black's-device. It is because this latter ability can be truly ascribed to Jones that he is morally responsible for his actions.

But can this fairly local ability be truly ascribed to Jones? If we supposed some malfunctioning of the device, which rendered it inactive when Jones tried to do otherwise, then Jones would clearly have an ability to do otherwise. But, given Frankfurt's example, such conditions do not obtain. The device is only temporarily inactive, due to Jones's deciding in accordance with Black's wishes. If Jones tried to do otherwise, it would be triggered. This is consistent with Jones's having the global ability to do otherwise, since when ascribing this ability, we should consider a large range of C-cases, and we can suppose that Black is not present in enough of them to undermine the relevant counterfactual. But the difficulty here is whether this kind of inactivity could support a distinct and credible fairly local ability to do otherwise. In order to assess whether Jones has any ability to do otherwise, we must consider a set of possible worlds which, in large part, includes Jones's trying to do otherwise. But the device cannot stay inactive if Jones brings about the stimulus condition for the ability in question, given the way that Black has programmed it. So the mere fact that the device is inactive, given the absence of the stimulus condition, in itself does not suffice to show that Jones possesses any ability to do otherwise.

To illustrate this point, consider an analogy. Suppose that we want to know whether an oven has the ability to heat food when it is switched on but, as it happens, it is never switched on. In order to assess whether it has this ability, we must consider what happens in the closest possible worlds where it is switched on. Now suppose that this is an ordinary oven except for one thing: it was built so that its "on" switch triggers a self-destruct mechanism that is integral to the oven. In the nearest possible worlds where it is switched on, it explodes. In

such a case, it seems that, although there are certain properties of the oven that support the attribution of being able to heat food in the actual world,<sup>39</sup> the oven lacks the ability to heat up food if its self-destruct mechanism is working. This is so even though, in this world, the self-destruct mechanism is never activated.

The analogy with the Black and Jones case is clear. Although the present inactivity of Black's device is part of what constitutes the fairly local ability-to-do-otherwise-given-the-inactivity-of-Black's-device, this is not all that is required. In addition, if it is to be the case that the fairly local ability-to-do-otherwise-given-the-inactivity-of-Black's-device is to pick out a local ability possessed by Jones, it must be the case that the inactivity of the device is not restricted to Jones's simply failing to choose otherwise. The device must standardly, or often in such-and-such circumstances, remain inactive given the stimulus necessary to manifest the ability to do otherwise. If this condition isn't met, then saying that Jones has the ability to do otherwise is like saying that the oven has the ability to cook my dinner.<sup>40</sup> It fails to offer a credible sense of 'could have done otherwise', certainly not one that could support attributions of moral responsibility. For Jones is not in a position to make the antecedent of the relevant counterfactual true. It is thus analogous to saying that a man in a coma is morally responsible for not getting out of bed since, if he decided to, he would. Since neither man is in a position to make the antecedent true, this sense of ability cannot support attributions of moral responsibility.

I have shown that there are ways of specifying abilities to do

39. It thus makes sense to talk about the oven's local ability-to-cook-food-in-the-absence-of-its-self-destruct-mechanism.

40. It may be objected (thanks to an anonymous referee for this comment) that the oven does have the ability to cook-food-when-the-self-destruct-mechanism-remains-inactive. But whilst it's true that the same moves could be made for the oven as were for Jones, again, I think it is a mistake to ascribe this local ability to the oven, since the self-destruct mechanism cannot remain inactive given the stimulus required for a manifestation of its ability (see Fara 2008, pp. 851–2). For this to characterise a new local ability that the oven has, the 'inactivity' of the self-destruct mechanism would need to be more robust than the example specifies.

otherwise that Jones can lack despite being morally responsible for what he does. But, one may object, since I endorse abundant, fine-grained abilities, we can assess Jones's abilities in numerous ways, and I have not shown that all such specifications of the ability to do otherwise fail to be required for moral responsibility.<sup>41</sup> I am happy to acknowledge this. I have examined those proposals that most obviously recommend themselves, and argued that none of these work. This suffices to place the onus of proof upon the dispositional compatibilist. Until they offer a plausible sense of 'could have done otherwise' that clearly supports attributions of moral responsibility, Frankfurt has the upper hand.

#### 4. The Dispositional Case for Compatibilism

With a dispositional analysis of abilities in our armory, it looks as though the most crucial argument for incompatibilism, the consequence argument, is undermined.<sup>42</sup> At its core lies the transference principle: the claim that if I am unable to do *X*, and if my inability to do *X* entails my inability to do *Y*, then I am unable to do *Y*. If determinism is true, then the past together with the laws of nature entail the total current state of the world. So we have our problem: I am unable to do anything other than what I do, since I am unable to break the laws of nature or change the past. Dispositional compatibilist analyses of abilities, however, demonstrate that the transference principle is false. I am able to raise my hand at  $t_1$  even though I am unable to break the laws of nature or change the past. On Fara's analysis, for instance, I am able to raise my hand (in circumstances *C* at  $t_1$ ), since I am disposed to raise my hand when (in circumstances *C* at  $t_1$ ) I try to. But I am unable to change the past and/or laws (in circumstances *C* at  $t_1$ ), since I am not disposed to change the past and/or laws when (in circumstances *C* at  $t_1$ ) I try to.

41. Many thanks to an anonymous referee for this comment.

42. For a classic statement of that argument, see van Inwagen (1983, p. 70). The analysis also undermines similar forms of argument, see for instance, Fischer (1994, chapter 5).

These dispositional analyses of abilities thus promise to bolster Lewis's critique of the consequence argument.<sup>43</sup> Lewis argues that there is a weak sense of 'able' according to which we are able to perform actions that require law-breaking events. Just as, in the inanimate world, we decide what an object is able to do by looking at nearby possible worlds where the antecedents of certain counterfactuals are true, so too in the animate world, we look at a range of nearby worlds to see what we are able to do there. However, Lewis's analysis meets up with a natural worry: how is it that we are able to perform acts that require law-breaking (or past-changing) events, when we can't ourselves bring about those law-breaking (or past-changing) events? Dispositional compatibilists promise to fill this lacuna, explaining when and why we have the abilities we do.

##### 4.1 Fara and Vihvelin's Dispositional Analysis of Abilities

Fara and Vihvelin offer an explicit, easy-to-state dispositional analysis of abilities. Both suggest plugging Lewis's analysis of dispositions into the required ability-stimulus and ability-manifestation conditions.<sup>44</sup> Vihvelin, for example, writes,

*S* has the ability at time *t* to do *X* iff, for some intrinsic property or set of properties *B* that *S* has at *t*, for some time *t'* after *t*, if *S* chose (decided, intended or tried) at *t* to do *X*, and *S* were to retain *B* until *t'*, *S*'s choosing ... to do *X* and *S*'s having of *B* would jointly be an *S*-complete cause of *S*'s doing *X* (2004, p. 438).<sup>45</sup>

43. Smith (1997, pp. 90–1) explicitly endorses Lewis's criticisms and draws this link. But dispositional compatibilism is not tied to Lewis's account of counterfactuals. For a similar critique of the consequence argument that leaves this issue open, see (Peacocke 1999).

44. Fara, unsurprisingly, also suggests expanding upon his dispositional analysis (Fara 2008, p. 848) by plugging in his own view of dispositions (2008, p. 861). Vihvelin suggests that Lewis's analysis of dispositions should be seen as a placeholder for the correct view (2004, p. 438).

45. By 'S-complete cause' Lewis means "a cause complete in so far as havings of properties intrinsic to *x* are concerned" (Lewis 1997, p. 149). For Fara's

Suppose that Alice raises her arm at  $t_1$ . Did she have the ability to do otherwise? Yes, according to Fara and Vihvelin, since Alice has a set of intrinsic properties such that, if she had chosen (decided, tried, etc.) to do otherwise, then those intrinsic properties would have enabled her to do so. Since the range of possible worlds relevant to assessing Alice's ability to do otherwise consists of worlds where she decided differently, the analysis is compatibilist. We have the ability to do otherwise, even if we only act differently in possible worlds with different laws and/or past from ours. Moreover, the analysis has the advantage of being able to explain why Alice has the ability to act otherwise even though she lacks the ability to change the past and/or laws. She doesn't have the ability to change the past and/or laws, because Alice lacks a set of intrinsic properties that will enable her to change the past and/or laws, no matter what she decides to do.

So far so good, then, but an obvious worry arises. The phrase 'if Alice decides to ...' has a whiff of the old, generally discredited conditional analysis of abilities. Can the updated dispositional analysis of abilities avoid the pitfalls that led to the demise of the old analysis? In particular, can it defend the claim that satisfying the dispositional analysis of abilities suffices for freedom? To illustrate, take a standard problem case for the original conditional analysis:

*Phobic Alice: Alice has a severe phobia to spiders that renders her unable to hold one. But if Alice could decide to hold one, she would, since if she could get herself to make that decision, she would be able to implement it.*<sup>46</sup>

Can the new dispositional analysis do justice to the intuition that Alice is not able to hold a spider, despite the fact that she would if she decided to?

statement see (2008, p. 861). According to Fara, the stimulus required for a manifestation of  $S$ 's ability is that  $S$  "tries" to manifest that ability. The problems I shall raise for the analysis are not substantially affected by the differences between the stated ability-stimuli. So I shall assume, with Vihvelin, that the two can be used interchangeably.

46. There are many variants of this kind of case. See, for instance, Lehrer (1968, p. 44) and van Inwagen (1983, p. 119).

Phobic Alice seems to constitute a straightforward counterexample to this dispositional analysis of abilities. We can stipulate that Alice has the requisite intrinsic properties such that, if she were able to decide to hold a spider and retain those intrinsic properties, she would succeed. She has all of the physical requirements, the motor control, vision, strength to lift objects of that mass, etc. necessary for the task. But, nevertheless, she doesn't seem able, in the sense required for freedom and moral responsibility, to hold the spider.

Fara, when considering this form of objection, offers the following response:

It is not merely odd to ascribe to an object a disposition with impossible manifestation conditions: it is wrong to do so. An object's dispositions are a matter of what it is prone or inclined to do in various actual and counterfactual situations. But objects are not prone or inclined to do anything in situations that could never obtain. (2008, pp. 851–2)

Fara can thus argue that, given her phobia, Alice is not able to hold a spider. Since she lacks the ability to decide to hold a spider, Alice is not in a position to make the manifestation conditions for her ability to hold the spider obtain.

But what justifies the claim that Alice is unable to decide to hold the spider? Suppose that we spell out the Black and Jones case so that the very presence of the device would frustrate any attempts on Jones's behalf to decide to act differently.<sup>47</sup> Given that Fara wants to treat Black's device as a masker that leaves his ability to decide otherwise in place, why shouldn't we say the same about Alice? After all, we can suppose that Alice is, standardly, a rational person with the ability to make decisions according to her best judgements. Generally she is able to understand the different options open to her and rationally deliberate between them. So why shouldn't we say that, according to

47. See, for instance, Mele and Robb (1998).

Fara's analysis, the phobia is a mask which leaves Alice's ability to hold spiders in place?

In response, Fara might appeal to his distinction between entrenched and transient finks (or masks).<sup>48</sup> It could be argued that there is an important disanalogy between the two cases. In the case of Jones (disregarding global forms of the Frankfurt-style counterexample), Black's device is not entrenched — it is only a temporary feature of Jones. So Jones does have the global ability to decide otherwise. But Alice is never able to make decisions of the type <hold a spider>. So, in my terminology, since there is no range of (standard) circumstances in which she does hold a spider, she lacks the global ability in question.

But a reliance on the distinction between entrenched and transient finks here is problematic. Fara's distinction between entrenched and transient finkishness is presented, at least primarily, as a temporal one. The fink is said to be transient if it is only "temporarily, or rarely, or sporadically attached" (2005, p. 77). But this won't do for our purposes, since we can stipulate that Alice's phobia lasts only a week, exactly the same amount of time that Jones is attached to Black's device. It doesn't seem that the short duration of the phobia alters our intuitions regarding whether Alice was able, in the sense required for freedom and moral responsibility, to hold the spider when she was affected by the phobia. So this notion of entrenchment can't distinguish the original Alice case from that of Jones.

How else might we understand entrenchment? One possibility would be to say that a mask or fink becomes a "way of life" for the object/agent in question if it affects its intrinsic constitution. The phobia is "entrenched" in Alice, even if only a temporary feature of hers, since it alters her intrinsic properties. This suggestion, however, explicitly contradicts Fara's proposal.<sup>49</sup> Moreover, given certain specifications,<sup>48</sup> See Fara (2005, pp. 77–8).

49. See Fara (2005, p. 78). There he writes, "Whatever the intrinsic properties of an object, in a case of entrenched finkishness the extrinsic fink ensures that the habitual corresponding to the relevant disposition ascription is false; and so, according to the Habitual Account, that disposition ascription itself is false also."

cations of the Black and Jones case, it would be plausible to say that Black's device does alter the intrinsic properties of Jones. The insertion of the device into Jones's brain may alter the intrinsic properties of Jones's frontal lobe in various ways to accommodate, and interact, with the device. Any duplicates of Jones at that time will duplicate these changes to his frontal lobe.<sup>50</sup> As such, we could say that the device is entrenched. It affects the intrinsic constitution of Jones so that he is no longer able to decide to do otherwise. We thus fail to find the relevant difference between this type of Frankfurt case and that of Alice.

Can Lewis's dispositional analysis fill this explanatory gap? No, since it is underdetermined how we should apply it in the case of abilities. According to Lewis, in order to exclude masking counterexamples to the dispositional analysis, we need to get highly specific and exclude the presence of all maskers in the specification of the circumstances. But what counts as getting the circumstances just right in the case of abilities? This question needs to be answered if we are to assess whether the abilities required for free will are susceptible to the dispositional analysis. How can Fara and Vihvelin justify the claim that all the Frankfurt-style cases should be excluded from a specification of the required circumstances, but cases involving phobias should not? Merely gesturing at an unspecified set of intrinsic properties that the agent must retain to instantiate the ability in question goes no way towards answering this, since it leaves underdetermined which external circumstances, or further intrinsic properties of the agent, count as maskers rather than removers.

The rationale that Fara offers, then, for claiming that Alice is not able to hold spiders can apply equally well to a Frankfurt-style case. He writes,

50. The point here does not rely on this being the only way of describing the device insertion case. Clearly, there are Frankfurt cases that do not require any changes to the intrinsic properties of the person. We might, for instance, think of the device as an undissolved pill, floating in the stomach, only to be activated given certain conditions that never obtain. (Thanks to Michael McKenna for this example). All the present point relies upon is the claim that it is perfectly coherent to describe a Frankfurt-style case in such a way so that the intrinsic properties of Jones are altered.

It is notoriously difficult to pin down the sense of ‘cannot’ in which neurotics ‘cannot’ try to confront their fears ... What matters for present purposes is just that in whatever sense of ‘cannot’ it is correct to say that Alice cannot try to lift a spider, or that Betty cannot try to eat her breakfast, if an agent cannot be in circumstances *C* then that agent lacks the disposition to *A* in *C*. (2008, p. 852).

But unless more is said about the relevant sense of ‘cannot’ featured in such claims as “Alice cannot decide to hold a spider,” the analysis is open to criticism. If we assume that Black’s device would block any attempts on Jones’s behalf to even consider refraining from killing the Mayor, why is it that Jones “could” decide to do otherwise, but Alice “could not” decide to hold a spider?

A failure to answer this question jeopardises the dispositional compatibilist’s defence of compatibilism.<sup>51</sup> Although nothing said here supports the need for the all-in local abilities that incompatibilism requires, incompatibilists can argue that cases such as Phobic Alice and Bound Ben illustrate that when making ascriptions of freedom, local abilities are what matter. To illustrate the incompatibilist response, consider the case of Stealing Stella:

*Stealing Stella: Stella decides to steal, after careful, well-informed deliberation. She suffers from no coercion or mental disorders. There are plenty of occasions, similar to this one, where she has refrained from stealing.*

Suppose that determinism is true and there is a law stating that if an agent instantiates neurological property *P* in circumstances *C*, then that agent will decide to steal. On this occasion, Stella instantiates *P* and is in circumstances *C*. A dispositional compatibilist will want to describe this case as one where the presence of neurological property *P* masks Stella’s ability to decide to refrain from stealing. Given that

there are many occasions where she resists making such a decision, she can correctly be ascribed the ability to decide otherwise.

However, Stella lacks the local ability-to-decide-to-refrain-from-stealing-when-instantiating-*P*-in-circumstances-*C*. For in all possible worlds where Stella instantiates neurological property *P* and is in circumstances *C*, given the laws of nature that hold in our world, she steals. So unless dispositional compatibilists can offer more detail concerning which extrinsic and intrinsic circumstances should be seen as masking, rather than removing, the ability in question, it can be argued that given the presence of neurological property *P*, Stella is not in possession of a set of intrinsic properties that would allow her to decide to refrain-from-stealing-in-circumstances-*C*. In order to be able to decide to refrain-from-stealing-in-circumstances-*C* she would have to instantiate different intrinsic properties.

To resist this move, dispositional compatibilists must offer an analysis of ‘is able to decide’ which makes it clear how Stealing Stella differs from Phobic Alice. If dispositional compatibilists reapply their analysis, then they get the claim that Alice lacks the ability to decide to hold a spider in circumstances *C* because, at *t*, she does not have some intrinsic property such that, if she were to try to decide at *t* to hold the spider, and if she were to retain that property, then her trying to decide at *t* to hold the spider and her having that property would together be a cause of her succeeding to decide to hold the spider. Even if we allow that it is coherent to talk about trying to decide to do something,<sup>52</sup> we nevertheless face the familiar infinite-regress objection. For perhaps Alice couldn’t get herself to try to decide to hold a spider but, if she could, this very act of trying to decide would enable her to implement that decision successfully. We have just moved the problem one level higher up, and this will be repeated if we apply the analysis again. The objection to the analysis has not been answered, since unless more is said, incompatibilists and defenders of Frankfurt can simply argue that agents such as Stealing Stella and Jones lack the requisite set of intrinsic properties that would enable them to try to make their respective

51. Consequently, this problem for the dispositional compatibilist’s analysis of abilities will not disappear simply by discarding their defence of PAP.

52. For serious doubts about this, see Clarke (2009 §8).



decisions. If they could bring themselves to try to make their respective decisions, this would demand a different set of intrinsic properties, so they would succeed.

Vihvelin responds to the looming infinite regress as follows:

[W]e usually assume that she could have chosen to *X*. But that's not because we think that having the ability to do *X* requires having the ability to choose to do *X* but, rather, because we think that people typically have the *ability to choose* whether or not to do what they do *in addition* to having *the ability to do* what they do ... There is no regress because someone (an animal or young child) may have abilities of the second kind without having any or many abilities of the first kind. (2004, pp. 442–3)

But it is not clear what this achieves in the present context. For, as the dialectic stands, the point of this move is to defend the dispositional analysis by showing how we can exclude the claim that we have the relevant abilities in a (non-entrenched) phobic case, but not in cases of seemingly free action, such as Stealing Stella. In order to make good this defence, dispositional compatibilists owe us an account of what it is to have the ability to decide to do something.<sup>53</sup> In lieu of this, Fara and Vihvelin fail to provide a sufficient condition for freely performed action.

#### 4.2 *Smith's Dispositional Analysis of Abilities*

Smith argues that

people who satisfy two conditions are free and responsible in the arena of action. First, they must have the capacity to have the evaluative beliefs they should have ... And

53. The failure to offer such an account is particularly serious given that the debate surrounding PAP has focused on whether or not moral responsibility requires the ability to make alternative decisions or choices. See, for instance, Mele and Robb (1998) and Pereboom (2001). (Thanks to Michael McKenna for this observation.) Given that Fara and Vihvelin's analysis of abilities has no clear application in the case of such basic mental acts, their defence of PAP is lacking at this crucial juncture.

second, they must have the capacity to restore and retain coherence in their overall psychology by acquiring desires that match their evaluative beliefs. (1997, pp. 97–8)

What does it mean to say that an agent has an ability or capacity to form the right beliefs and desires? According to Smith, we must see whether certain counterfactuals hold true in nearby possible worlds, worlds where we abstract away from masks and finks. If there is a "common structure" in those worlds that "underwrites the truth of the whole host of counterfactuals," and the person instantiates that common structure in this world, then that person does have the ability to form the right belief/desire.<sup>54</sup> To illustrate, consider Smith's example:

*Reckless drinker: A woman drinks recklessly. Her drinking is highly likely to result in her being unable to fulfill certain of her duties. But she decides that drinking more is worth that risk.*

Smith argues that the woman is morally responsible for her drinking insofar as she has the ability to believe that she shouldn't have another drink. The woman has this ability because in nearby possible worlds (without finks and masks), she does believe that refraining from "similar drinks ... in ever so slightly different circumstances" is desirable.<sup>55</sup> And there is a common structure underwriting the truth of this range of counterfactuals, which is instantiated by the woman in the actual world.

Unlike Fara and Vihvelin, Smith does not offer a precise account of the stimulus conditions required for the requisite abilities. But not all dispositions require particular stimulus conditions. Take, for instance, Manley and Wasserman's example of being loquacious. Here, someone is disposed to talk, but there needn't be any particular kind of situation that elicits this response.<sup>56</sup> So similarly, Smith can argue that the indeterminacy surrounding the required stimulus conditions accurately reflects the vagueness surrounding our ascriptions of abilities.

54. Smith (2003, p. 125).

55. Smith (2003, p. 132).

56. Manley and Wasserman (2008, p. 72). See also Fara (2005, p. 70).

But it is doubtful whether simply adopting an indeterminate account of the stimulus conditions serves to undermine the criticisms of other dispositional accounts. To illustrate, consider Smith's case of Blanking John.<sup>57</sup>

*Blanking John: John is giving a philosophy talk and, in the discussion, is asked a difficult question. He blanks, and cannot think of the answer he should give. A little later, however, after no more conscious deliberation on the question, John realises what he should have said and metaphorically kicks himself for not coming up with the answer earlier.*

Since John had not expanded his knowledge on the issue between the time of blanking and the time of thinking of the right answer, Smith argues that John was able to have thought of the right answer during the discussion.

Consider now a variation on this case:

*Blanking Johanna: Johanna is like Blanking John. She fails to come up with the right answer to an objection despite, in one sense, knowing what the answer is, since she thinks of it later without any prompting. But, in addition, Blanking Johanna is chronically shy in front of philosopher X. When he's around, she "chokes". Unfortunately for Johanna, philosopher X is present when she is asked the question.*

In this case, it seems intuitive to say that, in the sense of 'able' pertinent to freedom, Johanna is not able to think of the right answer when philosopher X is around. For we can think of the presence of philosopher X as like that of a spider to someone with a severe phobia to spiders — they both render the agent unable to think rationally. But now suppose that it's unclear whether philosopher X is going to make it to Johanna's talk. His train is late, but he arrives just in time to hear Johanna's answer to that question. Given this, there are a number of

nearby possible worlds in which Johanna does think of the right answer (and the right answer to similar questions, etc.). Moreover, we can suppose that, in the actual world, Johanna instantiates the common structure that makes it true that, in the other worlds, she answers this question (and a host of similar questions) correctly. For the Johanna in the nearby possible worlds where philosopher X arrives too late can be just like the Johanna of our world. In each case, she has the requisite knowledge and skills to answer the question correctly. But, even so, in the circumstances where philosopher X is present, Johanna is unable to think of the right answer.

One way that Smith might respond is to challenge the assumption that, in the actual world, Johanna instantiates the common structure that "underwrites" Johanna's ability in other nearby possible worlds.<sup>58</sup> We can suppose that the presence of philosopher X induces in Johanna the property of extreme nervousness. With this property in place, Johanna lacks the intrinsic properties necessary for the ability to think of the right answer.<sup>59</sup>

This fits with our intuitions about the case, since it focuses on the (fairly) local ability-to-answer-correctly-in-the-presence-of-philosopher-X. Johanna lacks this local ability because, in the presence of philosopher X, she acquires an additional property of extreme nervousness which undermines the truth of the relevant counterfactuals. The property of nervousness can thus be thought of as a masker of her global ability to answer correctly. The problem now, however, is to explain why we shouldn't treat the case of Jones in an analogous way, and thus focus on the local ability-to-do-otherwise-with-the-device-present. With Black's device in place, Frankfurt can argue that the

58. Another response would be to argue that philosopher X should count as a fink or masker of Johanna's ability. But if we treat the case in this way, then we must abstract from the presence of philosopher X in order to assess the relevant counterfactuals. We thus fail to preserve the intuition that, in these circumstances, Johanna was unable to give the right answer.

59. Thanks to an anonymous referee for this comment.

57. Smith (2003, pp. 116–7).

intrinsic constitution of Jones is not able to underwrite the ability to do otherwise, since he consistently fails to when he tries.<sup>60</sup>

Once again, then, we meet the worry leveled against Vihvelin and Fara. Like them, Smith wants to say that in a Frankfurt-style case, such as Black and Jones, the device counts as a masker of our abilities, whilst in the phobia type cases, the phobia counts as a remover of our abilities. But we need a dispositional analysis of abilities that demonstrates how this can be done and thus demarcates that set of possible worlds relevant to assessing the counterfactuals required for the ascription of the key abilities. In lieu of this account, Smith, like Fara and Vihvelin, fails to show that the abilities required for freedom are susceptible to his dispositional analysis.

This limitation of the analysis also makes it vulnerable to the incompatibilist's defence against Fara and Vihvelin's dispositional account. Granted that our ascriptions of freedom require local, not global abilities, incompatibilists can argue that, in a case of seemingly free action, such as Stealing Stella, Stella's instantiating neurological property *P* removes her ability-to-refrain-from-stealing-when-instantiating-*P*-in-circumstances-*C*. To resist this, Smith needs to explain why the set of possible worlds relevant to assessing the counterfactuals required for Stella's local ability isn't a set of nomologically possible worlds all of which contain Stella instantiating neurological property *P* in circumstances *C*. Until this is done, incompatibilists can happily endorse Smith's dispositional analysis, augmented with the distinction between local and global abilities.

### 5. The State of Play

Dispositional compatibilists are right to point out that there is a hole in Frankfurt's argument against PAP. Jones is able to do otherwise, in one sense, even when Black is about. But since this sense of being able to do otherwise is not the one that concerns incompatibilists,

60. It might be objected that the property of being wired to Black's device is not obviously intrinsic to Jones and thus, unlike Johanna's extreme nervousness, it cannot underwrite Jones's ability to do otherwise. But, as I have already argued, not all Frankfurt-style cases need leave Jones's intrinsic properties unaltered.

the force of Frankfurt's counterexamples to incompatibilism remains undiminished.

It is not all good news for compatibilists, however. Lewis (1981) pointed out that there is a similar hole in the consequence argument. We are all able to do things the doing of which would require a small break in the laws of nature. Saying this is no more remarkable (given his account of counterfactuals) than saying that a fragile glass is able to break. But nobody should deny, not least the incompatibilist, that there is a dispositional sense of 'ability' that makes sense of most of what we say, even if determinism is true. The dispositional analyses of abilities considered here latch on to this global sense of ability. But such global abilities to do otherwise do not capture the kind of freedom that is necessary for moral responsibility.<sup>61</sup>

The new dispositional analyses of abilities offered by dispositional compatibilists fail to escape old problems. These difficulties highlight the need for supplementing the analyses with the distinction between global and fairly local abilities. Once this distinction is in place, we find that the dispositional analyses fail to establish that PAP is true, or that free will is compatible with determinism.<sup>62</sup>

61. Needless to say, if Frankfurt's examples are ultimately successful, then it is equally the case that moral responsibility does not require the kind of all-in local abilities that incompatibilism demands.

62. Many thanks to Julian Dodd, David Liggins, Michael McKenna, Joel Smith, Tom Smith, and an anonymous referee for *Philosopher's Imprint*.

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