Faith and Philosophy


Whatever human freedom means, Divine freedom cannot mean indeterminacy between alternatives and choice of one of them. Perfect goodness can never debate about the end to be obtained, and perfect wisdom cannot debate about the means most suited to achieve it. The freedom of God consists in the fact that no cause other than Himself produces His acts and no external obstacle impedes them that His own goodness is the root from which thermocly grow and His own omnipotence the air in which they all flower." The Problem of Pain (New York: Macmillan, 1942), p. 33.

36. I am grateful to Richard Feldman and John Bennett for helpful discussion of the issues of this paper and to William Rowe for allowing me to see an advance copy of "Can God Be Free?".

LIBERTY OF THE HIGHER-ORDER WILL: FRANKFURT AND AUGUSTINE

John J. Davenport

In Augustine's early account of good and evil (On Free Choice of the Will), and in his story of his own moral struggles (in the Confessions) we find a view similar to Harry Frankfurt's account of the first and second orders of the will. However, while Frankfurt thinks that his hierarchical account of the will provides evidence against the libertarian principle (PAP) that alternative possibilities are required for a person to be morally responsible for her actions, Augustine's account shows that this is not so. Rather, Augustine holds that moral responsibility for our behavior as constituted by our volitional identifications requires alternative possibilities of the higher-order will. Such 'liberty of identification' can be required even if we reject PAP as a condition on responsibility for outward acts. I explain this in terms of a tracing-defense of a stricted libertarianism based on a principle of responsibility for character, and I compare the resulting model with Robert Kane's conception of ultimate responsibility. After responding to Frankfurt's objection that the order-asymmetry in such a model is implausible or unattainable, I argue that such a model is immune from traditional or non-global Frankfurt-style counterexamples to PAP-type principles.

In two famous articles, Harry Frankfurt developed and defended the compatibilist position that alternate possibilities of action are not required for moral responsibility. Yet, as I will argue, Frankfurt's analysis of the will is closely related to St. Augustine's early work, which is the main classical source of the libertarian doctrine that a morally responsible agent must be able to do or will otherwise than she did. While Frankfurt's ideas about autonomy can help in understanding Augustine, Augustine's early position on good, evil, and responsibility for character also poses a unique challenge to Frankfurt's views on the freedom required for moral responsibility. This challenge has not been widely recognized in the burgeoning literature influenced by and responding to Frankfurt's insights, but it forms a powerful version of what I have recently called the "tracing defense" of alternative-possibility requirements for moral responsibility. Developing these implications shows that Augustine's early account offers a novel libertarian corrective to Frankfurt's model.

I. Frankfurt's Hierarchical Model of the Will

Harry Frankfurt's main debt to the Augustinian tradition is found in his voluntaristic account of personhood, which was developed in response to
mid-20th-century theories that reduced personhood to a combination of consciousness, rational judgment, and embodiment. In response to Peter Strawson in particular, in his 1971 paper, "The Freedom of the Will and the Concept of a Person," Frankfurt argues that persons are distinguished from other animals by their capacity for what he calls "second-order volitions." He defined an agent's first-order will as "the desire (or desires) by which he is motivated in some action he performs or... the desire by which he will or would be motivated if or when he acts." (p.14). To clarify this, we may say that a first-order motive in general is a subjective mental state that inclines the agent to some act which does not have mental states of the agent itself as its end or goal. In other words, first-order motives are outwardly directed practical attitudes, aimed at ends external to the agent's psyche. In contrast, Frankfurt explains that a second-order will is the will to act on one kind of first-order motive rather than another. As Frankfurt first formulated it, a second-order will is the will to have a certain first-order act desire be the effective motive if or when one acts (p.15).

Thus if we think of this 'effective motive' more specifically as the maxim or intention in terms of which an agent free from self-deception would understand her own behavior as an act, then a second-order will can also be understood as the will to be moved to one kind of intentional act as opposed to others, or to adopt one kind of maxim for action. More generally, second-order wills are reflexive in nature: they aim at an end or goal that concerns the agent's own first-order motivational states.

Frankfurt believes that such higher-order volitions explain the phenomenon which he famously calls identifying with a motive, or with a kind of character. "Identification," in its special Frankfurtian voluntition sense, refers to the intrapersonal experience of striving to become one kind of person rather than another: it involves working on the self or outward character that one presents to the world. The person who identifies with a motive or reason for acting in a particular way experiences this motive as her own, or as authored by her. As opposed to a "wanton" who (like non-human animals) "does not care about his will" (p.16), someone who is "a person" in the full sense has second-order volitions and is therefore not neutral or unconcerned about the will on which she acts. Rather, she identifies with one desire over others as the one she wants to be her first-order will. Frankfurt gives as an example an "unwilling addict" who "identifies himself, through the formation of a second-order will" with the desire to refrain from taking drugs, even though he still acts on his craving for the drugs (p.18). Thus, on this account, identifying with a first-order motive, and in the process "alienating" other conflicting first-order desires on which one might act, both occur through the formation of second-order volitions.'

This analysis leads to conclusions. (1) In various circumstances, the first-order will that is constitutive of the act (i.e., the motive or maxim that gives the act its intentional meaning) may involve an intention with which we do not identify in the deeper personal sense, in intention that our inviolate self rejects in its second-order volitions. (2) And when we identify with the first-order motive on which we act, it need not be agent-caused for us to be morally responsible for our action. Frankfurt illustrates the second point by contrasting the unwilling addict with a "willing addict." While the former is "helplessly violated" by his own desires, and therefore presumably has diminished moral responsibility for his act (like someone acting intentionally but under duress), the latter willingly identifies with his irresistible craving for heroin, and is thus fully responsible for his action even though the addiction may have begun by accident, and now he cannot act otherwise.

His [first-order] will is outside his control, but by his second-order desire that his desire for the drug should be effective, he has made this will his own (p.25).

Thus identification with the first-order will W, that is causally operative in our behavior (making that behavior an action) is sufficient for moral responsibility for our action, even though the higher-order volition may not have caused the act or brought about that W was the motive on which we acts.

Frankfurt regards the willing addict and similar "over-determination" cases as counterexamples to the "principle of alternative possibilities" (PAP), different versions of which say (simplifying somewhat) that an agent is responsible for some X (a decision, intention, act or consequence) only if he had the power to bring about some significant alternative to X. Frankfurt's rejection of Augustine's liberal arbitrium as a condition for moral responsibility has led to a considerable and ongoing debate in recent literature focusing on whether Frankfurt-cases constitute real counterexamples to various possible versions of PAP, and if so, whether they also prove that responsibility is compatible with complete psychophysical determinism (in which all relevant future events are ordained by the laws of nature together with the past). But this debate has largely overlooked a crucial point that Augustine's ideas illustrate: the hierarchical analysis of volition by itself is still compatible with a libertarian account of the conditions of moral responsibility. The merits of this combination have not been fully explored, but deserve serious consideration.

II. Augustine's Hierarchical Conception of Good and Evil in the Will

Although he conceives the faculty somewhat differently than Frankfurt, Augustine also considers our will to be the distinguishing feature of human personhood, and he regards the agent's will as the center of her individual identity. In his De Libero Arbitrio (On Free Choice of the Will), Augustine insists that the person's self is most closely or authentically identified with his will: "It is the will by which I choose or refuse things is not more mine than I don't know what I can call mine." Frankfurt's account of autonomy, which developed from his hierarchical analysis of the will, also requires that acts of volitional identification count as expressions of the agent's true self: unlike first-order motives, which can persist even when they are rejected by the higher-order will, the agent to judge identifies with the reflexive process or state of will that identifies him with a first-order motive. In other words, higher-order volitions are insalubrious as long as they constitute identifications.
LIBERTY OF THE HIGHER-ORDER WILL

Liberty, while Augustine never uses the term, is implicit in his entire analysis of good and evil. In fact, he writes that he is defending liberty against two sets of enemies. One is the idea of 'dependence', or 'need', or being 'subject to another's will', which he defines as either a state in which there is no freedom at all or one in which freedom is compromised. The other is the idea of 'determinism', or 'fate', or being 'subject to natural laws'. Augustine argues that these ideas are false because they imply that we are not free. He writes: 'There is no need for us to be in bondage to anyone, and there is no need for us to be in subjection to any law.'

He concludes that we are free because we have a will, and that our will gives us the power to choose what we want to do. He writes: 'We are free because we have a will, and because we can choose what we want to do. We are not bound by any law or by any necessity.'

However, he also argues that freedom is not just about being able to do what we want, but also about being able to do what is good. He writes: 'We are free because we can choose what is good, and because we can choose what is right. We are not bound by any law or by any necessity.'

He concludes that freedom is the key to ethical decision-making, and that we should use our freedom to choose what is good and what is right. He writes: 'We are free because we can choose what is good, and because we can choose what is right. We are not bound by any law or by any necessity.'

This is the main point of Augustine's biblical doctrine of grace, which is expressed in his famous statement, 'In Christ I am free.'

The doctrine of grace means that we are free because Christ has made us free. He writes: 'In Christ I am free.'

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The term "freedom" is a part of man's created nature; the soul is endowed with the faculty to act freely. Freedom is defined as the absence of external constraints. On the other hand, God may be regarded as the "founding cause" of freedom, while the concept of "freedom from evil" refers to freedom from that which is contrary to what is good or evil. However, in practice, what we refer to as freedom is a combination of these two aspects.

In my own view, we should not strive for absolute freedom, but rather a balance between freedom and control. The freedom that we seek should be guided by reason and wisdom, ensuring that it does not lead to chaos or self-destruction.

The concept of "higher-order will" relates to the idea that our actions should be guided by a higher principle, beyond the mere pursuit of personal desires. The "higher-order will" is not a physical entity, but rather a moral force that guides our actions in the right direction.

In conclusion, the concept of freedom is a complex one, involving a balance between the pursuit of personal desires and the need for moral guidance. The challenge lies in finding the right balance, ensuring that we do not succumb to excesses of either freedom or control.
to assess the challenge that a hierarchical libertarianism poses for Frankfurter's account, for the moment I will simply assume that I have described Augustine's early view correctly. But I hope to address these important historical and exegetical questions in a planned follow-up article.

III. Freedom of the Will and Liberty of Identification

Like the early Augustinian, in his first paper on the higher-order will, Frankfurter considered the liberty to form different second-order volitions or to change one's identifications to be part of "freedom of the will," which he distinguishes from "freedom of action." But unlike Augustine, Frankfurter never thought that moral responsibility requires a "free will" in his sense. Instead, he gives a detailed compatibilistic account of freedom of action, which he thinks is sufficient for an agent to be responsible for a particular act. Roughly speaking, an agent's freedom of action in Frankfurter's sense is if he does what he wants (no impediment blocks his first-order motive from causing the intended act) and he does not have an opposing second-order volition (i.e. he does not identify with an opposite or incompatible first-order desire). By contrast, "When we ask whether a person's will is free we are not asking whether he is in a position to translate his first-order desires into actions" (p. 20). While freedom of action concerns the relation of the first-order will to the behavior it causes to, "freedom of the will" concerns the relation of second-order volitions to the first-order motives with which they identify the agent. The primary condition for a free will is that her second-order volitions V1 are successful, or bring it about that she acts upon the motives with which she identifies through V1 (p. 20). For instance, consider someone who acts out nastiness towards a relative when he wills to act out kindness instead (p. 22). Because he is not moved by the sympathetic intention with which he identifies, "he finds himself a helpless or passive bystander to the forces that move him," and thus he does not have a free will (p. 22).

Free will in Frankfurter's sense requires more than just that the agent's second-order volitions are not first-order desires, for in cases like the willing addict "their coincidence is not his own doing but only a happy chance" (p. 20). Altering my example, suppose that just before he needs a $1000 pill, as a result, he is so happy that his urge to be cruel to his relative dissipates. He will surely still be somewhat disappointed with himself afterwards, since he knows that, but for his lucky find, he would have been nasty against his true will. In an agent exercising free will, the agreement between higher and lower-order will is not based on desires but rather... (to be continued)

Although he leaves this ambiguous in some passages, Frankfurter also implies that freedom of the will requires more than just a hypothetical relation between acts of volitional identification and the agent's first-order motives. Suppose that if agent S forms a higher-order volition V identifying with desire D, then it will causally guide S to act on D. This is not enough to ensure that S enjoys free will. If it were, then S could enjoy free will without actually forming any second-order volitions, as long as they would be effective if formed. Then arguably even a wanton who lacked the mental capacity to identify with first-order motives could exhibit free will, as long as there was some logically possible world in which the wanton has enhanced mental capacities, would use them to form second-order volitions, and these volitions would be effective in guiding his first-order will. But Frankfurter insists that a wanton cannot have nor lack freedom of will in his sense—it cannot even be an issue for the wanton (p. 21). Thus freedom of the will requires more than hypothetical effectiveness of possible higher-order volitions. The agent with free will must also have it presently in her power to form higher-order volitions, a capacity that the wanton lacks. Thus Frankfurter says:

A person's will is free only if he is free to have the will he wants. This means that, with regard to any of his [first-order] desires, he is free either to make that desire his [first-order] will or to make some other desire his [first-order] will. If his [first-order] will is that the will of the person whose will is free could have been otherwise; he could have done otherwise than to constitute his [first-order] will as he did (p. 24, my italics).

Frankfurt focuses here on the availability of alternatives at the first-order level, but the free-willed agent realizes these alternatives through her higher-order will. Her liberty to make either first-order desire Da or Db her will must then derive from her capacity to form either the volition V1 identifying with Da, or to form the volition V2 identifying with Db. Thus free will in Frankfurter's sense includes libertarian freedom to bring about different higher-order volitions, or to change our identifications. Let us call this special condition 'liberty of the higher-order will' or the 'freedom to identify otherwise.' A person enjoys this liberty when, without requiring other changes in their present state as a precondition, he can form any one out of a significant range of possible higher-order volitions (or identifications). Note that this higher-order liberty could be enjoyed by itself, without the other condition involved in Frankfurtian freedom of the will. For example, although no crack-cocaine addict in the grip of compulsive desires enjoys Frankfurtian free will since in the present, circumstances permitting, they will act on their craving for cocaine whether they identify with it or not they could still enjoy liberty of the higher-order will.

An addict enjoying such 'liberty of identification' is one who can make herself either a selling or an unselling addict, although it is still the addictive desire, she can either identify with this desire or alter it by compelling herself to oppose it and trying to find ways to overcome it. Again, these alternatives may not be equally goodable to the agent, but she has more or less liberty in the higher-order will depending on the range of second-order volitions open to her, and how easy or difficult they may be to form. Now this sort of scenario in which an agent enjoys liberty of identification but lacks full freedom of the will is familiar from Augustine's influential account of the bondage of sin. Admittedly, Augustine did not always clearly separate this liberty of the higher-order will from the ability to be
free from inordinate desire in our first-order will. Thus when he argues that "the mind must be more powerful than capricity," and so must be able to resist acting on inordinate desire, Augustine gives the appearance of clashing with Franklin. But it is important to view an unwilling addict, for example, as actually being a "person of necessity" who is forced to act, not as a free individual who could choose otherwise. The distinction is crucial.

In Augustine's view, the inability to resist inordinate desire is a result of the "twin vices" of "insufficiency" and "insubordination". The former refers to the lack of a firm moral foundation, while the latter refers to the lack of a strong will to resist temptation. The twin vices combine to create a situation in which the addict is unable to resist the allure of drugs or other vices.

To address this problem, Augustine proposes the concept of "higher-order volitions". This idea involves the notion that we have a higher-order will that operates on the level of values and goals, rather than on the level of individual desires. This higher-order will is responsible for setting the tone for our decisions and for guiding us towards virtuous actions.

According to Augustine, the higher-order will is not subject to the same kind of weakness as the first-order will. It is a kind of "will to do good" that is not subject to the same kind of "insufficiency" and "insubordination". This higher-order will is responsible for setting the stage for the first-order will, and it is only through the operation of this higher-order will that we can achieve a state of true freedom.

In conclusion, Augustine's concept of higher-order volitions provides a powerful framework for understanding the nature of addiction and for addressing its root causes. By recognizing the importance of the higher-order will, we can begin to develop strategies for overcoming the twin vices of insufficiency and insubordination, and for achieving true freedom from the shackles of addiction.

Therefore, the higher-order volitions that identify us with the motives of those acts, but unlike Franklin, Augustine thinks that liberty of identification is necessary for us to be responsible for those higher-order volitions themselves. As we saw, Augustine's account (as I interpreted it) implies that we have the liberty to identify either with good (or ordinate) desires or with inordinate desires as the motives of our actions. Identifying with the former is a state of moral virtue while identifying with inordinate desire is the original form of moral corruption, on Augustine's account. In other words, Augustine links liberty of identification in the higher-order will with the dual capacity for both moral worth and unworth in one's personality. Liberty of identification is an original condition of moral responsibility for one's inward volitional character, i.e. the character formed by long-term commitments or patterns in the higher-order will itself. This is to be distinguished from outward character, which consists in dispositions to act on various kinds of first-order motives, along with other familiar personality traits. The unwilling alcoholic, for example, may have what psychologists call an "addictive personality" in her outward character, but her inner character is formed in part by her commitment to self-reform.

According to Augustine, the moral worth of persons (as opposed to the isolated values of their particular actions) depends directly on the inward character made up of their enduring volitional identifications. The unwilling addict, for example, has at least a residual virtue that the wanton addict lacks. But if the moral worth of our inner character is determined by our persistent higher-order volitions (or our enduring patterns of commitments), then the higher-order will itself must enjoy some measure of libertarian freedom in forming these volitions: our identifications can count as self-determined or as our own only if we could have identified otherwise. Of course, Frankfurt and his philosophical heirs have distinguished self-determination and libertarian freedom (in its proper sense as dual voluntary control over multiple alternatives). But the Augustinian model insists that these features converge at the highest level of the will, where it locates ultimate responsibility, even if they can diverge at the more derivative levels of human agency.

Frankfurt agrees with Augustine that one acquires a volitional self for which one is responsible precisely through authentic commitment to various desires or possible first-order motives. Thus the willing and unwilling addict differ in their moral worth because of the difference in the value of their volitional identifications. In a later paper, Frankfurt says that the person's self is constituted by the choices of higher-order will through which she tries to form a coherent and stable volitional character; by incorporating some preference-rankings and radically rejecting others, we "create a self out of the raw materials of inner life." The early Augustine's position is similar. But because Frankfurt did not focus on the role identification plays in determining the self's moral worth, he did not initially ask if the agent had to be able to will otherwise when forming a higher-order volition for it to count as self-determined, or to constitute an authentic identification. Yet in a series of more recent papers, Frankfurt has explicitly argued that we may be bound by what he calls "volitional necessities" in which we cannot avoid some of the higher-order cares and commitments.
that define our true self." In his view, we are still responsible for these decisive or wholehearted identifications, although it may have been inevitable that we would develop them. Furthermore, responsibility for these self-determined identifications does not require the ability to change them even indirectly: it may rather be volitionally impossible for us even to question them, let alone to change them. On this view, such necessary identifications still count as self-determined because they are expressions of our individual nature or personal essence.

By contrast, in the Frankfurt school of thought, Augustin implicitly rejects any such notion of a personal essence: he insists that because our volitional identifications are expressions of our moral worth, they must be generated through a process in which the agent could have acted otherwise. Let us call this the principle of alternative possibilities for inner character:

PAP-C: Moral responsibility for one's inner character requires liberty of identification at the higher levels of the will, or in the capacity to form the volition of one's deep self: the agent is responsible for her higher-order volitions only if she could (at some point in her past) have voluntarily formed other volitions at these levels or voluntarily avoided her present identifications.

Although Augustin certainly offers no decisive proof of PAP-C, I think this principle has strong intuitive appeal: most people's considered convictions will agree with it, and unless they are given strong reasons to alter this intuition. But Frankfurt has not yet given us any such reasons to reject PAP-C, although he and his followers have challenged other PAP-type principles for actions, omissions, and their consequences.

The Tracing Defense of PAP-C. In general, the Frankfurtians have employed several famous over-determination examples to argue that agents can be responsible for something X (an action, its consequences, a prior intention, or perhaps a decision) when they have brought about X without interference, even though they could not have done otherwise. I have argued in a recent review of Fischer and Ravizza's book that the intuitive appeal of all such cases depends on a distinction between two elements: one (K) which explains why the agent is responsible for X, and another (L) which explains why K is true, or why X could not have been avoided. In such cases, K intuitively makes the agent responsible for X even though X is inevitable, but only because we tacitly assume that the agent meets whatever other conditions are required to be responsible for B itself. I would now add that, if it is to be plausible to everyone that the agent is responsible for X, then K and L need not only be satisfied, but must be distinguished in such a way that it is open to the audience to take the B factor as available or entailed. As a result, libertarians can respond to such cases with the claim that they can say that in order to be responsible for X, the agent had to be able to avoid X, and thus responsibility for X ultimately entails libertarian freedom. Any attempt to answer such a tracing defense with revised over-determination examples will require cases in which both the K and X-element are inevitable, and the libertarian

can hold that the agent is not responsible in such cases. For in such cases, the agent will be responsible not only in the actual sequence, but also in the counterfactual structure, where R is caused by the external f-factor. Thus although Frankfurt-style examples may show that responsibility and inevitability can be locally compatible, for the libertarian, this is possible only because of the libertarian freedom which the agent enjoys in bringing about the conditions that made her responsible for the X-element in the case, even though X is inevitable due to quite separate f-conditions.

We can apply this pattern of analysis to Frankfurt's willing heroin addict case. In this example, X is the taking of heroin, I is the physiological addiction or compulsive disorder that makes remaining abstinent from available heroin virtually impossible, and R is the agent's identification with his addictive craving, or his second-order will to remain an addict. The willing addict indeed seems responsible for taking his heroin, even though he could not do otherwise. This intuition depends on the plausible assumption that he is responsible for his second-order will itself. Given the structure of this case, Frankfurt must make this assumption, but he cannot defend or analyze its conditions within the example: rather, it must be presupposed for the example to seem persuasive. Moreover, the plausibility of the assumption that the addict is responsible for his higher-order will requires that we can regard it as avoidable. So if the willing addict seems responsible for his higher-order will, and thus for taking the drug, isn't that because we tacitly imagine this addict as having liberty of identification, and thus as having the volitional possibility of becoming an unwilling addict instead? Certainly the early Augustin thought that, with God's help, he could have worked this change in himself. I have found that undergraduates to whom I pose the case routinely imagine the addict as freely deciding to identify with his addictive desires rather than to alleviate and fight them, and when questioned, they cite this presupposition in explaining their judgment that the addict's willingness makes him responsible for taking the drug. If instead we stipulate that the addict has been programmed to identify with and cultivate his cravings, or that he never had any other alternative higher-order volition open to him, many people will find that their initial inclination to hold him responsible for his addictive behavior evaporates. Because now the R and X factors are both inevitable, and we cannot trace the agent's responsibility for R to any prior condition R2 which the agent did not inevitably satisfy, we are no longer sure that the agent is responsible.

Rather, under these specifications, we doubt that his putative higher-order volition is really the agent's own, or truly self-determined, or really expresses the volitional identifications constitutive of a deep self. Let me clarify that this tracing model is only meant to be a defense of PAP-C against familiar over-determination counterexamples to PAP-conditions. It does not attempt to demonstrate on any independent grounds that PAP-C is correct. Rather, it only seeks to show that, given their structure, traditional over-determination cases leave libertarians free to hold PAP-C. I have not attempted here to answer objections to PAP-C that do not rely on Frankfurt-style cases, or to refute any rival compatibilist accounts of responsibility for our volitional identifications (for example, Frankfurt's neo-Lebanian notion of personal essences, or Fischer and Ravizza's actual
sequence account of “taking responsibility” for the psychological processes that explain our actions). Those antecedently disposed to preter semi-compatible libertarian accounts will have to ask themselves how much their disposition depends on the judgment that traditional Frankfurt-style cases are dear de facto of PAP-type principles, for my argument does under-
mine this judgment. But I provide no direct defenses of the semi-compatible libertarian theories here. Rather, I have only argued that PAP-C cannot be defeated by traditional counter-factual intervention cases.

Comparison to Kane’s Analysis. It is important to note that the extension of libertarian conditions on moral freedom by tracing principles he had already been pioneered by Robert Kane. Kane’s theory is a highly sophisticated development of Aristotle’s earliest tracing theory: “if a man is responsible for wicked acts issuing from his character, then he must at some time in the past have been responsible for forming this character,” where such responsibility requires the ability to do otherwise in choices that helped create this character. In particular, Kane adds to the alterna-
tive-possibilities requirement what he calls the “condition of ultimate responsibility, or UR.” Kane’s UR is a complex tracing version of PAP; the first part (R) defines “personal responsibility” for an event or state as requiring that the agent could have avoided something that causally con-
tributed to the event or state, and the second part (U) says that

for every X and Y (where X and Y represent occurrences of events or states) if the agent is personally responsible for X, and if Y is an arête (or sufficient ground or cause or explanation) for X, then the agent must also be personally responsible for Y.

UR embodies one kind of libertarian tracing theory, because it entails “that some actions in an agent’s life history must satisfy AP” (the condition of alternative possibilities), although not every free and responsible act must satisfy AP and its unicity condition requires that the agent be responsi-
ble for any actual sufficient condition of any act imputable to him. The idea is clearly that responsibility for some X traces to responsibility for any actual state of affairs sufficient for X.

This is obviously somewhat different from the tracing defense I have sketched above, since my defense does not require that if the agent is responsible for some action A, then she is responsible for all actual sufficient conditions for A, including the obtaining of any condition that makes A inevitable. Rather, it traces responsibility for inevitable actions and decisions to cases of the higher-order will, which Kane would include in our character. The higher-order would be used directly against traditional (non-global) Frankfurt-style cases, whereas Kane’s principle is not tailored specifically for his purpose. Hence is The Significance of Free Will, Kane does not argue that in traditional counterfactual-intervener examples, the agent is responsible for an X which he also cannot avoid, yet only because this responsibility allegedly traces to a libertarian source. While his restricted libertarian theory of ultimate responsibility certainly encourages such a move, Kane sees that it does not as obviously answer

global Frankfurt-style cases. Instead he argues, like Carl Ginet and David Widerker, that in cases in which the actual sequence is indeterministic (so as not to beg the question against (inexplicably), the agent can avoid the X for which she is responsible. In particular, the indeterministic choices in which ultimate responsibility terminates cannot be rendered inevitable by a Frankfurt-controller. But this Ginet-Kane-Widerker approach has been challenged by several new cases, including Eleonore Stump’s argument that “any mental act, even an act of willing, is correlated with a neural state that is not individu-
able,” although earlier versions of this neural sequence do not cause the act. Although Stewart Coetz and others have attempted to answer Stump, I think it may be better and more powerful to begin with the trac-
ing defense against traditional Frankfurt-style cases, and then to see whether the sort of restricted libertarianism it implies can then shed light on what is wrong in the global cases.

However, the forms of restricted libertarianism consistent with my trac-
ing defense will be similar to Kane’s in many respects. In place of Kane’s (U) they would have the requirement that to be responsible for X, we must be unconditionally responsible for whatever conditions are sufficient for us to be responsible for X. In place of Kane’s (R), they would leave the thesis that ultimate responsibility for some state S, which is not traceable to prior responsibility for anything else, requires being able voluntarily to avoid S. When spelled out, these models will also entail Kane’s conclusion that if ultimate responsibility must terminate in some state that is undesirably attributable to us, or by its very nature imputable to us, or by some original libertarian choice, then it must be possible for actions that we could not avoid causing.

A. Rejoinder to Frankfurt

In his response to a much earlier and shorter conference version of this essay, Frankfurt asked why we should think that the conditions of respon-
sibility for inner character should be any different than the conditions of responsibility for particular actions. Surely, he said, it is “far more reason-
able to presume that the basic structural conditions for moral responsibility are the same in every type of case.” So if we can be responsible for acting on a given first-order desire even when we cannot do or desire otherwise, then likewise, we can probably be responsible for a volitional identification formed in the higher-order will even when we could not will otherwise. Frankfurt’s suggestion is that there is a natural analogy between responsi-
bility for these different elements of agency. If so, then such hierarchical or order-symmetry would be the natural presumption. Thus by contrast, hierarchical symmetry in any theory of moral responsibility will be ad hoc, unless that theory can give us special new reasons to think (against our alleged natural presumption) that asymmetry is the best explanation of available evidence.
The libertarian rejoinder to this argument should now be evident. Even on Frankfurt's own view, the conditions of responsibility for particular outward (or non-reflexive) acts and responsibility for volitional identification are not structurally similar. For the latter, responsibility for volitional identification is not only a matter of responsibility for outward actions and their traces (at least in part) to responsibility for volitional character and for the reflexive activities that constitute it. The hierarchical asymmetry in the Augustinian model builds on this crucial structural distinction: in this model, (1) responsibility for a particular outward act may exist even when the act is involuntary, but only when the traces are produced by a higher-order volition through which the agent identifies with that act. Yet (2) responsibility for volitional identification itself does not trace to other psychic states or other dispositions of imputability, since this is where 'the buck stops.' This is just to say that the higher-order will (or some other ultimate responsibility in Kant's sense). (3) Hence inevitability and responsibility cannot be made compatible for the higher-order will in the way they are rendered compatible at the level of outward action. (4) Finally, note that we could add further tracing conditions at this level, if we think that sufficient persistence in our higher-order volitions or sufficient commitment of the will can 'fix' our identifications or make them impossible for us to change in the future. Of course, this does not show that compatibilists cannot offer counterexamples for volitional identifications. But it shows that the order-asymmetry of the early Augustinian theory is hardly at issue, since it is just a specific instantiation of the structural asymmetry that we must find in any tracing theory (including compatibilist ones) between conditions of local responsibility for elements covered by tracing principles, and conditions of ultimate responsibility for those final elements to which all responsibility traces. Nor is the burden of proof on libertarians to demonstrate that the hierarchical asymmetry permitted by PAP-C is better than any conceivable compatibilist explanation of our experience and our moral concepts. Rather, we only have to show that hierarchically asymmetrical has a clear and logical rationale in the elegant structure of an unfettered theory with a respectable historical pedigree, which for most people will sufficiently explain all the relevant available evidence. We have made some progress in showing this much.

For Frankfurt, then, its hierarchical asymmetry is not by itself any prima facie evidence against the liberty of identification model. If the tracing libertarian can safely hold that, although examples like the willing addict show that responsibility may be locally compatible with inevitability for outward actions, this does not apply by analogy to the very volitional identifications that make such local compatibility possible. To think that we can simply generalize from such local compatibility is to miss the insight of the tracing theory that there is a crucial dismay and between levels of the will: if a person is responsible for acting on inordinate desires even when they cannot do otherwise, but only because the person was committed to these first-order dispositions by her higher-order volitions, then this still leaves an open question about the conditions of responsibility for these volitions themselves. Plausible Frankfurt-style cases namely accommodate the fact that ultimate responsibility for the most central activities of human agency can have conditions quite different from the conditions of derivative responsibility for lower elements of our agency.

Moreover, starting from the libertarian intuition embodied in PAP-C, we should expect to find another closely related asymmetry: even if the actual causal history of the first-order motive that explains an action may not always by itself determine the agent's responsibility for that action (e.g. if the agent identifies with a motive derived from external causes), yet the causal history of higher-order volitions may well be crucial in determining the conditions of responsibility for volitional identifications themselves. How such volitions are formed in the higher-order will may be essential to their special significance as carriers of the agent's identification. Since agents are by definition responsible for their volitional identifications, such a volitional attitude may not count as an identification (or as a self-determined expression of our long-term goals, ends, and values) unless it has the right kind of causal history, e.g. perhaps being brought about by a process of practical reasoning involving libertarian choice or agent-causation, or some other incompatibilist moment.

If the hierarchical tracing model with its order-asymmetry is established as an inestimable option that embodies PAP-C, we might ask why rival compatibilist accounts of responsibility for the higher-order will should still have any appeal, even if incompatibilists cannot find decisive defeaters for them? Since, today the fear that future physics could describe our world as a deterministic system seems rather remote (especially given the successes of Superstring Theory) I think the compatibilist accounts will seem forced unless their defenders can actually refute PAP-C. For example, without such a refutation, why would we accept, as Frankfurt has asserted, that a person can be programmed to form the identifications he does, thus taking responsibility for various desires even though he could not have done otherwise than to identify with them or take responsibility for them? In his response to my paper, Frankfurt reiterated this view:

Whatever mental acts are required to accomplish the acceptance in which identification consists, a person may be morally responsible for performing those acts even if he could not have done otherwise than to perform them. There is no reason why it should be any more essential for an agent to have alternatives to these acts [which constitute an identification] in order to be morally responsible for them, than it is essential for morally responsible agents to have alternatives to acts of other sorts.

But, given my above analysis, I do not see how Frankfurt could try to convince anybody to agree with this assertion (if these are people) they start with the presumption that PAP-C is correct. Again, I do not attempt here to demonstrate that Frankfurt's assertion is incorrect, but I have shown that it is to do with the plausibility of familiar unstructured PAP-principles legitimate any premiss that PAP-C is probably also false. Traditional (non-global) Frankfurt-style cases neither falsify PAP-C nor ground the least doubt of its truth. And since for most people, the presumption remains on the side of PAP-C unless it can be refuted, the
The burden of argument is thus on Frankfurterians to provide quite different counterexamples against PAP-C itself. In that event they will face the following dilemma: (1) either their counterexamples will depend on highly controversial inevitability-making claims to ensure that the agent identifies as she does in the actual scenario, such as hard knowledge of an agent’s future decisions will be, or (2) it will no longer preserve the distinction between the R factors in the actual sequence that make the agent responsible for her identification, and the I factors that render it the case that responsibility for R can be avoided. In the latter case, I have argued that libertarians need not grant the fundamental premise in traditional counterexamples to PAP, namely that the agent remains responsible for her activity.

A final example may help clarify this problem for Frankfurterians. The film 
Leaving Las Vegas

is a willing addict (played by Nicholas Cage), and while we pity him, most viewers probably blame him for identifying with his alcoholic. Would we feel the same if we were told that Benjamin could not have done otherwise, because if he had not decided to quit his job and throw himself unwaveringly into pursuit of depths through drink, a counterfactual intervenor would have made him form the higher-order volition expressed in these decisions? Call this case 
FV

(Frankfurtian-Vegans). Since the counterfactual intervenor played no role in the actual sequence, should we say that in FV, Benjamin is responsible for his higher-order will, because he formed it on his own? Perhaps this will seem plausibly false until we ask how this differs from the intervenor’s causing him to form his volitional identification, as would happen if Benjamin failed to form it by a certain time, or began then to turn towards becoming an unwilling addict?

As Fischer and others have repeatedly emphasized in rejoinder to 
dicker-of-freedom defenses of PAP, in traditional Frankfurt-style cases, there is an important asymmetry between the actual and counterfactual sequences: the agent is not responsible for what she does in the counterfactual sequence, because it does not amount to an action at all (instead, it is an uneventful no-event)\(^{14}\). Even in cases where the counterfactual intervenor supposedly causes a decision or an intention to act, the ‘action’ in the counterfactual sequence is still not voluntary, and the Frankfurter cannot hold the agent responsible for it without begging the question against incomparability. But now, I shall argue that the counterfactual intervenor will cause a state of volitional identification to arise in our agent. According to the tracing theory, and Frankfurt-style, the agent is so responsible for any action or inner character: this must be the case for responsibility to transfer through this state to other first-order motives. So FV asks us to imagine that an intervenor can cause the very same state for which the agent is responsible in the actual sequence. Thus in FV, the required asymmetry between actual and counterfactual sequences is lost: in both, Benjamin must be responsible for his higher-order volition. As a result, FV simply begs the question against the incomparability. So the Augustinian 
non-cong-defender need not countenance that FV is even a possible scenario. Thus anyone beginning from PAP-C and then reflecting on these cases would be justified in concluding that in a scenario in which we can no longer trace the compellive agent’s responsibility to a volitional commitment or identification that he could have voluntarily avoided, it would be unfair to consider him responsible for his fate.

If some non-philosopher NP (whoe prerations aren’t shaped by explicit prior theoretical baggage) still did feel inclined to blame Benjamin for identifying with alcoholism, even though a counterfactual intervener or agent’s future decisions will be, or (2) it will no longer preserve the distinction between the R factors in the actual sequence that make the agent responsible for her identification, and the I factors that render it the case that responsibility for R can be avoided. In the latter case, I have argued that libertarians need not grant the fundamental premise in traditional counterexamples to PAP, namely that the agent remains responsible for her activity.

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Division meeting of the American Philosophical Foundation (Atlanta, CA: December 29, 1998). I wish to thank Professor Franklin for his helpful responses, and for other insights and advice in an earlier correspondence.


3. Moreover, of the two philosophers who have connected Augustine and Frankfurt, Eleanor Stump and Donald Kagan both hold that moral responsibility only requires a form of incontinent freedom that does not require true liber- tarian (or alternative-possibilities) freedom. David Hartfiel bases his hyper-ontological account of moral freedom on global overdetermination cases, some of which he derives from Augustine's own work on divine foreknowledge.


5. All references to Frankfurt's "Freedom of the Will" paper will be given parenthetically by page number in The Importance of What We Care About.

6. So understood, "alienation" is simply the negative correlate of identifi- cation. The unwilling addict alienates the first-order desire (a craving for drugs) on which he necessarily acts. That craving still becomes his first-order will in Frankfurt's sense, meaning that it determines the attention through which he will understand the addict's behavior as a characteristic type of action (e.g. "getting high" rather than "taking medication for an illness"). This has "get- ting high" constitutive by his own understanding of the specific act (i.e. "of what he was doing, it is not involuntary, like sleepwalking. But nevertheless, the very attention that makes that an act of 'getting high' is in a deeper sense against his inner will, or alien to his self.


8. In the thirty years following Frankfurt's 1971 paper, many critiques have made it clear that his initial analysis of voluntarist identification in terms of a kind of second-order "desire" was too simple. Frankfurt originally conceived second-order voluntarist desire as a new kind of iterated desire: a "desire to desire to X." But identification must consist in more than such an iterated preference or pre-disposition, because even complex preferences can be 'aliented' from the agent. Moreover, to avoid express objections, the higher-order act that constit- uates identification must be differently characterized to make clear why it does not require endorsement or acceptance from some yet higher-order agent to make it the agent's own. For details see my Ph.D. thesis, Self and Will (University of Notre Dame, 1998). But these concerns, which are central to the problem of explaining autonomy, are not crucial for the topics of this paper.

9. Augustine, Pat. cit., On the Will, Book I, 9d, p.7:4. As a result, he says, "All wicked people, just like good people, desire to live without fear," but the wicked desire the things that are essentially dependent on contingency, such as continued biological life: thus someone who murders another alive without fear (p.9) is not as equivalent to a eudocius applies this desire to a good for which it is "inordinate," such as physical well- being. If this seems to imply that killing in self-defense would be murder, Augustine says that in such cases were for the sake of the principle (which is not subject to moral law) that "it is much worse for someone unwillingly to suffer a sexual evil, than for the assailant to be killed by the one he was going to assault" (p.9). Acting on this motive would be obsolete.

10. The idea behind the concept of "inordinate desire" seems to be that anything whose possession and enjoyment is temporary or otherwise substan- tionally dependent on luck can have intrinsically value, but only of a lower order than the value of the different virtues. Inordinate desire is a willingness to pur- "In the Importance of What We Care About (Cambridge University Press, 1984).

11. Augustine, On Free Choice of the Will, Book I, 312, p.17. Augustine arrives at this conclusion by an elimination argument. He has already argued that a divine power, which is superior to the changeable mind and will of any human, would not care at all about us, for that power rules over our minds and will make them "slave to inordinate desire" (p.17). Therefore by elimination, it can only be our own will that does it. Of course, given our contemporary knowledge of physical addictions, we might want to qualify Augustine's claim of today.


15. Ibid, p.212.


17. It seems that Cardinal Steele misses this aspect of Augustine's account in his otherwise brilliant essay, "Does Evil Have a Cause? Augustine's Perplexity and Thomas's Answer," Revue de Metaphysique et de Morale, 48 no.2 (December 1994):259-79. But he is correct that Augustine's own example of sleeping "seems to be of what he was doing, it is not involuntary, like sleepwalking. But nevertheless, the very attention that makes that an act of 'getting high' is in a deeper sense against his inner will, or alien to his self.


21. In Kant, the only difference is that Augustine's exculpatory criterion for good-first-order desires and desires is replaced by formal universaliz- ability rules for the moral acceptability of the "maxims of the act" or the first- order will involved in the action at issue.


24. Ibid, Book I, 311, p.18. In the dialogue, it seems incredible to Boecidius and a child to a child, as well as for the sake of the principle (which is not subject to moral law) that "it is much worse for someone unwillingly to suffer a sexual evil, than for the assailant to be killed by the one he was going to assault" (p.9). Acting on this motive would be obsolete.
25. This does not mean, however, that actions as opposed to states of soul in the Augustinian sense are more behaviorist that do not essentially involve a description of their intended purpose. Rather, intentional behavior or "human action in the Aristotelian sense" is more behavioristic (which may not constitute an action), and from higher states of volition. The latter states are more 26. In some of various kinds of first-order principles that explain the agent's intentional actions.


27. Ibid., Book VIII, p. 371: "...for to make my journey, as to arrive safely; no more were required than an act of will. But it must be an act and whole-hearted act of the will, not some stasis which I kept turning over and over in my mind, so that it had to wrestle with itself...


30. Although the "libertarian" is now widely used as a synonym for "incompatibilists", referring to any understanding of freedom required for responsibility that is not compatible with psychophysical determinism. I continue to use "libertarian" exclusively for positions which are incompatibilist at least in part because of their alternative-possibilities requirements among reasons of real moral responsibility for actions, intentions, decisions, intentions, states of character, etc." Libertarianism" is the best short label we have for such theories; so it is useful to reserve the term for them.


32. Ibid., Book I, §1, p. 57.

33. Kantians called this process a free act of utilitir, meaning that it is causally undetermined. But a libertarian account of the higher-order will need not conceive the process of evaluation as a spontaneous "choice" in Kant's sense of a "free act".

34. For a detailed development of this point, see Davenport, "Towards an Essential Virtue Ethics", in "Kant and the Virtues" (McGill-Queen's University Press, 1993), pp. 245-283.


36. See Hart's paper, "The Augustinian Way Out", Faith and Philosophy 16 no. 1 (January 1999): 5-26. I am especially indebted to David Hunt for pressing me to see that our arguments are not adequate to think through Augustine's relationship to Frankfurt. However, for reasons of space, my argument has been postponed for the intended follow-up to the present paper.

37. There is an ambiguity in Frankfurt's concept of the wanton, since he does not distinguish between being who have the capacity to form higher-order volitions but not have exercised this capacity (voluntary wantons) and those who are essentially wantons (or wantons in every logically possible world) in which they exist. In my example, we have a third kind of wanton: a being who is not essentially wanton, but who cannot voluntarily overcome his wantonness. For this kind of wanton, like essential wantons such as dogs and cats, it seems to the category of raudal worth do apply. Such wantons are less both good and evil in the will.

38. Of course, some people may object that the phrase "could have been otherwise" is sometimes used in other ways. But Frankfurt typically uses it to designate the power at a given time, in one's present condition, to bring about or to actualize alternate possibilities—for example, in referring to EAP as the principle motives that explain the agent's intentional actions.

39. Formally, we may define Frankfurt's freedom of the will as (1) liberty of identification along with (2) the condition that actual second-order volitions control first-order motives that occur on the act.


42. Ibid., p. 118. Moreover, the reason for our original capacity to sin or turn away from God (in addition to our natural capacity to love God) is the soul's self-contradictions, or in which it "resists that it is not the same as God" (p. 223). Elsewhere, Augustine also suggests that it is because the human soul was "made from nothing" that it is capable of turning itself from God to something of lesser worth (e.g., itself, in pride). See, for example, the last paragraphs of City of God, Part Three, Book XII.

43. Ibid., Book III, p. 107.

44. Ibid., Book III, §10: "Yet if anyone was willing to turn back to God so that he might overcome the penalty that had been imposed for turning away from God, it was right for God not to hinder him" (p. 180).

45. This could work in the opposite way as well, as Kant emphasized: if someone acts on sympathetic feelings towards others but does not actually identify with this impulse or incorporate it because it motivates only objectively good action, only a hollow semblance of virtue is present. We might even imagine an actively unsympathetic perpetrator — perhaps he has become convinced that his desire to help others is merely a symptom of "condescension" that should be overcome, or that it causes him to make too many sacrifices.

46. Frankfurt, "Identification and Whole-heartedness", reprinted in The Importance of What We Care About, p. 170.

47. In later papers such as "Identification and Whole-heartedness," Frankfurt does agree that the formation of second-order volitions must involve some practical reason: it cannot be totally arbitrary or indifferent to the person (pp. 169-169). But his analysis of care, which involves both modification, implies that in some cases we may not be able to avoid forming the higher-order volitions we have.

48. In addition to the later papers in The Importance of What We Care About, there are several papers bearing on this theme in Frankfurt's new collection.

49. These cases were first introduced in Frankfurt's paper, "Alternate Possibilities and Moral Responsibility." They include, for instance, cases where a "counterfactual intervenor" wants the agent to do a certain act A, and is prepared to make Jones do A if Jones shows any sign of doing B instead, but the actual sequence shows Jones deliberating and chooses to do A on his own anyway, and so the intervenor is not triggered. Such cases are not always impossible, of course, and have received considerable discussion in recent literature, without final resolution to this day.


51. I have recently realized that a similar point is made by Laura Waddell Eklund in her article, "Protecting Incompatibilist Freedom," American Philosophical Quarterly 35 no. 3 (July 1997): 251-59, p. 254. But Eklund does not
develop this point into a defense of a trading version of PAP. Rather, she argues that if the actual sequence is deterministically determined, then we should not grant the initial assumption that agent A is responsible for X. Still, this coheres with the trading defense claim that the agent is responsible for conditions P; these cannot have been caused by deterministic laws and initial conditions preceding the agent’s choice. 52. Susan Wolf has already anticipated the liberty of identification model in her book, Freedom Within Reason (Oxford University Press, 1999), ch. 3. Arguments that libertarian freedom will involve arbitrary decisions or random moves require a different sort of response, which I hope to provide in future work. Robert Kane has offered a libertarian explanation of why, as Wolf says, “some decisions we make seem neither inevitable nor arbitrary” (p. 48), and I think his account can be improved by any kind of synthesis of Wolf’s Autonomy and Reason view. 53. John M. Fischer and Mark Ravizza, S.J., Responsibility and Control (Cambridge University Press, 1998), ch. 8. 54. However, I think the source of the problem and weakness of this paper to be defeaters of compatibilism at work. See my review of Responsibility and Control and my paper, "Fischer and Ravizza on Moral Freedom and Responsibility of Will," Journal of Ethics 6 (2002): 235-59. 55. Robert Kane, The Significance of Free Will (New York: Oxford University Press, 1996), p. 35. 56. Ibid., p. 33. 57. Ibid., p. 33. 58. Ibid., p. 72. 59. In my view, this feature of Kane’s account may make US more vulnerable to the same kind of Frankfurt-style objections which have been raised against the key trader principle in Peter van Inwagen’s so-called “direct” argument for the incompatibility of moral responsibility and determinism. How the alternative theory favors does not depend in this way on the idea of transfer responsibility for X to all actualized sufficient conditions of X. 60. This is probably because Kane’s theory emerges primarily from reflection on van Inwagen’s argument against apparent cases, while my trade strategy emerges directly from reflection on the Frankfurt-style case. 61. Kane, p. 142. Also see Kane, “Replies to Fischer and Hall,” Journal of Ethics 8 (2004): 338-242; "Carl Ginet and I, as well as David Widderer and oth- ers, have argued, for example, that the agent’s perspective and Leibniz’s, as well as my perspective, strategy emerges directly from reflection on the Frankfurt-style case. 62. Kane, p. 142. Also see Kane, “Replies to Fischer and Hall,” Journal of Ethics 8 (2004): 338-242; "Carl Ginet and I, as well as David Widderer and oth- ers, have argued, for example, that the agent’s perspective and Leibniz’s, as well as my perspective, strategy emerges directly from reflection on the Frankfurt-style case. 63. Stumpf, "Alternative Possibilities and Responsibility: The Flicker of Freedom," The Journal of Ethics 3 (1999): 1-26, pp. 11-12. 64. This is the route I explored in my paper, “Global Frankfurt-Style Cases: A Libertarian Reply,” presented at the Pacific Division meeting of the American Philosophical Association (Seattle, WA, March 3, 2002). 65. Against Frankfurtian hierarchical compatibilism, Kane effectively presents the source problem, or objection about manipulation of the higher-order