Clarke’s Defense of the Contrast Argument

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ABSTRACT

In his (2004), Randolph Clarke assesses an important version of an influential argument against libertarianism about metaphysical freedom. Clarke calls the anti-libertarian argument he evaluates the Contrast Argument. It targets the following claim: there could be an undetermined free act done by S such that S would have freely done something else had S not done the act in question. This modal claim will be endorsed not only by proponents of main brands of libertarianism, but also by action theorists of other stripes – including many compatibilists. Clarke aims to defend the Contrast Argument from a prominent objection by developing a novel case for the premise under attack. I show that Clarke’s attempted defense of the Contrast Argument fails, thereby protecting the relevant libertarian and compatibilist positions. In brief, Clarke’s argument depends on an ambiguous principle, each available reading of which leaves some or other premise of his argument unjustified.

Introduction

Libertarianism is the thesis that metaphysical freedom exists and is incompatible with determinism (the claim that, at any given time, the current state of the universe plus the laws of nature jointly entail every other truth). In his (2004), Randolph Clarke assesses an important version of an influential argument against libertarianism. Clarke calls the anti-libertarian argument he evaluates the Contrast Argument. The Contrast Argument targets the following claim:

There could be an undetermined free act done by S such that S would have freely done something else had S not done the act in question.

This modal claim will be endorsed not only by proponents of main brands of libertarianism, but also by action theorists of other stripes – including many compatibilists, who hold that metaphysical freedom is compatible with determinism. Clarke aims to defend the Contrast Argument from a prominent objection by developing a novel case for the premise under attack. I’ll show that Clarke’s attempted defense of the Contrast Argument fails, thereby protecting the relevant

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1 So defined, compatibilism leaves it open whether freedom is also compatible with the falsity of determinism. Frankfurt (1971) is one prominent representative compatibilist who explicitly endorses the compatibility of freedom with the falsity of determinism.
libertarian and compatibilist positions. In brief, Clarke’s argument depends on an ambiguous principle, each available reading of which leaves some or other premise of his argument unjustified.

Clarke’s defense of the Contrast Argument explained

The Contrast Argument can be stated as follows (Clarke 2004, 49 and 55–57; cf. Mele 2006, 7–8 and 59–60):

1. Suppose A is an act done by S at t not entailed by the immediate past and laws. [ACP]
2. If A is an act done by S at t not entailed by the immediate past and laws, then it’s just a matter of luck that S A-s rather than not A-ing at t (i.e. rather than doing something else, or nothing at all, at t).^3
3. If it’s just a matter of luck that S A-s rather than not A-ing at t, then either (i) S doesn’t A freely at t or (ii) S might not have acted freely had S acted differently then.

One strategy employed by critics of the Contrast Argument is to present counterexamples to 3. Here’s a representative case described by Alfred Mele:

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2 Because the indicated positions likely exhaust the viable options for theorists of freedom, this paper can plausibly be viewed as a crucial albeit limited defense of the intelligibility of metaphysical freedom. Given the further common assumption that moral responsibility (i.e. moral praiseworthiness and blameworthiness) requires metaphysical freedom, the paper constitutes a defense of the intelligibility of moral responsibility (thanks to an anonymous referee for comments that led me to add this note).

3 Mele (2006, 70) has suggested the following support for 2:

1a. If A is an act done by S at t not entailed by the immediate past and laws, then A lacks a complete explanation – i.e. there is no fact or truth to be reported in a correct answer to the question why A happened at t rather than failing to happen then.
1b. If S’s act A at t lacks a complete explanation, then it’s just a matter of luck that S A-s rather than not A-ing at t.

I’ve omitted discussion of this reasoning from the main text largely because I accept Clarke’s (2004, 50–55) argument that the reasoning “provides no help in supporting the luck claim [2]... It is no great loss to the contrast argument to simply delete [the indicated reasoning] and go straight from [1] to the luck claim [2]” (Ib., 55). (Among the most serious problems Clarke raises is this: 1b in effect bases a negative metaphysical or ontological judgment on an intuitively unrelated negative epistemological judgment.) Since all the discussion below will revolve around 3, nothing important hangs on omitting discussion of Mele’s suggested support for 2 from the main text (thanks to an anonymous referee for comments that led me to add this note).
Because she has had one shot of whiskey already . . . and needs to drive home soon, Drew believes that it is best to switch now to coffee. She believes both that she can switch from whiskey to coffee now and that she can have another whiskey instead; in Drew’s opinion, it is up to her which of these she does . . . Although Drew believes that she should switch to coffee now, she thinks, ‘I’ve had a bit too much to drink before, and all has gone well. It really would be best to switch to coffee, but I’ll indulge myself. Just one more shot, then a cup of coffee, then I’ll drive home’. Still believing that it would be best to switch to coffee now, Drew decides to drink another shot and drinks one . . . If strict akratic action [i.e. free, intentional action contrary to a conscious belief the agent has at the time to the effect that it would be best to A] is possible, this would seem to be a case of it. Imagine that the story just told is instantiated in a possible world with the same natural laws as the actual world and the same past up to the moment at which Drew decides to drink another shot. In the actual world, at that very moment, Drew decides to switch to coffee (and she switches) . . . Suppose that Drew’s brain works indeterministically in a way that helps to account for the possibility of these worlds. Is that consistent with Drew’s having freely decided to switch to coffee . . . ? (2006, 120–121).

Mele thinks we can understand this case so that Drew in fact freely decides to switch to coffee but would have freely decided to drink another shot had she chosen differently – notwithstanding the fact that it was just a matter of luck that Drew chose to switch to coffee rather than choosing to drink another shot.4 One prominent reply to the Contrast Argument offers a case like Drew’s as a counterexample to 3.5

In the following passage, Clarke attempts to defend the Contrast Argument from such counterexamples by presenting a novel argument for 3:

Let us suppose . . . that in the actual world, Fred freely decides at t to tell the truth, and that in world W, Fred freely decides at t to lie. One further supposition: in all of the closest worlds . . . where Fred does not freely decide at t to tell the truth, he freely decides at t to lie; were Fred not to freely decide at t to tell the truth, he would freely decide at t to lie.

Fred freely does something at t [viz. decides to tell the truth] such that, were he to do it, it would be the case that at t he decides to tell the truth rather than deciding to lie. Fred is thus able to so act. And Fred is able to do something at t [viz. decide to lie] such that, were he to do it, he would do it freely, and it would then not be the case that at t he decides to tell the truth rather than deciding to lie. Then, the fact that at t he decides to tell the truth rather than deciding to lie depends on which of the things Fred is able to do at t he in fact freely does then . . . It would seem, then, that it is up to Fred whether, at t, he decides to tell

4 Note what’s not being claimed here – viz. that it’s just a matter of luck that Drew decided to switch to coffee. Drew’s decision to switch to coffee clearly wasn’t just a matter of luck – after all, Drew had judged it best to switch; in deciding to switch, she was acting on her desire to switch, and so on. What’s (allegedly) just a matter of luck is the contrastive fact that Drew chose to switch rather than choosing to have another shot – what Mele calls the ‘cross-world difference’ between the two worlds. Mele would infer from the relevant contrastive fact’s being just a matter of luck that Drew’s decision to switch was at least partly a matter of luck (cf. Mele 2006, 114).

5 See e.g. ch. 5 of Mele (2006).
the truth rather than deciding to lie. If that contrastive fact is up to Fred, then it is not just a matter of luck that at t Fred decides to tell the truth rather than deciding to lie... It thus seems that one cannot consistently accept [3’s antecedent and deny its consequent] (2004, 58).

It’ll be helpful to have on hand a more formal statement of Clarke’s intriguing argument for 3:

1. Suppose S freely A-s at t and S would have freely done something else had he not A-ed then. [ACP]
2. If S freely A-s at t, then S freely does something at t counterfactually sufficient for his A-ing rather than not A-ing then.6
3. If S freely does something at t counterfactually sufficient for his A-ing rather than not A-ing at t, then S is (just before t) able to act so that he A-s rather than not A-ing at t.
4. If S freely A-s at t and S would have freely done something else had he not A-ed at t, then S is (just before t) able to act so that it’s false that he A-s rather than not A-ing at t.
5. So: just before t, S is (i) able to act so that he A-s rather than not A-ing at t and (ii) able to act so that it’s false that he A-s rather than not A-ing then. [1–4]
6. If S is (just before t) (i) able to act so that he A-s rather than not A-ing at t and (ii) able to act so that it’s false that he A-s rather than not A-ing at t, then it is (just before t) up to S whether he A-s rather than not A-ing at t.
7. If it is up to S whether he A-s rather than not A-ing at t, then it’s not just a matter of luck that he A-s rather than not A-ing then.
8. So: it’s not just a matter of luck that S A-s rather than not A-ing at t. [5–7]
C. So: if S freely A-s at t and S would have freely done something else had he not A-ed at t, then it’s not just a matter of luck that he A-s rather than not A-ing then. [1–8]

Finally, contrapose C and you have 3 of the Contrast Argument.

In the next section, I’ll present and defend a dilemma for Clarke’s argument. Briefly, the dilemma goes like this: step 3 of Clarke’s argument has an ambiguous consequent. There are four possible readings of it. On the two ‘stronger’ readings, 3 is unjustified. But the two ‘weaker’ readings force implausible readings of 6. So Clarke’s argument fails either at 3 or at 6.

6 Say that P is counterfactually sufficient for Q iff Q would definitely obtain were P to obtain.
A dilemma for Clarke’s defense of the Contrast Argument

Let’s start by noting that 3 is an instance of:

3-Generalized. If S freely does something at t counterfactually sufficient for P’s truth at t, then S is (just before t) able to act so that P is true at t.

Now 3-G’s consequent is ambiguous. Here are four possible readings of it:

Would Definitely: S is (just before t) able to act so that P would definitely be true at t.
Would Probably: S is able to act so that P would probably be true at t.
Might Well: S is able to act so that P might well be true at t.
Might: S is able to act so that P might be true at t.

Either Clarke’s argument employs one of the stronger ‘would’ readings or it employs one of the weaker ‘might’ readings. Suppose we employ one of the stronger ‘would’ readings. In particular, suppose we employ Would Probably. That yields

3-GWP. If S freely does something at t counterfactually sufficient for P’s truth at t, then S is (just before t) able to act so that P would probably be true at t.

Suitably understood, the following case is a counterexample to 3-GWP:

Undetermined Nod: S is listening to S* talk. At t₁, S passively gains an intention to nod to S* at t₃ (in order to signal continued interest in what S* is saying). While the immediate past and laws don’t determine what will happen at t₂, the only relevant act S can perform then is to (actively) sustain his previously acquired intention to nod at t₃. Further, at t₂ there’s a 50% chance that S will at t₃ nod to S* (on the basis of S’s previously acquired intention to do so) and a 50% chance that S will at t₃ reconsider whether nodding is the best way to signal interest to S*. In fact, at t₂ S doesn’t actively sustain his intention to nod. S retains the intention anyway, and nods at S* on its basis at t₃.

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I submit that we can understand Undetermined Nod so that, at t3, S freely nods to S*. Because S’s nodding doesn’t result from any prior acts – mental or overt9 – it’s a free act only if it’s a directly free act: a free act that doesn’t owe its status as free to some prior free act. Plausibly, then, S’s nodding is a directly free act. Undetermined Nod thus has the right form to engage 3-G_{WP}, whose antecedent should be understood to concern direct freedom.10

So, S freely does something at t3 counterfactually sufficient for his nodding then. 3-G_{WP} thus implies that S is at t2 able to do something that would probably make it true that S nods at t3. But S isn’t then able to do any such thing. At t2, the only relevant act S is able to perform is to sustain his intention to nod. But it’s false that S’s sustaining his intention to nod would probably make it true that he nods at t3.11 So 3-G_{WP} is too strong: it’s possible that you freely do something at t counterfactually sufficient for P’s truth then, where just beforehand you weren’t able to act so that P would probably have been true at t. Undetermined Nod also impugns the result of replacing Would Probably with Would Definitely in 3-G’s consequent, since that move yields an even stronger principle than 3-G_{WP}. So, if we give 3-G’s consequent either of the stronger ‘would’ readings, step 3 of Clarke’s argument is ill supported: there are clear counterexamples to the general principle it’s an instance of.12

Objection: you’ve assumed that there can be directly free overt acts. But that’s false: any free overt act owes its status as free to a prior free mental act (e.g. a relevant free choice). If S freely nods at t3, that act derives its freedom from a prior free mental act (e.g. a free choice to nod at t3). So Undetermined Nod lacks the correct form to engage 3-G_{WP} after all.

Reply: the objector claims that any free overt act must owe its freedom to a prior free mental act. Far from being obviously right, a little reflection reveals that

9 Note that S’s nodding doesn’t result from any mental acts (there are of course some nonactional mental events that contribute to it – e.g. S’s passively acquiring an intention to nod). Further, S’s nodding is plausibly viewed as a basic overt act – i.e. an overt act not preceded by some distinct overt act.

10 The Contrast Argument is primarily intended as an objection to libertarianism, which is a form of incompatibilism. Though this isn’t always made explicit, incompatibilism and compatibilism are theses about directly free acts. Hence, Clarke’s defense of the Contrast Argument should be understood to concern direct freedom (cf. Clarke 2004, 47–48). For a libertarian who holds that an act’s being indirectly (or derivatively) free is compatible with its being determined (i.e. entailed by the immediate past and laws), see Kane (1996).

11 Recall: even if S actively sustains his intention to nod, there is at t2 a 50% chance that S won’t nod at t3.

12 There may be readers who don’t share my strong sense that we can understand Undetermined Nod so that S freely nods to S* at t3. Such readers may still draw an interesting lesson from the above discussion: Clarke’s defense of the Contrast Argument commits one to a substantive, nonobvious judgment about cases like Undetermined Nod – viz. that such cases can’t be understood so that their subjects freely perform the relevant acts (thanks to an anonymous referee for comments that led me to add this note).
the objector’s claim is false: there’s a powerful regress argument to the conclusion that there can be directly free overt acts. To prepare readers for that argument, I want to highlight the fact that Undetermined Nod establishes the possibility of a directly intentional overt act – an intentional overt act that doesn’t derive such status from some prior intentional mental act.\(^\text{13}\) For it seems clear that S nods to S* intentionally, despite the fact that no prior action of S’s (mental or overt) figures in his nodding to S*. In light of this fact about intentional overt action, we should at least wonder whether something similar might hold for free overt action. Why couldn’t there be a free overt act that doesn’t owe its freedom to a prior free mental act?\(^\text{14}\)

Now for the promised regress argument.\(^\text{15}\) Suppose you think that even the simplest overt free acts – e.g. freely nodding – must derive their freedom from some prior free mental act (e.g. a free decision to nod). Because the required mental act seems no simpler or easier than the relevant overt act, it seems you’re committed – on pain of treating like cases differently – to saying the required mental act is free only if preceded by a further free mental act (e.g. a free choice to decide to nod). Parallel considerations will then force you to say that the second required mental act is free only if preceded by another free mental act. Upshot: you’re committed to thinking that any free act whatsoever is preceded by infinitely many free acts – not a pretty picture! We should conclude, then, that there can be directly free overt acts: free overt acts that don’t derive their freedom from any prior free acts (mental or overt). But then we can sensibly view S’s nodding to S* as a directly free act after all. So I stand by my claim that Undetermined Nod is a counterexample to 3-GWP.

Having defended my dilemma’s first horn, I now turn to the second. Suppose we read 3-G’s consequent as either Might Well or Might. In particular, suppose we employ Might Well. That yields:

\begin{equation}
3-\text{G}_{\text{MW}}. \text{ If } S \text{ freely does something at } t \text{ counterfactually sufficient for } P’s \text{ truth at } t, \text{ then } S \text{ is (just before } t) \text{ able to act so that } P \text{ might well be true at } t.
\end{equation}

I’ll grant that 3-\(G_{\text{MW}}\) justifies premise 3, which then becomes:

\begin{equation}
3_{\text{MW}}. \text{ If } S \text{ freely does something at } t \text{ counterfactually sufficient for his A-ing rather than not A-ing at } t, \text{ then } S \text{ is (just before } t) \text{ able to act so that it might well be true that he A-s rather than not A-ing at } t.
\end{equation}

\(^{13}\) Cf. Mele (2003, 200–201).

\(^{14}\) Notably, Clarke himself argues for the possibility of directly free overt acts; see his (2003, 122–123).

\(^{15}\) The following argument is inspired by one Mele sketches for the conclusion that there can be intentional overt acts that don’t owe their status as intentional to prior intentional mental acts. Mele writes: [i]f an act of intention formation must occur in [every simple case of overt intentional action], why not suppose that the former act must be the product of another one . . . ? An infinite regress threatens” (2003, 200–201).
In light of Undetermined Nod, we can see that 4 is plausible only if read as:

\[4_{MW}. \text{ If } S \text{ freely } A\text{-s at } t \text{ and } S \text{ would have freely done something else had he not } A\text{-ed at } t, \text{ then } S \text{ is (just before } t) \text{ able to act so that it might well be false that he } A\text{-s rather than not } A\text{-ing at } t.\]

For we can understand Undetermined Nod so that, had S not freely nodded at t3, he’d have freely reconsidered whether nodding is the best way to signal interest to S*. But S isn’t at t2 able to act so that it would probably be false that he nods rather than reconsidering at t3\(^{16}\) – though he is at t2 able to act so that the indicated proposition might well be false.

Reading 3 and 4 as (respectively) 3\(_{MW}\) and 4\(_{MW}\), Clarke’s argument is valid only if 6 becomes:

\[6_{MW}. \text{ If } S \text{ is (i) able to act so that it might well be true that he } A\text{-s rather than not } A\text{-ing at } t \text{ and (ii) able to act so that it might well be false that he } A\text{-s rather than not } A\text{-ing at } t; \text{ then it is up to } S \text{ whether he } A\text{-s rather than not } A\text{-ing at } t.\]

Now 6\(_{MW}\) is an instance of:

\[6_{MW}\text{-Generalized}. \text{ If } S \text{ is (i) able to act so that it might well be true at } t \text{ and (ii) able to act so that it might well be false at } t, \text{ then it is up to } S \text{ whether it is } P \text{ at } t.\]

Undetermined Nod impugns 6\(_{MW}\)-G. Just before t3, S is (i) able to act so that he might well nod at t3 and (ii) able to act so that he might well do something else at t3. 6\(_{MW}\)-G thus implies that it is at t2 up to S whether he nods at t3. But it clearly isn’t then up to S whether he subsequently nods. The one relevant act that S can perform then – viz. sustaining his intention to nod – only makes it as likely as not that S subsequently nods. If at t you can’t do anything more than make it as likely as not that P will be true at t+1, then P’s truth-value at t+1 isn’t really up to you at t. Contrapositively: if P’s truth-value at t+1 really is up to you at t, then at t you (at least) can make it more likely than not that P will be true at t+1.\(^{17}\)

I conclude, then, that it isn’t at t2 up to S whether he nods at t3. Undetermined Nod is thus a counterexample to 6\(_{MW}\)-G, thereby undermining 6\(_{MW}\). The overall result: reading 3-G’s consequent as Might Well forces us to read 6 as the ill-supported 6\(_{MW}\). Finally, reading 3-G’s consequent as Might would force an even stronger reading of 6 than 6\(_{MW}\). So, we can conclude that if 3-G’s consequent is read as either Might Well or Might, step 6 of Clarke’s argument is unjustified.

My dilemma for Clarke’s defense of the Contrast Argument is now fully unfurled. To repeat – step 3 depends on:

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\(^{16}\) Recall: even if S performs the one (relevant) act within his power at t2, there is then a 50% chance that S will nod at t3.

\(^{17}\) For what it’s worth, I regard this conditional claim not only as quite plausible (which is all my argument here needs) but also as a strong candidate for analytic truth.
3-Generalized. If S freely does something at t counterfactually sufficient for P’s truth at t, then S is (just before t) able to act so that P is true at t.

Now 3-G’s consequent is ambiguous. We can give it one of the stronger ‘would’ readings or one of the weaker ‘might’ readings: with the former, Clarke’s argument fails at 3; with the latter, it fails at 6. Either way, Clarke’s argument doesn’t constitute a successful defense of the Contrast Argument from cases like the one involving Drew (described above). I conclude that we remain justified in rejecting step 3 of the Contrast Argument on the basis of such cases.*

REFERENCES


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