

# MASKS, ABILITIES, AND OPPORTUNITIES: WHY THE NEW DISPOSITIONALISM CANNOT SUCCEED

Christopher Evan Franklin

**Abstract:** Conditional analyses of ability have been nearly entirely abandoned by philosophers of action as woefully inadequate attempts of analyzing the concept of ability. Recently, however, Vihvelin (2004) and Fara (2008) have appealed to the similarity between dispositions and abilities, as well as recent advances in the metaphysics of dispositions, in order to construct putatively superior conditional analyses of ability. Vihvelin and Fara claim that their revised conditional analyses of ability enable them to show that Frankfurt-style cases fail to sever the connection between freedom and responsibility, and that compatibilism about free will and determinism is true. I argue, however, that even granting the truth of their dispositional analyses, they cannot achieve these aims. Vihvelin and Fara's fundamental error lies in their failing to appreciate the complex nature of free will and moral responsibility—specifically that agents' freedom and responsibility depend not only on their abilities, but also their opportunities.

## 1 INTRODUCTION

Traditionally, philosophers have been attracted to conditional analyses of ability (or 'can') because these analyses entailed that the ability to do otherwise—an ability that is often assumed to be necessary for free will and moral responsibility—is compatible with determinism. Consider the following analysis:

**Simple Conditional Analysis of Ability:** An agent *S* has the ability to perform an action *X* if and only if, were *S* to try to *X*, then *S* would *X*.<sup>1</sup>

There is nothing about determinism that implies that *if* one had chosen otherwise, then one would not do otherwise, and so, given the simple conditional analysis, there is no reason to think that the ability to do otherwise is incompatible with determinism. However, in recent years philosophers have all but abandoned attempts to offer conditional analyses of ability. The reason for this abandonment stems from two sources.

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<sup>1</sup> The apt name for this analysis is borrowed from Vihvelin (2004).

The first reason stems from these analyses' susceptibility to devastating counterexamples. The truth of the associated-conditional, 'If *S* had tried to *X*, he would have *X*ed' is not sufficient for the truth of the 'can' claim ('*S* can *X*').<sup>2</sup> Consider a case in which an agent intuitively cannot *X*. Suppose, for example, that Jones suffers from arachnophobia in such a way that he cannot choose to move himself within close proximity of a spider. In such a case Jones lacks the ability to squash a spider with his foot. Nevertheless, it is true that *if* Jones tried to squash a spider with his foot, then he would squash the spider with his foot. A world in which it is true that Jones tries to squash the spider will be a world in which he does not suffer from arachnophobia; and so we have every reason to think that Jones would be successful, in such a world, in his attempt to squash the spider. Since the truth of the associated-conditional is not sufficient for the truth of the 'can' claim, the simple conditional analysis of ability is false.<sup>3</sup> Many have concluded that this objection was the death knell of the conditional analysis of ability (cf. van Inwagen 1983; Wolf 1990; Berofsky 2002; McKenna 2009).

An additional *motivational* reason that led compatibilists to abandoned attempts to develop conditional analyses of ability stemmed from Frankfurt's (1969) work, in which he paved a new, and what seemed to many, a more promising line of defense of compatibilism about moral responsibility and determinism. Frankfurt offered a series of cases in which it seemed intuitive to judge an agent morally responsible and yet the agent putatively lacked the ability to do otherwise, thus rendering the following principle false:

**Principle of Alternative Possibilities (PAP):** an agent is morally responsible for an action *X* only if the agent had the ability to do otherwise than *X*.

Consequently, even if the ability to do otherwise is incompatible with determinism, this alone does not establish incompatibilism about moral responsibility and determinism. In light of Frankfurt-style cases, many compatibilists have shifted their focus to analyses of moral responsibility that make no appeal to the ability to do otherwise, thus diminishing much of the appeal of the simple conditional analysis.

Recently, however, Vihvelin (2004) and Fara (2008) have attempted to defend traditional compatibilism about free will and moral responsibility by resurrecting conditional analyses of ability.<sup>4</sup> That is, they assume that free will,

<sup>2</sup> There are also reasons to think that the truth of the associated-conditional is not necessary. For example, I might try to hole a putt that I have the ability to hole and yet fail (cf. Austin 1961). I will return to this example below.

<sup>3</sup> This objection was independently developed by Chisholm (1976) and Lehrer (1976).

<sup>4</sup> Smith (2003) offers a similar analysis, but because he is concerned to apply his analysis to a different set of issues (e.g., compulsion and weakness of will), and because his analysis is framed within a Humean moral psychology, making it difficult to know how the analysis would work on different assumptions about human psychology, I have chosen not to explicitly interact with his intriguing paper. However, I believe that much of my criticism of Vihvelin and Fara has equal force against Smith.

which includes the freedom to do otherwise, is necessary for moral responsibility, and seek to show that this freedom is compatible with determinism. Their accounts, though differing in important respects, can be characterized by the following two features. First, they both argue that the having of an ability is logically related to the having of a disposition. For example, Vihvelin argues that an ability is identical to a disposition or bundle of dispositions (2004, 431), while Fara argues that the possession of a disposition to *X when one tries* is sufficient for the possession of the ability to *X* (2008, 848). Second, they offer new and, putatively, improved conditional analyses of ability, which build on recent advances in the metaphysics of dispositions. Importantly, both Vihvelin and Fara maintain that their new analyses (i) avoid the sufficiency objection raised above, (ii) show that Frankfurt-style cases fail to sever the connection between free will<sup>5</sup> and moral responsibility, and (iii) show that free will is compatible with determinism. Clarke (2009) has dubbed these accounts “the new dispositionalism.”

I will argue below that neither account succeeds in establishing either (ii) or (iii). The fundamental source of difficulty with each account lies *not* in their positing the relevant logical connection (for Vihvelin *identity* and Fara *entailment*) between abilities and dispositions, nor in their attempting to offer conditional analyses of abilities. Rather, their fundamental error lies in failing to appreciate that free will and moral responsibility are grounded in more than an agent’s abilities: freedom and responsibility are also grounded in an agent’s opportunities. Vihvelin’s and Fara’s accounts only show (at best) that agents in Frankfurt-style cases and deterministic worlds possess the ability to do otherwise.<sup>6</sup> Their accounts do nothing to establish similar conclusions about the opportunity to do otherwise. My objection will grant, for the sake of argument, that Vihvelin’s and Fara’s analyses of abilities are correct,<sup>7</sup> and yet show that their desired conclusions—that free will is compatible with determinism and that Frankfurt-style cases fail—do not follow, since more is required for freedom and responsibility than possession of a range of abilities. I begin by briefly laying out the motivation for and content of Vihvelin’s and Fara’s analyses. I then argue that these accounts of abilities *cannot* establish either (ii) or (iii) above.

<sup>5</sup> I assume that free will requires that an agent have the freedom to do otherwise. It is this aspect of free will that Frankfurt-style cases aim to show is not necessary for moral responsibility.

<sup>6</sup> There are different ways of raising this objection. Alternatively, one might argue that there is a variety of species of ability, such as general and specific ability. Moreover, free will and moral responsibility require both that one has the general ability to do otherwise and the specific ability to exercise the general ability to do otherwise. The objection to Vihvelin and Fara would be that their accounts only show that agents in Frankfurt-style cases and deterministic worlds possess the general ability to do otherwise. Their analyses cannot establish that such agents also possess the specific ability to exercise their general ability to do otherwise.

<sup>7</sup> Clarke (2009) raises a host of worries about each of these analyses. Clarke’s main conclusion concerning Vihvelin’s and Fara’s analyses is that they *fail* to establish the failure of Frankfurt-style cases or the truth of compatibilism (2009, 324). I aim to defend a stronger verdict—namely that these accounts *cannot* establish their main conclusions. In this I hope to add to, and strengthen, Clarke’s poignant criticism of the new dispositionalism.

## 2 DISPOSITIONS AND DISPOSITIONAL ANALYSES OF ABILITY

The core of the new dispositionalism consists in a claim about the relation between abilities and dispositions and a development of a modified version of the simple conditional analysis of ability. Both Vihvelin and Fara motivate their accounts by arguing that there is a very near similarity between abilities and dispositions. Vihvelin, for example, writes:

There are some striking similarities between abilities and dispositions . . . . Abilities, like dispositions, don't typically pop into existence only on the occasion of their exercise or manifestation. Nor do they go out of existence simply because a person is not exercising them . . . . Finally, abilities, like dispositions, entail the corresponding 'can' claim. Someone with the ability to play piano is someone who can play the piano even when she's not playing it . . . . (2004, 431; cf. Fara 2008, 854)

Vihvelin offers these similarities as evidence that abilities are identical to dispositions or bundles of dispositions (2004, 431). Fara, however, believes that there remain important differences between abilities and dispositions and so instead posits a reciprocal entailment relation between the having of an ability and the having of a disposition (2008, 848).

Given the similarity between abilities and dispositions, Vihvelin and Fara exploit the improvements to the simple conditional analysis of *disposition* in order to repair the original problems with the simple conditional analysis of ability. Around the same time the simple conditional analysis of ability was in vogue, a similar simple conditional analysis of disposition was widely endorsed (cf. Ryle 1949; Goodman 1954; Quine 1960):

**Simple Conditional Analysis of Disposition:** An object *O* is disposed to *X* in conditions *C* if and only if, if *O* is in *C*, then *O Xs*.

It is now widely recognized that this analysis is false. Perhaps the two most important objections to it are the possibility of finks (Martin 1994) and masks (Johnston 1992; Bird 1998). Let us consider these counterexamples in turn.

A finkish disposition is a disposition that would vanish whenever it is in its manifestation conditions (Martin 1994). Consider an ordinary wine glass. The glass is fragile and so disposed to break when struck. Suppose, however, that this wine glass happens to be the powerful sorcerer Merlin's favorite glass, and he has cast the following spell: if the glass is about to be struck, then the physical structure of the glass will change so as to render the glass no longer fragile. Suppose as fortune would have it, the glass never comes in harm's way and so possesses the same physical structure at all times. Is the glass fragile? It seems obvious that it is and yet the disposition's associated-conditional is false: if the glass were struck, it would *not* break. Because of the sorcerer's spell, the manifestation conditions of fragility (e.g., being struck) lead to the glass's losing the disposition. Therefore, the simple conditional analysis of disposition is false.

A masked disposition is a disposition that, due to the presence of an extrinsic feature of the environment, is prevented from manifesting even when in its manifestation conditions (Johnston 1992; Bird 1998). While finkish dispositions may seem fantastical, masked dispositions are mundane. Consider a glass tightly nestled in bubble-wrap. The glass is still fragile and yet if the glass is dropped or struck it will not break, due to the presence of the bubble-wrap. So again we see that it is possible for an object to have a disposition even though its associated-conditional is false: if the glass were struck, it would *not* break.

Many have concluded that the central morals of finks and masks are that dispositions are grounded in the intrinsic properties of an object and that the conditional analysis of disposition is false precisely because it fails to draw this connection (cf. Lewis 1997; Bird 1998; Vihvelin 2004). The sorcerer's spell and the bubble-wrap leave the objects' intrinsic properties unaffected and this is why they do not deprive the objects of their dispositions.<sup>8</sup>

Vihvelin and Fara argue that the conditional analysis of ability fails for the exact same reasons: there can be finkish and masked *abilities*. In such cases the agent will possess the ability to *X* even though, if the agent tried to *X*, the agent would fail. Consider first the possibility of finkish abilities: suppose that I have the ability to speak Spanish, but, for some reason, Merlin has decided to cast the following spell on me: if I try to speak Spanish, the physical structure of my brain will change so that I no longer possess this ability. As it happens, I do not try to speak Spanish and so the structure of my brain remains intact. I retain the ability to speak Spanish even though the associated-conditional is false: if I tried to speak Spanish, then, due to the presence of the sorcerer's spell, I would not speak Spanish.

The possibility of masked abilities is also clear, although this notion differs somewhat from that of masked dispositions. An ability is masked only if the agent tries to exercise it but fails.<sup>9</sup> Fara gives the following example of a masked ability: "we can imagine that a certain sorcerer has the ability to frighten his enemies when they are near just by raising his eyebrows. But the ability can be masked by a literal *mask*: if the enemies do not see the eyebrows then the sorcerer will fail to exercise his ability even if he tries" (2008, 847). This is a masked ability (partly) because the sorcerer tries to exercise this ability but fails. If the sorcerer did not try to exercise the ability, then the ability would not have been masked, even though it is true that *if* the sorcerer tried to exercise the

<sup>8</sup> Fara (2005, 47) denies that dispositions are solely grounded in an object's intrinsic properties, although he does concede that "there are surely constraints on the kinds of ways objects may extrinsically [lose] dispositions" (Fara 2005, 47). This makes the moral from cases of finkish and masked dispositions more complicated, but presumably at least part of the moral is that the problems with the simple conditional analysis stem (partly) from its failing to make any reference to the intrinsic grounds of dispositions. We can accept this moral even if we think there is more to the grounds of dispositions than intrinsic properties. Indeed, Fara seems to draw something like this moral (Fara 2008, 70).

<sup>9</sup> Fara actually cites four necessary conditions for the ability to *X* in circumstances *C* to be masked: (i) the agent tries to *X*, (ii) circumstances *C* obtain, (iii) the agent retains the ability to *X* while trying, and (iv) the agent does not succeed in *X*ing (Fara 2008, 848).

ability he would fail, and thus the ability *would* have been masked (cf. Fara 2008, 848). The concept of a mask in the context of the abilities is not simply that of an extrinsic condition that prevents the exercise of an ability, but rather the concept of an extrinsic condition that prevents the agent's *actual attempt* to exercise an ability. This difference will become important below when we turn to discuss the issue of determinism, for, arguably, the existence of determinism prevents (in some sense) an agent from ever being able to do otherwise, but this does not make determinism a mask—for it will not be the case that determinism frustrates agents' actual attempts to exercise their abilities.

Given the similarity between abilities and dispositions, and the fact that abilities, like dispositions, can be finkish, Vihvelin concludes that we should draw the same moral concerning abilities as we did concerning dispositions: abilities are grounded in the intrinsic properties of an agent. Vihvelin revises the simple conditional analysis of ability to make the importance of intrinsic properties explicit:

**Revised Conditional Analysis of Ability:**<sup>10</sup> 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 (deciding, intending, or trying) to do *X* and *S*'s having *B* would jointly be an *S*-complete cause<sup>11</sup> of *S*'s doing *X*.<sup>12</sup> (Vihvelin 2004, 438)

Fara, moved by the fact that both dispositions and abilities can be masked offers us the following analysis of abilities:

**The Dispositional Analysis:** An agent has the ability to *A* in circum-

<sup>10</sup> Fischer (1994, 154–158) contains an early discussion of worries raised by finks about conditional analyses of ability, and suggests a similar revision as Vihvelin. In particular, Fischer argues that we should add an additional clause to the antecedent of the right side of the conditional analysis of ability that requires us to hold fixed the agent's "*actual physical capacities*" (1994, 158). Thus, the conditional would read, 'If she tried to *X* and retained her actual physical capacities . . . .' Unlike Vihvelin however, Fischer makes no claim that such capacities are solely grounded in an agent's intrinsic properties, nor does he suggest that such a modest revision will answer all worries about conditional analyses of ability.

<sup>11</sup> This notion comes from Lewis: an '*S*-complete cause' is "a cause complete insofar as havings of properties intrinsic to [*S*] are concerned, though perhaps omitting some events extrinsic to [*S*]" (cf. Lewis 1997, 156). In other words, an *S*-complete cause of *S*'s doing *X* requires that *S* possess all the intrinsic properties relevant to *S*'s causing *S*'s doing *X*.

<sup>12</sup> This analysis is very similar to Lewis's revised conditional analysis of disposition: "Something *x* is disposed at time *t* to give response *r* to stimulus *s* iff, for some intrinsic property *B* that *x* has at *t*, for some time *t'* after *t*, if *x* were to undergo stimulus *s* at time *t* and retain property *B* until *t'*, *s* and *x*'s having of *B* would jointly be an *x*-complete cause of *x*'s giving response *r*" (Lewis, 1997 157). Both Lewis's and Vihvelin's analyses run into trouble when we consider the possibility of masked dispositions and abilities, which appear to be cases in which the analysandum of these analyses is true, but the analysans is false. A masked disposition/ability is one in which the object or agent retains the intrinsic properties that ground the disposition/ability, the appropriate circumstances obtain, and yet the object fails to manifest the disposition or the agent fails to exercise (successfully) his ability. See Lewis (1997, 145) for a response to the charge that masks are problematic for his account. There is no need to press this worry against Vihvelin's account as my argument concedes the truth of her analysis, while denying that it establishes what she claims that it establishes.

stances *C* if and only if she has the disposition to *A* when, in circumstances *C*, she tries to *A*.<sup>13</sup> (Fara 2008, 848)

Unlike Vihvelin's analysis, Fara does not think that abilities are identical to dispositions, but he does posit an entailment relation between them: if I am disposed to *X* when I try, then I have the ability to *X*. Therefore, the possession of a disposition is *sufficient* for the possession of the relevant ability.

### 3 THE FAILURE OF THE NEW DISPOSITIONALISM

Rather than evaluating the truth of these analyses, I want to evaluate their implications and use. Vihvelin and Fara aim to use their modified conditional analyses to show both that Frankfurt-style cases fail to sever the connection between free will and moral responsibility, and also that freedom (and thus responsibility) is (are) compatible with determinism. To see the problem with these contentions consider the following case in which Jones has promised to pick up a friend from the airport, but just before he leaves, is kidnapped, tied tightly to a chair, and held for ransom. Let us assume both that Jones possessed all the necessary conditions (including abilities) for free will and responsibility before being kidnapped, and that the kidnappers are competent so that no matter how hard Jones tries to escape, he will fail. Suppose finally that Jones does his best to keep his promise but fails. Is Jones morally responsible for failing to fulfill his promise?

The answer is clearly a negative one,<sup>14</sup> and a very plausible explanation of Jones's lack of responsibility is that he *could* not have picked up his friend from the airport (due to the presence and actions of the kidnappers). Moreover, it is plausible to conclude that since Jones cannot fulfill his obligation he lacks free will with respect to this action. That is, we can explain Jones's lack of responsibility by his lack of freedom with respect to this omission. Vihvelin and Fara, however, cannot accept this explanation, for on their analyses Jones had the ability to pick up his friend from the airport, and since, on their theories, free will is solely built up out of an agent's abilities, Jones also possessed free will. Let me explain, in turn, why each analysis has this implication.

First, on Vihvelin's analysis, an agent's dispositions, and thus abilities, are solely grounded in an agent's intrinsic properties—properties that exist even when not being exercised. Vihvelin writes, "intrinsic properties are what we gain when we acquire an ability and what we lose when we lose an ability; they are what persist during the time that the person does not exercise her ability" (2004, 438). We can stipulate that, prior to being kidnapped, Jones possessed all the abilities, and thus intrinsic properties, required to pick up his friend from the airport: he had the ability to walk, drive a car, etc. So, if there is no change in

<sup>13</sup> The ability and disposition ascriptions have wide scope readings: this analysis is concerned with the ability to *X* in circumstances *C* and the disposition to *X* when, in circumstances *C*, she tries to *X* (cf. Fara 2008, 848).

<sup>14</sup> In order to avoid any worries that this is a case of derivative responsibility, let us assume that Jones is not responsible for being kidnapped.

Jones's intrinsic properties that ground his abilities, there is no change in Jones's abilities. Finally, suppose that Jones satisfies all the epistemic requirements for moral responsibility.

Does Jones's being kidnapped rob him of these abilities? It seems implausible to think it does. What grounds Jones's ability to drive is his properly working nervous system, its connection with his muscles throughout his body, his knowledge of how to steer a car, etc. It is not plausible to think that the mere act of kidnapping and being tied down robs Jones of these properties. Indeed, the kidnappers seem to function as masks: extrinsic circumstances and persons who prevent Jones's successfully exercising his ability to pick up his friend from the airport. And as we saw above, masks do not affect the possession of abilities (although they do affect the exercise of abilities). Hence, Vihvelin is committed to Jones's possessing all the abilities necessary for fulfilling his promise: he has the ability to choose to fulfill the promise and all the abilities required to execute this choice (the ability to stand up, the ability to walk out of the building and get into his car, the ability to drive his car, etc.). And since, for Vihvelin, free will is solely constituted by or grounded in abilities (Vihvelin 2004, 429), it follows that Jones possesses free will with respect to his failing to fulfill his promise. But this seems like the wrong conclusion. After all, Jones is not morally responsible for failing to fulfill the promise, and thus it would be surprising to learn that he yet possesses free will with respect to this omission. Of course, free will is not a sufficient condition for moral responsibility, and so it does not follow from someone's not being responsible that they are not free. In addition to the freedom or control condition, moral responsibility includes an epistemic condition.<sup>15</sup> However, we can simply stipulate (as I did above) that Jones satisfies whatever epistemic conditions must be satisfied for being morally responsible (he knows he made the promise, he knows how to fulfill the promise, etc.). Therefore, it should be possible to explain why Jones is not responsible by appealing to his failing to satisfy some aspect of the control condition for moral responsibility. But this is the rub: Vihvelin's account of free will divests her of the resources to explain Jones's non-responsibility since Jones, according to her theory, possesses free will.

The fundamental source of difficulty lies in Vihvelin's assumption that free will is exhausted by abilities. This assumption is only half correct. An agent's *will* is solely grounded in, or constituted by, his abilities, such as his ability to deliberate, to make choices, and to execute these choices in action. *Freedom*, however, does not consist in a further set of abilities, but rather the opportunity (or opportunities) to exercise his abilities that constitute his will. Thus, an agent has the freedom to do otherwise only if he possesses both the ability and opportunity to do otherwise.<sup>16</sup> For example, an agent who is tied tightly to a chair possesses the ability to stand up even though he lacks the opportunity to stand up. This analysis of free will affords us the resources required to explain why

<sup>15</sup> This two-condition account of moral responsibility goes back, at least, to Aristotle (1984, Book III).

<sup>16</sup> I offer a detailed defense of such a theory of free will in Franklin (2011).



Jones is not responsible: Jones, through no fault of his own, lacks the opportunity to fulfill his obligation. In this case, his being kidnapped and tied to a chair function as obstacles—they rob him of the opportunity to fulfill his promise, while leaving untouched his abilities necessary for fulfilling his promise.<sup>17</sup>

According to Vihvelin's analysis, free will is just a set of abilities, abilities are just (bundles of) dispositions, and dispositions are solely grounded in an agent's intrinsic properties. These claims prevent her from being able to appeal to the extrinsic features of an agent (such as being tied to a chair) in order to explain why the agent is not free. However, it is clear (as the case of Jones above illustrates) that extrinsic features can rob agents of free will. Therefore, even if Vihvelin is correct about the nature of abilities and dispositions, her analysis cannot be used to show that Frankfurt-style cases fail and that compatibilism is true—for we can simply recast these issues in terms of an agent's opportunities.<sup>18</sup> For example, Frankfurt-style cases can simply be rewritten as putative counterexamples to something like the following principle:

**Principle of Alternative Opportunities (PAO):** an agent is morally responsible for an action *X* only if the agent had the opportunity to do otherwise.<sup>19</sup>

It will be PAO, not PAP, that Frankfurt-style cases have their sights set on. These cases will seek to show not that agents lack the ability to do otherwise, but rather that they lack the opportunity to do otherwise. Consequently, that Vihvelin's analysis implies that agents in Frankfurt-style cases retain the ability to do otherwise does not bear the significance that it seemed to. What really matters is whether Frankfurt-style cases show that an agent can be morally responsible even though she lacks the opportunity to do otherwise. And Vihvelin's analysis of abilities *cannot* help in responding to these cases.

Similar remarks apply to the compatibility debate concerning free will and determinism. We can reformulate the worries in terms of the opportunity, rather than the ability, to do otherwise. The issue, then, will be whether it is possible for agents in deterministic worlds to possess the opportunity to exercise their will in more than one way: does the fact that in deterministic worlds every action is the inevitable consequence of the past and laws rob agents of the opportunity to do otherwise? Again Vihvelin's analysis *cannot* help in settling this question—for her analysis is wholly silent on the nature of opportunities.

Vihvelin's fundamental error lies in failing to appreciate that free will extends beyond an agent's abilities to include the agent's opportunities. That she made this error is clear from the fact that her claims about free will entail

<sup>17</sup> Compare remarks in Austin (1961, 176-177) discussing the restricted senses of 'can' versus the "all-in" sense of 'can,' under which an agent must have both the ability and opportunity to *X* in order for it to be true that the agent can *X*.

<sup>18</sup> To say we can "recast" these issues is, I believe, a misnomer. The issues at stake in Frankfurt-style cases and the compatibility question have never solely been about the thin notion of ability that Vihvelin and Fara focus on. However, their work does help to make *this* point clearer than perhaps it has been.

<sup>19</sup> I defend a variant of this principle in Franklin (forthcoming).

that free will solely depends on an agent's intrinsic make-up. One might at this point object that I have misread Vihvelin: although she does sometimes say that abilities are solely grounded in intrinsic properties of an agent, her analysis clearly makes abilities extrinsic. Consider again her analysis:

**Revised Conditional Analysis of Ability:** 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 (deciding, intending, or trying) to do *X* and S's having *B* would jointly be an S-complete cause of S's doing *X*. (Vihvelin 2004, 438)

This analysis gets the right verdict in Jones's case. Since Jones tries to fulfill his promise but fails, Vihvelin's analysis entails that Jones does *not* have the ability to fulfill his promise and thus she can straightforwardly explain why Jones is not responsible. Despite her claims to the contrary, her analysis renders the having of an ability dependent on an agent's extrinsic properties.

This tension in Vihvelin's work is real and it might seem that we ought to go with her explicit analysis of ability rather than some scattered remarks about its intrinsic nature. I think this is a mistake. She never claims that her analysis is "right," but only that the right analysis will be "reasonably close to it" (2004, 439). But we need not resolve this tension in Vihvelin—for either way her account fails to establish (ii) or (iii). I have already argued that when her account is interpreted in accordance with her claims about the intrinsic nature of ability, then her account fails to establish either (ii) or (iii). Let us now consider why her account fails to establish these claims when we restrict our attention to her analysis. The problem here is that her analysis implies that agents in Frankfurt-style cases do *not* have the ability to do otherwise. If the agent in this case attempts to do other than the counterfactual intervening desires, then she will fail, all the while retaining her intrinsic properties. Vihvelin's analysis renders abilities dependent on extrinsic conditions and thus, despite her claims to the contrary, the presence of the counterfactual intervener threatens the existence of the agent's ability to do otherwise. Moreover, by rendering abilities extrinsic, her claim that determinism does not threaten the existence of abilities is also called into question. If determinism is true, then one's environment and the laws of nature may well impinge on one in a way that threaten one's having the ability to do otherwise. This is not to say that if one takes abilities to be partly extrinsic properties, then Frankfurt-style cases and incompatibilism are straightforwardly vindicated. My point is simply that by conceptualizing abilities as partly dependent on an agent's extrinsic properties, Vihvelin is prevented from undermining Frankfurt-style cases and incompatibilism solely on the basis of her analysis of ability. On this reading then, her analysis of abilities does not have (ii) and (iii) as consequences.

In her discussion of Frankfurt-style cases it is clear that Vihvelin is leaning exclusively on her claims about the intrinsic nature of ability, not her analysis: "Since [the counterfactual intervener] never actually intervenes, he does not

tamper with any of Jones's intrinsic properties. It follows that [the intervener] does not tamper with any of Jones's dispositions, and thus also follows that [the intervener] does not tamper with or remove any of Jones's abilities" (2004, 447). These claims "follow" only if we ignore her analysis. It thus becomes clear that Vihvelin's claims about the intrinsic nature of ability are not merely a matter of her speaking loosely, but are driving her thoughts about these issues. But regardless of the right interpretation, either way her theory of the nature of ability fails to entail (ii) or (iii).

Unlike Vihvelin, Fara does not commit himself to a particular analysis of dispositions (for example he takes no stand on whether dispositions are solely grounded in the intrinsic properties of the agent) and so my objection to Fara's account must take a slightly different form.<sup>20</sup> Nevertheless, I believe that Fara suffers from the same fundamental error as Vihvelin: Fara also fails to appreciate that free will extends beyond an agent's abilities to include his opportunities. Recall that for Fara, it is possible for abilities to be masked, where masks are extrinsic circumstances that *prevent* an agent who tries to exercise an ability from successfully exercising the ability. In Jones's case above, it is plausible to construe the kidnappers and ropes as masks: they prevent Jones from exercising his ability to fulfill his promise. If this is right, then Jones will possess every ability required for fulfilling his promise, and yet will not be morally responsible for the omission. Assuming that Fara's analysis of abilities is correct, then this result shows that more is required for free will.<sup>21</sup>

That, according to Fara's analysis, Jones retains all the relevant abilities is clear. Consider Fara's remarks about a slightly different case:

I have the ability to open my office door. Both my hands and the door are in good working order; my cognitive capacities, like my capacity to remember that turning and pushing a handle is the way to open a door, are functioning just fine; my sensory-motor capacities are normal. If anyone ever has the ability to open a door, I have the ability to open my office door. But if I were to try to open the door I would fail: I have forgotten that it is locked. The fact that the door is locked does not *remove* my ability to open the door, but it does *mask* the ability. (Fara 2008, 854)

Fara is trying to make it intuitively clear that he possesses the ability to open the door, even though there exist conditions that would prevent him from successfully exercising this ability if he tried. In other words, Fara offers his description as evidence for the possibility of masked abilities: it is possible for an agent to possess an ability to *X* in circumstances *C*, to be in *C*, to try to exercise *X*, and yet there exists a mask that "prohibits" his successfully exercising that ability.

<sup>20</sup> This claim needs to be qualified. Fara in fact has developed and defended a nuanced account of the nature of dispositions in Fara (2005). However, Fara's analysis of abilities developed in Fara (2008) is not committed to a particular analysis of dispositions.

<sup>21</sup> Again, assume that Jones satisfies the epistemic condition on moral responsibility. Therefore, if he is not responsible, this must be because he fails to satisfy the freedom condition.

Let us assume that Fara is correct that it is possible for abilities to be masked. What he seems to fail to realize is that the possibility of masked abilities shows that more is required for free will than abilities. After all, Fara would not be morally responsible for, say, failing to fulfill a promise to meet with a student that afternoon: he is locked in his office and so *cannot* fulfill his promise (through no fault of his own)—he can try as hard as he wants, but due to the presence of a mask, he will fail to exercise his ability to meet with the student. Masks turn out to be excuses: if your ability to *X* is masked (through no fault of your own), then you are excused from responsibility for failing to *X*. Therefore, more than ability is required for freedom and responsibility. As before, I believe the missing condition is opportunity: masks rob agents of the opportunity to exercise their abilities.<sup>22</sup> What reveals the need for further conditions is the fact that an agent can possess all the abilities required to fulfill his obligation and yet still be excused from responsibility. In the case of the locked door, Fara possesses all the requisite abilities for opening the door and yet, in some intuitive sense, *cannot* open the door. The missing condition of freedom does not consist in the absence of an ability, but rather the opportunity to exercise his ability.

A problem arises at this juncture for assessing Fara's dispositional analysis of abilities. On his analysis, ascriptions of abilities are given wide scope readings so that it is not simply 'the ability to *X*' that is in question, but rather 'the ability to *X* in circumstances *C*.' This might lead one to object that Fara does possess the resources to explain why Jones is not morally responsible: Jones lacks the ability to fulfill his promise *when tied to a chair*. The worry here is that my objection has force only if I ignore Fara's claim that ability ascriptions are to be given wide scope readings.<sup>23</sup> I have ignored this contention, however, only because Fara himself does and *must*, in fact, ignore it—at least if he is going to have a chance of showing that Frankfurt-style cases fail and compatibilism is true. To appreciate this, consider, for example, Fara's case above in which he claims he possesses the ability to open his door, but that this ability is masked. Defending such a claim requires Fara not to build into the ability-description reference to certain features of his circumstances—such as 'when the door is locked.' Fara can only defend the claim that the locked door functions as a mask, and not a remover of his ability, by ignoring his claim about ability ascriptions having wide scope readings. Fara compares this case to a Frankfurt-style case and writes: "My predicament with respect to my ability to open my office door, however, is *exactly the same*, in all relevant respects, as [the agent in a Frankfurt-style case's] predicament with respect to his ability to act otherwise than he in fact acts" (2008, 854). Thus, we see also that unless Fara ignores his contention about ability ascriptions having wide scope readings, we

<sup>22</sup> The notion of 'opportunity' that I have isolated differs from the one that Fara discusses. According to Fara (2008, 846), an agent possesses the opportunity to exercise his ability to *X* in circumstances *C*, just in case the agent is in circumstances *C*. Masks do not rob agents of these kinds of opportunities. However, there is clearly a different (and perhaps more intuitive) notion of opportunity under which masks *do* rob agents of the opportunity to exercise their ability.

<sup>23</sup> I am grateful to Randy Clarke for raising this worry.

will have reason to view the counterfactual intervener in a Frankfurt-style case not as a potential masker of the agent's ability to do otherwise, but as a remover of this ability. After all, given the presence of the counterfactual intervener, it is unclear that the agent has the ability to do otherwise *in those circumstances*. The same worries arise when assessing whether determinism is a threat to an agent's having the ability to do otherwise: if ability ascriptions require wide scope readings, then determinism may well turn out to be incompatible with the ability to do otherwise. I am not here suggesting that if abilities are always given wide scope readings, then Frankfurt-style cases straightforwardly succeed and incompatibilism is straightforwardly true. My contention is rather that taking the claim about ability ascriptions seriously prevents Fara's analysis of abilities from entailing either that Frankfurt-style cases fail or that compatibilism is true. Regardless of whether one pays close attention to Fara's claims about ability ascriptions or ignores them (as Fara himself regularly does), Fara must do more in order to establish these claims.<sup>24</sup>

I want to consider one final response to my objection that comes from Fara himself. He writes, "The incompatibilist might wish to resist all that has been argued in this paper by insisting that the sense of 'ability' with which I have been concerned is not the sense that is properly at issue when considering questions about freedom and responsibility" (2008, 863). This is not quite what I have argued. I have argued that ability, as defined by Fara, does not exhaust the kind of freedom required for moral responsibility. In addition to ability, one must also have opportunity. But clearly Fara has something like my objection in mind. Here is his response: "If the incompatibilist is to resist [my] argument . . . she must maintain that the sorts of abilities involved in free action are abilities that cannot be masked. On this conception of ability, whenever one tries but fails to do something (as happens to most of us much of the time), it turns out that, on that occasion, one did not have the ability to do the thing in first place" (2008, 863). Fara claims that this places an "implausibly hard" burden to meet in order to be free (Fara 2008, 863). Again, even though the terminology differs, I believe that Fara's response is aimed at the kind of objection I am raising. We might rephrase Fara's response so that it gains traction against my objection as follows: by requiring that opportunities cannot be masked, we place a condition on freedom that is implausibly difficult to satisfy, since often one tries to exercise an ability one has the opportunity to exercise and yet fails.

It is unclear to me why Fara thinks that this requirement for freedom is "implausibly hard" to meet. Recall that a masked ability is an ability that one tries to exercise and yet, due to an extrinsic feature of the circumstance, it was impossible for one to successfully exercise the ability. Wouldn't such a situation provide an excuse *par excellence*? The fact that, through no fault of one's own, one's attempt to exercise one's ability failed, and indeed must have failed given the circumstances, is surely one of the strongest reasons there is for deny-

<sup>24</sup> It is ironic that both Vihvelin's and Fara's arguments that their respective analyses show that Frankfurt-style cases fail and compatibilism is true requires them to *ignore* crucial details of their analyses.

ing that one is free or morally responsible for this failure. I suspect that Fara's incredulity concerning this requirement stems from his unwittingly equivocating between the notion of ability and free will. To place this requirement on the mere possession of an ability does seem like an implausibly hard requirement. Clearly agents can have abilities they fail to exercise, even when they have tried to exercise these abilities. However, once we realize that this requirement is placed on free will and moral responsibility, and specifically the having of an opportunity, it seems eminently reasonable: masks function as excuses. If one's ability was masked, then one lacked the opportunity to exercise it, and thus one is neither free with respect to, nor morally responsible for, failing to exercise it.

It is crucial to observe that this framework, one in which masks excuse agents, is not a distinctively incompatibilist one. My claim is that the conditions that prevent an agent from successfully exercising an ability *that he tries to exercise* excuse him from moral responsibility for failing to exercise that ability. Compatibilists can readily accept this since there is no reason to think that determinism will interfere with agents successfully exercising the abilities they try to exercise. Nor is there reason to think that determinism would interfere with agents successfully carrying out attempts that they did not in fact try to carry out. Determinism is (at best) a threat to whether agents have the opportunity to try to exercise the ability in the first place (not whether they will succeed in exercising those abilities they do in fact try to exercise). Compatibilists can readily agree, then, that agents are excused when their abilities to fulfill their obligations are masked.

#### 4 CONCLUSION

There have been recent advances in the metaphysics of dispositions leading to new and improved analyses of dispositions. Given the similarity between dispositions and abilities, Vihvelin's and Fara have attempted to model new analyses of abilities on these improved analyses of dispositions. I have raised objections not to the truth of these analyses of abilities, but rather the use to which Vihvelin and Fara have attempted to put them. Specifically, I have argued that Vihvelin's and Fara's analyses of abilities cannot be of help in either showing that Frankfurt-style cases fail to sever the connection between free will and moral responsibility or that compatibilism is true. The irrelevance of their analyses is due to the fact that what is at stake in these disputes is not the ability to do otherwise, but rather the opportunity to do otherwise. This is evident once we distinguish having a will from having freedom over that will. Although a will is solely constituted by abilities, freedom over that will also requires opportunities to exercise the will. And Vihvelin's and Fara's analyses are silent about the nature of opportunities. Therefore, even though agents in Frankfurt-style cases and deterministic worlds can possess the ability to do otherwise, this is not sufficient to establish that Frankfurt-style cases fail or that compatibilism is true. In addition, one must show that such agents also possess

the opportunity to do otherwise. And on this score Vihvelin's and Fara's analyses are of no avail.<sup>25</sup>

Christopher Evan Franklin  
Biola University  
Department of Philosophy  
13800 Biola University  
La Miranda, CA 90639 USA  
E-mail: chris.franklin@biola.edu

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