

## Is Incompatibilism Intuitive?

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Incompatibilists believe free will is impossible if determinism is true, and they often claim that this view is supported by ordinary intuitions. We challenge the claim that incompatibilism is intuitive to most laypersons and discuss the significance of this challenge to the free will debate. After explaining why incompatibilists should want their view to accord with pretheoretical intuitions, we suggest that determining whether incompatibilism is *in fact* intuitive calls for empirical testing. We then present the results of our studies, which put significant pressure on the claim that incompatibilism is intuitive. Finally, we consider and respond to several potential objections to our approach.

Incompatibilists believe that the freedom associated with moral responsibility is impossible if determinism is true, and they often claim that this is the natural view to take given that it is purportedly supported by ordinary intuitions. In this paper, we challenge the claim that incompatibilism is intuitive to most laypersons, and we discuss the significance of this challenge to the free will debate. In doing so, we first argue that it is particularly important for incompatibilists that their view of free will is intuitive given that it is more metaphysically demanding than compatibilist alternatives (§1). We then suggest that determining whether incompatibilism is *in fact* intuitive calls for empirical testing of pretheoretical judgments about relevant cases (§2). We therefore carried out some empirical studies of our own, and the results put significant pressure on the claim that incompatibilism is intuitive to the majority of laypersons (§3). Having examined the relevant data, we consider several potential objections to our approach and show why they fail to get incompatibilists off the hook (§4). We conclude that while our preliminary data suggest that incompatibilism is not as intuitive as incompatibilists have

traditionally assumed, more work should be done both to determine what ordinary intuitions about free will and moral responsibility actually are and to understand what role these intuitions should play in the free will debate.

### 1. Why it matters whether incompatibilism is intuitive

By calling the free will debate “the problem of free will and determinism,” philosophers have traditionally assumed that there *is* a problem with the compatibility of free will and determinism unless and until proven otherwise. Accordingly, incompatibilists commonly lay claim to having the default position, with the two alternatives being either that we have free will—the libertarian view—or that we do not—the hard determinist (or skeptical) view. Carving out the philosophical territory in this way seems to place the burden of proof on compatibilists to provide an argument to show that what clearly seems to be a problem is not *really* a problem. Incompatibilists suggest that such attempts to analyze freedom along compatibilist lines betray common sense and fail to satisfy the intuitions of ordinary people. For instance, Robert Kane writes,

In my experience, most ordinary persons start out as natural incompatibilists. They believe there is some kind of conflict between freedom and determinism; and the idea that freedom and responsibility might be compatible with determinism looks to them at first like a ‘quagmire of evasion’ (William James) or ‘a wretched subterfuge’ (Immanuel Kant). Ordinary persons have to be talked out of this natural incompatibilism by the clever arguments of philosophers. (1999: 217)

Similarly, Laura Ekstrom claims that “we come to the table, nearly all of us, as pretheoretic incompatibilists” (2002: 310). Galen Strawson contends that the incompatibilist conception of free will, though impossible to satisfy, is “just the kind of freedom that most people ordinarily and unreflectively suppose themselves to possess” (1986: 30), adding that it is “in our nature to take determinism to pose a serious problem for our notions of responsibility and freedom” (89). And Thomas Pink tells us that “most of us start off by making an important assumption about freedom. Our freedom of action, we naturally tend to assume, must be incompatible with our actions being determined” (2004: 12).<sup>1</sup> On this view, because most people purportedly have the intuition that determinism conflicts with free will, any conception of freedom that does *not* require the falsity of determinism for agents to count as free and morally responsible is bound to be an evasion of—not a solution to—the problem. But are incompatibilists justified in assuming that the majority of laypersons share their own incompatibilist intuitions about free will?

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<sup>1</sup> See also Smilansky (2003: 259), Pereboom (2001: xvi), O’Connor (2000: 4), and Campbell (1951: 451).

Of course, if philosophers were concerned exclusively with a technical philosophical concept of free will, then appeals like those above to ordinary people's intuitions would be entirely irrelevant—just as they would be irrelevant for logicians debating the concept of validity or mathematicians analyzing the concept of infinity. But there is a reason why philosophers appeal to ordinary intuitions and common sense when they debate about free will: they are interested in developing a theory of freedom that is relevant to our ordinary beliefs about moral responsibility. Given that most philosophers are concerned with the kinds of free will “worth wanting” (Dennett 1984), an acceptable theory of free will should elucidate the abilities presupposed by our practices of attributing praise and blame, our expressions of reactive attitudes such as indignation and gratitude, and our systems of punishment and reward. Often, such a conception of freedom is also tied to our sense of dignity, individuality, creativity, hope, and love.<sup>2</sup> Because the free will debate is intimately connected to ordinary intuitions and beliefs via these values and practices, it is important that a philosophical theory of free will accounts for and accords with ordinary people's understanding of the concept and their judgments about relevant cases. Minimally, any theory of freedom that conflicts with such intuitions should explain both why our intuitions are mistaken and why we have those misleading intuitions in the first place.<sup>3</sup>

It is especially important for incompatibilists that their view is supported by ordinary intuitions for the following three reasons. First, incompatibilism about any two concepts is *not* the default view. As William Lycan explains, “A theorist who maintains of something that is not obviously impossible that nonetheless that thing *is* impossible owes us an argument” (2003: 109). Either determinism obviously precludes free will or those who maintain that it does should offer an explanation as to why it does. The *philosophical* conception of determinism—i.e., that the laws of nature and state of the universe at one time entail the state of the universe at later times—has no obvious conceptual or logical bearing on human freedom and responsibility. So, by claiming that determinism *necessarily* precludes the existence of free will, incompatibilists thereby assume the argumentative burden.<sup>4</sup>

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<sup>2</sup> See Kane (1996: ch. 6), as well as Clarke (2003: ch.6) for helpful discussions of these issues.

<sup>3</sup> Though some compatibilists present their view as an error theory of this sort or as a revision of ordinary conceptions of free will, most follow incompatibilists in claiming that their own theories of freedom and responsibility best accord with ordinary intuitions. For instance, Frankfurt cases (1969) are designed to pump the intuition that the freedom necessary for moral responsibility does not require the ability to do otherwise. See also Dennett (1984), Wolf (1990: 89), Lycan (2003), and Nowell-Smith (1949: 49).

<sup>4</sup> See Warfield (2000) for an explanation of why the proper incompatibilist view is *not* the contingent claim, “If determinism is true then there is no freedom,” but the stronger claim, “Necessarily, if determinism is true then there is no freedom” (169). Arguably, any claims about necessity (impossibility) are more contentious than claims about possi-

Second, the arguments that incompatibilists accordingly provide to explain why determinism necessarily precludes free will require conceptions of free will that are more metaphysically demanding than compatibilist alternatives. These libertarian conceptions demand more of the world in order for free will to exist: at a minimum, indeterministic event-causal processes at the right place in the human agent, and often, additionally, agent causation. To point out that incompatibilist theories are metaphysically demanding is not to suggest that they are thereby less likely to be true. Rather, it is simply to say that these theories require more motivation than less metaphysically demanding ones.

Consider an example. Suppose two philosophers—Hal and Dave—are debating what it takes for something to be an action. Hal claims that actions are events caused (in the right sort of way) by beliefs and desires. Dave agrees, but adds the further condition that the token beliefs and desires that cause an action cannot be identical to anything physical. Now Dave, by adding this condition, does not thereby commit himself to the claim that token beliefs and desires are *not* physical. But he *does* commit himself to the conditional claim that token beliefs and desires are not physical *if there are any actions*. On our view, if  $T_1$  and  $T_2$  are both theories of  $x$ , then to say that  $T_1$  is more metaphysically demanding than  $T_2$  is to say that  $T_1$  requires more metaphysical theses to be true than  $T_2$  does *in order for there to be any  $x$ 's*. So, Dave's theory is more metaphysically demanding than Hal's because it requires more metaphysical theses to be true in order for there to be any actions. Likewise, incompatibilists—whether libertarians or skeptics—have more metaphysically demanding theories than compatibilists and other non-incompatibilists (e.g., Double 1991, 1996) since they say that special kinds of causation (indeterministic or agent-causation) must obtain *if there are any free actions*.<sup>5</sup>

Given that, on Dave's theory of action the existence of actions is incompatible with the token-identity of mental states, his theory will be harder to motivate than Hal's, which does not require extra metaphysical entities in

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bility. To illustrate, consider that quantifying over possible worlds, the claim " $X$  is possible" is existential—there is at least one world where  $X$  obtains—whereas the claim " $X$  is impossible" is universal—for *all* worlds,  $X$  fails to obtain (Lycan 2003). See also Chalmers (1996) who writes, "In general, a certain burden of proof lies on those who claim that a certain description is logically *impossible*.... If no reasonable analysis of the terms in question points towards a contradiction, or even makes the existence of a contradiction plausible, then there is a natural assumption in favor of logical possibility" (96).

<sup>5</sup> Even though hard determinists or skeptics about free will are not committed to the *existence* of libertarian free will, they *are* committed to the libertarian *conception* of free will since their arguments require this conception to reach the conclusion that free will does not (or could not) exist. Hence, skeptics, like libertarians, require motivation for the accuracy of this conception, and they often do so by suggesting that incompatibilism is the commonsensical or intuitive view (see, for instance, Strawson 1986 and Smilansky 2003).

order for actions to be possible.<sup>6</sup> Likewise, since incompatibilist theories of free will say the existence of free will is incompatible with determinism, these theories, other things being equal, will be harder to motivate than compatibilist theories, which do not require the existence of extra metaphysical processes, such as indeterminism or agent causation, in order for free actions to be possible. As we've seen, many incompatibilists have attempted to motivate their metaphysically demanding theories, at least in part, by suggesting that other things are *not* equal because our ordinary intuitions support incompatibilist views. This is not to say that incompatibilists *must* appeal to such intuitions in order to motivate their demanding theories (see §§4.2-4.3 below). Nonetheless, it is certainly unclear why, without wide-scale intuitive support for incompatibilism, the argumentative burden would be on *compatibilists*, as suggested by Kane above, and by Ekstrom when she claims that the compatibilist “needs a positive argument in favor of the compatibility thesis” (2000: 57).

Finally, *if* it were shown that people have intuitions that in fact support incompatibilism, it would still be open to foes of incompatibilism to argue that, relative to ordinary conceptions of freedom and responsibility, their view is a benign revision towards a more metaphysically tenable theory.<sup>7</sup> Incompatibilists, on the other hand, do not seem to have this move available to them in the event that their view is inconsistent with prephilosophical intuitions. After all, it is difficult to see why philosophers should revise the concept of free will to make it *more* metaphysically demanding than required by ordinary intuitions (see §4.3).<sup>8</sup> So, if incompatibilism is not the intuitive

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<sup>6</sup> Of course, Dave may have an independent argument against the possibility of token-identity, in which case his further incompatibility claim becomes somewhat uninteresting. But this would be akin to a philosopher having an independent argument against the possibility of determinism and then concluding that, necessarily, if we have free will, determinism is false—this has, *prima facie*, nothing to do with the compatibility question and everything to do with the validity of the inference from “ $\Box \sim p$ ” to “ $\Box (q \supset \sim p)$ .” We take incompatibilism to be the statement of a thesis more substantial than this.

<sup>7</sup> See Vargas (forthcoming). Compatibilists may also be better situated to offer error theories to explain why people sometimes express incompatibilist intuitions even though this need not commit them to incompatibilist theories. See, for instance, Velleman (2000) and Graham and Horgan (1998).

<sup>8</sup> There is a fourth reason that some incompatibilists should want their view to be intuitive to ordinary people. Peter Strawson (1962) offered a compatibilist argument to the effect that we cannot and should not attempt to provide metaphysical justifications for our practices of moral responsibility (e.g., praise and blame), which are grounded in reactive attitudes such as indignation and gratitude. He suggested such practices are subject to justifications and revisions based only on considerations *internal* to the relevant practices and attitudes, but not on considerations *external* to the practice, including, in his view, determinism. But incompatibilists, notably Galen Strawson, have responded to this argument by suggesting that the question of determinism is *not* external to our considerations of moral responsibility (see also Pereboom 2001). That is, they claim that our reactive attitudes themselves are sensitive to whether human actions are deterministically caused. As Galen Strawson puts it, the fact that “the basic incompatibilist intuition that determin-

view, or if no premises that support incompatibilist conclusions are particularly intuitive, then there seems to be little motivation for advancing an incompatibilist theory of free will.

This is not to suggest that compatibilist, or other non-incompatibilist (see §4.2.3), theories are *correct*, nor is it to suggest that incompatibilist theories are *incorrect*—these claims go far beyond the scope of the present essay. We have simply set out to show why it makes sense for incompatibilists to claim that most people share their intuitions about free will and determinism. On the one hand, by aligning their view with commonsense, they thereby place the burden of proof on their opponents. On the other hand, by assuming that their theories are the most intuitive, they are able to motivate their metaphysically demanding conception of free will. This last point is particularly important, for if it turns out that incompatibilist theories are not nearly as intuitive as incompatibilists themselves commonly assume, then it becomes increasingly difficult to see why we should adopt these theories. However, so long as incompatibilists are allowed to *assume* that their theories best accord with and account for ordinary intuitions, they may also assume that they do not need to offer much by way of motivating their view.

But what evidence are incompatibilists relying on when they talk about the wide-scale intuitive plausibility of their theories? Usually, it is the same evidence philosophers typically give when they claim some idea is intuitive (or commonsensical or obvious)—namely, that it is intuitive *to them*. Unfortunately, because philosophers on differing sides of the debate disagree about the compatibility question and the proper analysis of ‘free will,’ they tend to disagree about the intuitive plausibility of many of the more basic premises or thought experiments that drive the debate as well—for instance, the effectiveness of Frankfurt cases, the analysis of ‘could have done otherwise,’ and the validity of inference rules employed in incompatibilist arguments, such as Peter van Inwagen’s rule ‘Beta’ (1983). As a result, these philosophers find themselves at various argumentative impasses, often grounded in a conflict of intuitions.<sup>9</sup>

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ism is incompatible with freedom ... has such power for us is as much a natural fact about cogitative beings like ourselves as is the fact of our quite unreflective commitment to the reactive attitudes. What is more, the roots of the incompatibilist intuition lie deep in the very reactive attitudes that are invoked in order to undercut it. The reactive attitudes enshrine the incompatibilist intuition” (1986: 88). If it turned out that this claim is false—that most people’s reactive attitudes are *not* in fact sensitive to considerations of determinism—then this particular incompatibilist response to the elder Strawson’s argument would fail. While there are other responses to Peter Strawson’s views, we interpret some of the claims that incompatibilism is intuitive as attempts to shore up this response that our ordinary reactive attitudes and attributions of moral responsibility are sensitive to determinism. And we accordingly view any evidence to the contrary as strengthening Peter Strawson’s suggestion that determinism is irrelevant to debates about freedom and responsibility and, accordingly, as weakening incompatibilism.

<sup>9</sup> See Fischer (1994) on what he calls “Dialectical Stalemates.”

Given this stalemate of *philosophical* intuitions concerning free will and determinism, it is not surprising that philosophers often back up their position with appeals to *prephilosophical* intuitions. But since philosophers on both sides of the debate generally claim that their own intuitions are the natural, commonsensical ones, these opposing claims end in yet another stalemate. It would help, therefore, to know which position in fact accords best with the intuitions of philosophical laypersons who have not been significantly influenced by the relevant philosophical theories and arguments.

## 2. How to determine whether incompatibilism is intuitive

Whether or not incompatibilism is intuitive to the majority of laypersons is a manifestly empirical question that we will examine accordingly. Here we depart from a standard philosophical methodology, whereby philosophers consult their *own* intuitions from the armchair and assume that they represent ordinary intuitions. While this practice may be appropriate when such an assumption is uncontroversial, it does not shed much light on the free will debate because, as we've suggested, philosophers have conflicting intuitions, intuitions that may well have been influenced by their own well-developed theories. So, we suggest that the free will debate calls for the kind of empirical research on 'folk intuitions' that has recently been carried out in other areas of philosophy—for instance, action theory (e.g., Nadelhoffer 2004, forthcoming; Knobe 2003, 2004), epistemology (e.g., Nichols, Weinberg, and Stich 2002), and ethics (e.g., Doris and Stich forthcoming). This type of research has produced some surprising and important results about what ordinary people's intuitions actually are. And given that such intuitions often play an important role in debates about freedom and responsibility, we believe that applying the same empirically informed methodology to these debates will be equally illuminating (see Nahmias, Morris, Nadelhoffer, and Turner 2004, forthcoming; Nichols 2004).

It is important to keep in mind that we are not suggesting that any philosophical theory would be demonstrably confirmed (or disconfirmed) just because it aligns with (or conflicts with) folk intuitions and practices. After all, such intuitions and practices may be mistaken or contradictory and hence in need of elimination or revision. (Of course, to know the extent to which they need to be eliminated or revised, we must first know what these intuitions and practices actually are.) Nonetheless, on our view, a theory of free will that accords with those intuitions relevant to things we care about, such as ascriptions of moral responsibility, has, all else being equal, a theoretical advantage over a theory that demands revision or elimination of such intuitions. Though the nature of intuitions and their role in philosophical debates is controversial (see DePaul and Ramsey, 1998), many philosophers accept that, at a minimum, a theory that conflicts with widely shared intuitions

takes on a cost that must be offset by other theoretical advantages, while a theory that accords with relevant intuitive judgments has “squatter’s rights.”<sup>10</sup>

Therefore, we believe that it is important to know what these intuitions actually are and that empirical research will sometimes be necessary to ascertain the answer. In this respect, we agree with Frank Jackson’s claim that philosophers analyzing the concept of free will should “appeal to what seems most obvious and central about free action [and] determinism ... as revealed by our intuitions about possible cases” (1998: 31), and we follow through on his suggestion that one should conduct “serious opinion polls on people’s responses to various cases ... when it is necessary” (36-37).<sup>11</sup> While such systematic studies may ultimately be work best left to psychologists and sociologists, philosophers are well situated to lay out the philosophical problems and to develop scenarios that probe the intuitions relevant to them. Moreover, in the event that psychologists and sociologists have not yet generated the data that philosophers need—as is the case with the free will debate—philosophers should not shy away from getting their hands dirty by trying to test folk intuitions themselves in a systematic way, even if their results will be merely preliminary. Having said this, we should now examine the results of our own attempts to probe laypersons’ intuitions about free will and responsibility—with an eye towards ascertaining whether incompatibilism really is intuitive.

### 3. Testing whether incompatibilism is intuitive

It is difficult to know what philosophers have in mind when they claim that ordinary people start out as “natural incompatibilists.” For our purposes, we take intuitions to be propensities to make certain non-deductive, spontaneous judgments about, for instance, whether or not a particular concept applies in a particular situation.<sup>12</sup> So, one way to read the claim that incompatibilism is intuitive is as a *prediction* about the judgments laypersons would make in response to relevant thought experiments. Consider Kane’s assertion that “ordinary persons ... believe there is some kind of conflict between freedom and determinism” (Kane 1999: 217).<sup>13</sup> This suggests the following prediction:

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<sup>10</sup> See Graham and Horgan (1998: 273). We will not be developing a defense of the role of intuitions in philosophical debates (though see §4.3), since our main target is incompatibilists who claim they have the support of ordinary intuitions and hence seem to accept that intuitions play some significant role in the debate.

<sup>11</sup> See also Stich and Weinberg (2001), and Graham and Horgan (1998), who write, “philosophy should regard armchair-obtainable data about ideological [i.e., conceptual] questions as empirical, and hence defeasible” (277).

<sup>12</sup> See Goldman and Pust (1998: 182) and Jackson (1998).

<sup>13</sup> Or Pink’s assertion that “the intuition that Incompatibilism is true ... is very general. For most people who are new to philosophy, nothing else makes sense” (2004: 14).

(P) When presented with a deterministic scenario, most people will judge that agents in such a scenario do not act of their own free will and are not morally responsible for their actions.

To see that (P) is a fair way of reading incompatibilist claims about people's intuitions, consider J.A. Cover and John O'Leary-Hawthorne's charge that any suggestion that "compatibilism does full justice to our ordinary conception of freedom ... is at best poor anthropology" (1996: 50). Their supposed anthropological "evidence" to the contrary consists of the assertion that:

When ordinary people come to consciously recognize and understand that some action is contingent upon circumstances in an agent's past that are beyond that agent's control, they quickly lose a propensity to impute moral responsibility to the agent for that action. We can readily explain this fact by supposing that ordinary people have a conception of freedom, agency, and moral responsibility according to which an action is free and accountable only if that action is not fully determined by circumstances, past or present, that are beyond the agent's control. (50-51)<sup>14</sup>

We suggest that incompatibilists making these sorts of claims about the intuitions and beliefs of ordinary people are tacitly committed to something along the lines of (P). And since (P) is an empirically testable prediction, we tested it.

We surveyed people who had not studied the free will debate. In our first study, participants read the following scenario, drawn from a Laplacean conception of determinism:

Imagine that in the next century we discover all the laws of nature, and we build a supercomputer which can deduce from these laws of nature and from the current state of everything in the world exactly what will be happening in the world at any future time. It can look at everything about the way the world is and predict everything about how it will be with 100% accuracy. Suppose that such a supercomputer existed, and it looks at the state of the universe at a certain time on March 25<sup>th</sup>, 2150 A.D., twenty years before Jeremy Hall is born. The computer then deduces from this information and the laws of nature that Jeremy will definitely rob Fidelity Bank at 6:00 PM on January 26<sup>th</sup>, 2195. As always, the supercomputer's prediction is correct; Jeremy robs Fidelity Bank at 6:00 PM on January 26<sup>th</sup>, 2195.

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<sup>14</sup> Cover and Hawthorne draw this conclusion in part from discussions with their philosophy students (1996: 51). Similarly, Derk Pereboom writes, "Beginning students typically recoil at the compatibilist response to the problem of moral responsibility" (2001: xvi), and Timothy O'Connor writes, "Does freedom of choice have this implication [that causal determinism must be false]? It seems so to the typical undergraduate on first encountering the question" (2000: 4). We suspect that such responses from students are influenced by the way the problem is presented to them, and we have our own unscientific "evidence" indicating that a compatibilist teacher can present the issue so that most students don't see a problem with determinism and raise their hands in support of a compatibilist conception of free will. Thus, we suggest surveying people who have not yet been exposed to the relevant philosophical concepts and arguments (and our own methodology follows this suggestion—see below).

Participants were asked to imagine that such a scenario were actual and then asked: “Do you think that, when Jeremy robs the bank, he acts of his own free will?” A significant majority (76%) of participants judged that Jeremy does act of his own free will.<sup>15</sup> One might worry that people are inclined to overlook mitigating factors when judging the freedom or responsibility of an agent who has performed an action they deem immoral. To test for the possibility that participants were influenced by the negative nature of the action, we replaced Jeremy’s robbing the bank with a positive action (saving a child) for another set of participants and a neutral action (going jogging) for a third set. Changing the nature of the action had no significant effect on responses: 68% judged that Jeremy saves the child of his own free will, and 79% judged that he goes jogging of his own free will. We also asked additional sets of participants directly about moral responsibility: 83% responded that Jeremy is “morally blameworthy for robbing the bank,” and 88% responded that “he is morally praiseworthy for saving the child.”

Notice that we did not actually use the term ‘determinism’ in the scenario. This is in part because in prior surveys we found that most people either did not know what ‘determinism’ meant or they thought it meant, basically, the opposite of free will. If people have internalized the philosophical label “the problem of free will and determinism” and come to understand ‘determinism’ to *mean* the opposite of free will, that would count as support for the claim that incompatibilism is intuitive only at the cost of making incompatibilism an empty tautology. Rather, the claim that incompatibilism is intuitive should amount to the claim that ordinary intuitions about free will and moral responsibility indicate a conflict with the *philosophical* conception of ‘determinism’—and it is irrelevant to *this* claim how laypersons happen to use the term ‘determinism.’ Hence, our goal was to describe determinism, roughly in the philosophical sense of the concept, without presenting determinism in a question-begging way as explicitly involving constraint, fatalism, reductionism, etc.<sup>16</sup> Of course, to test prediction (P), determinism should be as salient to participants as possible without being misleading.

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<sup>15</sup> For a complete description of this and other studies, including methodology, statistical significance, and various objections and replies, see Nahmias *et al.* (forthcoming). For all of the studies, participants were students at Florida State University who had never taken a college philosophy course.

<sup>16</sup> This is not to suggest that there is a univocal understanding of the philosophical conception of determinism (see, e.g., Earman 2004). However, incompatibilists tend to use the description of determinism offered by van Inwagen (1983: 65): a proposition expressing the state of the world at any instant conjoined with the laws of nature entails any proposition expressing the state of the universe at any other time. There are also debates about how to understand the laws of nature; see Beebe and Mele 2002 for an interesting discussion of the relationship between Humean conceptions of laws and the compatibility question.

With this in mind, we developed a second scenario using a simpler, and perhaps more salient, presentation of determinism:

Imagine there is a universe that is re-created over and over again, starting from the exact same initial conditions and with all the same laws of nature. In this universe the same conditions and the same laws of nature produce the exact same outcomes, so that every single time the universe is re-created, everything must happen the exact same way. For instance, in this universe a person named Jill decides to steal a necklace at a particular time, and every time the universe is re-created, Jill decides to steal the necklace at that time.<sup>17</sup>

The results were similar to those above. In this case the participants were asked both to judge whether Jill decided to steal the necklace of her own free will and whether “it would be fair to hold her morally responsible (that is, blame her) for her decision to steal the necklace.”<sup>18</sup> Most participants offered consistent judgments; overall, 66% judged that Jill acted of her own free will, and 77% judged her to be morally responsible.

Finally, we developed a scenario meant to make salient the fact that the agents’ actions were deterministically caused by factors outside their control (their genes and upbringing):

Imagine there is a world where the beliefs and values of every person are caused completely by the combination of one’s genes and one’s environment. For instance, one day in this world, two identical twins, named Fred and Barney, are born to a mother who puts them up for adoption. Fred is adopted by the Jerksons and Barney is adopted by the Kindersons. In Fred’s case, his genes and his upbringing by the selfish Jerkson family have caused him to value money above all else and to believe it is OK to acquire money however you can. In Barney’s case, his (identical) genes and his upbringing by the kindly Kinderson family have caused him to value honesty above all else and to believe one should always respect others’ property. Both Fred and Barney are intelligent individuals who are capable of deliberating about what they do.

One day Fred and Barney each happen to find a wallet containing \$1000 and the identification of the owner (neither man knows the owner). Each man is sure there is nobody else around. After deliberation, Fred Jerkson, because of his beliefs and values, keeps the money. After deliberation, Barney Kinderson, because of his beliefs and values, returns the wallet to its owner.

Given that, in this world, one’s genes and environment completely cause one’s beliefs and values, it is true that if Fred had been adopted by the Kindersons, he would have had the

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<sup>17</sup> We should point out that in this survey and all others, participants were instructed to reason conditionally from the assumption that the scenario is actual. For instance, in this one, we wrote: “In answering the following questions, assume that this scenario is an accurate description of the universe in which Jill steals the necklace (regardless of whether you think it might be an accurate description of the way *our* universe works).” We also used manipulation checks on the back of the surveys to ensure that participants understood the nature of the scenario and excluded those who missed the manipulation check. For instance, in this study participants were excluded if they responded ‘no’ to the question: “According to the scenario, is it accurate to say that every time the universe is re-created, Jill makes the same decision?”

<sup>18</sup> Questions were counterbalanced for order effects and none were found.

beliefs and values that would have caused him to return the wallet; and if Barney had been adopted by the Jerks, he would have had the beliefs and values that would have caused him to keep the wallet.

Judgments about free will were consistent with the results in the other scenarios: 76% of the participants judged both that Fred kept the wallet of his own free will and that Barney returned it of his own free will. A different set of participants answered questions about moral responsibility, with 60% judging that Fred is morally blameworthy for keeping the wallet and 64% judging that Barney is morally praiseworthy for returning it.

*Table 1: Summary of Results*

Subjects' judgments that the agents...	Scenario 1 (Jeremy)	Scenario 2 (Jill)	Scenario 3 (Fred & Barney)
...acted of their own <b>free will</b>	76% (robbing bank) 68% (saving child) 79% (going jogging)	66%	76% (stealing) 76% (returning)
...are <b>morally responsible</b> for their action	83% (robbing bank) 88% (saving child)	77%	60% (stealing) 64% (returning)

The results from these three studies offer considerable evidence for the falsity of the incompatibilist prediction (P)—i.e., the prediction that most ordinary people would judge that agents in a deterministic scenario do not act of their own free will and are not morally responsible. Instead, a significant majority of our participants judged that such agents *are* free and responsible for their actions.<sup>19</sup> If (P) represents the claim that incompatibilism is intuitive, then pending evidence to the contrary, incompatibilism is *not* intuitive. Obviously, these results do not thereby falsify incompatibilism. But they certainly raise a significant challenge for the common claim that ordinary people start out with incompatibilist intuitions and that, hence, the burden is on compatibilists to defend theories purported to be significant revisions of ordinary beliefs and practices. Rather, given this preliminary data, we suggest the burden is on incompatibilists to motivate a theory of free will that

<sup>19</sup> We should point out that in this survey and all others, participants were instructed to reason conditionally from the assumption that the scenario is actual. For instance, in this one, we wrote: "In answering the following questions, assume that this scenario is an accurate description of the universe in which Jill steals the necklace (regardless of whether you think it might be an accurate description of the way *our* universe works)." We also used manipulation checks on the back of the surveys to ensure that participants understood the nature of the scenario and excluded those who missed the manipulation check. For instance, in this study participants were excluded if they responded 'no' to the question: "According to the scenario, is it accurate to say that every time the universe is re-created, Jill makes the same decision?"

appears to be more metaphysically demanding than ordinary intuitions demand.

#### 4. Objections, replies, and implications

We will now examine several moves incompatibilists might make in response to our approach: (1) garner empirical evidence in support of (P) that outweighs our evidence against it; (2) replace (P) with some other description of what it means to say that incompatibilism is intuitive and demonstrate that this alternative principle is supported by ordinary intuitions; or (3) give up the claim that incompatibilism is intuitive and argue that this does not affect the strength of the incompatibilist position.

##### 4.1 Generate empirical evidence in support of (P)

There are various methodological objections one might advance against our studies, and we address some of them elsewhere.<sup>20</sup> As mentioned above, one significant worry is that in order to test (P) the scenario must describe determinism in a way that is salient to the participants. Otherwise, many of them might fail to recognize the supposed threat to free will and responsibility.<sup>21</sup> We agree that the more salient determinism is in the scenarios, the more significant the results are. However, the descriptions of determinism cannot require untrained participants to understand the more technical aspects (e.g., modal operators) of the philosophical definitions of determinism. Nor can they describe determinism in ways that may mask any effects of determinism itself. For instance, suppose that a scenario illustrated determinism by involving a covert manipulator (e.g., a nefarious neurosurgeon) who ensures that an agent acts in a certain way, and suppose (as seems likely) that most people judge that the agent is not free or responsible. Would these judgments be issuing from an intuition that *determinism* undermines free will, or from an intuition that an agent's action is unfree if it is traceable to manipulation by another agent? Such judgments may be the result of freedom-defeating aspects of the case that are distinct from determinism.<sup>22</sup> Likewise, descriptions of determinism stating that the laws of nature constrain or compel us, that our actions are fated, or that our conscious deliberations are epiphenomenal are liable to generate negative judgments about freedom and responsibility, but such judgments would not help settle questions about the intuitiveness of incompatibilism—i.e., the view that the ordinary concepts of free

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<sup>20</sup> See Nahmias *et al.* (forthcoming).

<sup>21</sup> See Black and Tweedale (2002).

<sup>22</sup> One could test which aspect of such cases drives negative judgments about freedom and responsibility by seeing if parallel manipulation scenarios that involve *indeterminism* garner similarly negative judgments. If so, it would suggest that it is *manipulation* rather than determinism that is causing the judgments that the agent is not free or responsible. See Mele's (2005) response to Pereboom's "generalization strategy" (2001: ch. 4).

will and moral responsibility are incompatible with the philosophical concept of determinism. Part of what we are trying to discover is whether unprimed subjects are prone to treat this concept of determinism as relevantly similar to constraint, compulsion, epiphenomenalism, or fate; to simply come out and *tell* them, in the scenarios, that such similarities hold is to undermine one of the goals of such studies.<sup>23</sup>

If one is able to find a way to increase the salience of determinism without inadvertently introducing a different threat to free will, we welcome the attempt. If turning up the volume on the ‘determinism knob’ *does* cause people to withdraw judgments of free will and moral responsibility (and if this is clearly not a result of factors extraneous to determinism), then we would withdraw our current interpretation of the data. If such cases do *not* result in most people judging the agents to be unfree and irresponsible, then our interpretation is strengthened. As it stands, an incompatibilist who wants to show that our tests of prediction (P) are problematic (for this or other reasons) needs to offer alternative ways to test people’s intuitions without presenting determinism in a questionable way.

#### *4.2 (P) does not capture the content of the claim that incompatibilism is intuitive*

A more promising response for the incompatibilist to make is that (P) does not accurately represent what it means to claim that incompatibilism is intuitive. One might argue that most people will *not* in fact recognize a conflict between determinism and freedom or responsibility, but will only come to see such a conflict once they understand the implications of determinism. Of course, “getting people to see these implications” is probably going to be a euphemism for “giving them a philosophical argument,” and an incompatibilist one at that. These arguments will involve premises that are themselves controversial and also appeal to intuitions—for instance, about whether determinism conflicts with our ordinary conception of ‘the ability to do otherwise.’<sup>24</sup> If it takes an argument to make incompatibilism the “intuitive

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<sup>23</sup> Indeed, it seems that determinism has sometimes been conflated with other theses that *are* threatening to the ordinary conception of the sort of free will required for moral responsibility—theses that are neither entailed by, nor entail, determinism, such as predictability in practice (not just in theory), certain scientific accounts of human behavior, or any reductionist theories of mind that imply conscious deliberations are epiphenomenal. As with the example in the prior note, it would be useful to follow up our studies with ones that describe these theses in a way understandable to the folk. If their responses suggest that they see these theses as threats to free will, then, given our results regarding folk judgments about determinism, we would have reason to believe that it is not the thesis of determinism *per se* that threatens people’s ordinary notion of free will, but instead theses that are mistakenly conflated with determinism.

<sup>24</sup> See Nahmias *et al.* (forthcoming) for results regarding participants’ judgments about the agents’ ability to do otherwise in deterministic scenarios.

view,” then it seems Kane has it backwards when he says, “ordinary persons have to be talked out of [their] natural incompatibilism by the clever arguments of philosophers” (1999: 218). Rather, it is the incompatibilist who is talking ordinary people *into* incompatibilism—or, at least, compatibilist philosophers are not talking them *out* of anything.<sup>25</sup> In any case, our primary target is represented by the incompatibilists who claim that ordinary people *begin* with the intuition that determinism precludes free will and moral responsibility. To the extent that our arguments and data force them to give up this claim and replace it with one of the alternatives we will outline below, we will have succeeded. To the extent that we also encourage philosophers on all sides of the free will debate to evaluate the role of intuitions in the debate and to consider the importance of gaining an empirical understanding of ordinary intuitions about free will and moral responsibility, we will also have achieved one of our aims.

#### 4.2.1 *Libertarian intuitions lead to incompatibilism*

Nonetheless, one route the incompatibilist might take is to argue that people have an intuitive conception of the sort of freedom necessary for moral responsibility that is in fact incompatible with determinism, but most people recognize this incompatibility only with some explanation. In other words, it is not that incompatibilism is intuitive and this suggests a libertarian conception of freedom; rather, the libertarian conception of freedom is intuitive, and the contours of this conception support premises in a philosophical argument for an incompatibilist conclusion. Instead of (P), such incompatibilists might advance:

- (L) Most people’s intuitions about freedom and responsibility correspond to the libertarian conception—one that requires the ability to do otherwise in the exact same conditions and perhaps something like agent causal powers—and whether people realize it or not, such a conception is incompatible with determinism.

This claim marks a significant response to our tests of (P) in that it opens up the possibility that our participants were simply unable to recognize the conflict between their conception of free will and the deterministic scenarios.<sup>26</sup> However, establishing (L) requires evidence—contra those compati-

<sup>25</sup> To test the influence of exposure to the philosophical arguments, we ran the Fred and Barney survey on a class of Intro students soon after a two-week section on the free will debate. The results, it turned out, were not significantly different from the results garnered from ‘untrained’ participants: 83% of the ‘trained’ participants judged that Fred and Barney acted of their own free will, where 76% of untrained participants had made such judgments.

<sup>26</sup> One might point out that our studies consistently found a minority of participants (usually 20-30%) who offered incompatibilist responses and argue that these subjects “got it”

bilists who claim the ordinary conception of free will is *not* the libertarian one (see note 3)—that laypersons in fact have a libertarian conception of free will, and one robust enough to require indeterminism (and perhaps agent causation). Such a claim will require empirical data sufficient to counter, for instance, our finding that most people consider an agent to be free and morally responsible in a deterministic setting.<sup>27</sup>

One way that incompatibilists have argued for the claim that people have a libertarian conception of freedom appeals to the phenomenology of decision-making and action. They suggest that we experience the ability to choose otherwise associated with free will in an unconditional sense that commits us to a belief in indeterminism and perhaps also that we experience ourselves as agent causes of our actions.<sup>28</sup> No one suggests that this phenomenology establishes the *existence* of libertarian freedom, but they do suggest that it demonstrates a widespread belief in libertarian freedom such that, without it, free will would be an illusion.<sup>29</sup> However, we believe such appeals to phenomenology are controversial, supported only by philosophers' own theory-laden introspective reports but unsupported by any relevant research on the phenomenology of non-philosophers.<sup>30</sup> It seems unlikely that our phenomenology of deliberation and action is rich or precise enough to entail a tacit commitment to the falsity of a theoretical view such as determinism.

#### 4.2.2 *More basic intuitions lead to incompatibilism*

Another approach is for the incompatibilist to present an argument with premises that appeal to what might be considered more *basic* intuitions than those we have been discussing. Consider, for example, van Inwagen's famous

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while the majority were unable to recognize the connection between the determinism in the scenario and their own conception of freedom and responsibility. Perhaps some people were motivated not to recognize such a conflict because they are strongly attached to the idea that we are free and responsible and are thus inclined to avoid any cognitive dissonance involved in considering a possible threat to our own freedom. For instance, people's propensity to blame others for bad outcomes may skew some of their responses. We consider these issues more fully in Nahmias *et al.* (forthcoming); see also Nichols and Knobe (in prep.).

<sup>27</sup> See Nichols (2004). He takes his results to suggest that both children and adults have a conception of agent causation. We appreciate Nichols empirical approach to these issues, but we do not think his results support the conclusion that people's intuitions suggest agent causation (see Turner and Nahmias, in prep.).

<sup>28</sup> Note, however, that a phenomenological commitment to agent causation alone would not be enough to support (L): one can believe in agent-causation and still be a compatibilist (see Markosian 1999). On the phenomenology of choice and action, see also Horgan, Tienson, and Graham (2003).

<sup>29</sup> See, e.g., Clarke (2003: ch. 6) and van Inwagen (1983: ch. V).

<sup>30</sup> See Nahmias *et al.* (2004).

Consequence argument (1983: ch. 3).<sup>31</sup> One version of the argument goes like this:

- (1) If determinism is true, then the past and the laws of nature strictly imply every truth about the future.
- (2) We have no choice about the past and we have no choice about the laws of nature.
- (3) If we have no choice about *A* and we have no choice about *B*, and *A* & *B* strictly imply *C*, then we have no choice about *C*.
- (4) Therefore, if determinism is true, we have no choice about any truth about the future (including any truth about what actions we take).

Given a few innocent assumptions about substituting in to premise (3), this argument is deductively valid. A proponent of it will be concerned to defend premise (2) and premise (3), the ‘Transfer principle.’ (The first premise is taken to be true by definition.)<sup>32</sup>

Suppose a philosopher—call her Liv—were to defend premises (2) and (3) by claiming that they are supported by pretheoretical intuitions. When faced with our results, Liv may respond as follows:

Sure, you can get people to call deterministically caused actions free. But people have other intuitions too—intuitions that nobody has a choice about the past or the laws of nature, and intuitions that support the Transfer principle—and these intuitions entail incompatibilism. Your questions have a very broad scope—they were about free will and responsibility directly, and at the level of free will and responsibility. The intuitions supporting my premises are more basic—they are about the conceptual *components* of free will and responsibility, as it were—about *choice* or *control* and how they work. People may call Jeremy or Jill free and responsible, but they are mistaken, for they fail to take into account their *own* more basic intuitions about choice or control.

Liv, in essence, is arguing that the correct way to understand “incompatibilism is intuitive” is as the claim:

- (C) Most people have intuitions about a concept *C* (e.g., ‘choice’ or ‘control’), which is distinct from the concept of free will but is an essential component of it, and these intuitions entail that free will is incompatible with determinism.

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<sup>31</sup> The version below is drawn from Warfield (2000: 168). In van Inwagen’s argument, the Transfer principle that corresponds to premise (3) is treated as an inference rule called ‘Beta.’

<sup>32</sup> The incompatibilist will also have to establish that the concept of choice involved in the conclusion is in fact the one relevant to our interest in freedom and responsibility. Some have challenged this claim, suggesting that we can be morally responsible even if we cannot choose otherwise in the sense entailed by the Consequence argument (see, for instance, Fischer 1994). See discussion in text below.

Since our studies do not directly investigate claims about *C*-intuitions—intuitions that are supposed to underwrite premises (2) and (3) of the Consequence argument—Liv can insist that our results are irrelevant to whether or not incompatibilism is intuitive in the *relevant* sense: the sense involved in (C).

It is true that our surveys do not directly consider *C*-intuitions. However our results do offer some *indirect* evidence against the intuitive plausibility of the Consequence argument. Our scenarios present conditions in the past that, along with the laws of nature, are sufficient conditions for the agents' action. So, the fact that most participants' judged that the agent in the scenarios *is* free and responsible seems to suggest either (a) that they have the intuition that the Transfer principle does *not* apply to free choices, or (b) that—regardless of the soundness of the Consequence argument—the concept of choice the argument invokes to reach the conclusion that “we have no choice about any truth about the future,” does not accord with the concept ordinary people consider relevant to free will and moral responsibility.<sup>33</sup> In any case, if empirical data is relevant to the broad-scope claim that incompatibilism is the pretheoretically intuitive position, then similar data should be relevant to more narrow-scope claims about the intuitiveness of premises (2) and (3) of the Consequence argument. If an incompatibilist wants to support these premises by appealing to pretheoretical intuitions, then our methodology suggests that this move requires empirical investigation of the relevant intuitions no less than the questions we have set out to answer.

#### 4.2.3 *Conflicting intuitions*

There is another reason an incompatibilist like Liv should worry about our results. Even if it were shown to be true that people have the intuitions about, for instance, the concept of choice that would support premises (2) and (3) of the Consequence argument, it is not clear that this fact would secure the case for incompatibilism. Suppose that a majority of participants in our experiments are expressing intuitions to the effect that individuals may count as free and responsible even if determined. Furthermore, suppose for the sake of argument, that a large portion of these same people also have the intuitions needed to support premises (2) and (3). It then appears that these people have inconsistent intuitions—or, given the difficulty in individuating intuitions, perhaps they merely lack an intuition they ought to have. Either way, they are subject to a kind of intuitional inconsistency: their set of free-will-

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<sup>33</sup> Thanks to Al Mele for help with this point. See Lycan (2003) for a Moorean argument to the effect that we should reject controversial philosophical premises (e.g., the Transfer principle) when they commit us to a highly counterintuitive conclusion (e.g., that we would lack—and would have always lacked—free will and moral responsibility if physicists discover determinism to be true).

relevant intuitions fails to form a consistent whole. If so, their set of intuitions would fail to cohere in a way that we, as philosophers, could straightforwardly use in constructing a philosophical theory of free will. Hence, in order to build a coherent, unified theory of free will, we would either need to accuse the folk of error in their judgments about our scenarios, to accuse them of error in the intuitive judgments meant to underwrite the Consequence argument, or, as above, to deny the link between the ordinary conception of free will and the concept of choice invoked in the Consequence argument.

Of course, if it turns out that there is no consistent set of pretheoretical intuitions relevant to free will, philosophers may decide not to provide a coherent, unified theory of free will after all. Richard Double, for instance, argues (1991, 1996) that, as a matter of empirical fact, our intuitions about free will are in serious conflict and that this conflict entails that there is no such thing as free will. More precisely, he holds that this “intuitional anarchy” (1991, ch. 5) about which choices count as free entails that the term ‘free will’ (and various cognates) lacks an extension and functions in much the same way that non-cognitivists think ethical terms function. In his terminology, free will is “non-real” (1991), and “Our proclaiming choices to be free and persons to be morally responsible for their choices can be nothing more than our venting of non-truth-valued attitudes, none of which is ‘more correct’ or ‘more rational’ than competing attitudes” (1996: 3).<sup>34</sup>

Another route for denying that there is a unified account of free will—one which does not relegate our talk about ‘free will’ to the realm of non-truth-valued attitudes—draws on contextualist semantics and suggests that there are in fact a number of properties which, in different contexts, people mean when they use the concept of free will.<sup>35</sup> This is not just the mundane claim that ‘free’ is ambiguous between multiple meanings (e.g., political freedom, religious freedom, zero-cost). Rather, it is the claim that when people use ‘free will’ in contexts and ways intimately tied up with practices of moral responsibility, sometimes it expresses one content, compatible with determinism, and other times—notably, in philosophical discussions when the criteria of applicability become more stringent—it expresses another content, incompatible with determinism.

However, it seems clear to us that neither the non-cognitivist nor the contextualist approach to the kind of intuitional conflict discussed above will be satisfactory to incompatibilists. For we take it that incompatibilists, when stating their thesis, are making a claim about free will that has cognitive content and that is true in all contexts (or at least all contexts where interest

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<sup>34</sup> We think this conclusion is too hasty for several reasons. For instance, even if ordinary intuitions suggest conflicting concepts of free will, that would not entail that there are no free choices. It might just mean that the concept is indeterminate in meaning (compare Sider 2001, on the concept of personal identity).

<sup>35</sup> See, e.g., Graham and Horgan (1998) and Hawthorne (2001).

in free will is tied to questions of moral responsibility). Thus, in the face of our data, and assuming empirical research showed people in fact have intuitions supporting (C), the incompatibilist will have to find a way of resolving this conflict of intuitions in a way that helps his or her case.<sup>36</sup>

As we have already seen, Liv's way of resolving this conflict is to suggest that our intuitions about choice are more 'basic' than the intuitions about free will evoked by our scenarios. However, it is not clear what 'basic' is supposed to mean in this context.<sup>37</sup> Liv may mean that they are more *explanatorily* basic, since (on her view) someone is morally responsible for *x*-ing only if he *x*-ed freely, and he *x*-ed freely only if he had a choice about whether or not he *x*-ed. This itself relies on further conceptual claims, though—claims which involve the relationship between free will and having a choice, and which are hotly contested.<sup>38</sup>

Furthermore, it is not clear that being more explanatorily basic is a sufficient reason for one intuition to trump another in the case of conflict. Judgments about cases *do* seem to override intuitions about the more explanatorily basic entities at least *some* of the time. Take, for instance, the example of intentional action. Intentional actions are explained, in part, by an agent's intentions; thus, intentions seem to be more explanatorily basic than intentional actions. Indeed, a popular theory of intentional action claims that one intentionally does *x* if and only if one has an intention to *x* and successfully executes that intention (see Adams and Steadman 2004). However, philosophers empirically testing folk intuitions have found that there are cases in which most laypersons will judge that an agent intentionally did *x* without having the intention to *x*. One interesting example involves a C.E.O. who implements a program in order to increase profits, knowing that the program will harm the environment but not aiming to harm it. In experiments by Joshua Knobe (2003), 87% of respondents judged that the chairman intentionally harmed the environment, although only 29% said that he had the

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<sup>36</sup> Admittedly, it is not immediately obvious that conflicting intuitions provide any succor to compatibilists, either, especially if compatibilism is committed to the existence of a univocal meaning for 'free' on which claims like "Joe was determined and acted freely" can come out true. However, the thesis we are defending is not that ordinary intuitions support compatibilism, but merely that they do not support incompatibilism. (Thanks to an anonymous referee for pressing us on this point.)

<sup>37</sup> Perhaps it means that the intuitions about choice are stronger than the intuitions we elicited to the extent that people would be less likely to give up the former rather than the latter. (We owe this point to Tom Crisp.) If so, this claim would require empirical support that will certainly be difficult to garner.

<sup>38</sup> If 'having a choice' is equated with having alternative possibilities, this claim will be undermined if Frankfurt-style counterexamples are possible (that is, if it is possible for someone to freely *A* without being able to avoid *A*-ing.) The success or failure of these counterexamples seems itself a matter deeply tied up with intuition; see Doris and Stich (forthcoming) and Woolfolk, Doris, and Darley (forthcoming) for empirical examinations of such examples.

intention to harm the environment. In the action-theory literature, theories may aim to preserve people's intuitions about cases such as these and reject the intuition that intentionally doing *x* requires an intention to *x* (e.g., Bratman 1984). Yet the intuition about *intentions* would be the more explanatorily basic intuition, at least on the taxonomy of intuitions that Liv endorses.

The upshot is that, to the extent that a philosophical theory (e.g., of intentional action or free will) aims to account for and accord with ordinary intuitions, it is unclear what its proponents should do in the face of conflicting intuitions. One might try to explain the conflict with a contextualist approach, as we suggested above. One might also develop a theory that calls for the revision of some of our concepts and practices. Some theories of free will are revisionist in this way, suggesting that the more metaphysically demanding aspects of the ordinary conception of free will can be eliminated but that most of it can be preserved (see Vargas, forthcoming). But as we have already seen, it is unclear why a philosophical theory of free will should revise the ordinary conception to make it *more* metaphysically demanding.

In any case, if the claim that "incompatibilism is intuitive" is to be understood as (C), then the claim is no longer able to do the dialectical work it was supposed to do. We have argued that one dialectical role of incompatibilists' claims of intuitive support is to shift the burden of proof to the compatibilist. Roughly, incompatibilists cite the intuitiveness of their own view in an effort to show that compatibilism is counter-intuitive; compatibilists then have to explain why their own counter-intuitive claims are better warranted than the incompatibilist's intuitive claims. However, given our data, merely citing (C) does not show that incompatibilism is any more intuitive than its competitors. At best, it shows that people have conflicting intuitions about free will and that *neither* compatibilism nor incompatibilism is univocally intuitive; this hardly provides reason to favor one theory over another.

#### *4.3 Give up the claim that incompatibilism is intuitive*

Once incompatibilists see their dialectical position, they may be inclined to give up on the claim that incompatibilism is supported by the intuitions of ordinary people and find some other way to defend incompatibilism that does not make use of this strategy. We have already suggested why this move puts the incompatibilist in the uncomfortable position of having to motivate a theory of free will that is both less intuitive and more metaphysically demanding than compatibilist alternatives. However, our main target in this paper is the claim that incompatibilism has wide-scale intuitive appeal. If incompatibilists give up this claim, our goal has been accomplished. Consequently, we will not undertake a detailed discussion of the strengths and weaknesses of the strategy of entirely rejecting the role of intuitions in the free will debate.

That being said, we explained (in §1) why, given the connection between free will and things we care about, such as moral responsibility, ordinary intuitions and practices do matter to philosophical conceptions of free will. And we explained why we think incompatibilists cannot entirely eschew intuitions as support for their thesis. Incompatibilists have a metaphysically demanding theory of free will: in order to make ascriptions of free will and moral responsibility come out true, compatibilist theories set conditions that are consistent with the truth of determinism *or* indeterminism, whereas incompatibilist theories require the truth of indeterminism (occurring at just the right place in the agent), and perhaps also agent causation.<sup>39</sup> A conceptual corollary to Ockham's Razor suggests that when choosing among theories, all else being equal, we should choose the one that has less metaphysically demanding truth-conditions for its claims.<sup>40</sup> If this corollary is accepted, then incompatibilists will have to insist that all else is *not* equal. It is not clear how the incompatibilist can establish this other than by showing that incompatibilism simply does a better job of preserving intuitions—the *right* intuitions, whichever ones those may be—than compatibilism does.

This observation reinforces our general methodological point. In order to show that one theory preserves intuitions of a certain type better than another, we must be fairly certain exactly what the intuitions of those types actually *are*. We have argued that the best way to gain a handle on what those intuitions actually are will require empirical investigation, not solely *a priori* armchair speculation. After all, it appears that many incompatibilists, largely on the basis of such *a priori* reasoning, concluded that something like (P) was true—and yet, if our investigations are any indication, (P) is false. Likewise, incompatibilists who wish to defend some other claim, such as (L) or (C), would do well to look for empirical evidence in support of the claim that most people have the relevant intuitions. Without such support, incompatibilists run the risk of demanding more out of the universe than our ordinary intuitions about free will and moral responsibility require.

## 5. Conclusion

We have advanced several claims in this paper. First, we demonstrated that incompatibilists often suggest that their conception of free will is intuitive to ordinary people and that the burden of proof is therefore on compatibilists to

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<sup>39</sup> Recent compatibilists generally reject the claim made by earlier compatibilists that free will *requires* determinism. See Kane (1996) for an event-causal libertarian view that requires quantum indeterminism in the agent's brain at precisely the moment of choice. See O'Connor (2000) and Clarke (2003) for discussions of agent causation.

<sup>40</sup> More precisely: if, for every sentence  $S_1$  in theory  $T_1$  and its counterpart  $S_2$  in  $T_2$ , if  $S_1$ 's truth-conditions are no more metaphysically demanding than  $S_2$ 's, and if some sentence  $S_2$  in  $T_2$  has more demanding truth-conditions than its counterpart  $S_1$  in  $T_1$ , then, *all else being equal*,  $T_1$  ought to be accepted.

explain away incompatibilist intuitions or to offer deflationary accounts of these intuitions. We argued that, absent any appeal to intuitions, it is instead *incompatibilist* positions that must be motivated since (a) they are advancing a claim about conceptual necessity (i.e., that determinism necessarily entails the non-existence of free will), and (b) they involve a conception of free will that is more metaphysically demanding than the alternatives. We suggested that incompatibilists' appeals to ordinary people's intuitions have served in part to motivate these demands and to situate the burden of proof on compatibilists. But, we argued, these claim about people's intuitions should be empirically tested rather than asserted based on philosophers' own post-theoretical intuitions or their informal polling of students. We offered our own experiments as an initial demonstration of this methodology, and offered several responses to them. Our results suggest that most laypersons do *not* have incompatibilist intuitions, though this preliminary work should be supplemented in order to get a firmer grasp on the relevant intuitions. To the extent that our results have in fact uncovered what people's pretheoretical intuitions about free will are, we suggest that the incompatibilist carries the burden of explaining why these intuitions do *not* illuminate the proper conception of free will. We have not argued that "less intuitive" entails "incorrect"—which would admittedly be a bad argumentative strategy. Instead, we focused on the claim that, in the face of data suggesting incompatibilism is not the intuitive view, incompatibilist theories become increasingly difficult to motivate.

Minimally, we believe that empirical data about folk intuitions should (a) encourage philosophers to state more precisely whether or not they are interested in ordinary intuitions about free will and moral responsibility and why, (b) prevent philosophers from appealing to the wide-scale intuitive plausibility of their theories unless these claims can be empirically substantiated, and (c) encourage philosophers to re-examine some of their own assumptions concerning the role of intuitions in philosophy. And in the event that a particular theory fails to settle with ordinary intuitions, the onus will be on its proponents to explain why we should care about a technical notion rather than the ordinary one—especially when understanding the latter is an important philosophical goal in its own right.<sup>41</sup>

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<sup>41</sup> For their helpful suggestions as we developed this project, we would like to thank John Doris, Joshua Knobe, Tamler Sommers, Bill Lycan, and George Graham. In addition, we are especially grateful for beneficial advice on earlier drafts of this paper from two anonymous referees, Shaun Nichols, Manuel Vargas, Tom Crisp, and Al Mele.

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