Common Sense, Strict Incompatibilism, and Free Will

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1. *Introduction*

In the philosophical debate on free will there are several well known and much discussed arguments which purport to show that the thesis

(F) Some people sometimes act freely,

is incompatible with the thesis of determinism. To a first approximation, determinism can be thought of as the claim that

(D) The state of the world at any time *t* determines the state of the world at any other time *t'*.

Other arguments, not less well known or less discussed, purport to show that (F) is incompatible with the negation of (D), i.e. with the thesis of indeterminism. Moreover, some philosophers involved in the debate on free will hold that both incompatibility theses have *good* philosophical arguments speaking for them – good arguments in the sense that no easily discernible and obviously correct objections to their soundness are in the offing.[1] In what follows, I will call the conjunction of the thesis that (F) is incompatible with (D) and the thesis that (F) is incompatible with the negation of (D) *strict incompatibilism*.

In at least one respect strict incompatibilism might seem to be an attractive thesis. At first glance, good reasons for strict incompatibilism would seem to provide for a certain dialectical advantage over some of the more traditional positions which have been defended in the free-will debate, notably over those positions which involve commitment either to the truth of (D) – as is the case with hard determinism – or to the truth of its negation – as is the case with libertarianism – and whose justification

[1] Peter van Inwagen maintains that "*mutatis mutandis*, this is all that can be asked of any philosophical argument" (Inwagen 2002: 167). This is certainly a contentious claim. For present purposes it is enough to hold that by evaluating a philosophical argument as good we commit ourselves to evaluating it as sound.

therefore either depends on arguments for determinism or on arguments for indeterminism. To be more precise, the dialectical advantage that would be afforded by good arguments for accepting strict incompatibilism would seem to consist in allowing one to sidestep all disputes over the difficult question of whether (D) is true or false and to claim that such disputes are simply irrelevant with regard to the question of whether (F) is true. Arguments for strict incompatibilism would seem to transfer directly to the thesis that (F) is false and, consequently, to the claim that any *epistemic* commitment to (F) is flawed.

A commitment to (F) is an epistemic commitment only if it involves the claim that (F) is true. There certainly exist commitments to the thesis that some people sometimes act freely which are not epistemic commitments – e.g. hoping or wishing that it is true – and it is plausible to assume that some of these non-epistemic commitments have to be taken into account in order to explain the great public interest that proposed empirical refutations of (F) have provoked and continue to provoke. It is, however, not less plausible to assume that an explanation of that phenomenon will also have to register the fact that alleged refutations of (F) constitute a challenge to *epistemic* common-sense commitments.

Interestingly, some of the philosophers who hold that there are good arguments – to repeat: arguments which appear to be sound – for strict incompatibilism, notably Peter van Inwagen and Colin McGinn, are not willing to accept that the epistemic warrant which these arguments provide justifies the claim that (F) is false. In their view, the apparent dialectical advantage of strict incompatibilism which has just been sketched is spurious since it is outweighed by the disadvantage that commitment to strict incompatibilism requires commitment to the inacceptable thesis that (F) is false. Despite their concession that there seem to be good arguments for strict incompatibilism van Inwagen and McGinn hold (F) to be true. What they ultimately appeal to in order to justify this move is their common sense epistemic commitment to (F).

The first section of this paper discusses some formulations of the thesis of determinism that loom large in the philosophical free-will debate. In the second section I argue that van Inwagen and McGinn are right in taking the fact that epistemic commitment to (F) is deeply rooted in common sense to cast doubt on any theoretical claim to the effect that (F) is false. This will involve a brief look at some recent empirical studies of folk intuitions concerning free will and moral responsibility. In the third section I discuss van Inwagen and McGinn's construals of the problem of free will and situate them within the larger context of some positions which have

been taken up in the philosophical debate. I suggest that, instead of declaring free will to be a mystery (van Inwagen 1998; van Inwagen 2000) or claiming that the problem of free will amounts to a problem whose correct solution is cognitively closed to human intellect (McGinn 1993: 79-92), the problem of free will should rather be classified as a hard problem – its hardness being mainly due to the fact that it involves a large variety of concepts whose correct explication is philosophically moot.

2. *Determinism*

There is no consensus in the literature as to how the thesis of determinism is best stated. There is, however, a formulation of determinism which is frequently quoted in the debate on free will of, roughly, the last 30 years and which has some right to the title 'standard formulation'. It comes from Peter van Inwagen's book *An Essay on Free Will*: "*Determinism* […] is the thesis that there is at any instant exactly one physically possible future" (Inwagen 1983: 3).

In what follows I will call this thesis *nomological determinism* – as opposed to, for example, logical, theological, neurological, psychological or cultural determinism. In using the concept of physical possibility van Inwagen implicitly introduces the notion of physical law into his formulation of determinism. Physical possibility, necessity, and impossibility are not modalities *tout court* but relative modalities in the following sense: They have to be thought of as relative to a specified set *L* of physical laws. Thus a proposition is physically necessary relative to *L* if and only if it is logically entailed by *L*. A proposition is physically possible relative to *L* iff it is logically consistent with *L*. And a proposition is physically impossible relative to *L* iff it is not logically consistent with *L*, i.e. iff it is not physically possible with respect to *L*. On some occasions van Inwagen makes determinism's reference to laws – sometimes to physical laws (Inwagen 1975: 186) and sometimes, perhaps more generally, to laws of nature – explicit: "Determinism is the thesis that the past and the laws of nature determine, at every moment, a unique future" (Inwagen 2008: 330).

It is fair to ask: What is the expression 'the laws of nature' to be taken to refer to in this formulation of the thesis of nomological determinism? Given that it would be absurd to claim that presently all laws of nature are known to be laws of nature and that nothing is mistakenly taken to be a law of nature, it would be equally absurd to expect an answer in the form of a list. The only available answer seems to be, rather, that within the the-

sis of nomological determinism the expression 'the laws of nature' is intended to refer to the laws of nature that do actually hold – whichever they are. Since it is an empirical question what natural laws – if any – do actually hold, nomological determinism is, to that extent at least, an empirical thesis. It also seems fair to ask: How is the expression 'the past' to be understood in the context of the thesis of nomological determinism? Given that it would be absurd to claim that the past is known, it would be equally absurd to expect an answer in the form of a complete history of the universe. The only available answer seems to be, rather, that the expression 'the past' is here intended to be understood as a dummy standing either for a true description of something or for a true description of everything that, relative to the present moment, *has* actually occurred. Now, a true description of something that, relative to the present moment, has actually occurred might well be insufficient to account for the intended interpretation of the expression 'the past' in the formulation of nomological determinism just quoted, and a true description of everything that, relative to the present moment, has actually occurred might well be more than what is needed. As these last formulations already indicate, it is difficult to express what would be sufficient to account for the intended interpretation of 'the past' without switching from ontological talk about laws, the world, the future and the past to semantic talk about true descriptions of laws, the world, the future or the past. Before turning to what, for present purposes, I will take to be the relevant formulation of the thesis of nomological determinism – a formulation in semantic terms – it is worthwhile to take note of an attempt to couch that thesis in epistemic terms.

The last expression of the thesis of determinism quoted from van Inwagen plays with two unknowns, namely with *the natural laws* and with *the past*. Counterfactually assuming these two unknowns to be known by some epistemic subject *s*, one might try to express the gist of nomological determinism as follows: *If* some subject *s* were in epistemic possession of the two aforementioned unknowns and would satisfy some very demanding further conditions as well, *s* would be in a position to do something unheard of: If *s* were to have, firstly, complete knowledge of the natural laws that hold in our universe, secondly, complete knowledge of the state of the universe at some time *t* and, thirdly, would dispose of the requisite intellectual means to combine these two pieces of knowledge in the right ways, then *s* would be in a position to give, for any instant of time *t'*, a true and complete description of the state of the universe at *t'*. Now, this is of course a paraphrase of the famous formulation of determinism in terms of predictability for an ideal epistemic agent that has been proposed by

Pierre-Simon Laplace in the early nineteenth century. Laplace, in his "Philosophical Essay on Probabilities," says:

> An intelligence that, at a given instant, could comprehend all the forces by which nature is animated and the respective situation of the beings that make it up, if moreover it were vast enough to submit these data to analysis, would encompass in the same formula the movements of the greatest bodies of the universe and those of the lightest atoms. For such an intelligence nothing would be uncertain and the future, like the past, would be open to its eyes (Laplace 1995: 2).

It is unclear, however, whether the idea of an intelligence that would be vast enough in the sense adumbrated by Laplace – the idea of what is often called "Laplace's Demon" – can be relied upon to do coherent work in the expression of the thesis of nomological determinism (Earman 1986: 6-8). Better, therefore, not to burden that thesis with the additional problems that accompany the heavy epistemic idealizations needed to express the idea of Laplace's Demon.

In the recent philosophical debate on free will nomological determinism is more often than not expressed in semantic terms. So does van Inwagen when he construes nomological determinism in what might be considered his 'official formulation', as

> the conjunction of these two theses: For every instant of time, there is a proposition that expresses the state of the world at that instant; If p and q are any propositions that express the state of the world at some instants, then the conjunction of p with the laws of nature entails q (Inwagen 1983: 65).

In the present context there are three points worth noting about this formulation of nomological determinism. The first is that van Inwagen here drops any reference to the future or the past in favor of quantifying over instants of time. While the direction from past to future is the one that discussions of determinism with regard to the problem of free will tend to concentrate on, determination goes both ways, as it were. Secondly, van Inwagen deliberately avoids the concept of causation and instead construes the relation of determination in terms of the semantic relation of entailment between propositions. The expression "the laws of nature" clearly has to be taken as shorthand for "a proposition expressing the laws of nature." Thirdly, van Inwagen here explicitly acknowledges the statement that for every instant of time there is a proposition which expresses (truly describes) the state of the world at that instant to be part of the *content* of the thesis of determinism. In many formulations of the thesis of nomological determinism this statement is left at the level of an implicit presupposition. Once this last

point is noted, however, there are other statements which would appear to merit explicit acknowledgement as elements of the thesis of determinism – for instance the statements that there are instants of time, that there are states of the world, that there are propositions and that there are natural laws. Including these into the formulation of determinism would give us:

> (ND) There are instants of time. There are states of the world. There are propositions. There are natural laws. There is, for every instant of time, a state the world is in at that instant. For every instant of time, there is a proposition that exhaustively and exclusively expresses the state of the world at that instant. There is a proposition that exhaustively and exclusively expresses the natural laws. If *p* and *q* are any propositions that exhaustively and exclusively express the state of the world at some instants of time and *l* is a proposition that exhaustively and exclusively expresses the natural laws, then the conjunction of *p* with *l* entails *q*.

(ND) is a rather complex thesis. It contains many contentious elements – at least eight contentious elements, to be somewhat more precise.[2] (ND) is far from unintelligible, however, and for all we know, it might be true. For present purposes I take (ND), read as a conjunction, to be the relevant formulation of nomological determinism. Before turning to the topic of common sense, let me here introduce some terminological stipulations: Compatibilism1 – (C1), for short – is the thesis that (F) is compatible with (ND). Compatibilism2 – (C2), for short – is the thesis that (F) is compatible with the negation of (ND). Incompatibilism1 – (IC1), for short – and incompatibilism2 – (IC2), for short – are the negations of (C1) and (C2), respectively. Strict incompatibilism is the conjunction of the negations of (C1) and (C2).

3. *Common Sense, Folk Theory, Intuitions, and Free Will*

What is often called *folk theory* or, more traditionally, *common-sense belief* encompasses commitment to the truth of (F). This cautious claim – (CSF), for short – about what most people believe (or would come to believe and maybe assert if they were asked whether (F) is true) is uncontroversial in the philosophical debate on the question of whether some people sometimes act freely. Colin McGinn, to mention just one example of a philosopher who takes both (F) and (CSF) to be true, expresses (CSF) in the following way:

[2] Even (ND) leaves a lot at the status of implicit presupposition.

> Despite the puzzles free will presents […] it is deeply embedded in our ordinary intuitive folk psychology. All human interaction, and self-reflection, is suffused with the idea of freedom; there is nothing marginal or exceptional about it. Freedom is a property we take to be instantiated with enormous frequency (McGinn 1993: 79-80).

And Saul Smilansky, to mention here just one philosopher who takes (F) to be false, obviously presupposes the truth of (CSF) when he brings forward the thesis that common-sense belief in free will, while being socially and personally beneficial, amounts to belief in an illusion:

> Humanity is fortunately deceived on the free will issue, and this seems to be a condition of civilized morality and personal sense of value. Illusion and ignorance appear to be conditions for social and personal success (Smilansky 2000: 6).

The fact that (CSF) is uncontroversial in the philosophical debate on whether (F) is true can partly be explained, or so it is plausible to assume, by noting two points. First, (CSF) and (F) seem to be logically independent from one another. One can deny (CSF), assert (CSF) or take an agnostic stance towards it without *thereby* committing oneself to any particular stance with respect to the truth value of (F). And vice versa, one can deny (F), assert it or take an agnostic stance towards it without *thereby* committing oneself to any particular stance about (CSF).[3] If epistemic support were to be offered for the thesis that, contrary to what philosophers have thought, folk or common-sense beliefs do not encompass commitment to (F), then that support would not per se transfer to any claim about the truth or falsity of (F). Per se, therefore, it would not put in jeopardy any position taken in the philosophical debate on whether (F) is true. The second point that needs to be noted in order to account for the fact that (CSF) is not controversial in the philosophical debate on free will is that without assuming (CSF) to be true it would be hard to interpret, understand, and explain the immensely varied and rich activities that together make up human *praxis*. Indeed, without ascribing to agents at least an implicit belief in (F) – *i.e.* without taking (CSF) to be true – much of what is going on around us would seem utterly mysterious.

Some authors involved in the debate on free will do not only accept (CSF) but go further and claim that, in addition to commitment to (F), common sense encompasses commitment to a more specific thesis about

[3] An epistemic subject *S* takes an agnostic stance with respect to a given proposition *p* iff *S* suspends judgment on the question of whether *p* is true and does so because she evaluates the evidence available to her as warranting neither judging *p* nor judging not-*p* to be true.

what (F) is, or rather, is not compatible with. To be more precise, they hold that common sense encompasses commitment to the claim that (F) is incompatible with (ND), i.e. to the thesis (IC1). Laura Ekstrom, for instance, holds that "we come to the table, nearly all of us, as pre-theoretical incompatibilists" (Ekstrom 2002: 310), and Robert Kane maintains, in the same vein, that "most ordinary people start out as natural incompatibilists" who can "be talked out of this natural incompatibilism [only] by the clever arguments of philosophers" (Kane 1999: 218).[4]

In recent years, folk intuitions about free will have become a focus of attention for experimental philosophy (Nichols 2006; Knobe, Nichols 2008). Interestingly, the studies conducted so far have, to a large extent, taken (CSF) for granted and have concentrated on testing the more specific claim that folk theory involves commitment to (IC1) instead. The methodology pursued in these studies consists in, very roughly, presenting test subjects with descriptions of deterministic and indeterministic scenarios in order to then ask them whether the persons involved in those scenarios can be said to act freely. It is safe to say that the results presented by experimental philosophers so far do not allow for a confident judgment with respect to the question of whether folk intuitions and common sense views on free will are incompatibilist in the sense of (IC1). Thus, on the one hand, Eddy Nahmias *et al.* have presented results which support (or so they claim) the thesis that folk intuitions on free will are compatibilist in the sense of (C1) (Nahmias *et al.* 2004; 2005; 2006). On the other hand, Shaun Nichols *et al.* have presented results which support (or so they claim) the thesis that common sense views on free will are incompatibilist in the sense of (IC1) (Nichols, Knobe 2007; Nichols 2011).

One problematic aspect of some of the empirical studies of folk intuitions concerning free will which have been conducted by experimental philosophers is the following: They tend to run together two theses which, for the sake of clarity, it would be better to keep separate, to wit (IC1) and the thesis that *moral responsibility* is incompatible with nomological determinism.[5] To take one example: In an article entitled "Is Belief in Free Will a Cultural Universal?," Hagop Sarkissian *et al.* present and interpret the re-

[4] Kane, of course, thinks that philosophers should not try to talk anyone out of their 'natural incompatibilism'. On his view incompatibilism is not just natural but true. Commitments to the claim that incompatibilism is the default or natural or common-sense view can also be found in Pereboom (2001: xvi), Strawson (1986: 30, 89) and Pink (2004: 12).

[5] A noteworthy exception: Roskies, Shaun (2008: 105, 371-388). In that article (see p. 371) Roskies and Nichols are very clear about holding apart the two different incompatibility theses mentioned above.

sults of a cross-cultural survey of folk intuitions concerning free will and moral responsibility which involved subjects from Hong Kong, India, the United States and Colombia. Taking determinism to be the thesis that "everything that happens is completely caused by whatever happened before it" (Sarkissian *et al.* 2010: 348) and incompatibilism to be the thesis that "a person in a deterministic universe cannot be fully morally responsible" (Sarkissian *et al.* 2010: 350), Sarkissian *et al*. point out that "a clear majority in each culture affirmed the theses of incompatibilism and indeterminism:"

> The results of the present study suggest a surprising degree of cross-cultural convergence. In all four cultures, the majority of participants responded that our own universe was indeterministic but that moral responsibility was not possible in a deterministic universe (Sarkissian *et al.* 2010: 353).

Given the title of their article, Sarkissian *et al.* clearly take their findings to lend at least some support to the claim that belief in *free will* is a cultural universal. In other words, they take their results to justify, to some extent at least, the claim that, in any given culture, belief in free will is shared by a significant majority of the persons belonging to that culture. However, it remains unclear whether this is a legitimate interpretation of the results presented by Sarkissian *et al*. For all that these results show, the subjects that held the cross-cultural majority view have not taken any stance whatsoever with respect to the question of whether free will is possible, let alone real, in our universe. There is, above all, no obvious inconsistency in claiming that, while our own universe is indeterministic and moral responsibility is incompatible with determinism, in our universe no one ever acts freely. The results presented by Sarkissian *et al.* do lend some limited support to the thesis that belief in indeterminism and belief in the possibility of moral responsibility are cultural universals. But that support does not transfer to the thesis that belief in free will is a cultural universal as well.

The term 'common sense' is sometimes used to designate a certain faculty or mode of thinking: namely something like the faculty or mode of 'normal' or 'decent' thinking. This is not how the term is intended to be understood here. For the present purposes, common sense can be thought of as a repertoire of beliefs that are shared by all or most or at least a significant majority of epistemic subjects of a *specified reference group*. Habermas has coined the term 'background consensus' ('Hintergrundkonsens') in this context. Common-sense beliefs form a background consensus in that they remain largely implicit in our discursive practices. Of course, this is not to deny that they can be and sometimes are made the

subjects of explicit debates in which their truth is put into doubt. Common sense beliefs stand in the background of our everyday practices in that they do not have to be made explicit in order for them to be capable of guiding and orienting our actions and our interpretations of the behavior of others. They are beliefs on which we do simply rely and which we implicitly take for granted as long as we are not led by contrary or recalcitrant experiences to submit them to scrutiny – for example by someone who voices disagreement or by witnessing events which seem inexplicable in the light of our common-sense beliefs.

Now, to use a metaphor, there are different *strata* or *layers* of common-sense belief. Some common-sense beliefs are superficial and easy to give up. Presumably, the belief that Neil Armstrong was the first human being to set foot on the moon is, nowadays, part of a repertoire of common-sense beliefs – at least among those who have heard of Armstrong and the moon. And it would not really matter to give it up if someone were to present convincing evidence for the claim that the moon landing in 1969 was just a big hoax, for example. Of course we would have to adjust quite a few of our other beliefs. But, again, nothing much would depend on that, nothing much, that is, which really matters or which – to misuse a term from the philosophy of logic – has existential import.

Arguably, however, there are common-sense beliefs which do have this kind of existential import in the sense that they *do* matter more or less directly to how we understand ourselves as human beings – beliefs for which it is reasonable to claim that we would not even really know what it would *mean* to give them up. Good candidates, I think, are the beliefs

– that some people sometimes act freely (F);
– that some people sometimes are able to act in accordance with what they take to be the best reasons or the most rational thing to do in a given situation;
– that some people at some times in the past were not only able to do otherwise but *should* have done otherwise, that they should have done something else instead of what they have actually done or that they simply should not have done what they actually have done.

As opposed to the belief about Armstrong and the moon, to give up these beliefs would force us to revise and reshape wide areas – if not almost everything – of what guides our understanding of human behavior. The propositional contents of the common-sense beliefs just sketched can, I think, be legitimately claimed to have the status of hermeneutic principles. Or, if 'principle' seems too big a word: They can be said to have the status of hermeneutic presumptions which by default guide our praxis of

understanding and explaining our own actions as well as the actions of others. Jettisoning these beliefs simply does not seem to be an option.

What is so bad about revising and reshaping, then? This is a fair question. There is nothing bad about reshaping and revising *per se*. But one problem with regard to the case at hand is that there is nothing in sight that could take the place of these hermeneutic presumptions, nothing at least that would so much as come close to the way in which these presumptions enable us to understand and make sense of the human world (De Caro 2004).

To sum up the points made on common sense: Common-sense beliefs are in no way epistemically sacrosanct. Nor do they per se enjoy any epistemic privilege over beliefs which are not part of common sense. They are fallible just as any (or almost any) other belief. But it would be a mistake to disqualify them as mere opinion or mere prejudice. In fact, some common-sense beliefs, for example the ones that I have here labeled 'hermeneutic presumptions', do play an *indispensable* role in guiding our everyday practices and in shaping our ways of understanding these practices. Belief in (F) certainly does.[6]

4. *Van Inwagen and McGinn on the Problem of Free Will*

Van Inwagen proposes to understand (F) as "the thesis that we are sometimes in the following position with respect to a contemplated future act: we simultaneously have both the following abilities: the ability to perform that act and the ability to refrain from performing that act" (Inwagen 2008: 329).

It is not obvious that one should follow van Inwagen in claiming that this formulation, taken on its own, adequately expresses the meaning of (F). It is plausible, however, to read it as capturing a minimal explication of the thesis that some people sometimes act freely – a minimal explication in the following sense: Whatever else a complete explication E of (F) would have to comprise, the statement that some people sometimes have

[6] To be sure, there are philosophers who would disagree. See, for instance, Double (1991). Double combines his diagnosis of the non-reality of free will with a non-cognitivist theory of moral discourse according to which, surface appearances to the contrary, moral statements such as ascriptions of moral responsibility express emotional attitudes whose contents are not even apt for truth or falsity and thus cannot be meaningfully evaluated as true or false in the first place. See also Pereboom (2001) and (2002).

both the ability to perform a contemplated act *a* and the ability to refrain from performing *a*, would have to be part of E.

In contrast, the philosophical *problem* of free will consists, according to van Inwagen, in the fact that while each of the following four statements either has "seemingly unanswerable arguments" (Inwagen 2008: 328) speaking for it or is evidently true, their conjunction is inconsistent:

(i) (F) is incompatible with (ND).
(ii) (F) is incompatible with the negation of (ND).
(iii) The thesis that some people are sometimes morally responsible for their actions entails (F).
(iv) Some people are sometimes morally responsible for their actions.

The conjunction of (i) to (iv) is inconsistent because (iii) and (iv) jointly entail (F) while (i) and (ii) jointly entail the negation of (F). The conjunction of (i) and (ii) is what above I have called *strict incompatibilism*. The seemingly unanswerable arguments for (i) and (ii) that van Inwagen refers to are the Consequence Argument and the *Mind* Argument, respectively.[7] As to (iii), van Inwagen offers an indirect argument, i.e. an argument to the conclusion that "negative moral judgments about a person's acts" (Inwagen 2008: 339) can be true only if the person in question was able to do otherwise than she actually did – adding that "it is undeniable […] that people do not always behave as they ought" (Inwagen 2008: 340), to wit that it is undeniable that some negative moral judgments are true. Statement (iv) is, according to van Inwagen, evident.[8]

Discussion of these various arguments and claims is beyond the scope of this paper. In what follows, I will proceed on the assumption that van Inwagen is right in claiming each of the statements (i) to (iv) to be well justified.

An obvious next step for someone who holds that there are convincing arguments for (i) and (ii) – for strict incompatibilism – would seem to consist in claiming that there are convincing arguments for the negation of (F). This move could rely upon the classically derivable inference rule *Simple Constructive Dilemma* (SCD)

$$\frac{P \rightarrow Q,\ \neg P \rightarrow Q}{Q}$$

[7] For discussion of the Consequence Argument see Kapitan (1996), for the *Mind* Argument and its relation to the Consequence Argument see Nelkin (2001).

[8] Van Inwagen (2008: 328) says: "It is […] evident that moral responsibility does exist."

which ultimately rests upon the law of excluded middle (LEM) (Dummett 1976: 9; 184). One way to formulate this argument without direct appeal to (SCD) is as follows:[9]

SCD-Argument

1	(1)	(ND) → ¬(F)	consequence of strict incompatibilism
2	(2)	¬(ND) → ¬(F)	consequence of strict incompatibilism
---	(3)	(ND) ∨ ¬(ND)	instance of LEM
4	(4)	(ND)	assumption of the first disjunct of line 3
1, 4	(5)	¬(F)	1, 4, MPP
6	(6)	¬(ND)	assumption of the second disjunct of line 3
2, 6	(7)	¬(F)	2, 6, MPP
1, 2	(8)	¬(F)	3, 4, 5, 6, 7, ∨-elimination

The first line states that if nomological determinism is true, then the thesis of free will is false. The second line states that if nomological determinism is false, then the thesis of free will is false. On the third line the relevant instance of (LEM) with respect to nomological determinism is introduced. The fourth line assumes the first disjunct of line (3). From this assumption and line 1 the negation of (F) is derived by MPP (*modus ponens*) on line (5). On line (6) the second conjunct of line (3) is assumed. Line (7) derives, again by MPP, the negation (F) from that assumption and line (2). On line (8) assumptions are discharged.

Now, it is clear enough what soft determinists and libertarians would have to say about the SCD-Argument. Accepting its validity, they would deny its soundness and reject either line (1) as false (that would be the response of the soft determinist) or line (2) as false (that would be the answer of the libertarian). Hard determinists, in contrast, would claim to be able to offer a simpler argument to the same conclusion – i.e. to the negation of (F) – since they hold line (1) and (ND) to be true.

Van Inwagen, of course, sides with the libertarian reaction to the SCD-Argument, even if in a less than straightforward way. He concedes that this argument *seems* to be sound but that, since (F) is evidently true, there *must* be something wrong with it. His guess is that, even though supported by seemingly unanswerable arguments, line (2) of the SCD-Argument is false.

Colin McGinn agrees with van Inwagen in holding both (i) and (ii) to

[9] There are other ways to formulate it, but this formulation seems to me the most conspicuous.

be well justified (McGinn 1993: 80). He also agrees with van Inwagen in refusing to transfer this justification to the claim that (F) is false. However, his position differs from the one taken by van Inwagen with respect to the way in which this refusal is rationalized. While van Inwagen ultimately claims that there *must* be something wrong with the SCD-Argument because it is evident that freedom exists – or that moral responsibility exists and that the existence of moral responsibility requires the existence of freedom – McGinn speculates that the correct solution to the problem of free will is *cognitively closed* to us, i.e. that it is *cognitively inaccessible* to us in the following sense: Although there exists a correct theoretical solution to the problem of free will, for human reason this solution is impossible to grasp and comprehend. It is not just that, presented with this solution, we would be unable to come to know that it is true; rather, human intellect is constitutionally incapable of grasping and understanding that solution – *let alone* of finding out its truth. McGinn writes:

> In trying to produce a theory of the nature of freedom we run up against the limits and biases of our own cognitive system. Freedom is a phenomenon we can refer to but we cannot understand; the necessary theoretical concepts and principles fall outside the class of those that come natural to us. Thus we fall into philosophical perplexity and cudgel our brains to find a way out. Straining at the bars of our cognitive cage, we concoct would-be solutions that never fully satisfy us, instead of accepting our cognitive predicament for what it is (McGinn 1993: 81-82).

What, then, is our cognitive predicament according to McGinn? Generally speaking, says McGinn, "the true epistemological predicament we are in" is or at least could very well be that "we can formulate questions about the world that we lack the faculties to answer" (McGinn 1993: 11). A case in point is or could very well be our question about how freedom is possible. The thesis *that* freedom is possible is something which McGinn, agreeing with van Inwagen, does not want to deny. Given that he says that we are able to *refer* to the phenomenon of freedom he is moreover committed to the claim that freedom is not just possible, but real. What McGinn seems to invite us to do, then, is to accept that freedom is real and to forget about the question of how it is possible – since the correct answer to this question is cognitively closed to us.

Now, in order to do justice to McGinn it must be stressed again that he does not outright assert all these things, he does not ask us to simply accept them to be true on the grounds he brings forward. What he claims for his cognitive closure thesis with regard to freedom is not truth but, as he himself puts it, "mere respect" (McGinn 1993: 2). I think that

McGinn's proposal indeed merits to be taken seriously and to be respected in the sense intended by McGinn. For all we know, it *may* be true. And anyone who knew it to be true would at the same time be in the position to give an excellent explanation of the fact that the problem of free will has so stubbornly resisted any attempt at solving it. There are no *obvious* and philosophically *uncontroversial* grounds for dismissing the possible truth of the thesis that the correct solution of the free-will problem is cognitively closed. Still, one is tempted to ask: What are we to do with this tentative acceptance of the possible truth of cognitive closure?

According to McGinn, the appreciation of our apparent inability to give a stable and convincingly justified account of free will and of how it is possible does not lend any support to the claim that (F) is false. Confronted with the SCD-Argument, someone who sides with McGinn in these matters should simply respond: "Well, yes, lines (1) and (2) *seem* to be true and the argument seems to be valid. But it is unclear whether we should take lines (1) and (2) or, for that matter, the SCD-Argument seriously since it might very well be that it is impossible for human intellect to so much as comprehend the arguments that would really matter in the whole debate on free will. And therefore it might very well be that the SCD-Argument is simply misguided – and what is more: it might very well be that it is impossible for us to pin down exactly *where* that argument goes astray."

For someone who brings forward the SCD-Argument as a move in the collective effort to find out what is the right position to take in the debate on free will, this can hardly count as a helpful and constructive response. But maybe the point that McGinn wants to make is exactly that the collective effort just alluded to is useless and doomed to fail. We should simply accept our freedom and direct the intellectual capacities that we possess towards manageable problems. Then again, it is hard to see why McGinn spends as much effort as he does on differentiating the view that freedom is real and cognitively closed from claims to the effect that freedom of will is simply an irreducible and brute fact which does not admit of any explanation or reduction. According to the brute-fact account, the concept of free will should be taken as a theoretically basic concept – needed maybe to do conceptual work when it comes to the explication of other concepts as for example 'agency', 'justice' or 'responsibility,' but itself inexplicable. The brute-fact or irreducibility view of freedom, according to McGinn, dodges the genuine explanatory questions (McGinn 1993: 84) The view proposed by McGinn that freedom is real but cognitively closed, however, seems to be just one variant of the irreducibility view, one variant, that is,

of a view according to which freedom is real but "irreducible and indefinable and inexplicable" (McGinn 1993: 15). What McGinn *adds* to a simple irreducibility theory of free will is a very radical, albeit possibly correct explanation of *why* freedom should be taken as a brute fact. The thesis of cognitive closure seems to be meant to reassure us that the apparent irreducibility and the apparent inexplicability of freedom are due to our insurmountable cognitive limitations and *therefore* should not be taken to cast any doubt on the idea of freedom itself. This reassurance, however, is not given any rational backing by McGinn.

Instead of declaring free will, with van Inwagen, to be a mystery or claiming, with McGinn, that the problem of free will amounts to a problem whose correct solution is cognitively closed to human intellect, it seems more reasonable to characterize the problem of free will as a hard problem. The hardness of the free-will problem is mainly due to the fact that it involves a large variety of concepts whose correct explication is controversial. So, which concepts are involved in the problem of free will, apart from the obvious ones of freedom and will? Here's a plausible list of candidate-concepts – the English terms that we use to express them appear in alphabetical order: ability, action, causation, chance, choice, event, future, history, natural law, necessity, past, person, possibility, present, truth. This list could, no doubt, be augmented.

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