Review of: "Beyond the Luck Problem: Addressing Discrimination in Event-Causal Libertarianism"

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This paper is really interesting, and it involves lots of important insights. However, I also have a few worries—which shouldn't be surprising, since the paper argues against a view that I have defended. What follows are just a few thoughts…

1. I begin with a point that is, I think, of secondary importance. I don't think that Sekatskaya represents the difference between Carol and Rachel in a way that is friendly to event-causal libertarians. Sekatskaya describes the difference by saying that Carol's decision is determined by prior events and Rachel's decision isn't. That's right, but it fails to flag a difference that is important to event-causal libertarians. From the event-causal-libertarian point of view, the crucial difference between Carol's decision and Rachel's decision is that (a) once Carol is in a torn state, her decision—i.e., the event in which she chooses one of her two tied-for-best options—is deterministically caused by events that are completely external to her conscious reasons and thought; and (b) this is not true of Rachel. How do we know that this is true of Carol's decision? Because it follows from the way that Sekatskaya set up the thought experiment that Carol is phenomenologically indistinguishable from Rachel; most importantly, Carol is completely torn in her conscious thinking, and so her conscious reasons and thought fail to settle which option is chosen. But we also know from the setup of the thought experiment that Carol's decision is causally determined. So it must be determined by something *else*—something outside of Carol's conscious reasons and thought—presumably some non-conscious neural activity. So it seems to me that in order to describe this situation in a way that's unbiased—in a way that captures what libertarians think is the crucial difference between Carol and Rachel—we need to point out that Carol's decision is causally determined by events that are external to her conscious reasons and thought, and Rachel's isn't.

2. I now come to the main point that I want to make here. It seems to me that there's a problem with the central argument of the paper. To see what I have in mind, recall Sekatskaya's distinction between C-people (i.e., people who never make libertarian-free decisions—i.e., decisions that are free in the libertarian sense of the term) and L-people (i.e., people who make at least some libertarian-free decisions). Given this, Sekatskaya rightly points out that the following claim is true:

[O] C-people and L-people can be phenomenologically indistinguishable.

Given this, here's an argument that Sekatskaya might have given:

(1) [O] is true. But (2) if [O] is true, then it's unfair to treat C-people and L-people differently. Therefore, (3) it's unfair to treat C-people and L-people differently. But (4) event-causal libertarianism implies that this is not unfair. Therefore, (5)

event-causal libertarianism is false.

But that's not how Sekatskaya argues. Instead, I think that she can be represented as arguing in something like the following way:

(1) [O] is true. But (2') if [O] is true, then event-causal libertarians need to argue for the claim that it's morally acceptable to treat C-people and L-people differently. Therefore, (3') event-causal libertarians need to argue for the claim that it's morally acceptable to treat C-people and L-people differently. But (4') event-causal libertarians haven't given us such an argument. Therefore, (5') we shouldn't accept event-causal libertarianism.

But it seems to me that there are two problems with this argument. First, premise (4') seems to me to be false. Indeed, it seems to me that every argument for incompatibilism in the philosophical literature is an argument of the kind that's needed here. So, e.g., the consequence argument just *is* an argument for the claim that it would be fair to treat Carol and Rachel differently.

Second, why should we believe premise (2')? Sekatskaya seems to think that the "burden of proof" is on the incompatibilist to produce an argument. But that doesn't seem right to me; both parties to the debate seem to me to need an argument; and if neither side has an argument, then I think we should remain neutral.

So while I think that Sekatskaya's argument here is interesting and original in various ways, in the end, I don't think it succeeds. If Sekatskaya had an argument for premise (2)—i.e., for the claim that if C-people like Carol are phenomenologically indistinguishable from L-people like Rachel, then it's unfair to treat them differently—then things would be different. But Sekatskaya doesn't give us an argument for premise (2).

Moreover, I might add here that it's unclear how one might go about arguing for premise (2); after all, manipulated people and unmanipulated people can be phenomenologically indistinguishable as well, and I think that most of us would say that it's morally acceptable—and not unfair—to treat them differently.

3. I end with a less important point. Some libertarians will want to claim that L-people are morally responsible for at least some of their actions and C-people aren't. My own view is that libertarians shouldn't commit to that claim, but it's obvious that some libertarians *are* committed to it. But Sekatskaya takes libertarians to be committed to the claim that L-people are morally *superior* to C-people, and that seems wrong to me. After all, it may be that *Hitler* was an L-person. I think libertarians (of the kind that Sekatskaya has in mind here—i.e., libertarians who think that libertarian-style freedom is required for moral responsibility) should say that if Hitler was an L-person, then he was morally *inferior* to C-people—and, indeed, to dogs and rocks.