



## Should Kane Abandon the Symmetry of Efforts of Will?<sup>1</sup>

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### Abstract

An agent's efforts of will have long been at the center of Robert Kane's influential account of libertarian free will. For several decades it has been a crucial part of his theory that there is a symmetry to these efforts. That is, Kane has long maintained that an agent engaged in an undetermined choice makes a simultaneous and sustained effort to choose and to choose otherwise. In a recent paper, Kane abandons this symmetry. I outline and evaluate this change in Kane's theory. I begin by explaining how Kane's theory has changed from a symmetric to an asymmetric account of undetermined free choices. I then explore the philosophical benefits of adopting an asymmetric account by considering its implications for the explanatory luck objection, the phenomenological objection, and the objection that engaging in dual efforts of will involves an unacceptable form of irrationality. Finally, I argue that despite these benefits, Kane's asymmetric model opens the door to a more pervasive worry about luck and it gives up something most libertarians want: the unconditional ability to choose otherwise. Given these points, I conclude the cost of abandoning the symmetric account of efforts of will is excessively high.

### Keywords

Kane, libertarianism, efforts of will, luck, plural voluntary control.

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Over several decades Robert Kane (1994, 1996, 1998, 2000, 2009, 2014, 2019) has developed and defended what is probably the most influential version of libertarian free will on offer. Figuring prominently in his account are the dual efforts of will that an agent makes during the process of deliberation. It has long been a feature of his theory of undetermined free choice that there is a symmetry involved in the way he conceptualizes these efforts, but in a recent paper Kane (2021) abandons this symmetry. My task here is to outline this change and to evaluate both its benefits and its costs for Kane's theory. Ultimately, I conclude that the disadvantages outweigh the benefits and that Kane would be better off retaining the symmetric account of efforts of will.

My discussion is divided into three parts. In part 1, I provide a brief sketch of Kane's theory while highlighting what I have referred to as the *symmetry* of the agent's efforts. I then outline what has changed in Kane's recent modification of his view, which treats efforts of will as asymmetric. In part 2, I discuss some of the benefits of the change in Kane's treatment of efforts of will. Doing so not only illuminates Kane's revised theory but also helps to explain what has likely motivated this revision. I focus on the implication that an asymmetric account of efforts of will has for the luck objection, as well as for concerns about rationality and the phenomenology of choice. In part 3, I raise some concerns about Kane's modification. First, I draw on Haji's (2022) argument that Kane's modified theory is vulnerable to a different guise of the luck objection, but I show that the problem is even more serious than Haji proposes. Second, I argue that Kane's asymmetrical theory surrenders something that most libertarians think is important in an account of free will, and so gives up too much.

### Part one

Kane's is an incompatibilist libertarian theory grounded in indeterminism. It is important to note though, that according to Kane, not all choices made of our own free will are undetermined. A choice is also freely made if it is the product of a will that is of one's own free making. Hence, a free choice can be determined by one's character and motives provided one is responsible for having the character and motives one does by means of earlier undetermined choices. Kane calls these non-derivative character-shaping undetermined choices "self-forming actions" or "SFAs."

SFAs occur when an agent is torn about a certain choice:

As I see it, ... [SFAs] occur at times in life when we are torn between

competing visions of what we should do or become. Perhaps we are torn between doing the moral thing or acting from self-interest, or between present desires and long-term goals, or we are faced with difficult tasks for which we have aversions. In all such cases, we are faced with competing motivations and have to make an effort to overcome the temptation to do something else we also strongly want. (Kane, 1999, p. 224)

Kane's favorite example involves a businesswoman who is on her way to an important meeting and witnesses an assault. She has moral reasons to stop and to help the victim and she has selfish reasons to get to her meeting on time to advance her career. Even though she wants to perform both actions the circumstances are such that she must choose between them. Being a committed naturalist, Kane draws on the idea that the brain employs parallel processing and proposes that two parallel neural subnetworks physically implement these competing reasons and the rationales that they support.

I ... postulate, in such cases, that multiple goal-directed cognitive processes (*volitional streams*, as I call them) would be involved in the brain ... each of them with a different goal corresponding to the different choices that might be made—in short, *a form of parallel processing in the free decision-making brain*. One of these neural processes or volitional streams would have as its goal the making of one of the competing choices (say, a moral choice), realized by reaching a certain activation threshold, while the other has as its goal the making of the other choice (e.g., a self-interested choice). The competing processes or volitional streams would have different *inputs*, for example, moral motives (beliefs, desires, etc.), on the one hand, self-interested motives, on the other; and each of them would be the realizer of the agent's *effort* or *striving* to bring about *that* particular choice (e.g. the moral choice) *for* those motives (e.g. moral motives). (Kane, 2019, pp. 148-149)

Each volitional stream is teleological, meaning that it has as its goal the making of the respective choice. Returning to Kane's example of the businesswoman, the volitional stream that has the moral reasons for helping as inputs aims to make the choice to stay and help, while the volitional stream with the selfish reasons as inputs aims to make the choice to go to the meeting. These two subnetworks in the businesswoman's brain interact and compete for control of her behavior. This competition amplifies causal indeterminacies at the synaptic level, rendering the output of the interacting networks—her

choosing—undetermined, meaning that, whichever way the businesswoman chooses, she could have chosen otherwise.

Kane has long been careful about how we should understand the nature and role of indeterminism in cases like this. He cautions us not to think of indeterminism as an additional causal factor that activates only *after* the above competition to settle the matter, like a coin toss. Rather, he describes indeterminism “as an ingredient in larger goal-directed or teleological activities of the agent ... which ... functions as a hindrance or interfering element in the attainment of the goal” (Kane, 2019, p. 149). That is, each volitional stream acts as a form of interference or resistance to the other volitional stream’s attempt to reach its goal, rendering it undetermined which volitional stream will succeed.

This is where the agent’s efforts of will become so important. Because each volitional stream acts as a hindrance to the other, the agent needs to make simultaneous dual efforts of will to overcome both sources of resistance at once. That is, the businesswoman makes an effort to make the moral choice and overcome the interference produced by her selfish reasons for choosing otherwise. At the same time, she makes a competing effort to make the selfish choice and overcome the interference produced by her moral reasons for choosing otherwise. Because the agent’s will is divided, and because Kane describes the agent as trying to make both choices by engaging in these dual efforts of will (he sometimes calls these “strivings”), *and* because it is undetermined which effort will succeed, we get what many libertarians want: the agent has a categorical ability to choose or to choose otherwise given the same past and deliberation. Indeterminism provides the possibility of choosing or choosing otherwise, while competing efforts are meant to ensure that the agent has *enough* control over the choice to be responsible for it. That is, the dual efforts of will (together with their inputs) provide what Kane calls “plural voluntary control”:

...[T]he agent had the power and opportunity to make either choice be or not be at the time, *voluntarily* (without being forced or compelled, since an alternative choice was possible), *intentionally* (on purpose rather than by accident or mistake, since the choice resulted from a goal-directed cognitive process whose goal was that very choice) and *for reasons* motivating that choice rather than the alternative (which provided causal input to the volitional stream that issued in the choice). (Kane, 2019, p. 150)

The symmetry of the agent’s efforts is crucial here. If the agent were not

trying to make both choices simultaneously, Kane could not claim that the agent exercises *plural* voluntary control. In the absence of an effort to make the selfish choice, given her competing motives, it would appear to be an accident if the businesswoman made the selfish choice. It is not enough for control and responsibility for the businesswoman to have reasons for making the selfish choice—this must be something she is actively trying to do. Indeed, Kane’s central strategy for minimizing the appearance of luck or chance where undetermined events are involved is to argue that when agents succeed at doing what they were trying to do despite the chance of failure (given the presence of indeterminism) it is clear they are responsible *because of their effort*.

A husband, while arguing with his wife, in anger swings his arm down on her favorite glass tabletop in an effort to break it. Imagine there is some indeterminism in the neural processes involved in his brain and arm making the momentum of his swing indeterminate so that it is literally undetermined whether the table will break up to the moment when it is struck. Whether the husband breaks the table or not is undetermined; and yet he is clearly responsible if he does break it. It would be a poor excuse for him to say to his wife “Chance did it (broke the table), not me.” Though there was a *chance* he would fail, chance didn’t do it, *he* did. (Kane, 2019, p. 149)

The difference between this case and the businesswoman, of course, is that the husband’s involves a singular effort directed at only one outcome whereas the businesswoman’s efforts are doubled and aim at two distinct choices.

What has changed in Kane’s most recent articulation of his view? In his 2021 paper “Making sense of a free will that is incompatible with determinism: A fourth way forward,” Kane modifies his account of SFAs. He continues to appeal to multiple efforts of will and to the idea that the indeterministic element at work in an SFA should be thought of as a hindrance that comes from the agent’s own will, but he abandons the *symmetry* of the agent’s efforts. He no longer appeals to *simultaneous* efforts of will to make opposing choices. Kane emphasizes this change in the following passage where he contrasts his current approach with his earlier work. Take note of the parenthetical remark below. He writes:

... [I]t is not being claimed here (as I have done in earlier writings) that these efforts or exercises of will-power aimed at different choices would be occurring at the same time during deliberation. Nor will they be

occurring throughout the entire deliberation. Rather, different efforts or exertions of will-power may be initiated at different times, depending on the course of the agent's reasoning or thought processes. (Kane, 2021, p. 9)

Since it has long been a feature of Kane's account that an agent's dual efforts are simultaneous and are sustained throughout deliberation to the moment of choice, this marks a significant change to his view.

To illustrate his modified approach Kane draws on van Inwagen's example of a would-be thief named John who deliberates about whether to steal from a church poor box. Under the terms of Kane's earlier view, we would expect a tug-of-war between competing volitional streams, each of which is defined by a distinct set of inputs and involves an effort of will to overcome the competing effort. These would be sustained throughout John's deliberation until one of the efforts succeeds, but because John made the effort *both* to choose to steal from the poor box *and* to choose to refrain from stealing, he would seem to be responsible for his choice, whichever way it goes. But this is not Kane's approach here. Instead, we get something slightly different.

According to Kane, while John deliberates, his reasons might incline him more toward one choice rather than the other without necessitating that choice. If we suppose at time  $t_1$  that John is more inclined to steal, he will have to make an effort "to overcome the still-existent resistant motives" in his will that "stir up" indeterminism in his effort to make that choice, "making it uncertain the effort will succeed" (Kane, 2021, p. 10). If he succeeds, like the businesswoman or the angry husband, we should hold John responsible since he accomplished something he was trying to do despite the chance of failure. This part of the account is familiar enough.

Where things differ is in Kane's characterization of what happens if John's effort to choose to steal does *not* result in the choice to which he is inclined at time  $t_1$ . Under Kane's previous model, John would make the alternative choice, but Kane doesn't say that here. Instead, Kane offers something new:

It is *not* assumed, nor need it be assumed, on this account that if a choice is undetermined, the agent might make different choices, for example, to steal or not to steal, given exactly the same deliberation, including exactly the same desires, beliefs, inclinations, and reasoning, leading up to the choice. All that follows on this account from the assumption that a self-forming choice or SFA is undetermined is that the effort to make it may succeed *or may fail* at a given time in

overcoming the resistance in the will to make it. And from this, it does *not* follow that if the effort fails, an alternative choice would be made at that same time instead. (Kane, 2021, p. 11)

This marks a significant departure from Kane's earlier work. In previous writings, Kane emphasized the idea that at the moment of choice the agent can choose or choose otherwise, exercising plural voluntary control:

To have control at a time in this sense over the being and non-being of some event or state is to have the power at the time to *make* that event or state *be* and the power at the time to make it *not be*. And in SFA situations, agents have such control over the choice that is made (e.g. the choice of A rather than B). For not only do they have the power at the time to make that choice *be*, they also have the power at the time to make it not be, *by making the competing choice* (of B rather than A) *be*. They have both these powers because either of the efforts they are making in their conflicted situation might have succeeded in attaining its goal; and if either did succeed, the agent could be said to have brought about the choice thereby made *by* endeavouring to bring it about. The power at a time to make some event be and the power to make it not be is an important everyday sense of what it means to have *control* over an event. (Kane, 2014, p. 51)

Returning to Kane's newer model, if John's effort to choose to steal fails, but he doesn't thereby choose the alternative, what happens next? Kane adds the following:

The deliberation would either continue until a potential reassessment of the reasons led to another later effort to make the choice to steal or a potential reassessment led to a later effort to make the choice not to steal. Or, the deliberation might terminate without any decision being made, if this is possible in the circumstances and the agent is so inclined. (Kane, 2021, pp. 11-12)

So, for John to make a different choice he would need to keep deliberating until his reasons incline him toward the alternative. Provided his "resistant motives" continue to raise doubts about his choice and engender the required indeterminism, should his effort to make this choice succeed, he would be responsible in the way that is familiar from Kane's earlier writings. We should see his choice as the successful exertion of an effort to make that choice, which might have failed due to the presence of indeterminism but did not.

Kane's example of John the would-be thief shows clearly that although Kane continues to appeal to *multiple* efforts of will he no longer conceives of these efforts as simultaneous attempts to make competing choices. Distinct efforts to make different choices can follow each other sequentially, provided the agent vacillates in the way John does in the example above. Gone, though, is the symmetry of the agent's efforts. Kane has jettisoned the idea that competing efforts are synchronous and are sustained throughout deliberation right to the moment of choice and that either choice could prevail at that very moment. To drive this point home, he claims later in the article:

All that follows...from the fact that a self-forming choice is undetermined is that it might be made at a given time or might *fail* to be made at that time. And it does *not* follow if it fails, that the opposing choice—to steal—would be made at that same time, given exactly the same reasoning leading up to the choice to steal. Moreover, this would be true whichever choice is successfully made in an undetermined self-forming choice situation. (Kane, 2021, p. 19)

Although Kane used to claim that an agent could make either choice at the same moment, he now opts for an *asymmetric* account of an agent's efforts of will in an undetermined choice. The agent makes a singular effort to make the choice (X) to which he or she is most inclined. An effort of will is still required because the agent has resistant motives in favor of the alternative (Y), but if that effort fails, the agent will not choose otherwise (Y), for there is no competing effort to make that choice. Instead, the agent simply fails to choose X. An effort to choose Y will only arise if, upon further deliberation, the agent becomes more inclined to choose Y. If he does, another effort is required because the agent has not discounted the reasons in favor of choosing X.<sup>1</sup>

Note this suggests that the source of the indeterminism construed as a hindrance to the agent's choice now appears to have a slightly different source than it did in Kane's earlier model. Previously, Kane treated the competing efforts of will as (at least part of) the source of the indeterminism, but if the agent's efforts are not sustained throughout the entire deliberation, this cannot

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1. One way to interpret Kane here is to say that in the situation described (where John's effort to choose X fails), he chooses (or does)  $\vee X$ . However, I think that this could be misleading as it can seem to imply that the agent has made a choice of sorts (say, between X and  $\vee X$ ). Given that the rest of Kane's example involves a more prolonged deliberation, I think it preferable to say that the failure of John's initial effort to choose X signals a failure to choose at all rather than the successful choice of some other alternative.



be the case. Instead, it appears as though the source of the indeterminism—the hindrance or obstacle to choosing—is now exclusively the set of reasons, considerations, or motives that would justify the alternative, not a competing effort to choose otherwise. (Kane typically treats reasons, motivations, and temptations as *inputs* to the volitional streams described above, whereas the efforts are attempts by the agent to make the choices that are justified by those inputs). It is also important to note that by abandoning the symmetry of efforts of will Kane has jettisoned his notion of plural voluntary control. Such control is no longer required since the agent is not attempting to make more than one choice at the same time.

### Part two

What are the advantages of abandoning the symmetric view of efforts of will and adopting an asymmetric account instead? Answering this question not only sheds light on Kane’s reasons for making the above modification to his view but also helps us to evaluate the philosophical advantages of this change. In large part, Kane’s adoption of an asymmetric model seems to be motivated by concerns about luck. Not surprisingly, Kane’s appeal to indeterminism frequently raises the objection that the undetermined choices made in SFAs appear to be a product of chance, which undermines rather than enhances the agent’s control over her choices (Allen, 2005; Almeida & Bernstein, 2003; Double, 1988; Haji, 2000; Levy, 2005; Mele, 1999, 2005; Moore, 2021; Murday, 2017). Kane points out that many of his critics have assumed that if John’s effort to steal were unsuccessful his competing effort would thereby succeed, leading him to choose not to steal. Indeed, this was the case in Kane’s original symmetric model. Kane draws attention to the fact that his critics have objected that this kind of categorical ability to choose and to choose otherwise is bothersome: “And this is problematic, these critics commonly argue, given that his deliberation would have been exactly the same leading up to the different choices. What would explain the difference in choice?” (Kane, 2021, p. 11). Since there is no answer to this question it appears as though the choice is a product of chance. Interestingly, Kane appears to acquiesce to this criticism and adopts the asymmetric account of efforts of will to avoid it. Indeed, his reply to the explanatory luck objection later in the same article leans *heavily* on this change.

Kane quotes Mele’s (1998, p. 582) articulation of the explanatory luck objection which claims that since there can be “no explanation for why one choice was made [in an SFA] rather than another in terms of the total prior

character, motives, and purposes of the agent ... [t]he difference in choice ... [must] be just a matter of luck.” As Kane sees it, the objection proceeds from a (now) false premise: namely, that “different free choices could emerge from the same past of an agent” (Kane, 2021, p. 19). Since Kane has abandoned the symmetry of the efforts of the will in an SFA, it isn’t the case that different choices could be preceded by the exact same past and deliberation. John, the would-be thief, would only make the alternative choice *after* re-evaluating his reasons and those reasons thereby came to incline him to make the other choice. Since these reasons incline John without necessitating his choice, Kane stops short of saying that one can appeal to John’s deliberation in order to provide a contrastive explanation of his choice (after all, John’s effort to make the choice toward which he is presently inclined can always fail, given the presence of indeterminism), but if John so chooses, it will fit in a rational and explanatory way with his deliberation. Since John will not choose *contrary* to the way he is presently inclined, this appears to mitigate the explanatory luck objection.

While it is reasonably clear that Kane’s primary aim in adopting an asymmetric account of an agent’s efforts of will is to avoid the explanatory luck objection, this modification would appear to have other advantages also. Another objection that has been raised more than once against Kane’s theory is a concern about the apparent irrationality of engaging in dual efforts of will (Allen, 2005; Clarke, 2003; Ekstrom, 2003; Lemos, 2011). Kane’s critics tend to express this concern in one of two ways (and often both): either it is irrational to try to do two incompatible things, or it is irrational to choose without first ordering one’s preferences. I suspect that the second way of expressing this worry is parasitic on the first; presumably, it is irrational to choose without first sorting out which option is best *because* one cannot rationally do both. While it is quite reasonable (perhaps even expected) for an agent to *want* to do two different (and incompatible) things, since values and desires often come into conflict with themselves and with one another, it is quite another thing to try to *do* two incompatible things, yet this seems to be what Kane’s earlier theory demands. After all, Kane treats efforts of will as efforts to do in the ordinary sense. In *The Significance of Free Will*, for instance, he claims, “The terms *effort* and *trying* (and related terms such as *endeavoring* and *striving*) are to be used throughout this book in their ordinary senses. I assume we all have experiences of making efforts or trying when we meet resistance to our mental and physical activities” (1998, p. 27). Taken in the ordinary sense of *trying to do*, it can certainly appear to be irrational to make dual efforts to do two incompatible

things since succeeding at both is impossible.

Laura Ekstrom expresses this objection as follows: “But surely such a condition is not one of health and flourishing of the will. It is one, rather, of deep volitional irrationality. Augustine called division of the will a ‘disease of the mind,’ contending that we suffer from the condition as punishment for Original Sin” (Ekstrom, 2003, p. 163). And Lemos, a frequently sympathetic critic of Kane’s, puts it this way:

It is commonplace for people to find themselves with conflicting desires that cannot both be satisfied and we don’t regard people as irrational for that. Rather, having desires that sometimes come into conflict is a fact of life that can either be dealt with rationally or irrationally. Deliberating and making a decision as to what is best and then acting on that decision is a rational way to proceed in the face of such conflicting desires. In contrast, willing or trying to do both acts when confronted with such conflicting desires makes no sense at all, and as such is irrational. (Lemos, 2011, p. 41)

I’ve never found this objection particularly compelling. First, it appears to be beholden to a Frankfurtian view of free choice as requiring wholeheartedness, which requires independent support, and something seems plausible to me about Kane’s idea that SFAs require ambivalence. Second, at times there is slippage on the part of Kane’s critics between the idea that agents in SFAs try to make both choices, on the one hand, and that they try to perform both actions on the other (the passage above from Lemos arguably does this). While the latter is certainly irrational, it is not obvious that the former is as well. I do not wish to debate these issues here, however. My point is that if one finds the objection that Kane’s original symmetric view involves an unacceptable kind or degree of irrationality compelling, it appears as though there is some relief to be found in his modified account. On the asymmetric model, it is no longer the case that the agent in an SFA tries to make both choices, so if that is one’s main concern, or if one thinks that trying to make both choices is equivalent to, or somehow implies, trying to perform both actions, then Kane’s revised model successfully addresses another objection to his theory.<sup>1</sup> If the real concern here is that acting from ambivalence

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1. This would also appear to address the related objection that dual efforts of will lead to a problematic doubling of the agent’s responsibility since we are responsible not only for what we do but also for what we try to do. Levy, N. (2005). Contrastive explanations: A dilemma for libertarians. *Dialectica: International Journal of Philosophy of Knowledge*, 59(1), 51-61.

represents “a deep volitional irrationality,” then Kane’s asymmetric model won’t be entirely satisfying since, even though it is true that when the agent chooses she only tries to make one choice, her doing so occurs in the presence of “resistant motives” that justify the alternative. This suggests that the agent might choose without drawing a conclusion about which option is best, or which motives are more important, though to be fair Kane doesn’t say much about this stage of the process and so my assessment of this point involves a certain amount of conjecture.

There is one more advantage to adopting Kane’s asymmetric theory that is closely related to the objection about irrationality. This is sometimes referred to as *the phenomenological objection*. This has been raised by several authors, including Lemos (2011), Ekstrom (2003), Clarke (2003), and Mele (2006). Kane sums up the problem this way: “[An] objection commonly made is that we are not introspectively or consciously aware of making plural efforts and performing multiple cognitive tasks in self-forming choice situations” (2019, p. 151). In other words, Kane’s account of SFAs does not seem to accord with the phenomenology of choice. As Ekstrom puts it, “I find it both phenomenologically inaccurate and theoretically unsatisfying to propose that what one is trying to do in deliberation, as a free agent, is to make up one’s mind *in one particular way* and to make up one’s mind *in a different way*, simultaneously” (2003, p. 163).

Kane has resisted this criticism primarily on the grounds that introspection is either unreliable or that we should not expect it to reveal everything that is going on when we engage in difficult choices. He grants that we are not aware introspectively of making dual efforts. Kane claims that “in such phenomenological conditions, I am *theorizing* that what is going on underneath is a kind of distributed processing in the brain that involves separate attempts or endeavours to resolve competing cognitive tasks” (2019, p. 151).

Kane’s newer asymmetric account of SFAs would appear to fare better with respect to the phenomenological objection. Since he no longer requires the agent to make simultaneous competing dual efforts, his account is easier to reconcile with our subjective experience of choice. Indeed, if we return to Kane’s account of John, who struggles to decide whether to steal from the church poor box, we encounter a description that seems much more familiar than the one involving dual efforts of will. The agent is inclined toward one choice (say, to steal) but isn’t certain about what to do because he sees his resistant motives not to steal as legitimate and still worthy of consideration. He

might ultimately make the choice to steal, and he will experience it as a difficult choice precisely because of the resistance that comes from his competing motives, and it seems fitting to describe his choosing as requiring an effort to overcome this resistance. But if we introduce another competing effort to make the choice not to steal, we appear to stray some distance from our experience of choosing. Hence, Kane's revised theory appears to be on better footing than the original when it comes to the phenomenological objection.

### Part three

Kane's revised theory looks like it makes some philosophical gains. It gives him more to say in response to the explanatory luck objection and to the objections about the irrationality of SFAs and the phenomenology of choice. But is it a good idea for Kane to abandon the symmetry of the efforts of will in an SFA? I don't think so for two main reasons. First, it opens Kane up to an even more problematic version of the luck objection. Second, given the way Kane secures agential control over undetermined choices, he seems to give up something that libertarians want far too easily.

In a recent article Ishtiyaque Haji (2022) argues that although Kane has abandoned the idea that an agent can choose and choose otherwise given the same past and deliberation, his modified theory is still susceptible to a variety of the luck objection. He illustrates with Kane's example of John, the would-be thief.

Suppose that at  $t$ , John exerts an effort of will to make his reasons to decide to steal prevail, but the effort fails... Assume that the outcome of this failed exertion of effort is that no choice is made at this time. But now consider the following. In some non-actual contrast world with the same past up to  $t$  and the same laws, John exerts this sort of effort—the effort to make the reasons to decide to steal prevail—the effort succeeds, and he decides to steal. (For convenience, refer to John in this contrast world,  $w^*$ , as John\*). What is the causal explanation of his decision to steal in world  $w^*$ , and what explains the differential outcomes in the actual world,  $w$ , and  $w^*$ ? *Not* the effort John exerted in the actual world: the same effort (or type of effort) is exerted in both worlds. *Not* John as a dynamic agent cause: if we suppose that the effort implicates agent-causation of this variety—the effort, which is a mental action, is partially the product of John's exercising his apt powers of agent causation—he exercises the same sort of power in both worlds.

(Haji, 2022, p. 124)

If one is sympathetic to Haji's reasoning, it bears pointing out that the problem is more serious and pervasive than even he seems to appreciate. To see why consider the following (I'll have to modify the above example somewhat to make this clear). Suppose that John the would-be thief is deliberating. At time  $t_1$  his reasons incline him to choose not to steal. Let us suppose that his resistant motives have stirred up the appropriate kind of indeterminism in his brain and require him to make an effort to choose not to steal. Now suppose his effort fails. Is John not very unlucky if his effort to make that decision fails? This is Haji's main point. It would seem so since nothing about John's effort, character, or agential powers explains his failure to make the moral choice. Now, Kane claims that John might re-evaluate his reasons and become inclined to make the competing choice. Suppose he does and suppose that further deliberation leads him to choose to steal. He still had resistant motives (this time moral motives supporting the choice not to steal) and so he had to make an effort to choose to steal and, according to Kane, it was undetermined that this effort would succeed. If John's effort succeeds this time, it seems that John is now *doubly* unlucky since it was also undetermined that this subsequent effort to decide to steal would succeed and nothing about John's past, character, or agential powers explains why his effort succeeded rather than failed this time.

This line of reasoning is obviously quick, but it reveals a danger for Kane's theory that was not there before: the role of indeterminism and the opening it creates to worries about luck is now spread more extensively throughout the agent's deliberation. Previously, it was contained in the moment of choice where the battle between competing efforts concludes, but now it is potentially at work at multiple points during deliberation. One advantage of the symmetry of the efforts of will in Kane's earlier approach is that it minimizes and isolates the way luck might creep into the process. On his newer, asymmetric model, luck can play a role as many times as an agent is inclined to choose one way or another and there appears to be no theoretical limit to the number of times an agent might vacillate in the way that John does before one of the agent's efforts to choose succeeds.

Of course, much will depend on the details of how Kane's new asymmetrical model conceives of the process of deliberation, and about this he says little. What leads John to re-evaluate his reasons in a way that changes how he is inclined to act in the end? Kane doesn't say. Perhaps Kane's account would benefit from the addition of a theory of active deliberation. Several authors

(Ekstrom, 2003; Greenspan, 2012; Lemos, 2021) have proposed that we think of deliberation as a process during which agents set priorities or assign weight to their reasons in an active, yet undetermined way. I don't know if this will assist Kane's theory or not. He certainly leaves room for such an addition, but some have doubts about indeterministic models of active deliberation (Haji, 2022) and I am not confident that such an approach will prevent luck from permeating the process. There is, however, something attractive about a model of deliberation that doesn't treat the import of a reason for doing something as having some kind of objective weight but matters in the way it does because the agent assigns a particular weight to the reason.

To close out my discussion, I want to raise one more concern about Kane's new asymmetrical model. By abandoning the symmetry of efforts of will, we no longer have the situation in which an agent might choose and choose otherwise given the same past and deliberation. As we saw, this appears to be very much by design. And to be sure, there is reason to be suspicious of the categorical ability to choose otherwise given the history of criticism of this idea: charges of luck, irrationality, mystery, and incoherence abound. But it is worth noting that a categorical ability to choose otherwise is, to borrow Dennett's (2003) admittedly ironic phrase, "something that many libertarians say they want," and, as Balaguer (2004) points out in his account of torn decisions, something we frequently *seem* to experience when choosing. We often have the sense that we could have chosen otherwise without a different past or deliberation precisely *because* we were torn about the decision. This categorical ability to choose otherwise is often seen as an important feature of libertarian free will. I had always thought it a virtue of Kane's symmetrical treatment of efforts of will that it does better than most theories at explaining such choices in a way that addresses the traditional worries about luck and irrationality. Since Kane hasn't fundamentally changed his central strategy for dealing with the objection that indeterminism undermines agential control in SFAs, I'm at a loss to understand why he has abandoned the symmetric account of efforts of will and the categorical ability to choose otherwise.

Let me explain. Kane claims that when an agent succeeds in his effort despite the presence of indeterminism, he is responsible for what he does because of his effort. The fact the choice is one the agent was actively trying to make and the fact it can be rationally explained by a subset of the agent's reasons is what makes the choice appear less like a product of chance and more like a purposeful act that was under the agent's control. Under the asymmetric model, this is precisely what ensures that John's choice to steal is

a free and responsible choice. Since he was actively trying to make that choice, we should see John as responsible for making it even though it was undetermined that his effort would succeed. What I find curious is that this is fundamentally the same strategy that Kane employed to minimize the role of luck in his previous symmetrical theory. The only difference is that the efforts are doubled in his symmetrical model to generate the plural voluntary control needed to make sense of the possibility that the agent could make either choice at that very moment. There is, then, something polemically strange about Kane's retreat from the symmetrical model. If he is unmoved by the luck objection in the case of John, the would-be thief, why would he retreat from the symmetrical model because of worries about luck? His account of agential control is fundamentally the same in either case: the agent is responsible for the choice (whichever way it goes) because the agent was trying to make that choice. Given this, Kane's retreat to an asymmetrical model seems like an odd philosophical manoeuvre.

My suspicion is that libertarians will be unhappy with Kane's retreat. While it is true that the asymmetric model provides Kane with responses to objections to his theory (the charges of irrationality and the phenomenological objection), it is far from obvious that these gains outweigh the costs. First, as we observed, the indeterminism that raises concerns about luck and control is more pervasive in Kane's modified view than it was in his symmetric account. It is fair to assume that worries about luck won't disappear from libertarian theories anytime soon, so it seems preferable to adopt a view that minimizes the opportunities for luck to enter the process, and here the symmetric model has a clear advantage.

Second, as I indicated, I do not see either the objection about the irrationality of making dual efforts of will or the phenomenological objection to be particularly compelling—though I have not argued these points here and I am sure others will disagree with my assessment of their severity. It is important to note, however, that Kane has offered numerous replies to all these objections within the terms of his symmetrical model of SFAs. Kane's extensive body of work has plausible things to say not only about the luck objection in its various guises but also about why we are not aware of making dual efforts of will and how we can be capable of plural rationality. So, it seems odd for Kane to modify his account of SFAs to address concerns that he has already tackled. For those who remain skeptical of Kane's strategies and who think that side-stepping these issues is worth giving up plural voluntary control and the categorical ability to choose otherwise, it bears pointing out



that the latter is also arguably part of our phenomenology of choice.

Finally, Kane's asymmetric model might seem to play into the hands of some of his compatibilist critics. Many compatibilists have long insisted that the claim that an agent like John, the would-be thief, could have chosen otherwise should be understood as the *conditional* claim that John would have chosen otherwise only if his past or deliberation were different. By surrendering the categorical ability to choose otherwise, Kane's account now appears to agree with this conditional analysis. As we saw, John would only make a different choice (to steal versus not to steal) if his deliberation changed by coming to be more inclined to choose the alternative *after* a re-evaluation of his reasons. Of course, Kane's account goes beyond the compatibilist approach since he invokes an indeterministic element in John's choice. But now a compatibilist can offer the following complaint against Kane:

Kane appears to agree with us that what it means to have the ability to choose otherwise is that one would have chosen otherwise if one's past or deliberation were different. We compatibilists think that this claim is consistent with the truth of determinism. Why, then, should we insert indeterminism into the process? That can only lead to worries about luck and control, so Kane would be better off embracing compatibilism.

While Kane has a lot to say about the incompatibility of freedom and responsibility with determinism (see especially Chapter 4 of *The Significance of Free Will*), the case for the need for an indeterministic element in deliberation and choice would be much stronger if he retained his commitment to the categorical ability to choose otherwise. For John to choose or choose otherwise at the very same moment clearly requires an indeterministic component, but a conditional ability to choose otherwise does not. Giving up on the categorical ability to choose otherwise, then, threatens to undermine what seemed to be a distinctive and attractive feature of Kane's theory. Without that, it threatens to open the door to compatibilist arguments that their view can offer the same kind of conditional ability to choose otherwise, but at a lower cost.

Kane has developed his highly influential libertarian theory over several decades. Over the years it has become increasingly sophisticated and nuanced as he has replied to numerous objections. His 2021 paper "Making sense of a free will that is incompatible with determinism: A fourth way forward" adds to an impressive body of work, and it marks a significant departure from his previous thoughts on this issue. He has clearly abandoned an idea that was central to his previous model: that during an SFA an agent engages in

simultaneous dual efforts of will to make two different choices—what I have called *the symmetric model*. In its place, he offers an asymmetric account of efforts of will that treats them as sequential. In the context of this recent article, it is clear that Kane’s primary reason for making this change is that he thinks it protects his account from the explanatory luck objection. I have also suggested that it might provide Kane with additional responses to other objections to his theory, such as the phenomenological objection. Despite these gains, however, I have argued that the cost of abandoning the symmetrical account of efforts of will outweighs the benefits. Kane appears to have jettisoned the categorical ability to choose otherwise and the plural voluntary control that seem so central to the libertarian position, and he does this without really modifying his strategy for addressing concerns about luck. Furthermore, by adopting a conditional account of the ability to choose otherwise, Kane opens the door to the compatibilist complaint that they can offer the same goods at a cheaper price which avoids all the worries about luck that come with appeals to indeterminism. Doubtless, others will disagree with me about the relative gains and losses here, but I think Kane’s theory is stronger with the symmetrical account than it is without it.

### **Conflict of Interests**

The author has no competing interests.

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