

Faith and Philosophy: Journal of the Society of Christian Philosophers

Volume 32 | Issue 1

Article 5

1-1-2015

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Recommended Citation

Rota, Michael (2015) "Synchronic Contingency and the Problem of Freedom and Foreknowledge," *Faith and Philosophy: Journal of the Society of Christian Philosophers*: Vol. 32 : Iss. 1 , Article 5.

DOI: 10.5840/faithphil201531630

Available at: <https://place.asburyseminary.edu/faithandphilosophy/vol32/iss1/5>

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SYNCHRONIC CONTINGENCY AND THE PROBLEM OF FREEDOM AND FOREKNOWLEDGE

Michael Rota

Does a free agent have the power to will otherwise even at the very moment she is making a particular free choice? That is, when one is freely making some choice at a time *T*, does one also have the power to refrain from so choosing at *T*? The diachronic account of contingency and freedom says “no,” while the synchronic account says “yes.” In this paper I first address William Hasker’s criticisms of my earlier presentation of the synchronic account, and then present an argument against the diachronic account. If successful, my arguments offer support for the compatibility of human freedom and divine foreknowledge.

In an earlier paper,¹ I tried to show that William Hasker’s argument for the incompatibility of freedom and foreknowledge fails because it relies on a problematic account of freedom and contingency (the diachronic account). In his response, Hasker has defended the diachronic account of freedom, and argued that the alternative account of contingency and freedom which I endorse (the synchronic account) is subject to serious objections.² In this paper I reply to Hasker’s objections and reformulate my criticism of the diachronic account.

1. Preliminaries

1.1. *Commanded vs. Elicited Acts*

In what follows, it will be helpful to keep in mind the distinction between (i) acts commanded by the will and (ii) immediately elicited acts of the will. Consider the difference between raising one’s arm and choosing to raise one’s arm. The former involves the exercise of one’s muscles; the latter does not. (One could choose to raise one’s arm but experience no muscle movement, because of, say, nerve damage). The choice to raise

¹Michael Rota, “Freedom and the Necessity of the Present: A Reply to William Hasker,” *Faith and Philosophy* 29:4 (Oct 2012), 451–465.

²William Hasker, “The Present is Necessary! Rejoinder to Rota,” *Faith and Philosophy* 29:4 (Oct 2012), 466–471. See also Rota, “A Problem for Hasker: Freedom with Respect to the Present, Hard Facts, and Theological Incompatibilism,” *Faith and Philosophy* 27:3 (June 2010), 287–305; and Hasker, “Theological Incompatibilism and the Necessity of the Present: A Response to Michael Rota,” *Faith and Philosophy* 28:2 (April 2011), 224–229.



one's arm is in some way or another the cause of the actual movement of one's arm. In the language of medieval philosophy, we would say that an act commanded by the will (e.g., arm-raising) is the actualization or exercise of some power of the agent other than the will (e.g., the agent's power of bodily motion), which actualization is caused by the agent via an act of the will itself. An immediately elicited act of the will is an act of the will itself—a willing, e.g., a choice. Human freedom comes by way of the freedom of elicited acts of will. For a commanded act is free only in the sense that it is caused in virtue of a free elicited act of will. Elicited acts of will are free in a more fundamental sense.³

1.2. Agent Causation

I take the view that human freedom involves agent causation. Suppose you freely raise your arm, and let A name the actuation of the relevant muscles in your arm. If the commanded act of raising your arm is a free act, then A is caused in virtue of a free elicited act of your will. As we trace the causal history of A back, we must eventually reach an event E which was not causally necessitated by prior events; otherwise your arm-raising would not be free. (If materialism about the human person is true, E will be an event in your brain; if dualism, E will be an event in your soul.) Call event E the indeterminacy-resolving event—since before E occurred, whether you would raise your arm or not was still causally indeterminate, but once E has occurred, the raising of your arm is causally necessary, in the circumstances and barring any intervention. As the indeterminacy-resolving event, E is not deterministically caused by prior events. Nor can it be probabilistically or indeterministically caused by prior events, in such a way that it was a matter of chance that E occurred rather than not. For if it was up to chance that E occurred, it was not up to you, and so your arm-raising could not count as *your* free act. It seems most plausible, then, to say that the indeterminacy-resolving event is agent-caused by you yourself. On my view, an elicited act of the will is just the agent-causing of the will to be in a certain state, and the will's being in that state then event-causes the actualization of other faculties within the agent (e.g., the agent's faculty of bodily motion). In the case of the elicited act of will lying behind event A (the actuation of your arm muscles), the elicited act of will is the agent-causing of E, i.e., the agent's bringing about of E.⁴

³While acts commanded by the will typically take some time, it's plausible to think that an elicited act of the will can be instantaneous. I'll assume so in this paper, and speak of choices occurring at a time. But if this assumption is disputed, we could translate my talk of this or that choice occurring at T into talk about T being the first moment of a choice with temporal duration.

⁴Note that the elicited act of will here is not E, but the agent-causing of E. (But we could say that E is a state of the will, since for E to occur is for the will to be in a certain state.) Now, one might ask: does this elicited act of will, this agent-causing of E, itself have a cause? I see two possible ways to go here. The first is to deny that the agent-causing of E is the sort of thing that needs a cause (whether on the grounds that it is not a "thing"

A point of clarification about the view I'm defending may be helpful here. Say that E occurs at time T. While E is instantaneously caused by the agent at T, E is not necessitated by the agent at T. Rather, the agent retains, even at T itself, both the power to cause E at T and the power to not cause E at T. This is the so-called synchronic account of freedom, which I'll explain and defend in section 4.

1.3. Volition, Nolition, and Quiescence of the Will

In the work of Aquinas, we find the distinction between the exercise of an act and the specification of an act (see ST I-II.9.1, 10.2, and 6.3). In brief, the idea is this: There is a difference between acting and not acting, and when one is acting, there is a difference between acting in one way and acting in another way. In the case of the will, it is possible to engage in either of two contrary acts of will with respect to some object. For example, I can choose to raise my arm or I can choose to keep my arm pressed on the table. But it is also possible to withhold any choice at all with respect to my arm's position. I might simply refrain from making an act of choice with respect to my arm's position. It is one thing to will-for an object (this is volition), another thing to will-against an object (nolition), and yet a third thing to not perform an act of will at all (quiescence). To not-will is not the same as to will-not.⁵ While free elicited acts of will involve agent causation, in a case of pure quiescence the agent does not agent-cause anything.

2. Does An Agent Have, At the Very Time of Action, the Power To Do Otherwise?

Suppose that an agent N performs a free elicited act of will C at time T. (Suppose that C is a choice, and that before T N had not yet made that choice. At T N agent-causes a certain event, the event of N's will being in the state characteristic of choice.) Most libertarians will agree that since C is really a free choice, it must be that in the time before T it was in N's power to perform C, and in the time before T it was in N's power to refrain

at all, or on some other grounds). The second is to grant that some cause is needed, and say that the agent qualifies as the cause, but deny that the agent is the cause in virtue of engaging in a second, higher-order instance of agent-causing. Rather, simply in bringing about E, the agent is—without any additional mediating act—engaging in all the causation required for the elicited act to be part of reality. Compare Suarez: “every action is in its own way an effect of the agent from which it flows; yet it is not effected, nor does it flow, by means of another action, since it flows not as an effect, but as the very outflowing and dependence itself. So, then, in a broad sense an act of creation can be called a creature, since it itself is also effected by God *ex nihilo*. Yet it is not a creature absolutely speaking, in the way that the entity which is made and serves as the terminus of God's production is; rather, it is a creature in the way that a dependence or production itself is—and so no other act of creation is required for it” (Francisco Suarez, *On Creation, Conservation, and Concurrence: Metaphysical Disputations 20, 21, and 22*, trans. A. J. Freddoso [South Bend, IN: St. Augustine's Press, 2002]), disputation 20.4.31, p. 89). Thanks to Matthews Grant for help on this issue.

⁵See Francisco Suarez, *On Efficient Causality: Metaphysical Disputations 17, 18, and 19*, trans. A. J. Freddoso (New Haven and London: Yale University Press, 1994), disputation 19.4.8, pp. 319–320.

from performing C.⁶ But what about at the time T itself? Consider this question

(Q) Does N have at T a power to refrain from performing C at T?

Hasker contends that there is no answer to this question. He writes:

[T]he question as Rota frames it has no answer; it is an improper question. Consider a parallel example. There is on some piece of land a concrete wall, made up of straight segments. At C there is a corner, at which the wall changes direction. You ask me, "What is the direction of the wall at C?" I answer, "Before C the wall is going east northeast, but after C it is going straight east." You, however, are not satisfied: you ask, impatiently: "Yes, but what is the direction of the wall *at* C?" And now I must reply that your question has no answer. The "direction of a wall at a point" means, and can only mean, the direction of a segment of the wall that includes that point. If the direction changes discontinuously at the point in question, the only possible answer is to give the (different) directions taken by the wall on each side of the point. If that is not what is wanted, then no answer is possible.

And now for Rota's question about N's power at T, with respect to refraining from the act of will [C], the act which he performs at T. My answer is that up until T he has the power to refrain, and thereafter he lacks that power. If you aren't satisfied by that, no further answer is possible, any more that it is possible to specify the direction of the wall at C. The expression, "the power N has at T" simply does not refer to anything. That is all there is to it.⁷

I don't see that Hasker's position here is tenable. It is true that "the direction of the wall at C" is undefined and hence does not refer to any direction. But the proposition "the wall has a direction of East at point C" is false. And so it is true that "it is false that the wall has a direction of East at point C," and also true that "the wall lacks the property of having an Eastward direction at C." Compare: the slope of a function at a sharp corner is undefined, and hence "the slope of $f(x)$ at $x = c$ " is undefined (the corner occurs at c) and thus does not refer to a number, but it's nevertheless true that "it is false that $f(x)$ has a slope at $x = c$ " and true that "the function lacks the property of having a slope at $x = c$." Or take a rock. Maybe "the rock's marital status" is undefined and does not refer, but the rock still lacks the property of being a bachelor.

Now, in our case where a person N performs an (elicited) act of will C at T, suppose for the sake of argument that Hasker is right that "N's power at T to refrain from performing C at T" is undefined and does not refer. Consider that where the phrase "the slope of $f(x)$ at $x = c$ " is undefined, the proposition "the function $f(x)$ has a slope at $x = c$ " still has a truth value; it is false. In the same way, Hasker should hold that even if the phrase "N's power at T to refrain from performing C at T" is undefined, the proposition

⁶There are two ways to "refrain from performing C": nolitio and quiescence. So having a power to do either will be sufficient for having a power to refrain.

⁷Hasker, "The Present is Necessary! A Rejoinder to Rota," 469–470.

"N has a power at T to refrain from performing C at T" has a truth value, namely, falsity. So it looks like on Hasker's own analogy, we should say that the answer to question Q is not "there is no answer," but is instead simply "No."

Furthermore, it's questionable that the phrase "N's power at T to refrain from performing C at T" is really undefined, or lacking in meaning. Recall that in our case N actually performs C at T. Shall we say that "N has at T the power to perform C at T"? From "N performs C at T" we can infer "N exists at T" because existence is a pre-requisite for acting. Similarly, I would think, from "N performs C at T" we can infer "N is able at T to perform C at T," and therefore "N has the ability at T to perform C at T," because ability is a pre-requisite for action. Can it be that N manages at T to perform C, and yet at T N lacks the ability to perform C? If I had the ability a moment before to perform C, but lack it now, how can I exercise that ability now? And if I can't exercise that ability now, how can I perform the act C now?

As I see it, when an agent makes a choice, he is instantaneously agent-causing a certain event. If that's right, then "N performs C at T" implies "at T N causes a certain event." And if N at T causes a certain event, then N must have, at T, the ability to cause that event. (This seems especially clear on a dispositionalist account of causation, on which *to efficiently cause something* is just *to exercise a causal power*. If causation is the exercise of a power, then whenever causation can be ascribed to the agent, the relevant power can be ascribed to the agent.)

So it appears that "At T, N does C (which occurs at T)" implies "At T, N has the ability to do C (which occurs at T)." And that in turn implies "N has at T the ability to do C at T," which is just another way of saying that "N has the power at T to perform the act C at T." But since that is true, "the power at T to perform C at T" must have a meaning. So it looks like "N's power at T to do C at T" isn't undefined. And if that's so, there doesn't seem to be any good reason to think the very similar phrase "N's power at T to refrain from performing C at T" lacks meaning or is undefined. The answer to question Q, then, is either yes or no.

3. Diachronic Contingency

In support of a negative answer to Q, consider the following line of thought:

While doing C at T, N doesn't have the power (at T) to refrain from doing C at T. For by the time T is present, N is doing C. But given this, N cannot at T exercise a power to refrain from doing C; it's just too late for that. And if N cannot exercise at T a power to refrain from doing C at T, then (given what is meant by "power" in this discussion⁸) N does not have at T a power to refrain from doing C at T.

⁸I'm following Hasker here (*God, Time, and Knowledge*, 67), where the idea is that if a person, say, has his hands tied behind his back, then he doesn't have the power to perform on

I'll try to undermine this argument below (in section 6). For now, let's just note that libertarians about free will who accept this argument will deny that, in order for an elicited act of will C (occurring at T) to be a free act, the agent must have both the power at T to do C, and the power at T to refrain. Instead, the two-way power with regard to doing or refraining from C need only be in place immediately before the time of the act. There is a tradition in medieval philosophy, going back at least to Ockham and perhaps to Peter Lombard, that takes just this view, which historians of medieval philosophy refer to with the label "diachronic account of contingency." The diachronic account of contingency is contrasted with the "synchronic account" of Scotus and Suarez. At its core, the disagreement concerns our question Q; the diachronic account answers "no" to Q whereas the synchronic account answers "yes." I'll say more about the synchronic account below. For now, let's define a diachronic view of contingency, freedom and the power to do otherwise as a view according to which a human being has two-way power only with respect to a future act. So, for example, immediately before T, N has the power to perform C, and the power to refrain from performing C. But at T itself, in cases where N does C at T, N does not have the power to refrain; and in cases where N refrains from C at T, N does not have at T the power to perform C at T.

4. The Synchronic Account of Human Freedom

4.1 The Synchronic Account Explained

The synchronic account answers "yes" to our question. Even in a case where N performs C at T, N has at T the power to refrain from performing C at T. Two ideas are essential for understanding and supporting the synchronic account. The first is a distinction between temporal priority and explanatory (or natural) priority. For A to be temporally prior to B is for A to precede B in time. For A to be explanatorily prior to B is for B to depend on A in such a way that A is, or is part of, an explanation of why B exists or obtains. Here "explanation" is used not in an epistemic sense, but in a metaphysical sense, the sense in which water's propensity to form ionic bonds was always explained by facts about its molecular structure, even before human beings knew anything about molecules. The second essential idea is the claim that, metaphysically, the agent N has just one single power, which is the truthmaker for both "N has at T the power to perform C at T" and "N has at T the power to refrain from performing C at T." Verbally, it sounds as if we are speaking about two distinct powers here, but in fact the agent has just a single power, which can be exercised or not. As Suarez puts it:

the parallel bars. Nothing of consequence hangs on this choice of what is meant by "power," however. If a different definition of power were used (one on which a person can be said to have at a given time a power which he or she can't exercise at that time), then the focus of the larger discussion would simply shift *from* the question of whether God's knowledge of the future rules out our ability to do otherwise, *to* the question of whether God's knowledge of the future rules out our ability to exercise a power to do otherwise.

This twofold power exists all at once at the same instant, though not in order to exercise the two acts⁹ together but in order to exercise them separately—that is, in order to exercise either the one or the other, depending on the faculty's choice.¹⁰

On Suarez's synchronic account, as I now¹¹ understand it, the metaphysical picture is this: N has one power, which confers the twofold ability to act or not act. The exercise of this power is up to N, i.e., in N's control. Even in a case where N as a matter of fact exercises the power by acting at T, the existence and nature of the power make it true that "N has at T the power to refrain from acting (i.e., performing C) at T." On the other hand, it is a modal fact that \Box (If N performs C at T, then N does not refrain from performing C at T). Since the modal operator applies to the whole conditional here, it is what Suarez calls a necessity of composition. And it allows us to say, somewhat loosely, that "if N performs C at T, then N can't refrain from performing C at T." But this sentence means only

- (1) \Box (If N performs C at T, then N does not refrain from performing C at T),

and not

- (2) If N performs C at T, then \Box (N does not refrain from performing C at T).

There is precedent in English (and presumably in Latin) for speaking this way. For example, it is natural for English speakers to say "If the cup is entirely filled with air, then it can't be entirely filled with water," when what they mean is:

- \Box (If the cup is entirely filled with air, then it is not entirely filled with water).

As Suarez puts it:

On the other hand, if the will is viewed at that [same] instant [but] now later in nature, when it has already elicited the act, then it can no longer go backward within that same instant. But this is only a necessity of composition based upon a hypothesis that is consequent to the will's own determination or action.¹²

On this view, absolutely speaking, N *does* have at T the power to refrain from performing C at T. The sentence "Given that N performs C at T, N is

⁹The act of willing and the "act" of omitting a willing—Suarez is speaking loosely here. For a place where he speaks precisely, see DM 19.4.8, pp. 319–320.

¹⁰DM 19.9.7, p. 382.

¹¹I now think aspects of my explanation of Suarez's account, in "Freedom and the Necessity of the Present: A Reply to William Hasker," are mistaken. The following gives what I take to be both a more accurate reading of Suarez and a philosophically stronger theory.

¹²DM 19.9.4, pp. 380–381.

not able to refrain from performing C at T" is also true but only insofar as it expresses (1) or the conjunction of (1) and "N performs C at T."

4.2. Objections

In an earlier paper,¹³ I presented an interpretation of Suarez's position different than the foregoing. According to that earlier interpretation, Suarez's synchronic account is committed to both:

- (3) At T, at an earlier instant of nature, N has the power to refrain from performing C at T,

and

- (4) At T, at a later instant of nature, N lacks the power to refrain from performing C at T.¹⁴

I now think this raises unnecessary difficulties, and that it doesn't accurately represent Suarez's position. I say that it doesn't represent Suarez accurately based on this assertion of his:

[E]ven if the faculty exercises one part of the power—for example, by eliciting the act—it still *retains* its power for the opposite, a power which it was able [posset] at that same instant to exercise—not, to be sure, along with the other act or by forming a compound act together with it, but rather *absolutely speaking*.¹⁵

Reacting to (3) and (4), Hasker raises two objections. First, "How can a single substance, N, be in both of two contradictory states simultaneously—that is, in the same instant of time?"¹⁶ Second, he asks, "Where are the truth-makers" for propositions like (3) and (4)?¹⁷

On the interpretation of Suarez's synchronic account which I am now offering, (4) is not asserted and so Hasker's worry about contradictory states does not arise. Questions about truthmakers, however, are still relevant for claims that contain locutions such as "at an earlier instant of nature" or "later in nature" or "prior in nature to the eliciting of the act," claims like (3) or Suarez's own: "at the instant [of time] itself, naturally prior to the faculty's determining itself to the act, nothing has taken away its power not to elicit the act."¹⁸ How should we understand locutions and claims such as these?

I think the best bet for the proponent of the synchronic account is to endorse the following theory. All talk of earlier or later instants of nature

¹³Rota, "Freedom and the Necessity of the Present: A Reply to William Hasker."

¹⁴Two different "instants of nature" within the same instant of time are something like two different stages in an order of explanation concerning what is occurring at that time. I provide further explanation of the use of the phrase below.

¹⁵DM 19.9.7 p. 382, italics added.

¹⁶Hasker, "The Present is Necessary! Rejoinder to Rota," 470–471.

¹⁷Ibid., 471.

¹⁸DM 19.9.4, p. 380.

is reducible to talk about what is explanatorily prior to what. The truth-makers for claims of the form “A is explanatorily prior to B” are relations of dependence, such as those invoked in the statements “N’s act *depends* on N’s power to act” or “God knows that N acts *because* N acts.” As for the absolute claim

(5) N has at T the power to refrain from performing C at T,

the truthmaker is the single twofold power possessed by N itself (the very power which at T is being exercised in a performance of C).

Next, the truthmaker for the sentence

(6) Given that N performs C at T, N can’t refrain from performing C at T

is the modal fact that \Box (if N performs C at T, then N does not refrain from performing C at T). What about the sentences

(3) At T, at an earlier instant of nature, N has the power to refrain from performing C at T,

and

(4) At T, at a later instant of nature, N lacks the power to refrain from performing C at T?

As I’ve indicated earlier, I don’t think the proponent of the synchronic account should or needs to assert (4). But if he did, it would just be a clumsy way of expressing the proposition “N performs C at T and necessarily (if N performs C at T, then N does not refrain from performing C at T).” Should the proponent of the synchronic account need to utter the sentence (3), it is just another way to express (5), while using the “earlier instant of nature” language to advert to the fact that the act depends on the single twofold power. This might be worth gesturing at because the power must of course be present if an act is to take place, which it does in the example.

So Hasker’s first objection does not apply to this new interpretation, and his second objection can be answered.

5. A Challenge for the Diachronic Account

I’ll now raise a challenge for the diachronic account that, I hope, will give us significant reason to doubt it, and therefore some reason to assign significant credence to the synchronic account.

When it comes to elicited acts of will, the proponent of the diachronic account should accept some version of:¹⁹

(Q₄) Where a human agent N performs an act of will C at time T, the act is free iff immediately before T, it was in N’s power to perform C

¹⁹The numbering here follows my earlier article.

at T, and immediately before T it was in N's power to refrain from performing C at T.

(Q₄) attempts to state necessary and sufficient conditions under which an elicited act of will is free. But an account of free will should also be able to state the conditions under which a not-willing (a case of quiescence) is free. Suppose I am a student in full possession of my faculties and that I am sitting in class, considering whether or not to raise my hand, so as to be called on, in order to defend my unjustly accused friend. I feel the pull of strong reasons on both sides but fail to come to a decision. I neither choose to raise my hand, nor choose to keep it down and remain silent. Instead, I simply fail to make a decision. Then class ends, I file out, and the moment has passed. Later, my friend is angry with me for failing to defend him. He holds me responsible—and suppose in this example he is right to do so. I let him down, and I could have done otherwise; my failure to act was free, because I didn't perform an elicited act of will when I could have.

I think this example shows that a not-willing, i.e., a non-performance of an elicited act of will, can be free. What are the conditions under which a non-performance of an elicited act of will is free? For such a non-performance could be unfree. Imagine a case where before T N has two-way power with respect to some act of will, but at T some other agent (e.g., God) or some chance event or process is responsible for N's not willing anything (with respect to the object in question) at T. This is very different than a case in which N has two-way power before T, and then at T N does not perform an act of will but this fact is due to N himself. There is a difference between the lack of an ability to act and an ability to not act.

To make this distinction more concrete, let me describe in greater detail an instance of an unfree not-willing. Suppose that before T, N has the power to will at T with respect to arm-raising, and the power to not-will at T with respect to arm-raising. But then at T God unilaterally ensures that N not will anything at T. (If you think God is in time, imagine that He had not decided to do this before T. Rather, before T God had not yet determined what He would do at T, but then at T God instantaneously acts on N, or fails to concur with N, in such a way that it is outside of N's control that N not-wills at T.)

So the non-performance of an elicited act of will could be either free or not. I'll now argue that while the synchronic account can give a satisfying answer to the question "what are the conditions under which a non-performance of an elicited act of will is free?," the diachronic account will face a serious challenge.

The answer of the synchronic account to our question is: a non-performance at T of an elicited act of will C is free iff (i) at T, N has the power to perform C at T, (ii) at T, N has the power to not perform C at T, and (iii) before and at T, N was aware of both options.²⁰ What can the diachronic

²⁰Suarez seems to endorse this account at DM 19.4.8, p. 320.

account say? The conjunction of (i)* immediately before T, N has the power to perform C at T and (ii)* immediately before T, N has the power to not perform C at T is insufficient, as the example above involving God's instantaneous intervention shows. Comments of Hasker's²¹ suggest that we might add (iii)* the non-performance is intentional. One problem with this suggestion is that, in the example above of my failing to defend my friend, it's not clear that my not-willing to raise my hand was "intentional," as that term is often used, since I did some deliberating but didn't finish deliberating—I never came to a decision. But it is clear enough that my not-willing was free.

Still, for the sake of argument, set this problem aside. We still must ask, what is required for a non-performance to count as "intentional"? Saying that a non-performance is intentional iff it was preceded by forethought about both options will not work, because of the intervening-God case mentioned above. It might be said that a non-performance is intentional iff it is caused or explained by an *intention* of the agent's, i.e., an act of will. But this can't be right, because in a paradigm case of a non-performance of an elicited act of will, there is no act of the agent's will at all. A case of pure quiescence is not caused or explained by any prior act of the agent's will.²² If it were said that in a case of intentional non-performance, "there must be alternatives that are within the agent's power,"²³ then I ask, "When?" That the agent have alternatives within his power *before* T is not enough—for the same reason that the conjunction of (i)* and (ii)* are not enough. And it is not open to the diachronic account to say that there are alternatives that are within the agent's power *at T itself*. There may be some way for the diachronic account to answer the question at hand, but for now at least, I'm inclined to think that free not-willings pose a serious problem for the diachronic account. To sum up: it appears that the diachronic account cannot distinguish between a situation in which, at the time of not-acting, I have and exercise the ability to not-act and a situation in which, at the time of not-acting, I lack the ability to act and as a consequence don't act.

6. *Is the Diachronic Account Well Motivated?*

Once again, suppose N performs an elicited act of will C at T, and C is a free act. In section 3, I considered an argument in support of the diachronic account, amounting to this:

²¹Hasker, "The Present is Necessary! A Rejoinder to Rota," 468–469.

²²Hasker seems to suggest that "a causally efficacious 'act of will' . . . would be required if I were to refrain" (468). But this seems both mistaken and of little help to Hasker's case. On the one hand, if we say that my not-willing to raise my hand (to defend my friend) counts as intentional, then we have a case of an intentional not-willing that didn't involve any causally efficacious act of will in which, for example, I decided to not raise my hand. On the other hand, if we say that my not-willing to raise my hand in this case does not count as intentional, then we have a counter-example to the claim that a free not-willing must be an intentional not-willing, and thus a counter-example to the diachronic account of free not-willings that would result if (iii)* were utilized.

²³Hasker, "The Present is Necessary! A Rejoinder to Rota," 468.

(7) N performs C at T.

Thus (8) At T, it is too late for N to exercise a power to refrain from performing C at T.

Thus (9) N cannot at T exercise a power to refrain from performing C at T.

It's undeniable that this argument has some force. But how strong is it?

In order to explore this question, it will be helpful to examine the term "too late," as used in (8). Too late for what reason or in what sense? At a time T^* *later* than T, it is indeed too late for N to refrain from performing C at T in a sense of *too late* which implies that N cannot exercise a power to refrain. This is because humans cannot engage in genuine backwards causation. No human has at a time a power to agent-cause an event at a prior time, and no human has at a time a power to intentionally refrain from agent-causing an event at a prior time. At later times, we don't have control over our free choices at earlier times. From this it follows that N cannot exercise a power at T^* to refrain from performing C at T. So one reason an act could be "too late" to perform (or an omission "too late" to not perform) is that the act (omission) is in the past, and humans lack the ability to engage in backwards causation. But this cannot be the reason at issue in (8), since (8) makes the claim that it is already too late *at T* for N to refrain. The claim here is that the *present* is too late.

Why think the present is too late? Let's examine three possible answers. First: the appeal of (8), where "too late" is read in a way which makes (8) imply (9), may rest in the thought that if it is true that N performs C at T, then for N to exercise a power to refrain from C at T would involve bringing about the impossible state of affairs in which N both does and does not perform C at T. In order for N to exercise a power to refrain from C at T, N would have to bring about a contradiction! But N can't do that, so N can't exercise a power to refrain.

I think there's a modal fallacy here. It can be uncovered by filling in some of the gaps in the argument in the previous paragraph (the conditionals that follow are material conditionals):

(10) N performs C at T.

Assume for conditional introduction that

(11) N exercises a power to refrain from C at T.

(12) If N exercises a power to refrain from C at T, then N has brought it about that \sim (N performs C at T).

(13) N has brought it about that \sim (N performs C at T). [MP, (11) & (12)]

(14) N performs C at T. [From (10)]

- (15) $\sim(N \text{ performs } C \text{ at } T) \text{ and } N \text{ performs } C \text{ at } T$, and N has brought this about. [From (13) and (14)]
- (16) It is metaphysically impossible that $\sim(N \text{ performs } C \text{ at } T) \text{ and } N \text{ performs } C \text{ at } T$.
- (17) N has brought about an impossibility. [From (15) & (16)]
- So (18) If N exercises a power to refrain from C at T , then N has brought about an impossibility. [conditional introduction, (11)–(17)]
- (19) If N has brought about an impossibility, then N *can* bring about an impossibility.
- So (20) If N exercises a power to refrain from C at T , then N can bring about an impossibility. [hypothetical syllogism, (18) & (19)]
- (21) N cannot bring about an impossibility.

But what follows from (20) and (21)? Only

- (22) N does not exercise a power to refrain from C at T

and not

- (22)' N *can't* exercise a power to refrain from C at T .

It's tempting to transfer the "cannot" in (21) back into the antecedent of (20), but doing so involves a modal fallacy similar to the fallacy in which [(if p then $\diamond q$) & $\sim \diamond q$] is wrongly taken to entail $\sim \diamond p$ (where the \diamond stands for metaphysical possibility).²⁴

Or perhaps the appeal of (8) rests not in a worry about impossibility, but in the thought that humans do not have the power to change or undo what is already settled. Again, I think there's a subtle confusion here. N 's having a power at T to refrain from performing C at T does not imply a power to change the present or undo anything that is already done. In order for the present to be changed, the present would first have to be one way, and then the present would have to be another way. Exercising a power at T to refrain from performing C at T wouldn't do *that*. Rather, if N *did* exercise at T a power to refrain from performing C at T , then it would have been false all along that " N performs C at T ."

But this brings us to a third possible reason to accept (8) and the inference from (8) to (9): by the time T is present, the proposition that N performs C at T is *settled*, and no one has the power to make a settled proposition false. Yet if N had at T a power to refrain from performing

²⁴To see that the entailment does not hold, consider the case where p is "the Allies lost WWII" and q is " $1 + 1 = 7$." Then "if p then $\diamond q$ " will be true (because it has a false antecedent) and $\sim \diamond q$ will be true, even though $\sim \diamond p$ is false. Now, [(if p then $\diamond q$) and $\sim \diamond q$] *does* entail $\sim \diamond p$, but this is not relevant because (20) is not a necessary conditional, and the necessary conditional which is formed by prefacing (20) with a necessity operator is false.

C at T, then N would have the power to make a settled proposition false. Thus it's false that N has at T a power to refrain from performing C at T.²⁵

The crucial claim here is

(S) No one has the power to make a settled proposition false.

What is the support for (S)? If it is taken as part of the definition of "settled proposition" that no one can make a settled proposition false, (S) will be true by definition. But then the point at issue will just shift to the question of why "N performs C at T" should count as a settled proposition—so no advance will have been made on the project of motivating or supporting the diachronic account. Let's therefore look for a reading of (S) on which (S) is more than a tautology. Perhaps the meaning of "settled" is linked to the notion of being ontologically determinate. The idea would be that if a proposition accurately describes the existence or occurrence of an ontologically determinate part of reality, that proposition is settled.²⁶ In that case, the support for (S) depends on the support for:

(S)* If at T proposition (p) accurately describes the existence or occurrence of an ontologically determinate part of reality, then at T no one can make (p) false.

Another possibility for the proponent of the diachronic account would be to just stick with (S), assert that we have an intuitive grasp of "settled," and assert that (S) is a properly basic proposition. We can just see that no one has the power to make false something that is now true in a settled way.

In my own case, I feel the intuitive pull of both (S)* and (S). But to my mind three considerations count against these propositions.²⁷ First, bearing in mind the modal fallacy discussed above, I wonder whether it's really (S) that's true rather than the weaker "No one actually does make a settled proposition false." Compare: no one actually exercises a power to do otherwise, in the sense that no one actually does other than what they in fact do, but it doesn't hold that no one *can* do otherwise. Perhaps the appeal of (S) is simply a misguided result of the appeal of "Given that N performs C at T, N can't refrain from performing C at T" even though that sentence is in fact true only insofar as it expresses \Box (if N performs C at T, then N does not refrain from performing C at T) or the conjunction of N performs C at T and \Box (if N performs C at T, then N does not refrain from performing C at T).

In support of this suggestion, consider what appears to be a general feature of any species of modality: " \sim (it might be that $\sim p$)" iff "it must be that p." On the picture that (S) leaves us with, the present is necessary, so if we let "must" express the necessity of the present, and "might" express the corresponding possibility operator, then we end up having to say that

²⁵I'm grateful to Tom Flint for pressing this objection.

²⁶Taking "part of reality" broadly to apply to events as well as objects.

²⁷I'll make these points in reference to (S), but they apply, *mutatis mutandis*, to (S)* as well.

at T both “ \sim (N might refrain from performing C at T)” and “N *must* perform C at T.” On the face of it, this sounds wrong. That N is choosing at T shouldn’t imply that N *must* so choose at T in any sense of “must” where the necessity operator is conceived of as applying to the bare proposition “N performs C at T” rather than a conditional. If that’s right, the only sense in which N must so choose at T is a necessity of the consequence, where the necessity operator attaches to the whole conditional “If N performs C at T, then N performs C at T.”

Second, there is a strong intuition in competition with (S), viz., the intuition that when you make a choice, you are in control of so choosing *as* you choose. In a case where N performs C at T, it’s more natural to think that the truth of “N performs C at T” is in N’s control as N chooses (i.e., at T), than to think that it is outside N’s control as N chooses. If N is now choosing thusly, the truth of “N is now choosing thusly” is *now* up to N. And if “N performs C at T” is in N’s control even at T (alternatively: is up to N even at T), then a compelling explication of this fact would be that N has two-way power with respect to C even at T. (S) implies that one does not have, at the time one is willing, the power to refrain from willing, and that stands in tension with the claim that one is in control of one’s choice at the time one makes it. If the argument of section 5 is correct, then having two-way power before T with respect to an act of will at T is not sufficient for having control over the state of one’s will at T. (In the example when God instantaneously intervenes at T to ensure that N not will anything at T, N doesn’t have control over what N is or isn’t willing at T, even though N did have two-way power before T.) It’s therefore difficult to see how the diachronic account can explicate the thought that we are in control of our choices when we make them.

Third, the view that God is timelessly eternal, yet freely created the world, is attractive on grounds independent of the debate about synchronic and diachronic views of freedom, and that view entails that God must have the power (in the eternal now) to have refrained from creating, even though God has in fact created. But then God has a power to make a settled proposition (the created world exists) false, which contradicts (S). Given all this, it appears that the argument in support of the diachronic account is not as strong as it first appears.

7. Conclusion

If the argument of section 5 is correct, there is some reason to think that the diachronic account is false, and that the synchronic account is true—that I have the power not to act, even at the moment of acting. This undermines Hasker’s argument for the incompatibility of freedom and foreknowledge, since his argument requires the assertion of the falsity of the synchronic account.²⁸

²⁸As argued in “Freedom and the Necessity of the Present: A Reply to William Hasker,” 463–464.

Putting the point positively: the synchronic account may well be correct, and if it is, then the logical preclusion of "I refrain at T" by the present, determinate fact that I act at T does not take away my power to do otherwise at T, or my freedom in acting at T, or the freedom of my act at T. Why? Because the fact doing the precluding (viz., the fact that I act at T), is itself in my power, in my control, even at T. And since facts which depend on a fact over which I have control are also in my control,²⁹ it follows that facts which depend on the fact that I act at T (facts such as God's present knowledge that I act at T, or God's eternal knowledge that I act at T, or even God's foreknowledge that I act at T), shouldn't take away my power to do otherwise either. *A fortiori*, they shouldn't take away my freedom.³⁰

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²⁹I'm influenced here by Trenton Merricks, "Truth and Freedom," *Philosophical Review* 118:1 (2009), especially the "second corollary" on p. 42.

³⁰I'm grateful to William Hasker for his careful work on this topic, to Matthews Grant, and to the Analytic Theology group at the University of Innsbruck for their helpful discussion of an earlier draft of this paper (thanks especially to Georg Gasser, Johannes Grossl, Adam Green, and Josef Quitterer). I also appreciated and benefitted from the comments of the editor and two anonymous referees for *Faith and Philosophy*.