

The Zygote Argument remixed

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John and Mary have fully consensual sex, but they do not want to have a child, so they use contraception with the intention of avoiding pregnancy. Unfortunately, although they used the (generally reliable) contraception in the way in which it is supposed to be used, Mary has become pregnant. The couple decides to have the baby, whom they name 'Ernie'.

Now we fill in the story a bit. The universe is (we suppose) causally deterministic, and 30 years later Ernie performs some action *A* and thereby brings about event *E*. We also stipulate that Ernie meets plausible compatibilist conditions for acting freely (in performing *A*). That is, we suppose that there are no uncontroversially freedom- and responsibility-undermining conditions present in the context in which Ernie performs *A*, and, further, that Ernie meets plausible compatibilist conditions for acting freely.

Let us say, for example, that one adopts the theory according to which the freedom-relevant condition on moral responsibility is that the agent exhibits 'guidance control' of his action (Fischer 1994) and (Fischer and Ravizza 1998). On this approach, one acts freely (and thus meets the freedom-relevant condition for moral responsibility) in so far as one acts from one's own, suitably reasons-responsive mechanism. We can then simply stipulate that, in the relevant context, Ernie acts from his own, suitably reasons-responsive mechanism (in performing *A* and thereby bringing about *E*). If one prefers a different set of compatibilist-friendly conditions for acting freely, one can simply stipulate that Ernie meets them; indeed, the plausible compatibilist-friendly conditions seem to be compatible *with each other*, and thus Ernie could presumably meet all of them in the relevant context. In such a case, and given that the epistemic condition on acting freely and moral responsibility is met, I am inclined to say that Ernie acts freely in performing *A* and is morally responsible for performing *A* (and bringing about *E*).

Of course, this is simply my inclination; I recognize that my view about such a case is contentious. Obviously, one would need an argument for the compatibility of causal determinism and acting freely (and moral responsibility), in order to defend the view to which I am inclined here. But it does seem very clear to me that the precise circumstances of Ernie's conception some 30 years earlier have nothing to do with whether he acts freely and is morally responsible in the context in question (30 years later).

More specifically, it certainly is irrelevant to Ernie's moral responsibility that John and Mary did not intend to have a baby and that they used contraception in an effort to prevent a pregnancy! And surely it would not change things at all, with respect to Ernie's moral responsibility, if we modified the

original story to suppose that John and Mary *did* in fact intend to have a baby (and thus did not use contraception). How could *that* change make a difference to Ernie's moral responsibility 30 years later? And even if we changed the story to build into it that John and Mary had quite specific and even detailed desires with respect to the baby they hoped to create, this should not in any way affect our views about Ernie's moral responsibility 30 years later. It does not affect my evaluation of Ernie's moral responsibility, even if we add that John and Mary had sexual intercourse at the precise moment they did in the belief that, by so doing, they would ensure that Ernie would behave as he does in the future – perhaps even in the specific context in question some 30 years later. We could also add the supposition that, not only did they have intercourse with the relevant belief, but that John and Mary *intended* that their intercourse lead to Ernie's performing *A* and bringing about *E* 30 years hence. The intentions of John and Mary, and their acting in the belief that they are providing (relative to the background) a sufficient condition for something they want in the future, do not in any way bear on the intuitive basis for Ernie's moral responsibility in that context 30 years later. The basis for Ernie's moral responsibility is more 'local' – or so it seems to me.

Allow me to pause to highlight a few points. First, as I said above, I certainly have not (here) argued for compatibilism about causal determinism and such notions as acting freely and moral responsibility. My position here is that, given that one has a general argument for compatibilism, the particular circumstances of John and Mary – in any of the versions of the story above – should not in any way weaken one's inclination to say that Ernie is morally responsible for his act of performing *A*. Even if John and Mary have quite specific intentions of the sort described above in having intercourse, this seems to be completely irrelevant to the issue of whether Ernie is morally responsible for *A*-ing 30 years down the road. That is, this specific factor – the distal intentions of the agents who bring Ernie into being – is irrelevant to Ernie's moral responsibility when he matures into an adult many years later.

Now consider this quotation from Alfred Mele:

Diana [a goddess with special powers] creates a zygote *Z* in Mary. She combines *Z*'s atoms as she does because she wants a certain event *E* to occur thirty years later. From her knowledge of the state of the universe just prior to her creating *Z* and the laws of nature of her deterministic universe, she deduces that a zygote with precisely *Z*'s constitution located in May will develop into an ideally self-controlled agent who, in thirty years, will judge, on the basis of rational deliberation, that it is best to *A* and will *A* on the basis of that judgment, thereby bringing about *E*. If this agent, Ernie, has any unsheddable values at the time, they play no role in motivating his *A*-ing. Thirty years later, Ernie is a

mentally healthy, ideally self-controlled person who regularly exercises his powers of self-control and has no relevant compelled or coercively produced attitudes. Furthermore, his beliefs are conducive to informed deliberation about all matters that concern him, and he is a reliable deliberator. So he satisfies a version of my proposed compatibilist sufficient conditions for having freely A-d. (Mele 2006: 188)

Mele then presents what he calls the ‘Zygote Argument’:

- (1) Because of the way his zygote was produced in his deterministic universe, Ernie is not a free agent and is not morally responsible for anything.
- (2) Concerning free action and moral responsibility of the beings into whom the zygotes develop, there is no significant difference between the way Ernie’s zygote comes to exist and the way any normal human zygote comes to exist in a deterministic universe.
- (3) So determinism precludes free action and moral responsibility. (Mele 2006: 189)

Mele himself does not accept the conclusion. Rather, he remains agnostic about it because he is agnostic about Premiss 1 (Mele 2006: 194).

Now we have a puzzle. If we start with the John and Mary scenario depicted above, we get the conclusion that the mental states and intentions of the distal creators of the zygote are irrelevant to Ernie’s subsequent moral responsibility. And, by the way, it surely cannot matter if a *couple* intends to create a zygote with certain properties, as opposed to an *individual*, holding everything else fixed. Thus one could substitute Diana for John and Mary, and the clear intuition – proceeding in this way – would be that Diana’s intentions are irrelevant to Ernie’s moral responsibility 30 years down the road. But if we start with Diana, we can come to quite the opposite conclusion, as we are invited to do by Premiss 1 of the Zygote Argument.¹

I thus contend that the Diana scenario cannot in itself help to establish Premiss 1 of the Zygote Argument. After all, one might as well consider the John and Mary scenario; nothing in the Zygote Argument entails or even

1 Pereboom’s Four-Case Argument has a similar puzzling feature (Pereboom 1995: 21–45; and 2001: 110–17). If one starts with the first case in which there is significant manipulation, one can get to the conclusion that, in an ordinary case under causal determinism, the relevant agent is not morally responsible. But there is nothing in the Four-Case Argument in itself that implies that one should start one’s analysis at the putatively ‘no-responsibility’ case; and if one starts with the ordinary case, one can get to the conclusion that there is indeed moral responsibility, even in the significant manipulation case: McKenna 2008: 142–59; and Pereboom 2008: 160–70. The Four-Case Argument, like the Zygote Argument, establishes at most that there is no relevant difference between a string of cases; but this doesn’t in itself imply anything about the end-points.

suggests that somehow starting with the Diana scenario is more plausible than – or preferable to – starting with the John and Mary scenario. But the John and Mary scenario pulls in quite the opposite direction from the Diana scenario; indeed, it points to the *rejection* of 1. Thus the Zygote Argument is unsuccessful; or, at the least, the Diana scenario does not provide strong reason to accept Premiss 1. That is, in light of the John and Mary scenario, the support offered for Premiss 1 by the Diana scenario is considerably weakened.

What seems to be correct about the Zygote Argument – and similar arguments – is Premiss 2 – the ‘No Difference Premiss’. But this premiss in itself cannot get one to incompatibilism; rather, all it can support is the notion that there is no difference between a context such as the Diana scenario and an ‘ordinary’ context under causal determinism (‘ordinary’ in the sense that it is not supposed that there is a ‘creator’ or ‘initial designer’ with specific intentions). But this is, of course, no significant problem for the compatibilist, who can, it seems, fully embrace it.

Consider, finally, a story about the possibility of a certain sort of reproductive technology in the future. Mary goes to the Community Reproductive Centre wishing to become pregnant, which she and her partner, John, cannot (apparently) do without assistance. Unfortunately, the zygote supply is limited, and Mary must stay overnight at the Centre and allow a certain sort of ‘random’ process to take place. In this process, a random-number generator operates, and if it registers ‘1’, this causes a robot to install a zygote in Mary during the evening, while she is asleep. (I will spare the reader the technical details as to the surgery, and so forth.) If it registers ‘2’, the zygote is given to another woman, who is also staying overnight in the Centre. Let us suppose that in fact the random-number generator registers ‘1’ and Mary gets the zygote, and from that point on a fully deterministic process issues in Ernie – the resultant individual – performing act *A* and thereby bringing about event *E* 30 years later. Although of course I have only sketched the case, it seems clear to me that the circumstances of the installation of the zygote in Mary are quite *irrelevant* to Ernie’s moral responsibility 30 years down the road. (To be explicit: the robot has no conscious states at all, and no relevant goals with respect to the future).

Now change the example so that everything else is precisely the same, but instead of the robot, the zygote is installed by Diana (with detailed intentions for Ernie’s future), who has somehow insinuated herself into the Community Reproductive Centre. I fail to see how this makes any difference at all to Ernie’s subsequent moral responsibility. I think he can be fully morally responsible, given that he meets the relevant compatibilist-friendly conditions, in the context in which the zygote is put in place by the robot; and thus I conclude that Ernie can be fully morally responsible, even if Diana were to put in place the zygote with the intention that Ernie performs *A* 30 years later (given the relevant background knowledge, and so forth).

Again, my point is that the Diana scenario – this time in its new guise – provides in itself no strong reason to accept Premiss 1 of the Zygote Argument. Given the Robot scenario, the support it offers for Premiss 1 is considerably weakened. The Zygote Argument in itself contains absolutely no resources that could be used to argue that one should start with the Diana scenario rather than the Robot scenario. But the Robot scenario in itself provides no reason to doubt the plausibility of compatibilism; that is, the Robot scenario provides no *special* reason to worry about compatibilism.

Alfred Mele has indicated that the compatibilist should indeed resist the Zygote Argument by rejecting Premiss 1 (Mele 2006: 192–93). But it is often said that the Zygote Argument and similar arguments display the ‘price’ of compatibilism – they indicate what a compatibilist must be prepared to accept, where this is somehow more ‘philosophically expensive’ than compatibilism was antecedently thought to be. Alternatively, the point could be that the Zygote Argument might increase the chance that a fair-minded and reasonable ‘agnostic’ about compatibilism might find it unpalatable. But I have argued that these arguments show, if they show anything, that there is no difference between certain ‘initial design’ scenarios and *ordinary scenarios in which there is no special reason to doubt compatibilism*. If this is correct, then I do not see how the Zygote Argument and its siblings show that the price of compatibilism is exorbitant – or even marginally higher than it has always been. How could it increase the cost of compatibilism to show that a compatibilist must accept that an agent is morally responsible in a scenario that is *no different* than an ordinary situation in which there is no special reason to call into question the agent’s moral responsibility?

Of course, it is open to the proponent of the notion that the Zygote Argument increases the price of compatibilism to point out that it shows that an ordinary situation is just as worrisome as a scenario that is indeed *prima facie* problematic (the Diana scenario). In my view, we have here reached what I have elsewhere called a ‘Dialectical Stalemate’ (Fischer 1994: 83–85). This particular kind of stalemate, in which one and the same state of affairs can be described and evaluated in different ways, depending on one’s perspective or, perhaps, starting point, is not uncommon in philosophy.² So, for example, starting with our inability (from the ‘inside’) to rule out our being brains in vats, we can come to a sceptical conclusion. Alternatively, if we start with broadly speaking ‘Moorean’ facts, we are led to the opposite conclusion. The existence of each scenario considerably weakens the force of the other, given that we have no antecedent reason to favour one over the other. I contend that the dialectical context of the Zygote Argument is similar. Given that we have no antecedent or independent reason to start with the John and Mary scenario or the Diana scenario, the existence of each scenario considerably weakens the force of the other.

2 Here (and in what follows) I am indebted to comments by a referee for *Analysis*.

Again, my conclusion is that the Zygote Argument does not provide strong support for the notion that compatibilism comes with an unbearable price-tag. Of course, the fact that one can in principle begin with the John and Mary scenario also does not provide any positive support for compatibilism, given the existence of the Diana scenario. I conceive of the overall dialectic here roughly as follows. There are positive reasons to adopt compatibilism about causal determinism and moral responsibility; elsewhere, I have sought to make a case for this contention (Fischer 1994; Fischer and Ravizza 1998; Fischer 2007). Some, however, have thought that the Zygote Argument and related arguments, such as the Four-Case Argument and other Manipulation Arguments bring out decisive objections to compatibilism; here I have argued that these objections are not decisive. (Indeed, I have argued that they lead to certain stalemates.) This is of course not in itself a positive argument for compatibilism, but, given that one has independent reasons to adopt compatibilism, it can help to assuage potential worries about the ultimate acceptability of compatibilism.³

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