

# Freedom and Normativity – Varieties of Free Will

Barbara Merker

Historically, the relation between freedom and autonomy has been determined in different ways. While some tend to an equation, others, like me, accentuate autonomy as a special form of freedom. This alternative indicates the problem of philosophers having different concepts of freedom and autonomy.

Altogether, we can distinguish various questions concerning freedom of will and autonomy. First, there is, for instance, an ontological question: What is free and autonomous will, and does it exist? Secondly, an epistemological question ensues: How can we know that? And there is, thirdly, a conceptual question: What do or should we mean by “free” and “autonomous will”?<sup>1</sup> Obviously, the answers to the first and second question depend on the answer to the third question. My interest here concentrates, at first, on the third question.

In the following, I try to show why many philosophical disputes about free and autonomous will seem to be only terminological and not substantial in nature. In order to find a common basis for a dispute, I investigate five different strategies which promise to reassure that we are not thinking about different things but really disputing about the same problem (1). As these strategies do not turn out to be satisfying and successful, I propose an evaluative turn as an alternative to these five failing attempts (2). Finally, I sketch important shapes of free will, among them the shape of autonomous will, in the light of my proposal (3).

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<sup>1</sup>Regarding the question of free will as an ontological question in a wide sense leaves open whether free will should be regarded as a non-natural, a natural, or a social entity which, like property or marriage, is constructed by mutual recognition. Even if “free” is regarded as a value predicate, there must be states of will it is applied to.

B. Merker (✉)

Department of Philosophy, Johann Wolfgang Goethe-Universität  
Frankfurt am Main, Frankfurt, Germany  
e-mail: merker@em.uni-frankfurt.de

# 1 Terminological and Substantial Disputes About Free Will

It is typical for philosophical disputes concerning essentially contested concepts that it is often not clear whether the disputes are substantial or only terminological in nature and how terminological and substantial questions are interwoven. This is the case with philosophical questions like: What is a person? What is happiness? What is love? What is autonomy? What is freedom of will?

In the tradition of philosophy, we find manifold conceptions of free and autonomous will. Some understand freedom of will indeterministically as will which is uncaused by any preceding events, whereas, for others, freedom requires special kinds of causes, though the kinds required may be disagreed upon. There are some who understand freedom of will as the capacity to will otherwise or to have alternative possibilities of willing under the same conditions, whereas, for others, free will is constituted by the positive experience of not being able to will otherwise. For some, freedom of will consists in identification with will, whereas, for others, it is giving oneself a law.

These are only a few of the many different concepts of free will, but they seem sufficient to show that the intensions and extensions of the concepts differ.<sup>2</sup> Use of differing concepts obviously means talking about different things. A consequence of this seems to be that there are no substantial disputes about the question what freedom of will consists in, but only uninteresting terminological differences. Entering a substantial dispute about questions of the form “What is X?” – for instance, “What is freedom of will?” – requires reassurance that we are all talking about the same X which we want to explore. In order to fix the reference of a term, we can, roughly, use two opposing strategies.

We can, *first*, point to something – for instance, an entity of a natural kind, like water or a tiger – and declare that this and everything which looks similar and has the same kind of chemical deep-structure or genetic code is called “water” or “tiger”. In this way, the meaning of the term is determined externalistically by the entities it refers to, not internalistically by the opinions we have about them. In order to find out what X – water or a tiger – is, scientists have to investigate examples of them empirically. Agreement about the results of this investigation allows the experts to decide whether certain entities are really examples of a certain kind or belong to a different kind whose members have the same perceptual surface properties, but a different deep-structure. In this case, we have two different conceptual options: as laymen, we can, for pragmatic reasons, go on using the same concept for the visually indistinguishable entities which belong to different kinds, or we can, for scientific purposes, divide the manner of usage and find two different words for the two different kinds. But when we know what the respective concepts are intended to refer to, it does not make much sense to start a dispute about the correct use of the words. Our way of using the concepts will simply be a pragmatic or conventional affair.

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<sup>2</sup> Some leave open and unclear how the term “free” with respect to “will” is related to “uncaused”, “caused by reason”, and so on; others regard the relation as a kind of conceptual analysis, explication, or paraphrase. Jackson (1998), chapter 2.

Substantial disputes concern only the answer to the question of whether perceptually similar entities belong to the same kind, their specific deep-structure or, in special situations, perhaps even the surface properties of the thing we are referring to.

Would it be helpful to fix the reference of the term “free will” in analogy to these Putnam-like semantics? We might perhaps point to overt actions and treat them with the presumption that they involve free decisions and are thus superficial manifestations of the deep mental actualisation of our capacity of willing freely. But when we accept whatever the attempt to explore it exhibits as free will, others might react to this kind of baptism in one of two different ways: acceptance of this kind of fixing the reference for the sake of mutual understanding, or proposal of a different fixation of the term. In either case, there will be no common basis for a substantial dispute about the question of what free will consists in.

The *second* strategy of fixing the reference consists in offering a list of necessary and perhaps, when taken altogether, sufficient conditions of free will and in subsuming everything fulfilling these conditions under the term “free will”. But with this proposal, the same problem again arises. If others propose a different list of conditions, they will simply talk about different things, and no substantial dispute will arise.

I now turn to two further strategies which seem to avoid empty discussions about the concept of free will or mere stipulative definitions. Both claim that there is actually a common conceptual basis for talking about the same thing, one which only has to be discovered and explicated and which, additionally, is not or should not be a basis of dispute. Both strategies claim, furthermore, that this common basis can be found in our ordinary conception of free will or “something suitably close to our ordinary conception”.<sup>3</sup> Finding out the meaning of this ordinary conception would accordingly be the right thing to do.

An example of the *third* strategy can be found in Frank Jackson’s book “From Metaphysics to Ethics”.<sup>4</sup> According to Jackson, the “ordinary conception” of free will can be discovered by conceptual analysis which is “concerned to elucidate what governs our classificatory practice”. Such conceptual analysis consists essentially in an appeal to our *intuitions*.<sup>5</sup> In order to identify our ordinary conception of free will,<sup>6</sup> for instance, we have to “appeal to what seems to us most obvious and central” about it “as revealed by our intuitions about possible cases”, intuitions namely “about how various cases, including various merely possible cases, are correctly described” in terms of free will.<sup>7</sup> These intuitions are claimed to reveal my ordinary conception or theory of free will, and, if I share these intuitions with “the folk, they reveal the folk theory” of free will. Those who do not want to follow this conception may be

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<sup>3</sup> Jackson (1998), 31.

<sup>4</sup> Jackson (1998), 31–33, 44–45.

<sup>5</sup> It is in a similar spirit that Peter Bieri (2001, 161, 367) appeals to our conceptual intuition, but for him this is only one way to conceive freedom of will; the other, connected way is articulation of our experience of freedom.

<sup>6</sup> As far as willing or deciding can be regarded as an action, “free will” can be subsumed under what Jackson describes as “free action”.

<sup>7</sup> Bieri (2001) analogously refers to paradigmatic examples and thought experiments.

accused of confusion: “they haven’t properly understood the cases, or they haven’t seen the key similarities to other cases” where they accept that subjects do have free will. But it may also be “that they use the word...to cover different cases from most of us”. In this case, Jackson does not want “to accuse them of error (unless they go on to say that their concept...is ours), though they are, of course, missing out on an interesting way of grouping together cases”.<sup>8</sup> For Jackson, the strategy of consulting intuitions about possible cases “is simply part of the overall business of elucidating concepts by determining how subjects classify possibilities”; it is part of “the elucidation of the possible situations covered by the words we use to ask our questions”; it is “not a peculiarly philosophical business”.

Nevertheless, Jackson believes that there may be several reasons for “rejecting a subject’s first-up classifications”.<sup>9</sup> And he even believes that there is generally “nothing sacrosanct about folk theory” and that, therefore, it is not “irrational to make changes to it in the light of reflection on exactly what it involves, and in the light of one or another empirical discovery about us and our world.”<sup>10</sup>

To demonstrate how such a change and correction of a subject’s intuitional first-up classification could and should work, Jackson refers to his own pre-analytical conception of free action respectively free will, which he believes to be in harmony with the folk’s conception as one which is incompatible with the belief in determinism. He finds “compelling Peter van Inwagen’s argument that because the past is outside our control, and any action fully determined by something outside our control is not free, determinism is inconsistent with free will”. For this reason, Jackson admits that what compatibilist arguments show “is not that free action as understood by the folk is compatible with determinism, but that free action on a conception near enough to the folk’s to be regarded as a natural extension of it, and which does the theoretical job we folk give the concept of free action in adjudicating questions of moral responsibility and punishment, and in governing our attitudes to the actions of those around us, is compatible with determinism.” He further admits that there is “an extent to which the compatibilist is changing the subject, but it is a strictly limited sense”.

According to Jackson, compatibilists like himself show, “first, that the folk concept of free action involves a potentially unstable attempt to find a middle way between the random and the determined, second, that the folk conception is nowhere instantiated, and, third, that a compatibilist substitute does all we legitimately require of the concept of free action”. Altogether, he finds it “hard to see how we could better motivate a limited change of subject”. What this kind of conceptual analysis shall amount to is not the giving of synonymous expressions, but of modest “paraphrases” in the sense of an “approximate fulfilment of likely purposes” of the original concept.<sup>11</sup>

<sup>8</sup>For Jackson, one example is “the general coincidence in intuitive responses” and, therefore, the change in the conception of knowledge according to Gettier’s examples for possible cases. Jackson (1998), 32.

<sup>9</sup>Jackson (1998), 35.

<sup>10</sup>Jackson (1998), 44.

<sup>11</sup>Jackson (1998), 44–45. Bieri also believes that philosophical theory should not ignore the pre-theoretical concept. But he wants to prevent a simple change of subject and admits that the contours of the pre-theoretical concept may be vague and that it leaves room for different theories which may be compatible with the pre-theoretic concept, but not with each other. (2001, 373–374).

However, as these reflections by Jackson show, the assumption that there is a shared or folk conception of free will seems to be too optimistic. There is neither a folk intuition that free will is incompatible with determinism; the intuitions are actually different or even indeterminate. Nor are all those who share the intuition that the existence of free will is incompatible with determinism prepared to correct their intuition in the direction of compatibilism and to justify such a change of subject. Besides that, it is not quite clear why the business of “elucidating concepts by determining how subjects classify possibilities” could be a basis for a substantial dispute, when the dispute amounts to a distinction between those who use “an interesting way of grouping together cases” and others who do it in a less interesting way. Nevertheless, Jackson has given an important hint which I will come back to later.

The *fourth* strategy consists in the pragmatistic proposal to simply look at the *social practice* of attributing responsibility and thereby treating human beings as free willing agents. From this perspective, the “ordinary conception” of free will is, so to say, realized in this practice, so disputes about the concept of free will appear as only local and verbal disputes within philosophy, whereas our everyday practices of praising and blaming, as well as the legal practice of punishment, are supposed to exhibit a unanimous practical understanding of free will. From this pragmatistic point of view, we are legitimately used to presuming that our willing is free, until we find that conditions like minority, mental illness, or external force make exemptions to this presumptive ascription and exclude the unfreely willing agent from the class of responsible and free willing persons.<sup>12</sup> In order to find out what we mean by “free will”, we simply have to observe our common social practice of attributing the deontic status of responsibility and our practice of exempting those who could not decide freely. What speaks in favour of this pragmatistic approach is that the term “free will” seems to be a theoretical construct without use in pre-theoretical contexts.

But even if we assume, counterfactually, that there are no differences between legal and private treatment of people as willing freely and that the social practice in which we, in our culture and our place in history, treat our own will and the will of others as being responsible is more unanimous than our intuitions and philosophical discussions about the concept of free will, the problem remains that our practice of treating somebody as willing freely, our intuitions, and our philosophical practice of disputing about an essentially contested concept lead to different results. The pragmatistic preference for non-philosophical practices does not help when there are people, not only philosophers, who believe in determinism for instance, and argue that it is unfair to treat people as free under these conditions and, therefore, demand a change in the social practice of blaming and punishing. Pure pragmatists can describe and follow the (different) practices of ascribing freedom. They cannot cope with terminological or substantial differences within and beyond philosophy. And they do not take into account that the social practice of ascribing freedom cannot arise arbitrarily, but, in order to avoid everyday schizophrenia, has always already matched and been responsive to our *experiences* of undisturbed willing.<sup>13</sup>

<sup>12</sup> Strawson (1963) and Wallace (1994), 118–180.

<sup>13</sup> It would be artificial or even wrong to subsume all our mental occurrences under the class of social practices, but they are, admittedly, influenced to a certain degree by our social practices.

What makes the intuitional and the pragmatic approaches to the problem of free will still more unsatisfying is the fact that the ongoing disputes concerning freedom of will are not restricted to alternatives of ‘compatibilism’ versus ‘incompatibilism’, ‘determinism’ versus ‘libertarianism’, though they are perhaps affected by these. At least in philosophy, there are many more ways to use the term “free will” than can be subsumed under the determinism-indeterminism-debate, and these must not simply be neglected or ignored as ambiguous, homonymous, or equivocal.

The *fifth* attempt also tries to give a not merely stipulative answer to the question of what free will consists in. It points to different kinds of critique of deficiencies implicit in rival conceptual proposals, for instance, inherent contradictions, implausibilities, or other bad implications or consequences. Though this is a reasonable procedure, it would be mere accident if these kinds of critique were not only generally accepted but also sufficient for a selection out of the competing and partly incompatible conceptions of free will and would turn out to be able to reduce the manifold rival conceptions to a single and uncontroversial remainder. So, the problem of ensuring a substantial dispute between defenders of different conceptions of free will does not disappear.

To summarize: none of the five strategies of fixing the reference of the term “free will” sketched above can reassure that the enduring disputes will be about the same thing or theme.

## 2 The Evaluative Approach

For this reason, I now want to propose an alternative way of ensuring that disputes about freedom of will are not only terminological, but also substantial disputes about the same problem. My suggestion is a change in perspective in order to regard the question concerning freedom of will not as conceptual, but as evaluative or normative. From this changed perspective, the question should then be understood in the sense of: “What is a good, or the best, condition of will?” or “What should the condition of will be?”<sup>14</sup>

This suggestion has the advantage of ensuring that disputes about free will are substantial disputes about the same problem: the good condition or norm of will. Just as knowledge can be regarded as the best condition of our cognitive capacities, just as love in the romantic sense can be regarded as the best condition of our personal intimate relationships, so can freedom be regarded as the best condition of our willing.<sup>15</sup>

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<sup>14</sup> I regard the good as a basis for norms.

<sup>15</sup> “Free” seems to be neither a thin concept like “good” or “right” nor a thick concept like “modest” or “friendly” or “aggressive”, but something between. “Free” entails more information than “good”, implying not only a positive evaluation, but also the absence of constraints, hindrances, obstacles, impediments, or dependencies which lead to a bad condition of will, to a condition it should not be in. However, what we are looking for is not the evaluative meaning of the word “free” in “free will”, which might be analysed conceptually as “without (certain) obstacles” or “without (certain) dependencies”, but rather the different shapes of will which could or should be regarded as without (certain) obstacles and dependencies and, therefore, as free or good.

The evaluative or normative understanding of freedom of will suggested offers a formal framework which not only ensures that disputes about free will are about the same problem, namely the evaluative one, but also allows different kinds of understanding of values, norms, and their sources. The sources may be regarded as natural or objective, as subjective or intersubjective; value judgments may be understood in a cognitive or non-cognitive, in a naturalistic or non-naturalistic, in a realistic or anti-realistic way. The framework leaves open what the obstacles of free will consist in and how many kinds of obstacles there are. It leaves open whether freedom is a gradual or disjunctive term; it only presupposes that will exists in the tension between freedom and unfreedom: “free will” should not be a tautology or pleonasm, “unfree will” not an oxymoron, and unfree will should be distinguished from mere desire.<sup>16</sup> And it leaves open whether freedom of will involves or even consists in a special sort of experience.

As the history of philosophy demonstrates, the proposal to understand the question of free will as an evaluative question is neither self-evident nor is it as extraordinary as it might appear at first sight. This understanding can be found in different approaches to the problem of free will which are not explicitly intended to be evaluative. Peter Bieri, for instance, claims that free will, in his conception, is “what is worthwhile to want”.<sup>17</sup> Frank Jackson claims that free will, in his conception, is all we “legitimately require”.<sup>18</sup> And Harry Frankfurt claims that with free will, in his conception of freedom, we have “all the freedom for which finite creatures can reasonably hope”.<sup>19</sup> Of course, this hidden agreement concerning an adequate, i.e. evaluative or normative, approach to the problem of free will does not solve the problems and stop disputes, but it does allow the beginning of real disputes which now can be treated as disputes about the same evaluative or normative problem.

### 3 Varieties of Free Will

In the tradition of philosophy and – mainly due to Harry Frankfurt – increasingly in the recent past, we find a variety of conceptions of free will. Some are incompatible or contradictory to each other, others have been combined and integrated as necessary and sufficient conditions of free will only when taken together. My proposal in the following is deviant because of its evaluative or normative turn, but also because

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<sup>16</sup> As will become clear in the following, my criterion for a distinction between mere desire and will is the capacity for self-consciousness, which may be connected with the acquisition of a language.

<sup>17</sup> “was sich zu wünschen lohnt”, Bieri (2001), 416.

<sup>18</sup> Jackson (1998), 45.

<sup>19</sup> Frankfurt (2006), 15. There seems to be a shift from the claim of something being the will we legitimately require or reasonably hope for to the claim of something being the freedom (of will) we legitimately require or reasonably hope for. But actually both claims amount to the same evaluative or normative problem.



I suggest regarding certain shapes of will as not constituting free will only in combination, but as shapes and degrees of free will. My suggestion is in the spirit of the conception of free will at the centre of Hegel's Philosophy of Right, but I do not want to adopt his special teleological and essentialistic presuppositions concerning the steps towards realisation of the idea of freedom in the history of the world. What I am interested in are the different shapes of free will. Some of them can combine and so form a will in a better condition or even one close to the ideal of free will, others are or can be incompatible, at least at the same time. Which conditions or shapes of will can be legitimately regarded as good depends partly on its context.<sup>20</sup> And which of the good shapes of will are relevant is dependent on different contexts – philosophical, medical, legal, political, everyday life.<sup>21</sup>

In the following, I want to sketch important shapes of free will. Hegel himself paid attention to some of them; others were described later by various philosophers and under different titles. In my short and incomplete summary, I partly fill out the formal framework sketched here in a minimal way by distinguishing three different aspects of free will. Firstly, there is the internal structure of willing involving positive or at least not negative experiences: will in a good condition is the will I feel satisfied with, in the sense that I do not feel the wish to change it. In this sense, the evaluation of will as good or free follows, so to say, the subjective evaluation of the willing person. Secondly, there is the well-groundedness of this positive or at least not negative experience, which depends on conditions external to will: the cognitive state on which will is based should be true,<sup>22</sup> and the (mental) states influencing one's will should not be otherwise deficient. In this manner, we can distinguish between will which is, for instance, *experienced* as my own, or as actively made my own, from will which actually *is* my own and made my own. Thirdly, there is the content of free will. These three aspects or shapes of free will can be combined in different ways, thus forming different degrees of willing freely.

The kind of will I am thinking about is the will of embodied human beings who are embedded in a special natural, cultural, and historical context as well as in special social relations. This context and these relations may be conditions which enable, maintain, or promote freedom of will or constitute obstacles against it. The obstacles can be determined by referring to the experiences of willing or by referring to values or norms which are regarded as internal or external to will.<sup>23</sup>

Before I sketch important shapes of free will, I want to present my own understanding of will.

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<sup>20</sup> The experience of lacking alternative possibilities of willing – volitional necessity, according to Harry Frankfurt – may, for instance, be valuable in contexts of care and love, but not in all contexts, whereas, the other way round, the experience of having alternative possibilities of willing may be a sort of experience important for some kinds of willing (coffee or tea), but not for others; as forms of experience of indifference or of too many options, it may even be a bad condition for will.

<sup>21</sup> Compare Baumann (manuscript).

<sup>22</sup> Besides that, important information should not be missing.

<sup>23</sup> The term "objective" is used for values or norms which do not entail positive mental states, like pleasure or approval, as well as for values or norms which are independent of the factual or counterfactual evaluations or other mental states of the concerned persons. Richardson (2001).



### 3.1 *Reflexivity or Capacity for Self-Consciousness*

When I use the expression “will”, I am not referring to a queer entity, but to the event or process of willing which is either acting or attempting to act. What is constitutive for the will of humans – be it free or not – is the capacity for inner self-distance in the sense of the self-conscious “I think”, which, according to Kant, must be able to accompany all my representations.<sup>24</sup> In the normal process of growing up, we learn to actualize this basic capacity<sup>25</sup> for theoretical and practical reflection and, from then on,<sup>26</sup> are taken for and treated as responsible for our judgements and willing and the consequences of these. The acquired ability for reflective self-distance and self-consciousness distinguishes will from the mere desire of animals, children, or insane grown-ups.

Correspondingly, there is a two-sided danger for will: on one hand, the possibility to relapse or regress to mere desire and, on the other hand, the possibility of pathologies of unfree will which result from the capacity for reflexion and self-distance. When we presuppose optimistically that free will is our standard condition, we can claim that the following sketch of shapes of free will could only be detected by means of the pathologies of shapes of unfree will. These pathologies exhibit, in a separated and opposite way, what is normally unified in free will.

### 3.2 *The Internal Structure of Free Will*

#### 3.2.1 *The Will I Experience as My Own*

According to Harry Frankfurt, our capacity for reflexion is an ambivalent one. On the one hand, it enables us to care and love, and thus to demonstrate that we are beings who can take themselves seriously. On the other hand, reflexivity entails the danger of leading the human mind, and especially human will, into self-alienation and self-estrangement.<sup>27</sup> With regard to these obstacles, free will is accordingly one which successfully avoids alienation without falling back to its pre-reflexive history. Therefore, volitional identification can be regarded as a valuable and good condition of will and, fortunately, seems to be its “default condition”.<sup>28</sup>

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<sup>24</sup> Kant, KrV AA B, 31; in a similar way, Hegel determines negative freedom of will as the absolute possibility of being able to abstract from each determination in which he finds himself or has put himself (“absolute Möglichkeit, von jeder Bestimmung, in der Ich mich finde oder die Ich in mich gesetzt habe, abstrahieren zu können”), GPhR 50.

<sup>25</sup> It is the transition from the first *dynamis* to the second *dynamis* or first *entelechia*, in the sense Aristotle used these distinctions in *De Anima* II 1, 412a27; 412b.

<sup>26</sup> In legal contexts, the age beginning from which we count people as accountable is fixed for pragmatic reasons.

<sup>27</sup> Frankfurt (2006), Lecture One.

<sup>28</sup> Frankfurt (2006), 8.

If, in our evaluation of a shape of will, we follow the evaluative experience of the willing person, we can claim that the will a person experiences as her own and with which she identifies herself is free or in a good condition. This identification does not necessarily involve an extra or higher order mental act of positive evaluation or reflective approval.<sup>29</sup> What suffices is that she does not experience her willing as self-alienated, self-estranged, detached, or external and thus does not want to change it.<sup>30</sup>

### 3.2.2 The Will I Experience Wholeheartedly as My Own

The experience of a wholehearted, unified, or coherent will is a further shape of a will we approve of and regard as valuable. It is a kind of willing which excludes that the will which is my own and with which I identify is in conflict with my higher order volition or even with several higher order volitions with which I also identify and which might be internally incoherent, conflicting, and contradicting as well. In these cases, the whole volitional complex is experienced, with dissatisfaction, as divided and ambivalent. It is a shape of an unfree will with the motivation to change it.<sup>31</sup>

### 3.2.3 The Will I Try to Make My Own

Opinions concerning the question of to what extent reflective activity is required for will to be in a good condition and enable us to lead our life actively are divergent. In order to avoid over-intellectualization, I think it is reasonable to restrict the requirement of extended reflection to special situations. Distancing myself from my inclinations or reasons and reflecting on them in order to determine their content or even to enable the arising of inclinations which are missing may be indispensable, not in everyday routine actions, but before important, life-determining decisions, in a life-crisis due to serious illness, loss of a job or of significant persons, or simply in situations of dissatisfaction, for instance, because of alienation or ambivalence. In situations like these, it may be helpful to articulate my indeterminate and perhaps even conflicting inclinations, to put them in relation to my biography, and to evaluate and select them with regard to different evaluative standards, such as my conception of a good life or the kind of person I believe to be or want to become.

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<sup>29</sup> Kusser (2000), Wallace (2000), and Velleman (2002).

<sup>30</sup> If it is, as Frankfurt claims, a “default condition” that we do not feel alienated with regard to our will, it can be disputed, as between Plato and Aristotle, whether this is an indifferent or pleasant state. While our evaluation consists in the belief that the will a person experiences as her own is insofar in a good condition, the evaluative experience of the willing person entails a motivational attitude – either to continue or to change willing.

<sup>31</sup> Frankfurt (1988), 159–177.

But unclear and unsatisfying situations may disclose, in an eminent way, that there is no stable standard or measure of will. Once acquired, freedom in the shape of ownership and wholeheartedness is not a persistent state of will. It can, instead, become a task to gain and maintain freedom in all kinds of changing contexts within and without the willing person. Even my self-conception and my conception of a good life, both of which form my existential and practical identity and shape my reasons for willing, can be transitory and fragile. On one hand, they entail my most important wishes and inclinations, the things I love and care about, my “volitional necessities”<sup>32</sup> and central values to which I feel bound and committed and from which I cannot detach myself just by decision. On the other hand, new situations, inclinations, and challenges may arise and influence my conception of myself and of a good life but cannot be met without transforming these conceptions. For this reason, acquiring, maintaining, and regaining freedom of will is a dynamic task which requires, on the one hand, relatively stable long-term purposes with which we identify wholeheartedly and, on the other hand, the capacity to change them with changing contexts.

When I form my will in a deliberative way using my cognitive capacities like sensible perception, fantasy, memory, and other kinds of beliefs about me and the world around me, I have the chance to amplify my self-knowledge and authorship and to acquire a kind of understanding which allows me not only to decide to initiate an action, but also to make the decision my own. It enables me not only to give a reason for what I have decided, but also to tell the story about the way I happened to decide what I did decide, about the way I tried to make my will my own.<sup>33</sup> This does not exclude that, as in all human affairs, effort and luck, activity and passivity, transparency and opacity go continuously hand in hand.

### 3.2.4 Will with the (Positive or Indifferent) Experience of Having Alternative Possibilities (Willkürfreiheit)

Our awareness of having (had) the ability and opportunity to will an action – in the sense of performing it or at least attempting to perform it – or not to will it is not always accompanied by a positive evaluation. This, again, need not be a sign of indifference, but can simply indicate our habit to take it for granted. Our appreciation of this presumed capacity and opportunity would come to light in the arising of dissatisfaction if we lost our belief in alternative possibilities. Our experience of and belief in having alternative possibilities of willing<sup>34</sup> neither include nor exclude them being true. Nor do they include or exclude an unconditioned, indeterministic genesis of will.

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<sup>32</sup> Frankfurt (1999), 129–141.

<sup>33</sup> Bieri (2001), 381–416.

<sup>34</sup> It is not only, but explicitly, in situations in which we are not inclined towards certain alternatives of willing because of our indifference towards them, that we experience and believe that we could decide to go to cinema or to take a walk or to meet friends. Whether such an experience of alternate possibilities of willing is evaluated positively or indifferently is situation-dependent. If these were the only experiences of our will, we would indeed lead a sad and deficient life.

### 3.2.5 The Will I Experience (Positively) as Being Without Alternatives (Necessary Will)

Sometimes experiencing ourselves, without dissatisfaction, as having alternative possibilities of willing does not exclude the opposite experience, namely not having the possibility of willing otherwise, from being one of the most important and satisfying ones in our mental life. Phenomena described by Harry Frankfurt as *caring* or *loving* are examples of these experiences.<sup>35</sup> They are kinds of willing which come to existence partly through our own activity, whereby we not only attempt to make our willing our own, but also to attain this by doing everything that might maintain our willing and by avoiding whatever might stop it. The most surprising fact about such a necessary will experienced as being without alternatives is the absence of feelings of distance, self-alienation, obstacles, or lack of power. On the contrary, volitional necessities usually involve positive feelings of “being at home” and of full identification and power. As the volitional necessities experienced form an important part of our personality, they exhibit the will not to see and want an alternative to this willing. Thus, the experience of volitional necessities is a further shape of free will.

### 3.2.6 Diachronic and Dynamic Will

As with all the evaluations I am dealing with, reference either to accompanying positive mental states or to non-mental values can justify, subjectively or objectively, that it is good to have not only impressionistic, unconnected kinds of willing, but also general long-term volitions which integrate many short-term decisions. In the case of positive mental states, we can refer to the satisfaction of having and realizing long-term purposes or at least to not suffering from atomistic, fragmented will; in the case of non-mental values, we appreciate long-term volitions because they contribute to the values of psychic health, of our diachronic identity as persons, and of leading an integrated, coherent life.

In order to maintain her will in a good condition, the person with a diachronic, time-encompassing will must also be responsive to her experiences during the attempt to realize her will. New experiences and changing situations may require adjustment to change or giving up will; they may even enable discovery of what we actually were striving for. For this reason, the exercise of diachronic and coherent kinds of willing is not sufficient. Willing of this kind should also have a dynamic and flexible structure.

### 3.2.7 Strong or Rational Will

Strong will is one which realizes its capacity to follow an all-considered judgement about what would be the best thing to do or what should be done. This excludes will felt negatively as arising just by luck and, therefore, as something surprising and without my control.

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<sup>35</sup> Frankfurt (1999), 129–141; 155–180.

Will which is actualized for a reason (be it the presumably best one or not) is free in the shape of rational will.<sup>36</sup> Some libertarians, however, deny that rational will is free or in a good condition and so give room for normative dispute. Moreover, we can distinguish between good or bad, internal or external, normative or motivating reasons. And we may distinguish between will which is experienced as strong and will which is strong. These distinctions divide the position of strong and rational will in my outline. It is only the will formed by reasons regarded as good from the perspective of the willing person and experienced as one to act upon that can be subsumed under the term “internal structure of free will” – like the will I experience as having good options, as realizable and recognized.

### 3.3 *The Context of Embedded Will*

In the following, I leave the internal and experienced structure of (free) will and set it in connection with the world around it.

#### 3.3.1 **The Will Which Is My Own (Authentic Will)**

The mere fact that I do not experience my will as estranged or alienated does not guarantee that my will really happens to be my own will. What distinguishes my identification experienced with my will from my own will?

The most important answer to this question lies hidden in the context of individual will. We are not monads living autarchically in ‘inner citadels’ (Berlin), but rather persons in permanent exchange with our surroundings, and these change us in many different ways. In general, our will is influenced by its cultural, social, and historical context, and especially by parents, friends, teachers, therapists, politicians, pop stars, the media, advertisements, and fashion. There are external physical influences, such as torture, different kinds of force, blackmail or extortion, food, drugs, drink, hypnosis, medication, brain surgery, or brainwashing; there are also external mental influences, such as moods, emotions, communication, argumentation, deception, manipulation, threatening, or concealment of information; moreover, there are influences from within the willing person, such as bodily and mental diseases, addiction or, bodily conditions and mental events different from willing, in general.

All of these overlapping and combining influences are important in a positive or negative way for different shapes of free will. But which aspects of the will’s context or history are irrelevant for it being authentic will? Which conditions enable authentic will? And which obstacles impede it? The results of such evaluative considerations may differ, more or less, in history and between or even within cultures.

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<sup>36</sup> Berofsky (1995), Wolf (1990), and Kristinsson (2000).

Drugs or therapy, for instance, may be regarded as apt to help one to discover one's authentic willing or to impede it.

What we regard, in general, as valuable is that the assumptions at the base of the will we identify with are sufficiently true and that we do not lack knowledge of important information about the context or history of the will which would lead to self-estrangement and thus to the wish or will to change it. We further appreciate *influences* which help us to understand our (own) will or to discover it. And we are used to regarding certain characteristics as *constitutive* of authentic will, for instance, its formal coherence with other parts of our mental life, its fit with our character, and its accordance with our most important values, our self-conception and conception of a good life, the possibility of integrating it somehow into our biography, and, above all, being able to care about the will we happen to have. Whether these more or less formal reasons for evaluating will as authentic are sufficient is, once again, the subject of normative dispute.

Like other shapes of free will, authentic will may be gradual and fragile. And, as with other shapes of free will, there may be a basic dispute with respect to preparedness to regard authenticity as the normal condition of will (my will is normally my own will) and with respect to the question of how much authenticity we need.

There are also ways of inauthentic willing which are not so much due directly to external influences on the will, but rather due to activities of the will by which it *makes* itself inauthentic, for example, mere imitation of ways of willing which are external, in the sense that they are not an intelligible consequence of personal character and biography and/or not really cared about and perhaps explicable by inertia, indifference, or fear, as well as an unconscious intention to hide reality or to be recognized, admired, and praised by others. This kind of inauthentic willing is the opposite of autonomous will which makes itself authentic.

### 3.3.2 The Will I Make My Own (Autonomous Will)

Upon dissatisfaction with the presence or absence of will (alienation), reflective deliberation should be initiated and oriented towards an answer to the question of what I should will (in an authentic way). It is constitutive for autonomous will that this kind of critical reflection on will and on possibilities to change or maintain it not be defect, but rather be based on true and sufficiently informed assumptions about me and the world around me. Whether we can take our known self-conception and highest values as a self-evident measure for forming authentic will is, as claimed before, dependent upon the context of the deliberation and the kind of 'crisis' our will is in. As reflective deliberation cannot take place from a detached perspective and is itself inescapably exposed to the special influences already mentioned, as well as to the general cultural and historical context, it seems to have the infinite task of applying its criteria of authenticity to itself. It is disputed if this can take place and what the alternatives might be. If we deliberate well, form an all-things-considered judgement and decide accordingly, dissatisfaction with our will should disappear, and we should regain authentic will which now is our own-made will and with which we (perhaps even wholeheartedly) identify.

### 3.3.3 Will with and Without Alternative Possibilities of Willing

Obviously and astonishingly, we regard both shapes of free will as valuable: sometimes having the ability and opportunity to will something or not to will it and sometimes not having the ability, though perhaps the opportunity, of willing otherwise, at least as long as we can identify ourselves with this necessary will. The assumption of will *with* alternative possibilities neither includes nor excludes uncaused or unconditioned libertarian will and might be interpreted in a compatibilist way; the assumption of will *without* an alternative neither includes nor excludes determinism in a physicalist sense because it is a self-made necessity.

### 3.3.4 Will with Good Options

For one's will to be in a good condition, it is further required that it not only have (and be aware of its) capacities<sup>37</sup> and opportunities, but also that these allow one to lead a good life.<sup>38</sup> Will in a good condition is one which has (and is aware of) good options, which are, as Hegel argued, partly dependent on the institutions of a well-ordered state or global community. This, too, is a formal characterization which leaves room for further evaluative dispute.

### 3.3.5 Realizable Will

One's will in a good condition must, at least in principle, be realizable for the willing person. This requires, from one's will, the capacity and opportunity to persevere until the action is finished and, from its surroundings, accommodation.

### 3.3.6 Recognized Will

We normally and legitimately expect or hope that our will, with the reasons we could give for it, not be ignored, but rather recognized by others. There are many kinds of recognition, ranging from reactions with constructive critique to approval, non-intervention, praise, support, and even joining in or completing it. This approach to recognition is different from the more basic one according to which the act of mutual recognition transforms mere desires into will under the norms of freedom and responsibility.<sup>39</sup>

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<sup>37</sup> Or, as in the case of necessary will, as lacking capacities.

<sup>38</sup> Oshana (1998).

<sup>39</sup> Pippin (2008) and Brandom (2004).



### 3.3.7 Accountable and Responsible Will

Like “husband”, “president”, “property”, “money”, or “criminal”, the term “responsible” belongs to a certain kind of concepts. What is special with concepts of this kind is that their application confers a new and normative, ‘spiritual’ status on natural things in the world. Endowed with this status, things can have responsibilities, obligations, and consequences independent of their natural properties. Due to this transformation, these things give us a new kind of reasons for behaviour and enable, require, and justify actions we could not have done sensibly, successfully, and legitimately beforehand: we can sell our property, get divorced from a husband, be a good president, sentence a criminal, and be accountable or demand accountability.

The terms “responsible” and “responsibility” seem to have arisen relatively late in history.<sup>40</sup> There are no explicit ascriptions of responsibility in former times, but rather implicit attribution by mere facial expressions, gestures, and verbal expressions of praise or blame, as well as by different forms of punishment. We normally attribute accountability and responsibility to human adults and thereby presuppose that such a person’s will and its (foreseeable) consequences can be attributed to her.<sup>41</sup> We presuppose that she (or certain mental states within her) can be the causal origin of willing<sup>42</sup>; that she has the acquired capacity for practical reflection with regard to alternative means, ends, and consequences, including the cognitive capacities to judge past, present, and possible future states of the world under different descriptions, as (possibly) effected by her will and with regard to different kinds of values or norms (ethical, moral, legal, aesthetical, religious)<sup>43</sup>; that she has the acquired capacity to form all-things-considered judgements about what to do best and to will – acting or trying to act – accordingly. It is our custom to attribute responsibility to human adults normally regarded as persons and, therefore, as endowed with presumed capacities, unless we assume the existence of obstacles, like childhood, senility, or mental illness, which allow exemptions from the normative status of personhood.

Though the structure of responsibility remains the same, the fixation of subjects and areas of responsibility can differ in different cultures and historically,<sup>44</sup> for instance, when families or groups were made responsible for bad deeds committed by their individual members or when inanimate things or animals were treated as guilty, put before a court, and punished.<sup>45</sup> Remnants of such an exaggerated

<sup>40</sup> A short history of the concept of responsibility can be found in Bayertz (1995), 3–71.

<sup>41</sup> Bayertz (1995), 10f.

<sup>42</sup> This does not exclude the libertarian assumption that the will is a sort of *causa sui*.

<sup>43</sup> Kant distinguishes, though not consistently, between ascription (bloße Zuschreibung), which refers to the causal origin, and imputation (Zurechnung), which refers to practical laws. 1990, 66.

<sup>44</sup> Historically, the subjects of responsibility were constrained, the areas of responsibility extended.

<sup>45</sup> A famous example is Plato, *Nomoi* IX, 873e–874a; Evans (1906). It is difficult to ascertain whether Kelsen was right with his assumption that our concept of causality is the result of a transfer of the principles of guilt and retribution onto nature (Kelsen 1941, 279–281), whether the implicit attribution of accountability and responsibility to entities we regard as animate or to animals only had the weak sense of treating them as causal origins of bad consequences, and whether, as Nietzsche thought (1878, 62f, 102, 105), it was only in the course of history that further conditions were added, such as intention, foreseeability, capacity, and opportunity to avoid the deed, subjective conditions which, in turn, were later ignored in cases of absolute liability.

ascription of responsibility can still be found in the animistic-like practice of kicking a stone which caused you to topple. Today, the developed nations are made responsible or make themselves responsible, retrospectively, for the threatening ecological crisis and, prospectively, for its avoidance. In addition, there are different practices of explicitly taking over responsibility, even for actions done voluntarily by others, and of rejecting responsibility – as in the famous case of Pilatus – even for actions voluntarily planned or commanded without responsibility-suspending obstacles.<sup>46</sup>

What is special and essential for our attribution of responsibility is that we not only take and treat human adults as (legally) sane and accountable persons as long as we have no reason to believe the contrary, but also that we regard them as obligated to actualize their person-constitutive capacities in a way responsive both to the norm entailed in the attributed normative status of a responsible person and to other relevant norms or values. We thereby create reasons for blame or punishment if these adults are not responsive in the required way. When we are entitled to presume that a human adult has the acquired reflexive capacities (no obstacles present like childhood, senility, mental illness), plus the opportunity of willing to exercise these capacities (no obstacles present like external forces, hypnosis, black-out),<sup>47</sup> but recognize that she does (did) not will to actualize them, we are entitled to blame or punish her because we presuppose that she could have willed to do so and require that she should have willed so.<sup>48</sup> Nevertheless, there is room for negotiation and excuses, which do not seem to be exactly the same before court as in private life.<sup>49</sup>

Our social practice of assigning the normative status of personhood, accountability, and responsibility to human adults is based on the ontological presumption that they have acquired the capability for reflective self-distance. Both our treatment of this will as standing or not standing under the norm of responsibility which it can fulfil, as well as our requirement that it fulfil the norm and will in a responsible way indicate that we regard not only the acquired ability to will as valuable, but also its responsibility, in the fundamental and derived sense. Therefore, we can say that a responsible will is one in a good condition and thus one of the shapes of free will based on the social practice of mutual recognition of each other as responsible beings.

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<sup>46</sup> Demandt (1999) and Stoecker (2007), 147–160.

<sup>47</sup> Rheinwald (2003), 175–198.

<sup>48</sup> Actually, we do not require practical deliberation in each situation because humans have acquired habits as comprised consequences of past deliberations; what we require is that a person be willing, as if she had deliberated adequately.

<sup>49</sup> That a person was not aware of her capacities and opportunities because she was tired, afraid, or drunken or that her will was weak for a moment may be accepted as an excuse in private life, but not before court, though this might lead to a lesser penalty and be regarded as attenuating circumstances. For Kant, the degrees of imputation are dependent on the degree of freedom and lack of obstacles, Kant (1990), 71.

### **3.4 *The Content of Free Will***

One's will is not only free because of its internal structure and (its attitude towards) the context it is embedded in, but also because of its content. There are widely accepted constraints on the content, in addition to those implicit in the shapes of free will already presented. Though it is not reasonable to prescribe special contents for one's will, there are, at least, some more or less formal criteria for acceptable contents.

#### **3.4.1 The Will Which Wills Free Will**

For Hegel, it is a necessary condition of free will that it will free will, in the sense that its special contents must be compatible with the different general conditions one's will should be in. According to this requirement, we should only will what is compatible with the experience and/or possession of the different shapes of free will.

#### **3.4.2 Prudent, Moral, and Legal Will**

Prudent will is sensible to conditions which maintain, promote, or prevent a good and happy life, and thus valuable in a mediated sense; moral and legal will shape their contents with regard to moral requirements or laws, unless there are reasons against this, for instance, impediment of the other shapes of free will. Whether moral and legal will is in a good condition depends, objectively, on the quality of moral and legal laws and, subjectively, on our ability to identify with them.

#### **3.4.3 Collective or Shared Will**

We value not only personal relationships, but also other kinds of community with persons who will the same as we will. Sharing purposes in friendship, love, marriage, profession, as members of a state or other societies, communities, institutions, or organisations is another shape of free will. Willing and sharing such forms of cooperation can be regarded as intrinsically valuable, as well as helpful or even necessary for the realization of certain purposes.

#### **3.4.4 Transgressing Borders: Extended Will**

There are not only social, cultural, and historical constraints, but also natural constraints on the contents of our will which normally do not count as inhibiting its being in a good condition. Natural constraints are ones essential or constitutive for the human life form. We cannot will to fly, to run 100 miles in a second, to see what

happens on the other side of the earth, and so on if willing implies, at least in principle, the possibility of success (for a certain person at a certain time). But as history exhibits, not only social, cultural, or historical constraints have been overcome; humans have also succeeded in expanding the natural possibilities of willing by constructing technologies which enable them to will what they were not able to will before. Consequently, not having access to such tools may be an obstacle to freedom, especially for disabled humans.

### 3.4.5 Ethical (Sittlicher) Will

The shape of free will called “sittlich” by Hegel is a kind of shared or collective will participating in, identifying itself with, and modifying the normative practices of a society which entail reason and reasons in an institutionalized form. As an ideal of free will, it comprises the shapes of free will sketched above, which exist in different relations of dependency and are not all combinable at the same time.

As opposed to the danger entailed in the reflexive status of will, namely the possibility of an (alienating) distance in respect to itself and the world, ethical will exhibits the ideal of reconciled will which has succeeded in identifying itself with itself and its surroundings without regression into mere desire. If our attitude towards the world, inclusive ourselves, is more affirmative than critical, we might say that being ethical is the normal shape of will, so that its entailed richness comes to light only in the experienced or objective pathologies of unfree will, by alienation, ambivalence, irrationality, weakness, irresponsibility, mere wishfulness, inflexibility, inauthenticity, heteronomy, lack of (good) options, impressionism, or social disregard.

My purpose has been to ensure substantial disputes about free will and thus to plead in favour of an evaluative understanding of freedom which encompasses more than the dispute between compatibilists and incompatibilists. An effect of the evaluative turn would be the importance of the question whether we value an undetermined, causal independent will or why we should assign value to it and add it to the foregoing sketch of shapes of free will. We experience, with pleasure or indifference, will with assumed alternatives, and we can enjoy will without alternatives. We suffer from causes and dependencies we experience (or would experience if we knew them) as obstacles for willing, but not from causes and dependencies we do not know of or do not experience as constitutive or enriching for our will. Our practices of attributing freedom to will ensue from these experiences. But as long as scientific beliefs in determinism (or something with the same consequences) are imported into our pre-theoretical life-world and related in a critical manner to our life-worldly practices of blame and punishment, it is difficult to see how the schizophrenic dualism or antinomy between the presumably unchangeable constitution of our life-worldly experiences and its immanent evaluations, on one hand, and the theoretical beliefs in the constitution of the physical world explored by the natural sciences, on the other hand, might be harmonized or reconciled by a stereoscopic view.

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