

## WHEN IS AN ACTION FREE?

## I. STRONG ACCOUNTABILITY AND FREEDOM

It is a commonplace of European philosophy and Western thought that *praise* and *blame*, *reward* and *punishment* are just and justified only if men are *accountable* for what they do, and that men are accountable only if what they do is *free*. Theoretical statements to this effect are present in the Greek as well as in the Jewish-Christian tradition. Furthermore they have remained present in our moral and legal practice up to today.

Despite recent scepticism, formulated most radically perhaps by Nietzsche, I am convinced that this conception is sound in principle.<sup>1</sup> In this paper I shall not address the general question of accountability. Rather, I start outright from the supposition that there are good reasons for not confining ourselves to a *weak* form of imputation (used, e.g., in the law of tort), but for relying in addition on a stronger, more differentiated form (used predominantly in criminal law and morals). Following the lead of Aristotle this notion of *strong accountability* may minimally be defined by three necessary conditions, viz. *knowledge*, *will* or *want*, and *deliberation*.<sup>2</sup> For various practical and theoretical reasons there is no possibility, at least at present and for a very long time to come, that these conditions might become explicable in purely neurophysiological, or purely behavioral and/or dispositional terms.<sup>3</sup> Thus strong accountability remains bound up with its traditional, tried and tested use, which implies tracing actions and consequences back to intentional *mental* events, which in the last resort have to be identified in consciousness. There are well-known, substantial difficulties involved here, which may eventually become insuperable. In the normal case, however, they are not so great as to foil any attempt from the start. Provided radical scepticism is excluded, strong accountability is ruled out neither by practical and empirical reasons nor by deeper, theoretical ones.

This brings me to my main topic. Granted that strong, no less than weak accountability is a desirable as well as theoretically tenable notion, the question arises of whether, and in what sense, it is also dependent on a condition of *freedom*. To the first part of this question most people will give an affirmative answer. Let us call this the thesis of the criteriality of freedom for strong accountability, or simply the "*criteriality thesis*". Assuming this thesis to be true in *some* sense of "freedom", the crucial question to be addressed is in *which* sense an action must be free, if it is to be strongly accountable.

To this a first, partial answer seems easy. Approaching the subject from

common sense, one might expect that the most obvious condition of freedom required is *lack of external control*, i.e. the fact that the actor must not be subject to the overwhelming causal influence of another actor. However, this obvious and apparently innocent move turns out to be controversial if it is looked at from a philosophical point of view. Of course, nobody will deny that the condition under consideration is requisite to *weak* accountability. Moreover, many philosophers will not want to deny that it seems strange to hold a man *strongly* accountable for something for which he may not be weakly accountable, too. For isn't weak accountability implied by strong accountability, *a fortiori*? Yet, at least with regard to the relevant conditions of freedom, this seemingly natural implication is denied implicatively by a position widely held in modern philosophy and most influential here.

## II. FREEDOM OF ACTION

Asked under what conditions a man acts freely, most contemporary philosophers will refer initially, many even exclusively, to a concept of freedom according to which a man is free just in case he can do what he wants or wills to do. Let us call this "*freedom of action*" in a terminological sense, abbreviated "*FA*". *FA* has a long philosophical history. In analytical philosophy and in the English speaking countries generally, its origin is often ascribed to Hobbes, Locke or Hume. However, it is in fact much older. Prior to the British empiricists *FA* had long been invoked by Christian theology, beginning perhaps with Augustine. It is useful to bear this in mind. For as will be shown presently, *FA* is the conceptual key to the separation of strong from weak accountability mentioned above. Within the Jewish-Christian tradition, this separation is highly interesting on theological grounds. So it may well be that its attractiveness as a conceptual tool depends entirely on the relevant theological reasons, or their secular counterparts, and begins to vanish as soon as these reasons are uncovered.

Before we come to a discussion of this point, let us note some relevant characteristics of *FA*. Firstly, as an attempt to specify the conditions of free action, *FA* implies a significant shift in focus. First and foremost it is the *actor*, not the action, that is called free. An *action* is free just in case it is performed by an actor possessing *FA*. This conceptual ordering, inherent already in Augustine and pointed out most emphatically by Locke,<sup>4</sup> is well-taken and will not be called into question here. Secondly, whether or not a person possesses *FA* is not simply a matter of yes or no, but a matter of *kinds* and *degrees*. A man may be free as regards one particular action, action-part, or action-type without being free with regard to another. Strictly, then, we should say that a man is free only *in so far* or *to the extent* that he can do what he wants or wills to do. In continuing to speak of *FA* simply I take it to be understood that this

has to be expanded eventually into a form of talk containing relevant gradations and specifications.

A third characteristic is more problematic. According to *FA*, freedom is a *modal* notion pertaining not only to actions that *are* part of the real world, but to actions that *can* be. Sometimes this is contested. Yet little reflection is needed in order to realize that one is well-advised to include a modal characteristic. Nonmodal descriptive criteria such as absence of conditions like "Mistake of Fact, Accident, Coercion, Duress, Provocation, Insanity, Infancy"<sup>5</sup> are conditions of *freedom* only because they have a direct bearing on the number of *options* open to a person at a particular time. Surely you are not free to win the jackpot in a lottery at will; but this is not merely because you don't know the numbers that will be drawn, but because this lack of knowledge makes it impossible for you to choose the winning numbers. Similar things may be said of the other conditions. Therefore the fact that *FA* is concerned not only with the questions of what a free actor actually does or what is descriptively true of him during his action, but also with the question of what a free actor can do, certainly is no defect of *FA* but a qualifying mark adding to its acceptability as an adequate notion of freedom.

Still, this leaves room for various *modal interpretations*. Depending on whether the defining "can" is taken in a stronger or in a weaker sense, *FA* itself appears as a notion of varying strength. Traditionally the proponents of *FA* have favoured a rather *weak* interpretation, in fact a *very weak* one. Most often their interpretation is not even bound to the absence of external control, thus enabling the separation of strong from weak accountability mentioned earlier. So it is not *FA* as such, but its weak modal interpretation, that leads to this separation. More specifically, it is the result of two general theoretical tenets associated with *FA* traditionally, viz. (I) that *FA*, though modal, does not imply the existence of *alternate possibilities* in the actual world and therefore does not rule out *determinism*, and (II) that the relevant "can", though not identifiable outright with descriptive conditions, may well be *theoretically* reducible or explicable in *nonmodal* terms. Let us look more closely at these two tenets, beginning in the next section with tenet (I).

### III. STOIC FREEDOM

Consider the following example adapted from Locke.<sup>6</sup> While you are engaged in reading an interesting book, a person who wants you not to leave the room for the moment locks the door from outside. So it is ensured that you stay in by the external causal intervention of some other actor. Accordingly, one would expect that you cannot be weakly accountable for remaining in the room. However, remaining indoors while reading is exactly what you knowingly want to do anyway. Let us assume, moreover, that you have noticed the act of

locking but have decided to ignore it and to continue. Thus the minimal conditions of being strongly accountable seem to be met by you. If so, do we not have a clear example of *strong* but *not weak* accountability here? And given the criteriality thesis, wouldn't we have to say also that a person in a position like yours is *free*?

The point is controversial though. Locke among many others answered the last question in the negative, thus following common sense. The Stoics, however, and quite a number of successors up to the present have given an affirmative answer.<sup>7</sup> If what you do accords with what you want or will and is determined by your wanting or willing, your action counts as free even if the result in question is determined by some other factor at the same time. To act freely in the Stoic sense, you do not need to have the objective, counterfactual possibility of acting otherwise if you were to want to. This is hard to accept, even in undramatic and harmless cases like our example from Locke. Surely we would not hesitate to say that in deliberately deciding to stay inside you did so on your own considered will. Perhaps we would also grant that this fact may be sufficient even to hold you "strongly accountable" for that action in some sense. But most of us would not say that you were free to stay where you were. At any rate, this interpretation would be rejected outright in more dramatic and harmful cases. If everything you do, e.g., is going to be controlled by a diabolical neurosurgeon, independently of your thought and will, you certainly will not say that your actions will be free whenever your informed, considered will happens to be in accord with what that devil has ordained!

The Stoic conception of freedom is not wholly absurd, however, but it gains the plausibility it may have from an important tacit assumption. The Stoicist wisely recommends that we no longer want or will things against what is determined independently of us. This recommendation, however, makes sense only if there is *one* realm at least that remains undetermined, viz. the deliberate *formation* of the beliefs, wants or volitions in question.<sup>8</sup> If the Stoic conception of freedom is convincing at all, its negation of alternate possibilities must be confined to *basic actions* and their *consequences*, whereas the underlying *mental events* are still affirmed to be unfixed, at least with regard to their determination by other actors. Thus even the very weak notion of Stoic freedom, which is unacceptable to common sense and many philosophers anyway, does not show that the modality of *FA* can be interpreted in a way that does not imply the existence of alternate possibilities and the rejection of determinism. Consequently, the first tenet associated with *FA* appears unconfirmed so far. Moreover, the exclusion of the determining influence of other actors appears to be *identical* with the condition of freedom required for weak accountability, viz. lack of external control. So what about the claim made in section II that *FA* is the conceptual key to a *separation* of strong from weak accountability?

## IV. DOUBTS ABOUT FREEDOM OF WILL

Now, the use made of the criterion of lack of external control in strong as against weak accountability includes one important shift. In weak accountability it is applied not to preceding mental events, but to *actions* and *consequences* of actions directly. In strong accountability, however, it is applied first and foremost, or even exclusively (as in Stoic freedom), to relevant *mental events*. Among these the central element which has attracted most attention traditionally is *volition*. Thus the exclusion of external control or external determination in general amounts predominantly to a requirement regarding "*freedom of will*". Henceforth I shall concentrate on this topic. This concentration is justified also by the fact that the dominant role of volition derives mainly from its position *between* practical deliberation and action, thus *depending* on antecedent mental events of other various types. However, one should bear in mind that questions similar to those which will be raised with regard to will and volition arise with regard to the other elements, too: *want* that does not have the additional qualifications of will,<sup>9</sup> *knowledge*, *belief*, and *deliberation*.

The general question of whether or not volition is free is not bound to the specific question concerning its external determination. Yet it is mainly discussed within this latter context. And, as we have just seen, it is this connexion which seems to bring in the condition of freedom characteristic of weak accountability, viz. lack of external control. Consequently it is the combined problem of "*freewill and determination*" that is the target of those proponents of *FA* who favour a weaker interpretation of the relevant "can" and therefore, implicatively, the separability of strong from weak accountability. Today many even believe that the problem has long been settled and does not need any further discussion.<sup>10</sup> What are the reasons for this? Certainly one would not think that the description given, e.g., by von Wright shows that the problem is misguided from the start or ready for oblivion:<sup>11</sup>

Granted that action is free when in conformity with our will, what then of the will itself? Are we free to will what we will? Or is the will determined by something else? If the will is not free, action determined by the will can be free at most in some relative sense, it seems.

Obviously, this is no senseless or patently disinteresting series of questions. If it is possible to dismiss them, there must be strong, general reasons for this. More specifically, there must be some argument to the effect that, when considered more closely, the problem turns out either to be *unanswerable* in principle or to provide its *own answer*. Both forms of argument have been propounded.

The first form is exemplified predominantly by the argument that the question of freewill leads into a *vicious regress*. Suppose von Wright's second question receives an affirmative answer. Then we are "free to will what we will". But what about the second "will" in this clause, which is simply taken

for granted and has not been shown to be free yet? Couldn't we ask the same question with regard to this second "will", too? Obviously we could. An affirmative answer to this question, however, would amount to something like our being "free to will what we will to will", i.e. an answer still dependent on some volition whose freedom is unproven. So it becomes evident that the relevant question may be reiterated *in infinitum*. Yet if a question can never find a decisive answer, it seems to be senseless. Consequently, the problem of freewill may be dismissed including, of course, its traditional connexion with the question of determination. This knock-down argument is the standard move of those proponents of *FA* who try to show that the concept of freedom applies not to volitions, but only to actions and actors. The argument has played a particularly dominant role in modern philosophy. Thus it is present in thinkers as different as Hobbes, Locke, Leibniz, Edwards and Schopenhauer, or more recently Ryle and Kenny.<sup>12</sup> Many others rely on it, explicitly or implicitly.

Nevertheless, on closer inspection the argument does not show what it is intended to show. Firstly, the mere fact that an operation may be repeated indefinitely is no proof that its *finite* application is senseless. Formally, "x wills that [p]" is a sensible recursive function no less than " $n+1$ " or the syntactical rule for inserting relative clauses into English sentences. Moreover, Augustine and more recently Moore and Frankfurt have argued plausibly that there are situations in which the question whether we are "free to will what we will to will" has clear empirical meaning.<sup>13</sup> What is shown by the argument is no more than that in applying the recursive question we will have to stop *somewhere*, i.e. we will have to accept some volition of second or higher order which we cannot demonstrate to be free any more by showing that it may be generated or cancelled in accordance with a volition of a still higher order.

Yet this is no serious objection. For secondly and most importantly, there is no reason to think that the *only* way to show that something is free is to show that it is dependent on or (as in Stoic freedom) merely in accord with a relevant prior *volition*. The regress argument relies on the tacit assumption that "freedom of will" cannot be understood other than in strict analogy to the formal structure of *FA*, viz. "x can --- what x wants or wills to ---". But this exclusiveness is wholly unwarranted. Instead of taking the vicious regress derivable from that structure as evidence that the *question of freewill* is senseless, one should have argued exactly the other way round. As it seems clear that the question of whether we are free in willing what we will at a particular time may sensibly be asked in many cases, a regress resulting from a certain form of analysis is sufficient to show that this *analysis* cannot be correct. We can rely on the structure contained in *FA* in part, viz. in cases where higher order volitions actually are involved. But in order to get a complete, positive answer, we have to develop a different way of understanding freedom of will.<sup>14</sup> And it has surely not been proven by the regress argument that such a way is inexistent.

Hence the *first* of the two forms of argument mentioned above, which are intended to show that the freewill problem may be dismissed as *senseless* and *unanswerable* in principle, is unconvincing and gets its apparent plausibility merely from a reduced conception of the question at stake. This result may be generalized. It is extremely unlikely that one might ever find a knock-down argument of the kind intended, as it actually seems quite clear that the question of free volition has a comprehensible empirical meaning. Even if higher order volitions could be left out of consideration completely, there would still remain a vast number of cases which have long been considered instances of "unfree volition" in criminal law and morality and which it indeed makes sense to distinguish from other cases, e.g. physical threat, blackmail, addiction, hypnosis, psychosis, and above all volition formed under conditions of restricted information. Cases like these, it seems, will have to be taken account of anyway. If there is any general reason to dismiss the "classical problem" described by von Wright, it must come from the *second* form of argument mentioned, viz. from an alleged proof to the effect that it is unnecessary to deal with it, since, if answerable at all, it will receive an *answer of itself*.

#### V. THE AUGUSTINIAN SOLUTION

In some way or other this form of argument must be relied on by all proponents of *FA* who do not trust the force of the regress argument (or some similar negative argument) but are nevertheless convinced that, in order to call an action or actor "free" in a sense strong enough for strong accountability, it is *not* necessary to invoke a notion of freedom *other* than *FA itself*, a conviction, which extends to the needlessness of entering into the traditional problem of "freewill and determination". Often the dependence on the second form of argument is not explicit, but there are cases where it is evident. Locke is perhaps the most prominent example for this. Just before invoking the objection of the vicious regress, he argues thus:<sup>15</sup>

to ask, whether a Man be at liberty to will either Motion, or Rest; Speaking, or Silence; which he pleases, is to ask, whether a Man can *will*, what he *wills*; or be pleased with what he is pleased with. A Question, which, I think, needs no answer [ , since it] carries the absurdity of it so manifestly in it self, that one might thereby sufficiently be convinced, that Liberty concerns not the Will.

According to this argument, being concerned about freedom of will is absurd, because in some sense the *mere fact* of willing is evidence that it is free. Some argument to this effect, or to a similar one, is needed if one wants to be content with *FA* as a sufficient answer to the question of when an action is free. However, is it convincing?

Obviously, the cogency of Locke's argument depends on interpretation. If "can" means no more than "possibly true", it is indeed absurd to ask "whether

a Man *can will* what he *wills*", as this is true *a fortiori*. Yet this cannot be the interpretation in question. Otherwise *FA* itself would be unnecessary to freedom, too, since it is equally true *a fortiori* that what is done involuntarily "can" be done in this weak sense. But if "can" has another sense, is it still true that the mere fact of willing provides evidence that it is free? Is there any interpretation of "can" strong enough to be relevant to practical freedom, but still weak enough to be implied by willing as such? Historically there is an analysis purporting to give this result, advanced by Augustine long ago. The impact of Augustinian thought on the later conception of the problems of will and freedom can scarcely be overrated. So we may well expect that Locke and other modern proponents of *FA* are dependent on Augustine, not only with regard to *FA* itself, but also with regard to his analysis of the practical "can". In fact, it is probable that none of the later thinkers would have hit upon the idea that one might be content with *FA* and dispense with problems of freewill and determination completely, could he not have relied, explicitly or implicitly, on the wide acceptance and seeming force of the Augustinian solution.

The conceptual key to the solution is a *non-modal, conditional analysis* of the practical "can". This analysis is well-known in analytical philosophy from its presentation by Moore and the ensuing critical discussion.<sup>16</sup> But this is merely the most recent stage of a long history. In modern philosophy it may be traced back, e.g., to Schopenhauer, Hume, Leibniz and Hobbes.<sup>17</sup> In Christian theology its history is even longer. Thus the analysis in question was articulated quite clearly, e.g., by Anselm of Canterbury.<sup>18</sup> Its origin, however, is in Augustine.<sup>19</sup> Whereas the first of the two theoretical tenets traditionally associated with *FA*, its separation from alternate possibilities and lack of external control, can be traced back to the Stoics or even to Aristotle, the second tenet concerning the nonmodal explicability of the relevant "can" seems to have been introduced as a corollary of the Augustinian solution.

Reformulated with the help of logical variables, Augustine's analysis of the practical "can", i.e. of something's being "up to us" ("*in potestate nostra*"), is the following. A certain state of affairs "*p*" is not up to a certain person "*x*" if and only if it is the case either that "*x* wills that [*p*] &  $\neg p$ " or that "*x* wills that [ $\neg p$ ] & *p*". To get the definition of "*p* is up to *x*" we have to negate this disjunction of two conjunctions. If we transform the result in accordance with well-known principles of propositional logic into a conjunction of two negated conjunctions and then transform the two conjunctions into material conditionals we get a nonmodal conditional variant of *FA*, henceforth abbreviated "*CFA*":

*x* is free with respect to *p* (= *x* can bring it about that  $p / = p$  is up to *x*) if and only if:

- (1) if *x* wills that [*p*], then *p*, and:
- (2) if *x* wills that [ $\neg p$ ], then  $\neg p$ .

This definition differs from Stoic freedom in that it seems to include the alternate possibilities of both “*p*” and “*-p*”, although their actual realization is *conditional* on the respective forms of will. More precisely, they depend *solely* on the corresponding volition. According to *CFA*, a man is free vis-a-vis “*p*” (and “*-p*”) if and only if he is in a situation in which the background conditions, including external opportunities as well as internal abilities, are such that no more than his willing “*p*” or “*-p*” is needed to determine that “*p*” or “*-p*” will be the case. Thus the two possibilities in question are entirely “up to his will”.

As a general analysis of the practical “can”, *CFA* is clearly insufficient, but I shall waive this point here as it is irrelevant within the present context.<sup>20</sup> The critical point is this. While it seems to include alternate possibilities with regard to its *conditioned* states of affairs, *CFA* certainly does not include this with regard to its *conditions*. So it may well be that the actor’s “willing that [*p*]” is determined antecedently and from without, e.g. by a second actor controlling him. If so, “*p*” itself is determined, given *CFA*. Consequently, the alternation of “*p*” and “*-p*” is lost, and the introduction of the antecedent conditions seems to be no more than a small prolongation of the action chains under consideration. Nobody would believe that a sentence like “if domino *A* falls so will domino *B* and if *A* does not fall, *B* will not fall either” tells us anything about the freedom of dominos. So why should this be different if domino *B* is replaced (say) by a bodily movement and domino *A* by a corresponding volition? Why should we believe that *CFA* gives a sufficient specification of free and strongly accountable action, whereas the condition of weak accountability, lack of external control, and with it the traditional problem of “freewill and determination” may be dismissed?

Now, the Augustinian solution purports to demonstrate why. Augustine’s trick is an early use of the principle of substitution in propositional logic. Insert “*x* wills” for “*p*” in *CFA*, he argues, and you will find that the two clauses of the definiens, viz. (1) and (2), become true trivially. For, isn’t it just a tautology to say that “if *x* wills that [*x* wills], then *x* wills”? Consequently, if, but only if, the analysis of the practical “can” and “free” contained in *CFA* is applied to volition itself, the question as to its freedom receives an affirmative answer of itself. Will, and will alone, is shown to be free *per se*.

Tricky as this may be, the argument is not sound. There are two big mistakes in it. Firstly, the tautology does not result in the negative case, viz. clause (2). It would result only if, instead of (2), one had:

(2') if it is not the case that *x* wills that [*p*], then *-p*.

But in this form *CFA* is no plausible analysis at all, since (2') is much stronger than called for. In short, Augustine has blurred the distinction between *negative volition* and *volitional indifference*. Secondly and most importantly, “*x* wills”

is no adequate substitute for “*p*” in *CFA* but must be completed to “*x* wills that [*q*]”. Taken in this form, however, even clause (1) will not result in a tautology any more. Or it will result in a tautology only if Augustine’s solution is taken to rely on the tacit assumption of the following principle as a third defining clause of *CFA*:

- (3) For every *x* and every *q*: if *x* wills that [*x* wills that (*q*)], *x* wills that [*q*].

That is, one would have to introduce a *reduction formula*, by means of which higher order volitions can be reduced to first-order volitions. Yet this is no plausible psychological principle. Moreover, it is strange for Augustine to rely on it, as he himself recognizes the relevance of higher order volitions for the freewill problem elsewhere (cf. note 13). Therefore, this argument fails because of two fatal defects at least.<sup>21</sup>

The Augustinian solution, then, is a pseudo-solution. There is no argument to the effect that *FA*, explicated by *CFA*, is a sufficient account of freedom and is not dependent on a solution to the problem of “freewill and determination” because freedom of will may be affirmed trivially. Accordingly, the attempt to separate strong from weak accountability on the basis of *FA* turns out to have failed throughout. Given this failure, one might well ask why that idea arose at all. Here we have to remember that *FA*, *CFA* and the argument that will is free *per se* were invented and applied first by *theologians*. This is no accident. According to Jewish-Christian monotheism, the world is ruled by God, who is considered omniscient as well as almighty. Hence God has everything under control including, of course, human volitions and all other mental events relevant to human actions.<sup>22</sup> But among these are cases of sinful thought and decision. So one might think that God is the responsible actor and thus the author of sin himself. However, if the mere fact that an action is dependent on will suffices to make the willing individual strongly accountable for it, quite independently of the question of whether his will is determined from without, God’s innocence is restored. Therefore keeping human freedom within the confines of *FA* or *CFA* is a welcome conceptual tool in the hands of theologians anxious to cut off disquieting questions concerning theodicy.

#### VI. HIDDEN AUGUSTINIANISM IN MODERN PHILOSOPHY

Whether they like or are aware of it, or not, modern philosophers adhering to the idea of defining human freedom solely in terms of *FA* or *CFA* stand on the shoulders of their theological predecessors. Some things have changed of course. Two claims essential to the Augustinian solution usually will not show up in a modern philosophical context any more, viz. (i) the claim that strong accountability of human actors is not denied by the fact that volitions or other

relevant mental events are determined completely by *another person*, i.e. God, and (ii) the claim that volition is *free per se*. Yet it is questionable what this really means. It is far from clear in particular that the philosophical positions in question must not and do not rely covertly on secular counterparts of (i) and (ii) in order to get the result they want. Accordingly, let us look at both claims more closely in turn.

Is (i) dispensable? To be sure, with the exception of Leibniz and perhaps a few others, God plays no essential role in the account of free action given by modern philosophers. However, they all share the conviction that the fact that volitions and other mental events are, or might be, determined from without does not affect the question of whether the ensuing actions are free and accountable.<sup>23</sup> The only difference here is that determination resulting from God, or some other person, is replaced by determination resulting from impersonal fate (as in Antiquity and Buddhism) or simply from the laws and given facts of nature (as in mechanistic determinism). Now, the absence of personal control is considered an essential difference by philosophers, who try to differentiate between *undetermined* action and action free from *compulsion* or *violence*, adding the latter, but not the former, as a defining mark of freedom over and above simple *FA* or *CFA*.<sup>24</sup> Hence some variant of (i) seems still to be present. Yet on what grounds is personal determination distinguished from impersonal determination here? The only obvious difference is that connected with weak accountability (used, e.g., in the law of tort), viz. ownership of costs and benefits to be distributed: persons normally qualify in this respect, fate and nature do not. But this is relevant only for the imputation of actions *weakly*, not *strongly*, whereas it is the latter we require. Is there any significant difference that would justify a fundamental distinction between personal and impersonal determination from the point of view of strong accountability, too?

I do not think there is. From the point of view of the acting individual, it is certainly irrelevant whether what I think, want and come to will is forced on me by a personal or impersonal power, given that its influence is overwhelming. Moreover, criteria like compulsion or violence are significant to freedom *below* the level of determination. Even a man at gunpoint is not *determined* to what he finally does. The freedom of his deliberation and resulting will is not completely annihilated, even in this extreme situation, although it is reduced severely because the options left open to him are drastically *restricted*. Consequently, if people can be strongly accountable in spite of their relevant mental events being determined from without, this must be on other grounds than the mere difference of personal and impersonal antecedents.

Now, in the original Augustinian solution, this gap is filled by (ii). Without Augustine's claim that volition is *free per se*, claim (i), concerning human accountability in the face of divine control, would be entirely unconvincing. Accordingly, we may expect that his modern, secular successors rely, implicitly

or explicitly, on some analogue of (ii), too. And this turns out to be the case. The point can be nicely seen in a striking terminological irony, which is inherent in relevant parts of modern philosophical usage, perhaps most saliently visible in Hume. As is well known, Hume rejects indeterministic "liberty of indifference" and tries to show that liberty, explicated in terms of *FA* or *CFA*, is compatible with the fact that in performing a given voluntary action "we were govern'd by necessity, and that 'twas utterly impossible for us to have acted otherwise".<sup>25</sup> Now, this latter notion of freedom is termed "liberty of spontaneity" by Hume.<sup>26</sup> The terminology sounds strange, though, as "spontaneity" and "spontaneous" derive from the Latin "*sponte*" which means, as noted correctly e.g. by Hobbes, "done by a man's own accord."<sup>27</sup> Moreover, "sponte" in Latin and French as well as "spontaneous" in English and "spontan" in German are the modern philosophical translations of Aristotle's "*hekusios*" up to the 18th century, including of course his criterion of a "beginning from within".<sup>28</sup> Hence one would precisely expect that a "spontaneously free" action *cannot* be necessitated from without in such a way as to make it impossible for the actor to act otherwise. Obviously, if Hume's terminology in the "*Treatise*" is to be more than an accidental and ironic mistake, it must be backed by additional, substantial assumptions which he does not mention because he takes them as self-evident.

Now, there is and has long been a derivative, weakened use of "*sponte*" which can be traced back not to "*hekusios*" but to the Greek "*automatos*". To avoid any misleading ambiguity, Kant distinguished explicitly between the notion of "simple spontaneity" ("*spontaneitas simpliciter talis*") and the weakened notion of "conditional spontaneity" ("*spontaneitas secundum quid*"), which also applies to machines (called "*spontaneitas automatica*" here) and is exemplified by self-moving missiles, clocks and turnspits.<sup>29</sup> Conditional spontaneity is compatible with external necessitation and determination to one possibility, of course. Applied to human actions, this would mean that, in principle, these are considered as automatic as the movements of missiles and turnspits. Some advocates of conditional spontaneity as an adequate means of interpreting *FA* or *CFA* have been willing to draw the consequence that human actors *are* automatons, including the mind and the mental events relevant to strongly accountable action.<sup>30</sup> Most of its advocates, however, have been unwilling to do so. They thought it would be possible to *maintain* the usual connotations of human freedom by interpreting it in terms of conditional spontaneity. Yet how could they do this? One might think, as Kant certainly did, that the use of "spontaneity" by philosophers willing to accept the external determination of all relevant mental events is but an evasive verbal manoeuvre invented to cover up their wretched picture of human action, which they nevertheless allege to be strongly accountable. However, I think there is a better, more favourable explanation.

As a key to this, consider the following, telling remark of Hobbes'. Having argued first that, following Greek and Latin usage, "spontaneous" may refer only to actions with no perceived cause, he goes on to describe the fallacy of theorists like his opponent Bramhall thus:<sup>31</sup>

because the causes of the will and appetite being not perceived, they supposed, as the Bishop doth, that they were the causes of themselves.

Clearly, this is a *non sequitur*. Lack of perceived external causes is no proof that such causes are inexistent. Still, their assumed inexistence explains why Hobbes' opponents think that the ensuing voluntary actions are done "of the actors' own accord" and therefore "free" in the usual Aristotelian sense. However, if one follows Hobbes and the other advocates of mere conditional spontaneity in the conviction that there *are*, or *must be*, external causes necessitating the will, one needs an alternative explanation for *not* giving up the traditional Aristotelian talk of spontaneous, externally unnecessitated voluntary action. And if there is such an explanation, it can only be the conviction, equally traditional after Augustine, that human volitions do not *need* any further proof of their being free, i.e. being done of the actor's own accord, because they are free *per se*. But where Augustine had tried at least, if even unsuccessfully, to found this conviction on argument, his later theological as well as philosophical followers simply rely on it, most often tacitly.

The same result may be reached from another side. It is not easy to see how the modal "can" contained in *FA* could be reducible or explicable in *nonmodal* terms. Thus, on what grounds could thinkers as different as Augustine, Anselm, Leibniz, Hume, Schopenhauer, Moore and many others come to believe that *CFA* offers a way of doing so? Certainly, the mere fact of the conditionality of the two defining clauses does not show this, at least if the conditionals are taken to be *material*. Suppose, then, that the conditionals in *CFA* are *subjunctive*, telling us, e.g., that instead of the factual sequence "willing [*p*] & *p*" there could have occurred counterfactually the alternate sequence "willing [*-p*] & and *-p*". Let us waive the question of whether this really will enable a *nonmodal* reduction. The much more critical question concerns the *meaning* of "could" in the counterfactual part of that sentence. Obviously it must be a "could" adequate to the explication of the *practical* "can", but not many obvious senses are likely to qualify.

The Leibnizian proposal to insert *logical possibility* here is ridiculous. It is not logical impossible that I reach out for a glass of water I desperately long for, although I certainly cannot do this if I am in the hands of someone torturing me by starvation. Moreover, the same example makes clear that it will not help to change logical into *physical possibility*, *compatibility with the laws of nature* or similar notions. Equally *ability* or *opportunity*, if taken in isolation, do not qualify. Disabled by a torturer, I cannot reach out for a glass of water,

even if I have the opportunity to do so, and vice versa. To shorten my argument: try whatever interpretation of "could" you have and you will find that no interpretation is relevant to the practical "can" that does not give you an open alternative option *in* the situation in which you make a concrete decision.<sup>32</sup> Now, this seems evidently to *exclude* your being determined antecedently to one option. How then could the proponents of *CFA* mentioned ever come to believe that this condition is irrelevant, or to be content with interpretations of "can" which little reflection shows to be wholly inadequate or even ridiculous? Again, I think, the reason is hidden Augustinianism. Augustine tried to show by his tricky argument that "the will has power over itself" such that, however a certain volition has come about, it will *imply analytically* that the willing man *can* will what he wills. Only if *CFA* is backed by some argument to the same general effect may it seem a plausible device for the explication of the practical "can" at all. If such arguments are lacking, one has to give up that idea and to accept another, stronger explication.

#### VII. CONCLUSION

These problems might be avoided, of course, if we were willing to confine ourselves to imputing human actions *weakly*. However, there are good reasons not to give up the traditional concept of *strong accountability*. This implies that actions can be traced back to a number of relevant mental events which include wants and volitions. Also it can reasonably be assumed that strong, no less than weak accountability depends on a certain condition of *freedom*. Traditionally, *FA* or more specifically *CFA* have been considered the adequate conceptual tool for giving an explication of this condition by the majority of both philosophical as well as theological thinkers. Moreover, it has been thought that *FA* and *CFA* are sufficient theoretical tools to dispose of the traditional problem of "freewill and determination". I have argued that this is a mistake in principle. The question of whether or not volition or, more generally, all relevant mental events are free is still as urgent as it has ever been. Quite to the contrary, *FA* and *CFA* themselves *rest* on the presupposition that the volitions in question are free, although this fact has often been overlooked by modern advocates of that conception. Accordingly, their dismissal of the freewill problem is unjustified.

The theoretical background for this is a tacit, and most often totally unnoticed, reliance on the fallacious Augustinian proof that the will is free *per se*. However, it is more than doubtful that there will ever be found a cogent theoretical substitute for it. Once this is realized and it is also realized that the theological reasons underlying Augustine's argument and his introduction of *FA* and *CFA* in general can no longer carry philosophical conviction, the attractiveness of this model vanishes. One becomes free for a fresh start to specify the condition of freedom required for strong accountability, independent of the

conceptual bonds of *FA*, *CFA* and Augustinianism. This may be hard for philosophers, predominantly those in English-speaking countries, who have been brought up in the conviction that Hume's distinction between "liberty of spontaneity" and "liberty of indifference" contains an answer to the freewill problem that is decisive in principle. To these philosophers my advice is simply to take Hume seriously. The Humean conception is incomplete without a specification of the notion of "*spontaneity*". This notion should be explicated – thoroughly, consequently and without tacit evasions to Augustinianism. Having done this, however, one may well find that Hume's "liberty of spontaneity" is *liberty* of spontaneity only because it *is*, or *entails*, "liberty of indifference".

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#### NOTES

<sup>1</sup> I have argued for this in Seebass (1993a, chs. I and VI).

<sup>2</sup> Of course, the deliberation required may be reduced to its minimum, which I believe to be this: Any state of affairs or proposition "*p*" which belongs to the action and is known, or required to be known, by the actor in advance is strongly accountable only if the actor has given, or should have given, some thought, however brief, to the question as to whether it should be the case that "*p*" or "*~p*", and has taken a decision.

<sup>3</sup> See Seebass (1993a, esp. pp. 45–47, 91–106, 170–181, 185ff.). My objections cover both explications in terms of "attitudinal dispositions" as proposed, e.g., by Smith (1987; 1994, ch. 4), and full-fledged behaviorist analyses such as Bennett (1976, ch. 2).

<sup>4</sup> See *Essay*, II, 21, 14ff.

<sup>5</sup> Thus Hart (1948–49, 179); see also Nowell-Smith (1954, ch. 20); Berlin (1969, 118ff.).

<sup>6</sup> See *Essay*, II, 21, 10.

<sup>7</sup> See Epictetus, *Discourses*, IV, 1, and for a recent successor Davidson (1980, 74f.).

<sup>8</sup> If it is determined that you are to attain a Stoic frame of mind anyway, the recommendation is *superfluous*. If you are determined to the contrary, it *cannot help* you. Stoic advice would make a difference only if it were in itself sufficient to *determine* the minds of its audiences in the way recommended. But this is patently not the case.

<sup>9</sup> I take it that *volition* has to be analysed as a species of *want* marked by characteristic *motivational qualifications*. The relevant qualifications are specified and discussed in detail in Seebass (1993a, ch. IV, 1 and 6). A detailed account of wanting is given in ch. IV, 2–5 including (in IV, 5) relevant motivational aspects of *mere* wanting.

<sup>10</sup> See e.g. Schlick (1962, 143); Strawson (1974, 1ff.); Davidson (1980, 63).

<sup>11</sup> von Wright (1985, 110).

<sup>12</sup> See Hobbes, *The English Works*, ed. Molesworth, vol. IV, 69, 240; Locke, *Essay* II, 21, 23, 25; Leibniz, *Nouveaux Essais* II, 21, 23 and *Theodicy* § 51; Edwards, *Freedom of the Will*, II, 1–2, 4–5; Schopenhauer, *Preisschrift über die Freiheit des Willens*, sect. III; Ryle (1949, ch. III, 2); Kenny (1975, 13f., 26, 147f.).

<sup>13</sup> See Augustine, *Confessiones* VIII, 10ff., *De Trinitate* X, 11, and *Retractationes* XII, 5; Moore (1965, 93–95); Frankfurt (1971).

<sup>14</sup> This is also acknowledged by Moore (1965, 95) and Frankfurt (1971, 13, 16f.), although they do not present an alternative. However, Frankfurt's talk of a person "identifying himself decisively" with certain desires points in the right direction.

<sup>15</sup> *Essay II*, 21, 25; cf. *II*, 21, 48. — Actually the sentence after the square brackets (relocated by me to make the argument more conspicuous) occurs in Locke's text immediately before the sentences cited first here. The regress argument occurs in § 25 for the first time in the fifth edition; in the earlier editions it was already introduced in § 23.

<sup>16</sup> See Moore (1965, ch. VI and 1968, 623–627). Austin (1970) has been the most prominent critic. Most analytical philosophers, however, have taken the side of Moore.

<sup>17</sup> See Schopenhauer, loc. cit. (note 12); Hume, *Enquiry Concerning Human Understanding*, sect. VIII/1; Leibniz, *Philosophische Schriften*, Berlin Academy edition, vol. I, 541; Hobbes, *De Corpore*, chs. 9–10, ch. 25, 13; *De Homine*, ch. 11, 2; *The English Works*, loc. cit. (note 12), IV, 239f., 263, 275.

<sup>18</sup> See *Cur Deus Homo* (1093–1098), II, 1.

<sup>19</sup> See *De Libero Arbitrio* (388–395), III, 14–41; *De Civitate Dei* (413–426), V, 9–10.

<sup>20</sup> The difficulties of *CFA* are discussed more fully in Seebass (1994).

<sup>21</sup> A further objection would be that the Augustinian solution, like the regress argument, relies on the assumption that the freewill problem can arise *only* in the form of a question as to whether a *lower order volition* depends on a *higher order volition*.

<sup>22</sup> This is maintained not only by quite a number of biblical passages and radical Protestant theologians like Luther, Calvin or Edwards, but also by the leading Catholic authorities such as, e.g., Thomas Aquinas in *Summa Contra Gentiles* III, 88–91 and *Summa Theologica* I q.23a.5. Theologians holding an indeterministic conception of human will and freedom were condemned officially. Therefore, it is somewhat strange to find Kant's conception of indeterministic, transcendental freedom dubbed as "the Christian-Kantian thought" in Williams (1973, 228) and Bennett (1980, 25ff.).

<sup>23</sup> I avoid dubbing them "*compatibilists*", since I believe that the opposition of "compatibilism" and "incompatibilism" is terminologically ill-conceived. It gives the misleading impression that one and the same *thesis* is affirmed by the former and denied by the latter party. The real dispute, however, concerns the *interpretation* of the practical "can" and "freedom", which allows, of course, for many more theoretical alternatives than merely two. The point is discussed at length in Seebass (1993b, 14ff.).

<sup>24</sup> See e.g. Hume, *Treatise II*, 3, 2; Schlick (1962, 148ff.); Hayek (1960, 11f., 20f., 133ff.).

<sup>25</sup> See *Treatise II*, 3, 2. In quoting this passage in this way, I take it that commentators like Penelhum (1975, 122) are correct in affirming, and commentators like Stroud (1977, 144) wrong in denying that Hume is willing to *accept* the impossibility of acting otherwise as a consequence of his causal theory of motivation.

<sup>26</sup> This holds for *Treatise II*, 3, 2 only where "liberty of spontaneity" is defined by *negative* criteria like absence of force, violence and constraint. In the *First Enquiry VIII* the dominant criteria are the *positive* characteristics of *FA* or *CFA* and the term "liberty of spontaneity" is dropped. This may be taken as evidence that Hume himself had become aware that his earlier terminology, taken over from "the schools", sounds ironic in his interpretation and is understandable only with regard to the negative criteria used, not with regard to the positive analysis of freedom given by *FA* or *CFA*.

<sup>27</sup> See *The English Works*, loc. cit. (note 12), V, 79. The English derivations seem to have emerged in the middle of the 17th century (see *Oxford English Dictionary*, vol. IX, 659f.). Hobbes himself believes that "spontaneity" and "spontaneous" are neologisms "not used in common English" and introduced only by his opponent, Bishop Bramhall, to fog the problem of freewill (loc. cit. 47, 91, 350f., 400).

<sup>28</sup> For example the Latin translation of *Nicomachean Ethics* 1111a 22ff. by Dionysius Lambinus (Paris 1558, 546b) has "*sponte*" for "*hekusios*" explicitly. The classic philosophers of the modern age focus on the criterion of "acting from an inner principle" e.g., Hobbes (loc. cit. 92f., 400),

Leibniz (*Theodicy* § 290, 301) and Kant (Prussian Academy edition, vol. I, 40; vol. XXVIII/1, 267f., 285).

<sup>29</sup> See Kant's *Lectures on Metaphysics* (1778–80), Prussian Academy edition, vol. XXXVIII/1, 267f. The general concept of "spontaneity" is still defined by the Aristotelian criterion of "proceeding from an inner principle" (see loc. cit. 285 and Prussian Academy edition, vol. I, 40). But in the case of "conditional" or "automatic spontaneity", this is identified simply with some built-in motor-drive or (in the missile example) even with the possession of impulse.

<sup>30</sup> See e.g. Leibniz, *Theodicy*, § 52, 403 and Baumgarten, *Metaphysica*, 7th edition 1779, § 705. For Kant (Prussian Academy edition, vol. V, 97), this terminological consequence of his predecessors amounts to a *reductio ad absurdum*, of course.

<sup>31</sup> See *The English Works*, loc. cit. (note 12), V, 92f., cf. 400.

<sup>32</sup> An argument to this effect is developed more fully in Seebass (1994, 217ff.). My conclusion is similar to that of Chisholm (1966 and 1976) and van Inwagen (1975, 1983 and 1989). The difference is that I try to *argue* for the necessity of a specific interpretation of the practical "can". By contrast, van Inwagen merely *presupposes* a certain interpretation of "can" which, to my mind, is the main reason why his (formally sound) argument has not impressed his "compatibilist" opponents very much.

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