An Analysis of The Libertarian Notion of Free

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Andrej Tomić

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Abstract

This thesis aims to provide an analysis of the libertarian notion of free will. It is structured in four chapters where the author presents and discusses four different topics. In chapter 1, the author considers questions and problems that motivate the discussion about free will in the first place. After that, in chapter 2, the author presents in more detail the basic ideas and problems every libertarian theory needs to properly address. Then, in chapter 3, the author offers the analyses of one of the most influential libertarian proposals in the contemporary debate. This is the event-causal view presented by Robert Kane. In the last chapter, the author critically discusses Kane`s theory and concludes that Kane fails to offer a proper account of libertarian free will.

Keywords: Libertarianism / The Free Will Problem / Robert Kane / Event-causal Libertarianism / Self-forming Actions

Sažetak

Cilj je ovog rada pružiti analizu libertarijanističkog poimanja slobode volje. Rad je strukturiran u četiri dijela u kojima autor diskutira četiri različite teme. U prvom poglavlju autor razmatra pitanja i probleme koji motiviraju diskusiju o problemu slobode volje. Nakon toga, u drugom poglavlju, autor detaljnije prezentira osnovne ideje i probleme koje svaka libertarijanistička teorija mora uzeti u obzir. U trećem dijelu, autor daje analizu jedne od najutjecajnijih libertarijanističkih teorija u suvremenoj debati. To je događajno-uzročna teorija koju brani Robert Kane. U završnom poglavlju, autor kritički razmatra teoriju Roberta Kanea te zaključuje da njegova teorija ne može pružiti odgovarajuću libertarijanističku teoriju slobodu volje.

Ključne Riječi: Libertarijanizam / Problem slobode volje / Robert Kane / Događajno-uzročni libertarijanizam / Samo-formirajući čini

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Introduction

The problem of free will has been one of the most perplexing issues in the whole philosophy. To offer a solution to it, three general lines of argumentations have been presented. First, there are, so-called, compatibilists who argue that humans possess free will and that free will is compatible with the idea of determinism. Advocates of the second line of thinking agree with compatibilists that humans are free, but they argue that this human power cannot be reconciled with the notion of determinism. This is a position known as libertarianism. Contrary to compatibilists and libertarians, there are free will sceptics who argue that the concept of freedom of the will is incoherent and that it should be disregarded.

In this thesis, I am going to focus only on libertarianism and I aim to offer an analysis of this position. I will start in a fairly general manner by illustrating one concrete case that motivates us to acknowledge the importance of the discussion about free will and invites us to ask questions about it. After presenting the case, I am going to outline what contemporary philosophers have in mind when they discuss the problem of free will and say a few words about the pivotal elements surrounding the free will debate.

Chapter 2 is reserved for a more detailed discussion about the libertarian proposal. There, I am going to sketch essential aspects of the libertarian notion of free will and illustrate what are essential problems every libertarian theory needs to properly address. I will also briefly mention three contrasting libertarian conceptions that permeated the contemporary debate. These are: non-causal, agent-causal, and event-causal models.

In chapter 3, I am going to narrow my discussion by focusing exclusively on the event-causal account offered by Robert Kane. He neatly elaborates and fervidly defends his theory at various places (1996, 1999, 2005, 2015, 2016). I will provide an analysis of key elements of his proposal and present the way in which Kane addresses problems libertarianism faces.

Then, in the last chapter, I am going to consider the merits of Kane`s theory. I will argue that his theory ultimately fails because of the four crucial reasons. First, Kane postulates elements of free agency that I believe are dubious from the phenomenological standpoint. Second, I will point out that Kane ultimately fails in providing the proper answer to the problem of luck. Third, I will claim that Kane has erroneous assumptions about the way in which human agency works. Finally, I shall argue that Kane`s theory essentially depends on the idea of self-determination which collapses after careful consideration.

Chapter 1 – The Problem of Free will

As I announced in the introduction, chapter 1 is reserved for the more general discussion about the problem of free will. I will start the chapter by introducing the case of Robert Harris. I hold it might be beneficial to examine this case because it invites us to ask questions that go at the hard of the problem of free will. Then, in the second part of the chapter, I am going to present more precisely what is the problem of free will and what conditions contemporary philosophers take to be relevant for ascribing freedom and responsibility to agents.

1.1. Motivating the Discussion about Freedom – The Case of Robert Harris

What ideas motivate the discussion about free will? Why are we interested in this perennial philosophical problem in the first place? I hold that the following case might offer answers to these questions:

> On July 5, 1978, John Mayeski and Michael Baker had just driven through a fast-food restaurant and were sitting in the parking lot eating lunch. Mayeski and Baker lived on the same street and were best friends. They were on their way to a nearby lake for a day of fishing.
>
> At the other end of the parking lot, Robert Harris, 25, and his brother Daniel, 18, were trying to hotwire a car when they spotted the two boys. The Harris brothers were planning to rob a bank that afternoon and did not want to use their own car. When Robert Harris could not start the car, he pointed to the car where the 16-year-olds were eating and said to Daniel, 'We`ll take this one.'
>
> He pointed a Luger at Mayeski, crawled into the back seat and told him to drive east.
>
> Daniel Harris followed in the Harrises` car. When they reached a canyon area, Robert Harris told the youths he was going to use their car in a bank robbery and assured them that they would not be hurt. Robert Harris yelled to Daniel to get the .22 caliber rifle out of the back seat of their car.
>
> 'When I caught up', Daniel said in a recent interview, Robert was telling them about the bank robbery we were going to do. He was telling them that he would leave them some money in the car and all, for us using it. Both of them said that they would wait on top of this little hill until we were done, and then walk into town and report the car stolen. Robert Harris agreed.
>
> Michael turned and went through some bushes. John said, 'Good luck' and turned to leave.

> As the two boys walked away, Harris slowly raised the Luger and shot Mayeski in the back, Daniel said. Mayeski yelled: 'Oh, God' and slumped to the ground. Harris chased Baker down a hill into a little valley and shot him four times.
>
> Mayeski was still alive when Harris climbed back up the hill, Daniel said. Harris walked over to the boy, knelt down, put the Luger to his head and fired.
>
> 'God, everything started to spin', Daniel said, 'It was like slow motion. I saw the gun, and then his head exploded like a balloon, I just started running and running. But I heard Robert and turned around.'
>
> 'He was swinging the rifle and pistol in the air and laughing. God, that laugh made blood and bone freeze in me.'
>
> Harris drove the car to a friend`s house where he and Daniel were staying. Harris walked into the house, carrying the weapons and the bag containing the remainder of the slain youths` lunch. Then, about 15 minutes after he had killed the two 16-year-old boys, Harris took the food out of the bag and began eating a hamburger. He offered his brother an apple turnover, and Daniel became nauseated and ran to the bathroom.
>
> 'Robert laughed at me' Daniel said. 'He said I was weak; he called me a sisy and said I didn`t have the stomach for it'.[1]

Robert Harris was sentenced to death and executed in San Quentin Prison in 1992 for murdering two youngsters mentioned in the story. Regardless of the stance you hold about the death penalty, what attitudes did you adopt towards Harris? How do you feel about him after you read about the murders he committed? At the very least, you would say that the murders he committed are horrible. You might also feel resentment or revulsion towards him. In the end, these feelings and attitudes you adopt might even lead you to make a statement: 'Robert Harris definitively deserves punishment for the horrible crimes he committed.' However, questions which seem to be central here are the following. Why do we feel about Harris in this way? Why do we assume that Harris deserves a punishment?

An intuitive answer to these questions would be to say that we hold these attitudes towards Harris because we assume that he, at least to a certain degree, is responsible for his behaviour since he *controlled* the way in which he behaved. We think that actions he performed

[1] The original story could be found in Corwin, M (1982) „Icy Killer`s Life Steeped in Violence", *Los Angeles Times,* cited from Watson, G. (1988) "Responsibility and the limits of evil", in: Schoeman, F (eds.) *Responsibility, Character, and the Emotions*, Cambridge: Cambridge University Press, p. 268 – 269.

were in some sense *up to him*. Or, to rephrase it slightly differently, we have resentful attitudes toward Harris because we hold that he killed unfortunate youngsters out of his *free will*.

Notice one interesting detail here. The belief we have towards Harris, i.e. that he is in control of actions he performs, is the belief we have for people in general. It appears to be the fact that we hold people responsible for actions they perform. Moreover, this belief also seems to be applicable to ourselves since we also have the strong inclination that actions we perform – at least some of them – are up to us in the sense that we are in control of them. As I see it, this is the first idea that motivates the discussion about freedom.

Before saying more about the second driving idea and about the problem of free will in general, I hold that it might be useful to offer a tentative definition of the notion of free will. As it happens to be with many philosophical terms, making the precise definition is not a trivial task. For this reason, I will intentionally be slightly vague in order to capture the notion of free will that is going to be – as much as it can be – uncontroversial and widely acknowledged. Thus, my proposal is following: *free will is a unique kind of control relevant for ascribing responsibility to agents, a control that grants us the licence to say that relevant action φ was up to an agent.*[2] As I said, this characterisation is somewhat imprecise and might not be particularly illuminating. Let`s try to be more specific now. If free will amounts to a specific kind of control, what kind of control would that be? What kind of control allows us to assert that a specific action is up to an agent?

Franklin and O`Connor (2018) point out that in the contemporary debate philosophers are understanding the freedom level control in at least two ways. First, they point out that it is possible to say that an action was up to an agent in the sense that she was *able to do otherwise* (2018). Abilities to do otherwise, furthermore, are taken as dispositional properties agents possess that enables them to act in more than one way. For instance, to assert that it was up to Miki to do φ at t, Miki needs to be able to do φ and he needs to have in his ability to do something else at t, e.g. refrain from φ or perform γ. So, Miki is in control of his action φ because he was able to do something else instead of φ.

[2] It should be noted that, by characterising free will in this way, I follow a great number of contemporary philosophers. For instance, at the begging of SEP entry *Free Will*, Franklin and O`Connor state: „The term 'free will' has emerged over the past two millenia as the canonical designator for a significant kind of control over one`s choices" (2018). Similarly, McKenna and Pereboom – in their introductory book on free will – assert the following: „Free will is the unique ability of persons to exercies the strongest sense of control over their actions necessary for moral responsibility" (2016: 6).

However, spelling out the precise way in which to understand agents` abilities to do otherwise turned out to be highly demanding task. For starts, it is not particularly clear whether we should take agents` abilities as *single* dispositional properties agents possess or should we take it to be the complex set of psychological capacities agents exhibit.[3] Second – and more importantly – it has been problematic to make precise how the *modal* aspect of agents` abilities should be understood. More precisely, agents` abilities are concerned with possibilities for alternative courses of action agents have. The problem here is how should we understand the claim that an agent was able to do otherwise. Franklin and O`Connor, for instance, identify two influential ways of understanding modal aspect of agents` abilities. The first one is conditional, which – according to Franklin and O`Connor – has the following form: "An agent S has the ability to do otherwise if and only if, were S to choose to do otherwise, then S would do otherwise" (2018). According to this reading – which has been usually associated with the so-called classical compatibilism (e.g. Ayer 1954) – to assert that Miki was able to do otherwise assumes that, if Miki were to choose to do otherwise, then he would have done otherwise. Thus, according to this proposal, abilities should have the conditional reading where conditionality appeals to some particular factors that might influence agents` free choices. The second way to understand abilities is categorical and it has, as Franklin and O`Connor point out, the following form: "An agent S has the ability to choose or do otherwise than φ at time t if and only if it was possible, holding fixed everything up to t, that S choose or do otherwise than φ at t" (Ibid.).

Although it would be interesting to further explore the way in which agents` abilities could be understood, I am not going to pursue this task. The crucial thing to emphasise is that abilities to do otherwise – however we understood them in the end – capture the up-to-usness character needed for freedom. Since those abilities are concerned with a potential alternative course of action an agent might have at her disposal, I will simply refer to it as the alternative possibilities condition (henceforward AP).

The second influential way of understanding the control condition relevant for freedom, as Franklin and O` Connor point out, is not concerned with agents` access to alternative course of action. Rather, the emphasis is on the causal history of free action, i.e. on the way in which a relevant action in question was brought about (Ibid.). Roughly stated, this condition specifies that an action is free only if an agent is the actual and direct *source* of actions she performs. To see what this means, consider again the example with Miki who performs the action φ at t.

[3] An interesting discussion about this could be found in Nahmias (2018).

According to the source condition (henceforward SO), Miki will be free with regards to the action φ not because he was able to do something else at *t*. Rather, he is free because he was the one who brought the action φ. Miki is the one who is *causally responsible* for making the action φ happen. What does it mean to say that an agent is causally responsible for a relevant action?

Kevin Timpe provides useful clarification here. According to him, an agent is causally responsible for his actions only if actions she produces are: "the results of her rational and volitional faculties and there is nothing outside of her cognitive and volitional faculties that was sufficient for her action" (2013: 11). Say that, for instance, Miki`s volitional faculties are the ones that causally produce the action $\varphi$, then we can say that he is free with regards to the action $\varphi$ because the $\varphi$ was causally produced by Miki` volitional and rational faculties. If Miki`s faculties are causally sufficient conditions that produce his action, then it is irrelevant whether Miki was able to do otherwise or not. The only relevant thing is that Miki, i.e. his rational and volitional faculties, are sufficient conditions for producing his free actions.

One might be puzzled here and ask following questions. First, do agents need to satisfy both the AP and the SO in order to be free? Second, why do we need to distinguish between these two conditions in the first place? Answers to these questions would depend on whom we ask. According to some philosophers, agents` freedom does not require access to alternative courses of action. The only thing that is relevant is the fact that when agents act, they are the ones who produce their actions, i.e. they are not in any way manipulated or brainwashed.[4] Thus, for those philosophers, it is necessary to distinguish between the SO and the AP because only SO is relevant for freedom of the will. However, there are philosophers – as we are going to see in chapter three of this thesis – who argue that both the AP and the SO need to be satisfied. For them, although there is a sense in which the AP and the SO are different, both conditions need to be satisfied in order to assert that an agent is free.

With this cleared out, let`s go back to Harris` case and ask ourselves the following. Are attitudes we hold towards him legitimate and justified? Was he able to do otherwise then he did? Was he the source of actions he performed? To find answers to these questions, consider the rest of Harris` story:

[4] In the contemporary debate, the idea that agents do not need access to alternative courses of action in order to be free and morally responsible has become influential because of the work by Harry Frankfurt (1969) and (1971). Also, it has been defended by authors like Fisher and Ravizza (1998).

Harris was born on Jan. 15, 1953, several hours after his mother was kicked in the stomach. She was $6^{1/2}$ months pregnant and her husband, an insanely jealous man, came home drunk and accused her of infidelity. He claimed that the child was not his, threw her down and kicked her. She began haemorrhaging, and he took her to the hospital.

Robert was born that night. His heartbeat stopped at one point but labour was induced and he was saved. Because of the premature birth, he was a tiny baby; he was kept alive in an incubator and spent months at the hospital.

His father was an alcoholic who was twice convicted of sexually molesting his daughters. He frequently beat his children and often caused serious injury. Their mother also became an alcoholic and was arrested several times, once for bank robbery.

(....) The pain and permanent injury Robert`s mother suffered as a result of the birth, and the constant abuse she was subject to by her husband, turned her against her son. Money was tight, she was overworked and he was her fifth child in just a few years. She began to blame all of her problems on Robert, and she grew to hate the child (...).

Harris had a learning disability and speech problems but there was no money for therapy. When he was at school he felt stupid and classmates teased him, his sister said, and when he was at home he was abused (...).

At the age 14 Harris was sentenced to a federal youth detention centre for car theft. He was one of the youngest inmates there. Barbara Harris said, and he grew up ‘hard and fast.’

Harris was raped several times, his sister said, and he slashed his wrist twice in suicide attempts. He spent more than four years behind bars as a result of an attempted escape and parole violations.

The centres were ‘gladiator schools’ Barbara Harris said, and Robert learned to fight and be mean. By the time he was released from federal prison at 19, all his problems were accentuated. Everyone in the family knew that he needed psychiatric help.

The child who had cried at the movies when Bambi`s mother dies had evolved into a man who was arrested several times for abusing animals. He killed cats and dogs, Daniel [his brother] said, and laughed while torturing them with mop handles, darts and pellet guns. Once he stabbed a prize pig more than 1, 000 times.

‘The only way he could vent his feelings was to break or kill something’ Barbara Harris said. ‘He took out all frustrations of his life on animals. He had no feeling for life, no sense of remorse. He reached the point where there wasn`t that much left for him.’

> Harris` family is ambivalent about his death sentence. [Another sister said] if she didn't know her brother`s past so intimately, she would support his execution without hesitation (...).[5]

What reactions towards Harris should we adopt now when we know that he was constantly abused as a child, that he did not receive any love and support from his family, that he was raped as the teenager, and that he tried to kill himself several times? Maybe, as some authors commenting this case are suggesting (e.g. Pereboom and McKenna 2016: 4, Watson 1988: 271), we are not completely sure how to feel about him. On the one hand, it appears that we believe that Harris is in some manner blameworthy for cruel murders he committed. However, on the other hand, we are also feeling strong sympathy for him because of the horrible childhood he had – childhood which definitively formed and shaped him into the person which he has later become.

This is where the second idea I mentioned above comes in. This is the belief that there exists a lot of factors in our world that form and shape us into persons we are. As we saw in Harris` case, his rough childhood formed him into a ruthless person he becomes in the latter part of his life. Notice, again, that this idea is not exclusive to Harris` case. When we look at the world around us, we see that we are influenced by many factors that go way beyond our control. For example, the childhood we had, the social environment where we grow up, and even the genetic constitution we possess. These are all factors that have a strong influence on us but are not factors we have under our control.

To conclude this section, I hold that there are two driving ideas that motivate the discussion about free will. On the one hand, it appears that we share the intuition that actions agents perform are – at least sometimes – under agents' control. More precisely, we have belief that at least some actions we perform are up to us in the sense that (i) we could have done otherwise than we did, and (ii) when we act, we hold our rational and volitional faculties are the source of our actions.

On the other hand – and this is the second driving idea – when we take a closer look into the life of people around us – and on ourselves also – we can see that we are influenced by numerous social, economic, and genetic factors that definitively narrow the scope of things we could perform. To put it differently, those factors might (i) undermine our abilities to do otherwise, and (ii) could make it the case that we are not the direct source of actions we perform

[5] The same citation as in footnote 1.

because our actions could be caused by some motivation that is formed by factors we do not control.

So, with this cleared out, let`s see now in more detail what is the actual problem of free will and how contemporary philosophers are understanding it.

1.2. Formulating the Problem of Free Will

To make the problem of free will intelligible, one thing should immediately be accentuated. Referring to *the* free will problem, as this amounts to one specific and definite philosophical issue, is misleading and imprecise. As Peter Van Inwagen rightly points out: "there is no single philosophical problem that is 'the problem of free will.' There are rather a great many philosophical problems about free will" (1983: 1). I genuinely hold that Inwagen`s statement is correct. Like there exists no consensus among philosophers about the singular way to understand the concept of free will, there happens to be no consensus about the formulation of the problem of free will in an unambiguous sense. A philosopher who made this point explicitly was Robert Kane (1996: 12-14).

Kane calls our attention to the fact that contemporary free will debate is dominated by four different questions that indicate four different problems surrounding the debate. The first one, and the one that happens to be discussed the most, is concerned with the relationship between free will and determinism. More precisely, it has to do with the apparent incompatibility between these two ideas. Kane simply calls this problem the *compatibility* problem (1996: 13). Since this issue permeates the contemporary debate and it is relevant for the discussion about libertarianism, I will say more about it later on. For now, let`s briefly turn our attention to other problems surrounding the free will debate.

The second way to understand the problem of free will, according to Kane, is concerned with a value or *significance* the idea of free will might have in lives of agents (Ibid.). More to the point, the question is whether we should be concerned with the question of freedom in the first place? As Kane rightly points out, it seems that we ascribe some kind of value to possession of freedom in our everyday lives. Reasons why we do this lies – at least partially – in the close contact the idea of freedom has with other concepts that have considerable existential value for us. Take, for instance, personal relationships you have with your friends or life companions. A basis of these relationships is – to a certain extent – grounded on the belief that our friends or

life companions are free in their decisions to spend time with us. Also, it seems that a part of the reason why we value our own life is because we hold that it is to some extent our own making, i.e. things I do in my life are products of my own decisions and my intentions. So, if it is the case that other things we value in our lives are closely connected with the question of freedom, then it appears to be the fact that freedom is valuable for us.

In addition to compatibility and significance issues, Kane points out that the contemporary discussion is also interested in the *intelligibility* and *existence* questions (Ibid.) The problem of intelligibility is concerned with making explicit what do we mean when we talk about free will. Also, if we assume that freedom is incompatible with the thesis of determinism – and this is something libertarians assume – then the question that could be raised here is, as Kane sees it, whether the incompatibilistic view of freedom is coherent? In the end, the existence problem is the empirical question and it is concerned with the issue whether we actually possess freedom or not. Additionally, if we possess freedom, where can we find it?

These four problems, as it can be seen, point out to different questions we can ask about free will and different ways in which the free will problem can be formulated. Although each of these problems is of great importance, to say something about libertarianism it is not necessary to take all of them into consideration. The important point I wanted to emphasise is that the *problem* of free will can have different forms because it can be concerned with slightly different question. For the purposes of this thesis, it is going to be sufficient to put emphasis only on the compatibility problem. Thus, in the rest of this section, I am going to say in more detail what this problem amounts to.

I will start by saying something I find rather uncontroversial about this problem. It appears that we have an intuition that tells us that there is a conflict between a proposition expressing the fact that an agent possesses freedom of the will and the proposition that expresses the truth of determinism. It seems that it is hard to see how both propositions could be true at the same time. This intuition was, I believe, also apparent in the case of Robert Harris. If we suppose that the tragic childhood and delinquent social environment where Harris grew up, formed him to become the person he is and – in some sense – determines him to behave in the way in which he behaves, then it is hard to see how can he be free. Consequently, we would not hold that he is responsible for what he has done.

However, to say what is the actual difficulty behind the compatibility problem, more precision is required that appealing to intuitions we share about freedom and determinism. To

secure more precision, we need to have a better understanding of two notions in question. I have outlined previously that the notion of free will can be understood on the basis of the SO and the AP. I have not said anything about the way in which we should conceptualize the concept of determinism.

Roughly stated, the notion of determinism is: "(…) the thesis that at any time only one future is physically possible" (McKenna and Pereboom 2016: 16). This formulation begs the following question. What renders it true that only one future is physically possible? More precisely, what conditions would make it the case that only one course of events will occur?

Throughout history, various candidates have been offered to answer these questions. A version of determinism that occupied the minds of philosophers for centuries became known as the *theological determinism*. The simplified version of this view goes in the following way. Grant that God from the Abrahamic religions exists. This God possesses at least three central attributes. He (or maybe she) is omnipotent, omniscient, and omnibenevolent. If God is omniscient, then he possesses knowledge about all events that would happen. This includes events in the past, present, and future. Since God possesses his attributes in perfect form, that means that he cannot be wrong about the content of his knowledge. Thus, if God believes that p or knows that p, he cannot be wrong about p since his attributes are perfect. In other words, he possesses infallible knowledge. Since he possesses knowledge not only about past and present events but also about future events, he possesses infallible *fore*knowledge. If this happens to be true, then it seems that it is necessary that these future events must happen because God cannot be wrong about the content of his knowledge. So, according to this version of determinism, what makes it the case that only one future is physically possible is God`s foreknowledge of that future.[6]

However, understanding determinism in the theological sense has become outdated and philosophers have turned their attention to a version of determinism known as *physical* or *causal determinism*. Consider a version of this view offered by van Inwagen (1975). He understands determinism on the basis of the following two propositions:

(i) For every instant of time, there is a proposition that expresses the state of the world at that instant.

[6] Jonathan Edwards has provided one of the most influential and persuasive arguments in favour of the incompatibility between free will and the theological form of determinism (1957). More recent discussions about this topic can be found in Zagzebski (1991, 2017) and Plantinga (1986).

(ii) If A and B are any propositions that express the state of the world at some instants, then the conjunction of A with the laws of physics entails B. (Ibid: 186)

What van Inwagen wants to say is the following. Imagine there is a proposition that expresses the entire state of the world at some instant of time, e.g. five minutes ago. Call this proposition P. In addition to this, assume a proposition that expresses a combination of all laws of physics or laws of nature, N.[7] According to Inwagen, determinism is nothing more than a conjunction of P and N. Or, to put it in a different way, determinism amounts to the combination of propositions that expresses the entire state of the world at a specific instant of time and the proposition which expresses the totality of laws of nature operating in the world. The conjunction of P and N would accordingly grant only one proposition expressing the state of the world at any time after *t*. So, contrary to the idea of theological determinism where God`s foreknowledge renders only one future physically possible, what makes it the case that only one future is physically possible are – according to van Inwagen – past events and laws of nature.

Of course, this is far from elaborating what the notion of determinism actually contains. Nonetheless, it gives us some basic sense of how it can be understood. Additionally, it helps us to be more precise about the issue that underlies the compatibility problem. Consider again two abovementioned conditions for free will. The first condition, as I pointed out, implies that free will requires access to alternative courses of action. So, if determinism happens to be true, then it seems that only one future is possible, i.e. only one course of action is at an agent's disposal. If only one course of action stands at an agent`s disposal, then she does not have access to alternatives courses of action. If an agent does not have access to alternative courses of action, then she cannot do otherwise. If she cannot do otherwise, she cannot be free and responsible according to the AP condition.

The problem with the relationship between free will and determinism, if we understand free will on the basis of the SO condition, is somewhat different. The SO condition, as we saw previously, requires that an agent is free if she happens to be the causal source of actions she

[7] A brief remark about the idea of laws of nature. Van Inwagen does not go into detail about what conditions are necessary for understanding something as a law of nature. Nonetheless, he does mention several things that might be instructive. First of all, the notion of determinism obviously relies on the character of laws that operate in the natural world. As van Inwagen argues: "If all physical laws were vague propositions like 'in every nuclear reaction, momentum is pretty nearly conserved' or 'force is approximately equal to mass times acceleration' then determinism would be false" (1975: 186-187). Van Inwagen wants to say that physical laws on which the notion of determinism essentially relies cannot be based on propositions and statements that express approximations or probabilities that some states of affairs will occur.

performs. But, if determinism is true, elements that are causally responsible for all future courses of events are past events and laws of nature. We might say that an agent is the source of her action in some sense. However, if determinism is true, we are not in a position to say that an agent is the *ultimate source* of her actions. McKenna and Coates provide a useful formulation of this condition. According to them:

> an agent is an ultimate source of her action only if, at the very least, something necessary for her action originates withing the agent herself. It cannot be located in places and times prior to the agent`s freely willing her action. (2019)

So, if determinism is true, the ultimate or original sources of actions agents perform would be beyond the agents` control. They could be found in the realm of past events and laws of nature. Furthermore, it is not only the case that an agent would not be the ultimate source of her action, she would be powerless to change anything about the future. Why? If determinism is true, then all causal potency would be traced back to past events and laws of physics. An agent, in that scenario, would not be *able* to change anything.

Chapter 2 – An Outline of Libertarianism

So far, I mentioned what philosophers have in mind when they discuss the idea of free will by pointing out two conditions necessary to be a free agent. These are the source and alternative possibilities condition. Additionally, I presented that one of the problems for ascribing free will to agents has been traditionally associated with the notion of determinism. In this chapter, I will focus on the libertarian conception of freedom and I am going to address two questions.[8] First, I am going to say something about what libertarianism is and what the central ideas behind this position are. Second, I will present which essential problems every libertarian account needs to take into consideration.

2.1. Basic Ideas and Core problems

To put it straightforwardly, libertarianism is a collection of views in the free will debate that is grounded on two crucial ideas. The first idea is the assumption that human beings possess free will and that they – at least sometimes – are in a position to exercise this power by acting freely. I will simply refer to this idea as the *existence thesis.*

The second driving idea is *incompatibility thesis* expressing that free will and determinism cannot be reconciled, i.e. the belief that agents cannot be free and morally responsible for actions they perform if determinism is true. In recent times, the incompatibility thesis came to be closely associated with the acceptance of the so-called *Consequence argument* (Ginet 1966, van Inwagen 1975, 1983, 2017). For the purposes of this thesis, I do not think that it is necessary to go into a lot of details about the Consequence argument. The important element to emphasis is that libertarians have a compelling argument at their disposal in favour of the incompatibility thesis. Here is the essential idea behind this argument:

[8] Libertarianism, understood as a position (or collection of positions) in the free will debate, should not be conflated with the position in the political philosophy referent with the same term. Political libertarianism amounts to a view in a political philosophy that puts a strong emphasis on the individual rights and freedom of human beings in the context of the political and legal system in which humans live. In this sense: "libertarians endorse strong rights to individual liberty and private property; defend civil liberties like equal rights for homosexuals; endorse drug decriminalization, open borders, and oppose most military interventions." (van der Vossen, 2019). So, for instance, when political libertarians ask: 'Is an agent A free to do φ?' this would mean something like: 'Does an agent A has rights to do φ?' or 'Is it legally permissible for A to do φ?'. Metaphysical libertarians or libertarians in the free will debate are interested in a *deeper* question. For example, when metaphysical libertarians ask: 'Is an agent A free to do φ?', what they have in mind is something like: 'Is an agent A able to do otherwise than φ?' or 'Does an agent A possess a relevant sort of control with regards to an action φ?'. Thus, these two versions of libertarianism should not be confused.

> If determinism is true, then our acts are the consequences of the laws of nature and events of the remote past. But it is not up to us what went on before we were born, and neither is it up to us what the laws of nature are. Therefore, the consequences of these things (including our present acts) are not up to us. (van Inwagen 1983: 16)

What do the existence thesis and incompatibility thesis tell us about the libertarian notion of freedom? Agents, according to libertarians, possess free will and they are, at least sometimes, in a position to manifest this ability by acting freely. However, since libertarians also hold that free will happens to be incompatible with determinism, the thesis of determinism needs to be false in order to provide *space* for free will. Or, to borrow a phrase succinctly formulated by Daniel Dennett, the idea of determinism must be false in order to make an *elbow room* for freedom (1984). This further implies that if libertarian requirements for the existence of freedom are to be satisfied, some sort of *indeterminism* needs to be true. So, libertarians are obligated to the assertion that some form of indeterminism needs to be true if we want to secure freedom. However, asserting that some version of indeterminism is required for freedom is not particularly transparent idea. Thus, the first thing libertarian needs to do is to be more precise about the notion of indeterminism.

Obviously, indeterminism is the denial of determinism. Since I have previously proposed, by reference to McKenna and Pereboom (2016:16), the understanding of determinism as the thesis that implies that at any instant of time only one future is physically possible, libertarian can say that indeterminism amounts to the thesis that at some point in time – considering past events and laws of nature – there is more than one physically possible future (McKenna and Pereboom, 2016: 23).

Notice, however, the first issue libertarians face by accepting this formulation of indeterminism. Consider, for instance, what Laura Ekstrom points out in her discussion about libertarianism and indeterminism: "(…) to assert as a metaphysical precondition of free will that, at some moment(s), given the actual laws and past, multiple physically possible future exist, does not yet locate agents at the crucial junctures." (2000: 84).

What Ekstrom has in mind is the generally acknowledged claim that introducing indeterminism as a necessary requirement for free will does not – at least not by itself – provide any positive condition for freedom. So, in constructing their theories, libertarians need to be specific about the way in which indeterminism could be a remedy to the issue of free will. For example, they need to point out specific *time* and *position* in the casual chain of events where

indeterminism needs to occur. It is not enough to claim that at some point in time more than one physically possible future is possible. This would certainly not posit agents, as Ekstrom points out, at *crucial junctures*. To render free will possible, libertarians need to be specific about the location and time indeterminism takes place. We can simply call this the *location problem*.

Suppose that a proponent of libertarianism manages to find a plausible answer to the location problem. For instance, a libertarian can argue that some kind of indeterminism takes place immediately prior to an agent`s choice by theorizing that it happens during a process of deliberation. This would certainly open up the possibility that at the moment before a free choice an agent was able to do otherwise.

However, this would leave libertarians vulnerable to a second problem. And this is the *luck problem*. Take, for example, the way in which Helen Beebee explicates what lies in the background of this problem (2013: 117). She invites us to imagine an agent, Pete, who is deliberating about whether he wants to cheat on a math test or not. Pete knows that it is morally impermissible to cheat and he knows that he would feel bad afterward. But he also knows that he needs to cheat in order to pass a test and that he is a skilled cheater which would minimise chances of getting him caught. Following this, Beebee puts forward the following dilemma:

> Suppose that, right up until the moment he makes the decision, it`s undetermined by the past (including Pete`s mental states) plus the laws which decision he`ll make (…). But in that case, he *might* have gone through exactly the same process of deliberation, considered and weighed up exactly the same option and – consistent with all those facts plus the laws – decided *not* to cheat. But doesn`t that make whether or not Pete decides to cheat mere matter of luck? (2013: 117, original emphasis)

Beebee rightly indicates that introducing indeterminism in the production of a free action entails that the final product of an action process is undetermined. This is where the problem lies. If the action φ an agent makes at t is undetermined by past events and laws of nature, then there was a chance that – with the exact same past and exact same laws of nature – an agent would not do φ. But if there was a chance that with the same past and same laws, an agent could do both φ and not φ, how can we say that the final product of his action process is something that is *up to an agent*? Or, to put it in more general terms, how can we say that an agent possesses the relevant level of control for her undetermined free action?

The point that Beebee wants to make can also be expressed in the terminology of possible worlds. Imagine that there are two identical indeterministic worlds, W1 and W2. In W1, we have the agent Miki 1 who performs the free action φ at t. In W2, we have Miki`s counterpart – Miki 2 – with the exact same past as Miki 1, who also performs the free action at t, but that action is not φ but γ. The only difference between Miki 1 and Miki 2 – and accordingly between W1 and W2 – happens at t when Miki 1 performs an action φ and Miki 2 performs an action γ. But since Miki 1 and Miki 2 are identical up until t, what can explain the cross-world difference we have at W1 and W2? Since Miki 1 and Miki 2 have the same pasts up until t, it seems that it is just a matter of luck that Miki 1 performed an action φ at t and Miki 2 performed action γ at the exact moment.[9]

To summarise, the point of the luck problem is the following. Since indeterminism implies that past events and laws of nature are not causally sufficient for the occurrence of a specific action, then it seems that an agent does not possess the relevant amount of control for these actions. To escape this objection, libertarians need to provide an account in which they will explain how an agent could exercise the sufficient level of control in situations where past events and laws of nature would not guarantee an occurrence of a specific action.

At the beginning of this chapter, I said I would provide an answer to two questions. Now is time to make those answers explicit. Regarding the first question, libertarianism should be understood as a position in the free will debate that is grounded on two following theses (i) the existence thesis, i.e. the idea that agents do possess free will and that there are occasions where they can manifest this power by acting freely, and (ii) the incompatibility thesis, i.e. the idea that free will is incompatible with the notion of determinism. Concerning the second question, there seem to be two salient problems every libertarian theory needs to take into consideration. These are (a) the location problem, i.e. the problem that emphasises the importance of locating indeterminism at the right position in the causal history of events leading up to a free action, and (b) the luck problem, i.e. the difficulty of securing the relevant sort of control for undetermined events.

To explain further and elaborate on the existence and incompatibility thesis – as well as to provide answers to the location and luck problems – contemporary libertarians proposed three distinct models. Let`s say a few words about them.

[9] More refined and detailed formulation of the luck problem in the possible world terminology can be found in Mele (2006: 8-9, 54-55, 2017: 51), Haji (2009: 187-193), and Levy (2011: 19).

2.2. Varieties of Libertarianism

Three influential models of libertarianism dominated the landscape of the free will debate. These are (i) event-causal, (ii) agent-causal, and (iii) non-causal theory. Since I am going to focus on the event-causal model in the following parts of the thesis, I am not going to provide a detailed discussion about the ways in which agent-causal and non-causal models provide answers to the abovementioned difficulties. However, I will try to point out the basic ideas behind agent-causal and non-causal models primarily to emphasize their contrast to the event-causal model. Let`s first see what proponents of the event-causal picture hold.

According to them, agents` actions can be regarded as free only if events – which also involve *mental* events or states, e.g. desires, reasons, intentions – leading up to the production of an action *indeterministically* cause a relevant action. For instance, suppose that a certain mental state or an event causes a specific action, i.e. a combination of my belief A and my desire B will bring about the action φ. An advocate of the event-causal model is going to claim that an action φ is free if and only if the combination of mental events or states, the belief A and desire B, would indeterministically cause the action φ. This further entails that the action φ is free if and only if there was some probability that the combination of my belief and desire would not cause an action φ. Refined libertarian accounts based on this idea can be found in the works of Christopher Franklin (2013), Laura Ekstrom (2000), and Robert Kane (1996, 1999, 2015, 2016).

Contrary to event-causalists, advocates of a second model of libertarianism do not hold that the right way to analyse free will is on the basis of the event-causal metaphysics. According to them, to explicate free will we need to introduce a fundamentally different type of causation in our ontology. Consider the following example. In our everyday life, we say things like: 'The rock broke the glass vase' or 'The white billiard ball pushed the red ball into a hole' or 'The girl broke the window'. These are statements that express certain causal relations between objects (the rock, the billiard ball) or agents (the girl) and some events (breaking the vase, pushing the ball, breaking the window). However, when we assert things like 'An agent A caused the breaking of the window' we do not typically mean that an agent *qua* agent caused some event or state of affairs to happen. Rather, we use statements such as 'An agent A caused the breaking of a window' as *shortcuts* for statements like 'An agent throwing a rock caused the breaking of window'. In the second statement, we do not have an agent qua agent causing something but *the event* involving an agent that caused another event. The idea that the only

causal relata in the world are events has been a widely accepted idea in the contemporary metaphysics. However, according to agent-causalists, there is a uniquely different kind of causation happening when agents freely act. Agent-causalists, like Chisholm (1976), Clarke (2003), and Steward (2012) hold that we need to find a way to recognize a distinct causal role an agent qua agents has. And, what is essential, the causal role agents have in producing their own actions is not reducible to instances of event causation.

The third libertarian proposal is the non-causal account. Versions of this view could be found in the work of Ginet (1989), McCann (1988), and Goetz (1988). Although there are variations among proposals these authors offer, the crucial idea behind this view – as the name suggests – is that the relationship between an agent and her free action is non-causal in nature. However, these authors would maintain, the fact that agents` free actions are non-caused does not mean that they are random or that there is no way in which those actions could be explained. Free actions, according to non-causalists, are simply *teleologically* explicable, i.e. they are liable for some reasons explanation that will grant us with the description why an agent acted in the way she did. Explaining free actions with regards to intentions agents have is, as these authors would suggest, all that we need in order to offer the proper answer to the problem of freedom.

Chapter 3 – Robert Kane`s Libertarianism

In the previous chapter, I pointed out the basic ideas behind the libertarian notion of freedom and what problems every libertarian theory needs to take into consideration. I also indicated that one can differentiate between three different models of libertarianism. One of the models is the event-causal model which, roughly stated, requires that agents` free actions are indeterministically produced by previous agent-involving mental events or states, e.g. beliefs, desires, or character traits an agent has. The most influential proposal of this view of libertarianism has been developed by Robert Kane. In this chapter, I am going to present in more detail crucial elements of his theory. Also, I will show the way in which Kane responds to the location and luck problem. I am going to start by discussing conditions Kane finds necessary for ascribing free will to agents.

3.1. Kane on Free Will

Kane accentuates the fact that he is interested in revitalising something he calls the *traditional idea* of free will. He explains this notion in the following sense:

> *Free will*, in the traditional sense I want to retrieve, is *the power of agents to be the ultimate creators* (*or originators*) *and sustainers of their own ends or purposes* (…). To act freely is to be unhindered in the pursuit of your purposes (which are usually expressed by intentions); to will freely, in this traditional sense, is to be the *ultimate* creator (prime mover, so to speak) of your own purposes. (1996: 4, original emphasis)

To have freedom of the will, as Kane argues, it is not only sufficient to act freely, i.e. it is not enough to say that one acts without being previously determined to do so. One needs to possess, as Kane suggests, a deeper and more profound sense of freedom, i.e. one needs to be an agent who creates her own purposes and acts in accordance with these ends. How does Kane want to secure this notion of freedom?

In chapter 1, I pointed out that philosophers nowadays understand free will on the basis of two conditions. These are alternative possibilities condition (AP) and the source condition (SO). Kane admits that these two conditions are necessary for understanding his view of ultimate free agency and he devotes considerable attention to them (1996: 32-35, 2005: 120-122). Although Kane distinguishes between AP and SO, he does not treat them independently.

To be more accurate, he maintains that agents are going to be free in his sense only if both AP and SO are fulfilled. Let`s say something first about the way in which Kane understands the AP requirement.

At the beginning of his book *The Significance of Free Will*, Kane proposes the following understanding of AP:

> (…) an action (or omission) A at a time *t* is really 'up to an agent' in the sense required by free will only if the agent has *alternative possibilities* (or can do otherwise) with respect to A at *t* in the sense that, at t, the agent *can* (has the *power* or *ability* to) do A and *can* (has the *power* or *ability* to) *do otherwise*. (1996: 33, original emphasis)

The way in which Kane understands AP is fairly straightforward. To fulfil the AP condition, an agent needs to possess the power to do something else at the moment of action. The notion of power here implies some dispositional property of agent that *endows* her with the possibility to act otherwise.

Even though Kane holds that the AP condition is necessary for freedom, he does not content that it needs to be satisfied for all actions agents freely perform (Ibid.) As Kane suggests, it is possible to act freely even in situations when we are deprived of alternative courses of action. How is this possible?

According to Kane, there are cases when agents act and when the cause of their action is their already formed *will*, i.e. agent`s character, reasons, or motives (Ibid. 34). Agent`s will, in these sorts of situations, *determines* agents to behave in a particular manner. So, since agents` actions could be caused by a motivational factor *they* formed, Kane holds that it is irrelevant whether the agent had to power to act otherwise. To see what Kane has in mind here, let`s consider the example initially introduced in the free will debate by Dennett (1984: 133) but the one which Kane also finds exceedingly significant (1996: 38, 2005: 121).

The example is Luther`s famously asserted declaration to Emperor Charles V at the Diet of Worms in 1521 'Here I stand, I can do no other'. The crucial element to notice in this declaration is, as Dennett points out, that Luther declared that he was in no position to do otherwise because "his conscience made it *impossible* for him to recant" (1984: 133, original emphasis). This entails, according to Dennett, that his conscience *determined* him to make the declaration in the given situation. Although Luther was not able to do otherwise, Dennett further maintains, we are not willing to assert that he is any less responsible for his declaration and his conduct. The fact that his conscience made him incapable of refraining from what he declared

is not relevant for ascribing the responsibility to him. Luther is fully aware of consequences his action will produce and he freely acknowledges them. Most importantly, Luther *fully* identifies with his conscience because he holds that it tells him what the right thing to do is. Thus, even though Luther was not in a position to do otherwise, he is still free and responsible for his action because this is the action his freely formed will was responsible for.

Kane follows this line of argumentation and admits that actions which are products of our own will are still free. However, this belief begs the following question. How is it possible to form our wills?

As Kane argues, there exists a specific class of free actions that occur in the life of agents that are *self-forming actions* (henceforward SFA), i.e. those are types of actions by which an agent forms his motivational faculties (1996: 124).[10] The important thing to emphasise here is that Kane does not only hold that the assumption of the SFA helps us to explain how agents are in a position to form their wills. Moreover, the assumption of the SFA helps us to secure the second condition relevant for freedom. That is, the SO.[11]

As Kane argues, in order to satisfy the SO, agents need to be, at least partially, responsible for "anything that is a sufficient reasons, cause, or motive for the action`s occurring" (2005: 121). To illustrate this point, suppose an action of interest is a particular choice φ an agent carries out at t. Additionally, suppose that the cause of the choice φ is a particular mental event or motivational mental state an agent possesses prior to t. Let it be, for instance, the character trait R the agent has. According to Kane, to be responsible for the choice φ, and hence to say that the choice φ is freely performed, the agent needs to be responsible for anything that is the cause of φ, that is, in this case, her character trait R. So, according to Kane`s understanding of the SO, for her action φ being free, an agent needs to be responsible for anything that causes this specific action.

However, Kane makes an additional claim here. He holds that the agent is responsible for the character trait R that causes the choice φ *by a virtue of previous choices* by which the agent formed that specific character trait (1996: 35, 2005: 121). That means that the agent is free, according to Kane`s interpretation of the SO, for the choice φ caused by the character trait R only on the basis of her previous choices by which she formed a specific character trait R. If

[10] This is also the reason why Kane calls these actions *self-forming willings* (see 1996: 124).
[11] Kane refers to this condition as the condition of the *ultimate responsibility* (1996: 60).

previous choices by which an agent formed that specific character trait R were not *up to her*, then the character trait R is also not *up to her*.

Consider again Luther`s assertion 'Here I stand, I can do no other'. According to Kane, Luther`s assertion would be up to him in the sense relevant for the SO only if motives, reasons, or character traits – or any other motivational state – that led Luther to assert the declaration were up to him. However, these motivational faculties are going to be up to him only if Luther was in position, by some previous choices, to form these motivational structures. If Luther had not been able to influence his motivational states which led him to assert 'Here I stand, I can do no other', then he would not have been free with regards to his declaration. However, if he was able to influence and form his motivational states, then he could be free with regards to this assertion, and consequently, responsible for it.

This raises the following worry for Kane. If we assume that agents could form their motivational states only in virtue of their previous choices, wouldn`t that imply that those previous choices should have been also influenced by some other previous choices? If this is the case, wouldn`t Kane`s theory be liable to the explanatory regress? But Kane anticipates this objection and in the next section, I am going to explain how Kane addresses it. Also, I will show how the AP and the SO conditions come together in his account.

3.2. The Regress Problem and Self-forming Actions

As I presented it in the previous section, the SO happens to be the historical condition because it refers to previous choices in the agent`s history by which agents formed their motivational states. That opens a door to the regress problem. How does Kane solve this issue?

In order to see this, we should go back to the already mentioned assumption of self-forming actions. According to Kane, it is not only the fact that the SFA form our wills and that their assumption helps Kane to secure the SO. They are also, according to Kane`s view, actions that were not sufficiently determined by any antecedent motivational conditions. These are, in Kane`s terminology, actions that form our will but that are not themselves already formed.

In his book (1996), he distinguished six different types of the SFA that might take place in the life of agents. However, he emphasised one specific type of the SFA, which he calls

moral SFA (1996: 126). Let`s consider his famous businesswoman example to illustrate what moral SFA is.

The businesswoman example depicts a situation where a woman, on her way to work when she stumbles upon an assault in the alley in which someone was injured. Because she sees that an innocent person is being wrongfully harmed, she feels a strong moral obligation to stop and help the unfortunate person. However, if she stops and helps, she is going to be late for the important business meeting. She knows that if she comes late to the meeting, this will endanger the potential promotion she has been working hard to achieve. So, in that situation, the businesswoman has two competing reasons what course of action to take. On the one hand, she has the moral reason to help the assaulted person. On the other hand, she has the prudential reason to arrive at the corporate meeting on time.

For Kane, the type of situation in which the businesswoman is engaged in represents the real case of free action. It is the action where an agent is torn between two competing courses of action. Before the moment she makes her decision, it was open to the businesswoman to act morally or prudentially. This motivational conflict secures the fact the businesswoman was able to do otherwise. However, since the businesswoman`s action is self-determining, Kane asserts:

> By choosing one way or another in such cases, the agents would be strengthening their moral or prudential character or reinforcing selfish or imprudent instincts, as the case may be. The would be 'making' themselves or 'forming' their wills one way or another in a manner that was not determined by past character, motives, and circumstances. (1996: 127)

We can see at this moment how the AP and the SO conditions go together in Kane`s theory. To possess free will, as Kane holds, agents need to be the *sources* of their actions. This entails, according to Kane, that agents need to be at least partially responsible for "anything that is a sufficient reason, cause, or motive for the action`s occurring." (2005: 121). But in order for them to be responsible for their motivational states, there needs to exist a moment in agents` lives, i.e. the SFA, by which agents are able to form their wills. Furthermore, the SFA are cases where an agent experiences a true motivational conflict and where that motivational conflict opens the possibility for the agent to have access to alternative courses of action.

Before I go forward, I want to make two points concerning Kane`s notion of the SFA. First, since those actions are actions by which agents form their will, Kane holds that they stand as the *arche* or the origin of all the future free actions that are produced by agents` will (1996:

113). Second, since the SFA are actions by which are supposed to have access to alternative courses of action, this is where indeterminism needs to be involved.

Let`s see now in more detail what type of indeterminism, according to Kane, takes place in the SFA case. Explaining this will help us to see how Kane solves one problem I pointed out every libertarian needs to address. This is the location problem.

3.3. Kane and The Location Problem

As we saw in the previous section, actions for which we need to have access to alternative possibilities are actions by which we form our will and those are actions where some type of a indeterministic relation needs to occur. But two questions arise for Kane here. First, where *exactly* does this indeterminism takes place in the SFA? Second, what *kind* of indeterministic relation is present in those situations?

As Kane understands it, the type of indeterministic relation occurs as the consequence of conflicting reasons agents have in the SFA. Since Kane holds that free actions are directly produced by agent-involving mental events, the exact position of the eindeterministic relation is between a free choice and a motivational factor that causes a corresponding free action.

Regarding the second question, Kane seems to suggest that the type of indeterministic relation that is present in the SFA is some chaotic process that happens at the neural level. Consider, for instance, the way in which Kane describes it:

> There is a tension and uncertainty in our minds at such times of infer conflict which are reflected in appropriate regions of our brains by movement away from thermodynamic equilibrium – in short, a kind of stirring up of chaos in the brain that makes it sensitive to micro-indeterminacies at the neuronal level. As a result, the uncertainty and inner tension we feel at such soul-searching moment of self-formation is reflected in the indeterminacy of our neural processes themselves. What is experienced phenomenologically as uncertainty corresponds physically to the opening of a window of opportunity that temporarily screens off complete determination by the past. (1999: 224-225)

Thus, Kane supposes that – at the time when we are deciding what course of action to take – there is some kind of stirring up of chaos in our brain that reflects uncertainty we feel at the phenomenological level.

One might wonder whether this is really the case. More precisely, one might question whether the description Kane provides is an adequate description of events that occur in our brain when we are in a decision-making process.

Despite the fact that this is a relevant question, I am not particularly sure that this question would be of great importance to Kane. To be generous to Kane, he does make some empirical claims that support his assumptions (see 1996: 128-130). However, the crucial thing to emphasise is that Kane is not *claiming* that he is describing what is going on at the neural level at the time of the SFA. He is only *theorising* that this might be a case (Ibid. 130). And this is, I believe, enough for him to provide a plausible and theoretically coherent picture of the type of indeterminism that *might play* a role in the production of free action and of the location where the indeterministic relation takes place. Accordingly, it also helps Kane to answer the location problem.

3.4. Kane and The Luck Problem

In chapter two, I presented that the luck problem for libertarians emerges as a consequence of the requirement that some type of indeterminism needs to be included in the causal history of free actions. Since indeterminism entails that, given the exactly same past and the same laws of nature, more than one future is physically possible, it follows that the occurrence of a specific action is undetermined, i.e. it is possible that, given the exactly same past and exactly same laws of nature, a specific action does not occur. To solve this difficulty, an advocate of libertarianism needs to provide an explanation of how an agent exercises enough control for undetermined events indeterministic relation entails. More precisely, if the action φ an agent performs at t is undetermined by past events and laws of nature, a libertarian needs to explain how happening or not happening of the action φ is up to an agent and not just the matter of luck.

Kane devotes considerable attention to this issue in his paper (1999). His answer is intricate, but I will not go into all its details. Rather, I believe that his response to the luck objection can be succinctly formulated as an argument with two crucial steps. The first step consists in elimination of an intuition that stands in the background of the luck problem. Kane asserts that that intuition has the following form: "If an action is *undetermined* at a time *t*, then its happening rather than not happening at *t* would be a matter of *chance* or *luck*, and so it could not be a *free* and *responsible* action" (Ibid: 217). To show why this intuition is false, Kane

invites us to consider the case where it seems that an occurrence of a specific action is undetermined but we would still claim, nonetheless, that an agent exercises enough control to be responsible for it. Here is the example Kane mentions in his paper (Ibid: 227).

Imagine that there is an assassin who wants to kill the prime minister of his country. However, this assassin is not in a perfect physical shape because he is suffering from a nervous-system disorder that causes one of his arms to randomly jerk. Because of the disorder, there is a chance that when assassin fires a shot at the prime minister, he might miss him. So, since there is a chance that an assassin might miss, it is undetermined whether he is going to be successful or not.

The question Kane wants us to consider is the following. If the assassin succeeds with his intended plan, should we hold him responsible? The obvious answer is yes. Does the fact that there was some small element of chance involved important for potential mitigation of the assassin`s responsibility? Certainly no. Thus, according to Kane, the intuition that undetermined events are a matter of chance and because of this unfree is simply not correct.

The crucial thing to notice here is the reason why Kane holds that the assassin is responsible. As Kane sees it, this is because the assassin is *intentionally trying* to kill the prime minister. The fact that there is a small amount of chance that he would be unsuccessful is irrelevant. As long as the assassin is intentionally trying to kill the prime minister, he still possesses the relevant level of control that makes him free and morally responsible.

The second step in Kane`s argumentation is to apply the recipe from the first step to cases where agents exercise genuine free will (Ibid. 227-230). As we saw previously, these are the SFA cases. However, there is an important difference between the assassin case and the businesswoman case. In the assassin`s case, the assassin`s will is already set on what he wants to do. But this is not the case with the businesswoman. More to the point, the businesswoman is not trying to do anything definite. She is simply considering what decision to make.

To solve the luck problem for SFA, Kane suggests that – similarly to the assassin case – we need to assume that the businesswoman is intentionally trying to make a decision. But since she is in a state of uncertainty, Kane holds that she needs to make *two* intentional efforts which he calls '*efforts of will*' (Ibid. 232).[12] So, the businesswoman needs to make an effort to make a moral choice and she also needs to make the effort towards the prudential choice.

[12] According to Kane, efforts of will are purposeful mental undertakings an agent exerts when she aims to achieve desired decision or a choice in the SFA case.

Furthermore, since these two efforts are directed at two different courses of action, Kane holds that they are cancelling each other out, i.e. indeterminism the businesswoman experiences at a moment of carrying out her SFA derives from her own making of two competing efforts.

Thus, Kane concludes, regardless of the fact that the businesswoman`s free action is undetermined, she is still free and responsible for whichever actions she makes in the end because she was intentionally trying to perform both of them in the first place (Ibid: 231).

Chapter 4 – Problems with Kane`s Account

In previous chapters, I presented the libertarian position of free will is and I showed in more detail Kane`s proposal. Although his theory has been influential in the contemporary debate, I hold that it faces serious difficulties. So, in this chapter, I am going to show why I hold that his theory of libertarianism is untenable. I am going to present four different problems his account faces.

First, I am going to claim that Kane`s idea of efforts of will is deeply counterintuitive and that we do not have any reason to assume that this element takes place in the life of agents. Second, I will argue that even if suppose that efforts of will occur, Kane still fails to solve the problem of luck. Third, I shall claim that Kane`s theory rests on a dubious event-causal model of agency. Finally, I am going to assert that the idea of self-determination or self-formation Kane assumes is incoherent.

4.1. Phenomenological Worries

The first problem I have with Kane`s proposal stems from our own *phenomenology of agency*. Try to reflect on the way in which we exercise agency when we are about to make an important decision or choice. Suppose, for instance, that I need to decide between (i) continuing my education at the university level, and (ii) leaving my study and take care of my sick mother. As the situation dictates, it is impossible for me to do both. Suppose further, that there is, as Kane suggests, the self-forming moment in my life where I am going to decide between (i) and (ii). If Kane is right, then I would have to have two competing sets of reasons. This is completely acceptable. I have the moral reason to stay home and take care of my sick mother. Also, I have the prudential reason to continue my study. Further, according to Kane, I would have to make two competing efforts in this case. First, I will need to make an effort to overcome my reason to help my mother. Second, I will need to make an effort to circumvent my prudential reason to continue my education.

Now, ask yourself the following question. When you are at moments in your life when you have competing reasons for different courses of action, is it really the case that you are performing *efforts* to overcome another reason you have? For instance, is it really the case that I need to perform an effort to make it the case that one of my reasons triumphs and not the

other? It does not seem to me like this is actually occurring. It is certainly the case that I am deliberating what course of action to take and that I am weighing what reasons to follow. However, I found it hard to imagine that I need to perform the mental effort to overcome some other reasons I have. What is more important, it is even more problematic to imagine that I am parallelly performing two competing efforts as Kane suggests.[13]

But there is a further difficulty here. For Kane, efforts of will are not efforts we exert over our overt behaviour. The thing I have in mind here is the following. When we run, for instance, we need to exert an effort to maintain our running speed. However, according to Kane, efforts of will have slightly different structure. As he argues, they are not directed specifically to our overt behaviour. Rather, they are directed at our mental actions, i.e. to our *choices* and *decisions*. Thus, for Kane, an agent performs efforts to make certain life-important choices (1999: 232).

As I see it, there is something rather peculiar in arguing that efforts are directed towards choices because we are not usually making efforts of these kinds. When we exert efforts, we do it to implement or sustain our already formed choices. Say that, for example, I made a decision that I am going to stop smoking. This will require – as many of us know – a lot of discipline and effort. However, the effort to stop smoking is directed towards maintaining a choice we already made. It is not an effort to make a choice *per se*. But according to Kane, an effort of will is an effort to make a choice in the first place. How would this effort look like?

Unfortunately, Kane does not offer us an answer to this. But, looking from the phenomenological perspective, it seems to me implausible to assume that we need to make efforts to make choice. When we are making efforts, we are exerting them to implement our choices.

Kane might content here that my argument is weak because there is no need to suppose that our phenomenology of free agency needs to be in accordance with the teachings of our

[13] One could wonder here what the actual difference between deliberating and performing efforts of will is? For instance, is it not the case that I have to make an effort to make a decision in cases when I am deliberating what to do?
Although there is an element of truth in this question, I would not say that it is the case that we are exerting an effort when we are deliberating. In the process of deliberation, we are simply weighting reasons we have for relevant actions in questions. However, I do not see in which part of this process we need to exert a mental effort to decide. We could, roughly speaking, say that we are trying to make an important decision in the process of deliberation. But I hold that this is nothing more than a different way of saying that we are deliberating what to do. Thus, I believe we do not need to make any effort to make a decision in the process of deliberation.

metaphysical theory. What we experience phenomenologically, Kane could claim, should not be taken as the yardstick with which we should measure a coherency of a theory of free agency.

Kane is definitively right that we should not measure a coherency of our theory of free will on the basis of the potential correspondence with our experience. However, Kane continually insists that cases where we need to exert our efforts, i.e. the SFA, represent the *actual* occurrences in the life of an agent (e.g. 1996: 75). If this is the case, I hold, then we have to assume that there needs to be some kind of intuitive familiarity between our experience of acting freely and the SFA cases. However, as I was trying to show, this is not the case. Not only that it is hard to imagine that we are making two competing efforts to overcome conflicting reasons, we also lack any awareness of our performing efforts to make choices.

Kane might point out that I am taking his concept of the 'effort of will' too literally and that he is not understanding efforts of will in the same sense as efforts we perform, for instance, when we try to quit smoking. The efforts of will, Kane might stipulate, are efforts of a different kinds.

I am not particularly convinced that this line of argumentation would work for Kane. There are at least two reasons for that. First, the stipulation that efforts of will are efforts of a different kinds simply begs the question what kind of efforts are these efforts then. Thus, Kane needs to explain what is the relevant difference between efforts of will and 'regular' efforts.

Second, and more importantly, I am not sure that this line of argumentation would actually be helpful for him. The reason why Kane introduces the idea of efforts of will in the first place is because he aims to explain how a particular agent can be free and responsible for undetermined free actions. As I presented previously, the assassin is in control of his undetermined free action because he is intentionally trying to shoot the prime minister. Similarly, in the SFA case, the businesswoman is intentionally trying to make both courses of action. Here, the central component of Kane`s argumentation rests on the assumption that there is a sufficient level of similarity between the assassin case and the SFA. So, if Kane adopts the line of thinking according to which he claims that efforts of will are different from 'regular' efforts, then he loses ground for dismissing the luck objection.

4.2. Efforts of Will and Luck Again

In the previous section, I argued that there is a problem with Kane`s idea of the effort of will from the phenomenological standpoint. In this section, I shall argue that even if we assume that these efforts take place when we act freely, this idea cannot solve the luck objection Kane believes it does.

Consider the following observation Randolph Clarke made while analysing Kane`s account:

> An effort to make a specific decision can contribute in the same way to the active control with which that decision is made, then, only if the effort itself is free. Hence if efforts preceding decisions in cases of moral conflict are supposed to contribute in this way to active control, then what is needed is an account of the freedom with which the agent acts in making these efforts. (2003: 89)

The point of Clarke`s observation is the following. Since Kane holds that in the SFA, efforts of will are factors that secure the fact that an agent is in control of an action, these efforts need to be free in the first place. To use again the example with the assassin, the reason why we hold that the assassin is in control of his action, i.e. his shooting the prime minister, is because he is intentionally trying to do this. However, as Clarke rightly pointed out, this intentional trying or the effort of will the assassin performs need to be free from the start in order to grant that the consequence of it, i.e. the action of shooting the prime minister, is freely performed and controlled. If those intentional efforts are not free in the first place, i.e. if the agent is not controlling them either in the SO or the AP sense, they are not in position to secure the control Kane believes they could secure. Consequently, if these efforts could not secure the type of control Kane holds they could, they fail to stand as the way to mitigate the luck objection.

Notice that the criteria Kane offers for determining what is a free action cannot help in explaining why the efforts of will are free. As I showed in the previous chapter, Kane holds that a free action must be either (i) a SFA, or (ii) it needs to be connected to actions that are the SFA in the sense that it has a SFA as its causal origin. However, both of these criteria are not helpful when determining how efforts of will are free because both of them will lead to the regress. Is there a way in which Kane could explain how efforts are free in the first place?

In recently published articles (2015) and (2016) he offers a suggestion. According to him, the control agents possess is not the libertarian type of control, i.e. it not the type of control

that can secure the SFA, but rather the *compatibilist* level of control. As Kane defines it, this compatibilist level of control simply presupposes that efforts of will are "(…) done voluntarily, on purpose and for reasons that are not coerced, compelled or otherwise constrained or subject to control by other agents" (2016: 3). For instance, the assassin is going to have the compatibilist level of control over his effort of will simply when his effort is performed because the assassin wants to perform it. The reason why this type of control is dubbed 'compatibilist' is because it assumes that, even if assassins' reasons determine him to act, he is still free with regards to his action.[14]

However, I do not find Kane`s proposal particularly promising. The reason for this lies in the fact that Kane does not explain how could a compatibilist level of control, i.e. the simple action performed for some purpose, could endow an agent with the libertarian level of freedom, i.e. with the type of control that would secure both the AP and the SO. To see why this is so imagine, for example, an SFA scenario where an agent performs two competing efforts. Grant, further, as Kane proposes, that an agent exhibits a compatibilist level of control over those efforts. This would mean that both of efforts are free in the sense that they are both performed purposefully and that they are not coerced by some other agent in question. Most importantly, this would imply – since this is a compatibilist view of control – that an agent could control these efforts even if determinism is true. But this is where I hold that fundamental problem with this suggestion lies. Freedom Kane advocates ultimately lies on the incompatibilistic assumption, i.e. on the idea that freedom and determinism cannot be compatible. However, to have the incompatibilistic or libertarian level of control for freedom, we also need to have some *in*compatibilistic elements that grant this type of control. Claiming, as Kane does, that we can grant incompatibilistic SFA by putting together two efforts of will over which an agent exercises compatibilist level control would simply not do the job.

Thus, Kane`s idea of efforts of will cannot secure the level of control required for free action because Kane does not explain how these efforts are freely controlled in the first place. Furthermore, since Kane cannot explain how these efforts are free, he lacks the resources for explaining how an agent possesses the relevant sort of control for undetermined free actions.

[14] One might be tempted to think that if Kane understands compatibilist kind of control in this sense, there is no difference between this type of control and the type of control Luther, for instance, possesses over his declaration 'Here I stand, I can do no other'. This is partially true. However, Kane is carefull not to equate those two types of control. According to him, the type of control Luther possesses is different from the compatibilist kind of control in the sense that Luther`s declaration could be traced to his already formed free will (2016: 3). This is not the case with the compatibilist level of control.

4.3. Problems with Kane`s View of Agency

The third problem I have with Kane`s account is not concerned with his notion of free will. Rather, it has to do with assumptions he holds about the way in which human agency works. Kane claims that humans` actions are causally produced by previous agent-involving mental states or events. These states or events are – according to Kane – agents` beliefs, desires, or character traits. By arguing in this sense, Kane simply assumes the line of thinking influenced by the work of Donald Davidson (1980) according to which reasons, as mental events, stand as the distinct causes of agents` actions. However, this view of agency is problematic for at least two reasons.

First, I do not hold that reasons agents have are best explained when placed in the category of mental events. As some authors rightly pointed out (e.g. Dancy 2004 and Alvarez 2010), agents` reasons are *circumstances of agents` situations* (Dancy 2004: 25)[15] or *facts about the world* (Alvarez 2010: 124-163) and not events that happen inside an agent. Say that, for instance, while walking through the park, I witnessed an elderly person who fell and I rushed towards to help her. What is the reason that motivated me to help the person? As I see it, the reason why I rushed to help is not my belief that this person needs help. It is *the fact* that the person fell that motivated me to rush and help.[16] Of course, I need to be consciously aware of this fact in order to act appropriately. However, this does not mean that my cognitive and conative states, i.e. my beliefs and desires, represent reasons why I acted in a particular manner. Rather, it is the *contents* of my beliefs and desires that structure my reasons and my motivation and contents of my beliefs are facts about the world. Thus, as I see it, Kane erroneously follows Davidson in his assumption that agents` reasons must be her mental events.

Second, understanding human agency as a series of mental events that simply occur inside the agent fails to provide the proper description of how human beings act. For example, when I press the button on the keyboard, this is something *I* perform. However, if we assume the event-causal story Kane is committed to, we have to assume that when I pressed the button

[15] Dancy is understanding circumstances of agents` situations simply as *states of affairs* agents could be involved in.

[16] It should be pointed out that I am not, as well as Kane, making any difference here between reasons and motivations agents have for performing particular actions. More precisely, I am assuming here that to say that C represents agent`s reason for the action φ is to represent the motive why an agent acted in a relevant manner. This, of course, is not a completely correct because reasons do not have only motivational function. As it has been recognized in the contemporary literature, reasons also presuppose *norms* to act, i.e. they point out „what is right or wrong by reference to what is prescribed by the relevant norm, or what furthers the relevant value" (Alvarez 2010: 9).

on the keyboard, the only causally relevant factors are events involving me, i.e. some beliefs or desires I have. But this is simply not true. When I pressed the button on the keyboard, this is something *I* am performing, not any of my mental events.

4.4. The Problem of Psychological Self-Determination

I showed previously that one of the crucial elements in Kane`s theory of free will is his belief that an agent could, in virtue of her SFA, form or determine her motivational states. Because of this, even in cases where an agent does not have access to alternative courses of action, she is still free *derivatively* because her future actions are the product of the agent`s already formed will. However, this idea is highly questionable. To see the difficulty, let`s first mention that Kane`s idea of psychological self-determination has been influenced by Aristotle and his idea of character development.

In his *Nichomachean Ethics*, Aristotle argues in the following way:

> For the things we have to learn before we can do, we learn by doing, e.g. men become builders by building and lyre-players by playing the lyre; so too we become just by doing just acts, temperate by doing temperate acts, brave by doing brave acts. (…) Men will be good or bad builders as a result of building well or badly. (…) This, then, is the case with the excellences also: by doing the acts that we do in our transactions with other men we become just or unjust, and by doing the acts that we do in the presences of danger, and being habituated to feel fear or confidence, we become brave or cowardly. (1991: 1103b2-1103b26)

Thus, for Aristotle, moral dispositions that all human beings possess need to be properly trained – or *habituated* – in order to achieve moral excellency or virtuousness. The habituation is performed, Aristotle further suggests, simply by engaging in a type of activities that would make an agent virtuous. As lyre-players need to practice if they want to become proficient, agents who want to be morally virtuous need to practice their moral disposition by engaging in activities where they could train their dispositions.

The importance of the Aristotelian idea of habituation for Kane`s theory lies in the fact that, for Aristotle, agents are controlling an outcome of their moral dispositions since they are the ones who formed them in the first place. A soldier who cultivated his bravery will, when conditions of a battle demand, act bravely by charging at the enemy lines. The fact that the soldier`s character determined the way in which he is going to behave does not mean that he is

not in control of his action. He is the controlling manifestation of his moral disposition because he is the one who formed this character disposition. Almost identical line of argumentation can be found in Kane. According to him, Luther is responsible for his declaration because he, by virtue of some previous choices, formed his character that make it inevitable for him to declare anything else than 'Here I stand, I can do no other'.

The crucial question we need to ask ourselves here is the following. Is this type of character formation possible? Can Kane assume that an agent could self-determine his motivational states in this sense? I hold that this is fairly unlikely. As I see it, Ferenc Huoranszki (2010: 170-175) offers decisive arguments why psychological self-determination could not secure the sort of control Kane believes it could.

According to Huoranszki, the central reason why psychological self-determination would not secure the role Kane ascribes to it is that we are not in a position to control *how* our actions will strengthen development of our moral dispositions (Ibid. 173). What Huoranszki has in mind is the following. It is completely possible that we train certain character dispositions in a particular way in order to strengthen them. However, this does imply that we can be in control with regards to the fact how a character will develop in the end. As Huoranszki rightly argues, it is completely possible that one`s character would have a completely different form than you initially wanted (Ibid. 171). For instance, it is possible to imagine a person who wants to become more kind by developing this character trait. After she engages in the sort of activities that would foster her disposition, she ends up developing a completely different one. For example, she becomes bitter and resentful.

Huoranszki rightly points out that our psychological structures are profoundly complex and it is hard to believe that we are in a position to know how our psychological traits would develop. If we are not in a position to control the way in which our character trait will initially develop, then Kane is not in the position to assert that there are actions like the SFA that can stand as the source of *arche* of some future free actions.

But let`s suppose – implausibly I hold – that it is possible to form our character in the way in which Kane believes it could be formed. Still, there is a further reason why the idea of SFA is problematic. Imagine, for instance, that there is a timid person who decides that she wants to be more courageous. She exposes herself to a series of adventurous tasks to acquire the desired character trait. The question I have for Kane here is the following. Does it mean that this newly courageous person will exhibit her courageousness in all situations she has a chance

to? I do not see why this should be the case. Although a person might not be timid anymore, this does not mean that there is not a single thing she would not be afraid of doing. For instance, she can still be deadly afraid of giving blood. Nonetheless, if Kane asserts that her character traits do not have to be manifested in all possible situations, then Kane has to explain in which cases a person manifests her character trait and in which she does not. However, this is far from an easy endeavour. How could we specify in which situations a person manifests her character trait and in which situation it does not? The courageous soldier might charge at the enemy lines and still be afraid of snakes. If these kinds of scenarios are possible – and I do not see a reason why they should not – then Kane has a serious problem in specifying in which sorts of cases agents will manifest their character dispositions and in which not.

Conclusion

The aim of this thesis was to offer an analysis of the libertarian notion of free will. I started the thesis by presenting the case that I believe could motive the discussion about free will. Then, in chapter two, I showed in more detail the core ideas behind the libertarian notion of freedom and I presented central problems every libertarian theory needs to resolve. After that, in chapter three, I introduced one of the most influential contemporary libertarian proposals. This is the event-causal model offered by Robert Kane. In chapter four, I critically examined Kane`s account and argued that his theory faces serious difficulties.

I left at least two more questions unanswered. First, should Kane`s theory be completely disregarded because of the problems I presented? If yes, what does it tell us about libertarianism in general? Should this view of free will also be disregarded?

I hold that objections I presented to Kane`s theory are serious enough to leave his theory aside and try to find another solution to the problem of freedom. Of course, the difficulties I raised require further development in order to make this conclusion. For instance, I need to say more about the luck problem and try to explore potential ways in which Kane could mitigate this difficulty without him assuming the dubious notion of efforts of will. Additionally, the more needs to be said about the Davidsonian background Kane`s model assumes and problems this assumption faces. I mentioned only two difficulties but certainly require more detailed development. Although there are things I need to further refine in my critique of Kane, I hold that I presented enough reason to be sceptical about his account.

Regarding the second question, I believe that libertarianism should not be completely disregarded because Kane` theory is ultimately unsuccessful. Libertarianism has the potential to solve the problem of free will but, contrary to Kane, I do not believe that the right way to defend it is on the lines of the event-causal view. As I briefly suggested in section 2.2., there is the variety of different types of libertarianism one could find in the contemporary literature. As I see it, non-causal and agent-causal accounts might have a better chance to resolve issues I raised against Kane`s theory and, I believe, these two proposals could help to put libertarianism on the more promising track than Kane`s account does.

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