

## Free Will and Subject

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**Abstract.** Traditionally formulated, the problem of free will cannot be solved. We may nevertheless be justifiably confident that we have free will. The traditional formulation makes a solution impossible by juxtaposing contradictory objective and subjective accounts of whether there is free will, between which accounts there is no third way to choose. However, the objective stance inherently denies the conditions under which free will is possible, namely that there are subjects, and is thus question-begging. It gives us no good reason for our not having free will without our also accepting that there are no subjects. As subjects we may not deny that there are subjects, and that as subjects we have good reason, through our experience of free will, to hold that we have free will. The problem of free will is a footnote to how there may be subjects. In order to understand what free will is we need to look at how it is experienced, that is, at the phenomenology of free will.

### 1.

The problem of free will as traditionally formulated cannot be solved. Nevertheless, we still have good reason to think that we have free will and no good reason for thinking that we do not have free will. As traditionally formulated, the possibility of free will is necessarily preemptively denied just by an objective stance being adopted, a stance that often suggests that it may also give a complete account of the universe. However, to adopt such a stance is to deny the very possibility of the condition under which free will makes sense, namely that there are subjects, and the objective stance is therefore question-begging with regard to free will. There is no good reason, other than the question-begging objective stance, to deny the veridicality of the experience of free will that subjects have. Further, we cannot as subjects deny the existence of subjects. The mystery, if there is one, is therefore not that there is free will, rather it is that there are subjects at all. The objective stance denies the existence of free will by denying the existence of subjects, since subjects are a condition for free will. This of course leaves a problem, but it is no longer the problem of free will, but rather the fundamental problem of there being subjects at all, as a complete objective account of the universe would in the end make no mention of them or their experiences, and yet supposedly leave nothing unexplained. This is not a problem that can be solved here. However, the objective stance as a complete account of the universe comes up starkly against the difficulty of denying that there are subjects, a denial made impossible, one might argue, by being a subject. Once subjects are admitted, there is, it is argued, no special problem of free will, any more than there is for other features of the experience of subjects. For subjects, free will is a clear reality. We might turn out to be mistaken about some of our subjective experiences, if not in their appearance then in what we infer from them. But that general observation is a poor reason to think that we do not have free will, especially when the

experience of free will is so pervasive of our experience and so essentially connected to our being subjects. As subjects, it is impossible, one might claim, to assert that there are no subjects – as near to a concrete, self-refuting claim about existence as one might get – so therefore there are some subjects<sup>1</sup> in the universe. This, of course, has a Cartesian ring to it. But there is no commitment in this paper to dualism, nor is it entailed. The point is not to put forward a solution to the problem of how subjects are possible in a universe accounted for objectively. Rather, it is to shift the problem of free will to that problem, and leave that unresolved, while asserting that the existence of subjects is certain and free will is a feature of subjects and can only be understood as a feature of subjects. To try to understand how free will is possible on an objective account of the universe is a waste of time; the understanding of free will comes from our experience as subjects; how there can be subjects is another matter altogether; but it is certainly not open to the kind of doubt that supposedly applies to the existence of free will. As subjects it is clear that we experience free will and that therefore there is free will. The problem of free will is a footnote to how there may be subjects.

There are those who do indeed objectively deny the existence of subjects. Consciousness is an illusion, on this view. This, however, is a topic of another paper. It is a position that should be taken seriously.<sup>2</sup> But it need not be addressed here, as the denial that there is free will usually goes along with an affirmation of there being subjects in an attempt to make free will compatible with subjecthood. For if there are no subjects it is hard to see why the issue of free will should arise at all. One may only say here that if such a view is to be accepted, then one would have to be more convinced by the argument for it than by the immediate evidence of one's own subjectivity. In this sense, a denial that there are subjects might be seen as a kind of doomsday-weapon solution to the problem of free will.

The question of what free will is is a further matter. It will be looked at towards the end of the paper. In fact, what free will is is properly understood through the phenomenology of the experience of free will. It cannot be understood by some external view, but only from, as it were, the inside, as subjects. We think and act with and by free will, and that is inseparable from our awareness of ourselves as the kind of subjects we are – more widely, one might say, inseparable from our understanding of ourselves as persons. We do not have to give up our reason for believing in free will until we are given a reason for not believing that there are subjects, and it is hard to see how that could happen.

## 2.

Some people may argue that the manoeuvre offered here to tackle the problem of free will is unnecessary, as there are other ways to solve the problem. Few have, however, ever been convinced by them, and whatever one thinks about other approaches, there is

<sup>1</sup> That is to say, at least one.

<sup>2</sup> One of the chief and most eloquent proponents here is (Humphrey: 2006) and (Humphrey: 2012). In the latter work Humphrey says consciousness is an illusion, a 'fiction of the impossible' (Humphrey: 2012, p. 204). In reviewing the book Keith Frankish goes as far as to say 'I think such a position is the only coherent one for a physicalist' (Frankish: 2014, pp. 338-340). This is certainly taking the bull by the horns. Fine – but if one takes that step, then it's hard to see how there could even be an issue for free will. See also, (Shand: 2006) review of (Humphrey: 2006)

no reason not to take a new line on the issue. Free will certainly seems an archetypal perennial philosophical problem by any measure; solving the problem is a kind of philosopher's in-joke; it is one of those problems on which there seems to be little discernible progress made, one that we assume in a way no-one is ever going to solve. There is therefore no need to rehearse in detail the arguments about free will as traditionally formulated, as the position here avoids that approach, and frankly concedes that, approached traditionally, the problem is insoluble – and not accidentally, but necessarily, so. Indeed this last observation gives form and direction to the new approach. Once the new approach is taken and followed through, a solution is found, if a solution may amount to our having a good reason for thinking we have free will and no good reason for thinking that we do not. It leaves, as has been said, another claim and problem, no longer the claim or problem of there being free will, but rather that of there being subjects and how there may be subjects; a problem just as hard to solve, but a claim vastly harder to deny. As a problem it is far more profound and unavoidable, for we are as subjects, as much as anything seems undeniable, subjects. Indeed, as a subject, to deny that one is a subject would be performatively self-refuting.

We may summarise the array of attempts to deal with the problem of free will as traditionally formulated in the following way.

*Compatibilists* → determinism is true, but we are free.

→ *compatibilist externalism* – determinism is true, but we are free if we are unconstrained by external causes.

→ *compatibilist internalism* – determinism is true, but we are free because we act according to a certain kind of internal cause.

→ *compatibilist rationalism* – determinism is true, but we are free because we act according to the dictates of reason.

*Incompatibilists* → determinism is true and we are not free, or determinism is false and we are free.

→ *incompatibilist determinism* – determinism is true, and we are not free.

→ *incompatibilist libertarianism* – determinism is false, and we are free.

Compatibilists will argue that the contradictory opposition of the objective and subjective stances is only apparent. I shall not rehearse all the well-known arguments for and against this view, but only say that the arguments for compatibilism have far from convinced everyone. One might also add that the general direction of compatibilism putatively solving the free will problem involves its being true to the objective account of the universe, but paying the price on the free will side by leaving something that few still believe to be truly free will. We have, at best, 'free will' – and it is as though we need explaining what we really meant by it all along. On the other hand, incompatibilists of a liberal complexion go the other way by leaving us with something that looks very much like what we might want if we were truly to say there is free will, but at the expense of

accepting a view of the universe so out of line with the prevailing one delivered by a comprehensive objective stance that it struggles for plausibility.

Symptomatic of the wrongness of the traditional approach to the problem of free will is the fact that the key issue antagonistic to free will attached to the objective stance, namely determinism, is equally antagonistic whether asserted or denied. This might alert one to thinking that one is not starting in the right place.

The view presented here agrees with the hard view of incompatibilists as to what the objective stance is, but does not give up on something that most people might still identify as free will. It also agrees with the incompatibilist liberal that the view of freedom cannot be that presented by the compatibilist, but it is not committed to any ‘obscure and panicky metaphysics’<sup>3</sup> brought on by allowing for free will proper.

Finally, insofar as other approaches are concerned, there is a form of philosophical quietism with respect to free will.<sup>4</sup> This view amounts to saying that the answer to the question of whether determinism is true or not is irrelevant to answering the question of whether there is free will or not, which is explained rather by our having ‘reactive-attitudes’<sup>5</sup> to other creatures, in particular, to fellow human beings. These, and the ensuing attribution of free will, are something we are completely unable to give up, nor, even if we could do so, would we want to. The latter claim is a normative matter of value, not of fact, making mere facts about determinism shown up as irrelevant. The position here, however, unlike this form of philosophical quietism, does not reject there being a metaphysical problem requiring a solution, but rather sees the crucial metaphysical problem as that of the existence of subjects given a putatively comprehensive objective stance, not the lesser one of the existence of free will. There is no pretence here to solve that problem, that of there being subjects, for which it would seem an objective account of the universe has no place. The point here is to show that that is the real problem, not that of free will, and that given our experience as subjects, we have a good justification for thinking we have free will. Moreover, the understanding of free will necessarily has to be one for subjects, as a feature of being a subject. Take an objective stance, and free will evaporates. Free will is a subjective matter – it literally makes no sense except as something as experienced by a subject.

The argument here takes on the hardest case in tackling the free will problem. It neither abandons the objective stance, nor bends free will out of shape to fit it. It involves standing back from the traditional approach, while using what is wrong with it to launch a new answer to the problem.

### 3.

The change entailed by the absence of free will in our thinking about the world, our place in it, our dealings with other people, and the language we use in these contexts, would be radical and colossal.<sup>6</sup> Yet the problem as traditionally formulated seems both intransigent

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3 (Strawson: 1962, p. 25)

4 (Strawson: 1962)

5 (Strawson: 1962)

6 Sir Isaiah Berlin states eloquently what would be involved in our abandoning the idea that persons have free will. In fact, his thinking so is a consequence of his thinking determinism true. But the colossal change involved in how we think is captured in any case. (Berlin: 1969, p. 113).

and yet not one we can simply set aside. While seemingly insoluble, it still continues to bother us.

The ground of both these matters is that we are subjects and cannot escape some determinants of our worldview being that of subjects. We simply cannot conceive of our being subjects of the sort we are, nor can we exist as such subjects, and not think that we are capable of free will, no matter how limited in scope it may be.<sup>7</sup> The argument for this is one we might characterise as trying out the alternative – being a subject and from the inside conceiving of ourselves as having no free will. The challenge is to try this as something one might actually live out as a subject. The contention is that we cannot; it is impossible. It amounts to a performative contradiction. The act of applying to ourselves as subjects this stricture of denial is itself a denial of the denial that we have free will, and so affirms that we have free will. We can only think of such free choice as eliminated along with our ceasing to exist as subjects.<sup>8</sup> This is not the subject as viewed objectively from the outside, as it were, but rather as viewed from the inside *as* a subject. We might conceivably bracket off free will from being a subject in the case of others – although the process would be deeply contrived and lacking in conviction, but would perhaps involve treating others as deceptive machines or zombies – but in our own case we cannot put a division between ourselves as subjects and our thinking and acting with free will.

So, there is at least one entity about which we can say that it is inconceivable that it does not have free will. There is no need to get deeply into the problem of other minds at this point – unless one embraces the incredible theory of free will solipsism – for it to be plausibly claimed that there are indeed many subjects, and those that there are have free will. All that needs to be said is that the problem of other minds may be a problem in itself, but it is not a special problem for the issue that of free will.

By ‘subject’ here is meant that which is involved in having a view from a certain standpoint interlaced with particular immanent sensibilities. The world as viewed, looked out upon, through our own eyes, from our perspective. From this position of being a subject, the fact of free will looks as certain as any belief can be; no-one could seriously even suspend it, let alone reject it wholesale, as they think and act in their lives and have their being-in-the-world.

But there’s the rub. Whereas from a subjective point of view free will is something we cannot help thinking is true – something that we cannot give up – from an objective point of view it looks impossible that it could be true. The impossibility of a truth being false runs right up against the impossibility of the truth being true. This is the usual way of things when the truth about free will is judged, respectively, subjectively and objectively, or so it seems. This approach, however, it will be argued, hides an assumption corresponding to a far deeper matter about the nature of reality. This makes the traditional way of approaching the problem misconceived. It misunderstands both the problem and the nature of free will. The awareness of this, and the understanding of why it is misconceived, points to a new way of thinking about the problem of free will. In this

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<sup>7</sup> cf (Sartre: 1989, pp. 28-29)

<sup>8</sup> ‘Subject’ here is not synonymous with ‘person’, the latter in its honorific sense. To avoid confusion and a possible objection, it is worth pointing out that one may cease to be a subject while remaining on other grounds a person. Someone in a coma has perhaps ceased to be a subject, but they have not arguably ceased to be a person, and should have some, at least, of the rights of a person. One may be a person without being a subject, but one cannot be a human subject and not be a person.

way it ceases to be a problem in itself – rather it should be understood in relation to a much larger problem by which free will would stand or fall. But that problem, how there can be subjects, has attached to it nothing like the scepticism that attaches to the existence of free will. There may be some people who happily accept the idea that there is no free will – even though they think and act quite contrary to that idea, and the inconsistency of their holding the idea is thus shown up – but there are not many who equally cheerfully embrace the idea that they are not subjects – indeed it is hard to know what that could possibly mean. That one is a subject is not brought into doubt in the same way that free will is by an objective conception of the universe, despite its being, if anything, an even more acute problem and mystery. There are no corresponding swaths of pessimistic incompatibilists about subjecthood: those who heartily embrace – *as subjects* – the idea that if the objective conception of the universe is true and complete as an account, then there are no subjects. That, in short, they must be deluded that they are subjects.

From an objective point of view there seems to be no place for free will in the world, *pace* compatibilism. Let us take a blunt, straightforward, approach to this. Nothing hangs on the example here, rather, it is just the case of it being close to home, so to speak. Suppose you take the top of someone's head off. All you see are causal deterministic brain events, each of which inevitably leads to the next. It does what it does in accord with accepted scientific laws. It looks in kind like any other object in the universe. It looks no different in kind from what might be observed inside a star or a watch. Yet from a subjective point of view, that of the subject identified with the very same brain<sup>9</sup>, perhaps even the one just viewed and accounted for objectively, that one is capable of free choice looks irresistible and certain. Looking at the brain, free choice looks impossible. There seems no more reason to attribute free will to that object than to any other object in the universe. The only reason we do so, of course, is that this object can also be a subject, indeed we might be that very subject. There would be no glimmer of a reason to suppose free will were taking place except for the fact, an indisputable fact, that this object is also a subject: that it has awareness, consciousness, self-consciousness, has a view of the universe, that there is something it is like to be it. Without there being subjects, without being a subject, the idea of free will would never occur to anyone – in fact, in that case there would be no-one for the idea to occur to. Free will is dependent both as idea, so that that it may be thought that there is free will, and moreover as a reality such that there is free will, on there being subjects.

It is indeed odd that it is only in a tiny part of the universe – somewhere around the vicinity of the human brain, certainly having as its locus the human body – that the problem of the subject, and thence of free will, seems to arise at all. It does not even come up as a consideration for anything else in the entire universe from the largest to the smallest objects. Just this incredibly tiny part of it. This might lead one to think that some kind of catastrophic mistake has been made in thinking that different explanations are required here that are not required, as far as we know, anywhere else in the universe. Even if intelligent life were found elsewhere, it would hardly make much difference to the vanishing, minute occurrence of subjects. So maybe the simple answer is, in the end, that there are no subjects at all, and the complete objective explanation of the universe,

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<sup>9</sup> Just supposing crudely one may approximately do this, that is, identify a subject with a brain – but, in fact, nothing hangs on supposing otherwise, as simply other objectively accounted for processes would be involved.

unmentioning of subjects or the quality and structure of their experiences *as experienced* – their phenomenology – is sufficient as an explanation of everything. Such a line would be at least moderately tempting were we not subjects ourselves. As we are subjects, it is hard to see how it could be followed with any conviction. It is difficult, indeed, to see how any such explanation could take place without subjects themselves providing it.

It is for this reason that we are incapable of laying the question of free will to rest. We know for certain, or rather, we feel we know for certain, that we are capable of free will, so we think there must be an answer to how this is possible regardless of the apparent objective facts about the world, which seem to show that it is impossible. There would be no motivation to try so hard to solve the problem of free will were we not subjects, and were there not a conceptual link between our being subjects and our having free will that makes the separation of the two impossible.

The opposition of certainty (that we have free will) and mystery (how it can be possible) is the core of the free will problem, and takes us deeper than the free will problem itself as traditionally formulated. The real mystery is not how there can be free will in a causally deterministic world, but how there can be subjects at all. For, again, looking inside someone's head, you don't find a subject, but rather a series of objective causally related events. Yet, that very same entity is ineluctably a subject if it happens to be your brain. If there were no subjects there would be no problem of free will, and if there were no free will there would be no subjects – not subjects like us at any rate. And we know there are subjects like us.

#### 4.

The reason free will remains a problem is that the conditions under which a solution may appear, that there either is or is not free will, depend upon whether the world is viewed subjectively or objectively. It depends from which of these we are drawing our explanation or account of what is the case. How one views the problem entails the solutions, solutions that turn out to be mutually contradictory. In trying to solve the problem we ping-pong futilely from one position to the other and back again, or are held in a kind of indecisive limbo between the two – although it is not a limbo-position in which anyone is actually able to live beyond a theoretical nod towards it.

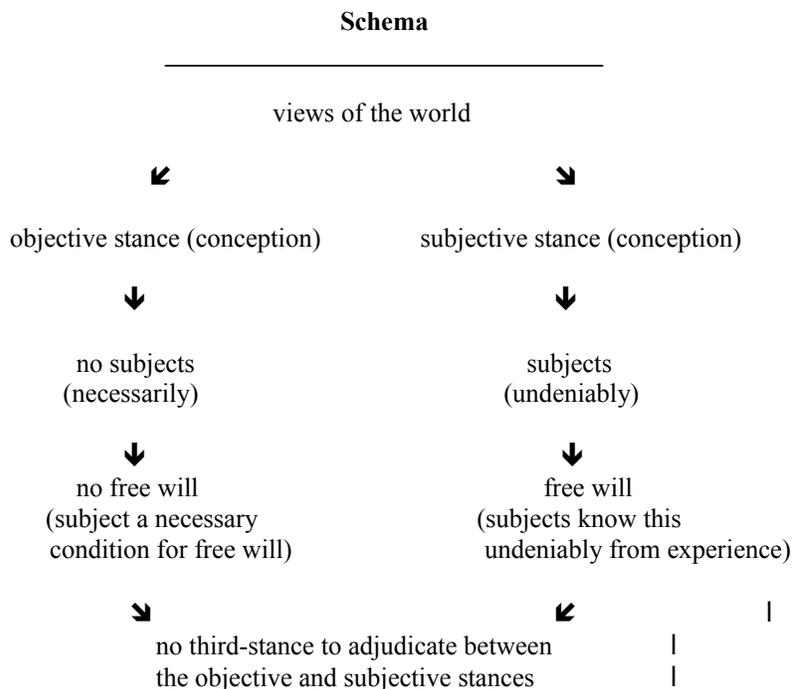
It might be said that in that case we should simply dismiss the subjective stance as not really telling us how the world is. But from what point of view would this dismissal receive its warrant? From the subjective stance there are no grounds for doing so, and from an objective stance there are no grounds for holding that subjects exist, ruling out free will as a matter of course. Taking the objective stance in itself determines that the answer to whether there is free will will be negative, as facts gathered objectively deny the existence of the conditions under which free will makes sense and is perceived as occurring, namely that of the subject. The conclusion one comes to, as to whether there are subjects and whether there is free will, is itself determined by which stance one adopts. To reject the subjective stance on the basis of the objective one would therefore be to commit the fallacy of *petitio principii*, for it would be to assume that the subjective stance does not give a true picture of the world – it cannot give a true (or false) picture of the world because there is no such subjective stance from which the world can be pictured at all. But one cannot, without begging the question, use the facts gathered

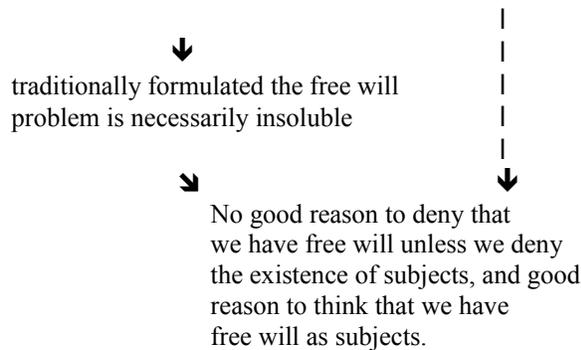
through one set of conditions to deny other putative facts gathered through another set of conditions, when the assumption of the first set is that the second set of conditions for gathering such facts is impossible. The objective facts are by their nature not subjective facts, and it would be to beg the question to use the objective facts to demonstrate that there are no subjective facts, as talk of objective facts alone already assumes that there are no subjects or subjective facts. A step toward a solution of the free will problem is to grasp that the meaning of free will is given to us subjectively, in our experience.

One way of getting around this might be to view things from a third overarching stance which could act as an arbiter, a stance neither subjective nor objective. But there is no such stance. We either view the world objectively or subjectively; there is no third position that could adjudicate as to which stance is the correct one for getting an accurate picture of reality. Thus there is no way out of the impasse to solve the free will problem as traditionally posed, and it is disingenuous to pick one of the stances to provide an answer, as each stance already assumes, in taking up the very stance itself, what the answer is. There is therefore no way of, say, giving one stance more weight than the other; comparatively weighing them cannot come up. The facts gathered from within the objective or the subjective stance cannot be used to determine which stance one ought to adopt to determine the facts accurately, or which of the stances may accurately determine the facts.

It might be said that as we are mistaken about many things that appear to us in a certain way, we might be mistaken that we have free will. But the experience of free will as a subject is not a separable feature of the subject – such that one might acknowledge a visual illusion. Rather, free will is part of the fabric of being a subject. To be a subject is to have free will; to have free will is to be a subject. It might be suggested that the final claim is too strong, but nothing is gained against the argument here by limiting free will as a necessary condition to the particular kind of subject we are.

A summary of the argument so far might be given as follows.





In short, as has been said, we have no good reason for thinking we do not have free will – the proffered reason is question-begging – and we have good reasons from the nature and experience of being a subject – which we cannot but be certain that we are – for thinking that we have free will.

## 5.

Ineluctably and incorrigibly we believe we have free will even while we act to study the world objectively. Not for one moment does the neurologist as he studies the chemical and electrical goings-on in a live brain, perhaps even his own brain, consider that he lacks free will; he lives it every moment even while the examination of the brain takes place. Indeed, his act of studying and of understanding is itself a manifestation of free will that would be impossible without it. This is because the act is guided by normative standards and constraints.<sup>10</sup> The subjective stance is required for there to be an understanding of the world.<sup>11</sup> This is not a claim of subjectivism, but rather that there are subjects is a necessary condition for there being any comprehension of the world at all.<sup>12</sup> There cannot be a view of the world if there is nowhere the view can be from. To have a view of the world is to have a view that may be judged normatively – it can be correct or incorrect, it can be mistaken or not, it can be true or false, well supported by evidence or not, it may be valuable or not. No such considerations apply to a universe devoid of subjects. No star or atom is ever any of the things just listed. Things just, have happened, happen, or will happen – normative considerations have no place in talking about such a universe.

To live without free will would be to live without normativity, which would in turn to not be a subject at all. We cannot not be subjects and yet continue to exist – what we are is subjects – we cannot continue to be as subjects and exist as something else – once we cease to be subjects, we cease to exist. Crudely, this is called death.

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<sup>10</sup> A point well made by (Hampton: 1998, esp. pp. 39-40). cf (Nagel: 1986).

<sup>11</sup> It is worth looking on these matters at (Lucas: 1993). 'It is a presupposition of thought, something like Descartes' *Cogito, ergo sum*. I cannot think, except on the supposition that I exist: we cannot argue, except on the supposition that we are rational, and not just automata.' (Lucas: 1993, p. 30).

<sup>12</sup> In fact, I have argued in a paper elsewhere that such subjects specifically have to be limited in some determinate manner or other, and that this condition may be met when the way they are in the world is contingent and they are embodied, as otherwise the concepts required for any thought and understanding do not arise – they are not possible at all. (Shand: 2009).

It should be noted clearly what is not being said here. The argument is not that of a certain species of problem dissolvers, as outlined above, whereby the question of free will may be settled because we cannot conceive of living our lives thinking we and others are not capable of it, and that therefore for that reason the facts about determinism are irrelevant. This is true – that a belief in our free will is not something we seem to be able to give up, nor would we perhaps want to – but it is not the ground of the view here that no objective fact can upset the belief in free will. It is not just a brute fact that the objective facts about the truth or falsity of determinism cannot dislodge the belief or attitude that we have free will. Nor is the argument here the second-defence one of a particular sort of dissolver that the question of free will is a matter of adoption or not, based on the value attached to it, and as such facts are irrelevant.<sup>13</sup> Rather, the argument here is that it is a conceptual truth that the objective facts are rationally invalid in respect of determining whether there is free will or not, because the objective stance from which they are gathered already assumes the answer, namely that free will is impossible. The objective stance involved the denial of the existence of subjects – or, what amounts to the same things, their superfluity in a complete explanation of the universe – and free will necessarily attaches to there being subjects, so there cannot be free will. Objectivity intrinsically assumes there is no free will, and so the facts gathered from the objective stance cannot be used to demonstrate that there is no free will. To suppose otherwise is tantamount to the circular assertion that facts gathered according to the objective stance show that the facts gathered according to the objective stance show that the objective stance is the only valid one, and as opposed to those gathered from the point of view of the subject, so that a subjective stance may according to the objective stance be, along with its alleged facts, summarily dismissed. One cannot use objectivity to show that subjectivity itself is false. One cannot use the facts derived from one stance, which imply that another stance is impossible or worthless, to show that the other stance is impossible or worthless, when the very taking up of the original stances necessarily assumes that to be so. The only two positions for inquiring into whether there is free will preclude, in their mode of inquiry, the answer to the question of whether there is free will, and there is no further way to determine without circularity which mode of inquiry should rationally be followed.

We are left, so long as our own subjectivity exists, with the certainty that, by and large, we are capable of free choice. Sometimes this belief may have to be modified when we feel compelled by circumstances to act in a certain way – perhaps we are drug-addled or schizophrenic – but this reflective modification, the introduction of caveats, is against the background, and indeed presupposes, that we as subjects are conducting our lives operated according to choice. We may exaggerate its extent, and even self-deceptively hide from ourselves our unconsidered propelling motivations, but we cannot deny that there are choices that we make and have to make.

The result of this may be a different kind of quietism with respect to the traditional free will problem as a problem, as the answer to whether free will exists, whether we can exercise free choice, depends on whether we believe there are subjects or

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<sup>13</sup> Thus, even if we could think differently, this would leave open the question of whether we should – and as a matter of value, the facts about the world, in particular the facts about determinism, are irrelevant. But this is a line of thought that has no weight either way for the argument here presented, so I leave it undiscussed.

not – but it also points beyond to a solution. As subjects it is a most impossible thing for us to believe as false that we have free will. But there are no conditions under which we could gather the facts to answer the question of whether there are subjects and whether there is free will that would not predetermine the answer in the very act of gathering them according to one set of conditions rather than the other; as there is no way to decide rationally which conditions the facts should be gathered under, the traditional problem is insoluble. The traditional problem of free will may be laid to rest. There is no point of view from which the matter may be settled, except if one utterly denies the existence of subjects; but there are no grounds for this, and as subjects it is conceptually impossible for us to entertain such a denial. Entertaining it would deny the denial. As subjects we cannot believe it to be false that there are subjects or believe that we have no free will. We might perhaps be content with that. However, the point is not merely that this is a brute fact, although it is, but that it is a conceptual truth both that the traditional problem of free will cannot be settled – because no stance is available that does not presuppose the answer through the mere taking up of that stance – and that the stance from which there is, with ineluctable certainty, free will, that is to say the subjective stance, is the stance within which we necessarily exist.

Furthermore, we may nevertheless be rationally justified, to the point of certainty, in our belief that we have free will, since we cannot help but inhabit, so long as we exist as subjects, the stance from which the facts show overwhelmingly that we have it, and this belief may not, and not just cannot (although that is true too), be undermined by other facts gathered from the objective stance. This is because such facts are rationally disallowed from contributing to an answer by virtue of being gathered from a stance that necessarily begs the question as to whether there is free will through denying the existence of subjects, which are the condition for free will. Thus, I argue two things: the traditional problem of free will is resolved, since there is no point in trying to solve it, and yet there can be no rational justification for denying that we have free will, indeed there are good rational reasons for thinking we do have free will.

## 6.

It remains to say what this free will is that we seem to have and also value. This is an important matter, and has so far been left dangling. Nor has it ever been closely addressed, as it was thought that an account of free will would emerge from a solution to the problem of free will as traditionally formulated. But if the argument here is correct, then this is a futile hope as it is not going to ever happen. There must be a different way of coming to understand what free will is.

In order to say what free will is we have to look at it as it is subjectively experienced. We have to take seriously the phenomenology of free will and of associated free thought and action. In short, what it is like to think and act, to choose what to do in both our thoughts and bodily behaviour – a picture of free will from the inside as subjects. There is a history of coming up with an account of free will that in some way is supposed to be the consequence of a putative solution to the problem of free will as traditionally formulated. Thus, it is said that we are free only when we are rational, or free involving some negative caveat, such as that we are not constrained in some manner or compelled by some irresistible desire or force. Characteristic of such accounts of free

will is that the more easily they fit with the objective conception of reality, the less they look like what people mean when they talk about free will, or about acting and thinking freely, with free choice. But free will is such a central part of people's lives and of what it is for them to be subjects at all, that it is extraordinary that it should be considered reasonable or required that they have to be told when it is occurring and when not, and told what is going on in such occurrences; in short, that they do not really know when they are acting or thinking with free will, that is to say, when they are making a free choice in what they think or do. One might have to be told about the full physiological details of the mechanism involved when one is walking, thinking about the value of  $\pi$ , or experiencing red. One hardly needs to be told what walking 'really is' so that one can know when one is doing it or not. Indeed, being told such a thing hardly makes sense. The same applies to knowing when one is thinking about  $\pi$ , or knowing that one is seeing red. We know what these things are from certain features of our experience. We might be mistaken in specific instances, but objective considerations are of no relevance in determining what they are, and such instances are against the background of our usually having a sound view of such matters, just as fake currency only makes sense against the background of genuine currency.<sup>14</sup>

The usual approach to what free will is is not only simplistic and tinged with the felt need for objectivity, it also neglects what is true to the phenomenology of our experience of free choice. The phenomenology of free will presents the core of what free will *is* because free will is necessarily experienced as something occurring to a subject. To try to present what free will is just from the outside, as it were, will necessarily lead to an unsatisfactory account, and misunderstands free will, because it removes the subject that is necessary for there to be free will at all and is a required component of all acts of free will. To remove the subject in giving an account of what free will is is doomed to failure, as free will only makes full sense from the subjective stance to which it is presented and to which it is connected necessarily. The subject and its experience cannot be removed as a component from an account of free will, as free will is fundamentally a subjective matter. The subject, moreover *being a subject*, is part of what free will is and free will is part of what being a subject is. Free will is essentially subjective in its nature. What free will is can only be fully understood as it seems to subjects because free will is necessarily a property of subjects. What free will is is what it seems to subjects – known by characteristics experienced subjectively as marking the distinction between freely willed choices and those that are not. We know almost invariably when we are thinking or acting freely and when we are not – what characterises the experience of free will when it occurs to us as subjects *is* free will, and what does not have those characteristics is not free thought and action. Any satisfactory account must be given in terms of how it seems to subjects. To attempt to give an entirely objective account of free will is thus seriously misguided.

To attempt a comprehensively objective account of free will would be like trying to say what hearing G# played on the cello is like without reference to what it is like to experience G# played on a cello. What it is like to hear G# played on the cello *is* what the experience of G# played on the cello is. Of course there are objective things going on when someone hears G# played on the cello; but from these one could not give an

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<sup>14</sup> To use Gilbert Ryle's analogy. (Ryle: 2015, pp.94-95)

understanding of hearing G# played on the cello.<sup>15</sup> Nor is an account of these objective features required in order for it to be justifiably said that someone knows when they are experiencing G#. Any good musician knows when he is experiencing G# as opposed to F# with a good deal of reliability. Moreover, even if one does not know that it is G# one is hearing, what it is to hear G# is what is involved in the experience of a certain sound when that sound is that of G#. Indeed, imagine how yet more inadequate and misconceived an objective account would be if it were of how the note sounds to a particular person at a particular time, with their sensibilities – how it sounded *to them* – which may be unique. What it is to know the taste of madeleine cake is what it is to taste madeleine cake; and what it is for Proust's narrator Marcel to know the taste of madeleine cake is what it is for Proust's narrator to taste madeleine cake. Moreover, Proust writes three huge volumes about it.<sup>16</sup>

So, understanding clearly the phenomenology of free will and its importance – free will for the subject – leads us to see another way in which the traditionally formulated problem of free will is misleading in the way that it sets up the problem and what might be offered as a solution. Traditional attempts to give an entirely objective description of free will cannot succeed, leading us to misunderstand what free will can be and where indeed we should be looking for that understanding.

## 7.

The analysis here of a phenomenological understanding of free will should only be taken as preliminary – but one hopes it is also seminal.<sup>17</sup> There is a mistake at the outset that this account avoids, into which even those who take credence of the findings of a phenomenological investigation into free will seem consistently to fall. The mistake is to present whatever one finds as the phenomenology of free will as evidence against the objective account – in particular, the account of determinism. But this approach is hopeless, as has been argued. Presented like that, whatever the phenomenology of free will delivers may always be explained away as an illusion.<sup>18</sup> The opposition is always going to end up as appearance versus reality, with only one possible winner. It is worth noting, however, that if one is going to discount free will as having any possibility of some kind of veridicality when unsupported by an objective counterpart, then there is the question of where such a move will end. If the issue is that subjectivity alone is insufficient as a justification, then all subjective experiences equally fall, as none of them would remain standing as an account of how things really are in a complete, objective, account of the universe. But this, as has been argued, is simply to deny that there are

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<sup>15</sup> There is a large and controversial literature connected to this kind of claim, in particular, (Nagel: 1974) and (Jackson: 1982). I make no attempt here to settle the argument, but rather claim only that free will, and an understanding of it, should be a part of the argument.

<sup>16</sup> (Proust, 1989, p. 48).

<sup>17</sup> Indeed there is a perhaps surprising relative paucity of literature on the phenomenology of free will. However, some recent examples are, (Horgan and Timmons: 2011); (Mueller: 2010); (Bayne, 2006). Bayne says, ‘...a small but growing literature on the content and causes of the phenomenology of first-person agency is beginning to emerge.’ (Bayne: 2006, p. 169).

<sup>18</sup> And why not on this view? One already has a complete explanation of the universe without allowing for free will. What this forgets is that there is the little matter of there being subjects, of being a subject. Is that an illusion too?

subjects at all – a bold and tricky step if you are one. The argument here avoids this mistake by not starting down that road at all, and it does this by contending that the objective account is question-begging and necessarily so in ruling out as it does the conditions that make sense of free will at all, namely that there are subjects. Without this move in the argument, the phenomenology of free will just becomes a one-sided battle between what we strongly feel is true and what is shown objectively to be true. With this move, an account of what free will is can be based on the phenomenology of free will.

## 8.

As a beginning, in the tentative steps towards a phenomenological understanding of free will, a certain structural feature is worth pointing out. Acts of free choice are poorly understood if we take them in isolation. They are best understood in context. To judge whether an act is freely chosen is to see it as fitting into the overall pattern of a person's life, and related to other acts. One may promise oneself that one will one day climb a certain mountain. It may take many years before the opportunity to do so arises, and without knowing about the context of the decision, it may even seem a bizarre, unhinged and irrational thing to want to do, and thus by some accounts an unfree act, especially if it involves a risk to one's life, as by some considerations one is perhaps now too old to attempt it. So there needs to be subtlety and depth in the understanding involved in whether an act is freely chosen or not. But this is, in fact, just the kind of talk, forming perhaps an unwitting analysis, that people engage in everyday life. No special training is required to think fruitfully about these things any more than a native speaker of a language needs special training to make himself understood.

What has been in the background, as the basis of the conception of free will here, is what might be called the *hand-of-choice paradigm*. While considering what is said about this, it would help if the reader made the effort to think what it is like when he or she acts freely, to look at it from *his or her* point of view as a subject. Imagine the following. One is in a CD shop and choosing a recording of Mahler's 3<sup>rd</sup> Symphony. One puts out one's hand and could from what is in front of one pick up and buy this or that version of Mahler's 3<sup>rd</sup> Symphony – Bernstein's or Haitink's. One's hand is hovering over the two CD cases. What makes it a free choice, and what we all understand it phenomenologically to be like when such a choice is made, is the presence in one's thought that one may change one's mind and choose differently right up to the very last moment. One does not have to have a reason, let alone have it be rationally justified, for the act to be one of free will; one may choose against reason,<sup>19</sup> just to show that one can; to show that at the last moment one can choose what one likes. The experienced quality of doing this is the essence of free will.

It should be noted, to clear away a possible misunderstanding, that there is no allusion here to the act being counter-causal. In fact, it may be noted that in the account there is no reference to causality at all, nor need there be one.

Consider another example, in this case where one decides one is going, in the next minute, to touch either one's nose or one's ear just for the sake of it; one's hand hovers

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<sup>19</sup> To respond that this means one simply has another reason would render the connection between free will and reason an empty tautology.

around one's face; at the last instant one chooses one or the other.<sup>20</sup> Talking of acts, free or otherwise, being determined by the dictates of reason seems utterly irrelevant here – reason has nothing to do with it, as there is no rational justification available as to why one acted one way rather than the other, as one literally chooses for no good reason. Moreover, it might be said there is no good reason available as the act is utterly pointless. Yet, it is palpably a free act, and definitively and overwhelmingly feels that way to us. Indeed, it is how it feels, or how it is experienced, that in most cases identifies the act as free. An account based on a lack of constraint fails to do justice to what occurs in either the case of choosing the CD or touching the nose or ear – as both possible outcomes are equally unconstrained and the lack of constraint cannot distinguish one choice as free as opposed to the other one – what matters here to make the act free is something else: simply that we choose one rather than the other. The choice may also be utterly unpredictable, until the moment of choice, even to oneself, let alone to others. This is part of its phenomenology. But it is not the unpredictability that makes the act a free one; some free acts are predictable, some are not, in the sense of one's chance of getting it right about what someone will do. Again, the key to identifying free will is the phenomenology.

Freedom, and what we value in it, is the *capacity* to be utterly *capricious*, whether we exercise it or not. It is not capricious actions themselves that mark out actions as free, but our capacity always to be capricious in any of our actions. The potential is always there, whether we use it or not. To understand capriciousness one has to understand what it involves from the stance of the subject, and the experienced phenomenon associated with its occurrence – anything else will not do. It introduces into one's life – the life of a subject as it is lived – a kind of unregimented raw spontaneity, without which life would be terribly dull indeed, indeed it would be barely tolerable. An unaccountableness. We need not always exercise it. We may often do what is predictable, habitual, and perfectly in accord with the rational choice; these acts may be free too, because we know that something else stands beside them, namely the other choice we could have made if we had wanted to. Without this capacity for caprice, we would not really be persons – there would not be subjects at all.

We have no good reason for thinking that we do not have free will unless for the same reason we are prepared to deny that there are - that we are - subjects, while as subjects we have good reason for thinking that we do have free will. Few would or could deny as subjects that there are subjects, nor should they. Therefore, we have good reason for thinking that we have free will and no reason, or a reason we can accept only at a huge and implausible cost, for thinking that we do not have free will.

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<sup>20</sup> Although this is contentious, I think there is an experience of going through the process of choosing to act right up to the point of the action itself, but then having it not occur. The act itself is negated at the last moment or is persistently held back. It's an odd feeling. Think about raising your arm – will your arm to rise, but then don't do it. It's hard to present an argument that such a phenomenon exists; one can only suggest that one sits quietly and tries it and sees what happens and what one experiences when one introspects under these circumstances. (Bayne: 2006 p. 177 note 6) commenting on (Zhn: 2004), appears to support the idea of willing and failing to act as described above.

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