

## THE RELEVANCE OF LIBERTARIAN FREEDOM

NOA LATHAM

*Department of Philosophy,  
Rutgers University,  
Davison Hall,  
26 Nichol Avenue,  
NEW BRUNSWICK, NJ 08901  
USA*

*nlatham@rci.rutgers.edu*

*In this paper I undertake to characterise the popular libertarian notion of freedom. I argue that it is most obviously threatened by a combination of two theses, materialism and the determinacy of physics. It might be saved by denying just materialism, but materialism is highly plausible if physics is deterministic. It cannot be saved by denying just the determinacy of physics. It might be saved by denying both materialism and the determinacy of physics, but materialism is not made much less plausible if physics is indeterministic. Then I consider the implications of accepting that libertarian freedom is an illusion. I argue that it would be a mistake to think that it entails fatalism, and that it would be a mistake to think that it undermines all forms of moral responsibility. But it plays an important role in undermining the view that punishments and rewards can be given purely backward-looking justifications in terms of retribution and desert. Such a view applies to individual acts, institutions and emotions.*

### 1. LIBERTARIAN FREEDOM

A free agent is capable both of freely moving her body around, which I shall call free action, and of freely making decisions, including decisions to move her body, which I shall call free

will. Free action thus involves free will. But as free will would be severely diminished in interest without the capacity for acting freely, I shall mostly focus on the notion of free action.

What is it to act freely? As a first shot we might suggest that to say that an action of mine was free means that it was up to me, or that I could have done otherwise. But each of these suggestions is interpretable in many ways, as is the notion of acting freely, so we are not much further on. We can narrow this down to a very popular idea, known as the libertarian conception of freedom, by refining the suggestion that one could have done otherwise in the following way. To say that my action of asking for a tuna salad sandwich for lunch was free is to say that prior to doing so, say while I was standing in line, it was true of me then that I could ask for tuna when my turn came and that I could do something else – ask for chicken, perhaps – when my turn came. And this must hold for any prior moment, before I've made up my mind and after, since we would not think I was acting freely if I wasn't free to change my mind about what to do when the time came to act. To put this schematically, I do action *A* freely at time *t* if and only if in the circumstances that existed at any time prior to *t* I could do *A* at *t* and I could refrain from doing *A* at *t*. There are still tricky questions to be answered about what is meant by saying that I could do *A* at *t*. But according to the libertarian conception of freedom, saying that I could do *A* at *t* and that I could refrain from doing *A* at *t* at least requires that it is not inevitable that I will do *A* at *t*. This offers a necessary condition for freedom though not a sufficient one. That is, it is necessary for an act to be free in the libertarian sense that it is not inevitable prior to its performance. But merely saying that an act is not inevitable prior to its performance does not mean that it is free, as we shall see later. (References simply to 'freedom', 'free' etc. should be un-

derstood in the libertarian sense, until the final section on compatibilism and incompatibilism.)

## 2. DETERMINISM

With this notion of freedom in mind, one might be inclined to think that there are obviously a lot of free acts, and that we are free agents. At least one might if one has not thought about determinism. What I shall call determinism, but would more accurately be called determinism applied to the physical world, is the view that every physical state of affairs in the world is made inevitable by some previous physical state of affairs and a deterministic physical law.<sup>1</sup> A deterministic law is just one which says that a state of affairs of a certain type is *inevitably* followed a certain time later by a state of affairs of some specified other type. Thus if determinism is true, the physical state of my body and the region surrounding it at any time prior to  $t$ , together with the laws of physics, make it inevitable what physical state my body will be in at  $t$ . So obviously determinism is incompatible with free action.<sup>2</sup>

Why would anyone believe in determinism? Most likely, by believing two things that together entail determinism. The first is materialism – the view that everything in the world, minds included, is just an arrangement of matter. The second is the view that the laws of physics are deterministic, from which I take it to

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<sup>1</sup> Physical laws and states should be understood in this paper as those described in the vocabulary of an ultimate true microphysical theory.

<sup>2</sup> Strictly speaking, determinism should be described as the view that every state of affairs in the world, physical or nonphysical, is made inevitable by some previous state of affairs and a deterministic law. But the weaker view that I am calling determinism is harder to dispute and is sufficient to rule out free actions.

follow that every physical state *not subject to nonphysical influences* is made inevitable by some previous physical state and the laws of physics.<sup>3</sup> If materialism is true, it follows that there are no non-physical influences on the world. And if in addition the laws of physics are deterministic, then every physical state is made inevitable by some previous physical state and the laws of physics – which is what I have been calling determinism. So if there is to be libertarian freedom, then materialism or the determinacy of the laws of physics or both must be false.

### 3. SUBSTANCE DUALISM

Let us first suppose that the laws of physics are deterministic, and look at the prospects for denying materialism on this supposition. According to materialism, the body movements resulting from our decisions to act would be determined by previous physical states of the brain and its surroundings. But according to the alternative to materialism most accommodating to libertarianism, substance dualism (which I'll refer to simply as dualism from now on), mental substances, or minds, are not a part of the physical world. And this would allow for the possibility that body movements could occur as a result of the free decisions of these non-

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<sup>3</sup> The conception of physical laws used here is that which applies to those parts of the physical world that are not under the influence of anything nonphysical, e.g. the sun, though perhaps not our brains. The alternative conception of physical laws would require them to apply without qualification to all of the physical world, essentially ruling out the possibility that matter could be influenced by non-physical things. But it would be a radical revision of our concept of physics to say that if the best explanation of physical body movements turned out to essentially require some mental terms such as willing, these terms would have to be incorporated into the vocabulary of fundamental physics.

physical minds, without being determined by prior physical states. So under libertarian dualism, our decisions to act would usually result in the occurrence of body movements in the physical world that would not have happened anyway if nothing but the physical laws had been in operation, i.e. they would involve overriding, or violating as I shall say, the physical laws.<sup>4</sup> For if there were no violations then materialism would allow all physical events in the world to be explained by way of deterministic physical laws without need of mental substances.

Descartes, the most important early exponent of dualism, apparently rejected the view that dualism required violations of physical law, perhaps because he thought it would show an imperfection in God to allow humans to violate physical laws that are derivable (he thought) from God's immutable nature. Instead he tried to explain the efficacy of decision as the mind's changing the direction of some subtle motion in the pineal gland without violating a conservation law.<sup>5</sup> Descartes did not think there was a law of conservation of linear momentum. Yet he must have thought that bodies don't change direction of motion for no reason, even if he hadn't seen how such a law could be derived from God's immutability. So he should have realised that changing the direction of motion would be violating a law of physics, and he should have realised that without violations of the laws of physics, the mind would have no effect on the body.

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<sup>4</sup> I say 'usually' first because there can be cases of paralysis in which a decision to act does not result in any body movement, and second, because by coincidence one might decide to do something which would have happened anyway if the physical laws had been operating alone, e.g. blinking.

<sup>5</sup> This view is not found anywhere in Descartes's writings, but it is attributed to him by Leibniz (1875-90) section 80, pp. 620-621, who shared many of Descartes's correspondents.

Many difficulties have been raised for dualism which we cannot address here. But the two that in combination are perhaps most relevant for libertarianism are first the fact that it is a far more complex view of the world than materialism, as it requires nonphysical things and fundamental laws or principles governing their evolution and relations to physical things,<sup>6</sup> and so is inherently less plausible, and second the fact that there is no evidence for it. We would have evidence for it if apparent violations of physical law were found and their appearance was appropriately correlated with human action. But as we have no convincing evidence of any apparent violations occurring in the brain or anywhere else when people act and we have increasingly good understanding of brain processes accompanying action, dualist libertarianism grows increasingly implausible. One might think that undetected violations could be occurring on a very small scale. But the brain is a relatively macroscopic object, as it would have to be to function effectively given the amount of “noise” present – random bombardment from outside the body by particles and radiation. So undetected violations cannot be occurring on too microscopic a scale if they are to have a significant effect on the mind. Given these dismal prospects for libertarian dualism if the laws of physics are deterministic, let us turn now to the possibility that libertarian freedom can be saved on a materialistic view by denying the determinacy of physical laws.

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<sup>6</sup> I offer an account of dualism in both its libertarian and non-libertarian forms, illustrating the kind of complexity it involves in Latham (1999).

#### 4. THE INDETERMINACY OF PHYSICS

Until the twentieth century scientists and ordinary people all believed the laws of physics to be deterministic. It is a view that many take to be straightforward common sense. Why is that? Think of the law of gravity. You are probably familiar with problems in which you are asked to calculate the time and place at which a ball hits the ground after it's been propelled into the air at a certain angle with a certain velocity. Given these initial conditions and the law of gravity, the place of the ball at a future moment is inevitable, and something you will be able to calculate (ignoring certain other factors such as air resistance). Such laws are discovered as a result of repeated observations of bodies falling to the ground, and once discovered they can be used to make precise predictions. But we do not need the physicist to tell us that the fall of bodies is governed by deterministic laws. Experience is enough to convince us that a body dropped from a certain height above the ground will inevitably reach the ground a certain time later, and although we may not be able to say exactly when it will reach the ground, we will doubtless think it inevitable that it reached the ground when it did, and that every time it is dropped from that height it will take the same time to reach the ground. Now we may be less confident, based on our experience alone, that other laws of physics are deterministic. But what limited experience we do have still tells in favour of this. Our experience with magnets and household uses of electricity, for example, will incline us to think that laws governing electricity and magnetism are deterministic. And although there may be some aspects of matter that are yet to be observed, as all our observations have suggested that the laws of physics are deterministic, it seems quite plausible to believe this is the case, especially if physicists assure us that they have found it to be so.

That is how things seemed until the beginning of the twentieth century. But as a result of studying subatomic phenomena, many physicists have come to believe that the fundamental laws of physics are not fully deterministic. Instead of deterministic laws saying that a state of some sort  $F$  will be followed a given time later by a state of some other sort  $G$  with complete certainty, it is now thought that there are indeterministic laws saying that the state of sort  $G$  (and states of other sorts) will follow with some precise objective probability perhaps less than certainty. Such an indeterministic view of the laws of physics is embodied in what is known as Quantum Theory. This may seem to remove the threat to freedom because when I act, the laws of physics and previous conditions are now no longer regarded as making it inevitable what I'll do. But such a reprieve is illusory. The indeterminacy of physics should come as no great joy to someone who would like to believe in freedom. Here's why.

The central problem with the idea that the indeterminacy of physics allows for freedom is that it replaces determinacy with randomness, which if anything seems to take us further from the kind of control that libertarians think we have over our actions. Imagine a robot which has been programmed to move across the floor and steer itself around objects by moving to its right whenever it bumps into some obstacle. We wouldn't think that it freely moves to the right, since its programme has made it inevitable that it will do so. But now suppose this deterministic programme is replaced by an indeterministic one such that whenever it bumps into an obstacle a randomising device (like the toss of a coin) is activated giving it a 50% chance of moving to the left and a 50% chance of moving to the right. Now when the robot bumps into an object and moves to the right are we any more inclined to think that it has done so freely? Surely not. At the outset we noted that lack of inevitability was necessary but not sufficient for libertarian freedom. Now we have seen why lack of inevitability

tarian freedom. Now we have seen why lack of inevitability isn't sufficient for it. If lack of inevitability is achieved by mere randomness, this doesn't guarantee freedom.

But perhaps it will be thought that the right kind of randomness does guarantee freedom. For example, one might think that our intuition that the robot is unfree stems from its simplicity, and that people are much more complex than such robots. But the intuition that randomness detracts from control rather than adds to it doesn't seem to have anything to do with complexity. We are unlikely to think that if we make our robot much more complex by building in a lot more indeterministic circuits we can eventually give it free will. It seems that under indeterminism, robots and people would be the passive recipients of random motion, rather than the active initiators of motion that we take free agents to be.

Others attempting to get freedom out of the right kind of randomness would admit that it is natural to think that randomness in our "programmes" would give rise to behaviour resembling twitches and convulsions, not free choices. But following Wiggins (1978), they would say that randomness *needn't* give rise to such unintelligible behaviour. There have been some recent suggestions along these lines for making sense of libertarianism within a materialistic framework as a view in which random physical events can ground libertarian freedom so long as they occur at suitable points in the deliberation process. For example, Daniel Dennett has discussed the point at which reasons relevant to the action occur or fail to occur to the agent (Dennett (1978), p. 51). Robert Nozick suggests, but explicitly declines to pursue, the idea that a physical indeterminacy is located at the point at which different reasons are weighted (Nozick (1981), p. 104). And Robert Kane locates the indeterminacy in the amount of effort one makes in struggling to do what one considers best when there are

powerful countervailing inclinations (Kane (1989), p. 129). These are admittedly places where replacing physical determinacy by randomness in the form of physical indeterminacies might seem less likely to reduce control. But it is hard to see how moving from determinacy to randomness would *gain* the agent control, no matter where the randomness occurs. (I shall be offering a further thought in support of this later.)

## 5. INDETERMINACY AND DUALISM

At this point it should seem clear that freedom is not saved if it turns out that a materialistic universe is governed not by fully deterministic laws, but by laws with a certain random element. It seems that an agent has to stand outside the physical world in order to freely choose what physical state is to appear next. Perhaps, then, physical indeterminacy can save freedom by saving dualism. The thought here is that a central difficulty we saw for dualism was that we have found no signs of the violations of physical laws that would have to occur if free decisions within non-physical substances had some effect upon a deterministic physical world. But if the physical world is not after all governed by deterministic laws, then mental substances could affect the physical world without violating physical laws. For if the physical laws and physical state of affairs do not determine what physical state of affairs is to come next, but instead assign objective probabilities of occurring to a range of possible states of affairs, then perhaps what happens is that mental substances play an active role, affecting the physical world by selecting which among the physically possible states of affairs is to occur next. Perhaps then dualism is true and decisions within mental substances affect the physical world whenever we act, fully in accordance with the physical laws. As we would have no way of distinguishing the product of such

decisions from physical events with a purely physical cause, examining what happens at the microscopic physical level when we act will not therefore tell us anything about the truth of dualism.

One problem with this suggestion is that the most widely accepted kind of physical indeterminacy turns out not to be significantly different from full determinacy when it comes to human action. According to currently accepted views of Quantum Theory, the types of situation in which the probabilities featuring in indeterministic laws differ significantly from the certainty of deterministic laws are those of radioactive decay and atomic excitation – electrons hopping from one orbit to the next. But there is very little scope for radioactive decay in the brain, and electrons moving to different orbits take place at such a microscopic scale that their effects are likely to be cancelled out at the relatively macroscopic scale of neural events in the brain, so that it becomes virtually certain when the various neurons in the brain will fire. Thus when the options from which a mind is to select the next physical state consist of patterns of neural firings that would trigger different actions, all but one of these options will have a vanishingly small probability of occurrence. But now if the exercise of libertarian freedom involves selecting a state from among the physical options, it must involve sometimes selecting an option that has an extremely low probability according to the indeterministic laws and the previous state of affairs. For it would be an extraordinary unexplained coincidence if minds, given their concerns, were always to select the physically most probable option. This reopens the possibility of detecting the influence of libertarian choice upon the physical world, not as violations of physical laws but as the making happen of extremely improbable events.<sup>7</sup>

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<sup>7</sup> Plausible indeterministic physical theories of this world will not leave all future logical possibilities open. For example, some conser-

And returning to our current knowledge of what happens in the brain when people act, there is no more sign of extremely improbable events occurring at the microscopic level as there is of outright violations of physical law. So we are still left with the conclusion that dualism suffers from lack of evidence, though we should now say that it is from lack of evidence of extremely improbable events. Again, libertarians might respond that we cannot expect to detect such microscopic evidence. But again, our increasing success in understanding the neurophysiology of action without invoking these extremely improbable quantum effects, and the much greater complexity of dualism, provide a strong presumption against the idea that such unobserved microscopic peculiarities are occurring every time people act.

Further problems for this suggestion arise from our earlier argument that a libertarian decision to act must be neither determined nor accorded an objective probability by prior physical conditions. The argument is essentially unaltered if for prior physical conditions we substitute prior mental conditions, such as the person's reasons for acting. For if a person's action is determined or made objectively probable by her reasons for and against the action, she would be thought no more free than if her act is determined or made objectively probable by prior physical conditions. What makes the person act on a libertarian view must stand outside the agent's reasons as well as outside the physical world. What many have said here is that it is the agent that causes her actions. But it is notoriously hard to make sense of how there can be causation by agents in addition to causation by prior con-

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vention laws will be likely. So violations of physical laws by a mental substance will still be possible if physics is indeterministic. The point is that influences from mental substances needn't involve violations of physical law.

ditions and events, and how an agent can act for reasons without those reasons serving as a cause of the action. On this view reasons must prompt or recommend the action without determining it, or without according it any objective probability, as we should now say. But it is mysterious what this could be. Furthermore, libertarians will still want to make sense of probability judgements concerning the likelihood that an agent will make a certain free decision, given his reasons, e.g. in such assertions as 'it's unlikely that Clinton will resign'. Since these cannot be construed as statements of objective probabilities, some alternative account must be provided of them, and it's hard to see what this could be.

## 6. FREEDOM AN ILLUSION

At this stage it looks as though we should look seriously at the possibility that freedom is an illusion. What consequences would this have? What changes, if any, *should* occur in a person, i.e. would occur in a rational person, who comes to believe freedom is an illusion? And what difference, if any, would this belief *in fact* make to the way we live?

Let's begin by considering how one's actions should be affected by a belief in determinism. It is sometimes thought that if one believed in determinism it would not be practically rational to make any effort at all – "How well I will do on the exam is inevitable whether I study for it or not, so I shall not bother to get out of bed." The belief expressed here that what will happen in the future will happen no matter what intermediary events occur is commonly known as fatalism. But it would be a mistake to think that it follows from determinism. (I shall stick to this use of the word "fatalism" though it can also be used for the view that every state of affairs is fated to occur by the previous one, which just is determinism.) The determinist believes that a future state of af-

fairs is determined through its previous stages. An agent has certain desires which can be part of the causal process that leads to the satisfaction of those desires. It would be mistaken theoretical reasoning to infer that because determinism is true your efforts to influence future events will be futile, since making an effort to achieve your goals would play a part in a causal process that might lead to their realisation, whereas a decision to give up trying to achieve your goals would play a part in a causal process that would probably lead to their non-realisation. Of course if determinism is true, and learning of this you become a fatalist and stay in bed, it is determined that you will make this inference and act on it. But the fact that it would be determined doesn't make your inference a sound exercise of theoretical reason. If determinism is true, your mistakes in mathematical reasoning will all have been determined, but that doesn't make them any more theoretically reasonable. Likewise with the mistake of thinking determinism entails fatalism. So belief in determinism shouldn't lead people to stop making an effort. Actions retain their means-end practical rationality if determinism is true. And the same would hold if there is a small random element in nature so that determinism is only approximately true. Hence the same would hold if freedom is an illusion.

But wouldn't determinism at least undermine responsibility for actions, thereby rendering it unjust to punish and reward people for their actions? I'd like to begin by considering this question in a theological setting. If determinism is true it would make divine punishments and rewards after someone's life is over completely unjustifiable. If it is inevitable before a person is even born whether she will lead a life of virtue or of vice, it would seem absurd and unjust for a supreme being to reward the virtuous and punish the vicious after their lives are over. And it would seem equally absurd and unjust if a person's actions are not completely

inevitable before birth, but are partly contingent on the toss of a coin. This provides the further reason promised earlier for thinking that randomness, no matter how well placed, cannot save libertarianism on a materialist view. It is essential to the idea of libertarian freedom that it would allow divine punishments and rewards on Judgement Day to be justified. But this coin-tossing alternative to full determinacy clearly would not. In this argument I've been assuming that the punishment or reward is unobserved by others and does not effect changes in the person's character during an afterworldy life, so that it has no consequences which could lead to its being justified. (A theist believing in divine post mortem punishments and rewards thus has strong grounds for wishing that libertarian freedom is not illusory.)

Consider now humanly (or divinely) inflicted punishments for vice and rewards for virtue during someone's life. Would these be absurd and unjust, assuming that what the recipient did was inevitable or random, and so unfree? As we are now considering the case in which punishments and rewards have consequences, they need no longer be pointless and so absurd. For what determines, or accords a degree of objective probability to, a person's future behaviour is earlier circumstances, and if part of those circumstances are a punishment then this may produce different future behaviour from what would have arisen without that punishment. So if we want to influence someone's future behaviour, it is not pointless to attempt to do so by means of punishments and rewards, even if freedom is an illusion. It's rather similar to the case of training animals. We do think that their behaviour is determined by circumstances and that they are therefore not free agents. But this doesn't make it futile to try to mould their behaviour using carrots and sticks. So if we were to think of humans as also unfree, this should not make us think it futile and absurd to go on punishing and rewarding them. And we can now see that

the possibility of changing someone's behaviour by means of a punishment or reward opens up a respect in which a punishment or reward can be regarded as just, namely when it is an acceptable means to a good end.

Seeing that whether or not we believe in freedom should not make such an enormous difference to our lives, we might now be beginning to wonder whether it should make any difference at all. The justification for punishments and rewards that we have been considering so far is consequentialist in the sense that it goes beyond the immediate suffering or joy of the person's experience of the punishment or reward and invokes the supposed good that will come from it. Other consequentialist considerations have been offered as justifications for punishment, such as preventing the individual from further harming society, deterring others from similar behaviour, compensating the victim, and satisfying people's desires for revenge. Similar considerations have been offered justifying rewards, such as providing incentives for the rewarded person and others to produce more of the same kind of behaviour. And it should not be forgotten that some have offered nonconsequentialist justifications based on the person's status, e.g race, gender, or appearance.

## **7. RETRIBUTION AND DESERT**

Now some people think that there are reasons for punishment and reward that rely on purely backward-looking considerations and hence have nothing to do with their consequences. That is, it is sometimes thought that a punishment should be inflicted simply as retribution for what the person did, regardless of the consequences of the punishment. And it is sometimes thought that someone should receive a reward, such as a high income or a low tax rate, simply because it is deserved, irrespec-

tive of whether the reward has any further consequences beyond the recipient's enjoyment of it. And in many cases it is thought that a punishment or reward is justified by a combination of these purely backward-looking considerations and other considerations.

Those who believe in retributive justifications for punishment view it as an important moral truth that there is something intrinsically good about punishing vice and rewarding virtue. It is at least clear that for many people this is a deeply entrenched belief. Others claim that retribution has no justification under any circumstances. But without adjudicating this dispute in general, we can at least see that the belief that it is intrinsically good to punish vice and reward virtue loses all its plausibility if there is no libertarian freedom. One reason for this is that those who hold this belief recognise that exceptions have to be made in particular cases in which the behaviour is unfree because it is determined or partly random, such as with addictions or the behaviour of young children, suggesting that they recognise that the belief should disappear entirely in anyone who thinks that all behaviour is unfree because it is determined or partly random. Another reason is apparent from our reflection on the absurdity and injustice, if freedom is an illusion, of a supreme being delivering different post mortem punishments and rewards to different individuals. It would be equally absurd for a supreme being to punish and reward individuals differently while they are alive if this is not done as a means to future benefits. And this point extends to the cases of punishments and rewards inflicted by governments, institutions, and individual people. An important example of a governmental scheme of punishment and reward is taxation. Those who earn more than average as a result of some combination of factors such as heredity, a good upbringing, helpful social conditions, good choices and hard work might be thought more deserving of their higher salary than others making less who have comparably

good heredity, upbringing and social circumstances, but who make poorer choices or don't work as hard. Such a purely backward-looking argument might be weighed alongside consequentialist and other arguments in trying to decide upon the best taxation scheme, but it loses any credibility it might have if freedom is an illusion.

Thus if people were to believe firmly that freedom is an illusion, they should engage in individual acts of punishment and reward and arrange their institutions of punishment and reward without regard to considerations of retribution and desert. This is not to say that the belief that freedom is an illusion equally undermines the very widespread view that it is intrinsically bad to punish the innocent. Such a view could be thought to have a justification based on libertarianism—that the innocent do not deserve to be punished. But this is not the only justification it could have. For example, it might be thought that it is intrinsically bad to punish the innocent when this involves using them as a means to the good of others.

It is not only actions of punishing and rewarding for which reasons based on retribution and desert are undermined if freedom is an illusion, but also the lesser acts of blame and praise, and beliefs that something is worthy of praise or blame which are manifest in emotions such as guilt, pride, resentment and indignation. Such beliefs closely resemble what Peter Strawson termed reactive attitudes, perhaps best interpreted as beliefs based on an expectation that people will display goodwill towards others (Strawson (1962), p. 71). Strawson was right in arguing that reactive attitudes and the feelings based on them are not necessarily rationally undermined by a belief in determinism. We may think of such feelings as pleasures and pains caused by the belief that some act is praiseworthy or blameworthy, and one can certainly think an act is praiseworthy (or displays goodwill towards others)

without thinking it the product of free will. But this conceals the fact that there are more specific kinds of these feelings, or components of such feelings, consisting of pleasures and pains caused in part specifically by the belief that some act is done from free will. This is how Spinoza defined the emotion of repentance, arguing that it makes a difference to one's life whether one experiences such emotions, and that their elimination contributes to a better and more enlightened life (Spinoza (1985) *Ethics* Definition of the Emotions XXVII). Thus it appears that ideas of retribution and desert are quite pervasive in the moral life of those who believe in them.

It does not follow from what has been said that whether one believes in freedom *should* make a difference as to whether one believes in retribution and desert. That is because, as mentioned earlier, retribution and desert may be unjustifiable under any circumstances. Libertarians have often been charged with failure to offer a substantial account of how their notion of freedom could justify retribution and desert. But this has had very little tendency to actually undermine people's beliefs in retribution and desert. Such beliefs are much more likely to be weakened by arguments against libertarianism, since it is hard to deny that retribution and desert require libertarianism.

Even then, someone who becomes theoretically convinced that freedom is an illusion and that it is required for retribution and desert may still behave as though she believed in retribution and desert. The belief that we are free agents is so deeply entrenched and seems so natural that when trying to make up our minds what to do, or confronted suddenly with another's actions, we are apt to react as though we believed these acts were free. Perhaps an extended training could eradicate this natural conditioning. But one could expect a person newly convinced that freedom is an illusion to have to deal with residual reactions in

conflict with this conviction, not so different from the residual emotions one experiences after abandoning some moral precept that was inculcated in one's childhood, or when a rattlesnake lunges at us from behind a glass wall one knows to be completely solid. When it comes to institutions, however, we are able to decide calmly and unhurriedly how they are to be structured, so that it is likely that a belief that freedom is an illusion will produce a rational choice that avoids considerations of retribution and desert.

## 8. COMPATIBILISM AND INCOMPATIBILISM

In arguing that libertarian freedom has this significance, I do not wish to imply that I am taking sides in the debate between compatibilists and incompatibilists. The label 'compatibilism' has traditionally been used to refer to the view that freedom is compatible with determinism, and correspondingly with 'incompatibilism'. But these labels are somewhat misleading since the disagreement between compatibilists and incompatibilists is not a disagreement about whether a certain conception of freedom is compatible with determinism. For any given conception of freedom there is unlikely to be any disagreement about whether it is compatible with determinism. Rather, the disagreement is over which conception of freedom is actually used, or which conception is important.

Here's what an extreme compatibilist may say: "We use words such as 'free' in a way that is compatible with determinism. Libertarian freedom is incoherent and irrelevant to judgements of responsibility. The relevant notion of freedom is tied to ordinary judgements of responsibility. We say someone is free when responsible, but we do not attribute responsibility in certain situations, and these should be situations in which we wouldn't attrib-

ute freedom either." A popular idea here is that freedom consists in absence of constraint, physical or psychological. That is, an action of yours is free if and only if there is no physical constraint, such as some force pushing against you, and no psychological constraint, such as an addiction, post-hypnotic suggestion, or coercion (e.g. a gun pointed to your head) making it hard for you to do otherwise. Freedom defined as absence of constraint will provide a spectrum—actions will be free to varying extents (as well, perhaps, as completely free or unfree) and this will match the idea that one can act with diminished responsibility. Many compatibilists are engaged in the project of refining definitions such as these and arguing for their usefulness.

An extreme incompatibilist may say that certain important aspects of our actions and emotions do rest on the assumption that our actions are free in the libertarian sense, and that the compatibilist has failed to deliver an alternative notion of freedom that captures ordinary intuitions about what acts are free in a principled, nonarbitrary, way.

I have argued that this extreme compatibilist position is wrong. We do make use of a libertarian notion of free will that has important implications even if the notion is in fact incoherent. But I also think the extreme incompatibilist position is wrong although I shall not argue for this here. I think there are probably several useful and coherent compatibilist notions of freedom, or at least of responsibility, that correspond roughly to ordinary uses of the terms, even if they have yet to be precisely articulated. In law they are especially important, e.g. with judgements of diminished responsibility. It is best to acknowledge that both incompatibilist and compatibilist notions of freedom have their place.

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