

# Deliberative Libertarianism<sup>\*</sup>

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## ABSTRACT

Libertarian theories of free will maintain that the freedom of will is incompatible with determinism, and that the involvement of indeterminacy can somehow lead to genuine free actions, in the sense that an agent has a choice about what to do, is able to do other than what she actually does, and is the ultimate source of her responsible actions.<sup>1</sup> Philosophers disagree on where the indeterminism required for libertarian free agency is located in the processes leading to an agent's practical decision and rational action. Deliberative indeterminism or libertarianism holds that the required indeterminism should take place relatively early in the process of deliberation<sup>2</sup>, prior to the momentary mental act of decision-making that terminates a deliberation.<sup>3</sup> Ironically, the idea of deliberative libertarianism has been proposed and developed mainly by some non-libertarians, most notably by Daniel Dennett and Alfred Mele<sup>4</sup>, and is opposed by some libertarians.<sup>5</sup> The

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<sup>1</sup> See Kane 1996 and Clarke 2003 for recent reviews of libertarian accounts of free will.

<sup>2</sup> The terms “deliberative indeterminism” and “deliberative libertarianism” are adopted from Clarke 2002 and 2003 respectively.

<sup>3</sup> See Mele 2003, ch. 9 for an articulation and defense of the idea that to decide to do something is to perform a momentary mental action of forming an intention to do it, which terminates the agent's practical deliberation.

<sup>4</sup> Dennett is a well-known compatibilist, and Mele is a self-claimed agnostic about the truth of compatibilism.

<sup>5</sup> Robert Kane, a leading contemporary libertarian, once proposed a richer account of deliberative libertarianism than Dennett's in his *Free Will and Values* (1985), which contains many valuable germinal ideas to be developed in this paper. However, it seems that Kane tries to distance himself from this position lately by declaring that he believes that the idea of deliberative libertarianism is only a part but «not adequate in itself even for an account of free practical choice» (Kane 1996, pp. 162 and 236) and that he has never unqualifiedly endorsed it (2002, p. 25). In his recent *A*

aim of this paper is to develop and defend deliberative libertarianism. Section 1 describes the basic idea of deliberative libertarianism. Section 2 surveys some major objections directed against it. I defend deliberative libertarianism in Section 3 after refining the psychological model of deliberation and decision-making proposed by this brand of indeterminism, and conclude with some suggestions for libertarianism in general in Section 4.

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## 1. DELIBERATIVE LIBERTARIAN ACCOUNTS

A persistent charge against libertarianism is that, even if determinism is false, the involvement of indeterminacy, which implicates randomness, chanciness and arbitrariness, can still hardly secure a condition for rational, responsible free action. Any positive libertarian theory of free will is faced with the challenge to provide an intelligible, coherent and plausible account on how a certain kind of indeterminism can be freedom-enhancing, rather than freedom-diminishing, in the production of an agent's rational and responsible action. The idea of deliberative libertarianism has hence been proposed and recommended to libertarians to cope with this challenge.

### 1.1. DENNETT

In "On Giving Libertarians What They Say They Want" (Dennett 1978), Dennett suggests that it may be possible to install indeterminism at the microscopic level in the internal causal chains that affect human behavior at the macroscopic level while preserving the intelligibility of practical deliberation that libertarians require (Dennett 1978, pp. 290-292), and that the required indeterminism should be placed «at some earlier point, prior to the ultimate decision or formation of intention» (Dennett 1978, pp. 292-293). Dennett goes on to propose the following "realistic model of decision-making":

When someone is faced with an important decision, something in him generates a variety of more or less relevant considerations bearing on the decision. Some of these considerations, we may suppose, are determined to be generated, but others may be non-deterministically generated. For instance,

*Contemporary Introduction to Free Will* (2005), while surveying Dennett's and Mele's views under the section title "Deliberation and Causal Indeterminism" (pp. 64-65), Kane does not mention his own early work on this topic.

Jones, who is finishing her dissertation on Aristotle and the practical syllogism, must decide within a week whether to accept the assistant professorship at the University of Chicago, or the assistant professorship at Swarthmore. She considers the difference in salaries, the probable quality of the students, the quality of her colleagues, the teaching load, the location of the schools, and so forth. Let us suppose that considerations A, B, C, D, E, and F occur to her and that those are the only considerations that occur to her, and that on the basis of those, she decides to accept the job at Swarthmore. [...] Let us suppose though, that after sealing her fate with a phone call, consideration G occurs to her, and she says to herself: “If only G had occurred to me before, I would certainly have chosen the University of Chicago instead, but G didn’t occur to me”. Now it just might be the case that *exactly* which considerations occur to one in such circumstances is to some degree strictly undetermined. (Dennett 1978, pp. 293-294, *emphasis in original*)

The major feature of this model, according to Dennett, is this:

When we are faced with an important decision, a consideration-generator whose output is to some degree undetermined produces a series of considerations, some of which may of course be immediately rejected as irrelevant by the agent (consciously or unconsciously). Those considerations that are selected by the agent as having a more than negligible bearing on the decision then figure in a reasoning process, and if the agent is in the main reasonable, those considerations ultimately serve as predictors and explicators of the agent’s final decision. (Dennett 1978, p. 295)

Dennett’s model of deliberative decision-making, accordingly, consists of two essential units: one is the consideration-generator whose functioning is sometimes undetermined; the other is the evaluating/selecting unit whose output is a decision or intention. The required indeterminism is embodied in the former, rather than in the latter. To appreciate the significance of the latter unit for our rational free agency, Dennett invites us to consider an analogy drawn on the following remarks of the poet, Paul Valéry:

«It takes two to invent anything. The one makes up combinations; the other one chooses, recognizes what he wishes and what is important to him in the mass of the things which the former has imparted to him. What we call genius is much less the work of the first one than the readiness of the second one to grasp the value of what has been laid before him and to choose it». (quoted in Dennett 1978, p. 293)

Consequently, the brand of libertarianism Dennett has recommended is also called “Valerian libertarianism” in the literature of free will (e.g., Bernstein 1989 and Double 1991).

## 1.2. MELE

In order to meet what libertarians want from indeterminism and to resolve some of the important problems they face, Mele suggests that

it might be worth exploring the possibility of combining a compatibilist conception of the later parts of a process issuing in full-blown, deliberative, intentional action with an incompatibilist conception of the earlier parts. (Mele 1995, p. 212)

Mele proposes what he labels “modest indeterminism”, according to which only some doxastic states or events are causally undetermined in deliberation:

Some of [an agent’s] beliefs will “come to mind”, as we might say, and play a role in deliberation; other will not. But it is not causally determined which of these beliefs will come to mind and which will stay on the sidelines. Once a belief enters into the deliberative process, that “entering” event can play a role in the causal determination of subsequent mental events. Causally undetermined events can play a role in causally determining later events. (Mele 1995, p. 214)

What an agent judges best, we may suppose, is contingent upon which beliefs in a particular subset of his nonoccurrent beliefs “come to mind”. And if the agent is an ideally self-controlled agent, then if he does make a decisive best judgment, he will consequently intend to act in accordance with the judgment.

The most notable feature of the model of deliberation based on doxastic indeterminism of the kind sketched, according to Mele, is that it does not diminish an agent’s *proximal control* over her thoughts and actions, which is by stipulation compatible with the truth of determinism, and her responsibility as well, to any significant extent *in comparison with* attractive compatibilist accounts of free agency and moral responsibility based on determinism:

[N]otice that we are not always in (proximal) control of which of our beliefs come to mind anyway, even if determinism is true. Assuming determinism, everything that happens on this front is causally determined, but the causal story often does not place the agent in the driver’s seat. So, other things being equal, if responsibility for one’s judgments is compatible with determinism, it is compatible, as well, with a modest indeterminism of the sort at issue. Plainly,

which of our nonoccurrent beliefs come to mind can influence the outcome of our deliberation. An internal indeterminism that, as it happens, does not render us any less in proximal control of what occurs in this sphere than we are if determinism is true does not bring with it any direct impediment to responsibility for one's judgments that is not to be found on the assumption that our world is deterministic.

This last point merits emphasis. One way to emphasize its significance is to make it a defining condition on the subset of one's beliefs that are subject at a time to indeterminism of the sort at issue that they are beliefs whose coming or not coming to mind is not something that one would control even if determinism were true. The agent who is subject to indeterminism in this sphere is not – simply on that account – worse off with respect to actual proximal control over his psychological and overt behavior than he would be at a deterministic world. (Mele 1995, pp. 215-216)

Moreover, this sort of internal indeterminism has the potential to supply what libertarians most want for free agency and moral responsibility. First, in being indeterministic, it seems to be sufficient to block the worry voiced in the consequence argument – the strongest argument for incompatibilism.<sup>6</sup>

It allows for an agent's having more than one physically possible future and for its being true, on some incompatibilist readings of "could have done otherwise", that an agent could have judged, intended, and acted otherwise than as he did. (Mele 1995, p. 216)

Second, Mele suggests that

the doxastic indeterminism at issue is an agent-*internal* indeterminism: it provides for an agent's having more than one physically possible future in a way that turns, essentially, on what goes on in him. (Mele, 1995, pp. 216-217, *emphasis in original*)

Mele goes on to argue that this sort of indeterminism can provide the grounds to secure the conditions for an agent's *ultimate control* over her choices and actions, which should not be fully subject to the causal determination of something external to the agent (e.g., the state of the world prior to the agent's birth together with the laws of nature). The notion of ultimate control, which is incompatible with determinism, preserves the crucial understanding that the origin or source of our free choices and actions is *in us* and not in anyone or anything else over which we have no control.

<sup>6</sup> See Van Inwagen 1983.

Both Dennett and Mele refuse to install indeterminism at other points of deliberation or at the exact moment of decision-making or even later. Dennett writes: «If there is to be a crucial undetermined nexus, it had better be prior to the final assessment of the considerations on the stage» (Dennett 1978, p. 295). For Mele, it is essential that except for certain doxastic mental states or events coming to mind indeterministically (which may emerge at any moment during deliberation), the rest of deliberation (the assessment of various courses of action and the formation of the best judgment), the formation or acquisition of the corresponding intention to act, and the agent's intentional acting accordingly, all proceed deterministically. And this is why the involvement of indeterminacy will not diminish an agent's

proximal control over how he deliberates in light of the beliefs that do enter his deliberation. He may have considerable proximal control over how carefully he deliberates in light of these beliefs, over whether he deliberates in ways that violates his deliberative principles, and so on. (Mele 1995, p. 215).

According to the austere deliberative libertarian accounts advocated by Dennett and by Mele, the indeterminism required for an intelligible, plausible and coherent libertarianism works only in supplying input to an agent's deliberation.

## 2. OBJECTIONS TO DELIBERATIVE LIBERTARIANISM

This section surveys some major objections to deliberative libertarianism raised by a number of philosophers, including Randolph Clarke, Richard Double, Laura Waddell Ekstrom<sup>7</sup> and John Martin Fischer.<sup>8</sup>

### 2.1. THE ARGUMENT FROM LUCK

The problem of luck has become a main focus in recent debates about free will and moral responsibility, concerning both libertarian and compatibilist

<sup>7</sup> Ekstrom's view (2000) has been taken as a version of deliberative libertarianism (Clarke 2003, ch. 4). But as Mark Balaguer points out (2004, pp. 403-404), this interpretation is a mistake, which is partly due to Ekstrom's confusing and misleading terminology such as 'preference'. Balaguer reports that in private correspondence, Ekstrom has endorsed the non-Valerian libertarian interpretation of her view.

<sup>8</sup> Fischer (1995) presents and recommends a version of deliberative libertarianism as one that may satisfy libertarians in some respects.

accounts.<sup>9</sup> Ekstrom argues that deliberative libertarianism is not immune to this problem:

[I]n my view, [Dennett and Mele] locate the indeterminism in the wrong place. Specifically, the views are too weak, in virtue of the indeterminism location, to secure agential freedom. On these views, free agents are subject to luck in what thoughts come into their minds as they are deliberating about what to do. But once the thoughts occur and the last of them has occurred during deliberation, there is a deterministic causal connection between the particular pattern of beliefs that has happened to occur and the subsequent decision outcome. But this is problematic. For I might be a free agent, on Dennett's or Mele's account, while being a victim, with regard to that I judge best and that I consequently intend and do, of what thoughts happen to occur to me at the time. Granted, there are "forks in the road" of some sort on this picture of free agency (alternate physically possible futures). But it is not up to me, the free agent, which one I take. Which one I take is decided by which considerations happen to come to mind, where this is indeterministically caused by some previous events. On both Dennett's and Mele's views, once a certain pattern of considerations has happened to occur to the agent, a particular action may follow of physical necessity and yet count as free. Since neither of the views includes an account of the nature of the self, they leave unanswered the question of why an act that is the causally necessary outcome of whatever considerations have happened to occur is plausibly claimed to be originated by the agent. (Ekstrom 2000, p. 137)

The objection from luck will be answered in section 3. Here I want to point out that Ekstrom's charge that both Dennett's and Mele's views lack "an account of the nature of the self" seems unfair. Even if the coming of certain considerations or beliefs to mind is a matter of mere happenings, over which an agent has no control, how the agent assesses, evaluates these considerations and reaches to the best judgment can nevertheless reflect the values, principles, preferences, capacities and habits that the agent possesses. Given the same pattern of considerations, different agents may well make different judgments and decisions, and the difference can hardly be accounted for without appealing to certain aspects of an agent's self. As Mele remarks,

an agent's psychological condition (a combination of states and events) can be a central part of what causes his judging that it would be best to A, in a scenario in which the occurrence of a certain causally undetermined 'coming-to-mind'

<sup>9</sup> See Mele 2006 and Pereboom 2001.

event just prior to the judging would have resulted in a different deliberative outcome. (Mele 1995, p. 217).

## 2.2. THE ARGUMENT FROM ACTIVE DIFFERENCE-MAKING

Clarke observes that a common belief about the freedom of will – one held by compatibilists and incompatibilists alike – is that in acting freely, agents make a difference to how things go by exercises of active control:

The difference is made, on this common conception, *in the performance of a directly free action itself*, not in the occurrence of some event prior to the action, even if that prior event is an agent-involving occurrence causation of the action by which importantly connects the agent, as a person, to her action. On a libertarian understanding of this difference-making, some things that happen had a chance of not happening, and some things that do not happen had a chance of happening, and in performing directly free actions, agents make the difference. If an agent is, *in the very performance of a free action*, to make a difference in this libertarian way, then that action itself must not be causally determined by its immediate antecedents. In order to secure this libertarian variety of difference-making, an account must locate openness and freedom-level active control in the same event – the free action itself – rather than separate these two as do deliberative libertarian views. (Clarke 2003, p. 64, *emphasis in original*)

Deliberative libertarian accounts, Clarke argues, fail to supply this sort of difference-making. Dennett and Mele require that the coming to mind of certain beliefs, «which are not themselves actions», be undetermined, and allow «that these undetermined events, together with a nonactive reasoning process and its nonactive output (the making of an evaluative judgment), causally determine the decision» (Clarke 2003, p. 62).<sup>10</sup> On these views,

[A]gent might be said to make a difference between what happens but might not have and what does not happen but might have, but such a difference is made *in the occurrence of something nonactive or unfree* prior to the action that is said to be free, not in the performance of the allegedly free action itself. Failure to secure *for directly free actions* this libertarian variety of difference-making constitutes a fundamental inadequacy of deliberative libertarian accounts of free action. (Clarke 2003, p. 64, *emphasis in original*)

<sup>10</sup> It seems better to use ‘nonactional’ to replace the term ‘nonactive’ in this quotation, for the latter may (wrongly) imply that the agent is passive in regard to her deliberation and decision-making.



### 2.3. THE ARGUMENT FROM DUAL RATIONALITY AND CONTROL

According to a general libertarian understanding of the condition of “could have done otherwise” or “alternative possibilities for action”, when an agent acts freely, she must possess the capacity or power to act more than one way *deliberately* and *rationally*, rather than arbitrarily, capriciously, or irrationally, given exactly the same prior circumstances. This requirement is crucially different from and much stronger than what compatibilists usually demand – that the agent could have done otherwise *if* she had made another decision or choice. Whereas compatibilists interpret the power to do otherwise as a “one-way” hypothetical ability to choose otherwise than what the agent actually does, libertarians must impute to free agents a “two-way” or dual ability to choose otherwise, *in a categorical sense*. And for libertarians, this dual, categorical ability to choose or act otherwise must be exercised in a noncapricious and rational way (see Kane 1985 and 1996, ch. 7; Double 1991, ch. 1). Libertarians seem to

be committed to the idea that free agents not only control which choices they actually make, but counterfactually *would* control alternative choices *had* they manifested their categorical ability to choose otherwise. (Double 1991, p. 15, *emphasis in original*)

In addition, as with dual control, when an agent makes a free choice, it should have been rational for her to have chosen another option under precisely the conditions that actually obtain.<sup>11</sup>

Double argues that deliberative libertarian accounts fail to “capture the spirit of the conditions of categorical ability to choose otherwise, dual control, or dual rationality, since it does not locate the indeterminacy where the libertarians want it, viz., at the final choice”:

To see this, compare Dennett’s and standard compatibilist accounts. The latter hold that agents are free to decide otherwise, provided they would decide otherwise if they are so inclined. As we have already seen, the libertarians think that this hypothetical freedom is a sham. Now, Dennett’s Valerian view holds that we do enjoy a categorical freedom to decide otherwise, since the appearance of some considerations on which we base our choices is literally indeterministic – that is, there are other physically possible worlds in which our

<sup>11</sup> Kane lately prefers the expression “plural rationality” to “dual rationality,” and comes to see plural rationality as but one aspect of a more general “problem of plurality” for all libertarian accounts of freedom (Kane 1996, ch. 7).

decisions would have been different. But this sort of categorical freedom, no less than the hypothetical freedom provided by the compatibilist's account, is too weak to satisfy the libertarian. [...] Libertarians want the freedom to decide either way, given the conditions that in fact obtain. So, although Dennett's view does an admirable job at producing one-way rationality – an unsurprising fact given that Dennett is a compatibilist – it fails to provide dual rationality, and it fails to produce the sort of indeterminacy that libertarians want. (Double 1991, pp. 200-201)

#### 2.4. INDETERMINACY AND THE PROBLEM OF GENUINE CONTROL

A motivation for deliberative libertarianism is to solve the problem of agential control under the condition of indeterminism. Mele argues that the modest indeterminism he posits – internal, doxastic indeterminacy – is no worse than compatibilism in respect to proximal control, even if determinism is true. In addition, Mele suggests that installing indeterminacy in this way can preserve the crucial libertarian belief in alternative possibilities or freedom to choose and do otherwise. Fischer, in his insightful assessment of Mele's libertarian account, finds these claims puzzling:

How can adding arbitrariness of the sort envisaged – the lack of determination of the beliefs that come to mind during deliberation – to a causally deterministic process yield genuine control? A libertarian of course will contend that an *entirely* deterministic process does not contain genuine control by the relevant agent. How, then, can installing the sort of indeterminacy envisaged – indeterminacy as to which belief states will come to the agent's mind – transform the sequence from one of lack of control to one containing control? This smacks of alchemy. [...] If an agent has genuine control in the sense of possessing alternative possibilities, he can make it the case that one path is followed, or another path is followed, *in accordance with that he judges best and chooses*. He can deliberately pursue one course of action, or deliberately pursue another; what path the world takes (at least in certain respects) is “up to him”. In contrast, when it is merely possible that something different have occurred, the path the world takes need not depend in the relevant way on the agent. In a genuinely random event, presumably there are various metaphysically open possibilities; but by definition no agent has control over what happens. (Fischer 1999, pp. 140-141, *emphasis in original*)

Fischer contends that, «whereas it may well be possible that Mele's libertarian agent do something different from what he actually does, it is not clear that he has genuine control over what he does». Given that the sequence of doxastic

states is not entirely determined by prior states of the agent, it is not clear that what the agent judges best and then does is genuinely up to him (Fischer 1999, p. 141).

Furthermore, Fischer argues that the deliberative libertarian account Mele advocates appears even worse than compatibilism in certain respects:

[T]he compatibilist will point out that, even though the agent does not directly control what belief-states come to mind (in the sense of choosing them or willing them), they are envisaged as strongly connected to the agent's prior states to the extent that they are a *deterministic product* of those past states. Under determinism, one's prior states – desires, beliefs, values, general dispositions – *determine* the precise content and ordering of the subsequent doxastic states (that constitute deliberation), even if the agent does not directly control what doxastic states he will be in (and thus is not in the “driver's seat”, in this sense). (Fischer 1999, p. 141, *emphasis in original*)

A similar objection is also raised by Clarke:

It could be that, whenever one of us set out to make up her mind about which of several alternatives to pursue, all and only the most important and relevant considerations, or all and only those of this type that she had time to consider, would come promptly to mind, and these considerations would then figure rationally and efficiently in producing an evaluative judgment. In a deterministic world in which our deliberations always ran in this ideal fashion, we would exercise a valuable type of nonactive proximal control in deliberating. If chance at a later stage of deliberation would diminish proximal control, then chance of the sort required by Mele's view would seem to diminish this nonactive proximal control[...], anything that was found desirable in the independence secured by an account requiring chance here would have to be weighed against the loss of control in comparison with this deterministic ideal. (Clark 2003, pp. 68-69)

So far I have collected four major objections found in recent literature directed against deliberative libertarianism.<sup>12</sup> I shall reply to all these objections in the next section.

<sup>12</sup> There are some other worries against deliberative libertarianism. For instance, Kane suggests that selection from among chance-generated considerations «could not provide an account of moral or prudential choice», for «if responsibility is to be captured, then choosing morally or prudentially rather than from weakness of will could not merely be a matter of chance-generated alternatives» (Kane 1996, p. 162). Ishtiyaque Haji points out that whereas Mele's deliberative libertarian account «does make room for agent's having more than one physically possible future and for its being true that the agent could have judged, intended, and acted otherwise than she did», «such indeterminacy

### 3. DEFENDING DELIBERATIVE LIBERTARIANISM

Before replying to the objections to deliberative libertarianism presented in section 2, I need to develop and refine the psychological model of deliberation and decision-making employed by this sort of indeterminism in several important aspects. The essence of the developments and refinements is to give

agents a more active role in practical deliberation by way of efforts of will through which the agents might exercise greater control over the deliberative process – without eliminating the creative role of chance-selected considerations. (Kane 1996, p. 164).

#### 3.1. TOWARD A REALISTIC MODEL OF DELIBERATION AND DECISION-MAKING

First, I suggest that the over-simplified, over-idealized indeterministic model of deliberation that has been implicitly assumed by most opponents of deliberative libertarianism should be abandoned. According to this simplistic model, the process of deliberation is in essence a linear, “one-shot” procedure: *after* all the considerations or beliefs, some of them are indeterministically caused, have come to mind as input to deliberation, all available alternatives are assessed and compared, and then a decisive best judgment falls out as the outcome of deliberation; *period*. Though this abstract model may be ideal for logical analysis of rational decision-making, it is a far cry from the reality of human psychology, leaving out many essential elements of an agent’s efforts and control in deliberation. To see this, let us consider how a person is typically engaged in the process of deliberation. In the first round of deliberation, a set of considerations  $C_1$  may come to the mind of the agent as input to deliberation; after all relevant options have been assessed and compared, a (tentative) best judgment  $B_1$  falls out as a result. But the agent may deem that  $B_1$  is unacceptable or unsatisfactory, or he may want to find an even better solution to the practical problem he is faced. He can readily embark on another round of the deliberative procedure: has another set of beliefs and considerations  $C_2$  come to mind, and reach to another best judgment  $B_2$  as a

does little to persuade us that the agent ensures that she has more than one physically possible future, etc.» (Haji 2001, p. 186). Since these worries have not been fully articulated, and I do not think they can amount to serious challenges to deliberative libertarianism, especially with regard to the refined psychological model of deliberation to be developed here, I will not attempt to silence them in this paper.

result. And the operation of this procedure can continue until a final decisive best judgment  $B$  is selected from among  $\{B_1, B_2, \dots, B_n\}$ . As Mele remarks:

The relevant indeterminism also applies, of course, to which nonoccurrent beliefs, in a certain subset of such beliefs, do or do not come to mind while deliberation is in progress. And even when an agent is on the verge of reaching a decisive better judgment, the (undetermined) coming to mind of a belief might prompt reservations that lead to reconsideration. So, in a scenario of the imagined kind, what an agent decisively judges best can be causally open as long as deliberation continues. Further, as long as deliberation is in progress it can be causally open when that deliberation will end, for it can be causally open whether a belief will come to mind and prolong deliberation. (Mele 1995, p. 217)

Or, as Robert Kane points out:

Viewed in this way, ordinary practical reasoning or deliberation [...] is more like the trial-and-error processes of ‘thought experimentation’ that are characteristic of scientific discovery and creative problem-solving. The reasoner must consider various presuppositions and consequences of proposed lines of action, which usually involves the use of imagination to construct probable scenarios exemplifying those presuppositions and consequences. [...] As with instances of creative problem-solving, there are no fixed rules about what to consider, when one has considered enough consequences, and so on. (Kane 1996, p. 159)

A realistic human psychological model of deliberation is certainly much more dynamic, sophisticated and subtle than the abstract reasoning from  $C=(C_1 \cup C_2 \cup \dots \cup C_n)$  to  $B$ .<sup>13</sup>

Second, I think that the passivity of the coming to mind of certain considerations or beliefs in one’s deliberation has been over-stated in the discussions of deliberative libertarianism. An agent is not always a helpless victim in regard to which subset of her nonoccurrent beliefs coming to her mind in deliberation. Consider Jones, the young philosopher in Dennett’s example, who needs to make a choice between the positions offered by the University of Chicago and Swarthmore College. In her deliberation, it may occur to her that it is worthwhile to consult someone who has had first-hand

<sup>13</sup> Mele 1995, pp. 230-235 provides a nice case about the course of deliberation in which “intellectually sophisticated, self-reflective, self-assessing agents who seriously and responsibly tackle their decision problem”.

personal experience with these institutions. Then she may perform a search in her memory in order to find out whom she may want to consult. Her recalling and searching for the particular items from her memory seem more like her (mental) actions, something that she actively, intentionally performs or brings about, rather than things that she merely undergoes or just happen to her.

In a recent article, Galen Strawson argues that in a fundamental respect, reason, thought and judgment neither are nor can be a matter of intentional action. «[M]ost of our thoughts – our thought-contents – *just happen*» (Strawson 2003, p. 228). But Strawson still allows an agent's mental acts to play a *prefatory, catalytic* role in thought:

For what actually happens, when one wants to think about some issue or work something out? If the issue is a difficult one, then there may well be a distinct, and distinctive, phenomenon of setting one's mind at the problem, and this phenomenon, I think, may well be a matter of action. It may involve rapidly and silently imaging key words or sentences to oneself, rehearsing inferential transitions, refreshing images of a scene, and these acts of priming, which may be regularly repeated once things are under way, are likely to be fully fledged actions.

What else is there, in the way of action? Well, sometimes one has to shepherd or dragoon one's wandering mind back to the previous thought-content in order for the train of thought to be restarted or continued, and this too may be a matter of action. We talk of concerted thought, and this concertion, which is again a catalytic matter, may be (but need not be) a matter of action: it may involve tremendous effort and focused concentration of will. Sometimes thoughts about the answer to a question come so fast that they have to be as if they were stopped and piled and then taken up and gone through one by one; and this, again, can be a matter of action. Sometimes one has a clear sense that there is a relevant consideration that is not in play, although one doesn't know what it is. One initiates a kind of actively receptive blanking of the mind in order to give any missing elements a chance to arise. This too can be a matter of action, a curious weighted intentional holding open of the field of thought. (Strawson 2003, pp. 231-232)

Strawson's account of the prefatory, catalytic role of some mental acts in bringing certain thought-contents into mind makes good sense for deliberative indeterminism. An agent's performing of such mental acts of priming, attending, imaging and so on, which may well embody the agent's skills, habits and capacities of thinking and problem-solving, can make certain beliefs more or less likely to come to mind or consciousness in deliberation, though this

event is not entirely causally determined. This is quite in harmony with the spirit of Leibniz's familiar dictum "reasons may incline without necessitating": a person's skills and efforts in deliberation can positively, though not deterministically, influence the coming to mind of certain considerations.

Third, it is important to notice that once an agent is engaged in deliberation, it is up to the agent to decide when to terminate his deliberation, unless the process is interrupted from within or without. The purpose of deliberation is to find the best or a satisfactory solution to the practical problem that the agent is faced. But any deliberation is resource-consuming in terms of time, memory and cognitive capacity. In deliberation, a rational, resource-limited agent must consider whether to continue the deliberative process, that is, to have more beliefs and considerations come to mind and to make relevant assessments, in order to make more accurate assessments and find a better solution, or to terminate the process with the best available solution that has already found, in order to save the cost of deliberation. An experienced decision-maker would know that the temporal duration and mental effort devoted to deliberation do not guarantee the quality of decision-making. On the other hand, from the point of view of the deliberating agent, it seems sometimes quite uncertain whether or not that he has already selected the best solution for the practical problem at issue: perhaps just a little more effort, an all-round best solution will fall out. So an agent in deliberation may need to make hard choice under uncertain condition more often than usually conceived. It is thus up to him to decide when to terminate the deliberation, and thereby to make a practical decision on what to do. This mental event can be aptly viewed as a second-order decision: decide whether to terminate a deliberation. And this is something that a responsible agent must actively perform, rather than passively let happen to him.

I have attempted to improve and refine the psychological model of deliberation and decision-making in several aspects<sup>14</sup>, which allows an agent to be engaged in the iterative processing of deliberation before making final decisions, to play an active role in bringing nonoccurrent beliefs into deliberative consideration, and to actively decide when to terminate a deliberation. We shall see below how these improvements enable us to response to the major objections directed to deliberative libertarianism.

<sup>14</sup> See Kane 1996, ch. 9 for suggestions and accounts of indeterminate efforts of will at other points in the deliberative process, which give agents a more active role in practical deliberation.

### 3.2. REPLIES TO THE OBJECTIONS

#### THE ARGUMENT FROM LUCK

I shall not attempt to tackle the vexed problem of moral luck<sup>15</sup>, but only to show that the sort of indeterminacy introduced by deliberative libertarianism will not diminish an agent's control over his thoughts and decisions in comparison to that any qualified compatibilist account can offer. As noted earlier, deliberative libertarianism does not leave out "an account of the nature of the self" in an agent's practical deliberation and decision-making. First, the beliefs or considerations that come to an agent's mind in deliberation, including those caused indeterministically, are not generated from nowhere. They are what the agent has already collected and processed and still possesses. Second, the agent can make efforts, positively but not deterministically, to bring certain beliefs or considerations to come into deliberation. Third, the agent's assessments and evaluations of these considerations reflect the values, principles, preferences, and habits of the agent. Fourth, it is up to the agent to make the decision whether to terminate a deliberation with the best judgment already reached or to continue to search for a better option.

Nevertheless, despite his efforts, an agent may be still under the mercy of luck in regard to which beliefs coming to his mind. For instance, after the crucial beliefs and considerations coming to mind (indeterministically), Paul readily makes the best practical judgment and hence the best decision D; but Paul\*, who is under the same prior conditions and shares with Paul the same set of values, preferences, and mental capacities, fails to reach the best decision D simply because the crucial beliefs and knowledge needed to reach the judgment have not come to his mind, in spite of his efforts. The difference between Paul's and Paul\*'s decisions is solely due to their different luck. So indeed deliberative libertarianism is not entirely immune to the problem of luck. But as Mele has noted, «we are not always in (proximal) control of which of our beliefs come to mind anyway, even if determinism is true» (Mele 1995, p. 215). A psychologically plausible and realistic compatibilist account of human deliberation should not assume that in a deterministic world all relevant and important beliefs will consequently come to the agent's mind because everything entering into the agent's deliberation is deterministically caused. We can be forgetful about certain important information we already acquired,

<sup>15</sup> See Nelkin 2004 for a helpful review.



and we may even suffer from the frustrating phenomenon of tip-of-the-tongue, the feeling of knowing something that cannot be immediately recalled (see Brown 1991; Brown 2000 for reviews). Both deterministic and indeterministic account of human deliberation should leave room for such lucky events (for better or for worse) to occur. And there seems not point to assume that the sort of indeterminism introduced by deliberative libertarianism will render an agent worse off in terms of luck and control in this regard. So the problem of luck poses no special threat to deliberative libertarian accounts of free agency.

#### THE ARGUMENT FROM ACTIVE DIFFERENCE-MAKING

Clarke argues that in acting freely, agents can make a difference to how things go by exercising active control, «*in the performance of a directly free action itself*, not in the occurrence of some event prior to the action» (Clarke 2003, p. 64), and that deliberative libertarian accounts fail to supply this sort of difference-making. But as we have seen in the refined model of deliberation and decision-making developed above, an agent must decide when to terminate a deliberation, and this decision may well make a difference to how the agent will act consequently: if the agent decides to have more beliefs and considerations come to mind, in order to find a better alternative, she can readily do so, and this possibility is open to her. So the agent might be said to make a difference between what happens but might not have and what does not happen but might have, by directly exercising a mental act of deciding on whether to terminate her ongoing deliberation. Deciding is a mental act by nature, something that an agent actively performs rather than passively happens to her.<sup>16</sup> Therefore it follows that Clarke's attack against deliberative libertarianism in this regard is untenable.

Both Dennett and Mele insist that, in the model of deliberation adopted by deliberative libertarians, except for some considerations' coming-to-mind being caused indeterministically, all other stages of deliberation must be causally determined. So it seems obvious that, in accordance with their views, the very mental event of deciding to terminate a deliberation should also be deterministic. I would rather leave this question open, for it seems that a variety of libertarian views, including non-causal, agent-causal, and event-causal

<sup>16</sup> See McCall 1987; McCann 1998, ch. 8; Mele 2003, ch. 9 for arguments for the thesis that deciding is a mental action.

accounts other than deliberative libertarianism, can also make sense of this special second-order decision as a free mental act which terminates a deliberation.

#### THE ARGUMENT FROM DUAL-RATIONALITY AND CONTROL

Richard Double argues that deliberative libertarianism does not qualify as an attractive libertarian account of free agency because it fails to «capture the spirit of the conditions of categorical ability to choose otherwise, dual control, or dual rationality» (Double 1991, p. 200), by which an agent can act more than one way deliberately and rationally, given exactly the same prior circumstances. And this is what a qualified libertarian account can offer whereas compatibilism cannot.

Double's charge, however, is largely misplaced. The alleged categorical ability to choose otherwise need not be exercised in every free action. According to one of the most compelling, intelligible and plausible libertarian accounts of free will which honor this sort of ability, namely, Kane's event-causal account, the exercise of this categorical ability usually implicates dual or plural conditions in terms of competing, conflicting or incommensurable motives, practical reasons, or values:

Exercise of free will [...] typically involve incommensurable alternatives and incommensurable reason sets in one manner or another. In moral cases, the incommensurable reason sets are motives of duty versus self-interest; in prudential cases, desires for long-term goals versus present satisfactions; in cases of efforts sustaining purposes, desires to perform tasks or fulfill goals versus fears, inhibitions, aversions, and other countervailing inclinations. ... in practical deliberation also, agents are torn between competing and not easily comparable reasons for choosing between alternatives [...] The sets of reasons favoring each of the alternatives [...], the "incommensurable reason sets", comprise different and competing visions of what the agent wants to do or become. (Kane 1996, p. 167)

Notice that deliberative libertarian accounts have not incorporated plurality conditions into the psychological model of deliberation and decision-making: it has been presumed that all alternatives under deliberation can be accurately compared with each other and ranked accordingly. Whether this is a necessary simplification or unrealistic idealization, it would be question-begging to criticize deliberative libertarian accounts not being able to offer the categorical ability to choose otherwise typically exercised under the conditions of plurality.

Notwithstanding its failure to «capture the spirit of the conditions of categorical ability to choose otherwise, dual control, or dual rationality» (Double 1991, p. 200), deliberative libertarianism can still offer something that compatibilism cannot, and stand as an intelligible and plausible variant of libertarianism well worth wanting for its own right.

#### INDETERMINACY AND THE PROBLEM OF GENUINE CONTROL

Libertarians typically argue that in a deterministic world agents lack genuine control over their choices and actions. Fischer asks:

How can adding arbitrariness of the sort envisaged [by deliberative libertarianism] – the lack of determination of the beliefs that come to mind during deliberation – to a causally deterministic process yield genuine control? [...] How, then, can installing the sort of indeterminacy envisaged – indeterminacy as to which belief states will come to the agent’s mind – transform the sequence from one of lack of control to one containing control? (Fischer 1999, p. 140)

The reasoning that motivates Fischer’s worry is this: since the envisaged agent lacks control over the events of (some) beliefs’ indeterministic coming-to-mind during deliberation given that indeterminacy implies arbitrariness, deliberative libertarianism cannot do any better in securing genuine agential control than compatibilism. Indeed, according to the psychological model of deliberation and decision-making posited by deliberative libertarian accounts, the agent does not have the capacity to directly control *which* of her beliefs to be indeterministically prompted to come to her mind, but, as the refined model developed in this article has suggested, she can always decide and control whether to have *more* beliefs, some of them to be prompted indeterministically, come to her mind for deliberation. And this may have bearing on her final practical decision. Since it is up to the agent to decide when to terminate an ongoing deliberation, it is thus up to her and under her control whether to have more beliefs and considerations come to mind in order to envisage more alternatives and to make better assessments of the options. As some of the beliefs and considerations are indeterministically prompted, this sort of indeterminacy can thus constitute in the agent’s certain kind of genuine control over her choices and actions which is precluded in a deterministic world.

Moreover, deliberative libertarianism helps to secure a sense of ultimacy that libertarians concern, namely the crucial understanding that the origin or source of our free, responsible choices and actions is in us and not in anyone or anything else over which we have no control. As noted earlier, Mele's notion of "ultimate control", by which an agent's performing a free action in the sense of ultimacy is not sufficiently caused solely by conditions external to the agent, is incompatible with determinism.

Transformation of a deterministic actional process from one of lack of ultimate control to one containing such control by installation of the sort of internal indeterminacy that Mele recommends, should, consequently, not smack of alchemy. (Haji 2001, p. 183)

Fischer and Clarke both argue that the indeterminacy introduced by deliberative libertarianism seems to diminish an agent's control over her thought and deliberation in a certain way:

Under determinism, one's prior states – desires, beliefs, values, general dispositions – determine the precise content and ordering of the subsequent doxastic states (that constitute deliberation), even if the agent does not directly control what doxastic states he will be in. (Fischer 1999, p. 141)

This helps to build a strong connection between one's prior psychological states and the deliberating process. And,

in a deterministic world in which our deliberations always ran in this ideal fashion, we would exercise a valuable type of nonactive proximal control in deliberating. If chance at a later stage of deliberation would diminish proximal control, then chance of the sort required by Mele's view would seem to diminish this nonactive proximal control. (Clarke 2003, p. 69)

However, it is questionable whether it is *always* desirable and valuable for an agent to enjoy a strong, deterministic connection between her prior psychological states and "the precise content and ordering of the subsequent doxastic states" *in deliberating*. The purpose of deliberation is to figure out an optimal solution to the practical problem an agent is faced. This is sometimes a creative problem-solving task. The invoking of indeterminacy at certain points in this process may help to envisage new, novel ideas and alternatives that are not directly and strongly connected with one's prior psychological states. Furthermore, the whole process of deliberation is nevertheless under the agent's control: the agent can decide whether to allow more beliefs and

considerations come to mind and when to terminate a deliberation. So the working of indeterminacy is directed by the agent's purposeful executive guidance. And its effect can amount to practical decisions and actions only in accordance with the agent's overall psychological constitution.

Human creativity typically involves the generation of new ideas or concepts, or new associations between existing ideas or concepts, and results in producing or bringing about something novel, in imagining new possibilities not conceived before, and in seeing and doing things in a manner different from what was thought possible or normal previously. Creativity is not merely associated with the inspirations of geniuses in arts and sciences. It is also manifested in our ordinary daily lives, though in much less degrees of originality, ingenuity and significance. Thomas Edison once remarked that "to have a great idea, have a lot of them". The eminent chemist Linus Pauling echoed that "the way to get good ideas is to get lots of ideas and throw the bad ones away". It has been suggested that divergent thinking, which involves breaking away from what has been thought possible and normal, and flexible, novel generation of alternative solutions to a set problem, is a crucial element of creativity (Guilford 1967 and McCrae 1987). It is thus tempting to speculate that indeterminism may play a positive role in human creativity in general, and deliberative problem-solving in particular.<sup>17</sup>

Kane helpfully introduces the term "Taoist efforts" to characterize how agents "can willfully put themselves in a frame of mind that is *receptive* to new chance-selected considerations":

Practical deliberators, like creative problem-solvers, do not have to wait for chance-selected considerations to occur in a manner that is completely uncontrolled and unbidden. When engaging in reflection about what to do, they can make efforts to relax their minds, freely associating and opening themselves to new thoughts and images that may well up from the unconscious. I call efforts of these kinds "Taoist efforts" because they are efforts to temporarily relinquish conscious control over thought process in order to be receptive to new considerations that may come to mind – that is, efforts-not-to-make-an-effort to control one's thoughts. Doors are thereby opened in deliberation that can free the mind from present commitments and ways of thinking. (Kane 1996, p. 165)

<sup>17</sup> Kane (1996, pp. 159-160) has offered some interesting and inspiring discussions on the relation between indeterminism, practical deliberation and creative problem-solving.

At the price of sometimes relinquishing total rational control of the conscious mind, as Kane suggests, there is room for indeterminism in the process of practical reasoning to enhance freedom and creativity: «This indeterminism make possible ‘new beginnings’ in practical deliberation that cannot be determined by reason, but can be used by it» (Kane 1996, p. 165).

#### 4. CONCLUSION

In this paper, after developing and refining the psychological model of deliberation and decision-making employed by deliberative indeterminism in several crucial aspects, which allows an agent to be engaged in the iterative processing of deliberation before making a final decision, to exert some positive influence in bringing her nonoccurrent beliefs into deliberative consideration, and to actively decide when to terminate a deliberation, I have shown that the four major arguments directed against deliberative libertarianism are all untenable. Deliberative libertarianism survives these attacks as an intelligible, coherent and plausible libertarian account of free will that is worth being taken seriously.

Libertarians need to appeal to indeterminism to account for free agency. A principal challenge to this is that indeterminism, which implicates randomness, chanciness and arbitrariness, seems to undermine, rather than enhance, conditions for rational, responsible free actions. Deliberative libertarianism suggests a way to cope with this challenge: whereas an agent generally lacks control over *how* an indeterministic event happens, she can nevertheless control *when* to let a certain kind of indeterministic event to occur, *whether* to invoke more events of the sort, and *whether* to take into account the effects of these events. Moreover, as deliberative libertarianism has illustrated, indeterminism need not necessarily be “a *hindrance* or *obstacle* to our purposes that must be overcome by effort”, as some libertarians grant (e.g., Kane 1999, p. 237, *emphasis in original*). Indeterminacy can nevertheless work as a positive and constructive ingredient that consists in human freedom, creativity and dignity.

## REFERENCES

- Balaguer, M. (2004). A Coherent, Naturalistic, and Plausible Formulation of Libertarian Free Will. *Noûs*, 38(3), 379-406.
- Bernstein, M. (1989). Review of Robert Kane, *Free Will and Values*. *Noûs*, 23(4), 557-559.
- Brown, A. (1991). A review of the tip of the tongue phenomenon. *Psychological Bulletin*, 109(2), 204-223.
- Brown, S. R. (2000). Tip-of-the-tongue phenomena: An introductory phenomenological analysis. *Consciousness and Cognition*, 9(4), 516-537.
- Buckareff, A. (2005). How (not) to think about mental action. *Philosophical Explorations*, 8(1), 83-89.
- Clarke, R. (2002). Libertarian views: Critical survey of noncausal and event-causal accounts of free agency. In R. Kane (Ed.), *The Oxford Handbook of Free Will*, (pp. 356-385). Oxford: Oxford University Press.
- Clarke, R. (2003). *Libertarian Accounts of Free Will*. Oxford: Oxford University Press.
- Dennett, D. (1978). On giving libertarians what they say they want. In D. Dennett, *Brainstorms: Philosophical Essays on Mind and Psychology*, (pp. 286-299). Cambridge, MA: MIT Press.
- Double, R. (1991). *The Non-Reality of Free Will*. New York: Oxford University Press.
- Ekstrom, L. W. (2000). *Free Will: A Philosophical Study*. Boulder, CO: Westview Press.
- Fischer, J. M. (1995). Libertarianism and avoidability: A reply to Widerker. *Faith and Philosophy*, 12(1), 119-125.
- Fischer, J. M. (1999). Critical Notice of Alfred R. Mele's *Autonomous Agents*. *Noûs*, 33(1), 133-143.
- Guilford, J. P. (1967). *The Nature of Human Intelligence*. New York: McGraw-Hill.

- Haji, I. (2001). Control conundrums: Modest libertarianism, responsibility, and explanation. *Pacific Philosophical Quarterly*, 82(2), 178-200.
- Kane, R. (1985). *Free Will and Values*. Albany, NY: SUNY Press.
- Kane, R. (1996). *The Significance of Free Will*. Oxford: Oxford University Press.
- Kane, R. (1999). Responsibility, luck, and chance: Reflections on free will and indeterminism. *Journal of Philosophy*, 96(5), 217-240.
- Kane, R. (2002). Introduction: The contours of contemporary free will debates. In R. Kane (Ed.), *The Oxford Handbook of Free Will*, (pp. 3-41). Oxford: Oxford University Press.
- Kane, R. (2005). *A Contemporary Introduction to Free Will*. Oxford: Oxford University Press.
- McCall, S. (1987). Decision. *Canadian Journal of Philosophy*, 17, 261-288.
- McCann, H. (1998). *The Work of Agency*. Ithaca, NY: Cornell University Press.
- McCrae, R. R. (1987). Creativity, divergent thinking, and openness to experience. *Journal of Personality and Social Psychology*, 52(6), 1258-1265.
- Mele, A. (1995). *Autonomous Agents*. New York: Oxford University Press.
- Mele, A. (2003). *Motivation and Agency*. Oxford: Oxford University Press.
- Mele, A. (2006). *Free Will and Luck*. Oxford: Oxford University Press.
- Nelkin, D. K. (2004). Moral luck. In *Stanford Encyclopedia of Philosophy*. <<http://plato.stanford.edu/entries/moral-luck/>>
- Pereboom, D. (2001). *Living without Free Will*. Cambridge: Cambridge University Press.
- Strawson, G. (2003). Mental ballistic or the involuntariness of spontaneity. *Proceedings of the Aristotelian Society*, 76, 227-256.
- Van Inwagen, P. (1983). *An Essay on Free Will*. Oxford: Clarendon Press.