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How to Amend Christian List's Theory on Free Will to Answer the Challenge from Indeterminism

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Abstract

Christian List describes his position on free will as compatibilist libertarianism, meaning that free will in his view is compatible with determinism on the ultimate physical level of description, but it fulfils the libertarian requirement of alternative possibilities by having indeterminism on a higher psychological or intentional level. I argue that, as it is, his position fails to address the important objection that indeterminism is incompatible with free will because it involves “loss of control” or “randomness” in a specific sense that I explain here. This sense is related to reasons-responsiveness. However, this paper also aims to show that List's idea can be further honed to address the objection. List's own suggested answer, developed with W. Rabinowicz, is that while all options that an agent is freely choosing between must be open to the agent and possible to be chosen, not all of them need or should be endorsed by the agent. Endorsement is supposed to provide the necessary component of control. However, I argue that if this entire process is understood as being indeterministic, it still amounts to a lack of control. I demonstrate this by examining a similar point made by Peter van Inwagen. Instead, I suggest that List's view be amended so that an agent's choice function is (potentially) deterministic, and the indeterminism required for freedom is located on a different part of the psychological/intentional level. This both gives a potential explanation for incompatibilist intuitions and respects the need for control.

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Introduction

Christian List describes his position on free will as being both compatibilist and libertarian. The seeming contradiction is explained by his thinking in terms of multiple levels of description or reality. He is compatibilist in that he accepts that there can be determinism on the lowest physical level of description of the world – what people usually understand by the world being *really* deterministic – as long as, and this is the libertarian part, it does not constrain us on the relevant higher psychological or intentional level where we actually make our choices.

Stated like this, List's theory runs into trouble with the most important criticism against libertarian (indeterministic) theories of free will, what he himself calls the *challenge from indeterminism*: if our choices are indeterministic, they are as it were random, and they cannot be meaningfully controlled by us. However, since there are potentially a great many higher levels it could be speaking of, and List has himself been somewhat ambiguous as to what kind of one he means, there is a possible way to avoid this problem.

I am generally opposed to libertarianism as a metaphysical analysis because I think that the challenge from indeterminism hits so hard that it shows that the whole idea of free will involving indeterminism (or equivalently, contradicting determinism as such) is misguided. However, List's analysis shows how there is a partial point to this idea – how there needs to be indeterminism on *some* level of description – and this makes it ripe for amendment in such a way that it can have the best of both worlds. What I aim to show is that for us to be able to make free decisions and deliberate meaningfully, what we need is indeterminism not on the higher psychological or intentional level *tout court*, but on the higher level in a more narrow and specific sense.

I believe that, despite some ambiguity on List's part on the details, the model I sketch here is not quite compatible with how he conceives compatibilist libertarianism. Nevertheless, it is in harmony with what he describes as his central compatibilist libertarian thesis:

*[...] I will focus on the **architecture** of what I take to be the correct account of free will, not the details. My central thesis, as already explained, is that the key to reconciling free will with a scientific worldview lies in the distinction between phenomena at different levels. I will explain how drawing that distinction allows us to make progress in our understanding of free will, but there may be other ways in which we could develop a theory of free will around this architecture. My key claim – that free will is a higher-level phenomenon – is compatible with a number of different ways of spelling out the details.*

(List, 2019b, p. 10), bold as italics in original

In fact, considering all the details that List has already built up, I can say that my proposal has much more in common with it than merely the idea of using levels of description to solve the problem – though I am invoking yet more levels of description to solve a new problem that List never addressed properly.

The challenge from indeterminism

In this section, I explain the major problem faced by any libertarian account of free will, including List's own. This problem has been referred to by different names, but following List (List, 2019b, p. 109), I will here call it *the challenge from indeterminism*.

Though I do not have the space to argue for this view properly here, I believe that the challenge from indeterminism should be taken much more seriously than it is, especially among libertarians.¹ It causes problems for indeterministic free will that are just as intuitively bad and much more concretely problematic than those between determinism and free will.

Here is a very quick run through the definitions I use for terminology related to determinism and free will terminology, which is all fairly standard but not completely trivial: A system is *deterministic* if and only if, given the total state of the system at one time t_1 and the laws that govern the development of the system, then at any later time t_2 , there is only one state in which the system can be. A system is *indeterministic* if and only if it is not deterministic. I will not add any extra burden such as invoking causality, and, naturally, I do not beg the question against compatibility between free will and determinism by including it in the definition of determinism that everything that an agent does is determined by outside forces and not the agent, or that the agent can make no choices. (In what ways it means that, and how relevant each of those ways are, is up for debate.) *Compatibilism* is the view that determinism is compatible with free will, *incompatibilism* is the view that it is not, and *libertarianism* is the belief that free will is real and incompatibilism is true.

Back to the challenge from indeterminism. Simply put, it goes something like this: if an agent's choices are indeterministic, then nothing strictly makes it so that one choice is made rather than another. Thus, they are random or up to chance in some sense, and not under the control of the agent. Such acts are not free.

How we proceed from this initial position is important. If we merely appeal to intuitions that indeterminism means some undefined sense of randomness and that must contradict free will, the argument is left weak, and its opponents can easily say something like the following quote from van Inwagen:²

*It is not clear what 'random' and 'chance' mean when they are applied to single events. These words **might** simply mean 'undetermined'; but in that case we should have no argument but only an assertion that undetermined events are not the sort of thing that can be called free acts. A more interesting possibility is that, in this strand of the **Mind** argument [roughly, the challenge from indeterminism], 'chance' and 'randomness' are being used to, properly or not, to mean 'uncaused'. But, as we shall discover when we discuss the second strand, an undetermined act need **not** be an uncased act. Therefore, if 'random' and 'chance' mean 'uncaused' the first strand is invalid. I know of no other thing that 'random' or 'chance' might mean, and I therefore conclude that the first strand fails to disprove incompatibilism.*

(van Inwagen, 1983, p. 129), bold as italics in the original

The challenge from indeterminism, while it can certainly be argued to be a very intuitive problem, does not depend on

vagueness and intuitions to appear as a problem. Behind the vague notions of randomness and chance lies a very concrete problem for combining indeterminism and free will, which should be evident when it is explained in the right terms.

Perhaps the most relevant way of phrasing the challenge from indeterminism is that indeterminism, to the extent it has any effect at all, compromises *reasons-responsiveness*. Reasons-responsiveness has been proposed by John Fischer and Mark Ravizza as a sufficient condition for moral responsibility, but insufficient for free will, which also requires the ability to do otherwise (Fischer & Ravizza, 2000). Without going into detail about more precise analyses or different types of reasons-responsiveness – because the present argument is strong enough to range over different versions – reasons-responsiveness can be defined as the ability to act based on the reasons an agent has.

Even without seeing reasons-responsiveness as a sufficient condition for free will, at least some reasonable level of it is easily seen as a necessary condition: if you have good reasons to do something, but you somehow cannot choose to do that thing, then obviously you lack freedom compared to the situation where you can.³ This seems equally intuitive as the requirement of being able to do otherwise. In fact, these two may overlap, if you cannot do otherwise even though know you have a reason to.

To repeat, the claim is that indeterminism in “free choices” compromises reasons-responsiveness, insofar as it has any effect. The reason can be stated simply. Suppose you are choosing between *A* and *B*, and you correctly perceive that you have good reasons to choose *A* and not choose *B*. If it is not determined (by your reasons) that you will choose *A*, you may instead choose *B*, in which case you acted in a less reasons-responsive manner, and insofar as you have the propensity to choose the *B* options in this way, you are less reasons-responsive overall.

Why this is undesirable is easy enough to see even without the language of reasons-responsiveness; if you have determined that *A* is the better option all things considered, you do not want to choose *B* and be in a worse position than if you had chosen *A*.⁴ This is an important point, in that “reasons-responsiveness” is merely a way of expressing what the underlying problem concerns, which can also be done in other ways. The argument is not a house of cards built upon that particular word like the cruder version of the challenge from indeterminism resting on a vague notion of chance or randomness.

While the topic of this article is not to answer every attempted counterargument to the challenge from indeterminism, one important one can be answered quickly: The claim that indeterminism means lack of reasons-responsiveness is not in any way mitigated by saying that the undetermined action is still caused by the agent and thus under their control. Even if it is coherent to attribute an undetermined event to an agent causally, and even if it is coherent to say that the event is thereby controlled by the agent in some sense, that sense is not the sense of reasons-responsiveness. Furthermore, having control in that alleged sense does not affect the reasons why reasons-responsiveness would be desirable. The agent whose “controlled” actions are still not reasons-responsive is no better off in terms of realising their own interests and avoiding things that cause them harm just because they are technically, metaphysically the cause of their actions. In fact, they might be worse off, if they are because of it considered to be responsible for those actions that they had incomplete

control over in the more concrete sense.⁵

Indeterminism is, of course, a blanket term, in that it contains everything that is not determinism. It does not have to mean total randomness. However, the argument is that *insofar as* or *to the extent that* it has an effect, that effect is detrimental. If you had a one in a million chance to pick *B*, this would also be indeterminism, but it would almost certainly not come up. In this case, your reasons-responsiveness would not be practically compromised. At most, it would be compromised a little in principle in that you would have the theoretical possibility of choosing *B* instead of *A*. This is an example of just what the argument is: *if* it has any effect, indeterminism can make you choose *B* instead, and this is detrimental, whether we say it is so in terms of reasons-responsiveness, practical consequences, or things we want from free will.⁶

I will not engage here in defending this position further against the many counterarguments that have already been made against variations of it.⁷ My goal here is to provide a positive alternative instead – one that shows that why *kind of* indeterminism can be helpful instead. I generally reject free will libertarianism on the basis that the compromising of reasons-responsiveness is the only thing that indeterminism really has to offer, and so, intuitions be damned⁸, it is simply a mistaken view. However, I also think the mistake is based on something real, and that those intuitions can be interpreted in a different way that works – and List's compatibilist libertarianism, while not yet quite expressing that good side of libertarianism, offers a good basis to be expanded to explicate it. If you feel that there is some kind of indeterminism that is not mere randomness and that is necessary for freedom, that is just what my extrapolation of List has to offer.

List's compatibilist libertarianism and levels

List is not as concerned with the challenge from indeterminism as the challenge from determinism – the idea that free will may be threatened if it turns out that the world is deterministic. He also notes shrewdly that even though we do not know for certain whether fundamental physics really is deterministic or not, it would be a problem (and, perhaps, also a little silly) if it remained a possibility that it could turn out that we would have to abandon the concepts of free will and responsibility based on obscure findings in physics that have no visible effect on our everyday lives (List, 2019b, pp. 157–158).

List's explanation for why findings in physics may have no visible effect in our lives is to invoke the notion of *levels*. The best way to characterise this notion is probably to quote List himself:⁹

Facts about the world—in general, not just in relation to human agency and free will—are stratified into levels. In the sciences, “levels” correspond to different ways we describe the world. To make sense of the basic laws of nature, for example, we employ fundamental physical descriptions, drawing on our best theories of physics. We use concepts such as particles, fields, and forces, and specify a variety of equations that describe how physical systems evolve over time. By contrast, to make sense of chemical or biological phenomena, we need to go beyond fundamental physics. Molecules, cells, and organisms all display patterns and regularities that can only be captured at another level of description, using a conceptual repertoire distinct from that of fundamental physics.

[...] Now, once we turn to the domain of humans and their intentional actions, fundamental physical descriptions are wholly inadequate. In the language of fundamental physics, we cannot even talk about tables, trees, and other ordinary objects—only about particles, fields, forces, and so on. If we wish to make sense of people and what they do, we require psychological descriptions—descriptions that refer to thoughts and beliefs, preferences and desires, goals and intentions.

(List, 2019b, pp. 5–6)

In List's compatibilist libertarianism, the trick for reconciling possible determinism on the lower, fundamental physical level with libertarian¹⁰ freedom on the higher, psychological or intentional level is based on the relativity of determinism and indeterminism on level. Even if a lower level on which another, higher level depends is deterministic, that does not imply the higher level is (and vice versa if the lower level is indeterministic), even though the higher level is assumed to be dependent on the lower level.¹¹ Shortly put, this is because the higher level is multiply realisable on the lower one. Even if the lower level follows deterministic laws such that you could know its exact future development by knowing its exact state now, the same higher-level state can be realised in multiple different lower-level states, which means that by knowing the higher-level state you cannot know the exact lower-level state. This way, laws accurately describing the higher-level phenomena can be indeterministic without requiring the same thing on the lower level.¹²

On this basis, List claims that *agential indeterminism* on the higher, psychological or intentional level is possible regardless of whether there is determinism on the lower level (List, 2019b, pp. 88–92), (List, 2013). Thus, we have compatibilism with respect to determinism on the physical level combined with indeterminism and libertarianism on the psychological or intentional level, seemingly avoiding at least some problems for both views.

Unfortunately, this model might really combine the worst of both worlds. Suppose it is true that, despite physical determinism, in the best description we have of an agent's behaviour on the psychological or intentional level, there are multiple options possible for what the agent may decide to do. Despite this, it is the case that the world only allows one possible option to happen next; our thinking otherwise is only a sign of the limitations of our knowledge. In spite of more than one option being possible according to our description of the world – and our description may even be correct in the sense that no actual event will ever contradict it – if we knew more, or supplemented the level of description we are using with knowledge not included in it that we might even know, we could know that only one option is possible. Insofar as one conceives of determinism as generally threatening, this may continue to be just as threatening. We can concede that the higher levels are necessary for description and even ontologically real, but the world still contains the facts about the lower levels and acts in accordance with them, too.

To abuse the grammar of the saying, this is the worst of one world. The other problem comes from the challenge from indeterminism. If the best model we had of human behaviour was nevertheless so complete it takes into account all factors that matter on a psychological or intentional level, then indeterminism on that level would mean that we might do otherwise even when we would have reason to do just one thing based on all our reasons. That would mean lack of control and reasons-responsiveness.

Thus, List's idea of determinism on the lower level and indeterminism on the higher level could, in the most obvious interpretation, end up meaning that choices are simultaneously without option to do otherwise, and random with respect to being responsive to reasons. This is the opposite of what we tend to want.

Naturally, given the premise of this article, I am about to show a way to interpret the theory that avoids these problems – particularly the one posed by randomness, although I will also argue that, instead of considering all determinism a problem for free will, we can distinguish between determinism that is harmful and a different kind of determinism that is helpful.

List's and Rabinowicz's response to the challenge of indeterminism: Endorsement and agential possibility

List's favoured response to the challenge of indeterminism is one he developed with Wlodek Rabinowicz, and which appeals to the agent's intentional endorsement of their own choice as countering the randomness of indeterminism. ((List & Rabinowicz, 2014); summarised in (List, 2019b, pp. 107–111).)

The way List and Rabinowicz put the problem in this paper is that there are two intuitions about what free will requires, that there be alternative possibilities and that the act be intentionally endorsed by the agent.¹³ (List & Rabinowicz, 2014, pp. 155–157) Endorsement in this case occupies a similar place to the kind of control I was talking about as reasons-responsiveness – being based on the agent's reasons and threatened by indeterminism. Thus, if successful, this defence might answer the challenge from indeterminism in my terms as well.

List and Rabinowicz express the intuition about endorsement as follows:

Intuition 2: "Free will requires more than 'picking' some action in an un-determined way." An agent's action counts as free only if the action stands in the right kind of relationship to the agent. It is not enough for the action to have been indeterministically picked from some set of alternative possibilities, for instance by some process of non-intentional randomization.

(List & Rabinowicz, 2014, pp. 155–156)

The key to how they reconcile this with agential indeterminism is a move somewhat similar to List's appeal to different levels for physical determinism and agential indeterminism: they make a distinction between actions an agent can possibly do and those the agent can do with endorsement. This also has the somewhat peculiar consequence (though it is not one I wish to question) that an agent cannot *freely* do all the things that they can *possibly* do; only those actions that are endorsed (in addition to fulfilling the conditions that it was possible for the agent to do otherwise) can be free. (List & Rabinowicz, 2014, p. 157), (List & Rabinowicz, 2014, p. 161)

List and Rabinowicz present a formal model of their idea, but explaining its gist is sufficient here, and that can be done shortly. The possibility of doing otherwise is satisfied by there being, at the moment of a choice, several possible futures

that the agent could choose by their actions. The requirement of endorsement is satisfied by their being, separately from this, some kind of an *endorsement function* that tells which of the options the agent will endorse. The set of endorsed possibilities does not need to be as large as the set of all agentially possible options; all those options remain possible. Thus, if we imagine an agent only endorsing one option and choosing that one, they still *could* have chosen otherwise. (List & Rabinowicz, 2014, pp. 160–161)

List and Rabinowicz leave it open just what the endorsement function would do to pick those possible choices that are endorsed (List & Rabinowicz, 2014, p. 159). Given the context of both their discussion and the one in this article, it makes sense to assume here that it stands in the kind of relationship to the agent's reasons that would satisfy reasons-responsiveness. If endorsement was itself indeterministic, it would be unhelpful as an argument against the challenge from indeterminism. We can tentatively say the processes that lead to endorsement can be assumed to be reasons-responsive, avoiding this problem.

List and Rabinowicz discuss the example of Martin Luther:

When Luther was summoned to the Reichstag zu Worms in 1521 and was asked to renounce his critical views on the Roman Catholic Church, he reaffirmed his views, allegedly saying “here I stand; I can do no other”. Does this mean Luther lacked free will on this matter? Most commentators agree that, far from disavowing free will, Luther was actually taking responsibility for his actions, implying that these were a consequence of his character and commitments.

(List & Rabinowicz, 2014, p. 160)

The interpretation List and Rabinowicz give for this story, essentially in order to avoid having to say that it shows alternative possibilities are not necessary for freedom, is that Luther meant not that he could not have done otherwise, but that he could not have done otherwise while maintaining his integrity; that considering his values, he could not have endorsed the option of choosing otherwise. (List & Rabinowicz, 2014, pp. 160–161)

This example not only illustrates List's and Rabinowicz's position, but it can also be used to illustrate a problem with it, which I will return to shortly.

In a sense, List and Rabinowicz's answer dodges the issue of determinism and indeterminism. It is clear enough that multiple options are possible for the agent on some level, one that does not account for the agent's endorsement. However, this raises the question of whether, considering *both* the agent's endorsement (or the factors leading to them), and the agentially possible options, it is possible that the agent may choose something else than their preferred option. If they may, then the challenge from indeterminism rears its head again, and in fact in a new form introduced by List and Rabinowicz's argument in addition to the reasons-responsiveness based one I introduced above. If it may not, then what we have is in fact high-level determinism¹⁴, which by List's words is supposed to rule out freedom.

If we have a high-level of description that is psychological and/or intentional, would such a description not include the

agent's endorsements and the reasons leading up to them? Certainly, we can at least imagine describing all that, and then asking whether the whole system including that is deterministic or indeterministic.

When List speaks of agential possibility and possibility on a higher level, he is seemingly leaving out the agent's endorsements and the factors leading up to those from the description. From this it follows that what he defines as agential indeterminism does not rule out the possibility of determinism on the high and intentional or psychological level if that level is conceived so as to include those factors as well. He seems to want to do that, since he so often speaks of simply higher-level indeterminism,¹⁵ but that leaves his and Rabinowicz's idea vulnerable to the challenge from indeterminism. The question that needs to be answered, then, is whether considering both the agent's endorsements and the agentially possible options, is it possible that the agent will choose an unendorsed option, or not.

If the agent is not determined to choose what they endorse, this not only raises all the problems of lacking reasons-responsiveness that I described above, but it also raises another similar problem, a version of the very one that List and Rabinowicz are trying to solve in their paper. If the options that the agent does not choose are possible to happen all things considered (and not merely according to the partial description of the situation that does not include the agent's endorsement), then it is possible, as in may actually happen, that the agent will endorse some option(s) but then choose an option that is not one of the endorsed ones. In that case, this choice will not exhibit free will in the sense of involving both endorsement and options. This would imply that having options would make it a matter of luck whether an agent has free will on each choice, since the option they choose might either be endorsed or not.

Consider the example of Luther again. If we are not to think he meant his course was set and determined by his values, are we to take him as saying: "Here I stand, and I might have done otherwise, so I am lucky I did not, because I could not have endorsed that"? It seems this is the wrong analysis, and he was talking about real impossibility in some sense – probably a sense that maintains his reasons-responsiveness – and not merely about which of options that might happen he would endorse.

If, on the other hand, the agent may all things considered only choose an endorsed option, then there is a sense in which non-endorsed options were never possible, even if they were agentially possible (in the sense excluding the effects of the endorsement function), and if there is only one endorsed option, the scenario will actually be deterministic.

Perhaps surprisingly, my answer to how to complete List's theory is to embrace the second option: a kind of higher-level or agential indeterminism combined with a kind of higher-level intentional determinism is just what we need. To illustrate this, I next look at the concept of deliberation in light of what Peter van Inwagen wrote about it and indeterminism – and where he went wrong.

(In) determinism(s) and deliberation

The problem with the idea of indeterminism as part of choice or deliberation can be illustrated by looking at Peter van Inwagen's argument about it – one that simultaneously sounds right on some level but can be shown to be completely

wrong in a relevant sense.¹⁶

As part of an argument that nobody can actually act as if determinism is true, van Inwagen posits that deliberation is impossible to even attempt if one assumes that determinism holds. If you assume that determinism is true, then you know that only one option will be possible, so you cannot think that you can deliberate between different options as if they were all possible. (van Inwagen, 1983, pp. 155–157) List says some very similar things about possibilities needing to be open in a choice or deliberation ((List, 2019b, p. 2), (List, 2019b, p. 17), (List, 2019b, pp. 98–100)), but I refer to van Inwagen because he has a more explicit model about the whole system being indeterministic.

Van Inwagen also speaks of the different options (or futures containing them) being *accessible* to the agent. His definition of accessibility is explicitly indeterministic. (van Inwagen, 1983, pp. 86–91) As we have seen, List on his part argues that agential possibility, basically accessibility for the agent, can be understood in different terms than in terms of physical possibility.

Back to van Inwagen's claim about deliberation. Instead of just using different notions of agential accessibility or possibility, let us examine what actually happens in the deterministic and indeterministic versions of the scenario of deliberating between options. Recall that, according to van Inwagen, anyone who deliberates between options must functionally assume indeterminism.

Can we still build a deterministic scenario in which it makes sense attempt to deliberate, knowing that the process will be deterministic? This turns out to be quite easy. Suppose that when you form the intention to deliberate between different options, what you think you will do is this: You will consider each option, compare and weigh them against each other, find out which one is the best to choose, and then choose that option.

In this case, you *expect* that your process of deliberation will converge on a single option.¹⁷ Importantly, of course, you do not know which one it will be in advance; if you did, *then* it would be pointless to deliberate, whether because you have already decided (and, effectively, already finished deliberating), or because you know you will be un-freely compelled to select one option regardless of your deliberations. Still, insofar as deliberation will converge on the single best option, it is deterministic, not indeterministic.¹⁸

It seems false, then, that every kind of determinism is contrary to the possibility of deliberation, though some other deterministic setups might be. What about the other, implied side of van Inwagen's claim – that indeterminism is compatible with deliberation?

Suppose that, when you intend to deliberate, what you expect to happen is this: You will think about the options for some time and then, since they are all open to you in the indeterministic sense that van Inwagen has defined, you may choose any one of them.

This does not seem to be a very useful way of “deliberating,” nor to match our intuitions about deliberation. Why do we spend time thinking about the options when we know our thinking cannot determine which one gets chosen? Of course we would like our deliberation to have an effect on what we choose. Conversely, if we do want to choose randomly, why

would we spend time thinking about the options?¹⁹

It needs to be emphasised that since indeterminism is required in van Inwagen's view, no option that you can deliberate choosing can possibly be ruled out by your deliberation in said view. Of course, even outside his view, you do not know in advance that any one option you are deliberating about cannot possibly be your choice, since then you could not deliberate about taking that option. However, by van Inwagen's explicit words, if you know there is at least some option in the set of options you are deliberating between that you cannot end up choosing, then you cannot deliberate between that set of options. When the consequences are looked at this way, it perhaps becomes evident that this is not the kind of indeterminism that we need in order to be able to deliberate.

Deliberation is contradicted by reasons that determine our choice *regardless* of our deliberation. It is not contradicted by our deliberation *itself* determining the choice we end up with. However, our deliberation determining our choice is determinism – at least on *some* psychological/intentional level.

As the reader may have noticed, what this section has said about deliberation seems to reveal an underlying structure similar to List and Rabinowicz's theory in the previous section: there is something like a deliberation function (analogous to the endorsement function) that selects from a set of options that must not be restricted by anything *outside* that function. From this observation, we can finally move on to amending List's compatibilist libertarianism so that it can handle the challenge from indeterminism.

Finding the right level to place the indeterminism

Let us look back at the challenge from indeterminism as a problem of control in terms of reasons-responsiveness. Strictly speaking, what it says is that indeterminism compromises concrete control (at least) if it appears on the level on which *everything* that may motivate the person is considered: all their motives (etc.) and all the external circumstances they know of. This is why it seems misguided for List to be asking for higher-level indeterminism. However, this leaves open the possibility of indeterminism appearing on some other, less complete higher, psychological or intentional level.

Though I have followed List in speaking of different levels as things like the levels addressed in different fields of science, such that I have spoken of one physical level and one psychological or intentional level, the logic of levels allows speaking of several different levels of the "same kind". In other words, there can be more than one psychological/intentional level if all of those levels involve psychological/intentional terms but use them differently – such as by one having a lower resolution of detail and supervening on another one.²⁰

My proposed way to alter amend List's scene to answer the challenge from indeterminism involves using just such different higher levels. While I am going to do this via the above-mentioned distinction of a set of opportunities and a function choosing between them – how that will happen might not be hard to guess at this point – I will briefly look at another way of approaching the idea.

If the strong form of the challenge from indeterminism involves saying that determinism on a deep

psychological/intentional level where everything about the agent's states and motives is taken into account leads to lack of control in terms of reasons-responsiveness, what would happen if there was determinism instead on a higher psychological/intentional level that is multiply realisable on the deep level? To simplify a complex answer for conciseness: Far from being required for reasons-responsiveness, this higher-level determinism might in fact compromise it. If there were two different motivational states on the deep level that both appeared as the same state on the higher level, then for the higher level to be deterministic, these deep-level states would both have to lead to the same choice. If there was a difference between the two states that would be intentionally relevant and relevant in terms of reasons-responsiveness, the higher-level determinism would imply that this difference could not make a difference.

Thus, while we have seen that indeterminism on the deep level would compromise reasons-responsiveness, and thus determinism is required for reasons-responsiveness, on a higher level, it is determinism that potentially compromises reasons-responsiveness, and thus indeterminism is required.²¹

Higher-level determinism can be seen as something like compulsion. If, exaggeratedly, Alice the kleptomaniac *always* tries to steal something when she's in a shop, then this is a higher-level deterministic law that limits her reasons-responsiveness, since there can certainly be (and usually are) reasons for why she should not steal. Even without the exaggeration, Alice might approximate this lawfulness by being far closer than normal to always stealing, and this almost automatically means a limitation on her reasons-responsiveness.

Note also how Alice, especially in the exaggerated case, cannot meaningfully deliberate. She will only end up enacting the same option anyway, regardless of the deliberation. In the non-exaggerated case, her ability to deliberate is diminished even if it is not entirely gone. This brings up back to the other way of looking at where determinism and indeterminism should be placed in the system: the view of the alternatives and the function for choosing between them.

One of List's major examples of how it seems reasonable to assume agential indeterminism is that social sciences that predict people's behaviour assume people choose between multiple options. (Eg. (List, 2013, p. 168).) While this is true, it is not so true to say as he does that these sciences thus assume human choice to be indeterministic. (Eg. (List, 2019b, pp. 97–98), (List, 2019b, p. 101).) By the way of examples, both in a simplified example given by List and Rabinowicz (List & Rabinowicz, 2014, pp. 162–163) and in an actual model of reasons-based decision-making by List and Frank Dietrich (Dietrich & List, 2016), what is assumed is that there is a set of options that are all available for some kind of a function to choose from – but the function is not assumed to choose indeterministically. The ideal versions of such models would give unambiguous predictions about what people will do, and indeed, prediction is their point, besides explanation.²² (Cf. (List, 2019b, p. 55), (List, 2019b, pp. 60–62).) They do not stop at the open list of options and assume the agent will choose any one of them. As in the deterministic process of deliberation I described above when speaking of van Inwagen, there is a set of options that is open to deliberate between, but that does not mean all options are expected to remain open after deliberation.

All this leads towards the same point. We can understand much about choice, deliberation, options, and freedom if we model the process of choosing in the following way: A choice involves a choice-making function and a set of alternatives

to choose from. In a reasons-responsive choice, the choice-making function must constrain the choice made, while the set of options should be open for the function to choose from.

In some ways it is obvious, and not relevant to free will, that freedom to choose implies that options from which the agent chooses are not constrained. If they are constrained from the outside, such as by a repressive state, that concerns a different kind of freedom than free will. (See (List, 2019b, pp. 20–21).) This is not the distinction being made here. What I am saying here is that there must be, as it were inside the agent, one system of things that is unconstrained (options), and another one that constrains itself and the other system in the right way (reasons).

In other words, we have here three different psychological/intentional levels.²³

The level involving the options but not the choice function needs to be indeterministic otherwise, something else than the agent's process of choosing based on their own reasons is limiting the choice.

The level involving the choice function but not the options needs to be deterministic otherwise, there is a lack of control and reasons-responsiveness.

The level involving both the function and the options (this is, for current purposes, equivalent to the deep level discussed above) needs to be deterministic; otherwise, there is a lack of control and reasons-responsiveness.

What exactly should go in the choice function is not clear and may depend on context.²⁴ A purely descriptive (not at all evaluative) version of it might include Alice's kleptomania as part of the choice function itself. This certainly makes sense in some way, but for free will, the function needs to have the normatively right properties. To avoid the concerns about lack of reasons-responsiveness, the function needs to be reasons-responsive. Thus, Alice's function would show that she has reasons not to steal, but her range of options would only allow stealing. Which things are put into the function and which into the range of options as constraints is a matter of choice (and level of description), but to describe the freedom or unfreedom of a choice in this way, the function must be normatively appropriate, and the set of options needs to contain the limitations. The function might just be an endorsement function, but then we would say that if the endorsement function does not determine the actual choice made, there is a lack of control and freedom. This also makes sense in terms of deliberation, in that the set of options must contain every option we can meaningfully deliberate between.

Conclusion

While List gives many arguments for his compatibilist libertarian theory based on levels, it is still very vulnerable to the challenge from indeterminism. Similarly, while it seems right that choices must be undetermined in *some* sense, and likewise for options in deliberation, an entirely indeterministic model like van Inwagen's ends up not matching what actually works and what actually happens in deliberation. Something new needs to be added to understand how the requirements and intuitions of both alternative possibilities and concrete control can be parts of the process of choosing.

What I have proposed in this article is that this something can be built on List's model by adding more levels or distinctions

within the psychological/intentional level. A choosing function reflecting the agent's motives or the process of deliberation represents the necessary control, while a set of options that are free for the function (and thus the agent) to choose from represents alternative possibilities. Alternative possibilities that would be possible everything considered (even just on the agential level) would be nothing but uncontrolled randomness, but alternative possibilities constrained by the agent's deliberation are free to choose from.

This model cannot accommodate every incompatibilist intuition about how the lack of absolute alternative possibility or a deterministic chain from the beginning of the universe threaten freedom. However, for anyone willing to be critical of those intuitions, it can go some way towards explaining them. While control and indeterminism pull in opposite directions, here is a mixture of them showing to what extent they can coexist and be necessary for meaningful freedom and deliberation.

These observations also demonstrate the potential of reasons-responsiveness as a condition of free will, not just moral responsibility. If we look at alternative possibilities in a certain way, it turns what even they do is advance reasons-responsiveness in a way that makes both intuitive and practical sense as a requirement for freedom.

Footnotes

¹ Of course, there is a great deal of variation in reactions. To name just a few different examples, Saul Smilansky thinks the challenge from indeterminism is insurmountable and thus full free will and responsibility are impossible (Smilansky, 2000); Robert Kane considers it a difficult puzzle to be taken seriously but that can and needs to be overcome (eg. (Kane, 2002)); List himself, as will be elaborated below, considers it a challenge to be answered but does not highlight it among the three major challenges in his book (List, 2019b); Ekstrom (Ekstrom, 2011) responds to the challenge but treats it as little more than a sophism.

² The above-mentioned (Ekstrom, 2011) also responds to the challenge from indeterminism by showing that it fails to be true under different senses of 'randomness'.

³ The wording "cannot choose" is used here for simplicity, but it is problematic because there may be analyses of what an agent "can" do that can verbally dodge past this problem without really solving it; List's agential indeterminism as explained below could be applied in such a way, though it is designed to answer the analogous problem with determinism instead of indeterminism. (Cf. also (List, 2019b, pp. 103–107).) What I am trying to say here with "cannot choose" is to be understood in the sense of expressing the same lack of control that I go on to elaborate next: that you might, regardless of everything, do other than what you want to do and know you have reason to do.

⁴ The analogous point could be made while speaking simply of desires: if you really want to do *A* and not *B*, you might act against your desires if you are not determined by your desires to do *A* and not *B*. Of course, desires can be among reasons to do something along with other things, so the language of reasons should be adequate for present purposes.

⁵ It may of course be, as List also states (List, 2019b, pp. 24–26), that having the right kind of causal control is a *necessary* condition for free will. That does not mean it is sufficient. It does not even mean that having some kind of

causal control together with List's other two requirements of intentional agency and alternative possibilities (List, 2019b, pp. 21–24) is sufficient for free will. After all, those criteria do not do anything to address the challenge from indeterminism. Further, it is not clear whether having causal control in a non-reasons-responsive sense could count as the *right kind* of causal control for List.

⁶ It is possible that, when making a choice, an agent is faced with several options that are all things considered equally good. These might also be the best options, instead of there being a single best option. If there are multiple options that are equally good based on the agent's reasons, then choosing any one of these options is equally reasons-responsive, and indeterminism in choosing between these specific options does not affect reasons-responsiveness. Having pointed this out, I will henceforth ignore it for simplicity's sake. Thus, I will speak as if reasons-responsiveness requires determinism as a shorthand for saying that it requires either determinism, or indeterminism between *indifferent* options only. Note that indeterminism being at best harmless in special cases because there it has no effect on the quality of the outcome hardly supports the notion that it is necessary for freedom.

⁷ A comprehensive collection of rebuttals for arguments against the challenge from indeterminism, if somewhat lacking in rigour, can be found in (Slattery, 2014). Note that Slattery positions himself as a hard incompatibilist (believing free will is incompatible with both determinism and indeterminism and thus impossible) due to a commitment to only accepting the kind of libertarian concept of free will that he argues is incoherent – a commitment I obviously do not share in this article.

⁸ Especially since intuitions are very mixed and contradictory about this, as shown by empirical studies; see e.g. (Nichols, 2015), (Nadelhoffer et al., 2023). And, of course, it can be claimed that the idea that chance events cannot be free – which implies determinism is somehow needed – is just as intuitive as the notion that determinism contradicts freedom. Cf. (List & Rabinowicz, 2014), which is discussed below in more detail.

⁹ For a more detailed definition by List of how these levels are defined, see (List, 2019a).

¹⁰ It should be noted that List's view is not actually libertarian by most accounts, and likely few traditional libertarians would see it as addressing their concerns.

¹¹ Thus, List assumes the higher levels are *weakly emergent* from the lower levels, not *strongly emergent*, as the latter implies the upper levels could potentially manifest just about anything, constrained by the rules of the system but not otherwise logically constrained by what is found on the lower level.

¹² This is a very hasty explanation in the interests of space. For better ones by List, see (List, 2019b, pp. 93–97), (List, 2013, pp. 162–167), (List, 2022, pp. 200–202), (List, 2019a, pp. 869–872).

¹³ List and Rabinowicz also mention the criterion of causal control by the agent and put it aside (List & Rabinowicz, 2014, p. 157). For List's answer for how the agent can be causally in control on the higher level, see (List, 2019b, pp. 113–147). This question is not pertinent to the present discussion.

¹⁴ As noted earlier, I will speak of determinism in choices as a shorthand for saying that either the choice is determined to end up in only one option, or if there are several equally good options, the result is indeterministic only between those

options. It does not save List's case to say that all choices could be like this and thus indeterministic – for one thing, Luther seems not to have been able to make *any* other choice freely.

¹⁵ The closest I can find to a statement from List committing to indeterminism on the higher level all things considered as a prerequisite for free will is the following: “Free will is not compatible with agential determinism. Indeed, I have emphasized that some developments in psychology – if they ever occurred – should lead us to give up our belief in free will. Specifically, if new scientific discoveries led us to abandon the picture of human beings as choice-making agents and gave us a deterministic account of human behavior instead, we would have to conclude that we have no free will.” (List, 2019b, pp. 151–152) This still has some ambiguity, because, as I will argue in the next sections, choice-making as List describes is and as he argues to be necessary does not really appear to be an indeterministic process, except in the sense of agential indeterminism conceived as only applying on the side of the options without considering the endorsements as well. However, this ambiguity does not seem to have occurred to List.

¹⁶ Earlier in the same book, van Inwagen explicitly remarks that actions might follow deterministic laws on a higher level without contradicting freedom, as long as they are not determined on the lower physical level (van Inwagen, 1983, p. 64) – ironically, the opposite of List's libertarian compatibilism, and a demonstration of why it is not likely to convince everyone. However, van Inwagen is not consistent in holding this view, as the argument I explain here contradicts the idea of the allowability of higher-level indeterminism.

¹⁷ List discusses the possibility that deliberation might only require agents *believing* in multiple options being open to them, but dismisses it as strange and, given that he believes physical determinism does not threaten agential freedom, unmotivated (List, 2019b, pp. 102–103). In this view, agents would be mistaken about what is possible for them. Instead of imagining a threat in these lines, I would posit the hopeful possibility – illustrated also by what I say about van Inwagen's view next – of a potential illusion or confusion that free choice or deliberation involves indeterminism in the kind of sense that van Inwagen proposes, as do libertarians in general. As I am in the process of arguing, the way we have reason to want options to be open to us is not the same thing as their being undetermined all things considered; the potential illusion is that it is the same thing. Even List seems to be confused about this, since he simply speaks of higher-level indeterminism as a requirement for freedom.

¹⁸ Needless to say, you may not expect your deliberation to be so perfect as to unfailingly land on the best option, or so steady that there is no randomness involved. Still, based on the above, this deterministic version is the ideal case of deliberation, so determinism is certainly not a problem for deliberation. An exception to this might be if you need some creative randomness instead of rigid reasoning – this might certainly be beneficial – but that is not a necessary part of deliberation in general.

¹⁹ It is of course the case that indeterminism as a general concept does not rule out the possibility of deliberation making some options more likely to be chosen than others, thus making a difference. Indeterminism could be statistical. How would it be desirable, though, for there to be even a small chance that we choose an option that our deliberation has made us realise to be much worse than its alternatives, or that we do not choose what we realised was the best option? This

clearly decreases reasons-responsiveness, even if it does so less than complete randomness between the options. Why would the above deterministic model of deliberation be worse off without having such a chance? This is another example of how indeterminism threatens reasons-responsiveness and control to the extent that it has an effect.

²⁰ A good tool for understanding and conceptualising arbitrary levels of description is Luciano Floridi's method of levels of abstraction (Floridi, 2011, pp. 46–79). A curious point worth noticing to avoid confusion is that for Floridi, “lower” levels are multiply realisable on “higher” emergent levels, the opposite of how List and many others conceive of this (Floridi, 2011, pp. 63–64). The specific reasons for this aside, the translation between the opposite schemes of “higher and lower” can be achieved simply by flipping around the directional metaphors as well as the direction seen as the direction of supervenience/emergence.

²¹ Note that when either determinism or indeterminism is required, that is a necessary condition, that does not mean it is sufficient. It must be of the right sort to allow reasons-responsiveness, whatever that means in each case.

²² Indeterminism also limits explanation; to the extent that indeterminism whether one thing happens rather than another, there is no explanation for why exactly the one thing happened and not the other, since there is nothing in the world that made it so.

²³ Of course, these levels are not exactly specified, so there could be arbitrarily many levels corresponding to each level described here. However, as long as those more precise levels fulfil the conditions that *are* spelled out here, further details do not matter. Thus, this description of what the levels are is itself a higher-level description with multiple realisability on a lower level of describing levels.

²⁴ List and Rabinowicz make a similar point when talking about this (List & Rabinowicz, 2014, p. 162).

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